

CALIFORNIA COASTAL COMMISSION

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original staff report](#)

ADDENDUM

September 2, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **LOCAL COASTAL PROGRAM AMENDMENT NO. 1-16 (LCP-5-DPT-16-0035-1) (MINOR) FOR THE COMMISSION MEETING OF THURSDAY, SEPTEMBER 8, 2016.**

CORRESPONDENCE RECEIVED

On August 31, 2016, Commission staff received a letter of opposition of the proposed LCP Amendment from Robert Theel (attached as Exhibit No. 1). In his letter, he opposes that the proposed LCP Amendment is “minor” as it undermines the development opportunities in the Town Center area and fails to adequately carry out the Land Use Plan component of the currently certified Town Center Plan LCP. Basing his arguments on an analysis prepared by Keyser-Marson dated December 1, 2015 which analyzed the Measure H measures on the Town Center Plan, he claims the following: 1) the changes resulting from Measure H will limit the City Council’s authority to exercise discretion in the development approval process; 2) the resulting Measure H parking restrictions are too restrictive and will hamper development; 3) as a result of Measure H, the changes impose a preference for office and residential uses, which is counter to the currently certified Town Center Plan; 4) Measure H would result in loss of extensive City revenue and stagnate development in the Town Center. On September 1, 2016, Commission staff received a letter from George Ray (attached as Exhibit No. 2) that contains similar arguments of opposition to the proposed LCP Amendment.

The proposed amendment to the Town Center Plan make no change in land use and only affects the implementing ordinances in order to ensure the Town Center Plan’s strict implementation for all Town Center development projects. Therefore, the proposed amendment further restricts the ability for new development projects in the Town Center to obtain exceptions or variances that are not consistent with the standards in the currently certified LCP. The proposed amendment limits the City Council’s authority to exercise discretion as the amendment affirms and clarifies language already found in the currently certified Town Center Plan. For example, it includes language to strictly enforce the three-story height limit. While the amendment does require that story poles now be included as part of the local level approval process and eliminates height exceptions to exceed the already 40-foot height limit, it does so in order to result in a more consistent building scale and thorough approval process that would carry out the currently

certified Town Center Plan. While the City Council's discretion is limited as a result of the proposed amendment, it does so in order to ensure that the City Council only approves projects that are consistent with the Town Center LCP. The proposed amendment does not make any changes to the parking standards. Parking standards in the currently certified Town Center Plan are to be consistent with the Dana Point Zoning Code requirements and no changes were made to that. Language is being included as part of the amendment that sets in lieu parking fees at a minimum \$40,000 per space (with annual inflation adjustment) which is the amount the City determined is equal to the cost of a parking space.

The currently certified Town Center Plan identifies the land use designation and zoning for the area as "Town Center Mixed-Use District" and states that street level uses must be pedestrian oriented where retail service commercial uses and visitor service commercial uses are priority uses (LUP Policy 1.5 and 1.8). Additionally, the currently certified plan states that professional business/office uses are promoted on the upper floors (Policy 1.6). Office and residential uses are allowed in the mixed use district, but the preference is for retail service commercial and visitor service commercial uses. Single-Family Residential uses are prohibited and Multi-family uses are only allowed above the street retail as a permitted use subject to special conditions. Professional office uses are a permitted use above the street level and only a conditioned use on the ground level, but are prohibited on the ground level fronting Pacific Coast Highway and Del Prado between the Street of the Blue Lantern and Street of the Golden Lantern. The LCP Amendment clarifies that all the streets in Town Center area as subject to the Land Use requirements in the 2008 Town Center Plan regarding ground floor usage, as was intended in the currently certified Town Center Plan. Thus, the LCP Amendment does not make office and residential uses a preference and thus is inconsistent with the currently certified Town Center Plan.

The proposed LCP Amendment along with the currently certified Town Center Plan is intended to guide the transformation of the Town Center area to a mixed use pedestrian oriented area. The proposed LCP Amendment is not intended to stagnate development. The LCP amendment makes the City's development regulations more specific, and does not change the kind, location, intensity or density of any uses. Therefore, the proposed LCP amendment has been and continues to be 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 currently certified LCP.

Also, on September 1, 2016, Commission staff received a letter of opposition of the LCP Amendment from Mike Powers (attached as Exhibit No. 3). In his letter he states that the change to Chapter 9.26.010 of the City's Zoning Ordinance that includes language that states that professional/business office uses are preferred uses on the 2nd and 3rd floors of all new construction in the Town Center is inconsistent with the LUP which places visitor-serving uses as a priority use. By stating that professional/business office uses are preferred on the upper floors, he wrote that it would change the plan to give priority to these uses that are not visitor-serving related. That is incorrect as there are already policies in the currently certified Town Center LCP that are not being affected by this amendment that already dictate that retail service commercial and visitor service commercial uses are priority uses (LUP Policy 1.5 and 1.8) and that professional business/office uses are promoted on the upper floors (Policy 1.6). The

language to be added as part of this amendment into the Zoning Ordinance does not change the priority use and only affirms that the lower priority use be located above the street level where retail service commercial uses and visitor service commercial uses are preferred.

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SENT BY E-MAIL TO: sherilyn.sarb@coastal.ca.gov

August 31, 2016

Ms. Sherilyn Sarb, Deputy Director
South Coast District
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Reference: Amendment Request No. 1-16 (LCP-5-DPT-16-0035-1) to the City of Dana Point Local Coastal Program (LCP), for Commission Action at its September 8, 2016 meeting in Newport Beach.

Dear Ms. Sarb:

The purpose of this letter is to request and urge that Coastal Commission staff consider the information contained here before the Coastal Commission acts on the LCP referenced above. It appears that the Coastal Commission staff has rushed its review of the above referenced matter and in doing so has done a disservice to the extensive amount of work performed by the residents and City of Dana Point when the Town Center Plan was conceived and approved during 2004-2006, and by the Coastal Commission when the Local Coastal Plan was certified in 2008. As explained below, there is substantive, additional information which must be considered.

The August 18, 2016 staff report states in the Analysis section that “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 (LCP) component of the certified LCP.” The proposed changes are not adequate to carry out the LCP because the changes undermine the development opportunities such that development will stagnate in the Town Center.

What you are not reviewing is a report on the impact of Measure H. On November 3, 2015 the City Council directed staff to prepare a report pursuant to Section 9212 of the Elections Code. This approximate 20 page report, a copy of which is enclosed, was prepared by Keyser-Marston and is an analysis of the impact of Measure H on the Town Center Plan and is dated December 1, 2015.

The conclusions of the report are as follows:

1. *A key finding of the preceding report is that to successfully implement the adopted TC Plan, it is necessary for the City to be provided with the flexibility to adapt the standards to reflect the varying characteristics of the available development sites within the Lantern District. The Initiative revokes the City Council's authority to exercise discretion in the development approval process.*
2. *The impacts created by the suburban-style parking requirements imposed by the Initiative effectively make high-quality mixed-use development in the Lantern District financially infeasible. The parking restrictions imposed by the Initiative are even more restrictive than the requirements imposed by the City's existing Zoning Code standards, which have arguably hampered development.*
3. *The Initiative imposes a preference for office uses, and the implicit desire to minimize the development of residential uses. This is counter to the adopted TC Plan and further erodes the potential for attracting development to the Lantern District since residential uses are the strongest uses from market and financial perspectives.*
4. *The Initiative requirements could potentially cause the City to forgo approximately \$673,000 in General Fund revenues per year, and one-time revenues in the range of \$4.2 to \$4.7 million.*
5. *The City invested approximately \$20 million in improvements to the Lantern District to improve the potential for attracting new development to the area. The Initiative includes development requirements that conflict with the stated development objectives. If the Initiative is enacted it should be expected that development will stagnate in the Lantern District.*

The significance of these conclusions is that they are in conflict with the staff's determination that the LCP Amendment is "minor" and fail to support your statement that the proposed changes are adequate to carry out the Land Use Plan (LCP) component of the certified LCP. For that reason the specifics of the various proposed changes and the implications of applying these changes to new development mandates further review by the Commission staff. Thank you.

Sincerely,



Robert Theel
RT/ks

Enclosure: Election Code Section 9212 Report-Impact of Measure H, sent by
e-mail attachment

Copy: Coastal Commission members

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	X

DATE: DECEMBER 1, 2015

TO: CITY MANAGER/CITY COUNCIL

FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY DEVELOPMENT
PATRICK MUNOZ, CITY ATTORNEY
KATHE HEAD, KEYSER MARSTON ASSOCIATES

SUBJECT: ELECTION CODE SECTION 9212 REPORT

RECOMMENDED ACTION:

That the City Council receive and file.

BACKGROUND:

The Town Center Plan (the "TC Plan") was approved by the City Council in December 2006. In advance of the adoption of the TC Plan the City Council created a 15-member Town Center Subcommittee with the express goal of obtaining extensive public input, and held 30 public meetings for this purpose. The TC Plan was certified by the California Coastal Commission (the "CCC") in June 2008 and is a Local Certified Coastal Plan ("LCP") as defined by the California Coastal Act. The TC Plan zoned the entire area (also referred to as Lantern District) as "mixed-use" and incorporates a series of policies, development standards and design guidelines to guide the transformation of the area by adding residential uses and increasing pedestrian-oriented retail and commercial offices to serve the community effectively and to create a vibrant place that adds to the identity of Dana Point.

On September 15, 2015, a petition titled, "The 2015 Town Center Initiative" (Supporting Document A) (the "Initiative") was submitted. The Petition intends to set aside various aspects of the work of the Town Center Subcommittee by amending the TC Plan (Supporting Document B) via an initiative process. A Ballot Title & Summary of the Petition was prepared by the City Attorney pursuant to Section 9203 of the Elections Code (Supporting Document C) and provides a summary of the proposed ballot measure. A Certificate as to Verification of Signatures of Petition was received by the City of Dana Point (the "City") from the Registrar of Voters of the County of Orange showing the Initiative received a sufficient number of qualified signatures to qualify for a special election.

On November 3, 2015, the City Clerk, acting in the capacity of the elections official, certified to the City Council the sufficiency of the petition, after which the City Council directed City staff to prepare a report pursuant to Section 9212 of the Elections Code to be presented at the regularly scheduled City Council meeting of December 1, 2015. The information contained in this report (the "9212 Report") is responsive to the information requested by the City Council at the November 3, 2015 City Council meeting, consistent with Election Code Section 9212 (Supporting Document D).

DISCUSSION:

The Initiative proposes to amend various aspects of the Town Center Plan. The key components of the Initiative are:

Height Limits

1. The 40-foot height and three story building limits imposed by the TC Plan are to be strictly applied. The City's ability to approve height modifications through the Conditional Use Permit (CUP) process as provided for in the adopted TC Plan is eliminated.
2. The Initiative revokes the City's ability to modify the permitted encroachments into maximum building heights allowed by the TC Plan in the following ways:
 - a. The maximum encroachment for mechanical equipment and chimneys is set at 42 inches. Based on potentially contradictory language in the Initiative, it is unclear whether or not elevators that do not provide access to roof decks are allowed to encroach into the building height maximum.
 - b. Roof decks cannot exceed the 40-foot height limit, including guardrails, stairwells, elevator shafts, and any required Americans with Disabilities Act equipment.

Parking

1. The Initiative revokes the Lantern District parking regulations that were approved by the City Council in September 2015.
2. The Initiative would make the following changes to the City's existing Zoning Code Chapter 9.35:
 - a. Residential guest parking space requirements could no longer be shared with retail parking requirements.

- b. It would no longer be possible for projects with a requirement for more than 50 parking spaces to fulfill 8% of the requirement with bicycle stalls.

The adopted TC Plan established a parking district that allows developers to pay a fee in lieu of providing on-site parking for retail and restaurant uses. The adopted Lantern District parking regulations call for the Community Development Director to establish the in-lieu fee amount each year on July 1. The Initiative establishes a minimum in-lieu fee per space and a defined annual escalation factor.

Land Uses

1. The adopted TC Plan requires retail development at the street level on all properties fronting Del Prado and Pacific Coast Highway. The Initiative expands the requirement for ground-floor retail space to include properties fronting all streets between Blue Lantern and Golden Lantern, including the short connector streets between Pacific Coast Highway and Del Prado. All retail uses in the district must have a floor-to-floor dimension of at least 18 feet.
2. Professional business/office uses are called out in the Initiative as the preferred uses on the second and third floors of all new construction in the TC Plan area. This simply represents a statement of policy rather than an enforceable standard. Nonetheless, this policy is contrary to the adopted TC Plan and its goal to provide a diversity of land uses, including residential.

REPORT ORGANIZATION

The following 9212 Report is intended to provide the City Council with an evaluation of the impact the terms of the Initiative could potentially have on the implementation of the adopted TC Plan. The areas being assessed are:

1. The opportunities to attract development to vacant and underutilized properties as intended in the TC Plan ("Development Opportunities").
2. The impact on City revenues created by the modifications mandated by the Initiative ("Fiscal Impacts").
3. The impact on the adopted TC Plan and City's economic development goals including the attraction and retention of business and employment ("Economic Development").
4. The effect on the internal consistency of the City's General and Specific Plans, including the Housing Element ("Land Use and Housing").
5. A legal analysis of questions posed by the Council which they asked be included ("Legal Analysis").

The City engaged Keyser Marston Associates, Inc. (KMA) to evaluate the Initiative's potential effects on Development Opportunities, Fiscal Impacts and Economic Development. City staff prepared the Land Use and Housing Analysis, and the City Attorney prepared the Legal Analysis.

DEVELOPMENT OPPORTUNITIES

MARKET OPPORTUNITIES

KMA previously evaluated for the City the market opportunities and demand for retail, office and residential development in the Lantern District. Recognizing that over 60% of the parcels in the Lantern District are less than 75 feet wide, the market opportunities are focused on small scale uses. The analysis identified demand for the following uses:

1. Retail: There are market opportunities for specialty food and liquor stores; apparel stores; surf and hobby stores; and jewelry stores.
2. Restaurants: Real estate brokers indicated that quick-service restaurants have expressed interest in locating in the area. In general, restaurants are particularly well suited to capturing spending by the 2.7 million annual visitors to the area.
3. Office: Demand is exhibited for small spaces targeted to local professionals.
4. Residential: There is strong market support for infill residential development of both rental and ownership products.

CASE-STUDY ANALYSES

The adopted TC Plan concluded that small parcels, the lack of consistent site design patterns, the diversity of building types and setbacks, and a then barren streetscape served to constrain development opportunities in the Lantern District. In turn, the TC Plan created a development and parking framework intended to facilitate the creation of a mixed-use district (including residential, retail and commercial) to fulfill its goals and objectives.

To assist the City in evaluating the impacts of the Initiative on Development Opportunities, KMA prepared conceptual financial analyses for three prototype development sites. Each case-study analysis includes pro forma analyses for a development scope that would be allowed under the adopted TC Plan and alternatives that reflect the modifications that would be required by the Initiative.

The conceptual development scopes are based on the prototype development site's characteristics. Actual development within the Lantern District will vary from these assumptions based on the characteristics of each development site. In

addition, the timing of development will influence the project costs and revenues. As such, the pro forma analyses should only be used to provide order-of-magnitude estimates of supportable land values.

Summaries of the case-study analyses prepared by KMA are presented in Appendix E. The case studies can be described as follows:

1. A retail and apartment project developed on a 27,000 square foot parcel;
2. A retail and condominium project developed on a 40,000 square foot parcel; and
3. A retail and office project developed on a 40,000 square foot parcel.

Case Study #1: Retail and Apartment Project Scenarios

Development Scopes

The development site for Case Study #1 is set at 27,000 square feet. The analysis includes the following scenarios:


1. A 39-unit apartment project with 7,000 square feet of ground-floor retail and restaurant space:
 - a. This scenario is based on the current Lantern District parking regulations, which equates to a 61 space requirement. In this scenario, 55 spaces are assumed to be provided in a single subterranean level, and a \$40,000 per space in-lieu fee is paid for six of the required commercial spaces.
 - b. This scenario comports with the 40 foot height and three-story limits.
2. A 39-unit apartment project with 7,000 square feet of ground-floor restaurant and retail space:
 - a. This scenario is based on the Initiative parking standards, which equates to 113 spaces. To achieve this parking standard, this scenario includes two fully subterranean parking levels and one semi-subterranean parking level.
 - b. Under the adopted TC Plan standards and the Initiative, the semi-subterranean parking level is treated as a building story. As a result, this scenario's scope of development is treated as four stories. This scenario complies with the 40-foot height limit, but it would not be allowed under the Initiative standards.

3. A 25-unit apartment project with 7,000 square feet of ground-floor retail and restaurant space.
 - a. This scenario is based on the Initiative parking standards. The 88 required spaces are assumed to be provided in two fully subterranean parking levels and one semi-subterranean parking level.
 - b. This scope of development fulfills both the three-story and 40 foot height limits.

Supportable Land Values

KMA estimates that the project scope that includes 39 apartment units within current Lantern District parking regulations generates a supportable land value of \$1.2 million, or \$44 per square foot of land area.

The scenario that includes 39 apartment units with the Initiative parking requirements, generates a negative land value of \$771,000. In other words, the land would need to be donated to the project at no cost, and \$771,000 in assistance would need to be provided to make this scenario financially feasible. It is also important to note that this scope of development would not be permitted under the requirements imposed by the Initiative, because the semi-subterranean parking level is deemed to add a fourth story to the building, which is not allowed by the Initiative.



The scenario that includes 25 apartment units, with the Initiative parking requirements, comports with all the requirements imposed by the Initiative. However, this scenario generates a negative land value of \$1.2 million. As such, it can be concluded that this project scope is financially infeasible.

Case Study #2: Retail and Condominium Project Scenarios

Development Scopes

The development site for Case Study #2 is set at 40,000 square feet. The development scenarios can be described as follows:

1. A 29-unit condominium project with 13,000 square feet of ground-floor retail and restaurant space:
 - a. This scenario is based on the adopted Lantern District parking regulations, which equates to an 83 space requirement. These spaces are assumed to be provided in two fully subterranean parking levels.
 - b. This scenario comports with the 40 foot height and three-story limits.

2. A 45-unit condominium project with 13,000 square feet of ground-floor restaurant and retail space:
 - a. This scenario is based on the Initiative parking standards, which equates to 176 spaces. In this scenario, 117 spaces are assumed to be provided in two fully subterranean levels, and a \$40,000 per space in-lieu fee is paid for 59 of the required commercial spaces.
 - b. This scenario complies with the 40-foot height limit, but it includes four stories of building area. This scope would not be allowed under the Initiative standards.
3. A 29-unit condominium project with 13,000 square feet of ground-floor retail and restaurant space.
 - a. This scenario is based on the Initiative parking standards, which require 141 spaces. In this scenario 117 spaces are assumed to be provided in two fully subterranean levels, and a \$40,000 per space in-lieu fee is paid for 24 of the commercial spaces.
 - b. This scope of development fulfills both the three-story and 40 foot height limits.

Supportable Land Values

The conceptual pro forma analysis that KMA prepared for the scenario that includes 29 condominium units and parking based on the Lantern District regulations, generates a supportable land value of \$1.8 million, or \$45 per square foot of land area.

The 45-unit condominium scenario offsets the impacts created by the Initiative parking requirements with the provision of an extra story of residential area. This scenario results in a supportable land value of \$32,000, or less than \$1 per square foot of land area. It is clear that this land value is not supportable in the market place. Moreover, the inclusion of a fourth story within the 40 foot height limit does not comply with the Initiative requirements. ✓

The scenario that complies with all the Initiative requirements generates a negative land value of \$734,000. Thus, it is KMA's conclusion that this project scope is financially infeasible. ✓

Case Study #3: Retail and Office Project Scenarios

Development Scopes

The development site for Case Study #3 is set at 40,000 square feet. The development scenarios can be described as follows:

1. A 26,000 square foot office project with 13,000 square feet of ground-floor retail and restaurant space:
 - a. This scenario is based on the adopted Lantern District parking regulations, which total 78 spaces. It is assumed that 67 surface parking spaces can be accommodated on site, and that a \$40,000 per space in-lieu fee is paid for 11 parking spaces.
 - b. This scenario complies with both the 40 foot height and three-story limits.
2. A 26,000 square foot office project with 13,000 square feet of ground-floor retail and restaurant space:
 - a. This scenario is based on the Initiative parking requirements, which total 128 spaces. It is assumed that 117 surface parking spaces are developed in two fully subterranean parking levels, and that a \$40,000 per space in-lieu fee is paid for 11 parking spaces.
 - b. This scenario complies with both the 40 foot height and three-story limits.

Supportable Land Values

The pro forma analysis for an office project that comports with the development standards imposed by the adopted TC Plan, in combination with the Lantern District parking regulations, can support a land value of \$1.4 million, or \$35 per square foot of land area. However, this conclusion is predicated on the assumption that surface parking can be used to fulfill the majority of the project's parking needs.

The pro forma analysis that includes the parking standards imposed by the Initiative generates a negative land value of \$3.4 million. This large negative amount is attributable to both the 50 additional parking spaces requirement, and the need to provide the parking in a subterranean parking garage. ✓

CONCLUSIONS: DEVELOPMENT OPPORTUNITIES ANALYSIS

The adopted TC Plan provides a strong framework for encouraging development that fulfills its goals and objectives. However, a key finding of the conceptual pro forma analyses is that to successfully implement the adopted TC Plan, it is necessary for the City to be provided with the flexibility to adapt the standards to reflect the varying characteristics of the available development sites within the Lantern District.

As shown in the case studies, the imposition of the Initiative parking standards effectively makes mixed-use development in the Lantern District financially ✓

infeasible. This is the case because the Initiative requirements reflect suburban standards, which can typically be fulfilled with inexpensive surface parking. This is not the case in the Lantern District, where the characteristics of the development sites, and the development standards imposed by the TC Plan, limit the opportunities for providing surface parking.

FISCAL IMPACTS

Anticipated Development in the Lantern District

The CCC approved the TC Plan as a LCP in 2008. However, the Lantern District parking regulations were not approved by the City Council until after extensive public discussion and outreach which concluded in September 2015. These regulations are currently being evaluated by the CCC.

Since 2008, the Lantern District has experienced a small net loss of development. It is likely that the development potential in the years immediately following the TC Plan adoption was impacted by the prolonged real estate recession experienced in Southern California. As the region emerged from the recession, the City began to receive entitlement applications for properties in the Lantern District. However, some of these applications have included requests for modifications to the TC Plan standards.

It is KMA's opinion that development opportunities in the Lantern District have been severely constrained by the parking requirements imposed by the existing Zoning Code Chapter 9.35 standards. The case study analyses presented in this report indicate that when the Council-approved Lantern District parking regulations are applied, development under the TC Plan standards becomes significantly more viable. Comparatively, if the Initiative standards are applied, the parking standards will become even more stringent than the existing Zoning Code Chapter 9.35 requirements, and will have a stifling impact on development opportunities in the Lantern District.

LCP WAS
CERTIFIED
IN 2008...
..... BUT
CITY
DEFERRED
ON A
PARKING
PROGRAM
UNTIL
SEP 2015

PARKING
PROGRAM IS
LCPA 15-0001
AND IS
PENDING

Annual General Fund Revenues

A fiscal impact report was prepared for the City by the Rosenow Spevacek Group Inc. ("RSG") in May 2008. The fiscal impact report projected the annual General Fund revenues that could potentially be generated at full build-out of the TC Plan. Approximately 87% of the projected revenue comes from property taxes and sales taxes. KMA updated the revenue projections for these two sources to reflect 2015 conditions.

RSG derived the build-out assumptions from the TC Plan, and the development mix is summarized in the following table:

Office	81,224 square feet
Retail & Restaurant	157,165 square feet ¹
Residential	237 units

KMA projected the annual property tax and sales tax revenue that could potentially be generated by full build out of the TC Plan. These projections are based on market and financial analyses prepared by KMA, and are presented in constant 2015 dollars. The annual revenues are projected as follows:

	Residential Mixed Use	Office Mixed Use
<u>Property Tax</u>	7% of the 1% Tax Levy	
Development	237 Units	81,224 Square Feet
Value	\$550,000 / Unit ²	\$400 / Square Foot
Annual City Revenue	\$91,200	\$22,700
<u>Sales Tax</u>	1% of Taxable Sales	
Retail Development	119,445 square feet	37,720 Square Feet
Taxable Sales	\$300 / Square Foot	\$300 / Square Foot
Annual City Revenue	\$358,300	\$113,200
Total Annual Revenue	\$449,500	\$135,900

As can be seen in the preceding table, the property tax and sales tax revenues are projected at \$585,400 per year. Based on the assumption that these revenues represent 87% of the General Fund revenues that would be generated at full build out of the TC Plan, the total General Fund revenues are estimated at approximately \$673,000 per year.

It is KMA's opinion that the imposition of the Initiative requirements make the mixed-use development identified in the TC Plan financially infeasible. Therefore, it is KMA's opinion that development activity in the Lantern District will continue to be stagnant. As such, the annual fiscal impact associated with the Initiative is estimated at as much as \$673,000 per year.

¹ The RSG report was based on 192,165 square feet of retail and restaurant space. KMA reduced this space by 35,000 square feet to reflect the space that was attributed to the Headlands development.

² Assumes that 50% of the development is apartment units and 50% of the development is condominium units.

One-Time City Revenues

The City also receives one-time revenues from new development. Building permit fees are revenue neutral, as they are used to pay the costs associated with processing development applications. The one-time fees that are earmarked for special uses are:

1. The Lantern District Impact Fee was adopted in March 2014. This fee is meant to allow the City to recoup a portion of the approximately \$20 million in infrastructure improvements that have been constructed by the City. In a report submitted to the City Council in March 2014, the impact fee revenues were estimated at between \$2.5 and \$3.0 million at full build out of the TC Plan.

2. The City assesses Quimby Act fees against ownership residential projects that do not fulfill the City's parks requirements on site:

The Quimby Act fees are currently based on the appraised value of land, plus estimated park improvement costs, multiplied times the land area required to fulfill the parks requirement.

Using this formula, the Quimby Act fees for Lantern District projects are estimated at approximately \$9.20 per square foot of ownership residential building area.

- c. Based on the assumption that 50% of the residential development in the Lantern District will be comprised of ownership units, the total Quimby Act fee revenue at full build out is estimated at approximately \$1.5 million.
3. Projects may pay a fee in lieu of fulfilling the City's arts in public places requirement on site. If it is assumed that all new development in the Lantern District elected to pay the in-lieu fee, the total revenue at build out is estimated at approximately \$220,000.

As discussed previously, it is KMA's opinion that no significant development will occur in the Lantern District if the Initiative standards are imposed. Based on the preceding assumptions, this will result in a loss of one-time City revenues estimated at \$4.2 to \$4.7 million.

CONCLUSIONS – FISCAL IMPACTS ANALYSIS

The fiscal analysis indicates that the City could potentially lose approximately \$673,000 in General Fund revenues per year if the Initiative requirements are enacted. The lost one-time City revenues are estimated at \$4.2 to \$4.7 million. However, it is important to understand that the actual amount of City revenues that would be generated under the TC Plan is dependent on a wide variety of external factors. The estimates provided in this report are intended solely to

provide the City with a relative perspective of the potential generation of City revenues.

ECONOMIC DEVELOPMENT

The City's decision to move forward with the TC Plan was not primarily based on the economic benefits that could potentially be generated. Rather, the goal was to achieve a vision for the Lantern District that promotes a pedestrian-oriented, mixed-use district that enhances the identity and quality of life in Dana Point. The TC Plan imposes development standards to further the goal of attracting high quality mixed-use development in the Lantern District.

PARKING REQUIREMENTS

A fundamental assumption in the TC Plan implementation process was that a "Parking Program" would be devised for the Lantern District. In 2013, the City initiated the process of developing parking standards and other parking management strategies for the Lantern District. Over the course of two years, the City and Nelson Nygaard Consulting Associates ("Nelson Nygaard") collaborated with various Town Center/Lantern District stakeholders and the CCC staff to create the Parking Program. This Parking Program was discussed at several public meetings, and was ultimately approved by the City Council in September 2015.

The imposition of suburban parking standards on mixed-use districts, as is proposed in the Initiative, has been demonstrated to act as a significant impediment to the attraction of new development in areas that cities wish to revitalize. The Parking Program is intended to remove barriers to appropriate mixed-use development and to encourage efficient shared-parking opportunities. The goal of the Parking Program is to create a "Park Once" district that provides centralized parking and encourages patrons to visit multiple establishments in a single trip.

As shown in the Development Opportunities section of this report, parking requirements have a dramatic impact on the financial feasibility of proposed mixed-use projects. Under the approved Parking Program, the responsible use of shared parking allows for mixed-use projects to be attracted that fulfill the development standards imposed by the TC Plan. Comparatively, the imposition of the Initiative standards, which are more restrictive than the existing Zoning Code Chapter 9.35 requirements, effectively render new mixed-use development financially infeasible.

KMA is also concerned that the Initiative requirement to set the in-lieu fee for commercial parking at a minimum of \$40,000 per space is overly prescriptive. The in-lieu fee is intended to compensate the City for the costs incurred to develop public parking spaces to serve the development in the Lantern District. The City should maintain the discretion to establish an in-lieu fee that reflects the actual costs incurred by the City to produce the public spaces.

DEVELOPMENT STANDARDS

Site Characteristics

Over 60% of the properties in the Lantern District are less than 75 feet wide. Therefore, as a practical matter, land assemblage is often required to create efficient development sites. However, the Lantern District is also characterized by a lack of consistent site design patterns and a mix of building types and setbacks, which constrain land assemblage opportunities. Therefore, under the best of circumstances, it will be challenging to attract mixed-use development to the Lantern District that complies with the TC Plan development standards.

Under the TC Plan, the City has the discretion to make modifications to the height requirements, the three-story limit, the permitted encroachments and the standards for roof decks. It is important to note that in many cases only minor modifications would be required to allow a proposed project to go forward. Moreover, that any modifications would be subject to approval only after a public hearing thereby enabling interested stakeholders an opportunity to provide input. Under the terms of the Initiative, this discretion is revoked. The Initiative's stringent interpretation of the TC Plan development standards eliminates the flexibility needed to accommodate projects being developed on small sites.

Use Restrictions

The Initiative includes a statement that, contrary to the adopted TC Plan, professional business/office uses should be the preferred uses on the second and third floors of all new development in the Lantern District. This requirement is problematic for the following reasons:

1. A preference is an ambiguous term. No process is defined for determining when that preference must be imposed on proposed projects.
2. Based on current economic conditions, office development is only feasible if it can be served by surface parking. However, under the Initiative terms, fully subterranean parking would be required, or a \$40,000 per space in-lieu fee would be required to be paid. Both of these options render office development financially infeasible.

An objective of the Initiative is to minimize the number of residential units that are developed in the Lantern District, which is contrary to the adopted TC Plan. This objective is counter-productive to the successful implementation of the TC Plan for the following reasons:

1. Residential development supports the highest land value of any of the uses allowed by the TC Plan. The inclusion of residential units in a mixed-use development implicitly subsidizes the required and desired ground-floor retail uses.

2. The development of residential units adds to the population that will patronize Lantern District businesses in the evenings.

The adopted TC Plan requires ground-floor retail to be developed on a property that fronts on Pacific Coast Highway or Del Prado. The Initiative extends this requirement to all the streets located in the Lantern District. In addition, all the ground-floor development is required to have a floor-to-floor dimension of at least 18 feet. KMA is concerned about this requirement for the following reasons:

1. It will be difficult to attract quality retail tenants to the side streets in the Lantern District, and the type of retail that would be attracted to the side streets would not require 18-foot floor heights.
2. Retail development on the side streets will not generate sufficient rents to support the costs associated with the subterranean parking, or the payment of a \$40,000 per space in-lieu fee.
3. As the required amount of retail development increases, the allowable amount of residential development decreases. This reduces the amount of financial support the residential development can provide to assist the overall project's financial feasibility.

CONCLUSIONS – ECONOMIC DEVELOPMENT ANALYSIS

As can be seen in the following table, since the TC Plan was adopted in 2008, the square feet of space in the Lantern District that has been demolished actually exceeds the amount of new development that has occurred:

Address	Added Square Feet	Demolished Square Feet
24312 Del Prado	615	
24312 Del Prado	318	
24502 Del Prado	440	
24582 Del Prado A	350	
24701 Del Prado	130	
34091 Pacific Coast Highway		520
34094 Pacific Coast Highway	659	
34111 Pacific Coast Highway		3,995
34118 Pacific Coast Highway	288	
34158 Pacific Coast Highway		112
34174 Pacific Coast Highway	650	
Total Square Feet	3,450	4,627

The adopted TC Plan provides the flexibility that is necessary to allow for quality mixed-use projects to be developed on the wide variety of sites that are located in the Lantern District. In most cases, the required modifications are relatively minor. And, in all cases, the modifications require approval by the Planning Commission or City Council at a public hearing. The Initiative takes this discretionary authority away from the City Council.

The City has invested approximately \$20 million in infrastructure projects to return Pacific Coast Highway and Del Prado to two- way traffic, and to enhance the Lantern District streetscape. These expenditures were made to improve the potential for attracting new development to the area. This opportunity will be lost if the Initiative requirements are adopted.

It is KMA's opinion that the TC Plan was adopted after extensive public outreach by the Town Center Subcommittee and with the benefit of input from planning and design professionals. The TC Plan provides an opportunity for successful development in the Lantern District that is consistent with the goals and concerns of the entire community. In contrast, the Initiative imposes a variety of conflicting requirements that will make it impossible to successfully implement the TC Plan. Instead, it is extremely likely that development in the Lantern District will follow the undesirable patterns that have been exhibited in the past.

LAND USE & HOUSING

Each City and County in California must prepare a comprehensive, long term General Plan to guide its future. There are seven required General Plan elements: land use, circulation, housing, conservation, open space, noise and safety. Dana Point's General Plan consists of the following required elements plus three additional optional elements:

- Land Use Element
- Circulation Element
- Housing Element
- Conservation/ Open Space Element
- Noise Element
- Public Safety Element
- Economic Development Element (optional)
- Urban Design Element (optional)
- Public Facilities/ Growth Management Element (optional)

A General Plan is made up of text describing goals and objectives, principles, standards, and plan proposals, as well as a set of maps and diagrams. Together, these constituent parts paint a picture of the community's future development. The Town Center is recognized as a special place of interest in the City's General Plan. The following is a list of specific goals and policies contained in various elements of Dana Point's General Plan related, either directly or indirectly, to the Town Center. The Housing Element will be addressed subsequently.

LAND USE ELEMENT:

GOAL 6: Achieve development in the Town Center area that enhances the area as a primary business district in the City.

***Policy 6.1:** Provide a diversity of retail office and residential land uses that establish the Town Center as a major center of social and economic activity in the community.*

***Policy 6.2:** Encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.*

***Policy 6.3:** Establish patterns of land use and circulation that promote the desired pedestrian character of the area.*

***Policy 6.4:** Through effective design guidelines encourage building designs, intensity and setbacks to be compatible with the desired scale and character of the area.*

***Policy 6.5:** Develop land use and parking regulations to assure that adequate and reasonable standards are provided.*

***Policy 6.6:** Provide opportunities for shared parking facilities in the Town Center, such as through the establishment of an off-street parking district.*

ECONOMIC DEVELOPMENT ELEMENT:

GOAL 3: Provide for the long term fiscal viability of the City.

***Policy 3.4:** Continue with existing plans for revitalization within areas of the community where revitalization is warranted.*

GOAL 7: Promote the revitalization of the Town Center area.

***Policy 7.1:** Encourage the development of visitor related retail uses.*

***Policy 7.2:** Encourage the development of local serving commercial uses, especially in the Lantern area.*

Policy 7.3: Encourage development to create a quality environment designed to promote interior courtyards and pedestrian ways.

URBAN DESIGN ELEMENT:

GOAL 3: Improve the Town Center as one of the City's primary shopping districts with a small town "village" atmosphere.

Policy 3.1: Increase the Town Center's economic vitality and its contribution to the City's economic development goals.

Policy 3.3: Improve pedestrian opportunities and create an attractive pedestrian environment within the Town Center.

Policy 3.4: Encourage mixed-use development in selected areas of the Town Center.

Policy 3.5: Develop a parking concept that emphasizes shared parking facilities.

In addition, the adopted TC Plan itself is filled with additional, more specific goals and policies with the intent to fulfill the vision outlined in the General Plan of revitalizing the Town Center into a walkable, commercial district with continuous shop fronts with a mix of uses, including residential, and quality public gathering spaces.

LCPA15-0001
PENDING

The Initiative creates direct conflict with the General Plan in the area of parking and therefore is found to be inconsistent with the City's General Plan. There are multiple policies in the General Plan related to shared parking facilities. Creating appropriate parking standards and ensuring shared parking facilities is included in both the Implementation and Goals and Policies sections of the TC Plan.

The Initiative proposes to modify the parking standards in place for the TC Plan area which will be even more restrictive than the current City-wide parking standards. The current City-wide parking standards are suburban, auto-oriented standards which create a form of development with large, surface level parking lots and relatively small building footprints, thereby making the development of continuous shop fronts difficult to achieve. The urban form desired by the adopted TC Plan is particularly challenging in a built environment that requires demolition of existing buildings, as is the case in the TC Plan area. The current City-wide parking standards allow for 1) a reduction of onsite parking requirements in exchange for providing onsite bicycle parking stalls and 2) for onsite shared parking with a Conditional Use Permit. The Initiative proposes to eliminate credit for providing onsite bicycle stalls, as well as to eliminate the opportunity to share parking onsite between residential and non-residential uses, thus encouraging an even more auto-dependent environment than the current code supports today.

HOUSING ELEMENT:

As required by State Law, the City completed and received State Certification of the 2014-2021 General Plan Housing Element. A key component of the Housing Element is inclusion of appropriate programs to meet the City's "Fair Share" of Regional Housing Needs ("RHN") as established by the Southern California Association of Governments ("SCAG"). The TC Plan area contains sites that are included in the City's inventory of underutilized properties identified to meet the City's RHN Fair Share in the Certified Housing Element. It was projected that 10 housing units at the Lower income level and 128 housing units at the Above Moderate income level for a "Potential Total Unit Yield" of 138 housing units (Housing Element, page 86) would be generated from underutilized sites located with the TC Plan area and allocated toward meeting the City's "Fair Share" of RHN.

This yield is predicated on an average density of thirty (30) dwelling units per acre in the TC Plan area. While the adopted TC Plan does not include a density standard, it is typical when evaluating opportunity sites as part of a housing element update to apply the allowed density of the site to determine a housing yield. In the case of the TC Plan area, the density is limited primarily through an allowed Floor Area Ratio and maximum height limit. While the actual density will vary from lot to lot, depending on site specific conditions, an average 30 dwelling units per acre was utilized based on the standards in the adopted TC Plan to predict the average yield for opportunity sites in the Housing Element.

The adopted TC Plan allows for residential uses on the second and third stories of buildings within the plan area. Residential uses are only allowed above the street level. The Initiative proposes to change certain development standards relative to height and parking that will likely affect the feasibility of development moving forward as discussed in KMA's analysis above. While it is infeasible to quantify the actual number of units that might be built whether the Initiative fails or is approved, it is clear that a lesser number of units will be built if the Initiative is approved as opposed to if it is not approved.

The Initiative includes restrictions on the height of buildings that may limit the development of three story structures as contemplated in the adopted TC Plan. The loss of third story residential units could result in an effective reduction in the density of the TC Plan area below the thirty dwelling units per acre assumed in the Housing Element and thus reduce the yield of Affordable and Above Market Housing Units. Further, the Initiative proposes parking requirements that are not supported by market conditions which harms the ability of mixed-use development to move forward and compromises the City's ability to meet its RHN Fair Share housing numbers. If the City cannot identify alternate underutilized sites or vacant land to accommodate the reduced yield of the TC Plan area, the City's Housing Element would no longer be in compliance with State requirements.

STATE-WIDE HOUSING POLICY:

Government Code Section 65913 was enacted by the California Legislature as a means to remedy the severe shortage of affordable housing, especially for persons and families of low and moderate income by assuring that local governments "expedite the local and state residential development process", "zone sufficient land at densities high enough for production of affordable housing" and "make a diligent effort through the administration of land use and development controls and the provision of regulatory concessions and incentives to significantly reduce housing development costs and thereby facilitate the development of affordable housing". Further, the Legislature found and declared that increasing housing development costs due, in part, to existing permit and land use regulatory processes have stopped residential projects from moving forward. Therefore, Government Code Section 65913.1(a) requires that cities designate and zone sufficient vacant land for residential use with appropriate standards and goes on to define "appropriate standards" as follows:

"...means densities and requirements with respect to minimum floor areas, building setbacks, rear and side yards, parking, the percentage of a lot that may be occupied by a structure, amenities, and other requirements imposed on residential lots pursuant to the zoning authority which contribute significantly to the economic feasibility of producing housing at the lowest possible cost given economic and environmental factors..."

The State has recognized a lack of affordable housing and has adopted state-wide policy to assure that local governments do not indirectly prevent higher density residential housing by adopting development standards that increase the cost of developing that housing type. The Initiative introduces language that 1) effectively further reduces the height limit and 2) imposes stricter parking standards resulting in a requirement for greater onsite parking. Both of these changes result in the imposition of standards that negatively "contribute to the economic feasibility of producing housing at the lowest possible cost".

CONCLUSIONS – LAND USE & HOUSING ANALYSIS

The General Plan clearly recognizes the TC Plan area as a place of special interest in the City and a number of goals and policies are in place to encourage the TC Plan area as a revitalization district. The Initiative results in internal inconsistencies between the City's General Plan, including the Housing Element, and zoning. The Initiative affects the City's ability to meet its regional housing needs and is counter to State-wide housing policy relative to affordable housing. The Initiative creates additional challenges relative to revitalization.

LEGAL ANALYSIS

At its November 3, 2015 Meeting the City Council specifically asked that two legal issues be addressed as part of the Election's Code Section 9212 report. These issues are discussed below.

The Town Center Initiative Proposes an Amendment to A Local Coastal Program ("LCP"); And, While The Amendment May Occur By Initiative, It Must Also Be Approved By The Coastal Commission. Modifications Are Likely To Be Required By The Coastal Commission And Any Required Modification Will Likely Require Voter Approval

The First question posed was a request for an explanation of the legal interaction of the Coastal Act and the Initiative.

Amendments to an LCP may be adopted by initiative and are not preempted by the Coastal Act (codified at Pub. Resources Code, § 30000 et seq.). (*San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 539 ("*San Mateo County*").) In the *San Mateo* case, a coastal landowners association and other nonprofit organizations ("appellants") filed a petition for a writ of mandamus and a complaint for declaratory relief seeking to invalidate a voter initiative seeking to amend a Local Coastal Program, "Measure A." (*Id.* at 532.)

The appellants contended that Measure A: (1) dealt with a matter of statewide concern and therefore was not the proper subject of a local initiative, and (2) conflicted with the Coastal Act in that it frustrated a legislatively designed regulatory scheme of public hearings, public participation, and consultation between local agencies and the Coastal Commission. (*Id.*) The trial court entered a judgment upholding Measure A. (*Id.* at 533.) The court of appeal affirmed, holding that the amendments to the LCP were properly adopted by initiative, were not preempted by the Coastal Act, and that the Coastal Act did not limit the right of the citizens to amend their LCP by initiative. (*Id.* at 539 -42.)

While the voters may make the legislative determinations that the Council might otherwise make in amending an LCP by initiative, proposed LCP amendments still require Coastal Commission approval in order to be effective. A local coastal program may be amended by a local government, but any such amendment takes effect only upon certification by the Coastal Commission. (Pub Res. C. §30514(a) ["No amendment to the LCP will become effective until the Coastal Commission certifies the amendment is consistent with the requirements of and implements the policies of the Act"].) This includes the amendment of an LCP either by initiative or referendum. (70 Ops. Cal. Atty. Gen. 220 (1987).)

In 70 Ops. Cal. Atty. Gen. 220, the Coastal Commission asked the Attorney General whether a city or county may, by ordinance, including those adopted by referendum or initiative, authorize a use of land in the coastal zone which is not

permitted by a certified local coastal program or land use plan, without approval of the Commission. (*Id.* at *1.) The Attorney General answered that a county or city may not lawfully authorize such a use of land without approval of the Commission, even if the use is adopted by initiative. (*Id.* at *13.) In so holding, the Attorney General noted that Pub Res. C. §30514 expressly provides that while a certified LCP may be amended by the appropriate local government, the effectiveness of such an amendment depends on certification by the Commission. (*Id.* at 12-13.) "This means that a county or city may adopt such an amendment at any time but such amendment does not become effective until it has been certified by the Commission." (*Id.* at 13.) Such an ordinance, even if adopted by initiative or referendum, is therefore not effective until it has been certified by the Commission. (*Id.*) Because the Town Center Initiative amends the LCP, the effectiveness of such an amendment depends on certification by the Commission. As discussed at the November 3, 2015 Council meeting, it is common that when an amendment to an LCP is proposed, the Coastal Commission will "suggest" modifications before it will certify the LCP. In light of the negative impacts on the feasibility of developing visitor serving uses identified above, it appears likely that the Coastal Commission will engage in its typical practice of requiring modifications if the Initiative is approved by the voters.

Elections Code § 9217 provides that an initiative measure, if approved, may be amended or repealed **only by a vote of the people** unless the measure itself provides otherwise. (Elec. Code § 9217 [emphasis added]; *Mobilepark West Homeowners Assn. v. Escondido Mobilepark West* (1995) 35 Cal.App.4th 32, 40.) Although there is no case law that addresses identical facts, if the Coastal Commission were to require modifications in order to approve the Initiative, we believe the most likely outcome if the issue were reviewed by a court would be a determination that any substantive modifications would require voter approval per the Elections Code.

In *Mobilepark West Homeowners Assn.*, the city's voters passed an initiative ordinance establishing mobilehome park space rent review for the city. (*Id.* at 36.) Subsequently, the city council passed an ordinance which dealt with rent control exempt leases. (*Id.* at 37.) Residents contended that the ordinance, which the city characterized as clarification and implementation of a voter initiative measure, was actually an invalid legislative amendment of the initiative measure. (*Id.* at 38-39.) The court of appeal agreed, and held that the ordinance was an improper amendment of the initiative ordinance. (*Id.* at 43.) Under Elections Code § 9217, an ordinance adopted by initiative may not be amended except by a vote of the people, unless the initiative provides otherwise. (*Id.* at 40.) The ordinance adopted by the city council clearly amended the initiative ordinance by changing the scope of its coverage to include prospective homeowners by redefining the term "tenant," and by placing new requirements on owners and tenants for entry into rent control exempt leases. (*Id.* at 42.) Even if the broad scope of the original ordinance was subject to "clarification" by the new ordinance, that ordinance went beyond the scope of the original

ordinance. (*Id.* at 43.) Thus, the amendment was invalid absent a vote of the people. (*Id.*)

Courts have recognized some exceptions to section 9217. For example, in *Armstrong v. County of San Mateo* (1983) 146 Cal.App.3d 597, the court of appeal found that ambiguous language in Proposition 13 was properly subject to legislative interpretation by the enactment of statutes addressing issues raised by the constitutional provision. (*Armstrong, supra.*, 146 Cal.App.3d at 622-625.) Similarly, in *Creighton v. City of Santa Monica* (1984) 160 Cal.App.3d 1011, the court found it proper for a city to pass ordinances implementing basic policy regarding rent control that had been adopted by an initiative charter amendment. (*Creighton, supra.*, 160 Cal.App.3d at 1021-22.) In that case, the initiative measure established a rent control board and set forth its duties to register rental units, establish and adjust rent levels, and issue permits for removal of controlled units. (*Id.* at 1014.) However, the court found that the challenged city ordinances, which provided for city officials to administer and supervise the board's affairs, were proper as implementations of the voters' intent and clarifications of ambiguous areas in the initiative. (*Id.* at 1021-22.)

Here, the Initiative specifically provides that it may be amended or rescinded ***only by a vote of the people***. ("The 2015 Town Center Initiative," Section 10.) Accordingly, the power to amend the Initiative is explicitly reserved to the voters. Thus, if the Coastal Commission were to require modifications that caused any change to the substance of the Initiative, it is likely that those changes would need to be approved by the voters. If required modifications simply result in non-substantive clarifications or related to matters of implementation of the Initiative, it is possible they would not require voter approval.

The Language Of The Initiative Stating That Professional Business/Office Uses Are "Preferred" on Second and Third Floors Is Not Legally Binding.

The second question posed was an inquiry as to the meaning and effect of the language in the Initiative which states that "professional business/office use" is "preferred" for second and third stories of new construction. The short answer is that this language is a vague statement of a general desire, but from a planning perspective is simply not relevant and does not create any type of legally enforceable standard.

The provisions of the Town Center LCP as proposed to be amended by the Initiative contain a definition of "professional office use", but there is no similar definition for "business use" in either the Town Center Plan or the Zoning Code. The land use matrix which is part of the LCP, as proposed to be amended, permits or conditionally permits a variety of uses that do not meet the definition of "professional office use." or any generally understood definition of "business uses" (i.e., any commercial activity.) In many cases it expressly prohibits uses that would meet a generally understood definition of "business uses". For instance, multifamily dwellings, recreational uses, cultural uses, religious uses

and educational uses are all permitted, or conditionally permitted and do not meet the definition of professional office use, and are not generally viewed as business uses. In contrast, automotive uses, recycling centers, fortune tellers, and tattoo parlors are all business uses and examples of commercial activities, but are expressly prohibited.

The legal import of the language in question when considered in the context of the rest of the TC Plan as proposed to be amended is that it amounts to a general statement of a desired outcome, but is not binding in any way. Uses that are prohibited, even though business uses, are still prohibited (i.e., fortune tellers), and the City could not lawfully approve a fortune teller business even though it would be a "preferred" use if the Initiative is adopted. Uses that are not "professional office/business" but which are permitted by the land use matrix are still permitted (i.e. multi-family dwellings). In the context of one apparent goal of the Initiative (limiting residential development), it is important to recognize that the City could not lawfully deny a proposed multi-family dwelling project simply because it would not be viewed as a "preferred" use..

The language in question could at least conceivably have some relevance with respect to uses that are conditionally permitted (i.e., religious or educational uses). There are some fairly general findings based on the City's health, safety and welfare powers that apply to conditionally permitted uses within the City's zoning code. It is at least possible that the Planning Commission/Council might look at a proposed conditionally permitted use, and in part because it is not "preferred" determine it might have a negative impact on surrounding uses, and on that basis deny a project. Such a finding is subjective, and would have to be made on a project by project basis. The language in question might be relevant to subjective finding, but again is not binding or dispositive. Indeed, it would not be legally permissible to have a standing policy by which any use that is not business/professional office, but is conditionally permitted, is automatically denied because of not being the "preferred" use. Rather, the only basis for denying a project for which a Conditional Use Permit ("CUP") is required remains making the findings for denial set forth in the Zoning Code. The fact a conditionally permitted use is not "preferred" is not one of those findings.

CONCLUSIONS:

1. A key finding of the preceding report is that to successfully implement the adopted TC Plan, it is necessary for the City to be provided with the flexibility to adapt the standards to reflect the varying characteristics of the available development sites within the Lantern District. The Initiative revokes the City Council's authority to exercise discretion in the development approval process.

2. The impacts created by the suburban-style parking requirements imposed by the Initiative effectively make high-quality mixed-use development in the Lantern District financially infeasible. The parking restrictions imposed by the Initiative are even more restrictive than the requirements imposed by the City's existing Zoning Code standards, which have arguably hampered development.
3. The Initiative imposes a preference for office uses, and the implicit desire to minimize the development of residential uses. This is counter to the adopted TC Plan and further erodes the potential for attracting development to the Lantern District since residential uses are the strongest uses from market and financial perspectives.
4. The Initiative requirements could potentially cause the City to forgo approximately \$673,000 in General Fund revenues per year, and one-time revenues in the range of \$4.2 to \$4.7 million.
5. The City invested approximately \$20 million in improvements to the Lantern District to improve the potential for attracting new development to the area. The Initiative includes development requirements that conflict with the stated development objectives. If the Initiative is enacted it should be expected that development will stagnate in the Lantern District.

FISCAL IMPACT:

None

SUPPORTING DOCUMENTS:

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Supporting Document A: The 2015 Town Center Initiative.....	29
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26875 Calle Hermosa #7
Capistrano Beach, CA 92624
949-842-1995

September 1, 2016

Ms. Sherilyn Sarb, Deputy Director
South Coast District
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Reference: Amendment Request No. 1-16 (LCP-5-DPT-16-0035-1) to the City of Dana Point Local Coastal Program (LCP), for Commission Action at its September 8, 2016 meeting in Newport Beach.

Dear Ms. Sarb:

On behalf of a M & a Gabaase a California limited partnership and myself as a resident and business owner in Dana Point. We request that the amendment to the above referenced LCP be removed from the consent calendar and reviewed in greater detail.

The Coastal Commission staff has, in my opinion, rushed its review of the above referenced matter and in doing so has done a disservice to the extensive amount of work performed by the residents and City of Dana Point when the Town Center Plan was conceived and approved during 2004-2006, and by the Coastal Commission when the Local Coastal Plan was certified in 2008. As explained below, there is substantive, additional information which must be considered.

The August 18, 2016 staff report states in the Analysis section that "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 (LCP) component of the certified LCP." The proposed changes are not adequate to carry out the LCP because the changes undermine the development opportunities such that development will stagnate in the Town Center. While the bulk of the LCPA is directed at height limits, it appears to have been drafted as an initiative to accomplish a number of land use objectives, one of which was to limit visitor-serving uses in favor of office and professional uses. This limitation: Does "change the allowable use of property" in certain circumstances. Is "not consistent with the land use plan as certified by the Commission."

of office and professional uses. This limitation: Does "change the allowable use of property" in certain circumstances. And Is "not consistent with the land use plan as certified by the Commission."

What you are not reviewing is a report on the impact of Measure H. On November 3, 2015 the City Council directed staff to prepare a report pursuant to Section 9212 of the Elections Code. This approximate 20 page report, a copy of which is enclosed, was prepared by Keyser-Marston and is an analysis of the impact of Measure H on the Town Center Plan and is dated December 1, 2016.

The conclusions of the report are as follows:

1. *A key finding of the preceding report is that to successfully implement the adopted TC Plan, it is necessary for the City to be provided with the flexibility to adapt the standards to reflect the varying characteristics of the available development sites within the Lantern District. The Initiative revokes the City Council's authority to exercise discretion in the development approval process.*
2. *The impacts created by the suburban-style parking requirements imposed by the Initiative effectively make high-quality mixed-use development in the Lantern District financially infeasible. The parking restrictions imposed by the Initiative are even more restrictive than the requirements imposed by the City's existing Zoning Code standards, which have arguably hampered development.*
3. *The Initiative imposes a preference for office uses, and the implicit desire to minimize the development of residential uses. This is counter to the adopted TC Plan and further erodes the potential for attracting development to the Lantern District since residential uses are the strongest uses from market and financial perspectives.*
4. *The Initiative requirements could potentially cause the City to forgo approximately \$673,000 in General Fund revenues per year, and one-time revenues in the range of \$4.2 to \$4.7 million.*
5. *The City invested approximately \$20 million in improvements to the Lantern District to improve the potential for attracting new development to the area. The Initiative includes development requirements that conflict with the stated development objectives. If the Initiative is enacted it should be expected that development will stagnate in the Lantern District.*

These significance of these conclusions is that they are in conflict the staff determination that the LCP Amendment is "minor" and fail to support your statement that the proposed changes are adequate to carry out the Land Use Plan (LCP) component of the certified LCP. For that reason, the specifics of the various proposed changes and the implications of applying these changes to new development mandates further review by the Commission staff.

Thank you.

Sincerely,

George Ray

Cc: Coastal Commission members

Attachment: the materials referenced?

Mike Powers
34112 Violet Lantern Street
Dana Point, CA 92629
949-248-8898

August 31, 2016

Ms. Sherilyn Sarb, Deputy Director
South Coast District
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

Reference: Dana Point LCP Amendment No. LCP-5-DPT-16-0035-1 (Town Center Plan);
Item 21b on Commission Agenda September 8, 2016.

Dear Ms. Sarb:

In concluding that the Dana Point LCP Amendment prompted by Measure H is a “minor” LCP Amendment, Commission staff may have overlooked an important aspect of Measure H which impacts coastal resources. Your staff report says that the LCP Amendment “does not change the kind, location, intensity or density of any uses.” That conclusion is not supported by what Measure H actually says and does, particularly with respect to visitor serving commercial uses.

Policy 1.9 of the Town Center Plan in the existing LCP now says that “visitor service commercial uses are priority uses which shall be encouraged within the Town Center.” Elsewhere, the existing LCP says that hotel guest rooms are allowed only above the street level. The LCP Amendment, however, says that “Professional business/office uses are preferred uses on the second and third floors of all new construction in the Town Center area,” meaning office uses always have priority over visitor-serving accommodations (which can only be on those same second and third floors) and other visitor-serving commercial uses. This priority for office uses conflicts with both the existing LCP and Coastal Act policies.

A 2013 “LCP Update Guide” on the Commission’s website says that the Coastal Act “places high priority on protecting and maximizing recreation and visitor serving land uses” and that an LCP should contain “measures to impart priority to visitor-serving commercial uses in mixed-use zones.” The proposed LCP Amendment does just the opposite by giving priority to office uses over visitor serving uses. This creates an internal inconsistency within the LCP and will have the intended effect of changing “the kind, location or density” of uses.

For these reasons, we believe that the LCP Amendment is not "minor" and should be placed on a future Commission agenda for a public hearing. Please make sure that the Commissioners are aware of our concerns. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Powers", with a long, sweeping horizontal stroke extending to the right.

Mike Powers

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th 21b

DATE: August 18, 2016

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director, South Coast District
Karl Schwing, South Coast District Manager
Charles Posner, Supervisor of Planning
Fernie Sy, Coastal Program Analyst

RE: Amendment Request No. 1-16 (LCP-5-DPT-16-0035-1) to the City of Dana Point Local Coastal Program (LCP), for Commission Action at its September 8, 2016 meeting in Newport Beach.

Local Coastal Program Amendment No. 1-16 (Minor)

The City of Dana Point is requesting that the Commission certify an amendment to the City of Dana Point Town Center Plan, which is an implementing ordinance for the City of Dana Point's "1996 Local Coastal Program (LCP)". The Town Center Plan is incorporated in the City's Zoning Ordinance as Chapter 9.26 and Appendix E. The LCP amendment also includes corresponding changes to Chapter 9.26.010 of the City's Zoning Ordinance, which is also a component of the City's Implementation Plan (IP) for the certified 1996 LCP. Please see **Exhibit A** to this staff report for the amendment language.

The Town Center Plan is a specific plan that was certified by the Coastal Commission in June 2008. The certified plan zones the entire Town Center Plan area as "mixed-use" and sets forth a series of policies, development standards and design guidelines to guide transformation of the Town Center area into a pedestrian oriented, mixed-use district. In 2015, citizens of Dana Point gathered sufficient signatures to qualify for a special election to amend the Town Center Plan in order to require strict implementation of its standards for new development. On December 1, 2015, the City of Dana Point City Council adopted a resolution that called for a Special Municipal Election for the purpose of submitting a citizens' initiative entitled the "2015 Town Center Initiative" (Measure H). Measure H proposed a series of amendments to the Town Center Plan regarding building height; building frontage, ground floor usage, parking, and project review/processing. The amendments to the Town Center Plan make no changes in the land use, but ensure the Town Center Plan's strict implementation for all Town Center development projects. The Special Municipal Election took place on June 7, 2016. The election results were certified on July 5, 2016, declaring that Measure H was passed by majority vote.

The LCP amendment includes the following changes to the Town Center Plan: 1) adds language for strict enforcement of the Town Center Plan's three-story maximum building height requirement, 2) requires full story poles be erected for a minimum of twenty days prior to application for approval to the Planning Commission and City Council, 3) clarifies the method for determining the currently certified 40-foot height limit, 4) eliminates certain height limit exceptions that had allowed buildings to exceed the 40-foot height limit, resulting in a more consistent building scale, 5) clarifies that all the streets in

Town Center area as subject to the Land Use requirements in the 2008 Town Center Plan regarding ground floor usage, as was intended in the adopted Town Center Plan, and 6) sets in lieu parking fees at a minimum \$40,000 per space (with annual inflation adjustment) which is the amount the City determined is equal to the cost of a parking space. As currently certified, the LCP states that the in lieu parking fees, when collected in lieu of the provision of an actual parking supply, would be used to offset a portion of the cost to construct public parking facilities in the Town Center area.

The LCP amendment also incorporates the following changes into Chapter 9.26.010 of the City's Zoning Ordinance, which is a component of the City's IP certified 1996 LCP: 1) similar language that is being added to Town Center Plan regarding compliance with the currently certified 40-foot height limit, 2) language that reinforces the provisions that professional/business office uses are preferred uses on the 2nd and 3rd floors of all new construction in the Town Center, 3) incorporates Dana Point Municipal Code section 9.35.080, which sets out to reinforce the minimum parking requirements for uses in the Town Center, 4) reinforces off-street loading requirements found in the Dana Point Municipal Code, 5) includes language regarding the submittal of project materials prior to any study session, public meeting, Planning Commission or City Council meeting, and 6) requires that a variance can be granted only if evidence proves the variance request meets California's legal standard and requires the City Attorney's formal written opinion to that effect.

Local Coastal Program Amendment Request No. 1-16 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 Resolution No. Resolution No. 16-07-05-01, which states that Measure H was adopted by majority vote pursuant to a Special Municipal Election held on June 7, 2016. Additionally, Council Resolution No. Resolution No. 16-07-05-01 authorizes City staff to submit the LCP amendment to the Coastal Commission for certification. The LCP amendment request was received by Commission staff on July 25, 2016, and determined to be complete on August 8, 2016.

Analysis

The Executive Director has determined that the City of Dana Point LCP Amendment No. 1-16 is a minor LCP amendment. 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 A** (Resolution No. 16-07-05-01, Supporting Document C).

City Council Resolution No. 16.-07-05-01 amends both the text in the Town Center Plan and the City's Zoning Ordinance, both of which are implementing ordinances of the City's certified 1996 LCP. The changes clarify the City's mixed-use development regulations, do 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 Town Center Plan's LUP policies:

Policy 1.5: Support street level uses that are pedestrian-oriented and contribute to the vibrancy of the street.

Policy 1.6: Promote professional business/office uses on the upper floors.

Policy 1.9: Retail service commercial and visitor service commercial uses are priority uses which shall be encouraged within the Town Center.

Policy 2.4: Encourage pedestrian-oriented building frontages with shops opening to the public sidewalk, and encourage a maximum amount of retail uses on the first floor.

Policy 2.10: Address the impact of delivery trucks on the circulation system for new development and for new businesses. Encourage deliveries to utilize the alleyways when feasible.

Policy 3.2: Establish patterns of land use and circulation that promote the desired pedestrian character of the area.

Policy 4.2: Develop land use and parking regulations to assure that adequate and reasonable standards are provided.

Policy 4.4: Create a parking development and management program which assesses parking demand and requirements based on the Dana Point Zoning Code.

Policy 4.5: Create an in-lieu parking program which includes appropriate fees which consider the costs of land acquisition and construction costs associated with providing a parking space in the Town Center. Approval of a Local Coastal Plan Amendment from the California Coastal Commission shall be required for any zoning code amendments made for the purpose of implementing an in-lieu parking program for the Town Center.

Policy 8.1: New development shall comply with the Town Center Design Guidelines.

Procedures

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.

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 September 8, 2016 meeting in Newport Beach. For any questions or needed additional information regarding the proposed amendment or the process under which it is being certified, please contact Fernie Sy at the South Coast District Office in Long Beach.

RESOLUTION NO. 16-07-05-01

JUL 25 2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DANA POINT, CALIFORNIA, RECITING THE FACT OF THE
SPECIAL MUNICIPAL ELECTION HELD ON JUNE 7, 2016,
DECLARING THE RESULT AND SUCH OTHER MATTERS
AS PROVIDED BY LAW**

CALIFORNIA
COASTAL COMMISSION

WHEREAS, a Special Municipal Election was held and conducted in the City of Dana Point, California, on Tuesday, June 7, 2016, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution Nos. 15-12-01-02 and 16-02-02-02, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Supporting Document B.

WHEREAS, two measures were voted upon at the election, Measure H and Measure I; and

WHEREAS, Measure H, which proposes changes to the Town Center Plan previously approved by the City Council and certified by the California Coastal Commission, was adopted by the voters in that it received a majority of the votes cast in the election; and

WHEREAS, the Town Center Plan is Appendix E to the Dana Point Zoning Code (the "DPZC"); and

WHEREAS, the DPZC is part of Dana Point's certified Local Coastal Program ("LCP"); and

WHEREAS, to implement Measure H, an amendment to Dana Point's LCP is necessary, and for such an amendment to occur a Local Coastal Program Amendment must be presented to the California Coastal Commission for certification; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

MEASURE H – 2015 TOWN CENTER INITIATIVE:

SECTION 1: That the total number of ballots cast was 11,868.

SECTION 2: That the measure voted upon at the election is as follows:

Measure H – 2015 Town Center Initiative

Shall the 2015 Town Center Initiative, which changes the Town Center Plan previously approved by the City Council and by the California Coastal Commission, as well as the amendments thereto approved by the City Council in 2015, be adopted?

SECTION 3: That the number of votes for Measure H was 6,477 and against Measure H was 4,557 as listed on Supporting Document B.

MEASURE I – TOWN CENTER AND PUBLIC PARKING IMPROVEMENT MEASURE

SECTION 4: That the total number of ballots cast was 11,868.

SECTION 5: That the measure voted upon at the election is as follows:

Measure I – Town Center and Public Parking Improvement Measure

Shall the Town Center and Public Parking Improvement Measure, which ratifies the Town Center Plan previously approved by the City Council and by the California Coastal Commission, as well as the amendments thereto approved by the City Council in 2015, be adopted?

SECTION 6: That the number of votes for Measure I was 4,561 and against Measure I was 6,449 as listed on Supporting Document B.

SECTION 7: The City Council does declare and determine that as a result of the election, a majority of the voters voting on Measures H (2015 Town Center Initiative) and Measure I (Town Center and Public Parking Improvement Measure), voted in favor of Measure H – 2015 Town Center Initiative.

SECTION 8: The City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election, showing:

- (1) The total number of votes (ballots) cast in the City;
- (2) The measure(s) voted upon; and

- (3) The total number of votes given for and against each measure.

SECTION 9: That the local legislative process to amend the LCP has been satisfied through the election process and; therefore, the proposed amendments to the Town Center Plan in accordance with the language/ text of Measure H – 2015 Town Center Initiative shall have the same standing as if approved by the City Council through the process outlined in Section 9.61.080(e) of the DPZC.

SECTION 10: That the Director of Community of Development shall prepare and submit a Local Coastal Program Amendment to the California Coastal Commission for review and approval to amend the Town Center Plan in accordance with the language/text of Measure H - 2015 Town Center Initiative as listed on Supporting Document C.

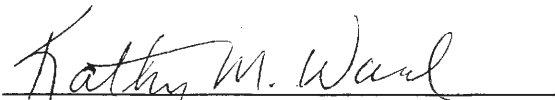
SECTION 11: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 5th day of July, 2016.



JOHN A. TOMLINSON
Mayor

ATTEST:


KATHY M. WARD
City Clerk

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

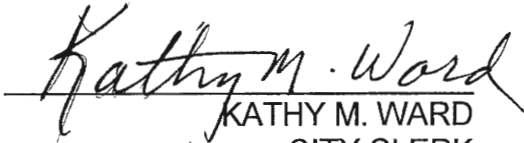
I, KATHY M. WARD, City Clerk of the City of Dana Point, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution
No. 16-07-05-01 adopted by the City Council of the City of Dana Point, California, at a
regular meeting thereof held on the 5th day of July, 2016, by the following vote:

AYES: Council Members Olvera, Schoeffel, Mayor Pro Tem
 Viczonek, and Mayor Tomlinson

NOES: None

ABSENT: Council Member Muller

(SEAL)


KATHY M. WARD
CITY CLERK

SUPPORTING DOCUMENT B

CERTIFIED STATEMENT OF THE VOTES CAST

at the

PRESIDENTIAL PRIMARY ELECTION

June 7, 2016

in the

County of Orange, State of California

FILED _____, 2016

ALEX PADILLA, SECRETARY OF STATE

BY _____ DEPUTY

State of California)

) ss

County of Orange)

I, Neal Kelley, Registrar of Voters of Orange County, do hereby certify that the within is a true and correct statement of the votes cast in this county at the General Election, as determined by the canvass of the returns of said election.

I further certify the results of the 1 percent manual tally contained no discrepancies between the machine count and the manual tally.

WITNESS my hand and Official Seal

THIS 27th DAY OF June, 2016

Neal Kelley, REGISTRAR OF VOTERS



**CERTIFICATE OF REGISTRAR OF VOTERS TO RESULT
OF THE CANVASS OF THE CITY OF DANA POINT
SPECIAL MUNICIPAL ELECTION RETURNS**

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss.

I, Neal Kelley, Registrar of Voters of Orange County, do hereby certify the following to be a full, true and correct Statement of the Vote of the City of Dana Point Special Municipal Election held on June 7, 2016.

CITY OF DANA POINT

MEASURE H

YES	6,477
NO	4,557

MEASURE I

YES	4,561
NO	6,449

PRECINCT BALLOTS CAST:	4,756
VOTE-BY-MAIL BALLOTS CAST:	7,112
TOTAL BALLOTS CAST:	11,868

I hereby certify that the number of votes cast for each measure is as set forth above and appears in the Certified Statement of the Vote.

WITNESS my hand and Official Seal this 27th day of June, 2016.



NEAL KELLEY
Registrar of Voters
Orange County

Orange County Statement of Votes

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H-City of Dana Point,												
Precinct	Party Member Registration	Ballots Cast	Turnout	H-City of Dana Point,	Non-Partisan	Yes	No					
41100	590	391	66.27%			278	104					
41121	944	570	60.38%			370	183					
41123	747	390	52.21%			228	130					
41124	727	470	64.65%			273	159					
41155	628	309	49.20%			179	99					
41156	553	288	52.08%			160	104					
41161	800	439	54.88%			215	178					
41162	602	341	56.64%			188	132					
41169	504	251	49.80%			123	96					
41224	523	323	61.76%			184	121					
41291	1024	610	59.57%			337	237					
41292	902	505	55.99%			229	244					
41293	776	426	54.90%			267	134					
41298	775	494	63.74%			265	181					
41300	600	280	46.67%			158	104					
41301	742	452	60.92%			316	111					
41302	1083	607	56.05%			345	238					
41375	865	513	59.31%			222	233					
41378	750	423	56.40%			180	199					
41701	1530	836	54.64%			340	432					
41702	1053	666	63.25%			400	230					
41703	1097	684	62.35%			374	258					
41704	1021	623	61.02%			315	262					
41705	1376	977	71.00%			533	388					
Totals:	20212	11868	58.72%			6477	4557					

Early Voting Totals

Orange County Statement of Votes

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District	Party Member Registration	Ballots Cast	Turnout	H-City of Dana Point,			
				H-City of Dana Point,	Non-Partisan	Yes	No
H-City of Dana Point,							
36th Senate District	20212	0	0.00%			0	0
49th Congressional District	20212	0	0.00%			0	0
5th Supervisorial District	20212	0	0.00%			0	0
73rd Assembly District	20212	0	0.00%			0	0
Capistrano Unified School District	20212	0	0.00%			0	0
Capistrano Unified School District Trustee Area	16570	0	0.00%			0	0
Capistrano Unified School District Trustee Area	5172	0	0.00%			0	0
County Board of Education Trustee Area 5	20212	0	0.00%			0	0
Dana Point	20212	0	0.00%			0	0
Moulton-Niguel Water District	902	0	0.00%			0	0
Moulton-Niguel Water District Division 4	902	0	0.00%			0	0
Municipal Water District Of Orange County	20212	0	0.00%			0	0
Municipal Water District of Orange County Div	20212	0	0.00%			0	0
Orange County	20212	0	0.00%			0	0
South Coast Water District	17362	0	0.00%			0	0
South Orange County Community College Distr	20212	0	0.00%			0	0
South Orange County Community College Distr	20212	0	0.00%			0	0
State Board of Equalization (4th District)	20212	0	0.00%			0	0
Totals:	20212	0	0.00%			0	0

Vote-by-Mail Totals

Orange County Statement of Votes

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H-City of Dana Point,							
District	Party Member Registration	Ballots Cast	Turnout	H-City of Dana Point,	Non-Partisan	Yes	No
36th Senate District	20212	7112	35.19%			3770	2918
49th Congressional District	20212	7112	35.19%			3770	2918
5th Supervisorial District	20212	7112	35.19%			3770	2918
73rd Assembly District	20212	7112	35.19%			3770	2918
Capistrano Unified School District	20212	7112	35.19%			3770	2918
Capistrano Unified School District Trustee Area	16570	5803	35.02%			3092	2349
Capistrano Unified School District Trustee Area	5172	1835	35.48%			891	853
County Board of Education Trustee Area 5	20212	7112	35.19%			3770	2918
Dana Point	20212	7112	35.19%			3770	2918
Moulton-Niguel Water District	902	319	35.37%			130	169
Moulton-Niguel Water District Division 4	902	319	35.37%			130	169
Municipal Water District Of Orange County	20212	7112	35.19%			3770	2918
Municipal Water District of Orange County Div	20212	7112	35.19%			3770	2918
Orange County	20212	7112	35.19%			3770	2918
South Coast Water District	17362	6063	34.92%			3270	2423
South Orange County Community College Dist	20212	7112	35.19%			3770	2918
South Orange County Community College Dist	20212	7112	35.19%			3770	2918
State Board of Equalization (4th District)	20212	7112	35.19%			3770	2918
Totals:	20212	7112	35.19%			3770	2918

Grand Totals

Orange County Statement of Votes

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District	Party Member Registration	Ballots Cast	Turnout	H-City of Dana Point,			
				H-City of Dana Point,	Non-Partisan	Yes	No
H-City of Dana Point,							
36th Senate District	20212	11868	58.72%			6477	4557
49th Congressional District	20212	11868	58.72%			6477	4557
5th Supervisorial District	20212	11868	58.72%			6477	4557
73rd Assembly District	20212	11868	58.72%			6477	4557
Capistrano Unified School District	20212	11868	58.72%			6477	4557
Capistrano Unified School District Trustee Area	16570	9755	58.87%			5360	3704
Capistrano Unified School District Trustee Area	6172	2949	57.02%			1457	1285
County Board of Education Trustee Area 5	20212	11868	58.72%			6477	4557
Dana Point	20212	11868	58.72%			6477	4557
Moulton-Niguel Water District	902	505	55.99%			229	244
Moulton-Niguel Water District Division 4	902	505	55.99%			229	244
Municipal Water District Of Orange County	20212	11868	58.72%			6477	4557
Municipal Water District of Orange County Div	20212	11868	58.72%			6477	4557
Orange County	20212	11868	58.72%			6477	4557
South Coast Water District	17362	10243	59.00%			5681	3842
South Orange County Community College Dist	20212	11868	58.72%			6477	4557
South Orange County Community College Dist	20212	11868	58.72%			6477	4557
State Board of Equalization (4th District)	20212	11868	58.72%			6477	4557
Totals:	20212	11868	58.72%			6477	4557

Orange County Statement of Votes

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I-City of Dana Point,													
Precinct	Party Member Registration	Ballots Cast	Turnout	I-City of Dana Point,	Non-Partisan	Yes	No						
41100	590	391	66.27%			97	282						
41121	944	570	60.38%			158	394						
41123	747	390	52.21%			127	233						
41124	727	470	64.65%			171	265						
41155	628	309	49.20%			94	183						
41156	553	288	52.08%			116	146						
41161	800	439	54.88%			168	224						
41162	602	341	56.64%			123	198						
41169	504	251	49.80%			99	122						
41224	523	323	61.76%			115	188						
41291	1024	610	59.57%			218	354						
41292	902	505	55.99%			235	231						
41293	776	426	54.90%			125	273						
41298	775	494	63.74%			177	265						
41300	600	280	46.67%			105	154						
41301	742	452	60.92%			119	310						
41302	1083	607	56.05%			239	343						
41375	865	513	59.31%			266	194						
41378	750	423	56.40%			194	178						
41701	1530	836	54.64%			462	307						
41702	1063	666	63.25%			227	406						
41703	1097	684	62.35%			260	369						
41704	1021	623	61.02%			271	308						
41705	1376	977	71.00%			395	524						
Totals:	20212	11868	58.72%			4561	6449						

Early Voting Totals

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I-City of Dana Point,								
District	Party Member Registration	Ballots Cast	Turnout	I-City of Dana Point,	Non-Partisan	No	Yes	
36th Senate District	20212	0	0.00%			0	0	0
49th Congressional District	20212	0	0.00%			0	0	0
5th Supervisorial District	20212	0	0.00%			0	0	0
73rd Assembly District	20212	0	0.00%			0	0	0
Capistrano Unified School District	20212	0	0.00%			0	0	0
Capistrano Unified School District Trustee Area	16570	0	0.00%			0	0	0
Capistrano Unified School District Trustee Area	5172	0	0.00%			0	0	0
County Board of Education Trustee Area 5	20212	0	0.00%			0	0	0
Dana Point	20212	0	0.00%			0	0	0
Moulton-Niguel Water District	902	0	0.00%			0	0	0
Moulton-Niguel Water District Division 4	902	0	0.00%			0	0	0
Municipal Water District Of Orange County	20212	0	0.00%			0	0	0
Municipal Water District of Orange County Div	20212	0	0.00%			0	0	0
Orange County	20212	0	0.00%			0	0	0
South Coast Water District	17362	0	0.00%			0	0	0
South Orange County Community College Dist	20212	0	0.00%			0	0	0
South Orange County Community College Dist	20212	0	0.00%			0	0	0
State Board of Equalization (4th District)	20212	0	0.00%			0	0	0
Totals:	20212	0	0.00%			0	0	0

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Vote-by-Mail Totals

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I-City of Dana Point.							
District	Party Member Registration	Ballots Cast	Turnout	I-City of Dana Point.	Non-Partisan	Yes	No
36th Senate District	20212	7112	35.19%			2893	3780
49th Congressional District	20212	7112	35.19%			2893	3780
5th Supervisorial District	20212	7112	35.19%			2893	3780
73rd Assembly District	20212	7112	35.19%			2893	3780
Capistrano Unified School District	20212	7112	35.19%			2893	3780
Capistrano Unified School District Trustee Area	16570	5803	35.02%			2325	3105
Capistrano Unified School District Trustee Area	5172	1835	35.48%			874	863
County Board of Education Trustee Area 5	20212	7112	35.19%			2893	3780
Dana Point	20212	7112	35.19%			2893	3780
Moulton-Niguel Water District	902	319	35.37%			156	138
Moulton-Niguel Water District Division 4	902	319	35.37%			156	138
Municipal Water District Of Orange County	20212	7112	35.19%			2893	3780
Municipal Water District of Orange County Div.	20212	7112	35.19%			2893	3780
Orange County	20212	7112	35.19%			2893	3780
South Coast Water District	17362	6083	34.92%			2399	3284
South Orange County Community College Distr	20212	7112	35.19%			2893	3780
South Orange County Community College Distr	20212	7112	35.19%			2893	3780
State Board of Equalization (4th District)	20212	7112	35.19%			2893	3780
Totals:	20212	7112	35.19%			2893	3780

Resolution No. 16-07-05-01
Special Election – June 7, 2016
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Grand Totals

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I-City of Dana Point,							
District	Party Member Registration	Ballots Cast	Turnout	I-City of Dana Point,	Non-Partisan	Yes	No
36th Senate District	20212	11868	58.72%			4561	6449
49th Congressional District	20212	11868	58.72%			4561	6449
5th Supervisorial District	20212	11868	58.72%			4561	6449
73rd Assembly District	20212	11868	58.72%			4561	6449
Capistrano Unified School District	20212	11868	58.72%			4561	6449
Capistrano Unified School District Trustee Area	16570	9755	58.87%			3704	5340
Capistrano Unified School District Trustee Area	5172	2949	57.02%			1319	1418
County Board of Education Trustee Area 5	20212	11868	58.72%			4561	6449
Dana Point	20212	11868	58.72%			4561	6449
Moulton-Niguel Water District	902	505	55.99%			235	231
Moulton-Niguel Water District Division 4	902	505	55.99%			235	231
Municipal Water District Of Orange County	20212	11868	58.72%			4561	6449
Municipal Water District of Orange County Div	20212	11868	58.72%			4561	6449
Orange County	20212	11868	58.72%			4561	6449
South Coast Water District	17362	10243	59.00%			3821	5681
South Orange County Community College Dist	20212	11868	58.72%			4561	6449
South Orange County Community College Dist	20212	11868	58.72%			4561	6449
State Board of Equalization (4th District)	20212	11868	58.72%			4561	6449
Totals:	20212	11868	58.72%			4561	6449

SUPPORTING DOCUMENT C

Petition for Submission to Voters of Proposed Amendment to the Ordinances of the City of Dana Point

To the City Council of the City of Dana Point:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Dana Point, pursuant to Section 3 of Article XI of the California Constitution, present to the City Council of the City of Dana Point this petition and request that the following proposed amendment of the ordinances be submitted to the registered and qualified voters of the City of Dana Point for their adoption or rejection at a special election held pursuant to Section 1405(a) of the California Elections Code.

Following is the full text of the Proposed Measure:

The people of the City of Dana Point, California do ordain as follows:

Title: The 2015 Town Center Initiative

Section 1. Name

This ballot measure shall be known and may be cited as "The 2015 Town Center Initiative," and shall be referred to herein as "the Act."

Section 2. Purpose

The people desire that the requirements and intent of the Town Center Plan, the "Plan", approved by the California Coastal Commission, be implemented through this ordinance to promote the area as a "primary business district in the city" with a "small town village atmosphere" containing pedestrian friendly businesses, shops and restaurants; and as a major center of social and economic activity with adequate and convenient public parking. To further these objectives, the Act recodifies and amends the Plan to better regulate future land use in the Town Center.

Section 3. Amendment and Readoption of 2008 Town Center Plan

- A. By this Act, the People of Dana Point readopt and recodify the Town Center Plan in its entirety, included in full as Exhibit A to this Act, as amended as set forth below and as set forth identically in Exhibit A. New text is underlined; deleted text is shown by ~~strikeout~~.
- B. The text on page 31 of the section of the Town Center Plan titled Maximum Building Height is amended as follows:

Building height impacts the overall quality of the buildings in the Town Center and the ground floor retail and upper floor residential uses, in particular. Height impacts not only the general identity and character of the Town Center, but also "blue water" views from upland residential areas. The Town Center Plan limits the height of buildings to 40 feet and three stories which would allow for an 18-foot ground floor height (measured floor to floor) that would improve store frontages and benefit retailers as depicted to the right and below. The 40 foot height limit is a maximum to be strictly applied, and includes guard rails, decorative features, stairwells, elevators and equipment serving ADA requirements, except for the required mechanical equipment as set forth in the section titled Permitted Encroachments into Maximum Building Height and Roof Decks. To inform the public, story pole staking is required for 20 days. The story pole staking shall, at a minimum delineate the 40 foot height limit for all sides of the building and a vertical drop to the ground at each corner of the proposed structure plus any proposed elements needing a variance. Story pole staking is not required for mechanical elements or chimneys.

C. Maximum Building Height (table) on page 31 is amended as set forth below:

MAXIMUM BUILDING HEIGHT	
• Maximum Height	40 feet 3 stories (1)(2)
• Building Height Measurement	Measure building height from the level of the sidewalk at the midpoint of the front property line. The elevation of the 40 foot limit is to be determined by averaging the elevation of highest area of the ground in the plot and the lowest area and then adding 40 feet. Count 2 stories of above-grade structured parking as a single story when fronted by single story of usable groundfloor space, such as a shop front.

(1) Count two levels of above-grade parking as a single story when fronted by a single story of retail space not exceeding 20 feet in height (measured from floor to floor).

(2) ~~Additional height permitted for encroachments with a Conditional Use Permit.~~

D. The text and table on pages 32 and 33 of the Town Center Plan titled Permitted Encroachments into Maximum Building Height and Roof Decks is amended as follows:

Encroachments beyond the maximum height limit are strictly prohibited except under the following conditions. Limited encroachments for such items such as mechanical equipment and chimneys require a Site Development Permit and shall not exceed the 40- foot height limit by more than 42 inches. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. Roof decks in the couplet shall not exceed the 40-foot height limit, including guardrails, stairwell, elevator shafts, and any ADA-required equipment. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.
2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.

PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit <u>are strictly limited to required mechanical equipment and chimneys, and shall be reviewed as part of the Site Development Permit process.</u> All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. <u>All structures shall be staked at one time for a minimum of 20 days immediately prior to application for approval to the Planning Commission or the City Council. Staking shall be conducted as set forth in "Maximum Building Height. All encroachments beyond the maximum building height shall be included in the staking</u>	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado) <u>shall not exceed the 40 foot height limit including guardrails, stairwells, elevator shafts and any ADA requirements.</u>	
• Guardrail	42" guardrail required in accordance with Uniform Building Code must be conditionally permitted to exceed maximum building height if setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	Conditionally permitted if Must be setback minimum of 5 feet from face of building

- E. The text and table on page 33 of the Town Center Plan in the section titled Design of Ground floor Building Frontage is amended as follows:

Retail at the street level is a critical component for creating a vibrant, pedestrian- oriented environment. To encourage this, buildings shall be developed in a manner which is conducive to retail-type uses. Buildings fronting on Del Prado and Pacific Coast Highway all streets in the Town Center between Blue Lantern and Golden Lantern (including Pacific Coast Highway, Del Prado Avenue, Ruby Lantern, Amber Lantern, Street of the Violet Lantern, San Juan Avenue, Blue Lantern, and Golden Lantern) shall comply with the design standards described below:

Design of Ground floor Building Frontage <u>Pacific Coast Highway and Del Prado All Streets Between Blue Lantern and Golden Lantern</u>	
• The floor-to-floor dimension between the finished floor of the ground floor of the structure and the floor above shall be at least 18 feet.	
• The depth of ground floor commercial space from storefront to rear shall be at least 40 feet.	
• The interior finished floor elevation shall be level with the adjacent sidewalk at least every 50 linear feet. Pedestrian access to the building shall be flush with the sidewalk.	

- F. The text on page 37 of the Town Center Plan in the section titled "Parking Requirements," is amended as followed:

In order to strengthen the concentration and continuity of retail within the Town Center, a number of modifications to the existing parking requirements are included. The minimum number of parking stalls by use, as detailed in the Dana Point Zoning Code, applies within the Town Center. However, within the proposed parking district, which extends from Blue Lantern to Golden Lantern within the Town Center (as shown on the Parking Strategy diagram on page 17), the developer may pay a fee for off-site public parking in lieu of providing on-site parking for retail and restaurant uses. The fee for in- lieu parking shall be the estimated costs to the city of providing replacement parking spaces, with a minimum of \$40,000 per space, the cost estimated in Dana Point's Nelson- Nygaard parking study in 2013, and increasing according to the rate of inflation annually thereafter. Several diagrams of pedestrian-oriented parking solutions follow on the next page.

Section 4. Amendments to Municipal Code section 9.26.010

Municipal Code section 9.26.010 is amended as follows: "9.26.010 Town Center District and Regulations.

- a. The land use and development regulations for this area are contained in the Dana Point Town Center Plan included as Appendix E of the Dana Point Zoning Code. (Added by Ord. 06-17, 12/13/06; amended by Ord. 08-08, 6/17/08; amended by this voter initiative.) These provisions shall apply to all Town Center projects seeking building permits or entitlements.
- b. A maximum limit of three stories and 40 foot height, plus the required setbacks and step backs shall be strictly applied. Encroachments beyond the maximum height limit are strictly limited to required mechanical equipment and chimneys and may not exceed 42 inches.
- c. Professional business/office uses are preferred uses on the second and third floors of all new construction in the Town Center area.
- d. All parking requirements of Dana Point Municipal Code section 9.35.080, subdivision (e) shall be strictly enforced for each use within a building, including requirements for guest spaces for residential units which cannot be shared with retail requirements. In the Town Center area, parking spaces for residences shall be provided on site; no reduction of required parking spaces shall be granted for bicycle spaces; no credit for parking spaces on public property shall be given.
- e. All off-street loading facility standards of Dana Point Municipal Code section 9.35.090 shall be strictly enforced.

enforced for loading spaces in the Town Center area. Loading spaces shall be provided on site or located along public streets only when lost public parking spaces are provided on site beyond other applicable parking requirements.

f. Review process for new projects: City shall provide the public with relevant project material for any proposed project in the Town Center area (including but not limited to building plans, elevations, site maps, story poling dates, staff reports, and parking analysis), on the city's official website , two weeks prior to any study sessions, public meetings, Planning Commission meetings or City Council meetings.

g. Requested variances for projects shall be supported by evidence that the underlying conditions meet the statutory requirements of Dana Point Municipal Code section 9.67.050. The Dana Point City Attorney shall provide a formal legal opinion for each requested variance in the Town Center area certifying whether the conditions of section 9.67.050 are fully met and whether evidence supports granting the variance.

h. If there is any conflicts between subdivisions (b) to (g) and the details within Dana Point Town Center Plan, subdivision (b) to (g) in total and separately shall be the governing requirements.

Section 5. Implementation

- A. The date the notice of intention to circulate this initiative measure was submitted to the City's elections official is referenced herein as the "submittal date." Where zoning ordinances are cross-referenced in this initiative, the applicable version of those zoning provisions shall be the provisions in effect on the submittal date. The City General Plan, the Town Center Plan and Zoning Ordinances in effect on the submittal date and the Town Center Plan and Zoning Ordinances as amended by this initiative comprise an integrated, internally consistent, and compatible statement of policies for the City. In order to ensure that nothing in this initiative measure would prevent the City General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan, the Town Center Plan, or the Zoning Ordinance that is adopted between the submittal date and the date that the Town Center Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with any provisions of this initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this initiative and other elements of the General Plan.
- B. The City Council is hereby authorized and directed to amend the City General Plan, all specific plans, including the Town Center Plan, the City Zoning Ordinance, the Zoning Map, and any other ordinances and policies, and to request Coastal Commission approval of any amendments to the Local Coastal Program, if necessary, to implement this initiative and to the extent any of the foregoing are affected by this initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this initiative and other elements of the foregoing laws and policies.

Section 6. Inconsistent Provisions Repealed

Any provisions of the Dana Point Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent with this Act, to the extent of such inconsistencies and no further, are hereby repealed. The amendments to the Town Center Plan and the Zoning Ordinance set forth in Sections 4 and 5, above, express the voters' intent to eliminate any possible inconsistency between the referenced plans and the referenced zoning. It is the voters' intent that the zoning regulations contained in Section 5 be read and construed in full harmony with the the General Plan and the Town Center Plan.

Section 7. Judicial Enforcement and Liberal Construction

Any aggrieved person or Dana Point registered voter shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or City failure to enforce the duties imposed on it by this Act. The provisions of this Act shall be construed liberally to effectuate its intent and purposes.

Section 8. Adoption Date and Effective Dates

If the City Council approves this measure, or if a majority of the voters pass this Act, it shall become a valid enactment of the City, binding on the City Council and all other City officials, as of the earliest date allowed by law.

Section 9. Competing Measures

If this initiative measure and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 10. Future Amendments

This Act may be amended or rescinded only by a vote of the People at a municipal election.

Section 11. Severability

This Act shall be interpreted so as to be consistent with all federal, state and local laws, rules and regulations, including the Local Coastal Program. If any section, subsection, subdivision, clause, sentence, phrase or portion of this Act is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases and portions shall remain in full force and effect, and to this end the provisions of this Act are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Act without the section, subsection, subdivision, clause, sentence, phrase or portion held unconstitutional or invalid.

CITY OF CALIFORNIA

2015 MAR 13 A 8:30

CITY CLERK'S DEPARTMENT

2008 Town Center Plan As Amended by This Initiative

Exhibit A

Dana Point Town Center Plan

CITY OF DANA POINT

JUNE 2008

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Introduction and Overview

Executive Summary

This plan for the Dana Point Town Center focuses on the commercial area primarily contained within or immediately adjacent to the existing one-way Pacific Coast Highway (PCH) and Del Prado couplet. Located in the geographic center of the community, this area is also its historic heart. It evolved from a rest-stop along the Camino Real into a collection of restaurants and shops that have not met their full potential to serve the needs of today's residents for shopping, dining, entertainment, and the wide range of social activities that give meaning and identity to a town center.

This planning document is the culmination of years of effort and initiative on the part of the residents to wrest control from state and county agencies and to provide guidance to the City of Dana Point. It sets forth specific policies, standards and guidelines that will become the basis for amendments to the General Plan, Coastal Plan, and Zoning Ordinance. In keeping with the aspirations of the community, greater emphasis will be placed on the pedestrian and the bicyclist in addition to the needs of the automobile and buses in allocating the use of space within the public rights of way.

The Town Center Plan calls for a greater mix of uses in the Town Center. Adding residential uses and increasing pedestrian-oriented retail and commercial offices will help to create a more

dynamic, interesting and attractive place for both residents and visitors. A greater continuity of activities along the streets is encouraged through the development of public parking in central locations, making the Town Center more accessible and walkable for those arriving from outside the immediate vicinity. The plan supports the historic legacy of the Town Center and provides direction on detailed elements, such as public art and signage to enrich the Town Center and reinforce its pedestrian orientation and interest.

History of Dana Point's Town Center

Over the past century, the town of Dana Point has come into being and found its own identity as an independent municipality within the rapidly growing metropolitan region of Orange County. Early in the history of the



A mixed-use environment creates a more dynamic, interesting and attractive place for both residents and visitors.

area, peaceful Native Americans benefited from abundant natural resources, and nearby San Juan Capistrano became an important center for dissemination of culture and religion for the Spanish missionaries. Later, cattle grazing lands supplied hides to sea traders, and the small town was visited briefly in 1835 by the notable Bostonian Richard Henry Dana, who mentioned Capistrano Bay in his book "Two Years Before the Mast" and for whom the town is named.

In the 20th century, improvements in rail and road connections opened up the area from the north and east, enabling enterprising individuals to begin the process of land speculation and development. In 1923, a financial syndicate purchased 900 acres for a planned town and constructed an overlook at the end of what is now Blue Lantern to showcase ocean views and beach access. Without a paved highway, the town failed to materialize; yet the dream of a seaside resort took root. In 1929, the Roosevelt Coast Highway was paved and completed. A Los Angeles developer, Sydney Woodruff, acquired the 900 acres, as well as land to the south totaling 1,400 acres. Capitalizing on

coastal history, Woodruff promoted a new town evoking the romance of the past combined with modern amenities, such as underground utilities and colored street lanterns with matching street names, flower beds and house numbers. An initial street grid oriented to the bluff and ocean beyond was platted. "Lantern" streets crossing the downtown recalled coastal lore about lanterns illuminating the coastline for ships traveling offshore at night. Cross streets provided a well-scaled framework for pedestrian and vehicular connections as well as sweeping views of the ocean and the harbor below. Additional lookouts were later built at Amber Lantern, Violet Lantern and Old Golden Lantern, with connections to scenic bluff trails and to Heritage Park which cascades down the slope to the water.

As illustrated in the Woodruff plan to the left, the coastal town was to be built into the sloping hills, offering ocean views for all and recreational facilities along the beach and hillsides. A few Mediterranean-style houses were erected and several lots were sold, but again the town failed to materialize. As town building faltered, the Great Depression hit. Development came to an abrupt halt, leaving a handful of buildings and residents sparsely occupying parcels within the initial street grid in what is now the Town Center.

Changes in the coastal routes along the shoreline impacted the Town Center. In the 19th century, El Camino Real marked a route of travel for the Spanish missionaries, part of which was paved and named the Roosevelt Highway in the early 20th century, and later extended to become the Pacific Coast Highway, linking this part of the coast with towns and villages along 1,000 miles from Washington to Mexico. Del Prado, the promenade, connects with the Pacific Coast Highway at Blue Lantern and Copper



The Woodruff Plan, 1928

Lantern in a couplet that defines the center of Dana Point. Pacific Coast Highway, originally a two-way facility, now traverses the Town Center, forming a one-way couplet with Del Prado. Today, more than 30,000 commuters ply the Town Center couplet daily.

As the aerials to the right illustrate, it was not until the 1950s that development regained its momentum with the postwar economic boom and the advent of the motor age. A building frenzy ensued as apartment buildings, highways, and, briefly, an airport were erected. Orange groves were plowed under to make room for subdivisions. In 1962, Congress appropriated money for the construction of Dana Point Harbor which occurred in the 1970s. Several luxury hotel accommodations are located within the city, including the St. Regis and the Ritz Carlton. Immediately upcoast of the Town Center, one of the last coastal promontories, the Headlands, is now being developed with custom residential lots and a small inn in the midst of open spaces and steep bluffs. The hotels, together with Dana Point's beaches and parks, draw over two million visitors annually, enough tourists to fill its 1,820 hotel beds and generate over \$8 million in occupancy tax revenue for the city's coffers. Today, with only 35,110 residents in 6.7 square miles, Dana Point is a small town, but it is dominated by a regional scale highway within the Town Center.

The Town Center is adjacent to established neighborhoods within the city as depicted below. Within the Town Center, there are over 200 retailers and businesses ranging in size from small storefronts of 600 square feet to larger tenants, such as the post office with 18,000



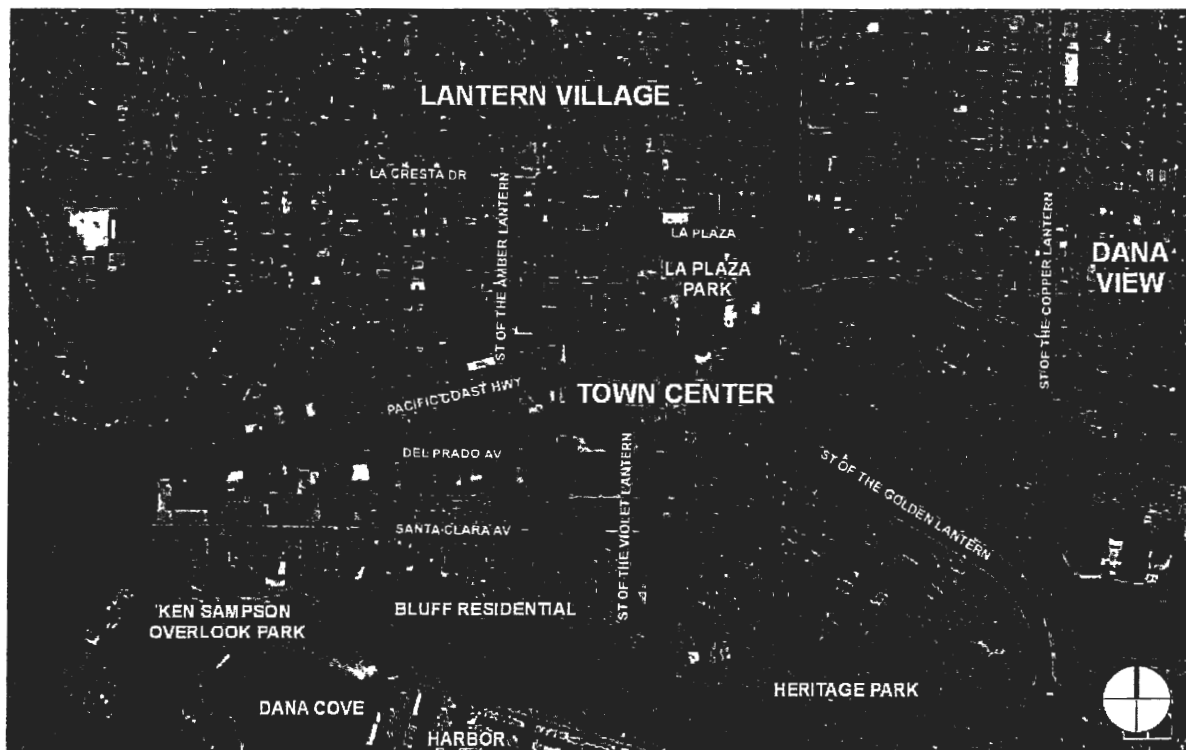
Development over a 50-year timeframe.

square feet and Ralphs with 35,000 square feet. Sixty are unique to Dana Point. Several well-established surf and sports shops reflect Dana Point's surfing heritage and destination appeal for surfing and ocean recreation. A cluster of plant nurseries, florists and landscaping services date to the 1940s and embody the landscape potential of the Southern California coastal environment. There are also a variety of restaurants and eating establishments within the center – the best of which offer not only good food, but also a sociable outdoor environment for eating and drinking. The Town Center also offers a range of local services including food markets, drugstores, a hardware store, a post office as well as medical/dental and professional offices and financial institutions. In addition, the Town Center is the location of special events such as the annual Festival of Whales Parade,

Street Faire in March, the newly-established Saturday market in La Plaza and the First Friday Art Show.

Issues and Opportunities

Successful town centers provide local services and convenient shopping, afford opportunities for recreation and socializing, become the location for community-wide events and celebrations and project a strong sense of place. Readily recognized as the location where people enjoy public life, town centers play a significant role in the image and identity of the community. Typically, thriving town centers have a significant worker and resident population located within easy walking distance, creating a critical population density both in the daytime and in the evening. Seeing people on



TOWN CENTER PLAN AREA

the streets and in cafes or restaurants strengthens the appeal of a town center. Outdoor seating encourages people to stay and visit. While a town center that is enjoyed by residents is almost always attractive to visitors, a town center that only appeals to visitors may not be attractive to residents. Balancing a sense of local identity with a dynamic destination benefits both residents and visitors. Tourists offer direct value to the communities they visit by expanding economic support for retail uses and providing the basis for a more diverse range of goods and services as well as restaurants, entertainment or cultural venues.

Strong town centers build on the local natural, historic, and cultural qualities of a community, thus establishing a distinctive sense of place. Several conditions limit Dana Point's Town Center from realizing its full potential as a vibrant, engaging and sociable activity center and attractive destination for residents and visitors:

Pacific Coast Highway and Del Prado Traffic: Both PCH and Del Prado provide more roadway capacity than needed which encourages traffic to move quickly through the Town Center, giving drivers few clues that they have arrived at the community's core. The flow of traffic does not tempt the driver to stop and explore, nor does it allow the Town Center to reveal itself as a unique and memorable place.

Lack of a Strong Pedestrian Environment: There are few places in Dana Point's Town Center where the pedestrian is given priority over the automobile. Narrow sidewalks combined with traffic noise and fumes make pedestrians feel exposed and unwelcome. Frequent driveway curb cuts interrupt the continuity of the sidewalk environment, and the predominance



The highway environment of Del Prado and Pacific Coast Highway does not tempt the driver to stop and tarry.



The on-site parking requirement contributes to the fragmented pattern of development in the Town Center.



The post office is part of a distribution facility that divides the Town Center.



Readily recognized as the place where people enjoy public life, town centers play a significant role in the image and identity of the community.

of surface parking lots makes it clear that the automobile is the primary mode of transport.

Lack of a Critical Mass and Mix of Retail Uses:

While there are a number of strong and unique retailers within the Town Center, market analysis indicates that there is significant unrealized retail potential. In Dana Point, many sectors of a well-established town center retail market are underrepresented, such as home improvement, apparel, and bookstores. In addition, the distribution of existing uses lacks the kind of clustering and organization that encourages synergy between similar activities.

Although there are underutilized or vacant sites within the Town Center, opportunities are limited for new larger “anchor” establishments that could further the diversity and appeal of the area. This is due in large part to the requirement for individual businesses to meet all of their parking needs on site which results in more than half of a typical parcel being dedicated to surface parking. In addition, this pattern of development has prevented Dana Point from achieving a critical retail mass and a pedestrian environment that encourages multideestination shopping and a sociable and attractive setting that extends and enhances the shopping experience.

Lack of Housing in the Downtown: Although adjacent to neighborhoods, there is very little housing within Dana Point's Town Center. The current zoning ordinance limits housing to the area south of Del Prado and limits the intensity of residential development to 10 units per acre, a density equivalent to a single-family neighborhood. The addition of a greater mix of housing types within the Town Center could broaden the diversity of activities, and provide a population of residents to support retail businesses. The presence of residents within the Town Center will generate activity and increase the number of eyes on the street, improving both the streetlife and the sense of security throughout the day and evening. Additional residents could also offer a range of lifestyle options, complementing the predominantly single-family nature of the surrounding community. In addition, multifamily residential could enhance the economic viability of new development on existing underutilized or vacant parcels by allowing residential uses above retail.

Lack of Cultural or Civic Role: Dana Point has limited civic and cultural activities in its Town Center. City Hall is located elsewhere, and the post office, which used to provide an informal meeting place, is now part of a larger distribution facility that is segregated from the surrounding area. The community has discussed organizing a surfing museum and private collections of unique art and artifacts to contribute a cultural dimension to the Town Center. As part of a streetscape improvement program, there is also the potential for open-air settings for artistic and interpretative installations.

Lack of Landscape Amenities and Open Space Linkages: Dana Point is known throughout the State and the country as a recreational destination with a spectacular beach and coastal environment. But, although lookouts have been built at several streets with a connection to the Dana Point Harbor at Heritage Park, a sense of separation from the coast persists. Improved connections and landscape enhancement of its streets would create an image of a garden-like setting that would reinforce its sense of orientation and linkage to the bluffs, the Harbor and surrounding beaches. The Town Center needs more convenient transportation linkages that augment the shuttle bus in peak summer periods and the pedestrian enhancements that would help integrate the Town Center with the Harbor and beaches.



Extensive public outreach and several public workshops were conducted to gain the community's input.

Public Planning Process and Participation

In response to the community's long-standing recognition that the Town Center falls severely short of fulfilling its potential to be a vibrant, engaging and sociable activity center that is an attractive destination for residents and visitors, the City of Dana Point initiated a planning process and engaged urban design consultants ROMA Design Group to study the area and make recommendations for consideration by the Planning Commission and City Council for the enhancement and improvement of the Town Center.

From the inception of preparing this plan, the need for extensive public participation and involvement was recognized. Numerous public meetings were held to gain input and to consider the recommendations of the consultants, including four public forums, joint Planning Commission and City Council public workshops as well as a year of public meetings hosted by the Town Center Subcommittee, a 15-member group (including two City Council members and one Planning Commissioner) established by the Dana Point City Council for the purpose of furthering deliberation and community discourse on the plan. In all, 30 public meetings were held.

The Town Center Subcommittee worked diligently to review, augment and elaborate on the recommendations where necessary. Over the course of the year, it addressed a number of major topics, including the creation of a pedestrian scale and a unique identity, the appropriate mix and intensity of uses, the desire for strong linkages to the harbor, and a positive relationship to surrounding neighborhoods. Subcommittee deliberations went beyond broad



The Town Center Subcommittee

From left: Steven Weinberg, Jim Howard, Terry Walsh, Kirsten Reynolds, Wayne Rayfield, Karin Schnell, Beverly Sels, (Boris Drarnov, ROMA Design Group), Lara Anderson, Jim Miller, Alice Anderson, Tom Volkmann, Ronna Kincaid; not shown: Yvonne English, Bob Mardian, Georgia Theodor

statements of policy direction to encompass specific solutions and details of implementation. In all, the work of the Subcommittee demonstrated the eagerness of Dana Point residents, after years of state and county rule, to claim their right not only to envision a better future for the Town Center but also to craft a specific and uniquely local route for getting there.

An extensive public outreach program accompanied the Subcommittee's year-long efforts. The program included direct mailing of meeting notices to businesses and their property owners in the Town Center and residents in the surrounding neighborhoods. Ads were placed in the local papers with details about community workshops, joint meetings,

individual subcommittee meetings and focused forums. Meeting notices and reminders were also hand distributed to Town Center businesses. Street banners, posted throughout the city entrances, reminded people of meeting dates, times, and locations. New databases were implemented to improve communication with existing businesses and residents in and around the planning area. A Town Center Web site was incorporated into the city's site, with public outreach resource links that included fact sheets about the project, traffic, frequently asked questions, maps, and presentations. An in-depth survey was implemented with a comment section, and a dedicated Town Center phone number and e-mail address were also implemented so people could request

additional information. All meeting agendas, minutes, and summaries of workshops, with details and visuals, were also posted on the Web site. Over 300 newspaper articles, scans, briefs, maps, drawings and feature stories were published in local papers, magazines, and the city's recreation guides. Fact sheets, maps, and flyers were converted and printed as handouts to inform, educate, and increase awareness about the Town Center Plan process and to solicit community input. Feedback was also solicited with the collection of meeting comment forms, presentations from local residents, and public outreach to local clubs and organizations throughout the community. Over 2,800 information packets were distributed. A downtown Shopping Guide was produced, highlighting the goal to create a vibrant, pedestrian-friendly downtown that will serve residents and visitors alike – a place to shop, work, live, play, and socialize. The publication included a detailed map listing all existing retail, shopping, and restaurant businesses to encourage visitors and locals to shop in Dana Point. These were available as handouts and were given to existing businesses with brochure holders to encourage their involvement and participation. A Town Center photo file was compiled and newsletters developed and mailed to every resident in the city. A Town Center resource library was established. There was also extensive networking with the Dana Point Harbor Association, Chamber of Commerce, and local resorts.

Guiding Principles

While the planning process for the Town Center generated a great deal of lively debate and discussion, it has been predicated upon significant agreement about its need for improvement. In June 2005, the City Council adopted ten principles that stemmed from public meetings and guided Town Center planning, and these are as follows:

1. Keep the family-oriented, beach community character of Dana Point.
2. Slow down the speed of traffic through the Town Center, maintaining efficient and safe vehicular, pedestrian and bicycle travel.
3. Create a distinct character and identity in the Town Center, while preserving public views and vistas.
4. Consider and mitigate the effects of traffic, noise and lights on residential areas.
5. Stress our surfing/coastal history – seven miles of beautiful coastline linking Capistrano Beach, Dana Point, Monarch Beach – five miles of beaches.
6. Encourage culture, arts and socializing – day and night.
7. Provide activities and attractions for visitors and residents alike.
8. Link the Town Center with the harbor businesses and activities.
9. Minimize disruption to existing businesses by City-sponsored improvements.
10. Create the Town Center without resorting to the creation of redevelopment planning areas or eminent domain.

Purpose and Intent of the Town Center Plan

The purpose of the plan is to establish a framework of policies and development standards that will help guide the transformation of the Town Center into a pedestrian-oriented, mixed-use district that serves the community more effectively and creates a more meaningful and memorable place that adds to the identity and quality of life in Dana Point. The plan represents a departure from other planning documents previously prepared by the city in that it focuses on a single district that is of broad community value and importance, and it addresses issues related to its future at a much greater level of specificity than the City's General Plan or Zoning Ordinance. It is a plan for a specific district that touches upon all of the elements that guide future change and addresses these holistically with an emphasis on how each element can be implemented.

A great level of detail is contained within this document, in the guiding framework of goals and policies and in the vision for the character of future development. Each of the following sections will be considered for adoption by the Planning Commission and City Council, as well as the Coastal Commission, as revisions and amendments to existing policies, standards, and guidelines and will be used as the basis for further development.

Relationship to other Regulatory Documents

The entire Town Center is within the Coastal Zone and is subject to the California Coastal Commission's larger authority over the public resource of the California coast. The General Plan, along with City's Zoning Ordinance, must be certified by the Commission as a Local Coastal Plan to ensure policy compatibility between state and local authorities, particularly with respect to specific issues related to public access and environmental quality related to coastal resources.

Adopted 15 and 20 years ago, the General Plan and Local Coastal Plan are in need of an update with respect to the Town Center area. Both planning documents envisioned creating a Town Center that would be the commercial center for the town and this Plan builds on that vision. Although the policies mentioned greater pedestrian orientation and a mix of uses, there was little recognition of the role that the couplet plays in defining the pattern of land uses and the character of the area.

As communities mature, they naturally become more complex, with additional layers of meaning and history contributing to their identity and to their success as a place. In Dana Point, it is time now to introduce a much greater focus on pedestrian needs and a mix of uses.

Review and Adoption Procedures

The Town Center area is currently zoned Coastal Couplet Commercial (C-CPC), Coastal Recreation Space (C-R), Coastal Minor Commercial (C-MC), and Coastal Residential Commercial (C-RC), per the Dana Point Specific Plan/Local Coastal Program. Adoption of the Town Center Plan would require a General Plan Amendment and Zone Change to modify land use and zoning designations to allow for commercial/residential mixed-use development. An amendment to the Local Coastal Program will also be required. The project would incorporate existing policies within the General Plan and formulate new policies in order to create a mechanism for establishing which uses should be permitted in the project area. To facilitate implementation of the proposed project, the General Plan would be amended concurrently with adoption of the Town Center Plan.

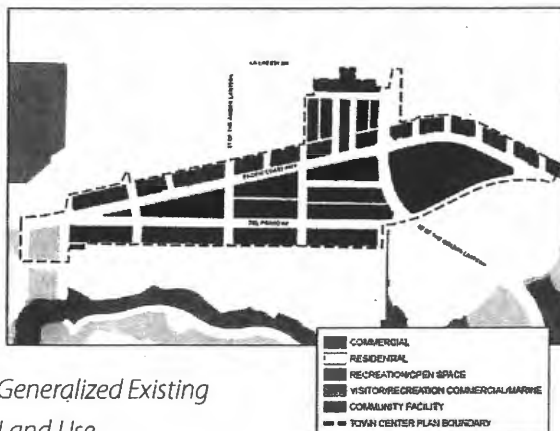
Additionally, changes to the development standards are proposed to support the objectives of greater residential development, retail concentration and continuity, and economic feasibility, while design guidelines would help implement the objectives of the proposed project. Individual development projects within the Town Center would be subject to review for consistency with the General Plan, Local Coastal Program, Town Center Plan, Town Center Development Standards, Town Center Design Guidelines, and other applicable development regulations on a project-by-project basis. All projects would require public hearings.

The Town Center Plan serves as a planning link between the General Plan and individual project-level development within the project area. The Town Center provides area-specific land use Development Standards and Design Guidelines. Upon adoption by the City, the Town Center Plan would provide the framework for development in the project area. The following Land Use Regulations, Design Standards and Design Guidelines provide a new regulatory framework supportive of the desire to build a mixed-use, pedestrian-friendly environment.

If an issue, condition, or situation arises that is not sufficiently covered or provided for by these regulations so as to be clearly understandable, the regulations of the Dana Point Municipal Code that are applicable for the most similar issue, condition, or situation shall be used with approval of the Community Development Director.

Goals and Policies

This chapter outlines a set of policies that guide the transformation of the Town Center into a sociable, pedestrian-oriented place. The recommended policies build on the existing General Plan and Local Coastal Plan to strengthen the role of the Town Center not only as a commercial center but also as an attractive, mixed-use environment. Both of these documents address the future of the Town Center as a specific place, defined geographically by the couplet. Each element is introduced by a goal, which is a broad statement of purpose, and a brief description of intent. The goal is then followed by a series of policies that are more definitive courses of action that support the achievement of a goal. Additionally, plan maps and illustrations are provided to further indicate the intent of goals and policies. Given the general scale of the illustrations in contrast with the more detailed scale at which plan policies must be applied, the illustrations are not meant to be applied literally to specific projects, but rather to provide general guidance.



Generalized Existing
Land Use

Land Use

The type, range and intensity of activity are at the core of life within the Town Center and its successfulness as a place that is attractive and meets the needs of residents. The Town Center Plan emphasizes new residential uses along with strengthening existing retail uses. While existing land uses (diagram to the left) are separated into commercial and residential zones, the Town Center Plan encourages a new, mixed-use district (diagram on following page) in the Town Center.

GOAL: Achieve development in the Town Center area that enhances the area as a primary business district in the City.

Policy 1.1: Provide a diversity of retail, office and residential land uses that establish the Town Center as a major center of social and economic activity in the community.

Policy 1.2: Encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.

Policy 1.3: Establish patterns of land use and circulation that promote the desired pedestrian character of the area.

Policy 1.4: Encourage mixed-use development in the Town Center as illustrated in the Land Use Strategy on the following page.

Policy 1.5: Support street level uses that are pedestrian-oriented and contribute to the vibrancy of the street.

Policy 1.6: Promote professional business/office uses on the upper floors.

Policy 1.7: Periodically review entertainment uses in the Town Center to ensure that cumulative impacts are not detrimental to the city.

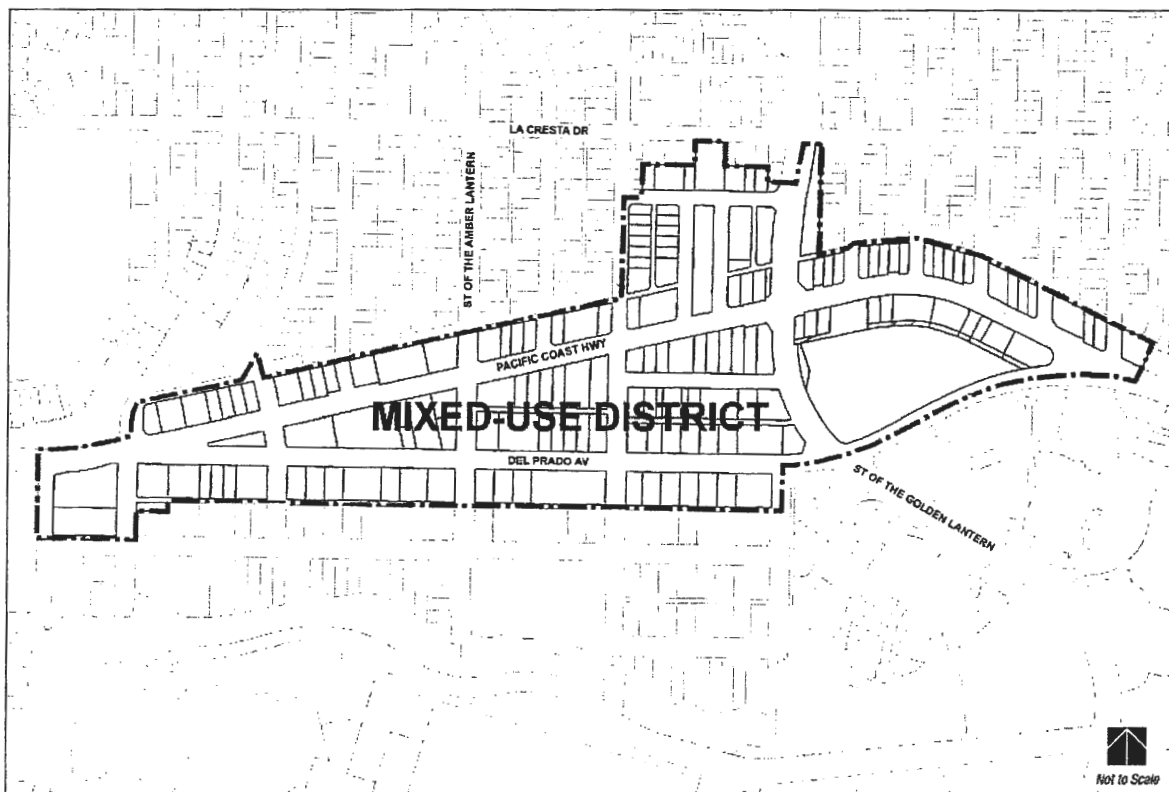
Policy 1.8: The Town Center shall be subject to the applicable requirements of California Government Code Section 65590 et seq. (the Mello Act).

Policy 1.9: Retail service commercial and visitor service commercial uses are priority uses which shall be encouraged within the Town Center.

Policy 1.10: Demolition of Existing Lower Cost Overnight Accommodations.

If demolition of the existing lower cost overnight accommodations in the Town Center planning area is proposed, a fee shall be required in-lieu of providing replacement lower cost motel units. If all the demolished units are replaced by lower cost motel units, the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit for demolition, in order to provide funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Orange County, and within 12 miles of the City of Dana Point's coastal zone.

The Town Center planning area does include one existing 24 room Motel which does provide



LAND USE STRATEGY

lower cost overnight accommodations. The Motel's location is at the northern section of the Town Center planning area and sits between two major three lane roadways, Del Prado and Pacific Coast Highway.

The in-lieu fee for the demolition of the existing motel shall be an amount sufficient to fund provision of lower cost overnight accommodations comparable in number to those that are lost. The required in-lieu fees shall be deposited into an interest-bearing account, to be established and managed by the California Department of Parks and Recreation (CDPR). The entire fee and accrued interest shall be used for renovation of existing structures not currently functioning as overnight accommodations to overnight beach cottages available to the public at the Historic District of Crystal Cove State Park (Cottages 14, 17 and 21). The renovated cottages shall provide at least the same number of beds as units that are demolished and will provide a lower cost beach front overnight experience. All development funded by this account will require review and approval of the Executive Director of the Coastal Commission. Any portion of the fee that remains after five years shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities or other organization acceptable to the Executive Director within 12 miles of the City of Dana Point's coastal zone.

Urban Design / Streetscape

The Town Center Plan endeavors to strengthen the pedestrian scale and character of the couplet area, while balancing the efficient movement of vehicles.

GOAL: Improve the Town Center as one of the

city's primary shopping districts with a small town "village" atmosphere.

Policy 2.1: Improve pedestrian opportunities and create an attractive pedestrian environment within the Town Center. (Coastal Act/30250)

Policy 2.2: Create safety buffers of street trees, planters and street furniture between pedestrian walks and the street along both Pacific Coast Highway and Del Prado. Provide widened sidewalks with a special Town Center streetscape design.

Policy 2.3: Develop pedestrian courtyards and other outdoor spaces with planting and street furniture.

Policy 2.4: Encourage pedestrian-oriented building frontages with shops opening to the public sidewalk, and encourage a maximum amount of retail uses on the first floor.

Policy 2.5: Through effective design guidelines, encourage building designs, intensity and setbacks to be compatible with the desired scale and character of the area. (Coastal Act/30251)



Example of a fountain incorporating public art.

Policy 2.6: Incorporate art features, including public art as an element of development and enhancements.

Policy 2.7: Encourage the use of small spaces for landscaping and mini-parks with art features. Landscaping shall be consistent with policy 2.11.

Policy 2.8: Provide centrally located public restrooms.

Policy 2.9: Develop a plan designing and locating enclosed trash containers in the Town Center.

Policy 2.10: Address the impact of delivery trucks on the circulation system for new development and for new businesses.

Encourage deliveries to utilize the alleyways when feasible.

Policy 2.11: Establish a plant list for trees, shrubs, herbaceous materials and ground cover within the Design Guidelines for Town Center. Non-invasive, primarily drought tolerant plants shall be used.



Active ground level uses contribute to a sociable place.

Policy 2.12: Encourage the design of lighting

that enhances the streetscape and facilitates nighttime use of the Town Center by pedestrians.

Policy 2.13: Increase the number of flowers in the Town Center by adding containers in the city right of way and on streetlights, and encourage businesses to plant flowers where possible, provided a maintenance program is established.

Policy 2.14: Utilize historical lantern design for lighting in public improvements and private development and 2-foot grid sidewalk pattern to reflect historic character.

Policy 2.15: Establish criteria and methods of measure for Levels of Quality (LOQ) for the pedestrian environment (similar to Level of Service for vehicular environment). Require minimum pedestrian LOQ for all new street improvement projects, and establish objectives for future improvements to pedestrian LOQ.



Policy 2.16: Give priority or incentives to businesses that reflect unique merchandise and architecture and promote the sense of character and identity.

Circulation

Circulation and parking are key in upgrading the Town Center. The Town Center Plan envisions the enhancement of existing streets, the provision of centralized public parking and

careful consideration of the phasing of streetscape improvements in order to minimize, to the extent possible, the impact of construction on existing merchants and residents.

GOAL: Slow down the speed of traffic through Town Center while maintaining efficient and safe vehicular, pedestrian and bicycle travel.

Policy 3.1: Reduce the disruptive and negative impact of traffic movements and high traffic speeds in the Town Center.

Policy 3.2: Establish patterns of land use and circulation that promote the desired pedestrian character of the area.

Policy 3.3: Improve pedestrian circulation in the Town Center, including pedestrian linkages with the bluff top lookouts, Heritage

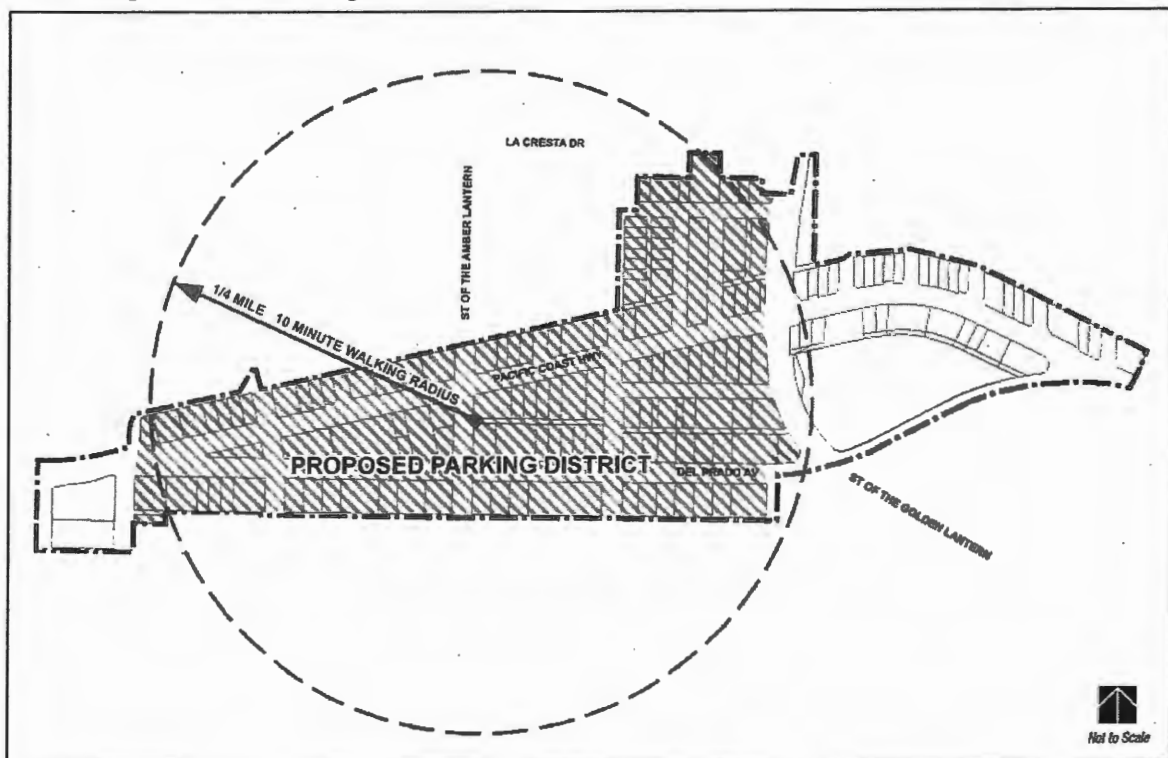
Park, and Dana Point Harbor.

Policy 3.4: Encourage the use of alleys as pedestrian pathways through alleyway beautification and through upgrades to the rear facades of buildings with alley frontage, when appropriate.

Policy 3.5: Create a convenient shuttle service to link the Town Center with the Harbor and hotels.

Policy 3.6: Where alley access is available, locate parking areas in the rear of the property.

Policy 3.7: Investigate other options for linking businesses and events in the Town Center and the Harbor, such as gondolas and escalators.



A 1/4 mile radius, a distance which is considered to be an acceptable walking distance to access a parking facility, is used to identify the portion of the Town Center which could utilize the In-Lieu Parking Program. The proposed parking facility(ies) would be located in this area.

Parking

Accessible and convenient public parking is essential to the health and vitality of the Town Center. Current zoning requirements for the provision of parking on individual parcels have contributed greatly to the fragmented pattern of activities and to the lack of pedestrian activity. The Town Center Plan outlines actions that would expedite parking improvements to support merchants and residents and encourage development on vacant and underutilized parcels. After analyzing the demand for parking, it is expected that the City Council would acquire land in the Town Center for a centralized public parking facility(ies) funded by fees from new building construction and located in a parking district. The preceding graphic depicts a parking district located within a 1/4 mile of the Town Center. Centralized parking would help to satisfy parking needs while providing for a more cohesive Town Center.

GOAL: Create and implement a parking program that ensures adequate and convenient parking is made available with the creation of centrally located public parking facilities.

Policy 4.1: Provide opportunities for shared parking facilities in the Town Center, such as through the establishment of an off-street parking district through a subsequent LCP amendment.

Policy 4.2: Develop land use and parking regulations to assure that adequate and reasonable standards are provided.

Policy 4.3: Develop a parking concept that emphasizes shared parking facilities through a

subsequent LCP amendment.

Policy 4.4: Create a parking development and management program which assesses parking demand and requirements based on the Dana Point Zoning Code.

Policy 4.5: Create an in-lieu parking program which includes appropriate fees which consider the costs of land acquisition and construction costs associated with providing a parking space in the Town Center. Approval of a Local Coastal Plan Amendment from the California Coastal Commission shall be required for any zoning code amendments made for the purpose of implementing an in-lieu parking program for the Town Center.

Policy 4.6: Create additional public parking which would include one and preferably two facilities prior to beginning roadway construction.

Policy 4.7: Parking areas shall be located in the rear of properties, where alley access is available.

Policy 4.8: Prevent excessive Town Center parking in adjacent residential areas.

Economic Development

The vitality of a town center is dependent on its economic health. Bustling retail shops, thriving commercial offices and active residential units contribute to the energy in the town center, making it an area that people like to visit. It is important that public and private interests collaborate to improve Dana Point Town Center's economic position within Orange County.

GOAL: Promote an economically viable downtown through uses that serves both residents and visitors.

Policy 5.1: Increase the Town Center's economic vitality and its contribution to the City's economic development goals.

Policy 5.2: Encourage the formation of a Downtown Business Association. The purpose of the Downtown Business Association is to provide a coordinated forum for various private interests to work together to enhance economic development in the Town Center.

Policy 5.3: Promote public and private cooperative efforts to provide ongoing aesthetic improvements in the Town Center.

Policy 5.4: Create a program to help retain existing businesses.

Policy 5.5: Prepare an Economic Development Strategy to strengthen the business climate, foster retail activity and improve the tax base in Town Center.

Policy 5.6: Develop affiliations between civic and business associations and groups to promote a coordinated marketing effort that enhances business activity throughout the city. In particular, develop linkages between Town Center and other activity centers such as the beaches, hotels and harbor.

Policy 5.7: Give priority or incentives to businesses that reflect unique merchandise and architecture and promote the local character and identity of Dana Point.

Signage

Recognizing that signage impacts the character of a place, the Town Center Plan calls for a public signage program with a unified design and pedestrian-oriented signs.

GOAL: Require signs to contribute to the atmosphere and to serve as symbols of quality for commercial establishments.

Policy 6.1: Create a public signage and banner program, which creates a unified design reflecting the character of the Town Center for street signage, and direction signs to public parking locations and community serving uses (i.e., public buildings, parks, harbor, scenic attractions, coastal access points, bike and pedestrian paths, cultural/historic structures).

Policy 6.2: Encourage signage oriented to the pedestrian, such as projecting signs.

Historic Preservation

Enhancing the charm and romance of Dana Point and, at the same time, reinforcing its coastal history are important to the community. The Town Center Plan sets out guidelines to preserve historic structures and elements and to encourage preservation.

GOAL: Maintain and revitalize the character of designated historic structures in the Town Center.

Policy 7.1: Seek to protect and revitalize historic elements in the Town Center, such as the original lanterns and historic concrete stamps.

Policy 7.2: Encourage remodeling and renovating of historic structures and placement of the structures on the National Register of Historic Places.

Policy 7.3: Ensure that the Dana Point Historic Resources Inventory reflects the structures which have historic significance, as determined by the City Historic Resources Ordinance.

Policy 7.4: Provide incentives for re-use of historically significant buildings.

Policy 7.5: Develop incentives to promote improvements to historic structures and building façades and create programs to provide relocation assistance.

Building Design

Improving the overall quality of buildings and the identity and livability of the Town Center are important issues of longstanding concern to the community. The Town Center Plan establishes the appropriate building height, setbacks and stepbacks and discourages franchise architecture to create more pleasing and appropriately scaled structures. Special provisions are included to alleviate potential conflicts between neighbors. Recommendations related to building form and appearance are outlined in the Development Standards and Design Guidelines.

GOAL: Create a Town Center which reflects the unique natural, historic, and cultural qualities of the community.

Policy 8.1: New development shall comply with the Town Center Design Guidelines.

Policy 8.2: Pursuant to the City of Dana Point, Local Implementation Plan, all private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and water and materials Best Management Practices.

Landscape

Recognizing the importance of Dana Point's distinctive landscape identity, the design and implementation of landscape and streetscape improvements should be an integral part of the Del Prado and PCH improvements.

GOAL: Require landscape improvements and incorporated amenities that improve the pedestrian environment and create a strong sense of place for the Town Center.

Policy 9.1: Benches, kiosks or art features should be incorporated into the landscaping as amenities to pedestrians.

Policy 9.2: Nighttime illumination of landscaping, paths, trees or art features shall be designed to contribute to the safety and beauty of the downtown, but should not overflow onto residential areas.

Policy 9.3: Landscaping must be selected and maintained at a scale that is consistent with the building site and overall pedestrian scale of the downtown.

Policy 9.4: Landscaping shall be designed so it does not interfere with pedestrian circulation.

Policy 9.5: Best Management Practices (BMPs) for landscaping, in addition to those required by the City's Local Implementation Plan, shall be considered.

Policy 9.6: Landscaping shall not interfere with visibility of businesses and signage.

Policy 9.7: Temporary planters and pots placed by business owners in the public right of way shall be limited to items identified in an encroachment permit issued to the business owner by the Public Works Department.

Policy 9.8: Street trees shall be limited to the maximum allowed building height (40 feet).

Policy 9.9: Street landscaping elements (i.e., trees/shrubs) shall be selected which are appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks.

Policy 9.10 In addition to the adopted Zoning Code Landscape Design Standards that encourage use of drought tolerant landscaping as well as protection, preservation and enhancement of native species, the use of non-invasive plant species shall be required.



Street trees, planters and flower beds give a street character and a sense of place.

The Town Center Water Quality Program

Goal: Continue the City's commitment to protecting water quality by seeking strict standards and subsequent enforcement of those standards for all new public and private development and significant redevelopment.

Policy 9.11: In addition to CEQA as applied to specific project development, projects will be consistent with Sections 30230 and 30231 of the California Coastal Act for water quality.

Policy 9.12: All development within the Town Center shall meet the requirements of the San Diego Regional Water Quality Control Board (SDRWQCB) National Pollutant Discharge Elimination System (NPDES) permit.

Policy 9.13: All development within the Town Center shall be consistent with water quality-related provisions in Chapter 15.10 of the City of Dana Point Municipal Code, the City's Standard Urban Stormwater Mitigation Plan (SUSMP) and the City's "Local Implementation Plan (LIP)."

Policy 9.14: All development shall incorporate Best Management Practices (BMPs) designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

Policy 9.15: In areas of new development and redevelopment, minimize the amount of impervious surfaces and directly connected impervious surfaces and where feasible maximize on-site infiltration of runoff, except where site conditions preclude infiltration (e.g., geologic

hazards would be exacerbated, or pollutant concentrations are high).

Policy 9.16: Businesses shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system.

Policy 9.17: All development shall minimize erosion, sedimentation, and other polluted runoff from construction-related activities and land disturbing activities (e.g., clearing, grading, and cut-and-fill), especially in erosive areas, to the maximum extent feasible. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. Development that requires a grading/erosion control plan shall include a plan and schedule for landscaping and re-vegetation of graded or disturbed areas.

Policy 9.18: Efficient irrigation practices shall be utilized within Town center to minimize the potential for nuisance water runoff.

Policy 9.19: A public awareness program shall be developed concerning water quality for future business owners, tenants, residents as well as property owners within the Town center. The program will emphasize the appropriate use of water with respect to landscaping, fertilizers and pesticides, irrigation, sewage control, overall business operations and public spaces.

Policy 9.20: All development projects will be required have a detailed Water Quality Management Plan requiring effective Site Design, Source Control and Treatment Control Best management Practices to the maximum extent practicable. In addition to common practices for reducing runoff, best available technology for

catch basin inserts, filtration systems, diversion and/or biofiltration will be required.

Policy 9.21: When the combination of site design and source control BMPs is not sufficient to protect water quality as required by the LCP or Coastal Act, or when required by Regional Board per municipal permit provisions, structural treatment BMPs will be implemented along with site design and source control measures. Use multi-benefit, natural feature, stormwater treatment systems, such as landscape-based bioretention systems, bioswales and green roofs, in place of proprietary systems where feasible.

Policy 9.22: Post-construction structural BMPs (or suites of BMPs) shall be designed, sized and installed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs.

Land Use Regulations

The Town Center Plan identifies the land use designation and zoning for the project area as "Town Center Mixed-Use District". This is a unique designation in the city and only applies to the Town Center. Land uses are defined by zoning districts, and are listed as permitted, conditionally permitted and prohibited uses. The proper mix of land uses in this area, particularly at the street level, is a critical

component for creating a vibrant, pedestrian-oriented environment. The following matrix indicates the uses which are permitted by right (i.e., no discretionary review); uses that are permitted subject to a Conditional Use Permit, and uses which are prohibited. Uses not listed are prohibited. The definitions are taken from the Dana Point Zoning Code.



Pattern and character of existing development.

LAND USE MATRIX

<p>P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use</p>	<p>P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.</p>	<p>Town Center Mixed-Use District</p>
Administrative Office Uses – real estate, insurance, banks, travel agent		
- Above the ground floor		P
- On the ground floor		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Adult Businesses – establishment which offer its patrons products, merchandise, services or entertainment relating to sexual activities.		X
Adult Day Health Care - facility providing nonmedical care to persons 18 years of age or older		X
Alcoholic Beverage Outlets – establishments which serve or sell alcohol		C
Animal Hospital - facility where animals are given medical treatment		X
Animal Shelter - facility providing boarding for stray animals		X
Automotive Sales and Rental Uses - establishments which offer motor vehicles for rent or sale.		C
Bed and Breakfast Inn - large dwelling unit which provides lodging.		P
Building Materials Sales and Service Uses – interior design shops, cabinet shops, carpet sales, nurseries, pool supply and equipment sales, glass and mirror sales, home improvement centers, paint and wallpaper stores, tile sales and drapery sales.		C
Business Service Uses - office products and supply stores, parcel/postal services, computer sales and service, and courier/messenger services.		
- Above the ground floor		P
- On the ground floor		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Caretaker's Residence - dwelling unit accessory to the principal use on a site and intended for occupancy by a caretaker, security guard, or worker.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Clinical Services - medical and health clinics, chiropractic/physical therapy clinics, counseling services and emergency care centers.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Commercial Antennas		C*
Commercial Entertainment Uses - video game rooms, movie theaters, arcades, batting cages, skating rinks, shooting galleries, miniature golf courses, and bowling alleys.		C
Commercial Recreation Uses - bicycle rentals, billiard parlors, kayak rentals.		P
Community Care Facility – facility which provides nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults.		X
Congregate Care Facility - apartment housing which is arranged in a group setting that includes independent living accommodations and shared dining and recreational facilities.		X
Congregate Living Health Facility - with a noninstitutional, home-like environment which provides inpatient care		X

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	Town Center Mixed-Use District
Construction and Maintenance Services - construction companies, carpentry services, electrical contractors, handyman services, janitorial services, home and business maintenance services, lumberyards, painting contractors, pest control services, tree surgeons, landscape maintenance services, and plumbing contractors.		X
Convalescent Facility - State licensed facility which provides long-term nursing, dietary and other medical services.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Cultural Uses - public art galleries, museums, libraries, auditoriums, performance halls, amphitheaters and live arts theaters.		P
Dance Halls/Clubs - a public hall which is primarily intended for dancing		C
Day Treatment Facility - facility which provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services to persons under 18 years of age.		X
Drive - Through Uses - establishments which provide goods, services or food to persons who are occupants of a motor vehicle.		X
Drug Abuse Recovery or Treatment Facility - a facility which is operated exclusively to provide 24-hour residential nonmedical services in a group setting to adults.		X
Dwelling Unit, Multifamily		P(1)
Dwelling Unit, Single Family		X
Educational Uses - art schools, martial arts schools, dance schools, day care centers, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Emergency Shelter - facility that provides immediate and short-term housing and supplemental services.		X
Family Day Care Home, Large - home which provides family day care to seven to twelve children.		X
Family Day Care Home, Small - home which provides family day care to one to six children.		C (1)
Food Service Uses, Specialty - candy stores, bakeries, delicatessens, donut shops, sandwich shops, ice cream/yogurt shops and coffeehouses.		P
Fortune Telling		X
Fractional Ownership Facility		X
Group Dwelling/Group Home - retirement homes, boarding houses and lodging houses.		X
Health and Athletic clubs: youth clubs, dance studios.		C
Hospital, Acute Psychiatric - medical, nursing, rehabilitative, pharmacy, and dietary services.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Hospital, Chemical Dependency Recovery - facility which provides 24- hour inpatient care for persons who have a dependency on alcohol or other drugs.		X

LAND USE MATRIX

<p>P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use</p>	<p>P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.</p>	<p>Town Center Mixed-Use District</p>
Hospital, General Acute Care - facility which provides 24-hour inpatient care.		X
Hospital, Special - specialized health facility which provides inpatient or outpatient care in dentistry or maternity.		X
Hotels located within the interior portion of the couplet: - portion of structure containing guest rooms, meeting rooms or suites offering transient lodging: - accessory uses to hotel such as lobby, restaurant, retail store. - Hotels located in the outer couplet along the alleys which are adjacent to surrounding residential zones – structure containing guest rooms or suites offering transient lodging		P (1) P X
Home Occupation – Commercial activity conducted solely by the occupants of a particular dwelling. Subject to Section 9.07.030 which states that only persons residing on the residence shall be involved in the business, no more than one room of the residence shall be used for business purposes. No portion of the business shall be conducted in garage or outdoors. No retail sales conducted on the premises.		P
Institutional Uses - libraries, public or private schools, hospitals, municipally owned or operated buildings, structures or lands used for public purposes.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Intermediate Care Facility - health facility which provides inpatient care		X
Kennel – Facility where four or more small animals are kept.		X
Live Entertainment Uses - dance halls, dinner theaters, discotheques, nightclubs, playhouses, theaters and restaurants with dance floors.		C
Liquor Store – establishment which sells alcohol containing beverages for off-site consumption.		C
Major Automotive Uses - auto body repair shops, auto glass shops, automotive painting shops, customizing shops, engine rebuilding, speed shops and transmission shops.		X
Marine Uses: boat sales and incidental rental, surfboard sales and repair, scuba equipment sales and service, marine supply sales, sail sales and incidental.		P
Massage Establishments – offering massages, baths, or health treatments involving massages, or baths as regular functions.		C(1)
Medical Office Uses - offices of doctors, dentists, chiropractors and veterinarians.		
- Above the ground floor		P
- On the ground floor		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Membership Organizations - union halls, fraternities and sororities, boys and girls clubs, and lodge halls.		C
Minor Automotive Uses - brake shops, tire stores, muffler shops, alignment shops, car washes (full service or self service), detail shops, radiator shops, upholstery shops, service stations, stereo installation shops, tune-up services and oil and lubrication services.		X
Minor Repair Service Uses - fix-it shops, jewelry and watch repair, household appliance repair, locksmith shops, stereo and television repair and upholstery shops.		C
Open Space		P

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	Town Center Mixed-Use District
Park, Public	P	
Pawn Shop – establishment which loans money on the security of personal property and makes such property available to the general public for purchase.	C	
Personal Service Uses - establishments which provide services to an individual related to personal care and appearance, or the cleaning or repair of personal effects such as antique restoration, barber shops and beauty salons, cosmetologists (including incidental facial and scalp massage) mortuaries and funeral parlors, shoe repair, dry cleaning, laundromats, reducing salons, nail salons, tailors, and pet grooming.	C	
Photographic, Reproduction and Graphic Service Uses - printing establishments, blueprint companies, lithographic services, motion picture studios, photographic studios, photographic laboratories, photocopy companies, radio/television studios and recording studios.	C	
Professional Office Use - accountants, architects, designers, engineers, interior decorators, landscape architects, photographers and planners.		
- Above the ground floor	P	
- On the ground floor	C	
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X	
Public Utility Use	X	
Recreational Uses - athletic clubs, health clubs, dance studios, game courts, golf courses, golf driving ranges, gymnasiums, swimming pools, private or public recreational facilities and parks.	C	
Recycling Facilities - center for the collection of recyclable materials.	X	
Religious Uses - churches, synagogues and temples.	C*	
Research and Development Uses - research, design or testing laboratories for aeronautics, automobiles, computer products development, controls, engineering services, materials testing, medical/dental, and electronics.	X	
Residential Care Facility for the Elderly - housing for persons 60 years of age or over where varying levels of care are provided.	C	
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X	
Residential Facility - family home established for 24-hour nonmedical care of persons	X	
Restaurant - dining rooms, cafes, cafeterias, coffee shops, and pizza parlors.	P	
Restaurant, Drive-Through -restaurant which includes one (1) or more drive-through lanes	X	
Restaurant, Fast Food - restaurant whose principal business is the sale of a pre-prepared food in a ready-to-consume state for consumption either on or off the premises.	C	
Restaurant, Take-Out - restaurant where foods and/or beverages are sold directly to the customer in a ready-to-consume state for consumption off-site.	P	
Restaurant, Walkup - restaurant where the serving and consumption of foods and/or beverages is made available to patrons outside the confines of a building.	P	

LAND USE MATRIX

<p>P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use</p>	<p>P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.</p>	<p>Town Center Mixed-Use District</p>
<p>Retail Sales Uses - antique sales, appliance sales and repair, art supplies, bicycle sales and service, bookstores, camera sales and service, clock sales, clothing sales, coin and stamp sales, computer and electronics stores, convenience stores, department stores, drugstores, fishing supply stores, florist shops, furniture sales, gift shops, grocery and food stores, hardware stores, hobby shops, interior design stores, jewelry stores, machine and tools sales, music stores, newsstands, optical products sales, pet shops and pet supply stores, photo finishing and photo supply stores, plant nurseries (garden center), shoe stores, sporting goods stores, stationery stores, surfboard sales and repair, television/stereo sales, toy stores and video sales/rental stores.</p>		P
<p>Senior Citizen Housing - licensed housing for persons 62 years of age or older, or unlicensed housing for persons 55 years of age or older, including such housing facilities as retirement villas, apartments, condominium.</p>		C
<p>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</p>		X
<p>Single Room Occupancy - cluster of guest units within a residential hotel for weekly or longer tenancy providing sleeping or living facilities for one person per unit.</p>		C
<p>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</p>		X
<p>Skilled Nursing Facility - health facility which provides skilled nursing care</p>		X
<p>Social Rehabilitation Facility - residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults</p>		X
<p>Tattoo Parlors - premises used for the business of marking or coloring the skin with tattoos</p>		X
<p>Temporary Uses</p>		T
<p>Timeshares</p>		X
<p>Transportation Uses - bus stations, ferry service facilities, train stations and park and ride facilities.</p>		X
<p>Video Arcades or Game Rooms - establishments which provide six (6) or more video games, virtual reality devices or computers for the use and enjoyment of the general public.</p>		C

Development Standards

The Town Center Plan includes development standards that reinforce pedestrian friendliness and human scale. To support greater residential development, retail concentration and continuity, and economic feasibility, the Plan addresses density of development, building height, roof decks, design of ground-floor commercial space,

setbacks, open space and parking. The following describes the background and intent of the development standards for the Town Center. The standards themselves appear in the tables below with footnotes at the end of this chapter. (See Chapter 9.75 of the Dana Point Zoning Code for definitions and illustrations of terms.)



View of Town Center in upcoast direction.

Minimum Lot Size, Maximum Lot Coverage and Density

The minimum requirements for the size and dimensions of building lots remain unchanged while the lot coverage standards have been removed. A more densely developed environment which offers a cohesive development pattern and uninterrupted fabric of activity is necessary for a successful Town Center. Coverage of close to 100% is necessary to achieve this pattern and is possible particularly when parking is located in centralized off-site facilities, as available through an in-lieu parking program. Instead of limitations on lot coverage, other standards are included to limit the size and density of development.

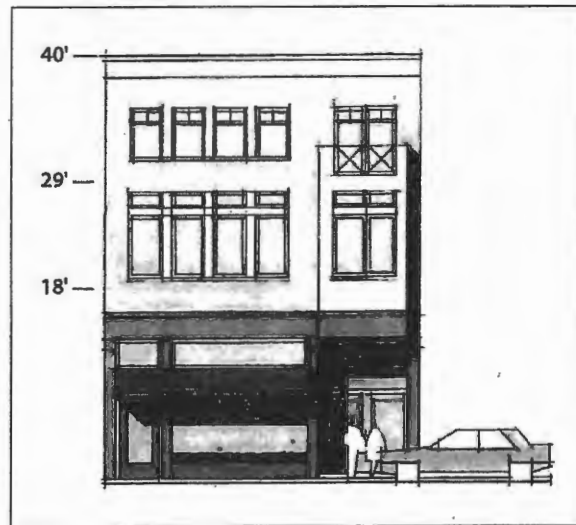
It is problematic to apply a maximum residential density in units per acre to mixed-use projects, as it does not take into account the proportions of residential and nonresidential uses or the size of the residential units. Maximum floor-area ratio (FAR), which governs the amount of development permitted relative to the amount of land for a given parcel, is a more appropriate tool with which to regulate mixed-use development. In the Town Center, where a mix of commercial and residential uses is desired, a maximum allowable FAR is stipulated. To promote a diverse residential population and provide housing for families in the Town Center, the unit mix for residential development is also regulated with maximum limits being placed on the numbers of studio units with minimum requirements for numbers of two-bedroom or larger units. The following table outlines regulations for lot size, coverage and density of development in Town Center.

MINIMUM LOT SIZE	
• Minimum Lot Size (1)	5,000 square feet
• Minimum Lot Width (1)	50 feet
• Minimum Lot Depth (1)	80 feet
MAXIMUM LOT COVERAGE	
• Maximum Lot Coverage	No maximum.
MAXIMUM DENSITY	
• Maximum Residential Density	See Unit Mix below which limits the minimum size of units.
• Unit Mix	No more than 20% of units to be studios. At least 20% of units to be 2-bedroom or larger.
• Standard Floor Area Ratio (FAR)	
- Nonresidential	2.5
- Mixed Use	2.5

(1) Development standard applies to proposed subdivisions of land through a Site Development Permit. The standards may be modified by the Planning Commission when necessary to accommodate the parcel configuration for an integrated commercial development subject to the approval of a Conditional Use Permit pursuant to Chapter 9.65.

Maximum Building Height

Building height impacts the overall quality of the buildings in the Town Center and the groundfloor retail and upper floor residential uses, in particular. Height impacts not only the general identity and character of the Town Center, but also "blue water" views from upland residential areas. The Town Center Plan limits the height of buildings to 40 feet and three stories which would allow for an 18-foot groundfloor height (measured floor to floor) that would improve store frontages and benefit retailers as depicted to the right and below. See Insert A on following page.



40-Foot Building Height

MAXIMUM BUILDING HEIGHT	
• Maximum Height	40 feet 3 stories (1)(2)
• Building Height Measurement	Measure building height from the level of the sidewalk at the midpoint of the front property line. See Insert B on following page. Count 2 stories of above-grade structured parking as a single story when fronted by single story of usable groundfloor space, such as a shop front.

(1) Count two levels of above-grade parking as a single story when fronted by a single story of retail space not exceeding 20 feet in height (measured from floor to floor).

(2) Additional height permitted for encroachments with a Conditional Use Permit.



Example of a 40' building with a ground floor café, upper story setbacks, balconies and architectural details that improve the pedestrian realm.

Insert A:

The 40 foot height limit is a maximum to be strictly applied, and includes guard rails, decorative features, stairwells, elevators and equipment serving ADA requirements, except for the required mechanical equipment as set forth in the section titled Permitted Encroachments into Maximum Building Height and Roof Decks. To inform the public, story pole staking is required for 20 days. The story pole staking shall, at a minimum delineate the 40 foot height limit for all sides of the building and a vertical drop to the ground at each corner of the proposed structure plus any proposed elements needing a variance. Story pole staking is not required for mechanical elements or chimneys.

Insert B:

The elevation of the 40 foot limit is to be determined by averaging the elevation of highest area of the ground in the plot and the lowest area and then adding 40 feet.

Permitted Encroachments into Maximum Building Height and Roof Decks

Paragraph to be replaced with Insert A on following page.

Encroachments beyond the maximum height limit shall be reviewed as part of the Site Development and Conditional Use Permit process. Limited encroachments for such items as mechanical equipment and chimneys require a Site Development Permit. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.
2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.



Area of Town Center Allowing Roof Decks

Insert A:

Encroachments beyond the maximum height limit are strictly prohibited except under the following conditions. Limited encroachments for such items such as mechanical equipment and chimneys require a Site Development Permit and shall not exceed the 40- foot height limit by more than 42 inches. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. Roof decks in the couplet shall not exceed the 40-foot height limit, including guardrails, stairwell, elevator shafts, and any ADA-required equipment. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.
2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.

Table to be replaced by Insert A on following page.

PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit shall be reviewed as part of the Site Development Permit process. All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. All encroachments beyond the maximum building height shall be included in the staking	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado)	
• Guardrail	42" guardrail required in accordance with Uniform Building Code; conditionally permitted to exceed maximum building height if setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	Conditionally permitted if setback minimum of 5 feet from face of building

Design of Groundfloor Building Frontage

Retail at the street level is a critical component for creating a vibrant, pedestrian-oriented environment. To encourage this, buildings shall be developed in a manner which is conducive to retail-type uses. Buildings fronting on Del Prado and Pacific Coast Highway between Blue Lantern and Golden Lantern shall comply with the design standards described below: See Insert B on following page for replacement text.

DESIGN OF GROUND FLOOR BUILDING FRONTAGE PACIFIC COAST HIGHWAY AND DEL PRADO ALL STREETS BETWEEN BLUE LANTERN AND GOLDEN LANTERN	
•	The floor-to-floor dimension between the finished floor of the ground floor of the structure and the floor above shall be at least 18 feet.
•	The depth of groundfloor commercial space from storefront to rear shall be at least 40 feet.
•	The interior finished floor elevation shall be level with the adjacent sidewalk at least every 50 linear feet. Pedestrian access to the building shall be flush with the sidewalk.

Building Setback, Build-to Lines and Allowed Projections

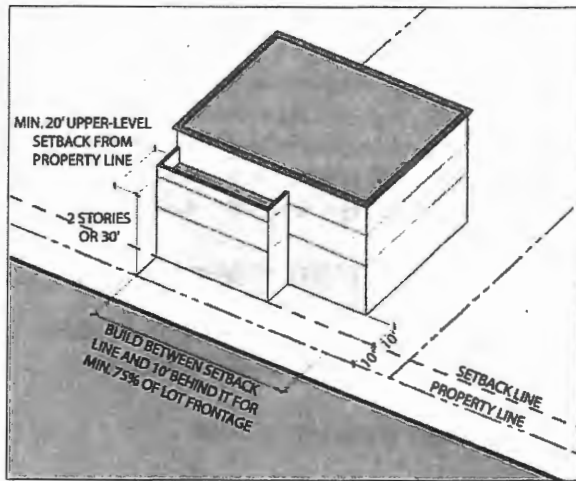
The following development standards are designed to allow development to contribute positively to the creation of a vibrant, pedestrian-oriented district with a mix of uses while, at the same time, respect surrounding uses including existing historically significant buildings and existing residential uses within and outside of the Town Center. Front and street-side yards shall be treated like plazas. The intent is to create opportunities for sidewalk enhancements, outdoor dining, public art and landscaping that supports and does not inhibit active uses in groundfloor building space. These standards are uniquely tailored to the different areas and streets within the Town Center to allow for diversity in building design while responding to unique conditions of the area/street. The standards for setbacks and built-to lines are as follows:

Insert A:

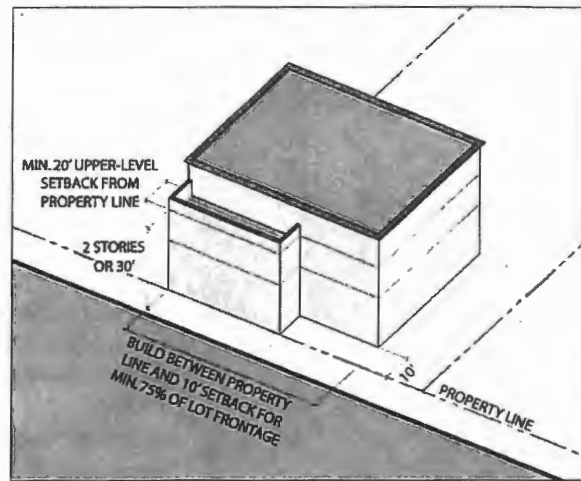
PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit <u>are strictly limited to required mechanical equipment and chimneys, and</u> shall be reviewed as part of the Site Development Permit process. All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. <u>All structures shall be staked at one time for a minimum of 20 days immediately prior to application for approval to the Planning Commission or the City Council. Staking shall be conducted as set forth in "Maximum Building Height"</u> All encroachments beyond the maximum building height shall be included in the staking	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado) <u>shall not exceed the 40 foot height limit including guardrails, stairwells, elevator shafts and any ADA requirements.</u>	
• Guardrail	42" guardrail required in accordance with Uniform Building Code must be conditionally permitted to exceed maximum building height if setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	Conditionally permitted if Must be setback minimum of 5 feet from face of building

Insert B:

all streets in the Town Center between Blue Lantern and Golden Lantern (including Pacific Coast Highway, Del Prado Avenue, Ruby Lantern, Amber Lantern, Street of the Violet Lantern, San Juan Avenue, Blue Lantern, and Golden Lantern)



Setback and Built-to Lines: Pacific Coast Highway



Setback and Built-to Lines: Del Prado



This rendering depicts how a building adhering to the setback requirements could look

BUILDING SETBACKS AND MINIMUM BUILD-TO LINES	
<ul style="list-style-type: none"> Minimum Front Yard Setbacks 	<p>PCH: Minimum 10-foot building setback with required dedication of 10-foot public access easement for pedestrian circulation and landscaping. For lots greater than 80 feet in width, the maximum length of an uninterrupted building facade shall be 80 feet; to break the façade plane, provide minimum additional setback of 10 feet for at least 20 feet of frontage. (5)</p> <p>DEL PRADO, LA PLAZA and NORTH/SOUTH STREETS: 0 feet setback. For lots greater than 80 feet in width, the maximum length of an uninterrupted building facade shall be 80 feet; to break the façade plane, provide minimum additional setback of 10 feet for at least 20 feet of frontage.</p> <p>SAN JUAN: Buildings shall be setback a minimum of 5 feet. (Note build-to requirements)</p>
<ul style="list-style-type: none"> Minimum Street-Front Build-To Lines 	<p>PCH: Building shall be built up to the front setback line or within 10 feet behind it for a minimum of 75% of the lot width. (1)</p> <p>DEL PRADO: Building shall be built up to the front property line or within ten feet behind it for a minimum of 75% of the lot width.</p> <p>ALL OTHER STREETS: No build-to lines.</p>
<ul style="list-style-type: none"> Minimum Side Yard Setback 	<p>ALL STREETS: 0 feet</p> <p>LANTERN STREETS: 0 feet</p> <p>ALL OTHERS: No setback or build-to requirement at 1st floor.</p>
<ul style="list-style-type: none"> Minimum Rear Yard Setback <ul style="list-style-type: none"> - Standard - Adjacent to Alley or Street - Adjacent to Residential Zoning District 	<p>0 feet (2)</p> <p>5 feet</p> <p>20 feet</p>



Building setbacks encourage interesting building design and create opportunities for sidewalk enhancement.

ADDITIONAL SETBACKS AT UPPER LEVELS (3)		
• Adjacent to a Street	PCH: Portions of building above 2nd floor or 30 feet (whichever is lower) shall be set back 20 feet. DEL PRADO, LA PLAZA and NORTH-SOUTH STREETS: Portions of building above 2nd floor or 30 feet (whichever is lower) shall be set back 10 feet. SAN JUAN: Portions of building above 2 nd floor or 30 feet (whichever is lower) shall be set back 15 feet.	
• Adjacent to an Alley or Rear Property Line	Blocks north of PCH and south of DEL PRADO above first 20 feet: Minimum 15 feet setback from alley. ALL OTHER BLOCKS: None required.	
• Adjacent to a Residential District	Above the 2nd story: Additional 10-foot setback when immediately adjacent to a residential district.	
• Interior Side Property Line	Above 20 feet in height: Starting 40 feet back from the front building face, minimum 5 feet from interior side property line.	
ALLOWABLE PROJECTIONS INTO REQUIRED SETBACKS		
All items projecting into the public right of way shall require an encroachment permit from the Community Development and Public Works Departments. Projections not specifically identified below shall be subject to Dana Point Zoning Section 9.05.080.		
• Balconies and Bay Windows	Maximum 2'-6" into required setback areas adjacent to alleys. May project 2'-6" beyond property line above a height of 20 feet if permitted by Building Code.	
• Awnings/Canopies/Marquees	Rigid elements shall be at least 8 feet above the sidewalk (7 feet for soft valances). May be placed up to 12 feet from the curb, subject to approval of the Community Development Director and Public Works Director when designed in conjunction with outdoor cafes.	
	When not associated with outdoor seating areas, but over windows or doors, awnings/canopies/marquees may project 4 feet beyond the property line.	
• Outdoor Dining Areas (e.g., Sidewalk Cafés)	PCH, Del Prado, San Juan Road and La Plaza – Front and Exterior Side Yards: minimum 12 feet from curb. All Other Yards (interior side and rear): To property line.	
• Architectural Projections (i.e., cornices, eaves, roof overhangs, etc.)	Front: 2'-6" Rear: 2'-6" Side: 2'-6" Minimum from Property Line: 0 feet	
• Maximum Percentage of Building Elevation Length	Front: 60% Side: 40% Rear: 80%	Applies to balconies, bay windows, awnings, and exterior stairways and landings.
SITE VISIBILITY AREA		
Zoning Code Section 9.05.090	None Required in Town Center	

(1) Exceptions to minimum 'build-to' line requirements may be granted in cases of lots with smaller frontages in order to accommodate minimum driveway widths.

(2) Twenty (20) feet adjacent to residential zoning district.

(3) The height above which an additional setback at an upper level is required shall be measured to the floor of the deck and not the guardrail. To encourage terraces and "eyes on the street", parapets and guardrails around terraces may project up to 2 feet above the additional setback height requirement.

Residential Open Space Requirements

The nature of the proposed building types is such that it may not be possible to achieve the minimums for residential private and common open space individually. For flexibility, up to 50% of dwelling units may satisfy their open space requirement by adding it to the required common open space. The table below stipulates minimums for open space, landscape and storage for residential uses.

OPEN SPACE REQUIREMENTS	
<ul style="list-style-type: none">Minimum Open Space (Res Only)<ul style="list-style-type: none">- Private- Common	100 sf/du 100 sf/du 50% of units may combine common and public space requirements
<ul style="list-style-type: none">Min. Landscape Coverage	None
<ul style="list-style-type: none">Minimum Lockable Storage	250 cu.ft./unit

Parking Requirements

In order to strengthen the concentration and continuity of retail within the Town Center, a number of modifications to the existing parking requirements are included. The minimum number of parking stalls by use, as detailed in the Dana Point Zoning Code, applies within the Town Center. However, within the proposed parking district, which extends from Blue Lantern to Golden Lantern within the Town Center (as shown on the Parking Strategy diagram on page 17), the developer may pay a fee for off-site public parking in lieu of providing on-site parking for retail and restaurant uses. See Insert A on Several diagrams of pedestrian-oriented parking solutions follow on the next page. following page.

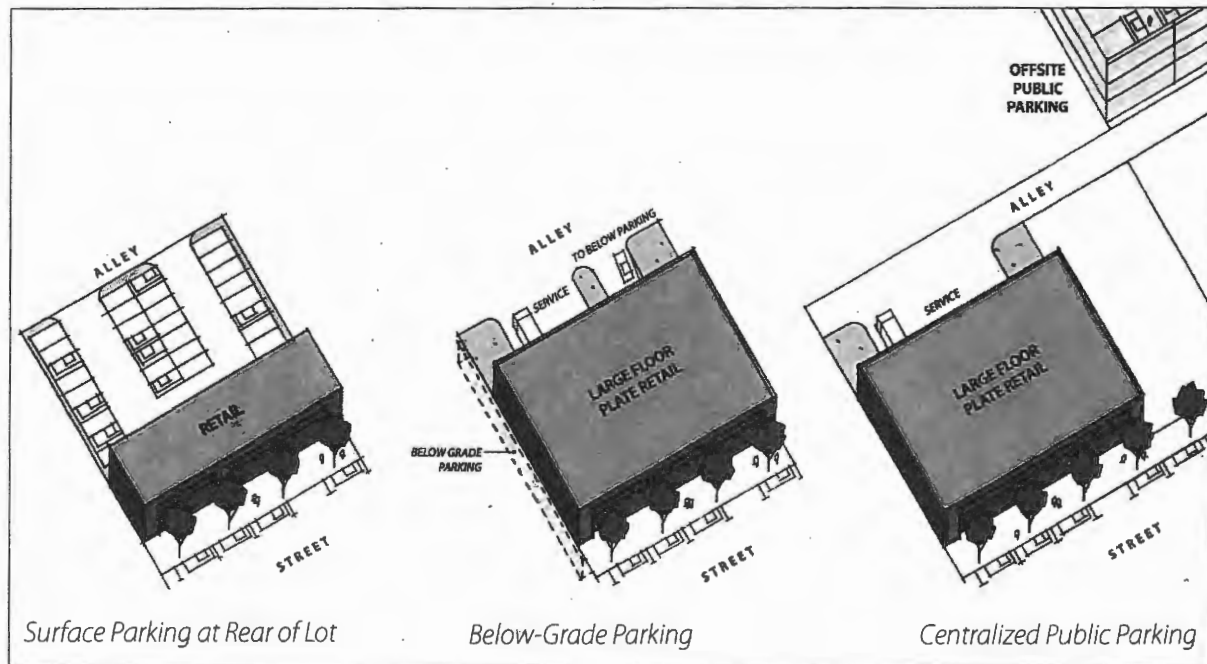
On-grade parking shall be set back from the property line on Pacific Coast Highway and Del Prado as stipulated. If groundlevel uses are not situated along the street frontage, the setback area shall be improved with landscaping and usable open space per the Design Guidelines. The graphics on the following page describe parking solutions that enhance the pedestrian realm.

On lots with alleys, access to parking shall be from the alley, and street curb cuts shall not be permitted. On lots that do not have alley access, curb cuts shall be permitted. Corner lots are permitted to take access from the side street, where appropriate; however, the driveway must be a minimum of 50 feet from the curb return on an adjacent intersection.

Insert A:

The fee for in- lieu parking shall be the estimated costs to the city of providing replacement parking spaces, with a minimum of \$40,000 per space, the cost estimated in Dana Point's Nelson- Nygaard parking study in 2013, and increasing according to the rate of inflation annually thereafter.

PARKING	
• Driveway Location	Lots with alley access: No driveways from streets. Corner lots permitted to take access from side street, where appropriate. Corner lots with no alley access: No driveways on Pacific Coast Highway or Del Prado; set driveway back from curb return on Pacific Coast Highway or Del Prado 50 feet minimum.
• On-Grade Parking Lot – Minimum Setback	PCH and Del Prado 40 feet from property line. If no groundlevel uses in setback area, landscape per design guidelines. All Other Streets: No minimum.
• In-Lieu Fee for Off-Site Parking	Between Blue Lantern and Golden Lantern, allow retail and restaurant uses to pay fee in lieu of building on-site parking.
• Parking Requirements	Shall be in accordance with Dana Point Zoning Code, Section 9.
• Parking Structures	Development Standards detailed in Dana Point Zoning Code shall apply, but may be modified upon approval of the Director of Community Development and City's Traffic Engineer.



Pedestrian-oriented retail with alternative approaches to parking.

Demolition of Existing Lower Cost Overnight Accommodations

- A. If demolition of the existing lower cost overnight accommodations in the Town Center planning area is proposed, a fee shall be required in-lieu of providing replacement lower cost motel units. If all the demolished units are replaced by lower cost motel units, the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit for demolition, in order to provide funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Orange County, and within 12 miles of the City of Dana Point's coastal zone.

The in-lieu fee for the demolition of the existing motel shall be an amount sufficient to fund provision of lower cost overnight accommodations comparable in number to those that are lost. The required in-lieu fees shall be deposited into an interest-bearing account, to be established and managed by the California Department of Parks and Recreation (CDPR). The entire fee and accrued interest shall be used for renovation of existing structures not currently functioning as overnight accommodations to overnight beach cottages available to the public at the Historic District of Crystal Cove State Park (Cottages 14, 17 and 21). The renovated cottages shall provide at least the same number of beds as units that are demolished and will provide a lower cost beach front overnight experience. All development funded by this account will require review and approval of the Executive Director of the Coastal Commission. Any portion of the fee that remains after five years shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities or other organization acceptable to the Executive Director within 12 miles of the City of Dana Point's coastal zone.

- B. As a condition of approval of a coastal development permit for demolition of the existing lower cost overnight accommodation in the Town Center planning area, the property owner (applicant) shall pay the required in-lieu fee as specified above. Prior to the issuance of the coastal development permit, but only after the City of Dana Point has indicated in writing, that the City has entered into an agreement with the California Department of Parks and Recreation (CDPR) (the "Agreement"), the applicant shall provide to CDPR, through a financial instrument subject to the review and approval of the City of Dana Point, a fee in an amount adequate to carry out the specific project identified in subsection A, payable to the CDPR. This fee shall be used for the purpose described in subsection A in accordance with the terms and conditions of the Agreement, which, at a minimum, shall include the following provisions: 1) CDPR shall submit a detailed final plan for the use of the funds to the City of Dana Point for review and approval within 24 months of the date on which the funds are transferred to CDPR; 2) the final plan shall provide for the submittal of renovation and conversion plans within 36 months of approval of the final plan by the City of Dana Point; 3) CDPR must obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit, for the renovation and conversion effort prior to commencement of the project; and 4) a deadline

not to exceed 5 years from the date of transfer of the funds to CDPR by which the funds shall be used by the CDPR to complete the project identified in the final plan, along with provisions to address any failure to complete the project.

Design Guidelines

The Town Center Plan includes design guidelines that reinforce pedestrian friendliness and human scale and the importance of using high quality materials and details to enhance Dana Point's unique sense of place. Furthermore, design guidelines for private property focus on humanizing the pedestrian environment within the Town Center, with consideration for courtyards, passages, and other provisions that help to link and extend the quality of public space into quasi-public and private areas. Standardized and/or formulaic buildings that diminish a sense of place and local identity are strongly discouraged.

The Town Center Design Guidelines complement the Zoning Ordinance provisions. While the latter are mandatory, the guidelines are advisory. They are intended to prompt developers and their architects to address specific issues of local concern and to guide City staff and commissions in their evaluation of proposed development projects subject to Discretionary Design Review.

Summary of Design Principles

- Create a "main street" environment along Del Prado with a continuous frontage of appropriately designed shops and restaurants.
- Provide active building frontages with large, transparent window openings. Avoid blank walls.
- The primary entrance to every groundfloor space and upper story use should be from the sidewalk. Entry courts are also encouraged if they are open, visible and public in character and contain active uses such as storefronts and outdoor cafés.
- "Dead" gaps along both Del Prado and Pacific Coast Highway should be avoided by discouraging new curb cuts and driveways and by requiring parking lots to be set back from the sidewalk.
- The ground level of buildings should be built on or near the front property line to maintain the continuity of the street edge and to create a more interesting pedestrian experience for strolling and window-shopping.
- Setback areas should be used to enhance the sidewalk and pedestrian environment with active uses such as outdoor cafés. Where landscaping is provided, it should convey the character of a beach community by using plants, paving and street furniture that are associated with the seashore and with Dana Point's history.
- Parking lots should be set back from Del Prado and Pacific Coast Highway. Preferably, buildings will separate parking from the sidewalk. Where this is not possible, parking should be screened with



Many existing buildings reflect two styles, an interpretation of Cape Cod architecture and Spanish Colonial Revival.

low decorative fences and landscaping, and the intervening setback area should be improved with active uses such as outdoor cafés or landscaping treatments that provide space for seating and other positive uses.

- Architectural design should encourage an open and informal style with a comfortable pedestrian scale that supports the character of a beach community.

Architectural Character and Massing

As depicted above, many existing buildings in the Town Center draw on two styles:

- From the Town Center's founding, there are buildings in the Spanish Colonial Revival

style that was popular throughout California in the first half of the 20th century. It is characterized by irregular "picturesque" massing, solid stucco walls and pitched tile roofs. Detailing is provided in door and window surrounds, balconies, railings and wrought iron. Walls are usually white; woodwork is often dark brown; tile is used for opening surrounds, wainscoting and stair risers; and roofs are red "mission" tile.

- More recently, a loose interpretation of Cape Cod architecture has emerged in the Town Center, with irregular massing, steeply pitched shingle roofs (or mansards), dormers and bay windows. Walls are often wood siding painted gray. White is used as outlining and

accents around doors and windows, on stairs and railings and on corner boards.

These guidelines discourage application of any particular design theme or style, but rather promote an architecture that engages the public realm, conveys the informal and open character of this beachfront community, reinforces the pedestrian environment with a human scale, and utilizes high quality materials and detailing that promote durability and sustainability. More specifically:

- Buildings that rely upon standardized or formulaic designs and that diminish a sense of place and local identity should be discouraged.
- Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile as exemplified in a building type on the following page.
- The groundfloor should provide setbacks as appropriate for courtyards, building entrances and outdoor café areas. Setbacks should not yield dead space that does not activate or enhance the pedestrian environment.
- Upper stories should be stepped back, and balconies, bay windows, eaves and other architectural elements should project out or be recessed into the primary wall. Instead of a single stepback yielding a "wedding cake" form, portions of the upper story may be flush with the wall below to create an interesting and complex massing.
- Roof forms should be complex. Flat roofs should have stepped parapets, cornices

and similar treatments. Pitched roofs should employ combinations of multiple hips and gables.

An open and airy character should be encouraged with large, operable windows and glazed doors, balconies, terraces, loggias and roof decks enlivened with overhangs, awnings, canopies, trellises and planting.

Materials should be authentic and not visibly artificial. Windows should be high quality with substantial frames, mullions and muntins. False muntins (glass dividers) are discouraged. Dark or reflective glass at the storefront should be avoided.

Retail Frontage

Retail frontage should be designed to enhance the pedestrian experience and to better serve the functional needs of businesses. Groundfloor retail and commercial uses should be considered the primary land use, particularly on Del Prado, and their design should not be compromised by upper story uses.



Well designed retail frontage enhances the sidewalk environment.

Del Prado. Retail frontage required along Del Prado between Blue Lantern and Golden Lantern shall have a minimum floor-to-floor dimension and a minimum depth pursuant to the Zoning Code. The retail frontage shall be built near the property line, the interior floor elevation should be flush with the sidewalk for the majority of frontage, and primary entrances should face the sidewalk.

All Other Streets: All other groundfloor frontage in the Town Center should have a minimum floor-to-floor dimension pursuant to the Zoning Code. Retail and similar active frontage should be built near the property or mandatory setback line, the interior floor elevation should be flush with the sidewalk for the majority of frontage, and primary entrances should face the sidewalk.

Transparency: Groundfloor spaces containing retail, restaurant and other active commercial uses should be visually open to the sidewalk. Large, blank walls should not exceed 25% of frontage and should be mitigated with trellises and climbing plants to extend the landscape character of the street. Storefront windowsills should be no more than table height (about 30" above the sidewalk), and window heads should be at least seven feet above the sidewalk. Glazing should not be tinted or reflective. Transom windows above the awning level or storefront windows that extend to the full height of the groundlevel space are encouraged to provide variation along the street.

Building Façade Encroachments into Setback Areas and Public Right of Way

Building façade encroachments are encouraged

to provide variety and visual interest to buildings. Safety and growing area for trees require limitations on the extent of projections.

Architectural Projections: Bay and oriel windows, balconies, sun-control devices, unroofed porches, cornices, belt courses and appendages such as water tables, sills, capitals, bases and architectural projections may project into a setback area or over the public right of way provided that they meet the minimum requirements of the Building Code (typically no projections for the first 8 feet above sidewalk). Balconies and bay and oriel windows shall be limited in width (measured along the direction of the street) per the development standards.

Marquees: A marquee is a permanent, projecting structure that shelters entries and is sometimes faced with signage, as at theaters and cinemas. It is typically made of metal and glass and is attached to and fully supported by the building. Marquees should not be supported by posts. Marquees should be subject to the same limited projections into a required setback area or over the public right of way as awnings. They may be no wider (measured along the direction of the street) than the building entrances they cover and should have a minimum clearance of eight feet.

Awnings: Awnings overhanging the sidewalk are also encouraged to further enhance the life and variety of the street. Awnings shall be subject to the following minimum design guidelines:

1. Covering should be of canvas or fabric. High gloss materials are not permitted.
2. Backlit awnings are not permitted.
3. The valance, or front face, of an awning shall not exceed 16 inches in height.

4. The height of the awning shall not exceed the width of the awning.
5. Colors shall complement the storefront, signage and building colors.
6. Awnings used as signage shall also be subject to regulations governing signs.
7. Awning shape shall relate to the associated door or window opening.
8. Awnings shall not extend the length of the building facade. The building facade should clearly wrap around and visually contain the awning.
9. Awnings should be broken into segments that reflect the door and window openings beneath them. Exceptions may be required when used for outdoor seating.
10. Awnings shall be maintained in good repair and display a clean and attractive condition while installed on the building.
11. Awnings should be fully retractable, and no lighting or heating fixtures, windscreens or signs should be attached.

Canopies: Canopies are similar to awnings except that they are permanent and are supported by posts. Canopies should be limited in width and should provide clearance above sidewalk level per the development standards. No supporting posts should be placed in the public right of way.

Permanent Sidewalk-Level Encroachments into the Public Right of way

It is not the intent of these guidelines to create a hard edge between the public and private

realms. Rather, building façades and storefronts that are varied and that promote activity and interest are encouraged. By revocable easement, the City may permit retail and restaurant activities to encroach into the public right of way, subject to the following guidelines:

Types of Uses: Uses should be confined to those that add activity and color to the street such as outdoor cafés or the selling of flowers, produce and newspapers/magazines.

Outdoor Cafés: Café areas should be limited in their projections into a sidewalk. The elevation of the café area should be the same as the public sidewalk. No permanent structures will be allowed within the public right of way. If a separation between the café and the sidewalk is desired, this should be achieved through low planters containing colorful flowers or a low hedge not permanently affixed to the sidewalk; the maximum height of such planters (including planting) should be no more than four feet. Planters should consist of high quality, durable materials of a weight and mass that will discourage theft, vandalism or easy movement. A fully retractable canvas awning may extend over the full depth of



A pedestrian friendly sidewalk consists of landscaping, space to promenade and a café zone.



Retailers, such as florists, enhance pedestrian life and the character of the street.

the café; no columns or supporting poles will be permitted within the public right of way. Awnings should comply with the design and height guidelines prescribed above. The use of removable umbrellas within sidewalk encroachment areas is also encouraged, provided that seven feet of clearance is provided above the sidewalk. Removable windscreens that are of a transparent material and that are an integral part of the planter will be permitted to extend the seasonal use of the café area. Such screens should not exceed a height of six feet and should be separated from the awning to provide for air movement.

Retailing Uses: Retailing uses within encroachment areas should be limited to the sale of newspapers, magazines, flowers and produce, and other products deemed by the City to be appropriate to the pedestrian life and character of the street. Such encroachments should not exceed three feet in depth and should not extend further than a line 12 feet from the nearest curb. Merchandise should be displayed against the storefront and be oriented toward the street on tables or stands that do not exceed 4 feet in height. No separation (e.g., planters or low

walls) between the merchandise and the street will be permitted.

Design Materials. The design of materials and colors for chairs, tables, display standards, lighting, and other fixtures (including umbrellas and awnings) should be generally consistent with both the architectural style and colors used on the building façade and the quality of fixtures used in public streetscape improvements.

Lighting: Lighting should be incorporated into the façade of the building and should complement the style of the building. Lights on buildings should not be glaring to pedestrians and should illuminate only the encroachment area and activities within.



Historic Lantern

Pedestrian Passages, Courtyards and Open Space

Pedestrian passages, courtyards, and open space can add a more intimate human scale to the urban fabric and improve pedestrian circulation throughout the Town Center as portrayed below.

Pedestrian Passages: North-south pedestrian passages can break up very long blocks and provide shorter and more direct access between parking and destinations.

Opportunities include:

- Post Office site with its parking lot: Provide a pedestrian passage that connects Del Prado with Pacific Coast Highway and serves any public parking developed on that block.
- Through-block lots on the block bounded by Del Prado, Pacific Coast Highway, Ruby Lantern and Amber Lantern.
- Through-block lots on the block bounded by San Juan Road, Pacific Coast Highway, Violet Lantern and Golden Lantern.

Individual buildings with parking behind should provide passages, as primary retail entries are required to face the street.

Pedestrian passages should be clearly public in character, without gates or signage discouraging public usage. A view through the block eliminates uncertainty about the route, but more subtle and intriguing clues, like water features or lighting, can draw otherwise wary pedestrians. Passages should be mostly open to the sky, and the stories above should step back where necessary to allow natural light to penetrate. To the extent feasible, passages should be lined with shop windows and entries (although primary entries should always face the sidewalk), open stairs, fountains, landscaping, display windows and artwork.

Courtyards: Courtyards can provide an interesting and attractive intermediate space between the public sidewalk and building



Pedestrian passageways and courtyards can create important linkages and extend open space amenities.

interior. They are more intimate in scale and provide a quiet and calm oasis from the bustle of the street. They can temper the climate by providing cooling shade and fountains in the summer and by sheltering from winter winds and rain. Courtyards offer opportunities for additional shops, restaurants and outdoor cafés, but care should be taken so that courtyards do not detract from the vitality of the street sidewalk. Businesses with frontage on both the street and courtyard should have their primary entrance on the street. Professional offices such as real estate, medical and dental, legal, accounting, insurance and brokerage are appropriate tenants in such spaces.

Courtyards should be visible from the street or linked to the street by clear pedestrian

access such as an open passage, arched entry or covered walkway. A courtyard that connects to the back of a lot or through the block should have the same public character recommended for pedestrian passages, as shown on the proceeding page.

Open Space: A network of smaller passageways and paseos, courtyards and pocket parks are anticipated that would connect Del Prado and PCH to the larger parks and beaches that form the open space system. More specifically, linkages to important public spaces such as the bluffs, Headlands, Harbor, Heritage Park, and La Plaza Park and other parks and open space areas are encouraged.

Landscaping

Street Furniture: Benches, kiosks or art features should be incorporated into the streetscape as amenities for pedestrians.

Illumination: Nighttime illumination of landscaping, paths, trees or art features should be designed to contribute to the safety and beauty of the downtown but should not flow onto residential areas.



Benches and other street furniture provides amenities for pedestrians.

Scale: Landscaping should be selected and maintained at a scale that is consistent with the building site and overall pedestrian scale of the downtown. Street trees and landscape within the Town Center should be in scale with existing buildings and should be selected from an approved list of recommended trees and plant materials appropriate to the Town Center. Street landscaping should be selected which is appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks, and/or appropriate planting details should be incorporated (e.g. structural soils) that allow adequate space for tree roots to grow within compacted pavement areas.

Environmental Quality: Best Management Practices (BMPs) for landscaping should be considered in the design of landscape areas, in addition to those required by the City's Local Implementation Plan.

Visibility and Encroachment: Landscaping should not interfere with visibility of businesses and signage. Temporary planters and pots placed by business owners in the public right of way should be limited to items identified in an encroachment permit issued to the business owner by the Public Works Department. Street trees and landscaping should be in scale with sidewalk areas, enhance pedestrian circulation and not create barriers to movement.

Landscaping in Setback Areas

These guidelines emphasize the importance of activating the pedestrian environment and avoiding gratuitous and unused (or abused) open space. Setback areas, courtyards, passageways



Street trees contribute more than any other element to the scale and character of the urban environment.

and gaps between buildings should be seen as extensions of the sidewalk realm, serving to extend, enhance and activate the pedestrian experience. Particularly to be avoided are seating areas removed from the pedestrian flow. Numerous studies have shown that people want to be where people are and will usually choose a busy corner or congested sidewalk over a secluded plaza to linger, converse or people-watch. In general, setback areas should only be provided where there is a clear benefit to the public realm, by providing additional sidewalk width, space for outdoor cafés and merchandise displays, entries to businesses and buildings, and connections to courtyards and pedestrian passages. Landscape planting materials should be carefully selected to extend and complement materials used for public streetscape improvements, with an emphasis on plants native to the Southern California coast and other regions with similar Mediterranean climates.

Parking

The Zoning Ordinance encourages parking lots to be located at the back of buildings and specifically requires parking lots to be set back at least 40 feet from the property line on Pacific Coast Highway and Del Prado. If groundlevel uses are not situated along the street frontage in

front of a parking lot, the setback area should be improved with landscaping and usable open space per these design guidelines. On other street frontages, parking lots should be subject to the same setbacks as buildings. Parking lots should be screened from all street frontages by solid walls at least three feet in height, and the street side of the walls should be planted with trees and shrubs to create a softer and friendlier edge. The balance of a setback area should be improved as discussed above.

In the interior of a groundlevel parking lot, there should be at least one tree for each four parking spaces. Trees should be planted in tree pits at least five feet square which are distributed evenly throughout the parking lot to create a shade canopy over parking spaces and drive aisles. Trees should be protected from vehicle overhangs by curbs (at least three feet from the tree trunk) or bollards.

Service Areas

Trash receptacles and maintenance storage areas should be enclosed, located within buildings and obscured from public view. On all properties with alley access, they should be located adjacent to the alley. On properties without alley access that front on PCH and San Juan, they should be located on the San Juan side of the property. On properties which front on both PCH and Del Prado, they should be located on the PCH side of the property or, only if not feasible on the PCH side, on the Del Prado side.

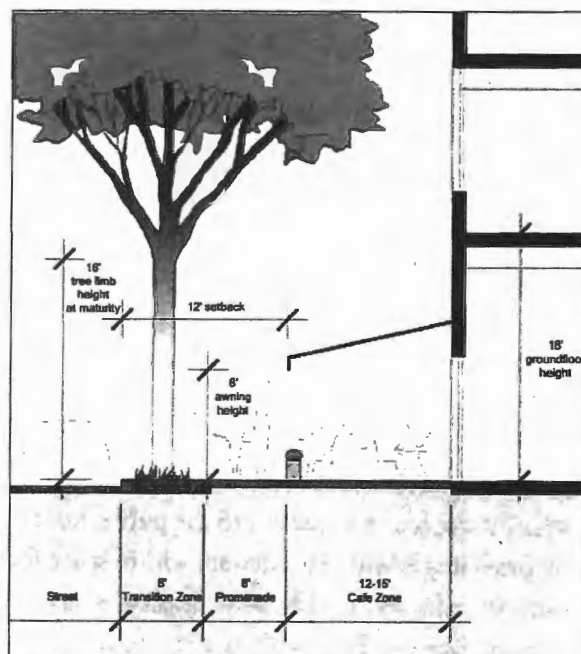


On-site parking connects to retail by a pedestrian-friendly alley in Laguna Beach.

Elements of Streetscape Design

Sidewalks: Sidewalks provide for pedestrian accessibility and comfort, as well as landscaping, lighting and street furniture. In active commercial areas, they can also play an important role in providing additional space for outdoor cafes and retail activities. In Dana Point, sidewalks on both streets will generally be a minimum of 12 feet, expanding in width as setbacks allow and where bulb-outs occur. Sidewalks are comprised of a series of overlapping zones, each with specific demands and requirements as illustrated on the following page. The curbside zone is the transitional area adjacent to the street that is often active with people getting in and out of cars. This is where street trees, streetlights, trash receptacles, benches and other street furnishings are typically located. Within the center zone of the sidewalk, pedestrian movement is concentrated; therefore, this zone would be maintained relatively free and clear for that purpose. The zone adjacent to buildings is the place where pedestrians tarry, window shop and, if space permits, where cafes can spill out into outdoor spaces. In Dana Point, the

sidewalks are envisioned as being constructed of architectural concrete, with scoring on a two-foot grid pattern, incorporating some of the details Sydney Woodruff initiated in his early development of Dana Point. Distinctive lighting, street furniture, signage, and artistic and interpretative elements that evoke a strong sense of place are recommended for inclusion as part of the streetscape improvements.



Sidewalks are comprised of a series of overlapping zones.

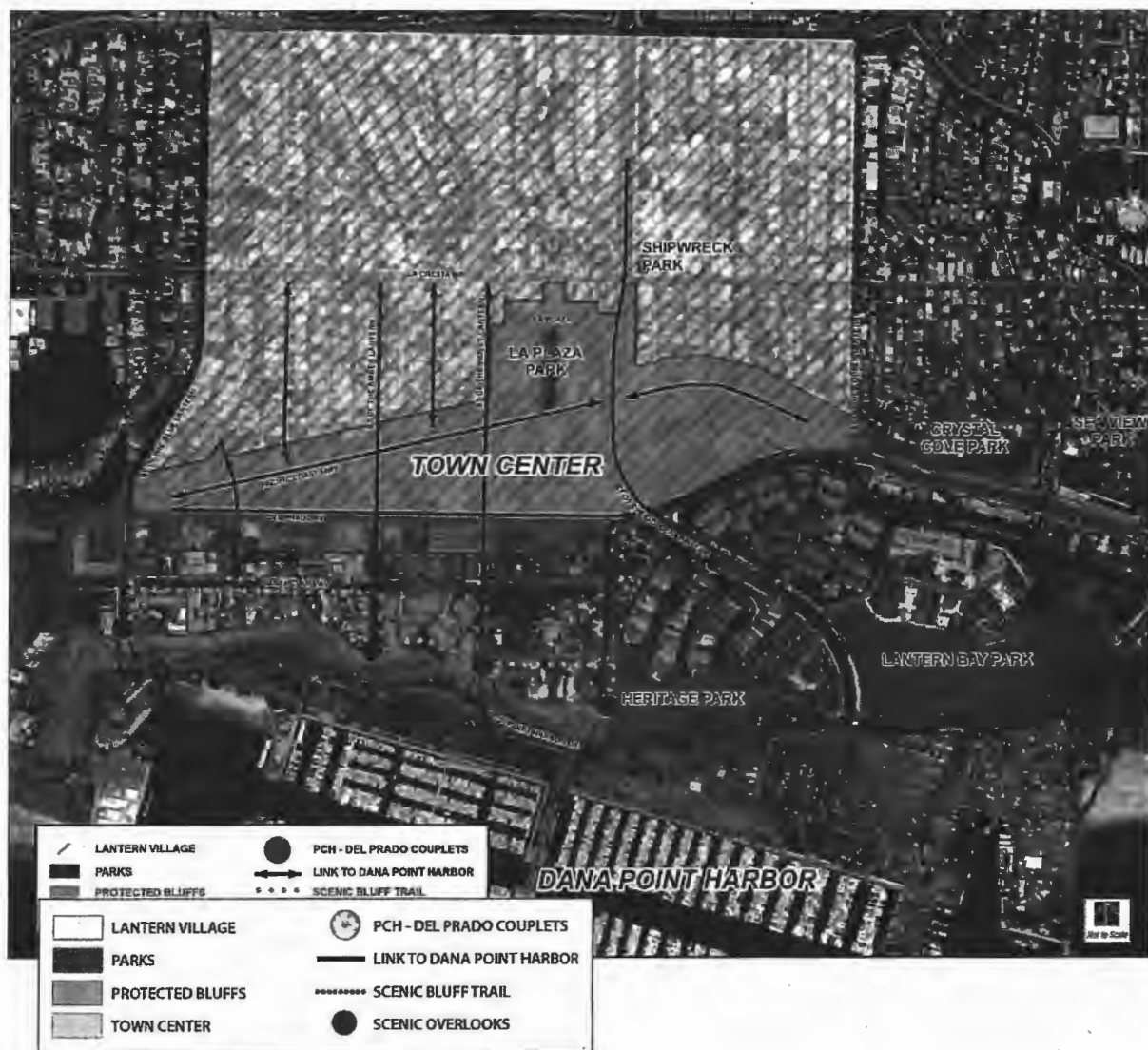
Street Trees and Landscaping: In urban environments, street trees significantly contribute to the perceived quality, comfort, appearance and sustainability of public places. In California, livability is often measured by the presence of street trees that arch over the street, provide scale, and heighten the sense of space. In Dana Point, parkway street trees are particularly important in creating dappled shade that ameliorates the effect of heat gain and glare,

making the street a more pleasant environment for activity. The temperate climate offers a range of possible choices for street trees; however, trees would need to be selected or retained and planted in consideration of the challenges of an urban environment for them to flourish. In addition, trees need to be tall enough so that their limb structure and canopy does not limit visibility to store fronts and broad enough to provide needed shade as illustrated to the left. Care must be taken to ensure that there is adequate root space for the trees beyond the tree well itself and sufficient irrigation not only to establish the trees but to maintain their future growth and development. Finally, when trees are planted, a commitment needs to be made to maintain them properly so that they can attain the desired height, canopy and appearance. Best horticultural practices are recommended for both the existing trees and the new ones to avoid conflicts with pavement and for sustainability over the long term.

To create a pedestrian-oriented Town Center, significant landscape and streetscape enhancements on both PCH and Del Prado are required with street tree planting on both sides of the streets. In addition to street trees, the planting of ground cover and shrubs within tree wells, as well as flower baskets and plantings adjacent to individual shops and restaurants, would add color and vitality to the street environment. Merchants are encouraged to undertake landscape improvements in setback areas, courtyards and other semipublic areas to further enhance the environment and contribute to the verdant quality of the Town Center.



In addition to connections within the Town Center, visual and physical links need to be strengthened from the Town Center to the harbor.



Linkages to important public spaces are encouraged.

Implementation

Town Center Plan sets forth an assortment of land use controls in the form of policies, design guidelines and zoning regulations. Implementation of these elements will require a variety of actions involving private and publicly owned property.

While the Plan affects private property primarily through regulation of land uses and physical improvements, the Plan also includes policies to address the need for business retention, marketing and signage efforts.

Streetscape Improvements

Through its policies and Design Guidelines, the Town Center Plan identifies the need for a variety of physical improvements to public facilities. The following elements shall be incorporated into the streetscape improvement:

1. Encourage access from side streets for development located on corner lots.
2. Require new development to improve adjacent alleyways, as appropriate.
3. Select street furniture, lighting, landscaping, etc.

The specific design characteristics of the landscape, lighting, street furniture, and other streetscape improvements will be prepared following approval of the Town Center Plan by the City Council.

Parking Program

The following actions are designed to expedite parking improvements to support merchants and residents and to encourage development on vacant and underutilized parcels. After analyzing the demand for parking, it is expected that the City Council would acquire land in the Town Center for a centralized public parking facility funded by fees from new building construction. This approach would help to satisfy parking needs while providing for a more cohesive Town Center.

1. The City shall develop a Parking Management Program/Plan to evaluate public parking prior to roadway construction to establish a baseline parking condition (using a supply/demand analysis).
2. The City shall immediately take steps for a purchase option or long-term lease to acquire properties for additional public parking in Town Center. Additional public parking shall be established when a need is demonstrated in the Parking Management Plan.
3. Create additional public parking which would include one and preferably two facilities prior to Phase I and ensure adequate parking signage is provided. (Phase I is defined as any construction of public improvements that would result in the removal of any on-street parking.)

4. Establish appropriate parking time limits for public parking in the Town Center.
5. Meet with the business community to review parking issues.
6. Require new development to comply with current parking regulations defined in the Dana Point Zoning Code.

In Lieu Parking Program

Parking in-lieu fee programs are typically established when it is considered to be in the best interest of a city to develop public parking facilities, rather than have each property owner provide sufficient parking for each use. An in-lieu parking program may be developed to allow commercial businesses to reduce any portion of the parking spaces otherwise required to be provided on-site. The fee would be used to offset a portion of the cost required to construct public parking facilities in the Town Center area. Studies would be conducted to establish the cost of constructing the parking area and relative in-lieu parking fees. In-lieu parking fees may be charged as a one-time cost or on an annual basis. The following elements shall be considered in the development of the In-Lieu Parking Program.

1. Conduct a study to determine appropriate in-lieu fee(s).
2. Implement in-lieu parking program in areas between Golden Lantern and Blue Lantern.
3. Participation in the in-lieu parking program will be encouraged. The City shall work with developers to develop a parking analysis to ensure adequate parking is provided at the time of development.

4. Require that residential and guest parking be provided on-site.

Historic Preservation

To maintain and enhance the character of Dana Point, historic structures in the Town Center shall be preserved.

1. Update the City's Historical Resources Ordinance to require that the nine structures and gazebo located in the Town Center which were identified in the 1997 survey be placed on the Dana Point Historic Register and be subject to Section 9.07.250(g)(1)(C) for removal. Similar to the two structures which were required to be designated, removal of these structures in the Town Center would require review by the Planning Commission.
2. With the assistance of the Historical Society, identify other structures in the Town Center which satisfy the eligibility criteria and include these structures on the Register. These structures would also be subject to Section 9.07.250(g)(1)(C) for removal.
3. Update the Dana Point Historic Resources Inventory every five years.
4. Preserve portions of concrete sidewalks and curbs which have historical stamps from original development of the city, where feasible. Ensure that new sidewalks match the historic two-foot grid pattern.
5. Notify property owners of the benefits of registering their structures on the National Register of Historic Places.

6. Create incentives for structures which have been modified to reestablish historical characteristics.
7. Historic structures shall comply with the Secretary of the Interior's standards for rehabilitation with guidelines for rehabilitating historic buildings. These standards shall serve as guidelines for proposed exterior alterations, treatments, additions, and repairs made to historic properties.

Sign Code and Guidelines

As signage reflects the character of a place, the existing sign regulations shall be evaluated to ensure a unified design and that pedestrian-oriented signs be encouraged.

1. The Sign Code & Guidelines shall be evaluated and updated to ensure regulations encourage signage which is consistent with the goals of the Town Center Plan. Specific consideration shall be made for:
 - a. Special consideration for businesses at corner locations,
 - b. Clarify the distinction between window signage and window displays,
 - c. Offer additional staff support for processing sign entitlements,
 - d. Assess appropriate outdoor displays as related to streetscape design,
 - e. Encourage residents & businesses to participate in the update of the Sign Code, and

- f. Ensure Sign Code and/or Sign Guidelines lead to the elimination of undesirable signs.

2. Develop an interim Sign Program to address signage needs for existing businesses during the construction of any public improvements and temporary signage at the old and new locations needed for businesses relocating.

Art in Public Places

Recognizing the need to tailor the City's existing Art in Public Places (AIPP) program for public arts to the Town Center area, the Plan advances the idea of a new seven-member Public Arts Advisory Committee that would be appointed by the City Council and have a City staff member assigned as a liaison to address public art within the Town Center. The Plan anticipates an increase in the contribution requirement to public art and would affect a larger number of projects. To more effectively demarcate the Town Center, public art features would be incorporated in new developments and streetscape design as much as possible, and artwork and landscaping would be utilized to create gateways at the Blue Lantern and Copper Lantern entry points. The existing AIPP program shall be updated to reflect the following:

1. Increase the minimum value requirement for the public art component of a development project from one-half (0.50) percent of the total construction costs of the subject project to one (1.00) percent. Subsection (c)(5).
2. Decrease the current threshold of projects with total construction costs of less than

one million dollars (\$1,000,000.00) to seven hundred and fifty thousand dollars (\$750,000). Subsection (d)(3).

3. Form a Public Arts Advisory Committee (PAAC) of seven members to be responsible for: a) Review and update policies, guidelines and procedures of AIPP Program, b) Provide technical and aesthetic recommendations for all public art projects for City Council, c) Serve as the selection panel for all public art projects, d) Serve as an advocate for the arts and as a partner in the community's artistic and cultural development.

IMPLEMENTATION TOPICS

TOPIC	Timeframe	Responsibility
Parking Program	6 months	Community Development Department
Streetscape Design & Improvement Plan	18 months	Public Works/Community Development Department
Historic Preservation	6 months	Community Development Department
Sign Code & Guidelines	12 months	Community Development Department
Update Art in Public Places Program	6 months	Community Development Department

Acknowledgements

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Mayor Pro Tem Russ Chilton
Wayne Rayfield
James Lacy
Diane Harkey

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Vice Chairman Steven Weinberg
Commissioner Norman Denton
Commissioner April O'Connor
Commissioner Liz Fitzgerald

Town Center Subcommittee

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Alice Anderson
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Urban Advantage, Photo Simulation
Steve Price

Photography Credits

Dana Point Historical Society
Lamb Studio, Aerial Photography

