

CALIFORNIA COASTAL COMMISSION

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Filed: September 25, 2003
 49th Day: November 13, 2003
 180th Day: January 25, 2004
 Staff: ALB-LB *ALB*
 Staff Report: December 18, 2003
 Hearing Date: January 14-16, 2004
 Commission Action:

Th 9b**STAFF REPORT: MATERIAL AMENDMENT**

AMENDMENT NUMBER: 5-02-101-A3
APPLICANT: Mitchell Land and Improvement Co., LLC
AGENT: Planning Systems
PROJECT LOCATION: The Pavilion at Lantern Bay, 24981 Dana Point Harbor Drive,
 Dana Point (Orange County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED PURSUANT TO A-120-81:
 Mixed use development and subdivision of 75-acre parcel; construction of 112 townhouse condominium units, construction of a commercial/office complex, development of 46 single-family residential lots, development of two public recreation areas/parks and conceptual approval of two hotel complexes.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED PURSUANT TO A-120-81-A1:
 Increase the size of the hotel in Area "G" to 350 rooms, eliminate the 60-room hotel on Area "E" and replace it with visitor-serving commercial uses, including 50% restaurant uses.

DESCRIPTION OF AMENDMENT: Eliminate the deed restriction requiring 50% restaurant use of commercial square footage in Area "E", designate six (6) existing parking spaces for public use, and install a visitor information kiosk and public access signage.

SUMMARY OF STAFF RECOMMENDATION:

The project involves the removal of a deed-restricted requirement that 50% of the existing commercial space in Area "E" be devoted to restaurant use. The project also involves the installation of new public amenities, including public parking, an information kiosk and signage. The major issue addressed by the current staff report is adequate provision of visitor-serving commercial development.

Staff recommends that the Commission, after a public hearing, **approve an amendment to Coastal Development Permit 5-02-101 (formerly A-120-81)** to allow removal of the 50% restaurant use restriction and to allow the provision of new public amenities. The amendment is conditioned to require 1) retention of the special conditions of the underlying permit (A-120-81, as amended) not affected by the current action; 2) replacement of permit condition 2(b) of the underlying permit to remove the above restaurant use restriction; 3) provision of public amenities as proposed by the *Public Information Signage and Improvements Program*; and 4) recordation of an updated deed restriction.

At the time of this staff report, the applicant has indicated acceptance of all conditions of approval recommended by staff.

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The current proposal is a material change to the underlying permit. Therefore, pursuant to Section 13166 of the Commission's regulations, the Executive Director is referring this application to the Commission.

SUBSTANTIVE FILE DOCUMENTS:

- City of Dana Point Local Coastal Program (LCP)
- Coastal Development Permit A-120-81
- Coastal Development Permit A-120-81-A1
- Coastal Development Permit Application 5-02-101

LIST OF EXHIBITS:

1. Vicinity Map
2. Public Information Signage and Improvement Program
3. Land Use Plan and Restaurant Locations—1984
4. Land Use Plan and Restaurant Locations—2003
5. Coastal Visitor Commercial District Regulations
6. Area Plan/Conceptual Site Plan

I. MOTION AND RESOLUTION:

The staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission approve Coastal Development Permit Amendment No. 5-02-101-A3 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of majority of the Commissioners present.

Resolution to Approve Permit Amendment No. 5-02-101-A3:

The Commission hereby approves the coastal development permit amendment on grounds that

the development as amended and subject to conditions will be in conformity with the requirements of the City of Dana Point certified Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Prior Conditions

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit 5-02-101 (formerly A-120-81), as amended, remain in effect.

2. Replacement of Condition 2(b) of Underlying Permit

Condition 2b of the original permit (which was previously modified by Condition 1 of the 1984 amendment) shall be replaced with the new condition provided below. Language to be deleted is shown in ~~strike-out~~ and new language is shown in **bold, underlined italics**.

~~Prior to the issuance of the permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved in writing by the Executive Director of the Commission limiting the use of "Area E", as designated on the Area Plan/Conceptual Site Plan, to visitor serving uses only, including 50 percent restaurant use. In addition, such document shall expressly limit the uses of "Area E" to exclude condominiums and~~

~~general purpose commercial. Such covenant shall be recorded free of prior liens except for tax liens and free from prior encumbrances which the Executive Director determines may affect such deed restriction. The covenant shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner.~~

Allowable uses of "Area E," as designated on the Area Plan/Conceptual Site Plan, shall be limited to visitor-serving uses, as defined in the City of Dana Point Certified LCP, and shall exclude condominiums and general purpose commercial.

3. Public Amenities

The following new condition shall be added as Condition 7 of the permit:

The applicant shall provide and maintain public amenities at the subject site, referred to as "Area E," including installation of a new public information kiosk and informational signage and designation of six (6) existing parking spaces for public use, as proposed in the *Public Information Signage and Improvements Program* received November 6, 2003, attached as Exhibit 2.

4. Deed Restriction

The following new condition shall be added as Condition 8 of the permit:

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (5-02-101-A3), the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit amendment, referred to as "Area E," a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. This deed restriction shall supercede and replace the deed restriction recorded per Special Condition 1 of the amendment to Coastal Development Permit #A-120-81 that was approved on May 8, 1984, limiting the use of Area E to visitor-serving uses only, including 50 percent restaurant use, which deed restriction is recorded as Instrument No. 84-262189 in the Official Records of Orange County.

V. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location, Description, and Background

Project Location

The subject site is located at 24981 Dana Point Harbor Drive in the City of Dana Point, Orange County (Exhibit 1). The site is not located between the first public road and the sea. The site is located immediately inland of the Dana Point Harbor, as shown below. The project site, referred to as "The Pavilion at Lantern Bay," is a 4.9-acre commercial development containing approximately 50,000 square feet of commercial space. The commercial complex was approved as part of a larger project previously approved under Coastal Commission CDP # A-120-81, as will be discussed in the subsequent section.



Image 5031 California Coastal Records Project (www.californiacoastline.org)

Past Commission Actions at Subject Site

P-81-7144 and A-120-81

On April 13, 1981, the South Coast Regional Commission approved P-81-7144 for development and subdivision of a 75-acre parcel, including construction of a commercial/office complex, development of 46 single-family residential lots, development of two public recreational areas/parks and conceptual approval of two hotel complexes. The decision was appealed to the State Commission. On May 20, 1981, the State Commission approved A-120-81 for development and subdivision of the 75-acre site subject to six (6) conditions. The only condition relevant to the subject amendment request is Condition 2 ("Hotels"). Condition 2 contained land use restrictions specifying that Area E (the subject site, as depicted in Exhibit 6) be designated for "hotel, visitor serving commercial restaurant, and park use only."

A-120-81-A1

On May 8, 1984, the Commission approved an amendment to A-120-81 to allow an increase in hotel rooms in Area G to 350 rooms and to eliminate a proposed 60 room hotel on Area E, which would be replaced by visitor serving commercial uses, including 50% restaurant use subject to two (2) conditions of approval. The Commission found that approval of the proposed amendment request "*would not alter the overall balance of the project*" in a way that would make the site violate Chapter 3 requirements for visitor-serving and recreational uses and would still be "*highly likely to serve a variety of economic sectors of the population.*" Condition 1 required recordation of a deed restriction limiting the use of Area E to "*visitor-serving uses only, including 50 percent restaurant use.*" Condition 2 specified that all prior conditions remained in effect.

5-02-101-A2

The applicant submitted a request to amend A-120-81 to remove the restaurant use deed restriction on March 29, 2002. The amendment request was renumbered 5-02-101-A2 in order to conform to the Commission's modern numbering system. Issues were raised concerning whether or not the proposed amendment would lessen the intended effect of the condition. Staff requested information regarding any changed circumstances and efforts by the applicant to market the site for restaurant use. The application was deemed incomplete for over six months and was returned to the applicant on December 10, 2002.

Proposed Amendment Description

Through the proposed amendment (5-02-101-A3), the applicant is again requesting that the deed restriction requirement be removed. Specifically, the proposed project involves modification of the existing deed restriction to eliminate the requirement that 50% of the commercial development be occupied with restaurant uses. The proposal also involves the installation of a new public information kiosk and signage, and designation of six (6) existing parking spaces for public use, as described and depicted in the *Public Information Signage and Improvements Program* (Exhibit 2).

At the time of Commission approval of CDP A-120-81-A1 in 1984, the applicant proposed to replace a 60-room hotel in Area E with comparable visitor serving development, including 50% restaurant use. The 50% restaurant requirement was offered by the applicant and accepted by the Commission. As stated previously, the Commission found that approval of the proposed amendment request would not alter the overall balance of the project and would still serve a variety of economic sectors of the population. The project was conditioned to require 50% restaurant use at the subject site, as proposed by the applicant. The applicant's current proposal requires an amendment to the underlying permit because the applicant wishes to remove the 50% restaurant use restriction and add new public amenities at the subject site.

The applicant agrees to maintain the visitor-serving commercial designation at the subject site, but asserts that circumstances have changed which make the 50% restaurant use requirement unnecessary. The applicant has provided information that demonstrates a significant increase in restaurant development in the project vicinity since the 1984 approval. The applicant has compiled an inventory of restaurants in the subject area in 1984 and 2003 and conducted a comparative analysis of the visitor-serving /restaurant conditions in 1984 versus those in 2003. Exhibit 3 depicts land use designations and restaurants within the surrounding area in 1984 and Exhibit 4 depicts land use designations and restaurants within the surrounding area in 2003. The analysis concludes that 1) visitor-serving land use acreage has increased in the vicinity of the project and 2) the number and variety of restaurants has increased significantly. The comparison indicates that the area devoted to visitor-serving uses has increased by 34.7 acres

(148%) and the number of restaurants has increased from 30 to 66. As stated in the application submittal, the applicant believes that the *"considerable increase in restaurant availability is a change that could not have been anticipated in 1984."* The property owner asserts that efforts have been made to achieve the required 50% restaurant use of the site, including an *"aggressive ongoing marketing program."* However, the site has never been able to achieve the 50% requirement. Currently, the site contains approximately 23% of gross lease-able floor area devoted to restaurant use and approximately 20% of the site is vacant. The applicant attributes the vacancy rate to the deed restricted restaurant use requirement. As such, the applicant proposes to eliminate the restaurant restriction while still providing 100% visitor-serving commercial uses at the subject site, consistent with the definition in the certified LCP.

B. Standard of Review

The Commission's standard of review for the proposed amendment is the City of Dana Point certified LCP, pursuant to Section 30604 (b) of the Coastal Act.

C. Public Access

Land Use Plan

Policy II.D.4 (j) states,

Visitor-Serving Facilities: Visitor-serving facilities are public and private developments that provide accommodations, food, and services for tourists.

Policy II.E.2 (a) 4 states, in pertinent part,

The "tourist recreation/commercial" (5.31) subcategory is applicable to areas which, because of unique natural or man-made amenities on or near the site, facilitate maximum conservation of the amenities through comprehensive site planning involving a mix of uses emphasizing recreation orientated commercial activities, open space preservation and conservation of significant natural features. Typical uses to be encouraged include public or private recreational, cultural, social, and educational facilities; gift and specialty shops; food and drink establishments; hotels and other permanent overnight accommodations; limited residential development; and required parking facilities.

Implementation Plan

Section III.E.6 outlines the purpose and intent of the "Coastal Visitor Commercial" District, lists the permitted uses and provides site development standards (Exhibit 5). The intent is to *"provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving the unique natural features of the environment."*

The subject site is designated "tourist recreation/commercial" in the certified LCP. The "tourist recreation/commercial" designation described in the LUP is carried out by the "Coastal Visitor Commercial" District standards contained in the IP. The proposed project involves the elimination of a deed restriction requiring 50% restaurant use of an existing visitor-serving commercial development; designation of six (6) existing parking spaces for public use; and installation of a visitor information kiosk and public access signage. As stated previously, the proposed development affects one underlying special condition of Coastal Development Permit

No. A-120-81-A1 approved by the Commission in May 1984. As a condition of CDP A-120-81-A1, 50% of the commercial space at the subject site (previously referred to as Area E) had to be designated for restaurant use. (Area E is depicted in Exhibit 6.) On June 25, 1984, a deed restriction was recorded against the property specifying this requirement. The proposed amendment would require the recordation of an updated deed restriction to supercede and replace the deed restriction recorded in 1984.

Pursuant to § 13166 of the California Code of Regulations,

(a) The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

The proposed amendment will not lessen the intended effect of the condition requiring 50% restaurant use, because the findings for that condition explain that it was adopted at the applicant's request, and that the Commission's intent was simply to ensure that the project would provide a balance of visitor-serving uses to serve a variety of economic sectors of the population, and comparable visitor-serving uses will still be provided at the subject site without the 50% restriction. Restaurants are not the only commercial use that can serve visitors to the coast. The subject site is located within the "tourist recreation/commercial" land use designation in the LUP. This designation is carried out by the "Coastal Visitor Commercial" District standards contained in the IP. As listed in Exhibit 5, the designation allows for a variety of uses, including restaurant use. The applicant agrees to provide visitor-serving uses in accordance with the certified LCP. As such, the proposed amendment is consistent with the Commission's 1984 amendment approval, as it will not alter the overall balance of the project and will continue to serve a variety of economic sectors of the population, and it is consistent with the certified LCP.

Additionally, the applicant has presented new material information which could not have been produced when the permit amendment was issued in 1984. The applicant has submitted a comparative analysis of the land use patterns and restaurant data from 1984 and 2003. The results of this study show that there is a greater amount and variety of restaurants available to serve the public than there was in 1984. When the applicant offered to provide the 50% restaurant use initially, there was a greater demand for restaurant space. In the intervening years, commercial lease space has increased in the project vicinity and restaurants have occupied other sites. The applicant has made marketing efforts and offered financing benefit programs to attract restaurant uses. Therefore, circumstances have changed since 1984 and the applicant's proposal to provide 100% visitor-serving commercial space at the site, without a minimum restaurant requirement, would not lessen the intended effect of the permit. In addition, the applicant proposes to provide new public amenities on-site.

As described in the *Public Information Signage and Improvements Program* submitted November 6, 2003, the applicant proposes to install a new unmanned public information kiosk and signage and designate six (6) existing spaces for public use (Exhibit 2). The objective of the program is to "provide consistent and readily-identifiable signage, information kiosk and parking designed to facilitate and enhance public use of the Dana Point harbor area." As described in the program, the site is centrally located and occupies a primary "entry" area to a variety of public uses. The applicant proposes to "take advantage of this location opportunity to offer useful public coastal amenity information." Three parking spaces will be provided adjacent to the proposed kiosk and three (3) parking spaces will be provided adjacent to a public

trailhead leading off-site. The provision of these new public amenities will enhance the visitor's use and enjoyment of coastal recreational opportunities.

As provided earlier, the City of Dana Point certified LCP contains policies which enhance public access and recreation opportunities through the provision of visitor serving development. Such policies include, but are not limited to, Policy II.D.4 (j) and Policy II.E.2 (a) 4. The Commission imposes the following special conditions to provide for continued public access and recreation at the subject site.

Prior Conditions

The Commission imposes Special Condition No. 1, which states that unless specifically altered by the Commission's approval of the current amendment; the special conditions of the underlying permit (A-120-81, as amended) shall remain in effect.

Replacement of Condition 2(b) of Underlying Permit

The project affects previously imposed Special Condition 2(b) of Coastal Development Permit A-120-81, as amended in 1984, because the applicant proposes to modify the underlying deed restriction requiring 50% restaurant use. The proposed amendment would require the recordation of an updated deed restriction to supercede and replace the deed restriction recorded in 1984. The Commission is instead requiring that the requirements currently listed in the deed restriction be imposed directly. The Commission finds that it is most effective and appropriate to impose the land use restriction directly, through an affirmative restriction in the permit condition, rather than indirectly, through imposition of a requirement for a deed restriction that lists the restriction. As such, the Commission imposes Special Condition No. 2, which replaces Condition 2(b) of A-120-81 of the underlying permit with condition language that eliminates the restaurant requirement. Condition 2b in its current form is therefore eliminated completely and changed it to an affirmative requirement. This requirement will still be reflected on a deed restriction. However, since all of the special conditions of the permit will be recorded pursuant to new condition 8, each individual restriction no longer needs to be recorded.

Public Amenities

The applicant proposes to install a new public information kiosk, informational signage and designate six (6) existing parking spaces for public use. To ensure that the proposed amenities are provided and maintained as proposed by the applicant, the Commission imposes Special Condition No. 3 (which will become Special Condition 7 of the underlying permit, as amended). The condition requires the applicant to carry out the *Public Information Signage and Improvements Program*, attached as Exhibit 2.

Recordation of Deed Restriction

The amendment will require the recordation of an updated deed restriction to supercede and replace the deed restriction recorded in 1984. Consistent with the Commission's current practice, the Commission requires a single updated deed restriction referencing all of the Special Conditions of the permit. As such, the Commission imposes Special Condition 4 (which will become Special Condition 8 of the underlying permit, as amended), which requires recordation of an updated deed restriction.

As conditioned for retention of prior conditions, modification of permit condition 2(b) of the underlying permit, provision of public amenities, and recordation of an updated deed restriction,

the Commission finds the project consistent with the public access policies of the City of Dana Point certified LCP.

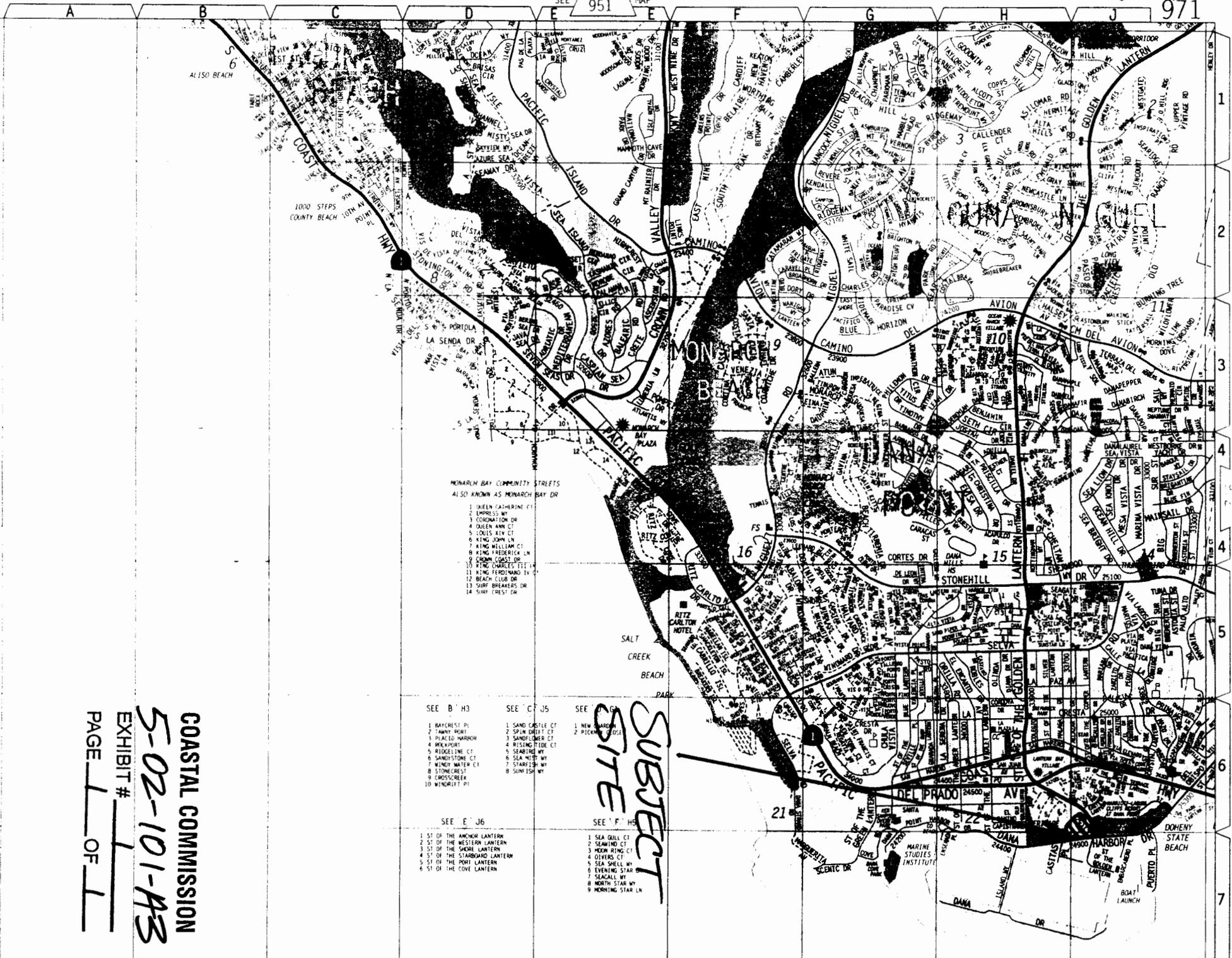
D. Parking

The City of Dana Point certified LCP contains policies requiring adequate parking to be provided to serve new development. The project involves new development in the form of new public amenities. The applicant proposes to designate six (6) spaces for public use in the existing commercial parking lot. There is currently no charge for parking and the applicant does not propose to charge. The parking lot contains 313 spaces. Applying the City's parking standard of 1 space per 250 square feet of specialty and convenience retail, visitor service and recreation, the non-restaurant commercial component of the development requires 164 spaces. For restaurant uses, the parking standard is 1 space per 100 square feet for the first 8,000 square feet and 1 space per 50 square feet after that. The site is occupied with approximately 10,000 square feet of restaurant space, requiring 121 spaces. As such, the parking demand for the commercial development is projected to be 285 spaces (164 retail and 121 restaurant). The applicant estimates a surplus of 28 spaces. Consequently, the designation of six (6) spaces for public use will not affect the parking supply necessary to serve the commercial development. Therefore, the Commission finds the proposed project consistent with the certified LCP.

E. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located within an existing commercial complex. Development already exists on the subject site. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with policies of the Coastal Act: 1) retention of the special conditions of the underlying permit (A-120-81, as amended) not affected by the current action; 2) replacement of permit condition 2(b) of the underlying permit for the retention of visitor-serving use of the site; 3) provision of public amenities as proposed by the *Public Information Signage and Improvements Program*; and 4) recordation of an updated deed restriction. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA.



MONARCH BAY COMMUNITY STREETS
ALSO KNOWN AS MONARCH BAY DR

- 1 QUEEN CATHERINE CT
- 2 EMPRESS WY
- 3 CORDON ROY DR
- 4 QUEEN ANN CT
- 5 SOUTHS RIV CT
- 6 KING JOHN LN
- 7 KING WILLIAM CT
- 8 KING FREDERICK LN
- 9 CROWN COAST DR
- 10 KING CHARLES TRL
- 11 KING FERDINAND IV
- 12 BEACH CLUB DR
- 13 SURF BREAKERS DR
- 14 SURF CREST DR

SEE B H3

- 1 BAYCREST PL
- 2 TANNY POINT
- 3 PLACED HARBOR
- 4 WICKHURST
- 5 WICKELINE CT
- 6 SANDSTONE CT
- 7 WINDY WATER CT
- 8 STONECREST
- 9 CROSSCREEK
- 10 WINDWIFT PT

SEE C J5

- 1 SAND CASTLE CT
- 2 SPIN DEBIT CT
- 3 SANDFLOWER CT
- 4 RISING TIDE CT
- 5 SEABRING WY
- 6 SEA NEST WY
- 7 STARBURST WY
- 8 SUNLISH WY

SEE D H3

- 1 NEW HARBOR
- 2 PIONEER COPS

SEE E J6

- 1 ST OF THE ANCHOR LANTERN
- 2 ST OF THE WESTERN LANTERN
- 3 ST OF THE STARBOARD LANTERN
- 4 ST OF THE PORT LANTERN
- 5 ST OF THE COVE LANTERN

SEE F H3

- 1 SEA GULL CT
- 2 SEAHIND CT
- 3 MOON RING CT
- 4 OYERS CT
- 5 SEA SHELL WY
- 6 EVENING STAR
- 7 SEACALL WY
- 8 NORTH STAR WY
- 9 MORNING STAR LN

COASTAL COMMISSION
 EXHIBIT # 5-02-101-A3
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SUBJECT SITE

**PUBLIC INFORMATION SIGNAGE
AND IMPROVEMENTS PROGRAM**

THE PAVILION AT LANTERN BAY

Dana Point, CA

Prepared for:

CALIFORNIA COASTAL COMMISSION
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Prepared by:

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COASTAL COMMISSION

5-02-101-A3

EXHIBIT # 2

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November 4, 2003

PLANNING
SYSTEMS



**THE PAVILION PUBLIC INFORMATION SIGNAGE
AND IMPROVEMENTS PLAN**

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PUBLIC INFORMATION SIGNAGE AND IMPROVEMENTS PROGRAM

THE PAVILION AT LANTERN BAY

I. Objective

The objective of this Public Information Signage Program is to provide consistent and readily-identifiable signage, informational kiosk and parking designed to facilitate and enhance public use of the Dana Point harbor area. The signs are intended to be visible to motorists on traveling on Dana Point Harbor Drive and Golden Lantern Drive. The informational kiosk will provide a prominent, centralized place for distribution of coastal visitor pamphlets. Allocated public parking spaces will allow for convenient parking to access the informational kiosk, and for hiking to neighboring points of interest.

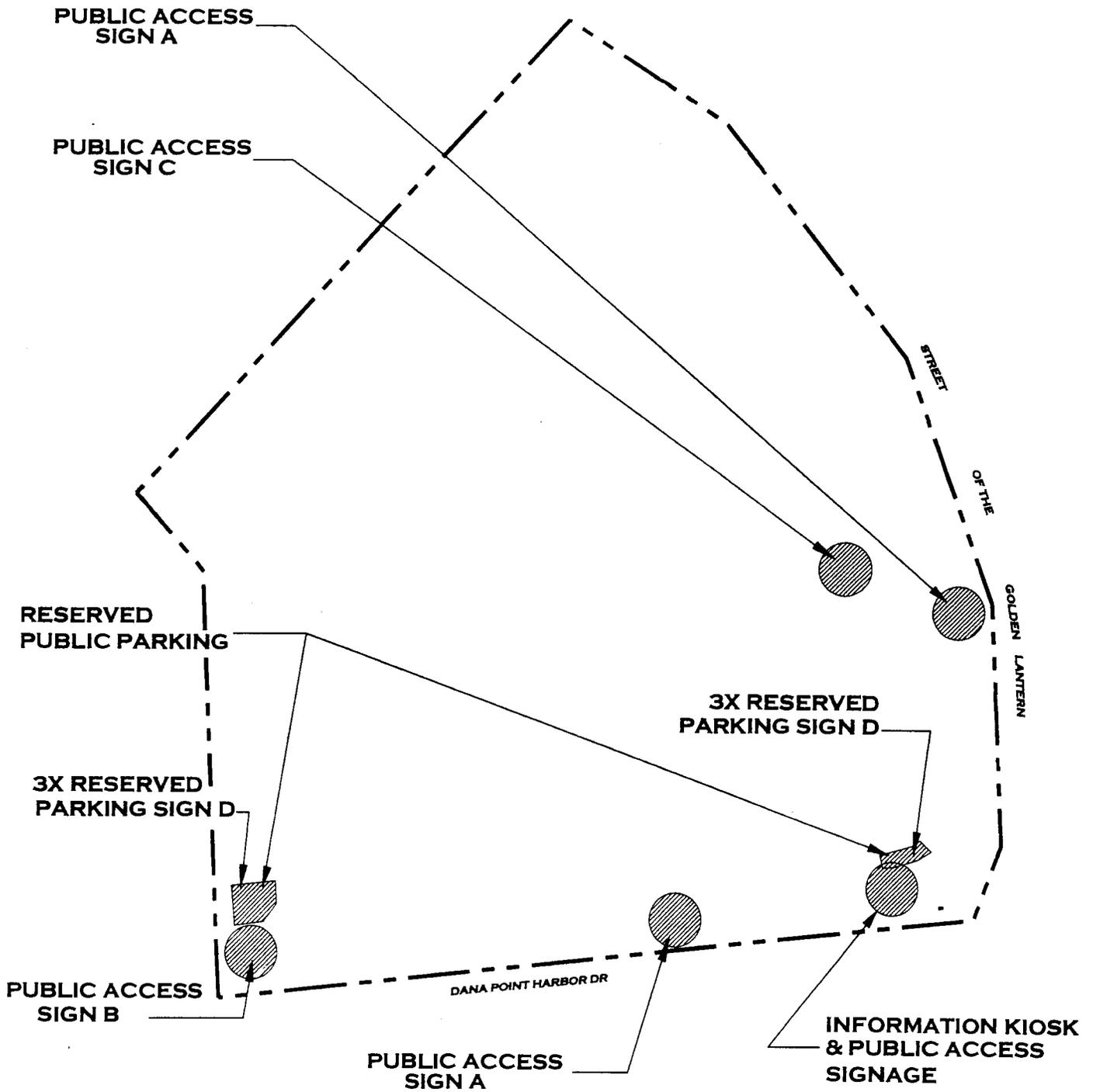
The Pavilion at Lantern Bay site is centrally located within the Dana Point harbor area. It occupies a primary "entry" area to a variety of public uses. It is the intent of this sign program to take advantage of this location opportunity to offer useful public coastal amenity information.

II. Maintenance

All signs identified herein, and the informational kiosk and public parking spaces shall be fabricated and installed by the owner of The Pavilion at Dana Point. The owner of The Pavilion shall also maintain the sign, kiosk and parking space facilities in a clean, attractive and operable condition, throughout the life of the project.

III. Consistency with City Sign Ordinance

All signs depicted herein are considered "Directional Signs" pursuant to the City of Dana Point Sign Ordinance (Chapter 9.37). Directional signs are permitted within all districts of the city and no specific City permit is required for installation of such directional signs (Chapter 9.37.150(b)).



THE PAVILION, DANA POINT, CALIFORNIA
PUBLIC ACCESS IMPROVEMENT PROGRAM

DATE: OCT 2003



EX. 2
 4/16

IV. Signs

Five (5) different types of public information signs are proposed in conjunction with this Public Information Signage Program (Signs A, B, C, D and E). The locations proposed for these signs are shown on the attached Public Access Improvement Program Map. Specific descriptions of the signs are as follows:

A. Sign A – Coastal Access Information Sign

Number: Two (2) locations (One at each of the two main entries to the site. Shown on Public Access Improvement Program Map)

Size: Twelve (12) sq. ft. in area. Three (3) ft. tall x four (4) ft. wide

Materials: Metal sign 1/8" thick.

Supports: Two (2) vertical 6" x 6" wood supports

Colors: Marine blue lettering on beige background

Copy: COASTAL ACCESS INFORMATION ENTER HERE
(with directional arrow)

Logo: California Coastal Commission (Left, Bottom)
The Pavilion at Dana Point (Right, Bottom)

B. Sign B – Coastal Access Public Parking Space Sign

Number: One (1) location (At secondary entry to site (east end) off Dana Point Harbor Dr. Shown on Public Access Improvement Program Map)

Size: Twelve (12) sq. ft. in area. Three (3) ft. tall x four (4) ft. wide

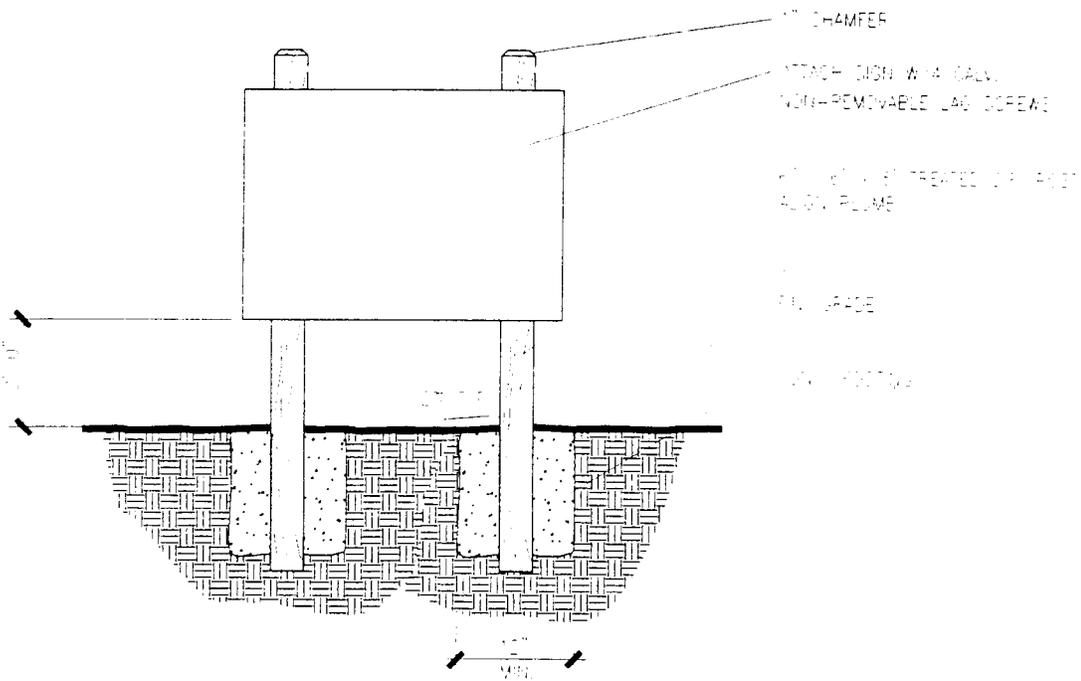
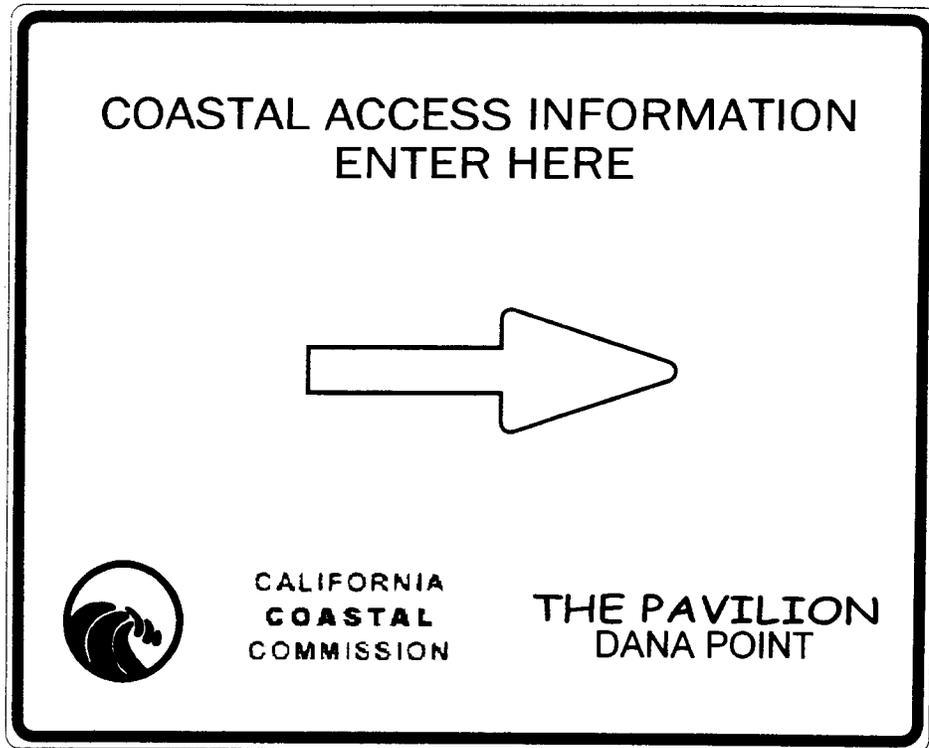
Materials: Metal sign 1/8" thick.

Supports: Two (2) vertical 6" x 6" wood supports

Colors: Marine blue lettering on beige background

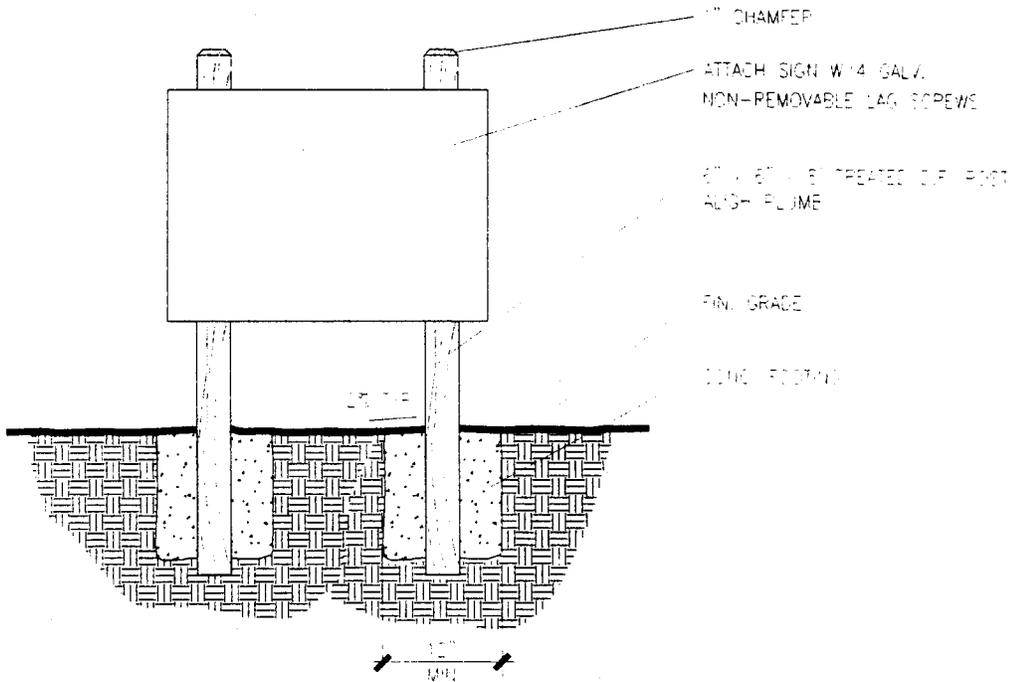
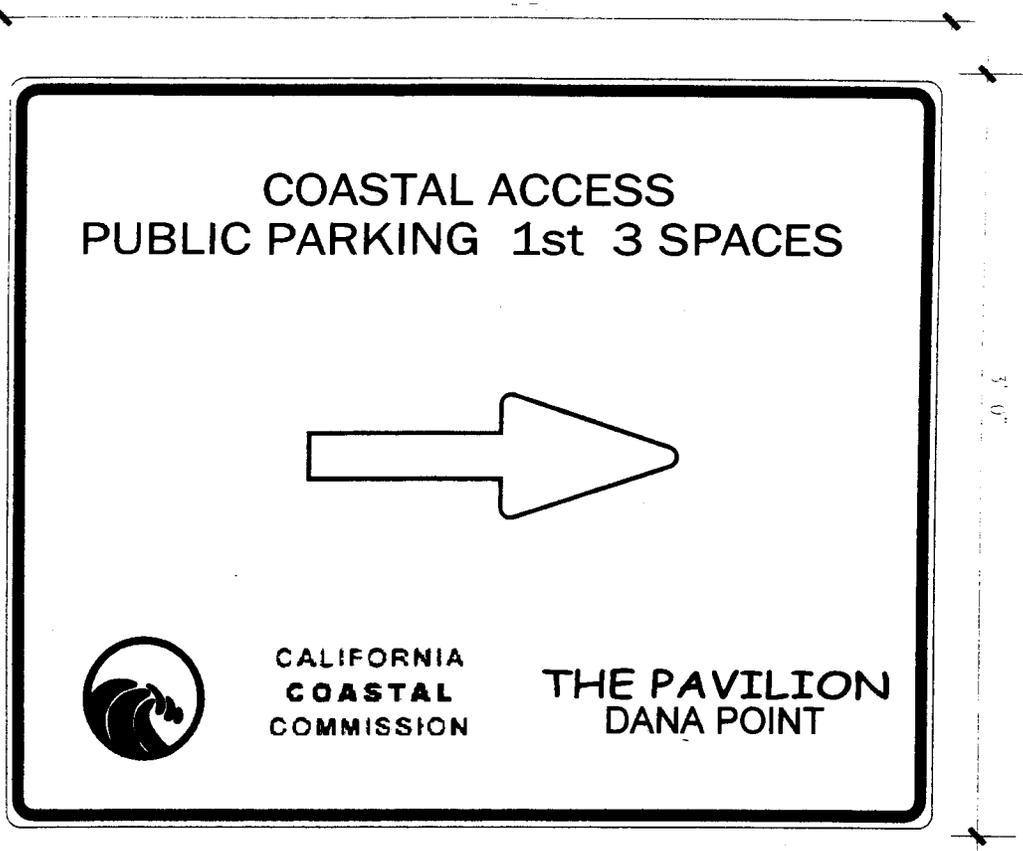
Copy: COASTAL ACCESS PUBLIC PARKING 1ST 3 SPACES
(with directional arrow)

Logo: California Coastal Commission (Left, Bottom)
The Pavilion at Dana Point (Right, Bottom)



1 SIGN A

EX. 2
6/16



2 SIGN B

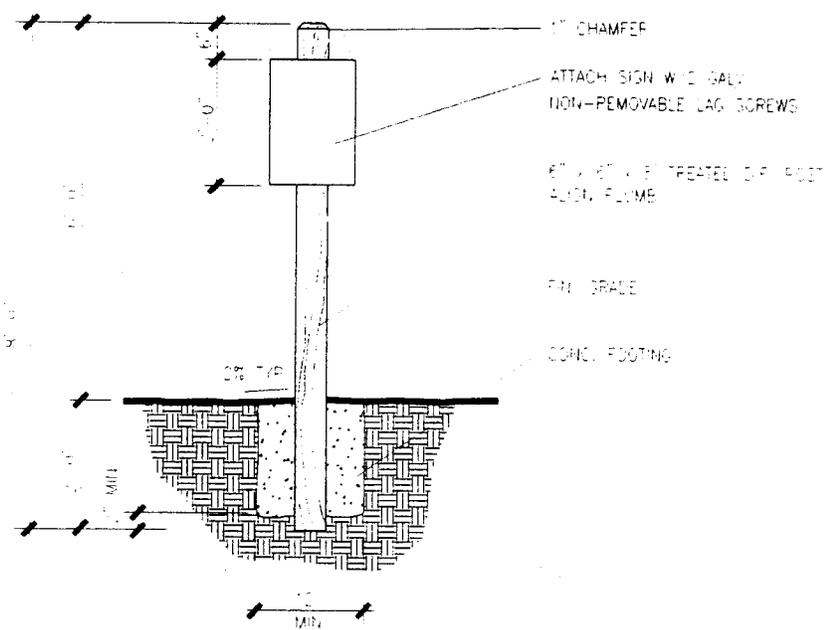
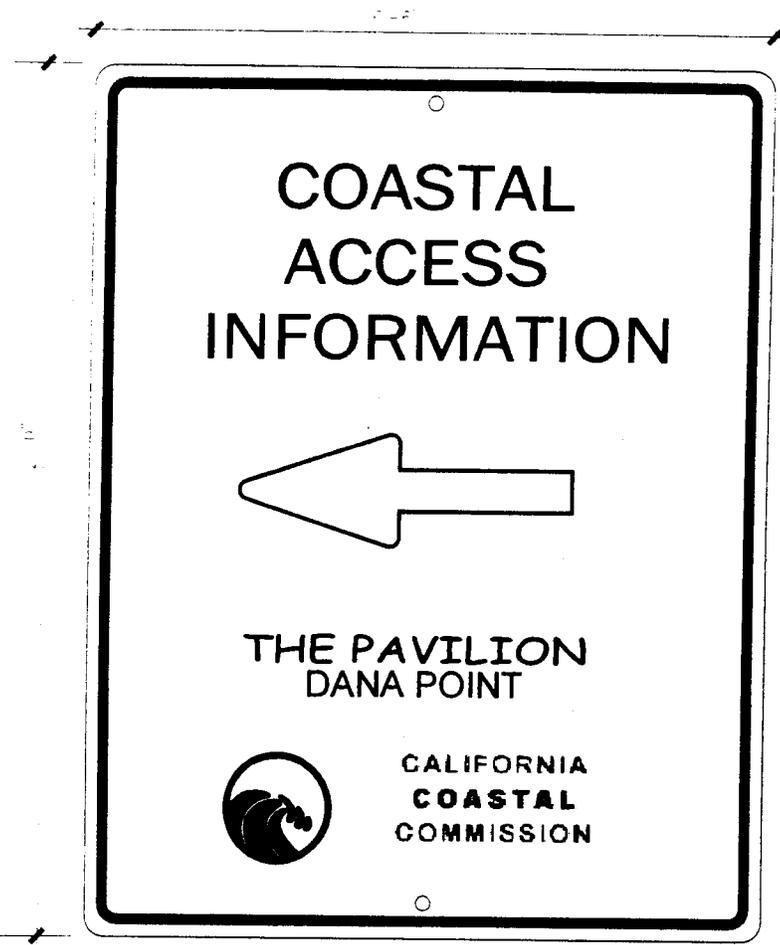
EX. 2
7/16

C. Sign C – Coastal Access Information Sign

Number: One (1) location (Shown on Public Access Improvement Program Map)
Size: Three (3) sq. ft. in area. Two (2) ft. tall x sixteen (16) in. wide
Materials: Metal sign 1/8" thick.
Supports: Single vertical 6" x 6" wood supports
Copy: COASTAL ACCESS INFORMATION (with directional arrow)
Colors: Marine blue lettering on beige background
Logo: California Coastal Commission (Center, Bottom)
The Pavilion at Dana Point (Center, Middle)

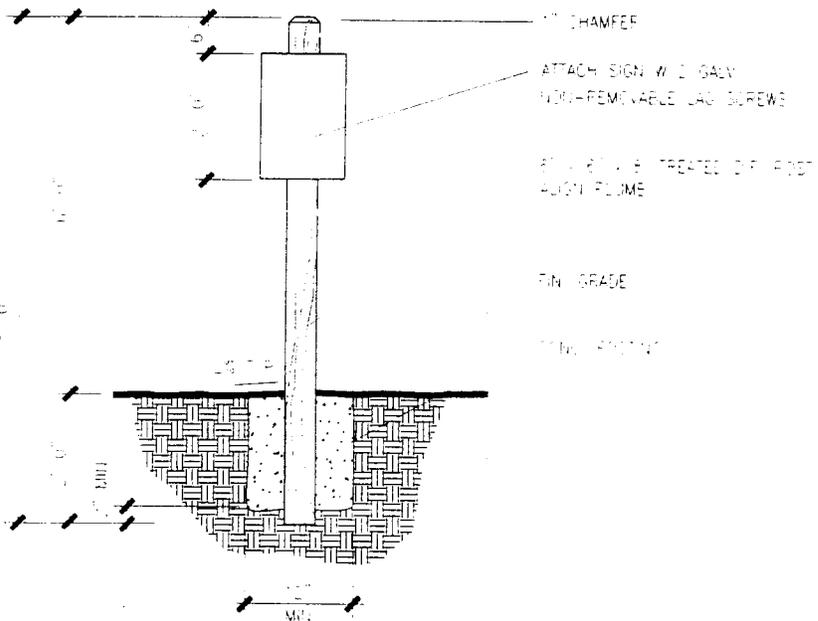
D. Sign D – Reserved Public Parking Sign

Number: Two (2) locations (Shown on Public Access Improvement Program Map)
Size: Two (2) sq. ft. in area. Two (3) ft. tall x one (1) ft. wide
Materials: Metal sign 1/8" thick.
Supports: One (1) vertical 6" x 6" wood support
Colors: Marine blue lettering on beige background
Copy: PUBLIC PARKING; RESERVED FOR COASTAL ACCESS (1ST 3 SPACES)
Logo: California Coastal Commission (Center, Bottom)
The Pavilion at Dana Point (Center, Middle)



3 SIGN C

EX. 2
9/16



4 SIGN D

EX. 2
10/16

V. Informational Kiosk

An un-staffed informational kiosk will be provided at the most prominent corner of The Pavilion project, near the intersection of Street of the Golden Lantern and Dana Point Harbor Dr. This location is shown on the Public Access Improvement Program Map. The kiosk will be double sided to allow pedestrians on both The Pavilion side and the public street side to view the information. It will provide up-to-date information, in pamphlet, notice and map form, on public trails, access, features and services in the surrounding area. Management of The Pavilion will be responsible for maintenance and keeping the kiosk stocked with up-to-date coastal information. The architectural style of the kiosk will be consistent with the architectural style of The Pavilion buildings.

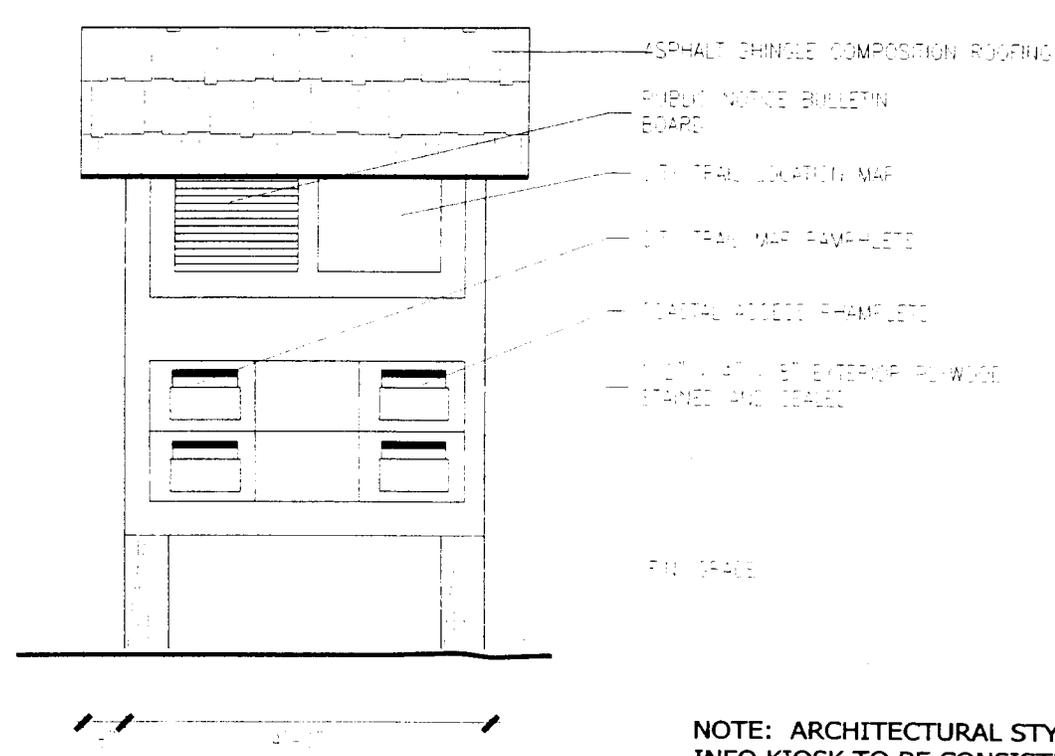
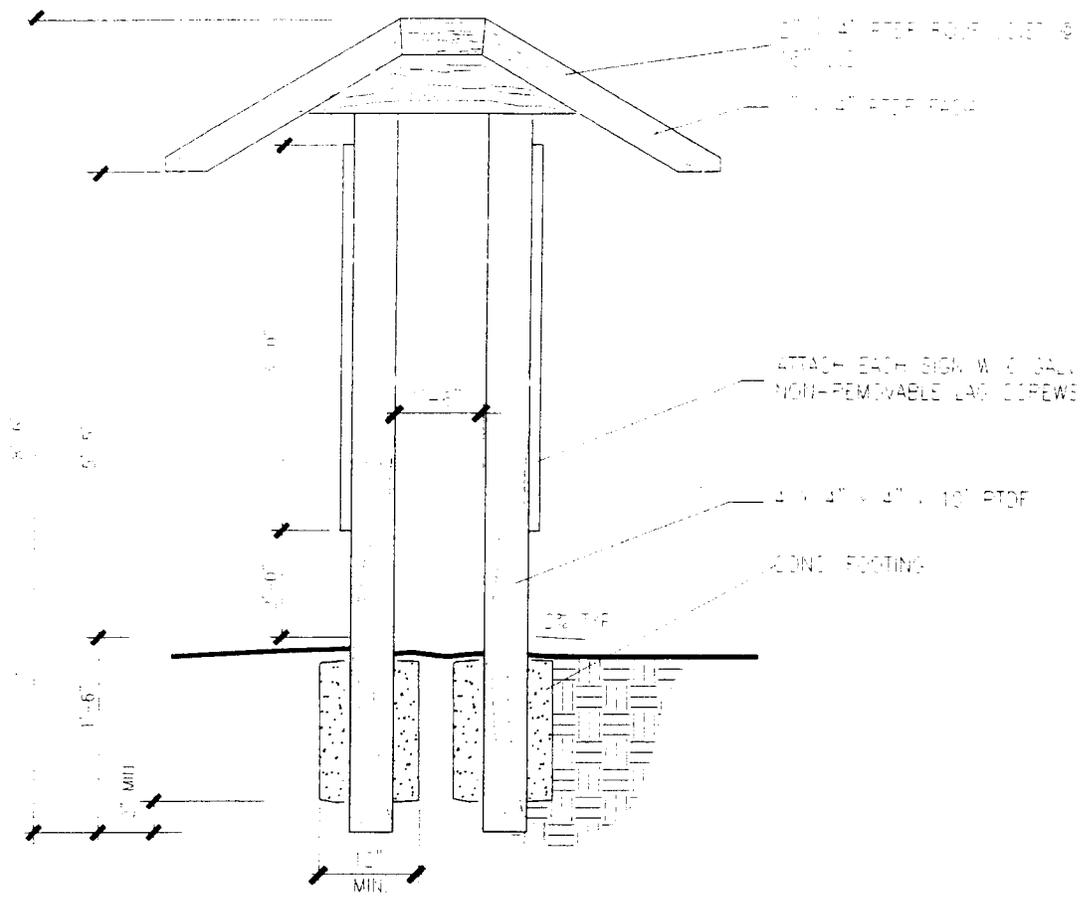
A specific description of the kiosk is as follows:

Number:	One (1) location (Near corner of Street of the Golden Lantern and Dana Point Harbor Dr. Shown on Public Access Improvement Program Map)
Size:	Double faced. Each side 22 sq. ft. Five and ½ (5 ½) ft. tall x four (4) ft. wide
Materials:	Wood, metal, glass; Composition shingle roofing.
Style:	Architectural style shall be consistent with the adjacent The Pavilion buildings
Accessory:	Bulleting board w/locked glass protector; built-in pamphlet storage trays
Colors:	Marine blue lettering on beige background, stained plywood, grey roofing
Supports:	Four (4) vertical 6" x 6" wood supports
Copy:	Various
Logo:	California Coastal Commission (Center, Top; Both sides) The Pavilion at Dana Point (Center, Bottom; Both sides)

VI. Public Parking

A total of six (6) parking spaces will be allocated for public access to the information kiosk and other coastal points of interest in the vicinity. Three (3) of the spaces will be located directly adjacent to the informational kiosk. The remaining three are the first three spaces as the motorist enters the easterly access to The Pavilion property. The location is directly adjacent to the public trail through Heritage Park, with its panoramic view of the Dana Point coastline. This trail also access several other public pedestrian routes through the coastal area.

The specific location of the subject six (6) public parking spaces is shown on the Public Access Improvements Program Map.



NOTE: ARCHITECTURAL STYLE OF INFO KIOSK TO BE CONSISTENT WITH BUILDINGS STYLE.

5 INFO KIOSK

EX. 2
12/16

**DANA POINT
POINTS
OF INTEREST**

- PUBLIC PARKING
- BOAT LAUNCH
- WATER FRONT SHOPS
- HERITAGE PARK
- LANTERN BAY PARK
- DOHENY STATE BEACH
- DANA COVE PARK
- LANTERN BAY COUNTY
PARK
- SHORE LINE PARK
- MARITIME MUSEUM

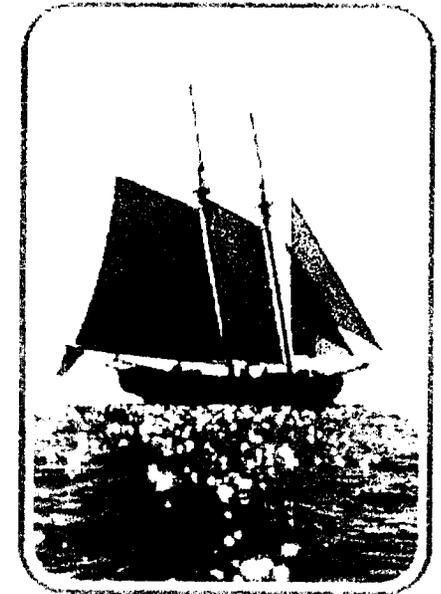
EX. 2
13/14

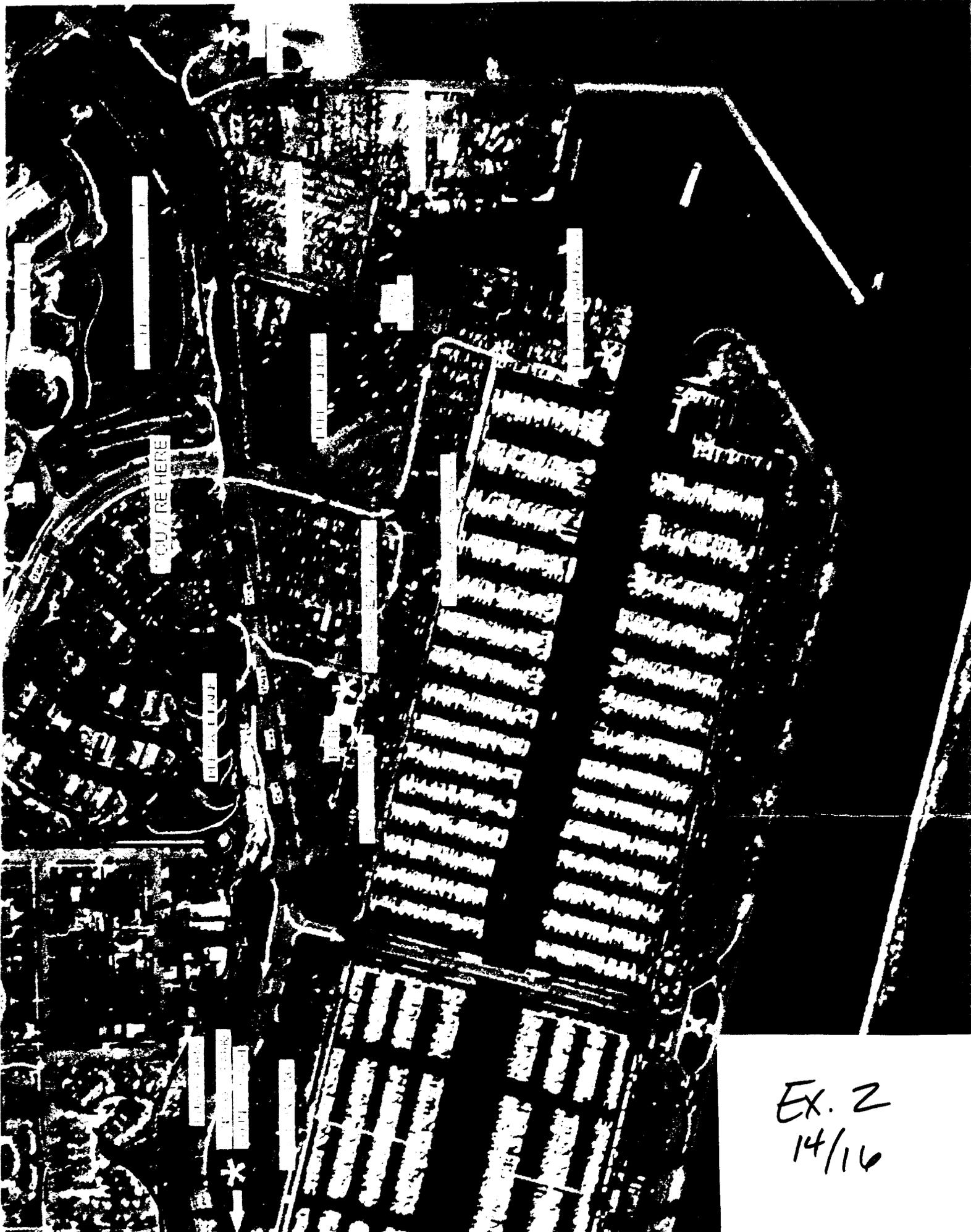
Brought to you By:



**Coastal Access Amenities Provided
Courtesy of The Pavillion At Dana
Point**

**DANA POINT
COASTAL
ACCESS GUIDE**





EX. 2
14/16

DANA POINT RESTAURANT LOCATION INDEX

- 1 J.C. Beans Coffee Shop
- 2 Taco Bell
- 3 Mega Burger
- 4 Pizza Hut
- 5 2001 Flavors Ice Cream
- 6 Blue Dolphin Restaurant
- 7 Spunk's Deli
- 8 Dana Point Donuts
- 9 Genji Japanese Restaurant
- 10 Aurora's Aquaria
- 11 Rub Trader Restaurant
- 12 Harbor House Cafe
- 13 Peking Dragon Restaurant
- 14 Hennessy's Restaurant
- 15 Domino's Pizza
- 16 Taco Surf Restaurant
- 17 Bella Napoleon Restaurant
- 18 Amtrak Restaurant
- 19 Casa Rios Restaurant
- 20 Coi Beach Kitchen
- 21 Thai That Restaurant
- 22 Fitness Fuel Deli
- 23 Subway Sandwich Shop
- 24 McDonalds
- 25 Del Taco
- 26 Jack In The Box
- 27 Memphis Style Rib Joint Rest
- 28 Denny's Restaurant
- 29 Natalie's Coffee and Deli
- 30 Char Chicken Restaurant
- 31 Stuff Pizza & Deli
- 32 Cafe Courtyard
- 33 Bonjour Cafe
- 34 Thai This Restaurant
- 35 Jack's Restaurant
- 36 Luciana's Italian Restaurant
- 37 Pacific Room Restaurant
- 38 Cannons Restaurant
- 39 Hot Dogs & Bait Stand
- 40 Dana West Yacht Club
- 41 Dana Point Yacht Club
- 42 The Beach House Restaurant
- 43 Harbor Lights Restaurant
- 44 Harbor Grill Restaurant
- 45 El Triton Restaurant
- 46 Coffee Importers Deli
- 47 Coffee Importers Espresso Bar
- 48 Harpoon Henry's Harbor side Cafe
- 49 Harpoon Henry's Restaurant
- 50 Beach Cities Pizza
- 51 Gem Eli's Restaurant
- 52 The Brg Restaurant
- 53 Wind & Sea Restaurant
- 54 Proud Mary's Restaurant
- 55 Turk's Restaurant
- 56 Harbor Deli & BBQ
- 57 Jon's Fish Market Restaurant
- 58 Jofy Roger Restaurant
- 59 Have Java Ice Cream & Espresso
- 60 Restaurant Fo -ell
- 61 R.J's Cafe
- 62 Black Forest Bakery Cafe
- 63 Doyen Beach Beach Bar
- 64 Regatta Grill Restaurant (at Marriott Hotel)
- 65 Commodore's Lounge Bar & Restaurant (at

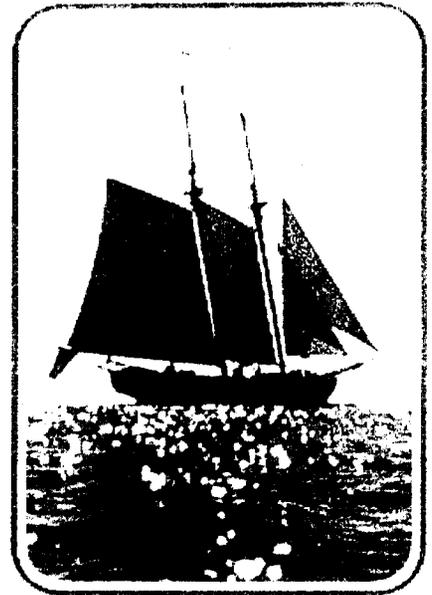
15/1/14
EX. 2

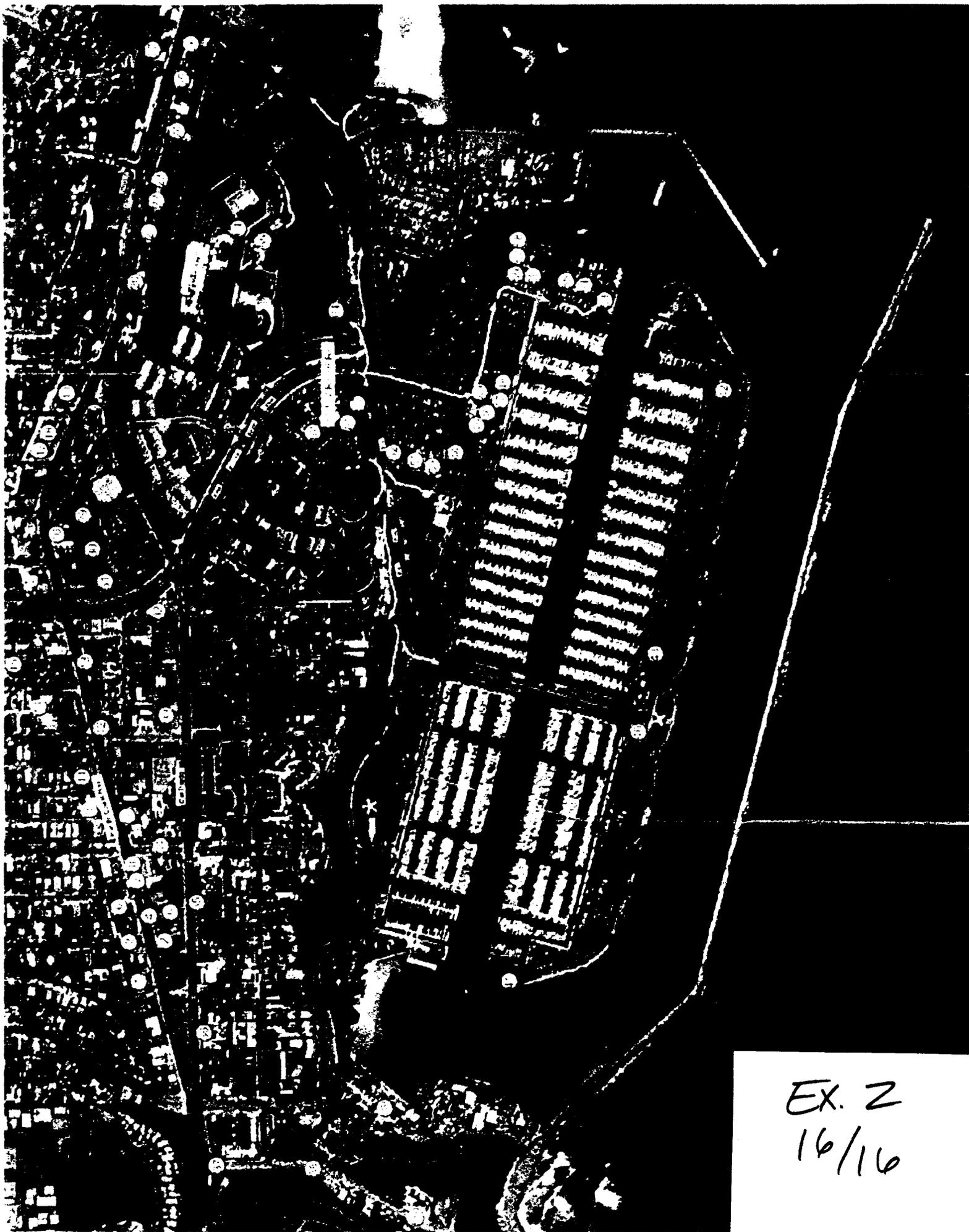
Brought to you By:



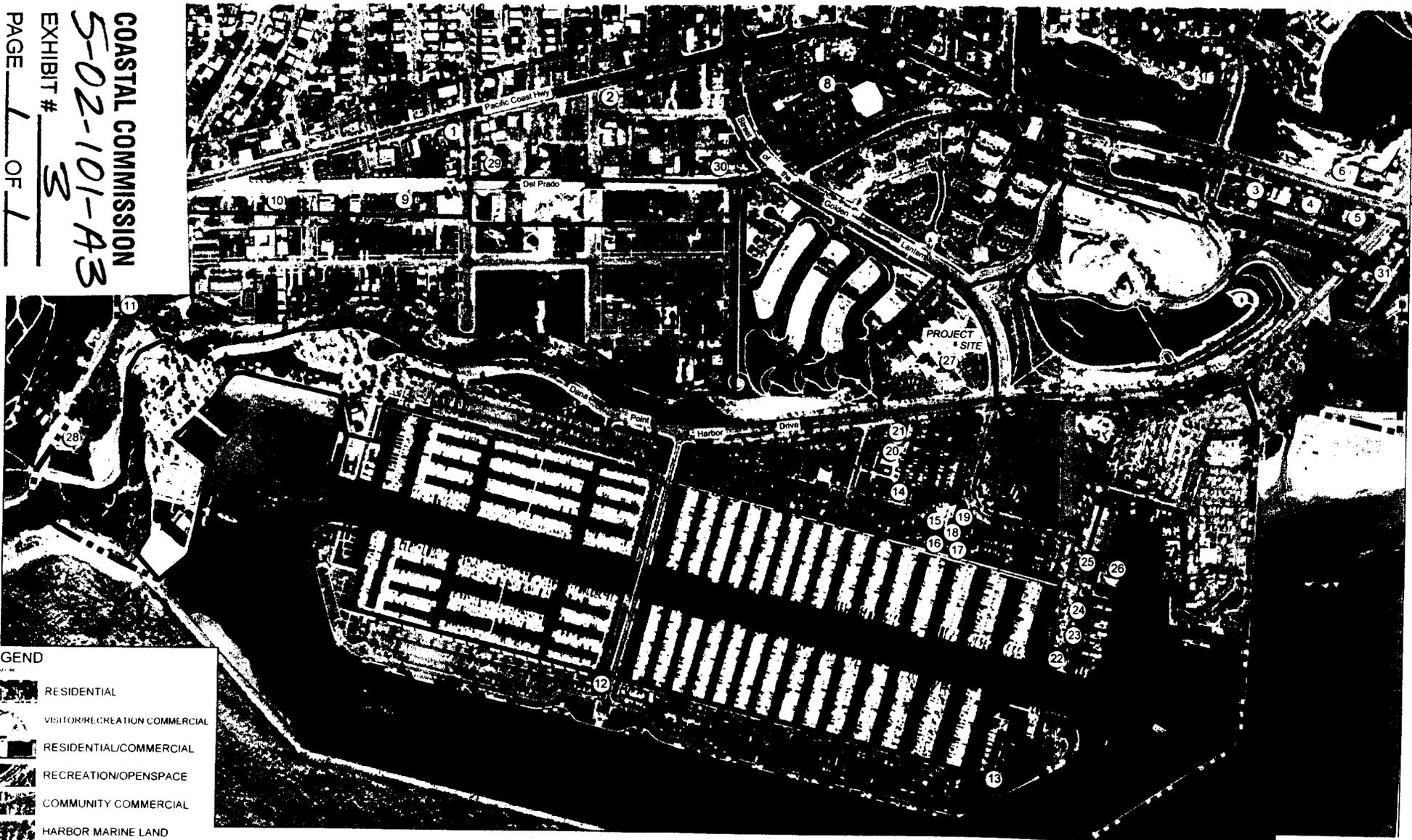
Coastal Access Amenities Brought to you Courtesy of The Pavillion At Dana Point

DANA POINT RESTAURANT LOCATION GUIDE





EX. 2
16/16



LEGEND

- RESIDENTIAL
- VISITOR/RECREATION COMMERCIAL
- RESIDENTIAL/COMMERCIAL
- RECREATION/OPENSOURCE
- COMMUNITY COMMERCIAL
- HARBOR MARINE LAND
- STUDY BOUNDARY
- RESTAURANT LOCATION #s

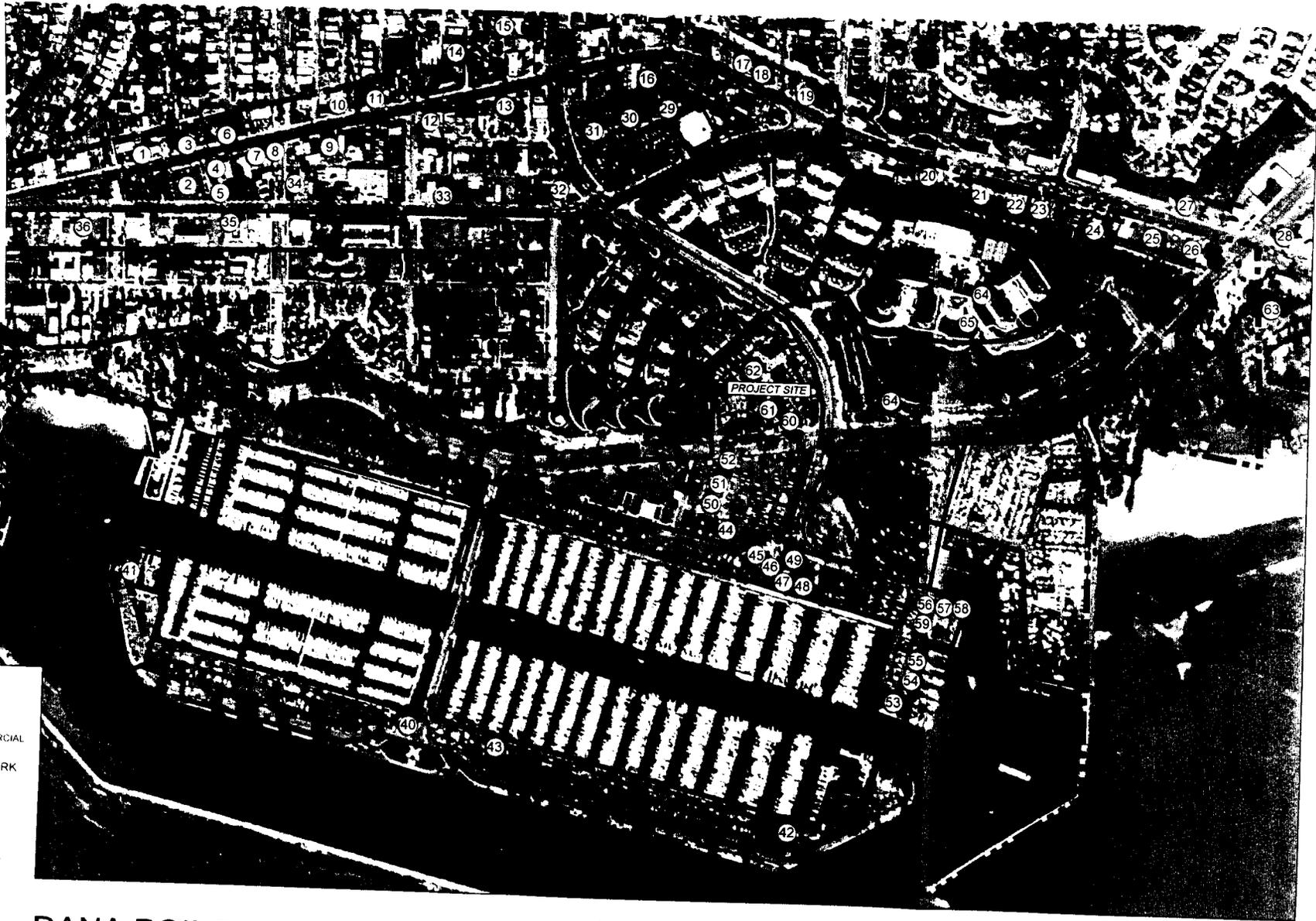
DANA POINT LANDUSE / RESTAURANT LOCATIONS - 1984
 1984 General Plan
 The Pavilion, Dana Point, California

EXHIBIT A

JULY 1, 2003 PS # 030307

DATE: 7/1/03
 TIME: 10:00 AM
 BY: [Signature]
 TITLE: [Title]

COASTAL COMMISSION
 5-02-101-A3
 EXHIBIT # 4
 PAGE 1 OF 1



- LEGEND**
- RESIDENTIAL
 - VISITOR/CREATION COMMERCIAL
 - INDUSTRIAL/BUSINESS PARK
 - COMMUNITY FACILITY
 - RECREATION/OPENSOURCE
 - COMMUNITY COMMERCIAL
 - HARBOR MARINE LAND

STUDY BOUNDARY
 RESTAURANT LOCATION #s

DANA POINT LAND USE / RESTAURANT LOCATIONS - 2003
 Current General Plan
 The Pavilion, Dana Point, California

EXHIBIT B

JULY 1, 2003 PS # 030307

0 100 200
 Feet

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-CV Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment.

b. LAND USES

- 1) **Principal Permitted Use** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.
 - a) Hotels, motels, hostels
 - b) Restaurants

- 2) **Other Permitted Uses** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Cocktail lounges, bars.
 - b) Beach access bridges, ways or tunnels.
 - c) Bicycle and surfboard shops and rentals.
 - d) Trails for hiking and bicycling in conformance with Land Use Plan.
 - e) Time share projects.
 - f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.
 - g) Bus and taxi stops.
 - h) Convention and conference centers.
 - i) Retail and service businesses associated with the needs of visitors and tourists.
 - j) Museums and libraries.

- k) Water sports retail establishments and rental except as provided in the prohibited uses below.
- l) Parks and playgrounds.
- m) Arboretums and horticultural gardens.
- n) Boat rentals.
- o) Bicycle rentals.
- p) Boat repair, storage, sale.
- q) Commercial recreation.
- r) Public facilities ancillary to visitors and tourists.

3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

- a) Signs, in compliance with Section E.13
- b) Other accessory uses

4) Prohibited Uses

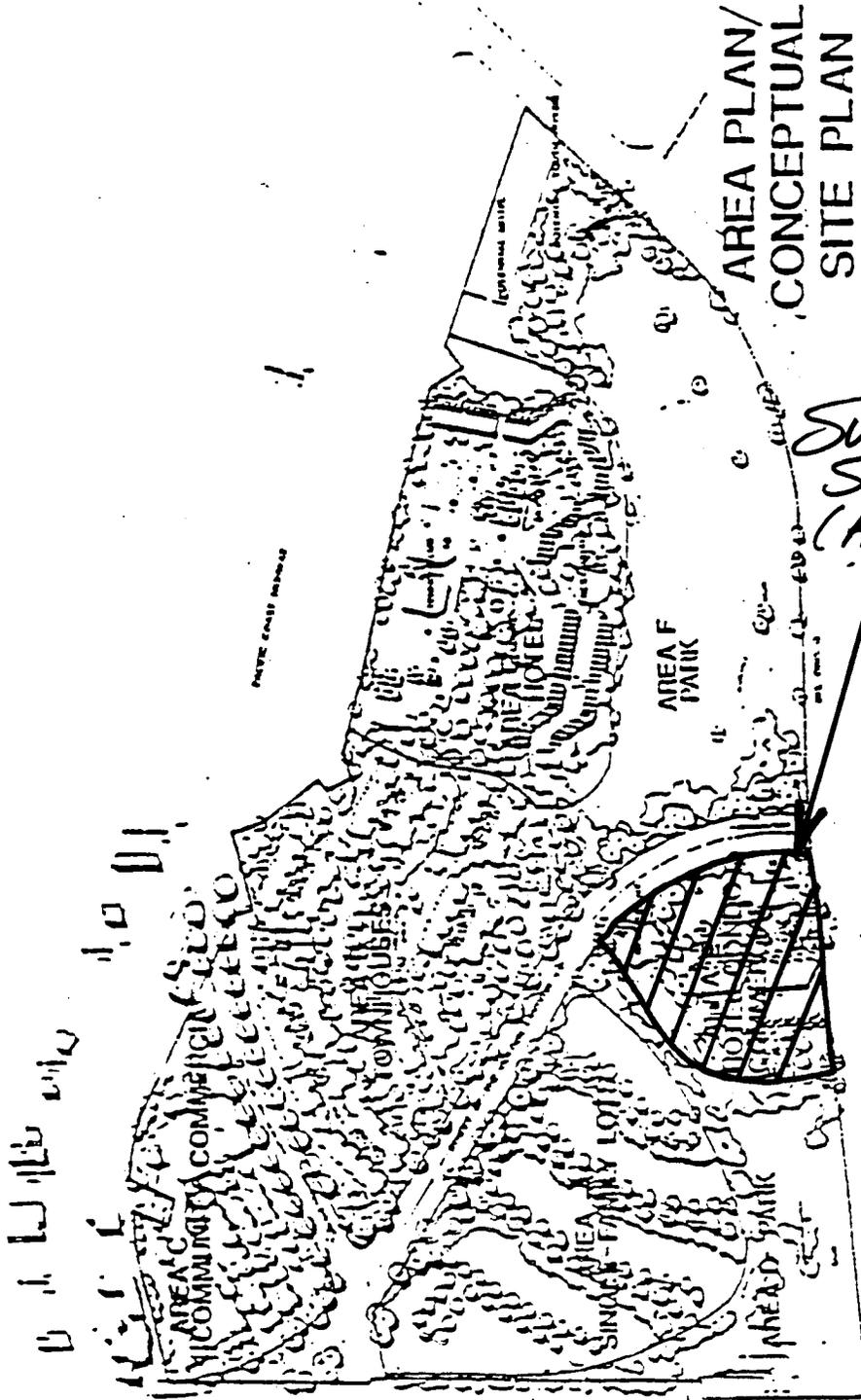
- a) Automobile service, repair, sales, rental and washing.
- b) Camping facilities.
- c) Adult entertainment businesses and adult bookstores.
- d) Permanent residential uses not provided under permitted uses.
- e) Kennels.
- f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.

c. SITE DEVELOPMENT STANDARDS

- 1) Development shall achieve maximum conservation of the site's amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Development shall be designed to comply with the Tourist Recreation/Commercial Guidelines of the Land Use Plan (p. 81).
- 2) Building Regulations
 - a) Minimum lot size - No limitations

- b) Building Site Width - No limitations
 - c) Building height - 35 feet
 - d) Building site coverage - No limitation
 - e) Building setbacks - The minimum setback from any exterior property line shall be twenty (20) feet from the front, ten (10) feet from the side and ten (10) feet from the rear.
 - g) Landscaping/screening minimum -50% of the front setback area
- 3) Off-street Parking Per Section 7-9-145 of the Orange County Zoning Code.
 - 4) Trash and storage areas - A-1 storage cartons (dumpsters) and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
 - 5) Loading - All loading and unloading operations shall be performed on the site whenever possible.
 - 6) Fences and Walls - per Sec. 7-9-137.5 of the Orange County Zoning Code.
 - 7) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it and refer to its standards.
 - 8) Buildings, structures and man-made improvements shall be arranged so that any scenic aspects of the site are available for public enjoyment.
 - 9) Significant natural features of the site shall be conserved through use of site alterations and grading that enhance the natural scenic and recreational features of the site. All development in which any grading occurs is required to comply with the Orange County Grading Code.
 - 10) Adequate parking shall be provided in close proximity to each visitor-serving facility.
 - 11) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements and waivers of liability.

UNCLASSIFIED



**AREA PLAN/
CONCEPTUAL
SITE PLAN**



collin-yumah and partners, lpc.
architecture - planning

**SUBJECT
SITE
(AREA E)**

tana point marina

LANTERN BAY
SMYTH BROTHERS INCORPORATED

COASTAL COMMISSION
5-02-101-A3
EXHIBIT # 6
PAGE 1 OF 1

