

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

October 28, 2004



TO: Coastal Commissioners and Interested Persons

FROM: Deborah Lee, Deputy Director, South Coast District
Teresa Henry, Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area

SUBJECT: **Dana Point Headlands - Concurrence with the Executive Director's determination that the action of the City of Dana Point accepting certification with suggested modifications of the City's LCP Amendment 1-03 is legally adequate.**

Th16aSTAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

The Commission approved the City of Dana Point's Local Coastal Program Amendment 1--03 with suggested modifications at the public hearing held in Laguna Beach on January 15, 2004. On August 11, 2004, the Commission adopted the revised findings supporting the Commission's action in January. The LCP amendment amends the Dana Point Local Coastal Program (LCP) to certify the presently uncertified Dana Strand area and replaces the 1986 Dana Point Specific Plan LCP as it pertains to the remainder of the 121.3 acre project site with the LCP that consists of the City's 1996 Zoning Code and the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the City's General Plan and amend those documents, through the Headlands Development Conservation Plan (HDGP) to, among other things, authorize creation of a Planned Development District for the site to authorize development of 125 single family residential lots, a maximum of 110,750 square feet of visitor serving commercial land use including a 65-90 room inn, a 35,000 square foot commercial site with visitor information center and 40-bed hostel and 68.5 acres of public parks, coastal trails and open space, and a funicular to serve Strand beach. The amendment affects the City's certified Land Use Plan and Implementation Plan.

The City of Dana Point accepted, and agreed to the Commission's suggested modifications by passing resolutions 04-09-22-03 and 04-09-22-04, on September 22, 2004, and adopting ordinances 04-06 and 04-07, on October 13, 2004, incorporating the Commission's suggested modifications into the City's certified Local Coastal Program.

The text of the resolutions and ordinances referenced above suggest the City accepted the Commission's suggested modifications without change. However, the Executive Director has noted there are certain deviations from the suggested modifications the Commission transmitted to the City. These deviations occur in the City's adoption of Suggested Modifications 118, 136, and 179 and are highlighted on pages 49 to 52, 62, and 86 of the attached exhibits. Commission staff discussed these deviations with the City's Director of Community Development and were assured that the deviations represent un-intentional errors, inclusions and omissions. The City indicated a letter would be submitted verifying their position with regard to the identified deviations. Furthermore, the City indicated that a fully integrated version of the modified Land Use Plan and

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Implementation Plan is under preparation and would be provided to the Executive Director. The City indicated the fully integrated document would reflect all of the suggested modifications as they were transmitted to the City in the Commission's letter to the City dated August 20, 2004.

As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine that the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of the City of Dana Point LCP Amendment 1-03 shall become effective upon the filing of the required notice of certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(V).

DPT LCPA 1-03 Executive Directors Concurrence

RESOLUTION NO. 04-09-22-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 01-02, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT, URBAN DESIGN ELEMENT, CIRCULATION ELEMENT, PUBLIC SAFETY ELEMENT, CONSERVATION AND OPEN SPACE ELEMENT, PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT, TEXT, TABLES AND DIAGRAMS, AND SUBMISSION OF GPA 01-02 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: Headlands Reserve, LLC
File No.: FF# 0630-30/GPA 01-02/LCPA 01-02

WHEREAS, on July 9, 1991, the City of Dana Point adopted its General Plan; and

WHEREAS, Headlands Reserve LLC submitted an application for approval of the Headlands Development and Conservation Plan (HDCP) which consists of a General Plan Amendment (GPA 01-02) (including revisions to the Land Use Element, Urban Design Element, Circulation Element, Public Safety Element, Conservation/Open Space Element, and Public Facilities/Growth Management Element), Zone Text Amendment (ZTA 01-02), Zone Change (ZC 01-01), Planned Development District (PDD 01-01), Local Coastal Program Amendment (LCPA 01-02) and a Development Agreement for the Headlands property; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's local CEQA Guidelines, the City prepared a Final Environmental Impact Report (EIR), SC# 2001071015; and

WHEREAS, Final EIR SC# 2001071015 was certified by the City Council on January 22, 2002; and

WHEREAS, the City Council on January 22, 2002, approved General Plan Amendment GPA 01-02, Zone Text Amendment ZTA 01-02, Zone Change ZC 01-01, Planned Development District PDD 01-01, Local Coastal Program Amendment LCPA 01-02, and Development Agreement DA 01-01; and

WHEREAS, LCPA 01-02 was submitted to the Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on August 11, 2004, approved Local Coastal Program Amendment 1-03 with suggested modifications; and

WHEREAS, the Coastal Commission found that the LCP Amendment and Implementation Plan Amendment with the suggested modifications was consistent with the policies of Chapter 3 of the Coastal Act, minimized or mitigated any potential significant effects, would not result in significant adverse impacts within the meaning of CEQA and that there are no feasible alternatives within the meaning of CEQA that would reduce the potential for significant environmental impacts; and

WHEREAS, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Sections 15162-15164, the City assessed the whether any potential environmental impacts of the suggested modifications were previously analyzed in Final EIR SC# 2001071015 and if any changes were necessary to that EIR, and

WHEREAS, it was determined to prepare an Addendum to Final EIR SC# 2001071015; and

WHEREAS, said suggested modifications have been accepted and agreed to, and incorporated into PDD 01-01 and LCPA 01-02, and

WHEREAS, the City may amend all or part of an adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the General Plan Amendment GPA 01-02 is the first General Plan Amendment processed for 2004; and

WHEREAS, the proposed amendment would make changes to of the Land Use Element, Urban Design Element, Circulation Element, Public Safety Element, Conservation and Open Space Element, and Public Facility/Growth Management Element, Zoning Code; and

WHEREAS, the amendment is internally consistent with other elements of the General Plan; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code and CEQA Guidelines Sections 15251(f) and 15265(a)(1); and

WHEREAS, an Addendum to Final EIR SC# 2001071015 was prepared as the supporting environmental documentation for the consideration of the General Plan Amendment; and

WHEREAS, the Planning Commission did on September 15, 2004 hold a duly noticed public hearing as prescribed by law to consider the said General Plan Amendments and LCPA, and on that date adopted Resolutions to forward a recommendation for approval to the City Council for the HDCP and Addendum to Final Project EIR, including specifically, General Plan Amendment GPA 01-02 through Resolution 04-09-15-40; and

WHEREAS, the City Council did on September 22, 2004 conduct a duly noticed public hearing as prescribed by law to consider the HDCP, the Addendum to Final Project EIR and, specifically General Plan Amendment GPA 01-02 and LCPA 01-02; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to GPA 01-02 and LCPA 01-02; and

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

Section 1. That the above recitations are true and correct;

Section 2. The City Council finds as follows:

- A. The City acknowledges receipt of the Coastal Commission's resolution of certification of the LCP amendment with suggested modifications.
- B. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and PDD Guidelines.
- C. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- D. That the proposed action complies with all other applicable requirements of State law and local Ordinances;

- E. That the General Plan Amendment under GPA 01-02 is in the public interest;
- F. That the Local Coastal Program Amendment (LCPA 01-02) is consistent with, and will be implemented in full conformity with the Coastal Act;
- G. That the Final Environmental Impact Report and Addendum for the Headlands Development and Conservation Plan is complete and adequate for the consideration of the General Plan Amendment;
- H. That the City Council adopts the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program Amendment is in conformance with and adequate to implement the Land Use Plan.
 - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. As a General Plan Amendment and Local Coastal Program Amendment, no specific development is proposed. Any proposed development will be reviewed for compliance with the City's Local Coastal Program and (in addition) for proposed development located within the Commission's appeal area, the public access policies of the Coastal Act.
 - 4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.

5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution of the City Council specifies that Local Coastal Program Amendment LCPA 01-02 be submitted to the Coastal Commission for final certification.

Section 3. The City Council adopts the amendments to the City General Plan as shown in Exhibit "A" of this Resolution, attached hereto and incorporated herein by this reference.

Section 4. The City Council amends the currently adopted 1996 Land Use Plan of the 1996 Local Coastal Program as shown General Plan Amendment GPA 01-02, attached hereto as Exhibit "A" to this Resolution.

Section 5. The City Council amends the uncertified areas of the Headlands to include the currently adopted 1996 Local Coastal Program, along with General Plan Amendment GPA 01-02, attached hereto as Exhibit "A" to this Resolution.

Section 6. The City Council amends the 1986 Dana Point Local Coastal Program (including the Orange County Zoning Code) in its entirety as it applies to the property within the Headlands Development and Conservation Plan

(HDCP) and replaces these portions of the 1986 Dana Point Local Coastal Program with the 1996 Local Coastal Program (as amended).

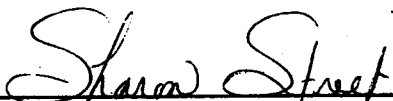
Section 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2004.



JOE SNYDER, MAYOR

ATTEST:



Sharon Street
City Clerk

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

I, Sharon Street, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 04-09-22-03 was duly adopted and passed at a regular meeting of the City Council on the 22nd day of September, 2004, by the following roll-call vote, to wit:

AYES: Council Members Chilton, Ossenmacher, Rayfield,
 Mayor Pro Tem Lacy and Mayor Snyder

NOES: None

ABSENT: None

ABSTAIN: None



SHARON STREET
CITY CLERK

EXHIBIT "A"

General Plan Amendment 01-02; LCPA 01-02 Coastal Commission Suggested Modifications: Land Use Plan¹

1. Global Change: Modify/Add appropriate Coastal Act policy references following each Land Use Element, Urban Design Element, and Conservation Open Space Element policies referenced in the Suggested Modifications.
2. (Priority Uses) LUE, Goal 2, Policy 2.102-14: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. In the Headlands, this prioritization of uses is satisfied by the provision of visitor-serving commercial recreational development on the private lands suitable designated for visitor-serving commercial recreational facilities are on the portions of the site that adjoin Pacific Coast Highway and Street of the Green Lantern in the vicinity of existing visitor-serving commercial recreational uses. (Coastal Act/30222)
3. (Water Quality) (WQ15) LUE, Goal 4, Policy 4.4: Preserve, maintain and, where feasible, enhance, and where feasible restore marine resource areas and coastal waters. Special protection shall be given to areas and species of special biological or economic significance. Sustain and where feasible restore general water quality and biological productivity as necessary to maintain optimum populations of marine organisms and for the protection of human health. (Coastal Act/30230)
4. (Biological Resources/Hazards), LUE, Goal 5, Add following introductory narrative: Development of the Headlands shall occur in a comprehensive manner involving the entire approximately 121 acre site. This comprehensive approach to developing the Headlands will allow for the following project elements (herein 'HDCP Elements'): 1) preservation, enhancement, dedication and perpetual management of all but 11.29 acres of environmentally sensitive habitat areas (ESHAs) known to be present at the Headlands; 2) the dedication of the private portion of Strand beach to the public; 3) the construction and dedication of public parks, a public trail network throughout the Headlands, and vertical and lateral public access to and along Strand beach including realigning the existing revetment an average 5 feet landward or easterly than the existing alignment, implementation of a program to retrieve debris from the beach that impedes public access, and constructing a new lateral public access trail on top or landward of the revetment and seaward of the entire length of the Strand residential development; 4) implementation of extensive water quality management best management practices, including but not limited to the construction and maintenance of structural best management practices to treat off-site and on-site runoff; 5) the preservation of significant landforms including the Harbor Point and Headlands bluffs and promontories and the Hilltop; and 6) the provision of lower-cost

¹ Amendments are listed according to Coastal Commission suggested modifications and are numbered as they appeared in Coastal Commission Findings dated August 15, 2004.

overnight accommodations (i.e. hostel) in conjunction with the construction of a luxury inn.

5. (Visual Resources) LUE, Goal 5, Create Figure COS-5a, Headlands Coastal View Opportunities, modeled on Figure 4.5.3 from the Headlands Development Conservation Plan, with changes to be consistent with the Commission's action.
6. (Visual Resources) LUE, Goal 5, New Policy: Zoning and development regulations shall detail the location and extent of public coastal view opportunities (i.e. unobstructed view, intermittent view or no view) that will be established for designated public open space and trail areas which shall, at minimum, conform with the public view opportunities identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. (Coastal Act/30251).
7. (Visual Resources) LUE, Goal 5, New Policy: Maximum building heights for each zoning district shall be established that prevent significant adverse impacts to public views to and along the coast from, at minimum, the public view opportunities identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. Applications for land divisions and/or grading shall establish finished grades such that structures constructed to the maximum building heights identified for each zoning district shall not significantly adversely impact the public views identified in this policy (Coastal Act/30251)
8. (Visual Resources) LUE, Goal 5, New Policy: Submittals for tentative tract maps and coastal development permits for development proposed within any public viewshed identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element, shall include a visual impact analysis to demonstrate that the public coastal view opportunities designated pursuant to Policy [Suggested Mod 6] shall be established and maintained. (Coastal Act/30251)
9. (Hazards) LUE, Goal 5, Policy 5.2: Require geotechnical studies to assess neologic hazards ~~ensure geological stability~~ in the areas where development is proposed. ~~to be permitted and~~ Except for the public access facilities and residential development in the Strand (which is exempt from this requirement only if proposed in the context of an application that provides all of the HDGP Elements, and only in conjunction with a requirement that the plan be completed as a whole), require adequate a minimum 50 foot setbacks from the bluff top ~~areedoss~~ or a sufficient setback to avoid anticipated erosion/bluff retreat over a minimum 75 year timeframe in accordance with those engineering/geotechnical studies, whichever is most restrictive and adopted City regulations. (Coastal Act/30250, 30253)
10. (Visual Resources) LUE, Goal 5, Policy 5.4: Assure that the height and scale of the development within the Headlands are compatible with development in the community and that the visual impact of the development from coastal areas below the project is minimized. Prohibit new development that significantly degrades public views to and along the coastline including, but not limited to, existing, enhanced or created views from the Hilltop park and greenbelt linkage, the Strand

Vista Park, the Dana Point Promontory/Headlands Conservation Park and Harbor Point. (Coastal Act/30251)

11. (Public Access) LUE, Goal 5, Policy 5.6: Require that a continuous scenic walkway or trail system be integrated into the development and conservation plan for the Headlands and that it provide connection points to off-site, existing or proposed walkways/trails, including integration with the California Coastal Trail. The alignment of the walkway and trail system shall be consistent with their depiction on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. (Coastal Act/30210, 30212)
12. (Public Access) LUE, Goal 5, Policy 5.9: Provide public trails within the Headlands. The system shall include provide access to the existing sandy beach areas, including but not limited to a minimum of three (3) public accessways, and an inclined elevator/funicular, from Selva Road, through the Strand area, to the beach, and to the visitor-serving recreational and public places developed within the Headlands.
13. (Biological Resources/Public Access) LUE, Goal 5, Policy 5.20: Regulate the time, manner and location of public access to parks and open space containing sensitive biological resources to maintain and protect those sensitive resources and to protect the privacy rights of property owners while balancing honoring the public's constitutional right of access to navigable waters. (Coastal Act/30004, 30004.5, 30214, 30240)
14. (Coastal Resources) LUE, Goal 5, Policy 5.21: Provide additional public access from Selva Road, the nearest public roadway, to the shoreline, consistent with public safety and the protection of fragile coastal resources. (Coastal Act/30242)
15. (Public Access) LUE, Goal 5, Policy 5.23: Off-street parking shall be provided for all new residential and commercial development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the minimum quantity of parking stalls required through the variance process shall not be approved. Valet parking shall not be implemented as a means to reduce the minimum quantity of parking stalls required to serve the development. Provide on-street and off-street public parking facilities strategically distributed to maximize public use and adequately sized to meet the needs of the public for access to areas designated for public recreation and public open space uses at the Headlands development, as measured by the standards set forth in the City regulations, and Where existing adjacent public parking facilities are presently underutilized and those facilities are also anticipated to be underutilized by projected future parking demand, use those existing adjacent public parking facilities, where feasible, to serve the needs of the public for access to areas designated for recreation and public open space uses at the Headlands portion of the property. (Coastal Act/30212.5, 30252)

16. (Coastal Resources) LUE, Goal 5, Policy 5.25: ~~Comply with the requirements of the Central Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) approved by the California Department of Fish and Game for the Headlands and avoid duplicative regulatory controls, in particular with respect to wildlife management programs such as the NCCP/HCP. (Coastal Act/30401, 30411)~~
17. (Biological Resources) LUE, Goal 5, New Policy: New development shall include an inventory of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. New development within or adjacent to ESHA shall include a detailed biological study of the site. Any coastal development permit application for the Headlands submitted on or prior to two years from the date of effective certification of LCP Amendment 1-03 by the Coastal Commission, shall utilize the ESHA delineation (for upland habitat purposes) identified by the California Coastal Commission in its January 2004 approval, with suggested modifications, of the HDCP and not require additional species surveys; for applications submitted thereafter an updated or new detailed biological study shall be required. (Coastal Act/30240)
18. (Hazards/Coastal Resources) LUE, Goal 5, New Policy: Land divisions, including lot line adjustments, shall be permitted only if all proposed parcels intended for development can be demonstrated to be safe from flooding, erosion, and geologic hazards and that development can be constructed consistent with all policies of the LCP. The creation of parcels not intended for development shall only be allowed in conjunction with the recordation of a deed restriction on any such parcels to prevent development and the dedication of such parcels to a public agency and/or non-profit entity in such a manner as to ensure that the property is conserved in perpetuity as open space. (Coastal Act/30253)
19. (Public Access) LUE, Goal 5, New Policy: Recreation and access opportunities at public beaches and parks at the Headlands shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible. In order to maximize public access and recreation opportunities, limitations on time of use or increases in user fees or parking fees shall be subject to a coastal development permit. (Coastal Act/30210, 30212, 30213, 30221)
20. (Public Access) LUE, Goal 5, New Policy: Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the

potential to result in significant adverse impacts to public access and/or coastal resources. (Coastal Act/30212)

21. (Public Access) LUE, Goal 5, New Policy: New public beach facilities shall be limited to only those structures necessary to provide or enhance public recreation activities. No development shall be permitted on sandy public beach areas, except that lifeguard stations, small visitor serving concessions, restrooms, trash and recycling receptacles, and improvements to provide access for the physically challenged may be permitted when there is no less environmentally damaging feasible alternative and the development is sited and designed to minimize adverse impacts to public access, visual resources and sensitive environmental resources. (Coastal Act/30221, 30240, 30250, 30251, 30253)
22. (Public Access) LUE, Goal 5, New Policy: The implementation of restrictions on public parking along Selva Road, Street of the Green Lantern, and Scenic Drive that would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.
23. (Public Access) LUE, Goal 5, New Policy: Except as noted in this policy, gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted upon any street (public or private) within the Headlands where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands. In the Strand residential area, gates, guardhouses, barriers and other structures designed to regulate or restrict public vehicular access into the residential development may be authorized provided that 1) pedestrian and bicycle access from Selva Road and the County Beach parking lot through the residential development to the beach remains unimpeded; 2) a public access connection is provided that gives direct access from approximately the mid-point of the County Beach parking lot to the Central Strand Access; and 3) an inclined elevator/funicular providing mechanized access from the County Beach parking lot to the beach is constructed, operated and maintained for public use for the duration of the period that public vehicular access through the residential subdivision is regulated or restricted.
24. (Public Access) LUE, Goal 5, New Policy: Where an inclined elevator/funicular is provided in accordance with Land Use Element Policy (Suggested Mod 23) the facility shall be open to the public every day beginning Memorial Day weekend through Labor Day weekend, and on holidays and weekends the remainder of the year, with additional days of operation as necessary to meet demand. If necessary, a fee may be charged for use of the inclined elevator/funicular to recover costs of operation and maintenance, however, that fee (round-trip) shall not exceed the

regular cash fare for a single ride on a local route upon a public bus operated by the Orange County Transportation Authority.

25. (Public Access) LUE, Goal 5, New Policy: A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. An existing trail which has historically been used by the public may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide privacy for residents and maximum safety for trail users.
26. (Public Access) LUE, Goal 5, New Policy: If as a condition of a permit an easement is required to be dedicated for public use of a trail the opening of the trail shall only be required after a public agency or private association has accepted the offer of dedication and agreed to open, operate, and maintain the trail. New offers to dedicate public trail easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights. In the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.
27. (Public Access) LUE, Goal 5, New Policy: A uniform signage program that provides clear and conspicuous notice shall be developed and utilized to assist the public in locating and recognizing trail access points, parks, open spaces, parking areas, and other visitor recreational amenities. In areas containing sensitive habitat or safety hazards, signs shall be posted with a description of the sensitive habitat or safety hazard and limitations on entry to those areas.
28. (Visual Resources) LUE, Goal 5, New Policy: The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height for the residential development in the Strand shall be 28 feet above finished grade, and at the upper Headlands shall be 18 feet above finished grade. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure provided they do not significantly degrade public views to and along the shoreline. Finished grades shall be set such that any structure constructed to the full height limit plus any chimneys and rooftop antennas shall not significantly degrade public views to and along the shoreline. The commercial development along Pacific Coast Highway shall have a maximum allowable height of 40 feet above existing grade, 32-35 feet above finished grade. The Seaside Inn development along Street of the Green Lantern/Scenic Drive shall not exceed 42 feet above the finished building pad elevation and no finished building pad shall be higher in elevation than 220' MSL. In no case shall more than 30% of the buildable area within the 2.8 acre site exceed the height of the adjoining ridge line. For commercial development, minor architectural projections may exceed the height limit provided they do not significantly degrade public views to and along the shoreline.

29. (Visual Resources) LUE, Goal 5, New Policy: Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Roof signs, pole signs, projecting signs shall not be permitted.
30. (Public Access/Biological Resources/Visual Resources) LUE, Goal 5, New Policy: The public parks, open space and public trail network shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent prior to or with the recordation of the first land division/Final Map(s). The first land division shall encompass the entire 121.3 acre site and shall fully exonerate all development rights that may exist within the identified public parks, open space and public trail network that may have existed under any prior land division. All approved public park, open space and public trail network improvements and amenities shall be constructed by the landowner/developer and shall include all such public parks, open spaces, public trails and associated improvements and amenities described in the HDCP. All approved public park and open space improvements and amenities shall be completed and the facilities open to the public for public use prior to the residential certificate of occupancy or final inspection for the first to be completed residential property.
31. (Water Quality), LUE, Goal 5, New Policy: In conjunction with the development of a luxury inn at the Headlands, the developer shall install water quality best management practices, including structural best management practices, that shall treat runoff from the development site as well as at least 17 acres of off-site developed area.
32. (Access), LUE, Goal 5, New Policy: New development of a luxury overnight visitor-serving inn within the Headlands shall only be developed in conjunction with a component of lower cost overnight visitor accommodations (e.g. hostel) as either part of the project or elsewhere within a visitor recreation commercial area within the Headlands. The lower-cost overnight accommodations shall consist of no less than 40 beds and shall be available for use by the general public prior to or concurrent with the opening of the inn.
33. (Access), LUE, Goal 5, New Policy: Overnight visitor serving accommodations within the Headlands shall be open to the general public. Overnight accommodations shall not be converted to exclusively private uses or private membership club. Fractional ownership of the luxury inn may be authorized except that during the peak season (Memorial Day weekend to Labor Day weekend) the reservation of rooms/suites by fractional owners shall be limited to no more than 50 percent of the total rooms/suites approved for the luxury inn.
34. (Biology/Access) Modify LUE, Figure LU-4 Land Use Policy Diagram to reconfigure bowl area residential to avoid ESHA (except for 6.5 acres of allowable impact area)

and incorporate avokded area into open space; eliminate/relocate visitor buildings and parking within Harbor Point Park to avoid ESHA

35. Modify LUE, Table LU-4, Table LU-5, Table LU-6, and Table LU-6a and revise narrative in the 'Land Use Plan' to reflect suggested modifications

36. (Biology/Access) Modify Narrative in LUE, Land Use Plan...Overlooking Dana Point Harbor and the Pacific Ocean, Harbor Point Park will provide the opportunity for establishing dramatic views, limited public recreation, a nature interpretive center and public parking, visitor amenities, and conservation of native vegetation and coastal bluffs. Strand Vista Park, which overlooks Strand Beach, will create and link several coastal access ways and provide visitor amenity and public recreation opportunities. Strand Beach Park will be dedicated to a public agency and will provide coastal recreational opportunities.

A maximum of ~~five~~^{four} visitor-serving, recreational facilities consisting of a Nature Interpretive Center, Visitor Information Center, and new restrooms (2) will be integrated into the parks and open space to attract and serve local and statewide visitors to the Headlands coastline. The visitor-serving recreational facilities shall be built by the developer, open to the public, and no less than ~~four~~^{two} shall include educational programs relating to...

37. (Biology/Access) Modify LUE, Figure LU-6, Headlands Land Use Policy Diagram to reconfigure residential in upper headlands to avoid ESHA (except for 6.5 acres of allowable impact area) and incorporate avokded area into open space; eliminate/relocate visitor buildings and parking to avoid ESHA; show public accessway seaward of Strand residential/on top of or landward of the shoreline protective device; add reference to 'Strand Beach Park'; add other identifiers including 'bowl'; bowl rim/ridgeline.

38. (Biology/Views) Modify narrative in the UDE, Urban Design Plan, Dana Point Headlands and Bluffs, as follows: The following Urban Design policies and concepts will guide the development of the Headlands and shall be used as a standard of review for Local Coastal Program purposes:

[no intervening changes]

- Require setbacks of buildings and site improvements from the bluff faces; as set forth in the policies of the General Plan/Local Coastal Program Land Use Plan and the Specific Plan or PDD, which will ensure public and structural safety, consistent with detailed and site specific geotechnical report recommendations.

39. (Hazards/Access) Modify narrative in UDE, Urban Design Plan, The Beaches, as follows:

[no intervening changes]

- On the Headlands, the following urban design policies will guide development of the area adjacent to Strand Beach and will serve as the standard of review for review of any application for a coastal development permit for development proposed in the area:...

[no intervening changes]

There is an existing revetment on Strand Beach. In order to re-develop the Strand area with residential uses and public parks and amenities the new development will be subject to the analysis of a registered geotechnical engineer and a registered marine/coastal engineer to incorporate design measures that further stabilize the site to ensure public safety. If a permit is approved authorizing the repair and maintenance of the existing revetment or the building of any other sort of protective device to support the Strand development, it shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE). The Keith Companies dated January 8, 2004), such that the average position of the revetment is moved 5 feet landward or easterly. Any shoreline protective device. Such reconstruction must incorporate a linear coastal access path along the top or landward of the reconstructed revetment shoreline protective device net or reach seaward of the toe of the existing revetment at bedrock, unless improvements are necessary to create or enhance new public access and/or public safety.

To compliment the surrounding urban residential character, the Strand area shall limit development to residential land uses.

Development of the old Mobile Home Park above Strand Beach according to a Specific Plan or PDD for the Headlands shall accommodate two Strand Beach vertical public beach access paths (one of which will branch off to provide a connection to the mid-point of the County Strand Beach parking lot), a linear park adjacent to the County Strand Beach parking lot, a lateral public accessway between the residential development and shoreline protective device, terraced landscaped slopes, a public funicular (if public vehicle access into the Strand residential area is restricted), and residential lots.

- 40. (Biology/Access/Views) Modify UDE, Figure UD-2 to reconcile differences between Figure UD-2 and Figure COS-4 and Figure COS-5 relative to scenic overlooks; modify footprint of development in 'bowl' area to reduce ESHA impacts to 6.5 acres.

- 41. (Biology/Access/Visual Resources) Modify narrative in UDE, Urban Design Plan, The Headlands, as follows:

- Create safe coastal view opportunities such as the Strand Vista Park adjacent to the County Strand Beach parking lot and a lateral public accessway with picnic

tables and benches, near beach level, seaward of the Strand residential development and on top or landward of any shoreline protective device.

[no intervening changes]

o Drought tolerant and native or naturalized non-invasive species should be utilized within public open spaces, commercial areas and the edges of private development adjoining natural open space areas. Landscaping of the Seaside Inn site may utilize non-native species provided those species are drought tolerant and non-invasive.

o Design all public beach accessways and surrounding development in a manner that conspicuously invites and encourages maximum public use of the accessways, beach and other public facilities.

42. (Biology) Modify narrative in COSE, Related Plans and Programs, California Fish and Game Regulations, as follows:

~~As identified in Section 30401 and 30411 of the Public Resources Code, the California Department of Fish and Game is the principal state agency responsible for the establishment and control of wildlife management programs.~~

43. (Coastal Resources/Biology) Modify narrative in COSE, Related Plans and Programs, California Coastal Act, as follows:

The 1976 California Coastal Act is intended to protect the natural and scenic qualities of the California coast. Three Elements of The City's General Plan (the Land Use, Urban Design, and Conservation Open Space Elements), Zoning Ordinance and other implementing action will comprise the City's Local Coastal Program. The goals and policies of the Conservation/Open Space Plan Element implement many of the objectives and requirements of the California Coastal Act and, in conjunction with the Land Use Element and Urban Design Element, serve as the Land Use Plan component of the Local Coastal Program for the areas of Monarch Beach, Capistrano Beach, Doheny Village, and Headlands portions of the City that are located in the coastal zone. Among other requirements, the Coastal Act encourages the protection and enhancement of public coastal access, the protection and enhancement of visual resources, and requires the identification of sensitive biological habitat meeting specified criteria, known as 'Environmentally Sensitive Habitat Areas' and the protection of those habitat areas from significant disruption by development.

44. (Water Quality) COSE, Goal 1, following Policy 1.8, add following narrative:

The Headlands Water Quality Program

Although portions of the Headlands have been previously developed, specifically the mobile home park in the Strand area, the greenhouses and related improvements in the Upper Headlands and several public streets, the storm water conveyance systems that are currently in place are in a state of disrepair. Moreover, no water quality Best Management Practices ("BMPs") in the form of structural devices are in place to prevent or mitigate water quality impacts to the Pacific Ocean or Dana Point Harbor. In

addition, existing urban development adjoining and within the same drainage basin as the Headlands are not currently served by such BMPs.

The City of Dana Point recognizes impacts can occur to coastal waters from both storm water runoff and "nuisance" runoff from urban areas. Therefore, it is of utmost importance that any Headlands project be designed to incorporate effective Site Design, Source Control and Treatment Control BMPs to minimize the potential for water quality impacts to the adjoining marine environment and to Dana Point Harbor.

In addition to the prior policies, the following policies shall guide future development/redevelopment of the Headlands:

45. (Water Quality) COSE, Goal 1, New Policy (WQ2): All development shall meet the requirements of the California Regional Water Quality Control Board San Diego Region's Waste Discharge Requirements for discharges of urban runoff from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region or subsequent versions of this plan.
46. (Water Quality) COSE, Goal 1, New Policy (WQ3): Concurrent with the submittal of a tentative tract map and/or master coastal development permit application, a post-development drainage and runoff control plan shall be prepared that incorporates a combination of structural and non-structural Best Management Practices ("BMPs") best suited to reduce pollutant loading in runoff from the area proposed for development to the maximum extent feasible. BMPs shall include Site Design, Source Control, and Treatment Control BMPs. In addition, schedules for the required routine maintenance for each of the structural BMPs and the responsible party for the maintenance shall be identified.
47. (Water Quality) COSE, Goal 1, New Policy (WQ4): Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter the amount of storm water 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 (multiplied by an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs.
48. (Water Quality) COSE, Goal 1, New Policy (WQ5): Development that requires a grading/erosion control plan shall include a plan and schedule for landscaping and revegetation of graded or disturbed areas. If the grading occurs during the rainy season, the plan will include BMPs to minimize or avoid the loss of sediment from the site.
49. (Water Quality) COSE, Goal 1, New Policy (WQ6): The City, property owners, or homeowners associations, as applicable, shall vacuum sweep public and private streets, and parking lots frequently to remove debris and contaminant residue.
50. (Water Quality) COSE, Goal 1, New Policy (WQ7): The City, property owners, or homeowners associations, as applicable, shall be required to maintain any structural BMP device to ensure it functions as designed and intended. Owners of these devices shall be responsible for ensuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season.

Repairs, modifications, or installation of additional BMPs, as needed, shall be required to be carried out prior to the next rainy season.

51. (Water Quality), COSE, Goal 1, New Policy (WQ8): Commercial development shall incorporate BMPs designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.
52. (Water Quality), COSE, Goal 1, New Policy (WQ9): Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system.
53. (Water Quality), COSE, Goal 1, New Policy (WQ10): Storm drain stenciling and signage shall be provided for new stormdrain construction in order to discourage dumping into drains.
54. (Water Quality/Hazards), COSE, Goal 1, New Policy (WQ11): Utilize efficient irrigation practices to minimize the potential for nuisance water runoff.
55. (Water Quality) COSE, Goal 1, New Policy (WQ12): Divert low-flow "nuisance" run-off to the sanitary sewer system for treatment, thereby avoiding dry weather flows to the beach or Harbor.
56. (Water Quality) COSE, Goal 1, New Policy (WQ13): Reduce impervious surfaces through design of narrower than standard streets; shorten streets where feasible; and on single loaded streets, eliminate sidewalks on one side.
57. (Water Quality) COSE, Goal 1, New Policy (WQ14): Develop a public awareness program concerning water quality for future homeowners, property managers, and visitors to the public open space. The program will emphasize the proper use of irrigation, fertilizers and pesticides by homeowners and landscape contractors.
58. (Hazards) COSE, Goal 2, Policy 2.8: Minimize risks to life and property, and preserve the natural environment, by siting and clustering new development away from areas which have physical constraints associated with steep topography and unstable slopes; and where such areas are designated as Recreation/Open Space or include bluffs, beaches, or wetlands, exclude such areas from the calculation of net acreage available for determining development intensity or density potential. For the Headlands, minimization of risk to life and property and preservation of the natural environment to met by a requirement that new development be sited and clustered into areas determined by geological feasibility studies to be suitable, such as by remediation of unstable slopes impacted by such new development. (Coastal Act/30233, 30253)
59. (Hazards) COSE, Goal 2, Policy 2.14: Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and minimize adverse impacts on

public use of sandy beach areas. ~~For the Headlands, the potential for coastal slope erosion shall be minimized and public safety and coastal access protected by reconstruction of the existing revetment. Such reconstruction must not encroach seaward of the toe of the existing revetment at bedrock unless improvements are necessary to create or enhance new public access and/or public safety. (Coastal Act/30210-12, 30235)~~

60. (Water Quality) COSE, Goal 2, Policy 2.20: The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes and the restoration of optimum populations of marine organisms shall be ensured by, among other means, minimizing adverse effects of waste water discharges. Any specific plans and/or planned development district policies and specific development proposals, site plans and subdivision maps shall control runoff, prevent depletion of ground water supplies and substantial interference with surface water flow, encourage waste water reclamation, maintain natural vegetation buffer areas that protect riparian habitats, and minimize alteration of natural streams. (Coastal Act/ 30231).

61. (Hazards) COSE, Goal 2, add introductory text after Policy 2.20: in addition to the above policies, the following policies apply to new development at the Headlands:

62. (Hazards/Access) COSE, Goal 2, New Policy (HAZARDS1): Notwithstanding Conservation Open Space Element Policy (Suggested Modification 69) and in the context of any specific project application that provides all of the HDCP Elements, creation of a residential subdivision of up to 75 homes with associated infrastructure development and public access amenities all dependent upon geologic remediation and the existing shoreline protective device (including such upgrades as are permitted in Conservation Open Space Element Policies (Suggested Modifications 63 and 64)) shall be permitted in the Strand area provided it is consistent with all other applicable policies. Furthermore, in conjunction with any shoreline protective device, a lateral public accessway following the entire length of the protected area shall be constructed seaward of any new residential development and on top of or landward of any shoreline protective device. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to resources including local shoreline sand supply. (Coastal Act/30907.5, 30200(b), 30210, 30240, 30250, 30253)

63. (Hazards/Access) COSE, Goal 2, New Policy: In the context of any specific project application that provides all of the HDCP Elements, and only in conjunction with a proposal that completes the plan as a whole, the revetment in the Strand may be repaired and maintained consistent with Conservation Open Space Element Policy (Suggested Modification 64) and subject to the requirements of Conservation Open Space Element Policy (Suggested Modification 72) in order to protect new development in the Strand provided that the repaired and maintained revetment is further landward than the existing alignment. The revetment shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE). The Keith Companies dated January 8, 2004), such that the average position of the revetment is moved 5 feet landward or easterly. All components of the existing revetment located seaward of the above identified toe shall be removed from the beach and recycled into the new revetment or properly disposed at an approved disposal site. The top edge of the revetment shall not exceed the top

edge of the existing revetment located at +17 feet NGVD. The methods by which the repair and maintenance would be conducted shall remain reviewable for consistency with all applicable policies.

64. (Hazards) COSE, Goal 2, New Policy: The establishment of a revetment of the same height and footprint size as the southerly 2,240 feet of the existing revetment along Strand Beach, through the repositioning of rocks that were once part of the existing revetment, and are still in the vicinity thereof, and the importation of up to 50 percent new rock by volume, including excavation and new bedding material and foundation shall constitute repair and maintenance of the existing revetment. In part, for that reason, such work would not constitute "construction of a protective device that would substantially alter natural land forms along bluffs and cliffs."
65. (Hazards) COSE, Goal 2, New Policy: Where development in the Strand area occurs on active or ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where a minimum factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition.
66. (Hazards) COSE, Goal 2, New Policy: All applications for new development on a beach, beachfront, bluff or bluff top property in the Headlands area shall include a shoreline and bluff erosion report and analysis prepared by a licensed geologist, geotechnical or civil engineer with expertise in coastal processes, that examines the stability of the site and the proposed development for the anticipated life of the development. If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy (Suggested Mod 62), this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 1-03, furthermore, subsequent applications for development on individual residential lots protected by the comprehensive protection and stabilization shall not be required to individually address stability hazards provided the comprehensive protection and stabilization is deemed to adequately address those hazards.
67. (Hazards) COSE, Goal 2, New Policy: All applications for new development on a beach or beachfront property in the Headlands area shall include a wave uprush and inundation report and analyses prepared by a licensed civil engineer with expertise in coastal engineering, that examines the stability of the site and the proposed development for the anticipated life of the development. If a comprehensive shoreline protection plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy (Suggested Mod 62), this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 1-03, furthermore, subsequent applications for development on individual residential lots protected by the comprehensive protection shall not be required to individually address wave inundation, flood or stability hazards provided the comprehensive protection is deemed to adequately address those hazards.
68. (Hazards) COSE, Goal 2, New Policy: Siting and design of new shoreline development anywhere within the Headlands and the siting and design of the shoreline protective device in the Strand shall take into account anticipated future changes in sea

level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 75 year economic life of the structure. If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy [Suggested Mod 62], the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

69. (Hazards) COSE, Goal 2, New Policy: All new beachfront and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards without requiring a shoreline and/or bluff protection structure at any time during the life of the development, except as allowed under Conservation Open Space Element Policy [Suggested Mod 62].

70. (Hazards) COSE, Goal 2, New Policy: Except as allowed under Conservation Open Space Element Policy [Suggested Mod 62] no shoreline protection structure shall be permitted for the sole purpose of protecting an accessory structure. Any such accessory structure shall be removed if it is determined that the structure is in danger from erosion, flooding or wave uprush and that a shoreline protection structure is necessary to protect it or if the adjacent bluff edge encroaches to within 10 feet of the structure as a result of erosion, landslide or other form of bluff collapse. Accessory structures, including, but are not limited to, trails, overlocks, benches, steps, stairs, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of threat from erosion, bluff failure or wave hazards.

71. (Hazards) COSE, Goal 2, New Policy: As a condition of approval of a coastal development permit for development on a bluff, beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other coastal or geologic hazards associated with development on a beach, shoreline or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any liability or damage due to such hazards.

72. (Hazards) COSE, Goal 2, New Policy: As a condition of approval of a shoreline protection structure in the Strand, or repairs or additions to a shoreline protection structure in the Strand, either of which can only occur consistent with the other provisions of this LCP, the property owner shall be required to acknowledge, in the recordation of a deed restriction, that no future repair or maintenance, structural reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235 and/or equivalent LCP policies.

73. (Biological Resources) COSE, Introduction to Goal 3: ...The existing development and urbanization of Dana Point has nearly eliminated sizable expanses of undisturbed native vegetation. The remaining vegetation includes smaller areas isolated pockets of chaparral and coastal sage scrub...
74. (Biological Resources) COSE, Goal 3, Policy 3.1: Environmentally sensitive habitat areas (ESHAs) are any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments, and include, but are not limited to, important plant communities, wildlife habitats, marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, such as those generally depicted on Figure COS-1, ESHAs shall be preserved, except as provided in Conservation Open Space Element Policy [Suggested Mod 78]. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which that would significantly degrade those areas through such methods as, the practice of creative site planning, revegetation, and open space easement/dedications, and such development shall be compatible with the continuance of those habitat areas. Among the methods to be used to accomplish the siting and design of development to prevent ESHA impacts are the practice of creative site planning, revegetation, and open space easement/dedications. A definitive determination of the existence of environmentally sensitive habitat areas on a specific site shall be made through the coastal development permitting process. For the Headlands, the extent of environmentally sensitive habitat area presently known to the City is generally depicted on Figure COS-1, and the land use area boundaries at the Headlands recognize the presence of the habitat. The precise boundary of the sensitive habitat at the Headlands shall be determined through the coastal development permitting process, including but not limited to those provisions outlined in Land Use Element Policy [Suggested Mod 17], the determination of native habitats will be based on the findings of the NCCPA/NCP and compliance with CEQA. (Coastal Act/30230, 30240)
75. (Biological Resources) COSE, Goal 3, Policy 3.7: Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, except as provided in Conservation Open Space Element Policy [Suggested Mod 78]. Development in areas adjacent to ESHA shall incorporate buffering design elements, such as fencing, walls, barrier plantings and transitional vegetation around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Variances or modifications to sensitive resource protection standards shall not be granted. For the Headlands, a combination of on-site preservation and compliance with the requirements of the NCCPA/NCP shall fulfill ESHA requirements. (Coastal Act/30240)
76. (Biological Resources) COSE, Goal 3, add introductory narrative after Policy 3.10: In addition to the policies above, the following policies shall guide future development/redevelopment of the Headlands:

77. (Biological Resources) COSE Goal 3, New Policy: Except as authorized under Conservation Open Space Element Policy (Suggested Mod 78), uses within ESHA within the Headlands area, which includes but may not be limited to the approximately 50 acres of land on Dana Point, the Harbor Point promontory, the Hilltop Park and greenbelt and is generally depicted on Figure COS-1, shall be limited to habitat enhancement and maintenance, passive public recreational facilities such as trails, benches, and associated safety fencing and interpretive/directional signage provided those uses do not significantly disrupt habitat values. Fuel modification to serve adjacent development shall be prohibited within ESHA.
78. (Biological Resources) COSE Goal 3, New Policy: In the context of any specific project application that provides all of the HDCP Elements, and only in conjunction with a requirement that the plan be completed as a whole, a maximum of 6.5 acres of ESHA may be displaced along the slopes of the bowl to accommodate development within the bowl, and a maximum of 0.75 acres of ESHA located on the Strand bluff face at the southern boundary of the Strand may be displaced to accommodate development within the Strand. The amount of ESHA permitted to be displaced may be increased as necessary to accommodate construction of a 65-90 room inn, scaled appropriately to the property, within Planning Area 9 provided that lower-cost visitor overnight accommodations are provided consistent with Land Use Element Policy (Suggested Mod 32). The maximum impacts to ESHA identified in this policy do not pertain to or limit vegetation removal necessary to construct and maintain public trails as identified on Figure COS-4.
79. (Biological Resources) COSE Goal 3, New Policy: Fencing or walls shall be prohibited within ESHA except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor. If new development endangers the need for fencing or walls to protect adjacent ESHA, the fencing or walls shall be located within the development footprint rather than within the ESHA.
80. (Biological Resources) COSE Goal 3, New Policy: Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.
81. (Biological Resources) COSE Goal 3, New Policy: All new development that degrades or eliminates ESHA, as specifically allowed under Conservation Open Space Element Policy (Suggested Mod 78), shall only be allowed in conjunction with a requirement for mitigation to offset impacts such that the net impact of both the development and the mitigation results in no net loss of ESHA within the coastal zone. The mitigation ratio shall be a minimum of 3:1 (substantial restoration/creation) in total, of which there shall be a minimum 1:1 substantial restoration/creation to impact ratio, preferably on-site or within the coastal zone.
82. (Biological Resources/Hazards/Water Quality) COSE Goal 3, New Policy: Except for landscaping on private residential lots and the visitor/recreation commercial (i.e. Seaside Inn) site adjacent to Harbor Point, all landscaping (including temporary erosion control and final landscaping) for all development within the Headlands shall be of plants native to coastal Orange County and appropriate to the natural habitat type.

Native plants used for landscaping shall be obtained, to the maximum extent practicable, from seed and vegetative sources at the Headlands. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the Headlands, including within private residential lots and the visitor/recreation commercial (i.e. Seaside Inn) site adjacent to Harbor Point. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within the proposed development area, including the private residential lots and the visitor/recreation commercial (i.e. Seaside Inn) site adjacent to Harbor Point. Drought tolerant plant species shall be used and native plant species are encouraged within the private residential lots and the visitor/recreation commercial (i.e. Seaside Inn) site adjacent to Harbor Point.

83. (Biological Resources) COSE Goal 3, New Policy: To protect ESHA and minimize adverse visual impacts new structures shall be prohibited on bluff faces excepting repair, re-construction or improvements to existing, formal public trails or stairways identified in this LCP and the new residential development and new public accessways specifically contemplated by this LCP in the Strand, and in that case only in the context of a project application that provides all of the HDGP Elements, and only in conjunction with a requirement that the plan be completed as a whole. Such structures shall be constructed and designed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.
84. (Biological Resources) COSE, Goal 6, add introductory narrative after Policy 6.8: In addition to the policies above, the following policies shall guide future development/redevelopment of the Headlands:
85. (Biological Resources/Access) COSE Goal 6, New Policy: As contemplated in the Headlands Development and Conservation Plan, the Headlands area shall be developed as a unified project, with one exception provided at the end of this policy. The first application for land division within the Headlands seeking development pursuant to the Headlands Development and Conservation Plan shall encompass the entire approximately 121 acre Headlands area and shall include a proposal to cause the expungement of any preceding land division within said area, the dedication of all land therein containing ESHA excepting those areas identified in Conservation Open Space Element Policy (Suggested Mod 78) in such a manner as to ensure that the property is conserved in perpetuity as open space, and the dedication of all dunes, beaches and accessways identified in this LCP at the Headlands to the City, County or other willing public agency or non-profit entity in such a manner as to ensure that use in perpetuity for public purposes. The one exception to this requirement shall be that prior to the wholesale re-division of the 121-acre Headlands area, the landowner may apply for, and the City may approve, any lot merger, lot line adjustment, or other land division necessary to enable the landowner to separate out and transfer approximately 27 acres of land on the Headlands promontory, provided that any such approval is conditioned on the requirement that the area so separated is irrevocably deed restricted as conserved open space in conjunction with the land division and is thereafter dedicated in a manner that ensures that it is conserved in perpetuity as

conserved open space, in which case the requirement in the preceding sentence shall apply only to the remainder area of the Headlands.

86. (Biological Resources) COSE Goal 6, New Policy: Any specific project application that invokes the exceptions identified in Conservation Open Space Element Policies [Suggested Mod 62 and 78] shall only be approved in connection with a requirement that all preserved ESHA and all mitigation areas, onsite and offsite, shall be secured through the dedication of a conservation easement to the City, Coastal Conservancy or the wildlife agencies. In addition, a preserve management plan shall be prepared for the preservation and mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Executive Director of the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the preservation and mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval for at least 5 years after habitat mitigation efforts.

87. (Biological Resources), COSE Goal 6, New Policy: The funding required under Conservation Open Space Element Policy [Suggested Mod 86] shall at minimum consist of 1) A non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will not be owned by the City or other public agency; and 2) \$ 2 million paid by the developer to the City, all of which shall be used to establish a non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will be owned and/or maintained by the City. The amount of the endowments shall be identified and documented by a public agency or non-profit entity (e.g. Center for Natural Lands Management) experienced in the estimation of costs for open space management.

88. (Biological Resources). COSE, The Conservation Plan, The Headlands, modify narrative as follows:

The NCCP/HCP provides for the conservation of certain sub-regionally significant natural resources and multi-species habitat preserve areas.

[no intervening changes]

The Headlands Conservation Park shall be a conservation area and generally include the land on either side seaward of existing Marguerita Road (to be removed and the area restored) lying between the two existing residential enclaves. This area includes the most important biotic resources, the adjacent coastal bluffs, the rocky beach, and the entire Pacific pocket mouse reserve identified in the NCCP/HCP. The Headlands Conservation Park shall provide limited public access to the bluff top via a perimeter bluff top trail. A greenbelt buffer will be provided between the Headlands Conservation Park and the proposed residential development on the Upper Headlands. The greenbelt buffer will provide additional habitat conservation, accommodate recreational opportunities outside of the conservation area. Public parking and any other facilities also must be located outside of the Headlands Conservation Park conservation area and all other lands

containing environmentally sensitive habitat area, except as allowed under Conservation Open Space Element Policy [Suggested Mod 78].

89. (Biological Resources) COSE, Figure COS-1: Modify figure to identify all ESHA identified in Exhibit 15a of the January 2004 Staff Recommendation.

90. (Biological Resources/Access) Table COS-4, Parks And Recreational Facilities, update figures/acreages in this table to reflect suggested modification reconfigure bowl area residential to avoid ESHA (except for 6.5 acres of allowable impact area) and incorporate avoided area into planning area 5; eliminate/relocate visitor buildings and parking to avoid ESHA; show public accessway seaward of Strand residential/on top or landward of shoreline protective device, as well as following specific changes:

SITE	NET NEW ACREAGE	LOCATION	PROPOSED FEATURES
Headlands Conservation Park—Conservation Open Space	<u>24,227.9</u> acres	The Dana "Point" promontory area. <u>Approximately seaward Falls on either side of existing Marguerita Road.</u>	Preservation and conservation of native species, coastal bluffs and rocky beaches. Public safety fencing and security for biotic resources. Limited public access, signage, bluff top trails and lookouts.
Strand Vista Park—Recreational Open Space	9.9 acres <u>(modify acreage to incorporate space for funicular)</u>	Seaward of the County Strand Beach parking lot. Existing stairway from the County Strand Beach parking lot to the beach at the north boundary. <u>Runs from approximately the middle of Strand Vista Park to a connection with the Central Strand Beach Access at the intersection of the first cut-de-sac street.</u>	Linear park with <u>unobstructed scenic overlooks to and along the ocean per Figure COS-5g</u> , public trails, seating, landscape and handcape features. Includes the North <u>Mid-Strand Vista Park Access</u> and South Strand Beach Access. Reconstruct access to provide overlooks, resting points, landscape features. <u>Restrooms/showers above the beach. Funicular to provide mechanized beach access assistance.</u>
<ul style="list-style-type: none"> • North Strand Beach Access • <u>Mid-Strand Vista Park Access</u> • South Strand Beach Access 		Between County Strand Beach parking lot and the existing residential enclave to the south.	Meandering trail to beach, overlooks, public safety fencing, emergency access to beach. <u>Restrooms/showers above the beach.</u>
Strand Beach Park Recreational Open Space		From the Strand	Wide, sandy beach; pedestrian access to the County Strand Beach

<ul style="list-style-type: none"> Central Strand Beach Access 	<p>5.2 acres</p> <p><u>Modify acreage to incorporate additional walkway seaward of the Strand residential</u></p>	<p>residential development seaward to the mean high tide,</p>	<p>parking lot. <u>Public walkway with picnic tables and benches seaward of the Strand residential development and on top or landward of the shoreline protective device to provide all-weather lateral beach access, unobstructed views to and along the ocean, and recreational opportunities.</u></p> <p><u>Unobstructed public pedestrian and bicycle access through the Strand residential development to the Central Strand Beach access point.</u></p>
<p>Harbor Point Park—Recreational Open Space</p>	<p>4.3 acres</p>	<p>Seaward of Cove Road and realigned Scenic Drive, not including adjacent coastal bluffs.</p>	<p><u>Visitor-Recreational Facilities, historic and cultural elements, monuments, overlooks, public trails, benches, signage, preservation and conservation of native species, botanical gardens, seating, landscape and hardscape features.</u></p>
<p>Harbor Point Park—Conservation Open Space</p>	<p>6.1 acres</p>	<p>From the top of bluff to the mean high tide, including the coastal bluffs and rocky beaches.</p>	<p>Preservation of coastal bluffs and rocky beaches; no improvements except those required for public safety, signage or erosion control.</p>
<p>Hilltop Park—Recreational Open Space</p> <p>Greenbelt Buffers</p>	<p>12.3 acres</p> <p><u>Modify acreage to incorporate additional preserved open space.</u></p>	<p>Highest point of the property, westerly of PCH and Green Lantern.</p> <p>Buffers to residential and commercial uses, adjoins Headlands Conservation Park on the south, connections to Hilltop Park, South Strand Beach access, Harbor Point Park, and Strand Vista Park.</p>	<p>Public trails, overlooks, signage, seating, <u>native habitat conservation and enhancement.</u></p> <p>Public trails, open space parking <u>(outside of designated ESHA)</u>, visitor recreational facilities <u>(outside of designated ESHA)</u>, seating, signage, fuel modification, landscape features, security fencing, public roads necessary to access open space areas <u>(outside of designated ESHA)</u>, <u>native habitat conservation and enhancement.</u></p>

91. (Biological Resources/Views/Access) COSE, The Open Space Plan, modify Figures COS-4 Open Space Walkway/Bike Trail Opportunities and Figure COS-5 Scenic Overlooks from Public Lands: Reconcile differences between figure COS-4 and Figure COS-5 relative to overlooks/views; modify footprint of development in 'bow' area to reduce ESHA impacts to 6.5 acres; modify trail alignments adjacent to and through ESHA consistent with alignments depicted on Exhibit 26b of the January 2004 Staff Recommendation.

92. (Biological Resources) COSE, Figure COS-6 Open Space Plan: Modify this figure to reconfigure bowl area residential to avoid ESHA (except for 6.5 acres of allowable impact area) and incorporate avoided area into open space; eliminate/relocate visitor buildings and parking to avoid ESHA and identify area as open space

ORDINANCE NO. 04-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION OF PDD 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: Headlands Reserve, LLC
File No.: FF# 0630-30/PDD 01-01/LCPA 01-02

WHEREAS, Headlands Reserve LLC submitted an application for approval of the Headlands Development and Conservation Plan (HDCP) which consists of a General Plan Amendment (GPA 01-02) (including revisions to the Land Use Element, Urban Design Element, Circulation Element, Public Safety Element, Conservation/Open Space Element, and Public Facilities/Growth Management Element), Zone Text Amendment (ZTA 01-02), Zone Change (ZC 01-01), Planned Development District (PDD 01-01), Local Coastal Program Amendment (LCPA 01-02) and a Development Agreement for the Headlands property. Planned Development District (PDD 01-01) is attached hereto, marked as Exhibit "A" and incorporated by this reference, would amend the City's Local Coastal Program (LCPA 01-02) for the Headlands property; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's local CEQA Guidelines, the City prepared a Final Environmental Impact Report (EIR), SC# 2001071015; and

WHEREAS, Final EIR SC# 2001071015 was certified by the City Council on January 22, 2002; and

WHEREAS, the City Council on January 22, 2002, approved General Plan Amendment GPA 01-02, Zone Text Amendment ZTA 01-02, Zone Change ZC 01-01, Planned Development District PDD 01-01, Local Coastal Program Amendment LCPA 01-02, and Development Agreement DA 01-01; and

WHEREAS, LCPA 01-02 was submitted to the Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on August 11, 2004, approved Local Coastal Program Amendment 1-03 with suggested modifications; and

WHEREAS, the Coastal Commission found that the LCP Amendment and Implementation Plan Amendment with the suggested modifications was consistent with the policies of Chapter 3 of the Coastal Act, minimized or mitigated any potential significant effects, would not result in significant adverse impacts within the meaning of CEQA and that there are no feasible alternatives within the meaning of CEQA that would reduce the potential for significant environmental impacts; and

WHEREAS, in accordance with CEQA Section 21166 and CEQA Guidelines Sections 15162-15164, the City assessed the whether any potential environmental impacts of the suggested modifications were previously analyzed in Final EIR SC# 2001071015 and if any changes were necessary to that EIR, and

WHEREAS, it was determined to prepare an Addendum to Final EIR SC# 2001071015; and

WHEREAS, said suggested modifications have been accepted and agreed to, and incorporated into PDD 01-01 and LCPA 01-02, and

WHEREAS, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the Planned Development District for the Headlands will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan, as such General Plan would be amended pursuant to City Council Resolution No. 04-09-22-03; and

WHEREAS, the Planned Development District promotes creative approaches to the development of land, a mix of land uses, more accessible and desirable use of open space area, variety in the physical development pattern of the City, and utilization of innovative land use programs; and

WHEREAS, the Planned Development District is generally compatible with the character and density of the surrounding neighborhood through the incorporation of regulations to guide development and the provision of public facilities to serve the anticipated population and the surrounding area; and

WHEREAS, the Planned Development District includes commercial development that is adequate and economically justified for the location, based on the proximity to surrounding commercial, residential, and recreational uses; and

WHEREAS, the Planned Development District is part of a comprehensive planning approach that has included extensive analysis of the natural area, including an Environmental Impact Report and Addendum, and preservation of 68.5 acres of open space out of the total project area of 121.3 acres; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code and CEQA Guidelines Sections 15251(f) and 15265(a)(1); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT
ORDAINS AS FOLLOWS:

Section 1. That the above recitations are true and correct;

Section 2. The City Council finds as follows:

- A. The City acknowledges receipt of the Coastal Commission's resolution of certification of the LCP amendment with suggested modifications.
- B. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and PDD Guidelines.
- C. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- D. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- E. That the adoption of the proposed Planned Development District as an amendment to the Local Coastal Program is in the public interest;
- F. That the Local Coastal Program Amendment (LCPA 01-02) is consistent with, and will be implemented in full conformity with the Coastal Act;
- G. That the Final Environmental Impact Report and Addendum for the Headlands Development and Conservation Plan is complete and adequate for the consideration of the Planned Development District;
- H. That the City Council adopts the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program Amendment is in conformance with and adequate to implement the Land Use Plan.

3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind of locations, and intensity of land and water uses. As a designation of the property as a Planned Development District, no specific development is proposed. Any proposed development will be reviewed for compliance with the City's Local Coastal Program and (in addition) for proposed development located within the Commission's appeal area, the public access policies of the Coastal Act.
4. That the level and pattern of development proposed is reflected in the Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Ordinance of the City Council specifies that Local Coastal Program Amendment LCPA 01-02 be submitted to the Coastal Commission for final certification.
11. The residential development is compatible with the character and density of the surrounding properties, and will promote a high standard of architectural quality. Extensive public facilities have

been included to serve the anticipated population, in accordance with the Development Agreement.

12. The recreation uses are appropriate in area, location and overall planning for the purpose proposed, and are protected from adverse effects of the surrounding development.
13. The circulation system is adequate to meet the anticipated traffic volume, minimizing interference between vehicle, bicycle and pedestrian traffic.
14. The commercial development is adequate and economically justified at the locations proposed.
15. The appropriate experts have extensively analyzed the natural environment of the project area, and natural open space areas have been preserved based on this analysis.

Section 3. The City Council adopts the Planned Development District as shown in Exhibit "A" (also shown in Section 2.0 of HDCP) of this Ordinance.

Section 4. The City Council amends the currently adopted Implementation Action portion of the 1996 Local Coastal Program as shown in Planned Development District PDD 01-01 included as Exhibit "A" to this Ordinance.

Section 5. The City Council amends the uncertified areas of the Headlands to include the currently adopted 1996 Local Coastal Program, along with Planned Development District PDD 01-01 included as Exhibit "A" to this Ordinance.

Section 6. The City Council amends the 1986 Dana Point Local Coastal Program (including the Orange County Zoning Code) in its entirety as it applies to the property within the Headlands Development and Conservation Plan (HDCP) and replaces these portions of the 1986 Dana Point Local Coastal Program with the 1996 Local Coastal Program (as amended).

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reasons held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.


Section 8. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 13th day of October, 2004.



JOE SNYDER, MAYOR

ATTEST:



Sharon Street
City Clerk

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

I, SHARON STREET, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 04-06 was duly introduced at a regular meeting of the City Council on the 22nd day of September, 2004, and was duly adopted and passed at a regular meeting of the City Council on the 13th day of October, 2004, by the following vote, to wit:

AYES: Council Members Chilton, Ossenmacher, Rayfield,
Mayor Pro Tem Lacey and Mayor Snyder

NOES: None

ABSTAIN: None

ABSENT: None



SHARON STREET, CITY CLERK

ORDINANCE NO. 04-06

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

AFFIDAVIT OF POSTING
AND PUBLISHING

SHARON STREET, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana
Point;

That in compliance with State Laws of the State of California, ORDINANCE NO.
04-06, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DANA POINT, CALIFORNIA, APPROVING PLANNED
DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION
OF PDD 01-01 AS LOCAL COASTAL PROGRAM
AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION
BY THE CALIFORNIA COASTAL COMMISSION.**

was published in the Dana Point News newspaper on the 21st day of October 2004, and
in further compliance with City Resolution No. 91-10-08-1 on the 15th day of October
2004, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall
Capistrano Beach Post Office
Dana Point Post Office
Dana Point Library

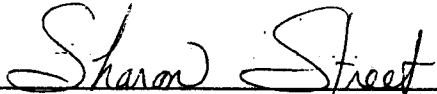

SHARON STREET, CITY CLERK
Dana Point, California

EXHIBIT "A"

Implementation Plan 01-02 (PDD 01-01; ZTA 01-02) Coastal Commission Suggested Modifications¹

94. (Coastal Resources) Global Change, Sections 3.0 and 4.0: Clarify everywhere it is applicable that the standard of review for coastal development permits processed by the City is the certified local coastal program which consists of the Coastal Land Use Plan and the Implementation Plan. For the Headlands, the Coastal Land Use Plan is comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element of the City's General Plan; while the Implementation Plan is comprised of the City's Zoning Code and Section 3.0 (Headlands Planned Development District) and Section 4.0 (Development Guidelines) of the Headlands Development and Conservation Plan.

For example, modify Section 3.1, PDD: The City's Zoning Code primarily implements the General Plan. In accordance with State law, it provides permitted land uses, development standards, and implementation programs for the City. The property is zoned Planned Development District (PDD-1). The PDD zoning provides for the orderly systematic implementation of the General Plan. The HDCP complies with and augments the City's Zoning Code. The development standards in the Section 3.0 and 4.0 of the HDCP are the required zoning standards for the property. ~~The HDCP is a regulatory document and, as it relates to the property, constitutes the City's General Plan, Zoning Code, and in conjunction with the Zoning Code,~~ serve as the Implementing Actions Program for the Local Coastal Program.

95. (Biology/Access) Global Change, Sections 3.0 and 4.0: eliminate all references to the visitor facilities at Harbor Point and Hilltop/Greenbelt parks that result in impacts to ESHA, such as the Maritime Historical Visitor Center (lighthouse), cultural arts center and veterans memorial.

96. Section 3.1.B.1, PDD, Conflicts: If there is a conflict between this PDD and the Municipal Code, ~~or~~ Zoning Code, or Implementing Actions Program of the Local Coastal Program the provisions of the PDD shall prevail. If there is a conflict between this PDD and the Land Use Plan policies of the Local Coastal Program, the Land Use Plan policies of the Local Coastal Program shall prevail.

97. (Biology/Access/Views) Section 3.2.D., Variances, PDD: Applications for a variance to the development standards of these regulations shall be processed in accordance with the City Zoning Code. Variances from 1) the minimum number of parking stalls (excepting residential uses), 2) bluff edge setbacks, 3) requirements relative to protecting Environmentally Sensitive Habitat Area (ESHA) including required

¹ Amendments are listed according to Coastal Commission suggested modifications and are numbered as they appeared in Coastal Commission Findings dated August 15, 2004.

setbacks, and 4) height restrictions necessary to protect public views, shall not be granted.

98. (Biology/Access) Section 3.2.E., Planning Area Boundaries, PDD: The boundary alignments shown on the Planning Area Plan in Section 4.0 and referenced in this Section 3.0 are based on topography, known landmarks, acreage figures, and existing structures and roadways. The precise boundaries of each Planning Area shall be determined at tentative tract map submittal. The tentative tract map shall not deviate from the boundaries shown in the Land Use Plan by more than 5% from the amounts shown in Table 3.2, Land Use Plan Statistical Summary and shall be consistent with the Local Coastal Program Land Use Plan. The Director of Community Development may approve adjustments up to 5% of the gross acreage of any Planning Area provided the maximum acreage established for the total public open space is not diminished, the quantity or alignment of public accessways as depicted in the General Plan/Local Coastal Program Land Use Plan is not changed, and no impacts to ESHA occur beyond those specifically allowed under the General Plan/Local Coastal Program Land Use Plan. Any proposed change in excess of 5% of the gross acreage of any Planning Area shall require an amendment to the HDCP. Boundary alignments approved in a coastal development permit may only be changed through a coastal development permit amendment.

99. (Views) Section 3.2.F., Submittal Materials, PDD: Except as provided below, the Developer shall follow standardized City submittal requirements for all applicable discretionary permit applications unless such materials were previously submitted and approved by the City in a prior application. ~~Except for site specific coastal development and site development permits for Planning Areas 4 and 9 (Visitor/Recreation Commercial),~~ Submittals for future project wide discretionary actions (i.e., Coastal Development Permit, Site Development Permit, Tentative Map, etc.) related to development involving solely land division and/or demolition and/or grading shall not be required to conform to Section 9.61.040(e)(2)(F) and 9.61.040(e)(2)(G), regarding elevations and floor plans. In addition, the following submittal requirements shall be required:

100. (Views) Section 3.2.F.2, PDD: A view analysis exhibit which illustrates that coastal views from public viewing areas and public walkways shall be established, maintained and protected in accordance with the policies and standards in the Land Use, Urban Design, and Conservation Open Space Elements of the City's General Plan/Local Coastal Program and Section 4.0, Development Guidelines.

101. (Hazards/Biology/Access/Cultural Resources) Section 3.2.F, Submittal Materials, PDD, add new Sections 3-7:

3. All applications for new development on a beach, beachfront, bluff or bluff top property in the Headlands area shall include a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal engineering which addresses and demonstrates the effects of said development, over the development's anticipated economic life (no less than 75 years), in relation to the following:

- The profile of the beach;
- Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
- The area of the project site subject to design wave uprush;
- Foundation design requirements;
- The long term effects of proposed development on sand supply;
- Future projections in sea level rise;
- Project alternatives designed to avoid or minimize impacts to public access.

If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy [Suggested Mod 62, the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

4. All applications for a coastal development permit for new development in the vicinity of a coastal bluff shall supply all of the information identified in Zoning Code Sections 9.27 and 9.69 except that any hazards analyses shall analyze hazards over the development's anticipated economic life but no less than a period of 75 years. Furthermore, the analyses shall demonstrate a minimum factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy [Suggested Mod 62, the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

5. Applications for new beachfront, bluff or bluff-top development, shall include a site map that shows all easements, deed restrictions, or OTD's and/or other dedications for public access or open space and provides documentation for said easements or dedications. The approved development shall be located outside of and consistent with the provisions of such easement or offers.

6. Applications for new development on property that is 1) within identified ESHA; 2) adjacent to identified ESHA (where the proposed development area is within 200 feet of identified ESHA); or 3) where an initial site inventory indicates the presence or potential for sensitive species or habitat, shall include an inventory of the plant and animal species present on the project site, or those known or expected to be present on the project site at other times of the year, prepared by a qualified biologist, or resource expert. The inventory shall include an identification of any species present that have been designated as rare, threatened, or endangered species under State or Federal law. Where the site is within or adjacent to an identified ESHA or where the initial site inventory indicates the presence or potential for sensitive species or habitat on the project site, the submittal of a detailed biological study of the site is required. The detailed biological study of the site, prepared by a qualified biologist, or resource expert, shall include the following:

- A study identifying biological resources, both existing on the site and potential or expected resources.
- Photographs of the site.
- A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors.
- A map depicting the location of biological resources.
- An identification of rare, threatened, or endangered species, that are designated or are candidates for listing under State or Federal Law, an identification of "fully protected" species and/or "species of special concern", and an identification of any other species for which there is compelling evidence of rarity, for example, plants designated "1B" or "2" by the California Native Plant Society, that are present or expected on the project site.
- An analysis of the potential impacts of the proposed development on the identified habitat or species.
- An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition.
- Project alternatives designed to avoid and minimize impacts to sensitive resources.
- Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.
- An analysis of project conformance with the ESHA avoidance and buffering requirements identified in the Land Use, Urban Design, and Conservation Open Space Elements of the General Plan/Local Coastal Program and the implementation program.

Any coastal development permit application for the Headlands submitted on or prior to two years from the date of effective certification of LCP Amendment 1-03 by the Coastal Commission, shall utilize the ESHA delineation (for upland habitat purposes) identified by the California Coastal Commission in its January 2004

approval, with suggested modifications, of the HDCP. Any application submitted two years after the date of effective certification of LCP Amendment 1-03 by the Coastal Commission, shall fully conform with the requirements relative to habitat mapping identified above.

7. Applications for new development that may impact archeological/cultural resources shall identify proposed investigation and mitigation measures and a archeological/cultural resources construction phase monitoring plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. The archeological/cultural resources monitoring plan shall identify monitoring methods and shall describe the procedures for selecting archeological and Native American monitors; and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Plans shall specify that archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards; and Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be utilized. Furthermore, plans shall specify that sufficient archeological and Native American monitors must be provided to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. All plans shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area.

102. (Access) Section 3.2.N. Employee Quarters: Employee quarters shall be permitted and if provided, qualify for low-income housing credits on a per lot basis. Living quarters may be provided within the primary structure, or a detached accessory structure for the persons employed on the premises. The following conditions shall apply: (1) No Conditional Use Permit shall be required if the quarters are limited to one bedroom and one bath; (2) Rooms beyond one bedroom and bath (per employee) shall require a Conditional Use Permit from the City; (3) The quarters may contain separate kitchen or cooking facilities; (4) The quarters shall not be rented to non-employees; and (5) For any employee quarters that do not contain a separate kitchen or cooking facility, the quarters shall be treated as a bedroom for all requisite parking calculations, for all employee quarters that contain a separate kitchen or cooking facility those quarters shall be treated as a separate unit for all requisite parking calculations.

103. (Biology/Access) Figure and Table 3.3.1 Land Use Plan: Modify this figure to ; reconfigure bowl area residential to avoid ESHA (except for allowable impact area identified in the LUE/UDE/COSE) and incorporate avoided area into planning area 5; eliminate/relocate visitor buildings and parking to avoid ESHA; show public

accessway seaward of Strand residential/on top or landward of the shoreline protective device.

104. (Biology/Access) Section 3.3.C, Density Transfers: A maximum five percent (5%) of the total project residential units may be transferred between Planning Areas 2 and 6. A maximum five percent (5%) of an individual planning area acreage may be transferred between Planning Areas 2, 4, 6, and 9. Such transfers shall not require an amendment to the General Plan, Local Coastal Program and Policy, PDD, or Local Coastal Program Implementing Actions Plan and shall be subject to the following:

1. Any proposed increase, decrease or transfer of residential density between Planning Areas 2 and 6, or any adjustment to Planning Area acreage boundaries between Planning Areas 2, 4, 6, or 9, shall be submitted as part of a Tentative Tract Map application and coastal development permit application. Deviations from any boundary alignments and any increases, decreases or transfers of residential density approved in a coastal development permit may only be further modified through a coastal development permit amendment.

[no intervening changes]

4. The character or amount of total public open space within the HDCP shall not be diminished through a transfer of planning area density or acreage.

5. The transfer of acreage from Planning Areas 2 and 6 (Residential) to Planning Areas 4 and 9 (V/RC) shall revise the density as follows. Reductions due to acreage transfers that eliminate one Residential lot shall allow two additional rooms (keys) in Planning Area 9, the Seaside Inn, or, an additional 250 sq. ft. in Planning Area 4, PCH/VRC.

105. (Biology) Section 3.3.D, Public Facilities: The ~~five~~ four proposed visitor recreational facilities are outlined in Table 3.3.2, Visitor Recreational Facility Statistical Summary. All proposed facilities shall be built at maximum square footage, unless the Director of Community Development, the Planning Commission, or the City Council determines it infeasible to do so. All facilities shall conform with ESHA protection requirements.

106. (Biology/Access) Modify Table 3.3.2, Visitor Recreational Facility, Statistical Summary, as follows:

<i>Public Facility</i>	<i>Planning Area</i>	<i>Maximum</i>
<i>Lighthouse</i>	<i>8A</i>	<i>2,000 sq. ft.</i>
<i>Cultural Arts Center</i>	<i>8A</i>	<i>2,000 sq. ft.</i>
<i>Nature Interpretive Center</i>	<i>8A</i>	<i>2,000 sq. ft.</i>
<i>Conservation Center</i>	<i>5</i>	<i>2,000 sq. ft.</i>
<i>Public Restrooms/Showers¹</i>	<i>1</i>	<i>2 x 500 sq. ft.</i>
<i>Visitor Information Center</i>	<i>4</i>	<i>800 sq. ft.</i>

All proposed public visitor facilities shall include public restrooms and public drinking fountains, open to the public at hours to be determined by the appropriate public agency.

¹ Public restrooms and showers shall be constructed at both the north and south ends of Planning Area 1 above Strand Beach.

107. (Biology) Section 3.4.A, Development Regulations, Residential Zoning Districts: Adjust maximum density to allow same quantity of units within the smaller development area identified in the suggested modifications.

108. (Access) Section 3.4.A. add: 6. Public Access Restrictions in Planning Area 2 and 6

Gates, guardhouses, barriers or other development designed to regulate or restrict public access shall only be allowed in conjunction with a public funicular in Planning Area 1 providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted. If the funicular becomes inoperable for more than 3 consecutive scheduled operating days or is closed or made inoperable indefinitely or for any sustained time period for any reason, any gate, guardhouse, barrier or other development that regulates or restricts public vehicular access into Planning Area 2 shall be opened, removed or otherwise made inoperable such that public vehicular access is no longer regulated or restricted for the duration of the period the funicular is unavailable for public use. Signs shall be posted at the entrance to Planning Area 2 declaring the terms leading to the availability of public vehicular access through Planning Area 2. During the periods that Planning Area 2 is required to be open to public vehicular access, signs shall be posted at the entrance to Planning Area 2, and at other locations as reasonably necessary for public notification, that declare the availability of public vehicular access.

109. (Access) Table 3.4.1, Allowable Uses For Planning Areas 2 and 6: Add following notation to 'Security Structures', Gates, guardhouses, barriers or other development

designed to regulate or restrict public access shall only be allowed in conjunction with a public funicular in Planning Area 1 providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted.

110. (Views) Table 3.4.2: Adjust density and minimum lot size and width to allow same quantity of units within the smaller development area identified in the suggested modifications; Add notation to 'maximum building heights' as follows: This is a maximum potential structural height. This maximum shall be reduced on a case-by-case basis where necessary to assure that public views to and along the shoreline, as identified on Figure 4.5.3 (Coastal View Opportunities) in Section 4.5 of the Development Guidelines, are not significantly degraded.

111. (Access) Section 3.4.B, VRC Zoning District, Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses: During the period starting with the Memorial Day weekend and ending with the Labor Day weekend, a minimum of 50% of the guest rooms/suites in any hotel/inn operating with a Fractional Ownership component shall be made available to the general public for lodging rather than reserved for participants in the fractional ownership.

112. Section 3.4.B.3, modify, as follows:

In Planning Area 9 only, three-story structures may be built provided that one of the following is included: (i) the provisions of Zoning Code Section 9.05.200(a) and 9.05.200(b)(1) and 9.05.200(b)(2) are incorporated into the design; or (ii) any structure that is proposed to have three stories is set back an additional 10 feet beyond the minimum required set-back to the fronting street; or (iii) the building design provides a minimum of 5% articulation in building mass between the first and second stories and 10% articulation in building mass between the second and third stories. The Seaside Inn development along Street of the Green Lantern/Scenic Drive (Planning Area 9) shall not exceed 42 feet above the finished building pad elevation and no finished building pad shall be higher in elevation than 220' MSL. In no case shall more than 30% of the buildable area within the 2.8 acre site exceed the height of the adjoining ridgeline.

113. (Access) Add Section 3.4.B.5: 5. Development Requirements for Planning Area 4

Development of Planning Area 4 shall include the following uses regardless of other development that will occur there:

- a) A 40-bed hostel and Visitor Information Center. The hostel will serve as a lower-cost overnight visitor accommodation and will include a Visitor Information Center that shall provide detailed maps and other information regarding trails, overlooks, open space, parks, beaches and public access thereto, public parking facilities, and other visitor serving recreational and

commercial facilities present at the Headlands and in the City of Dana Point and vicinity. Other information may also be provided regarding the biological, historical and cultural aspects of the Headlands, City of Dana Point and vicinity. The hostel and Visitor Information Center shall be constructed and open to the public in accordance with the phasing requirements identified in Section 3.7.C.6. Development Phasing Plan. The Visitor Information Center may be incorporated into the hostel, provided that it is clearly available for use by the general public separate from use of the hostel, or it may be constructed as a separate facility. If separate from the hostel, the Visitor Information Center shall consist of a minimum of 800 sq. ft.

- b) Six (6) public parking spaces in Planning Area 4 to serve open space visitors shall be required over and above the parking required as part of the V/RC uses in Planning Area 4. The six parking spaces shall serve visitors intending to utilize the public open space in the project. The parking shall be constructed in accordance with the phasing requirements identified in Section 3.7.C.6 Development Phasing Plan.

114. (Priority Use/Lower Cost VRC) Table 3.4.3, Allowable Uses in V/RC district, Planning Area 4: Clinical Services permitted (P) on second floor, above or below street level, but prohibited at street level; Commercial Recreation Uses permitted (P¹); Commercial Recreation Uses, change from prohibited to permitted; Add hostel as a permitted use; Membership Organizations, conditionally permitted on the second floor or above, or below street level, prohibited on street level; Add Visitor Information Center as permitted use.

Allowable Uses in V/RC district, Planning Area 9: Commercial Recreation Uses permitted (P¹)

115. (Views) Table 3.4.4: Adjust minimum lot size, width and depth to prevent impacts to ESHA, except as allowed under Conservation Open Space Element Policy [Suggested Mod 78] and Section 3.5.E of the Planned Development District [Suggested Mod 128]; add notation to 'maximum height' as follows: This is a maximum potential structural height. This maximum shall be reduced on a case-by-case basis where necessary to assure that public views, as identified on Figure 4.5.3 (Coastal View Opportunities) in Section 4.5 of the Development Guidelines, to and along the shoreline are not significantly degraded.

116. Table 3.4.4:

Within Planning Area 9 column, adjust quantity of total allowable 'keys' from 65 to 90.

Within column for Planning Area 4, adjust square footage from 40,000 square feet to 35,000 square feet; reduce minimum lot size from 15,000 square feet to 5,000 square feet; reduce minimum lot depth and width from 80 feet to 60 feet.

117. (Access) Add Section 3.4.C.5 to Rec & Cons/OS Zoning District:

5. Inclined Elevator/Funicular in Planning Area 1

If any gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, a funicular (inclined elevator) sized to a minimum capacity of eight persons and available to the public shall be built parallel to the North Strand Beach Access and convey passengers from Strand Vista Park to a ramp to the beach. The funicular shall be made available to the public prior to any regulation or restriction of public vehicular access into Planning Area 2. The funicular shall provide sufficient capacity to ferry a family and associated beach recreational paraphernalia (e.g. chairs, coolers, surfboards, etc.) A reasonable fee for the use of the funicular may be collected to recover maintenance and upkeep for the funicular operation, however, any fee collected (round-trip) shall not exceed the regular cash fare for a single ride on a local route upon a public bus operated by the Orange County Transportation Authority. At minimum, the funicular shall be open to the public during daylight hours on weekends, holidays year-round and every day beginning the Memorial Day holiday weekend through the Labor Day holiday weekend. To the maximum extent feasible, maintenance of the funicular shall occur during scheduled periods of inoperation (e.g. evenings during the peak season/weekdays during the off season). If the funicular becomes inoperable for more than 3 consecutive scheduled operating days (e.g. 3 consecutive days during the peak season/a full weekend plus one day the following weekend during the off season) or the funicular is closed or made inoperable indefinitely or for any sustained time period for any reason, including but not limited to irreparable damage and/or an absence of funding for operation and maintenance, any gate, guardhouse, barrier or other development that regulates or restricts public access through Planning Area 2 shall be opened, removed or otherwise made inoperable such that public access is no longer regulated or restricted for the duration of the period the funicular is unavailable for public use. Signs shall be posted declaring the availability of the funicular to the public, the hours of operation, any fee, and the terms leading to the availability of public vehicular access through Planning Area 2. Signs shall be posted at the boarding area for the funicular, at locations visible to vehicles traveling on Selva Road, and elsewhere as reasonably necessary to assure adequate public notification relative to the funicular.

118. (Biology/Access/Hazards) Modify Table 3.4.5, Revise all figures to reflect incorporation of all ESHA located in Planning Area 6 into Planning Area 5, excepting 6.5 acres of ESHA allowed to be impacted, and text in table as follows:

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 1	REC/OS	West of the existing Orange County public parking lot on Selva Road. Consists of <u>at least 9.9 acres</u> , uses include Strand Vista Park, North Strand Beach Access ¹ (Improved), <u>Mid-Strand Vista Park Access (New)</u> , Central Strand Beach Access (New), and South Strand Beach Access (New), <u>Strand Beach Park Lateral Accessway (New)</u> , and as set forth below, <u>a funicular</u> , and open space parking.
<ul style="list-style-type: none"> Strand Vista Park 	REC/OS	Located adjacent to and seaward of the existing Orange County public parking lot. The park connects to Selva Road, and the North, <u>Mid-Strand Vista Park</u> , Central and South Beach Access paths, overlooking the ocean... [NO INTERVENING CHANGES]
<ul style="list-style-type: none"> North Strand Beach Access (Improved) 	REC/OS	Including and adjacent to the existing offsite Orange County Strand Beach access. The existing, steep, narrow path shall be improved by incorporating additional land to widen and provide rest and landing areas and coastal view overlooks. <u>If any gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, a funicular (inclined elevator) shall be built parallel to the North Strand Beach Access and convey passengers from Strand Vista Park to a ramp to the beach.</u> The developer shall also construct new restroom and shower facilities near Strand Beach.
<ul style="list-style-type: none"> <u>Mid-Strand Vista Park Access (New)</u> 	REC/OS	Located approximately in the middle of the park, this <u>access leads from the trail located in Strand Vista Park and intercepts the Central Strand Beach Access at the intersection of the first residential cul-de-sac.</u>

New Text Should Be Underlined AS Shown

<ul style="list-style-type: none"> • Central Strand Beach Access (New) • <u>Lateral Accessway Along Strand Beach Park (New)</u> 	<p>REC/OS</p>	<p>Located adjacent to the Strand Residential Neighborhood Entry, the Central Strand Beach Access provides public access from the Strand Vista Park, through the Strand Residential Neighborhood (Planning Area 2), to the Strand Beach Park (Planning Area 3). <u>The entryway and path shall be designed to conspicuously invite public use of the public accessway.</u></p> <p><u>In conjunction with any shoreline protective device, an 8 foot wide concrete public access path shall be constructed seaward of the Strand residential development and on top or landward of any shoreline protective device. The path shall follow the entire length of the shoreline protective device. Benches (minimum 2), picnic tables (minimum 2), and trash receptacles, shall be available at regular intervals along the pathway. The location of the public pathway along the top or landward of the shoreline protective device will allow convenient year-round public access above and adjacent to the beach which is currently interrupted by seasonal conditions and high tides. The lateral public access path connects to the Central, North and South Beach Access paths, forming an integrated design that maximizes public coastal access and passive recreational opportunities, while minimizing potential overcrowding at any single public recreation area. Public access along and recreational use of the lateral accessway shall be secured through the dedication of the lateral accessway or an easement to a public entity (e.g. County of Orange or City of Dana Point).</u></p>
<ul style="list-style-type: none"> • South Strand Beach Access (New) 	<p>REC/OS</p>	<p>Located adjacent to the Selva Road extension, this pathway provides direct access to the southern portion of Strand Beach. A meandering, switchback trail will provide rest and landing areas, overlooks and coastal view areas, and public safety measures. The contoured graded slope will blend into adjoining slopes, and be landscaped <u>vegetated</u> with appropriate native species. <u>Except for 0.75 acres of allowable impact to accommodate grading to stabilize the Strand, existing environmentally sensitive habitat area (ESHA) located on the bluff face shall be avoided and shall be protected in place.</u> A public safety access ramp will allow lifeguards and emergency direct access to South Strand Beach. <u>The developer shall also construct new restroom and shower facilities near Strand Beach.</u></p>

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PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 3	REC/OS	Located in the northwestern portion of the HDCP, Strand Beach is privately owned to the mean high tide line and shall be dedicated to the County. <u>It consists of 5.2 acres and stretches approximately 2,800 linear feet, terminating at the "Dana Point."</u>
Strand Beach Park	REC/OS	Strand Beach Park is <u>primarily located seaward of the existing revetment shoreline protective device protecting the Strand residential development. It also includes a small pocket park at the seaward end of the Central Strand Beach accessway.</u> Public access and recreational use of the pocket park shall be secured through the dedication of the pocket park or an easement over said land to a public entity (e.g. County of Orange or City of Dana Point). <u>The beach seaward of the shoreline protective device protecting the Strand residential development shall be publicly owned and offered for dedication to the County of Orange.</u> If the County does not accept the facility, it shall be offered and dedicated to the City. Activities shall include those passive recreational uses typically associated with the ocean and beach, including coastal access, swimming, surfing, sunbathing, fishing, jogging, picnicking and hiking, as more fully described in Section 4.4, Parks and Open Space Plan. Strand Beach connects to the Central, North and South Beach Access paths, forming an integrated design that maximizes public coastal access and passive recreational opportunities, while minimizing potential overcrowding at any single public recreation area.

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PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 5	REC/OS	At 288 feet above sea level, the 12.3-acre site contains the highest elevation within the HDCP. Located near Pacific Coast Highway, the park preserves a significant landform, <u>protects habitat areas</u> , establishes recreation opportunities, dramatic public view overlooks, and coastal access.
Hilltop Park and Greenbelt Linkages	REC/OS	Public facilities and uses include an open air educational visitor conservation center, trails, overlooks, seating, open space parking <u>(outside of environmentally sensitive habitat area)</u> , signage, buffers, landscaping, protection of natural resources <u>including preservation and restoration of native vegetation</u> , fencing and other passive features, as more fully described in Section 4.4, Parks and Open Space Plan. As a focal point for the HDCP integrated trail system, it can be accessed from Street of the Green Lantern, Pacific Coast Highway, Selva Road, Street "A," and the Headlands Conservation Park. <u>In conjunction with the Visitor/Recreation Commercial</u>

	<p><u>development in Planning Area 4, accessible from Pacific Coast Highway, six parking spaces for open space uses will be provided and a Visitor Information Center will be constructed in Planning Area 4.</u></p> <p><u>Areas of the Hilltop Park and Greenbelt Linkages that serve as habitat for Blochman's dudleya will be protected pursuant to the requirements of the California Department of Fish and Game. Furthermore, all ESHA shall be avoided and shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of the General Plan/Local Coastal Program. Fuel modification shall be prohibited within ESHA and habitat mitigation areas. Habitat restoration may occur. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.</u></p> <p>The Greenbelt Linkages bordering Planning Area 7 (Headlands Conservation Park) will be a minimum of 100 feet wide and will serve as an open space buffer. Pursuant to the Fuel Modification Plan in Section 4.0, buffer areas will be revegetated where required with appropriate native plant species and be appropriately managed.</p>
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PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 7	CONS/OS	<p>Located seaward of the existing Marguerita Road, #The park includes 24.227.9 acres and the landform commonly known as the "Headlands Promontory." Conservation Open Space is the most restrictive land use designation, ensuring the preservation of the unique Headlands landform, the coastal bluffs and the rocky beaches. Conservation of natural resources is of utmost importance with limited disturbance along the seaward perimeter for the bluff top trail and overlooks. Buildings are prohibited. <u>In conjunction with the extension of Selva Road to the northerly residential enclave (located outside of but surrounded by the HDCP area) Marguerita Road and all utilities therein shall be removed, and the area recontoured to match adjacent contours and revegetated with native coastal sage vegetation.</u></p>
<ul style="list-style-type: none"> Headlands Conservation Park 	CONS/OS	<p>The Headlands Conservation Park includes a <u>limited</u> bluff top trail, spectacular views of the ocean, and limited visitor access to the coastline and natural environment. The Headlands Conservation Park, as more fully described in Section 4.4, Parks and Open Space Plan, will be preserved in perpetuity as</p>

	<p>conservation open space through the establishment of a non-profit trust and a perpetual endowment to own and manage the property.</p> <p>The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species. These uses and programs onsite must be coordinated with the U.S. Fish and Wildlife Service, which has issued an Endangered Species, Section 10(a) permit and the California Department of Fish and Game, in conjunction with the landowners' participation in the Central/Coast Orange County Natural Communities Conservation Program and Habitat Conservation Plan, Implementation Agreement.</p> <p>Improvements in the Headlands Conservation Park will be limited to a bluff top trail, overlooks, seating, and public safety fencing, and recontouring necessary to restore the road cut for Marguerita Road. Balancing the desire for limited public access and views along the perimeter, this planning area also is designed to protect a number of sensitive flora and fauna, including the Pacific pocket mouse. As a result, and to protect this natural resource area from overuse, only limited portions of the area will accommodate passive uses, such as the bluff top trails, security fencing, overlooks, seating, and signage. <u>The bluff top trail shall be sited to avoid and setback at least 25 feet from coastal bluff scrub in the vicinity of the bluff edge.</u> The receiving agency or non-profit entity will establish hours of operation for the bluff top trail. Portions of the Hilltop Park and Greenbelt Linkages on the landward side of the Headlands Conservation Park will serve as a buffer between new development in Planning Area 6, the Upper Headlands Residential, and the Headlands Conservation Park.</p>
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PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 8	REC/OS CONS/OS	<p>Consists of 10.4 acres and includes a recreational <u>conservation park with limited recreational and support facilities (located outside of ESHA)</u> overlooking Dana Point Harbor with several proposed visitor recreation facilities and open space parking, as well as the adjoining coastal bluffs and rocky beach.</p> <p><u>All ESHA located in Planning Area 8 shall be avoided and shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of the General</u></p>

	<p><u>Plan/Local Coastal Program. Fuel modification shall be prohibited within ESHA and habitat mitigation areas. Habitat restoration may occur. Trails, interpretive/directional signage, and fencing for safety and habitat management purposes may be permitted provided they don't significantly disrupt habitat values. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.</u></p>
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<ul style="list-style-type: none"> Harbor Point Park 		<p>Harbor Point Park overlooks Dana Point Harbor and provides dramatic coastal access and public view opportunities. Harbor Point Park is comprised of two sub-planning areas.</p> <p>8A REC/OS Planning Area 8A is designated as Recreation Open Space and includes the bluff-top 4.3-acre Harbor Point <u>conservation and limited</u> recreational area.</p> <p>8B CONS/OS Planning Area 8B is designated Conservation Open Space and includes the 6.1 acre coastal bluff and rocky beach area.</p> <p>Harbor Point Park accommodates several active <u>educational/passive</u> recreational uses as more fully described in Section 4.4, Parks and Open Space Plan. The uses include several visitor recreation and educational facilities, such as a maritime historic center (lighthouse), a cultural arts center, and a nature interpretive center. Other amenities include <u>limited</u> bluff top trails, open space parking, commemorative memorials, picnic areas, scenic overlooks, <u>conserved and restored native habitat areas/drought tolerant landscaped areas,</u> benches, signage, kiosks, and fencing. Harbor Point Park also provides public recreational facilities that are distributed throughout the project, and thus avoids overcrowding or overuse by the public of any single area. The bluff top trail shall be sited to avoid coastal bluff scrub in the vicinity of the bluff edge. <u>Furthermore, parking areas and the nature interpretive center shall be sited to avoid impacts to ESHA.</u></p> <p>To preserve the visual landform associated with Harbor Point and to protect views, the proposed education visitor facility shall not extend beyond the adjacent commercial building stringline on Green Lantern as illustrated in Figure 3.4.4, Development Stringline. Sensitive natural resources associated with the coastal bluff and rocky beach areas will be preserved and protected by the Conservation Open Space designation....[NO INTERVENING CHANGES]</p>
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119. (Access/Biology) Modify Table 3.4.6, Allowable Uses Rec/OS and Cons/OS:

Land Uses	REC/OS	CONS/OS
Visitor Recreational Facility	P ³	X
Cultural Uses	P ³	X
Commercial Antennas	C* ³	X
<u>Funicular</u> ¹	<u>P</u> ³	<u>X</u>
Kiosks/Gazebos	P ³	X
Outdoor Artwork	P ³	X
Public Land Uses	P ³	C ³
Temporary Uses	T* ³	X
Trails, Biking and Hiking	P ³	P ^{1,2,3}

LEGEND:

- | | |
|---------------------|--|
| P = Permitted Use | P* = Permitted Use subject to special use standards (see Chapter 9.07 of the Zoning Code). |
| C = Conditional Use | C* = Conditional Use subject to special use standards (see Chapter 9.07 of the Zoning Code). |
| T = Temporary Use | T* = Temporary Use subject to special use standards (see Chapter 9.39 of the Zoning Code). |
| X = Prohibited Use | A = Accessory Use |

¹ A funicular is an allowable use in Planning Area 1 only

² Hiking Trails only

³ Use only allowed in locations such that ESHA is avoided and protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Uses adjacent to ESHA shall be sited and designed to prevent significant adverse impacts to ESHA and shall be compatible with the continuance of the ESHA.

120. (Hazards) Modify Table 3.4.7, Recreation Open Space And Conservation Open Space Development Standards: Eliminate references to lighthouse and veterans memorial, including subpart (f) and footnotes 1, 2, and 4; modify footnote 3 as follows: The minimum structural setback from the top of bluff shall be 50 feet or greater as recommended by a geotechnical engineer with special foundation, subject to City approval.
121. (Biology) Delete Figure 3.4.4, Development Stringline (for lighthouse at Harbor Point) and all references thereto.
122. (Access) Modify Section 3.5.A, General Development Standards All Districts, Access, Parking and Loading: Access, parking and loading regulations within this HDCP shall be as provided in Chapter 9.35 of the Zoning Code except for the following: In Planning Area 9, tandem parking may be utilized to achieve the required parking for employees and for guests with valet parking. In Planning Areas 2 and 6, parking in excess of zoning requirements may be provided in a tandem configuration in an enclosed garage. Parallel on-street parking shall be provided on

only one side of all single-loaded vehicle restricted local streets. A minimum of 62 public parking spaces shall be provided ~~within~~ for exclusive use by the general public for access to the Recreation Open Space. In addition, six parking spaces in Planning Area 4, accessible from Pacific Coast Highway, shall be provided to exclusively serve open space visitors. The six parking spaces shall be in excess of those necessary to serve the V/RC uses in Planning Area 4 and shall be constructed concurrent with the development of V/RC improvements in Planning Area 4.

In Planning Area 9, the minimum quantity of parking stalls per use shall be supplied as identified in Section 9.35 of the Zoning Code except that valet/tandem parking shall not be utilized to achieve the required parking. Valet parking may be provided as a service to guests/visitors provided that at least 50% of the parking remain available as self-parking. Furthermore, free or affordable employee parking shall be provided on-site. Incentives to employees to use alternative transportation shall be provided including, but not limited to, incentives to carpool and free or subsidized transit passes.

123. (Access/Biology) Modify Section 3.5.B.1, Entry Signage: The HDCP shall establish a unified image through the implementation of a series of Entry Signs. Entry Signage will designate the parks, visitor recreation and educational facilities, and V/RC facilities within the HDCP. Entry signage for the parks, visitor recreation and educational facilities and related uses shall clearly identify those areas are available for public use and coastal access. Where appropriate, use of the City seal and other public agencies may occur. The signage program is detailed in Section 4.12, Design Guidelines. Signs may be externally illuminated and lighting shall be directed and shielded so that light is directed toward the ground and away from sensitive biological habitat ~~hidden by vegetation or installed flush with the grade.~~ Where feasible, Entry signage shall be wall mounted and shall not exceed 20 square feet.
124. (Biology) Modify Section 3.5.B.3, Visitor/Recreation Commercial Signage: Signs in Planning Area 4 and Planning Area 9 shall comply with the requirements for entry signage. Commercial signage shall comply with the requirements of the Master Signage Program described in Section 4.12 Design Guidelines. In addition, commercial signage shall be externally illuminated and lighting shall be hidden by vegetation or installed flush with the grade. Lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat. Signage shall be designed to compliment the architecture of the building and should emphasize natural materials.
125. (Biology) Add Section 3.5.C.3, Landscaping Standards and Requirements, Landscaping for All Development: Except for landscaping on the private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point, all landscaping (including temporary erosion control and final landscaping) for all development shall be of plants native to coastal Orange County and appropriate

to the natural habitat type. Native plants used for landscaping shall be obtained, to the maximum extent practicable, from seed and vegetative sources on the project site. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the proposed development area, including the landscaping within the private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within any development area, including within any private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point. All landscaping shall be drought tolerant. Use of native plant species is encouraged within the private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point.

126. (Biology) Add Section 3.5.C.4, Lighting: All lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

127. (Biology) Add Section 3.5.D.7, Walls and Fencing for Habitat Protection Purposes: Walls and/or fencing shall be placed between all residential and commercial development and any adjacent environmentally sensitive habitat area for habitat protection and fire hazard management purposes. Walls and/or fencing shall be designed to be impervious to dogs.

Where necessary for habitat protection, fencing and barrier plantings shall be placed around ESHAs and along trails to provide physical barriers to human intrusion and domestic pets. Fencing that is both subordinate to the open space character and impervious to dogs shall be placed along trails that are adjacent to or pass through ESHA.

128. (Biology) Add Section 3.5.E. Environmentally Sensitive Habitat Areas (ESHA): Excepting up to 0.75 acres of impact in Planning Area 1, 6.5 acres of impact within Planning Area 6, and 4.04 acres of impact to accommodate construction of the seaside inn within Planning Area 9 (all of which are only allowable as provided in Conservation Open Space Element Policy [Suggested Mod 78], new development shall be sited and designed to avoid impacts to ESHA. The maximum impacts to ESHA identified herein do not pertain to or limit vegetation removal necessary to construct and maintain public trails. Impacts to up to 11.29 acres of ESHA shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. The coastal development permit shall include conditions that require implementation of all feasible mitigation measures that would significantly reduce adverse impacts of the development.

Any new development that includes impacts to ESHA as permitted under the LCP shall include mitigation for unavoidable impacts. ESHA impact mitigation shall

include, at a minimum, creation or substantial restoration of ESHA of the same type as the affected ESHA or similar type. The acreage of ESHA impacted shall be determined based on the approved project. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall identify an area of disturbed or degraded ESHA of equivalent type and acreage sufficient to provide mitigation of the ESHA impacts at a minimum 3:1 ratio (number of acres of created or restored habitat required for each acre of ESHA impacted). At least 1:1 of the 3:1 ratio shall consist of habitat creation/substantial restoration (i.e. no net loss) preferably on-site within the coastal zone. Habitat creation/restoration shall be located on-site to the maximum extent feasible, but may include an off-site component for the portion that is infeasible to provide on-site. Mitigation measures on land outside the coastal zone may be acceptable if it would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios. The 3:1 mitigation ratio shall be the minimum standard. The removal of vegetation for new trail construction shall comply with the 3:1 mitigation ratio, except where vegetation removal is necessary to re-align an existing trail or informal footpath in which case the mitigation ratio shall be 1:1. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall submit habitat creation, restoration, management, maintenance and monitoring plans for the proposed mitigation area prepared by a qualified biologist and/or resource specialist. The plans shall, at a minimum, include ecological assessment of the mitigation site and surrounding ecology; goals, objectives and performance standards; procedures and technical specifications for habitat planting; methodology and specifications for removal of exotic species; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas in perpetuity. The area of habitat to be restored shall be restricted from future development and permanently preserved through the recordation of a conservation open space deed restriction that applies to the entire restored area. In addition to the deed restriction, the area may also be dedicated or offered to be dedicated to a public agency or non-profit entity.

129. (Hazards) Add Section 3.5.F., Bluff Edge Setback: Excepting development in Planning Area 1 and Planning Area 2 where development is contemplated on the bluff face and notwithstanding the minimum bluff edge setback identified in Zoning Code Section 9.27.030(c), all development shall be located a minimum of fifty (50) feet from the bluff edge or a sufficient setback to ensure the proposed development is safe from a threat of erosion and bluff retreat/failure for seventy-five (75) years, whichever is most restrictive.
130. (Hazards/Access) Add Section 3.5.G., Shoreline Protective Device in the Strand: Any shoreline protective device repaired and maintained in the Strand as allowed under Conservation Open Space Element Policies [Suggested Modifications 63 and 64] shall comply with the following development standards:

The shoreline protective device shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the shoreline protective device is moved at least 5 feet landward or easterly.

At the time of repair and maintenance of the shoreline protective device, all components of the existing revetment located seaward of the above identified toe and landward of the location of the intertidal zone shall be removed from the beach and recycled into the repaired and maintained shoreline protective device or properly disposed at an approved disposal site.

The top edge of the repaired and maintained revetment shall not exceed the top edge of the existing revetment located at +17 feet NGVD.

A shoreline protective device maintenance and monitoring plan shall be implemented that, at minimum, provides for the periodic retrieval and re-use or proper disposal of any rock or other components of the device that has become dislodged and/or has fallen to the beach as well as the retrieval and re-use or proper disposal of any rock or other component of any pre-existing device that becomes exposed on the beach for any reason.

131. (Access) Add following definitions under Section 3.6, Definitions:

TEMPORARY EVENT – is (a) an activity or use that constitutes development as defined in Section 30106 of the Coastal Act but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc., and/or involve exclusive use of sandy beach, parkland, filled tidelands, water, streets, or parking areas in temporary facilities, public or private buildings or open spaces, or outside of buildings which are otherwise open and available for general public use; or (b) an activity as defined in section (a) that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service.

132. (Coastal Resources) Section 3.7.A, Development Review Process, Purpose and Intent, add following statement to end of paragraph: This section does not provide an exhaustive list of applicable rules and procedures, and any non-conflicting rules or procedures in other parts of the LCP that would apply in the absence of this PDD continue to do so.

133. (Coastal Resource) Section 3.7.B.1: Section 3.0 and 4.0 of The HDCP serves as the local entitlement document for the subject area and must be adopted in accordance with the Zoning Code (Chapter 9.34). A PDD may be adopted in a variety of ways, both by resolution or ordinance. Section 4.0, Development Guidelines, must be adopted by resolution. Section 3.0, Planned Development

District, must be adopted by ordinance and ~~erves as the~~ provides zoning regulations for development within the HDCP area.

134. (Coastal Resources) Section 3.7.B.2, Development Review Process, Adoption and Amendment, Amendment to Local Coastal Program: The HDCP requires an amendment to the Dana Point Local Coastal Program ("LCP"). The LCP Land Use Plan for the HDCP area consists of the Land Use Element, Urban Design Element, and Conservation Open Space Element of the City's General Plan (as amended). The LCP Implementation Program for the HDCP area consists of Section 3.0, Planned Development District, Section 4.0, Development Guidelines and ~~referenced chapters of~~ the City's Zoning Code.
135. (Coastal Resources) Modify Section 3.7.C, Discretionary Approvals and Permits: All development shall require both: (i) a Site Development Permit as defined and issued by the City under Chapter 9.71 of the Zoning Code, as modified in this HDCP; and (ii) a Coastal Development Permit as defined and issued by the City under Chapter ~~9.749.69~~ of the Zoning Code, or (iii) a Combined Coastal and Site Development Permit, as defined and issued in this HDCP.
136. (Coastal Resources/Views/Biology) Section 3.7.C.2, Coastal Development Permit (Master and Individual): The Coastal Development Permit is the discretionary process that addresses development within the City's Coastal Zone. All development within the Coastal Zone must be consistent with the Dana Point Local Coastal Program. The HDCP is located within the Coastal Zone. The Coastal Development Permit ensures that the policies, programs, and regulations contained within ~~the HDCP~~ Local Coastal Program have been met, and that conditions have been incorporated into the Coastal Development Permit Resolution. The applicant may apply for individual or master coastal development permits as regulated in the HDCP, and any reference herein shall apply for both types of permit.

[no intervening changes]

- Application for a Coastal Development Permit. The applicant shall follow the format located in Section 9.69.050 of the Zoning Code, except that with respect to a Coastal Development Permit for Planning Area 2 and Planning Area 6 Section 9.61.040(e)(2)(F) and 9.61.040(e)(2)(G) of the Zoning Code shall not apply regarding elevations and floor plans of residential structures and associated appurtenances on residential lots, provided that the application contains sufficient information about the land division, grading plan and building envelopes to analyze whether the development complies with all the requirements of the Local Coastal Program, and provides sufficient information for the permit to contain conditions that the development on each residential lot is sited and designed to avoid the degradation of public views to and along the shoreline from public viewpoints, trails, parks and open spaces, and the development incorporates building setbacks that avoid any fuel modification

requirements within ESHA. Also, the applicant shall incorporate all of the programs and include the required information as detailed in this HDCP.

A Master Coastal Development Permit, issued by the City under Chapters 9.27 and 9.69 of the Zoning Code, as modified by this HDCP, shall be allowed for Planning Area 2 (The Strand Residential) and Planning Area 6 (Upper Headlands Residential) and other Planning Areas at the discretion of the Director of Community Development. ~~The applicant~~ Director of Community Development has the discretion to allow an applicant to apply for a Master Coastal Development Permit in Planning Area 2 and Planning Area 6, rather than individual Coastal Development Permits for construction on each individual lot.

In addition, the applicant may elect to apply for a Combined Coastal and Site Development Permit, including a Combined Master Coastal and Site Development Permit, in lieu of separate applications for a Coastal Development Permit and Site Development Permit.

- Notice and Public Hearing. ~~Except as noted in this HDCP, the City and~~ applicant shall follow the procedure shown in Section 9.69.060 of the Zoning Code. Regardless of whether the Master Coastal Development Permit or Coastal Development Permit is combined with any other action, the notice procedures for the coastal development permit shall fully comply with those identified in Section 9.69.060 of the Zoning Code.
- Basis of Action. The City may approve, conditionally approve, or deny a Coastal Development Permit. ~~Coastal Development Permits may also be issued in any sequence.~~ The basis of action shall be subject to the findings located in Section 9.69.070 of the Zoning Code, as modified by the HDCP.
- Dei Minimis and Administrative Permits. Projects that qualify as either Dei Minimis or Administrative Permits may be approved by the City. Application procedures for Dei Minimis or Administrative Permits will be subject to the procedures shown in Sections 9.69.110 and 9.69.160 of the Zoning Code.
- Expiration. Any Coastal Development Permit granted herein shall be effective for a period of 24 months, ~~unless otherwise conditioned or agreed subject to an approved Development Agreement or otherwise agreed upon between the applicant and the City.~~ Failure to exercise the permit within the effective period will cause the permit to automatically expire, unless the applicant has requested an extension in conformance with Section 9.69.140 of the Zoning Code. Once construction has been initiated pursuant to the Coastal Development Permit, the Coastal Development Permit shall be deemed vested and shall not expire unless work is not diligently pursued to completion.

"The" should not be deleted

[no intervening changes]

- Temporary Events. Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria if the Director of Community Development has determined that the event has the potential to result in significant adverse impacts to public access and/or coastal resources.

137. (Views/Biology) Section 3.7.C.3, Tentative Tract Maps: Tentative Tract Map review shall be processed pursuant to Chapter 7.01 of the Municipal Code. No application for a Tentative Tract Map for Planning Areas 2 and 6 shall be submitted to the City without either combining the application with a Site Development Permit(s) or first obtaining approval for a Site Development Permit(s) for Planning Areas 2 and 6. A Tentative Tract Map application that includes Planning Areas 4 and 9 is not required to be combined with an application for a Site Development Permit for those two Planning Areas. As provided above, individual Site Development Permits for Planning Areas 4 and 9 are required prior to building construction. After the initial approval of the Tentative Tract Map and Site Development Permit for the subject site, the approved Site Development Permit may be amended separately, either as a minor or major amendment. Land divisions, including but not limited to subdivisions, lot splits, and lot line adjustments shall require a coastal development permit. If a Master Coastal Development Permit and Site Development Permit are approved for a land division/Tentative Tract Map and grading plan for Planning Areas 2 and/or 6, there shall be no need to process individual Coastal Development Permits and Site Development Permits for construction of residential development and associated appurtenances on individual residential lots within that Subdivision Map, provided the Master Coastal Development Permit is conditioned to comply with all the requirements of the Local Coastal Program, the permit identifies specific final pad elevations for each residential lot and the permit conditions identify specific building envelopes/development standards for each residential lot including setbacks and heights that avoid the degradation of public views to and along the shoreline from public viewpoints, trails, parks and open spaces, and incorporate building setbacks that avoid any fuel modification requirements within ESHA, and required residential building permit application demonstrates compliance with the HDCP and the design guidelines in the combined Master Coastal and Site Development Permit.

138. (Access/Views/Biology) Section 3.7.C.5, Administrative Modification of Standards: Certain standards in this HDCP may be administratively modified by the Director of Community Development to permit development on a property that is constrained due to physical constraints. Administrative modifications may be considered in the HDCP area, subject to Chapter 9.61, Section 9.61.090 of the Zoning Code. For other modifications to certain development standards, a variance

shall be required in accordance with Section 9.67 of the Zoning Code. Administrative modifications or variances from 1) the minimum number of parking stalls (except for residential uses), 2) bluff edge setbacks, 3) requirements relative to protecting Environmentally Sensitive Habitat Area (ESHA) including required setbacks, and 4) height restrictions necessary to protect public views, shall not be granted.

139. (Access/Biology) Add Section 3.7.C.6, Development Phasing Plan:

Development shall comply with the following development phasing plan:

Development of the Headlands shall occur in a comprehensive manner involving the entire approximately 121 acre site. The allowance for impacts to up to 11.29 acres of environmentally sensitive habitat areas (excluding public trails) and the allowances relative to the construction of new development in the Strand that is reliant upon significant landform alteration and a shoreline protective device shall only be allowed in the context of a project that: 1) preserves, enhances, dedicates and perpetually manages all but 11.29 acres of environmentally sensitive habitat areas (ESHAs) known to be present at the Headlands; 2) dedicates the private portion of Strand beach to the public; 3) constructs and dedicates the public parks and public trail network described in this HDCP including realigning the existing revetment an average 5 feet landward or easterly than the existing alignment, implementation of a program to retrieve debris from the beach that impedes public access, and constructing a new lateral public access trail on top or landward of the revetment and seaward of the entire length of the Strand residential development; 4) implements extensive water quality management best management practices, including but not limited to the construction and maintenance of structural best management practices to treat off-site and on-site run-off; 5) preserves landforms including the Harbor Point and Headlands bluffs and promontories and the Hilltop; and 6) provides lower-cost overnight accommodations (i.e. hostel) in conjunction with the construction of a luxury inn.

The public parks, open space and public trail network shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent with the recordation of the first land division/Final Map(s). The first land division shall encompass the entire 121.3 acre site and shall fully expunge all development rights that may exist within the identified public parks, open space and public trail network that may have existed under any prior land division. The one exception to this requirement shall be that, prior to the wholesale re-division of the 121-acre Headlands area, the landowner may apply for, and the City may approve, any lot merger, lot line adjustment, or other land division necessary to enable the landowner to separate out and transfer approximately 27 acres of land on the Headlands promontory, provided that any such approval is conditioned on the requirement that the area so separated is irrevocably deed restricted as conserved open space in conjunction with the land division and is thereafter dedicated in a manner that ensures that it is conserved in perpetuity as conserved open space, in

which case the requirement in the preceding two sentences shall apply only to the remainder area of the Headlands.

The public parks, open space and public trail network improvements and amenities, including the Nature Interpretive Center and public parking, shall be constructed and open to the public prior to the opening of the luxury inn in Planning Area 9.

The 40-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9.

All approved public park, open space and public trail network improvements and amenities, including the Nature Interpretive Center and public parking, shall be constructed by the landowner/developer and shall include all such public parks, open spaces, public trails and associated improvements and amenities described in the HDCP. All approved public park and open space improvements and amenities shall be bonded for final completion (@120% of estimated construction cost) prior to recordation of the first Final Map, and construction shall be completed and the facilities open to the public for public use prior to the residential certificate of occupancy or final inspection for the first to be completed residential property.

The Visitor Information Center in Planning Area 4 shall be constructed and open to the public concurrent with the opening of any other commercial development within Planning Area 4.

The six (6) public parking spaces in Planning Area 4 to serve open space visitors shall be constructed and open to the public prior to or concurrent with the opening of any other commercial development within Planning Area 4.

140. (Biology) Global Change, Section 4.0, Development Guidelines: Page 4-13, change description of Planning Area 9 as follows:

Planning Area 9: Resort Seaside Inn (Visitor/Recreation Commercial)

This 2.8-acre site provides a maximum ~~6590~~ ⁶⁵⁹⁰-room (keys), luxury Seaside Inn, with a public restaurant, amenities and accessory uses. The site fronts the Street of the Green Lantern and Scenic Drive, and complements existing, off-site commercial facilities, such as the Charhouse Restaurant. The site offers dramatic ocean and harbor views. The location, adjacent to the Harbor Point Park, lends itself to public and private functions, encouraging coastal access.

141. (Hazards/Views) Modify Section 4.1.A, Existing Site Characteristics, Landforms: The project site contains four distinct landforms: (1) the two geographical points—Dana Point and Harbor Point, (2) the coastal bluffs which range up to 215 feet in height and stretch from the Harbor Point to the northern end of the Strand ~~enclave of existing homes~~, (3) the Strand Beach, and (4) the hilltop near PCH.

A gently sloping mesa sits atop the Dana Point and the coastal bluffs to form a landmark from which the entire site derives its common name—the Headlands. The bluffs are a visible landform for thirty miles up and down the coast. ~~The coastal bluffs are defined as a natural, oceanfront landform having a continuous slope of 45° or greater over a distance of approximately 25 vertical feet and 100 horizontal feet.~~

142. (Biology) Modify Section 4.1.C, Biology: The project site contains diverse wildlife and plant species. The wildlife consists of mammals, including the Pacific Pocket Mouse, reptiles, and birds, including the California gnatcatcher and the coastal cactus wren.

The site also contains many vegetation associations that are native to Southern California. Southern coastal bluff scrub, mixed chaparral, and coastal sage are found in the southern areas of the site. The northern portions of the site consist of heavily disturbed vegetation, native/non-native grassland, disturbed coastal sage and ornamental plantings associated with the vacant mobile home development.

In 1996, the U.S. Department of Interior...[no intervening changes]

The 1996 Orange County NCCP/HCP was preceded by five years³ of scientific analysis and public agency review. A joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) were prepared pursuant to the California Environmental Quality Act, the California Endangered Species Act, and the federal Endangered Species Act by the CDFG and the USFWS. In 1996, the EIR/EIS was certified as a Final EIR/EIS, with appropriate findings and mitigation measures to satisfy the requirements of the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA).

The landowners of the project site were identified in the NCCP/HCP as a "participating landowner" for "contributing significant land and/or funding toward implementation of the reserve system and adaptive management program." As a result, the landowners were issued a Section 10(a) Endangered Species Act Permit for the project site.

In addition to CESA and ESA requirements, the Coastal Act requires the identification and protection of any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. These areas are known as 'environmentally sensitive areas' or 'environmentally sensitive habitat areas' (ESHA). In conjunction with the Local Coastal Program (LCP) amendment that was processed to incorporate the HDCP into the City's LCP, the Coastal Commission identified approximately 50 acres of upland ESHA at the Headlands. The planning boundaries established in this LCP are designed to conserve all but 11.29 acres of the ESHA present at the

time of the LCP amendment. Except as provided in Conservation Open Space Element Policy [Suggested Modification 17] for situations where an application is submitted within two years of the date of effective certification of LCP Amendment 1-03, the LCP contains provisions requiring an assessment during the coastal development permit process of whether additional ESHA is present on the site and the protection of the approximately 38.01 acres originally conserved in Planning Areas 1, 5, 7, and 8A/8B plus any additional habitat identified during the subsequent assessment. Pursuant to the requirements of Coastal Act Section 30240 and equivalent policies in the LCP, the ESHA must be protected and conserved in place, except as allowed under Conservation Open Space Element Policy [Suggested Mod 78] and Section 3.5.E of the Planned Development District [Suggested Mod 128], and only certain limited activities such as habitat restoration and limited public access are allowed within the ESHA.

143. (Coastal Resources) Add notation to Section 4.2, Land Use Plan: Sections 3.0 and 4.0, including Section 4.2 thereof (i.e. 'Land Use Plan'), are components of the implementing actions of the City's Local Coastal Program within the meaning of Section 30513 of the Coastal Act.

144. (Biology/Access) Figure 4.2.1, Illustrative Plan: Modify This Figure To Reconfigure Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose) And Incorporate Avoided Area Into Planning Area 5; Eliminate/Relocate Visitor Buildings And Parking To Avoid Esha; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of the Shoreline Protective Device

145. (Access) Modify Section 4.3, Planning Areas, Planning Area 1: ...The developer will construct restroom and shower facilities adjacent to the pathway above Strand Beach.

If gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach.

The Mid-Strand Vista Park Access (New) leads from the trail in approximately the center of the park and connects to the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.

The Central Strand Beach Access (new)...

146. (Access) Modify Section 4.3, Planning Areas, Planning Area 2:... The community will may be gated to control vehicle access provided the mitigation measures outlined below are implemented.

If gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted. If the funicular is out of service for more than 3 consecutive scheduled operating days, public vehicular access through Planning Area 2 for passenger drop-off shall be available during the period of service outage and any gate, guardhouse, barrier or other development that regulates or restricts public vehicular access shall be opened, removed or otherwise made inoperable during the period of service outage. During periods of funicular service outage signs shall be posted at the boarding area of the funicular, along the public roadway leading to the Strand residential area and at the entrance to the Strand residential area indicating the availability of public vehicular access through the residential area for passenger drop-off at the beach.

147. (Biology/Access) Modify Figure 4.3.1: Modify This Figure To Reconfigure Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose) And Incorporate Avoided Area Into Planning Area 5; Eliminate/Relocate Visitor Buildings And Parking To Avoid Esha; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of the Shoreline Protective Device
148. (Access) Modify Section 4.3, Planning Areas, Planning Area 4: PCH and the Street of the Green Lantern border the 1.6-acre Planning Area 4. This Visitor/Recreation Commercial area complements the adjacent City Town Center, and will attract coastal visitors by providing a variety of commercial and office uses including a Visitor Information Center and can comprise one or more buildings. A maximum of ~~4035~~ 4000 square feet will be developed, limited to two stories. The first floor will be limited to retail commercial uses including the Visitor Information Center. Additionally, ~~the~~ second floor can support ~~either~~ retail commercial ~~or~~ and professional office uses.
149. (Biology/Access) Modify Section 4.3, Planning Areas, Planning Area 5: Reconfigure Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose) And Incorporate Avoided Area Into Planning Area 5; Modify text as follows: The 12.3-acre (modify acreage figure) Hilltop Park and Greenbelt Linkage preserves a significant landform, establishes a public park, provides integrated trails, and connects to adjacent parks and open space. It serves as a major feature of the integrated trail system by providing dramatic views of the surrounding City, Harbor, and Pacific Ocean. Access and parking are provided from the Street of the Green Lantern, Scenic Drive, Selva Road (Dana Strand Road), "A" Street, and Pacific Coast Highway. In addition, six public parking spaces to exclusively serve open space uses will be constructed in

Planning Area 4, PCH V/RC. The Hilltop Park and Greenbelt Linkage is detailed in Section 4.4, Park and Open Space Plan. Natural resource (Blochman's dudleya) habitat will be preserved in the vicinity of the Hilltop Park and managed by the City of Dana Point pursuant to the recommendation and approval of the California Department of Fish and Game. Furthermore, all ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of this LCP. Fuel modification shall be prohibited within ESHA. Habitat restoration may occur. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.

The Hilltop Park includes trails, rest areas, overlooks, seating, open space, signage, native landscaping, fencing, and other passive features. The Greenbelt Linkage includes trails, ~~landscaping~~ habitat preservation and restoration, fencing, signage, open space buffers to the Headlands Conservation Park, ~~a proposed visitor recreation facility (the Conservation Center)~~, and other passive features.

150. (Biology) Modify Section 4.3, Planning Areas, Planning Area 7: Modify acreage figures to reflect suggested modifications herein; modify text as follows: In conjunction with the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDGF), the Headlands Conservation Park also provides for the long-term preservation and management of habitat for sensitive species, including the Pacific pocket mouse, and other flora and fauna. The 22.0 acre temporary Pacific pocket mouse preserve established by the NCCP will be expanded by ~~2-25.9~~ acres, and a ~~minimum 100' wide~~ greenbelt buffer has been designated in adjoining Planning Area 5. A non-profit trust will be established to manage the Park in conjunction with the USFWS and CDFG. The recording of easements, deed restrictions, and additional measures ensure that the Headlands Conservation Park remains permanently designated as conservation open space.
151. (Biology) Modify Section 4.4, Park and Open Space Plan: Reconfigure Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose) And Incorporate Avoided Area Into Planning Area 5; Eliminate/Relocate Visitor Buildings And Parking To Avoid Esha; modify text as follows: ...The three primary goals of the Park and Open Space Plan are as follows:
1. Create high quality public parks, recreation, and open space areas that maximize coastal access, establish and preserve public views, and conserve natural resources including the preservation and enhancement of environmentally sensitive habitat area....
152. (Access/Biology) Modify Section 4.4.A, The Public Parks: A public trail/access system, over three miles in length, links all of the parks and open space. The system includes pedestrian and bicycle trails, coastal and beach access, scenic

overlooks, and ~~five~~four proposed public visitor recreation facilities to be constructed by the Landowner/Developer. The trails maximize public coastal access and view opportunities. These trails implement the policies and guidelines of the Dana Point General Plan and provide a comprehensive system that reinforces the relationship between the project site, the Harbor, and the Pacific Ocean.

The public parks and open space areas will be improved by the developer, offered for dedication, transferred, and/or conveyed to the appropriate public agency or non-profit entity in the first phase of the project, consistent with the Development Phasing Plan identified in Section 3.7.C.6 of the Planned Development District, terms and conditions provided for in the Development Agreement

153. (Biology/Access) Modify Figure 4.4.1, Park and Open Space Plan: Reconfigure Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose) And Incorporate Avoided Area Into Planning Area 5; Eliminate/Relocate Visitor Buildings And Parking To Avoid Esha; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of the Shoreline Protective Device
154. (Biology) Modify Section 4.4.B.1, Headlands Conservation Park, Setting/Site Features: ...Marguerita Road borders the northerly edge of the site and will be removed and the area restored concurrent with the extension of Selva Road...

[no intervening changes]

Site Features

- ~~The existing Marguerita Road adjacent to the park,~~ shall be removed, the area shall be graded to natural contours and re-vegetated pursuant to Figure 4.4.6 and Section 4.13, Coastal Resources Management Program.

[no intervening changes]

- A 10' wide pedestrian trail of decomposed granite/gravel shall provide controlled access to the coastal bluff top. The bluff top trail alignment shall be designed to minimize impacts to areas of natural resource value, including coastal bluff scrub habitat. The trail shall be located a minimum of 25 feet from the edge of Coastal Bluff Scrub habitat. See Figure 4.4.3, Headlands Conservation Park Bluff Section.

[no intervening changes]

- A proposed Nature Interpretive Center shall be constructed in the adjacent greenbelt (Planning Area 8a) outside of environmentally sensitive habitat area to serve as management and educational headquarters for the Headlands Conservation Park.

155. (Biology) Modify Figure 4.4.2, Headlands Conservation Park Conceptual Plan: Modify Park Boundary To Incorporate Area Of Marguerita Road, And Modify Location Of Parking And Nature Interpretive Center To Avoid Impacts To Esha
156. (Biology) Modify Section 4.4.B.2, Hilltop Park and Greenbelt Linkages, Setting/Design Concept/Site Features: ...The park preserves a prominent landform and environmentally sensitive habitat area. Access is currently provided from PCH, Street of the Green Lantern, and Scenic Drive...

[no intervening changes]

...Provide a series of greenbelt linkages and public trails to adjacent parks and open space. Conserve, enhance and restore environmentally sensitive habitat area. ~~Emphasize the use of natural or drought tolerant landscape materials.~~ Provide appropriate public visitor facilities sited in locations that avoid the degradation of environmentally sensitive habitat areas.

[no intervening changes]

Level of Development: Moderately Low. Multiple public trails, hilltop overlook, rest areas, visitor recreation facility, parking sited in locations that avoid the degradation of environmentally sensitive habitat areas.

Proposed Uses: Walking, bicycling (outside of environmentally sensitive habitat areas), hiking, jogging, picnicking, educational, parking. Coastal access and view opportunities, ~~fuel modification~~, protection of natural resources.

Program Elements: ~~Primarily~~ Solely native vegetation appropriate to the habitat type ~~landscape materials, drought tolerant landscape materials.~~ Pedestrian/bicycle access pathways. Scenic overlooks. Visitor recreation facility, interpretive/informational signage. Fencing as appropriate for public safety, view preservation, and protection of resources.

Site Features

- Trails shall be either bikeways or pedestrian trails as designated on Figure 4.5.1, Public Trail/Access Plan. No bicycle trails shall be located within environmentally sensitive habitat areas. Combined bikeway/pedestrian trails shall be 12' wide

and constructed of concrete. Pedestrian trails shall be 10' wide, constructed of decomposed granite/gravel. A "switchback" pedestrian trail shall provide access to the hilltop overlook. Trails shall be designed to minimize impacts to areas of natural resource value by utilizing existing trail alignments where feasible. Existing disturbed areas, including unnecessary trails, will be re-vegetated pursuant to Section 4.13, Coastal Resources Management Program.

- A hilltop overlook shall be provided at the park's highest elevation. The overlook shall be constructed of concrete or other durable materials and be designed to blend with the natural surroundings. See Figure 4.4.5, Hilltop Park Section. A minimum of two benches and one covered trash receptacle shall be provided. Fencing may be required as deemed necessary by the Director of Community Development.
- ~~Marguerita Road shall be removed, the area graded to natural contours and revegetated pursuant to Section 4.13, Coastal Resources Management Program. See Figure 4.4.6, Greenbelt Buffer at Headlands Conservation Park.~~ Areas of natural resource value shall be protected through signage, barrier plantings, walls and fencing if necessary. A solid wall, impervious to dogs, shall be placed along the entire border of the residential development in Planning Area 6 and commercial development in Planning Area 4 and the environmentally sensitive habitat area within Planning Area 5. Furthermore, fencing and/or barrier plantings shall be placed around the entire perimeter of the environmentally sensitive habitat area and along the perimeter of trails to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails.

[no intervening changes]

- ~~The proposed visitor recreation facility, the Conservation Visitor Center, shall be located near the terminus of Selva Road. The Conservation Visitor Center shall be a maximum of 2,000 square feet and, due to fuel modification requirements, constructed as an open air facility using non-combustible materials.~~
- ~~The Conservation Visitor Center shall include an educational program open to the public highlighting the various conservation programs that have been established along the California Coast.~~

[no intervening changes]

Landscape Design

- ~~Primarily~~ Solely native shrubs, ground covers and grasses selected from the Headlands Revegetation Palette. The greenbelt along the Selva Road extension and along the border with the Niguel Terrace Condominiums may utilize the Landscape Palette identified on Table 4.16.1

- Subject to other restrictions, native trees shall be selectively planted as necessary to screen adjacent uses. Trees shall be located to minimize conflicts with views from surrounding areas. Trees shall not be planted within environmentally sensitive habitat areas. See Figure 4.4.7, Greenbelt Linkage.
- Limited temporary irrigation for native plant establishment ~~and limited permanent irrigation as necessary to comply with Fuel Modification Zone requirements or for designated drought tolerant landscaping areas.~~

Ownership, Construction Maintenance

- The Hilltop Park and Greenbelt Linkages shall be transferred to the City pursuant to ~~the terms of Section 4.4(A.) above the Development Agreement.~~ The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. Maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.14, Coastal Resources Management Program, for a one year period, and thereafter, by the City. An endowment may be utilized to cover the costs of maintenance and management of environmentally sensitive habitat areas and such areas shall be managed and maintained consistent with the Headlands Conservation Park.

157. (Biology/Access) Figure 4.4.6 Greenbelt Buffer at Headlands Conservation Park: Modify Park Boundary, Trails, Residential Structure, Etc. To Reflect Park Expansion

158. (Biology) Modify Section 4.4.B.3, Harbor Point Park, Design Concept/Site Features:

Conceptual Plan

See Figure 4.4.8, Harbor Point Park Conceptual Plan

Setting

The Harbor Point Park, located on the southeastern edge of the project, overlooks Dana Point Harbor. The site includes the Harbor "Point" which borders the harbor, the adjacent coastal bluffs, and a plateau that provides dramatic views. The Street of the Green Lantern, Cove Road and Scenic Drive provide access to the area.

Design Concept

Create a public park that preserves a major landform and environmentally

sensitive habitat area, while establishing and encouraging public coastal access. Incorporate coastal view opportunities. Integrate the public trail system and the proposed visitor recreation facilities ~~by providing areas that can be actively used by the public.~~ Provide trails and overlooks ~~contemplative space~~ within the park. Align the trails, overlooks, and public facilities to visually link with the harbor and the ocean. ~~For Planning Area 8b, restrict~~ Confine public access through ~~from~~ sensitive natural resources to public trails.

Program

Intensity of Use: For Planning Area 8a, Recreation—Low. Limited development of public visitor facilities permitted (sited in locations that do not degrade environmentally sensitive habitat areas). Limited recreational activities permitted. ~~recreation moderately high. Multiple recreational activities permitted.~~ For Planning Area 8b, conservation-very low, no active development permitted.

Level of Development: For Planning Area 8a, moderately ~~low~~ high. Multiple public trails, overlooks, rest areas, parking, nature interpretive center sited in locations that avoid the degradation of environmentally sensitive habitat areas, ~~visitor public facilities, public art, veterans' memorial.~~ Planning Area 8b, public access to the coastal bluff face is prohibited. Limited access to the rocky beaches in conjunction with the Ocean Institute.

Proposed Uses: For Planning Area 8a, walking, bicycling, hiking, jogging, icnicking, educational, historical, artistic, parking. Coastal access and view opportunities. Public and private ceremonial activities. All of the preceding shall only occur in locations that avoid the degradation of environmentally sensitive habitat areas. For Planning Area 8b, scientific and educational uses only. Permanent conservation through deed restrictions.

Program Elements: For Planning Area 8a, drought tolerant and native landscaping materials. Pedestrian/bicycle access pathways. Scenic overlooks. Nature interpretive center. ~~Visitor recreational facilities. Veterans' memorial.~~ Public art. Interpretive/informational signage. Safety fencing. All of the preceding shall only occur in locations that avoid the degradation of environmentally sensitive habitat areas. For Planning

Area 8b, conservation of natural resources.
Interpretive/ informational signage.

Site Features

- Trails shall be either bikeways or pedestrian trails as designated on Figure 4.5.1, Public Trail/Access Plan. ~~Bikeway trails surrounding the proposed Maritime Historical Visitor Center shall be 10' wide, constructed of concrete. Other p~~ Pedestrian trails shall be typically 10' wide, constructed of decomposed granite/gravel or stabilized soil. Trail alignments shall be designed to minimize impacts to areas of natural resource value, including coastal bluff scrub habitat.
- A series of ~~seven~~ overlooks shall be constructed of decomposed granite/gravel, concrete, or enhanced pavement. A minimum of two benches and one covered trash receptacle shall be provided at each overlook. To the extent such facilities may be constructed such that ESHA is not degraded, ~~P~~public art, kiosk, markers or signage providing interpretive, historical or other relevant information shall be provided as determined through the coastal development permit process by the Director of Community Development.
- Safety view fence shall separate trails from adjacent coastal bluffs. Fencing and/or barrier plantings shall be placed around the entire perimeter of the environmentally sensitive habitat area and along the perimeter of trails to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails.
- ~~A proposed Veteran's Memorial, with two components a monument/public art element and a flagpole, shall establish a contemplative area near the proposed Maritime Historical Visitor Center.~~
- ~~The proposed Maritime Historical Visitor Center shall be a maximum of 2,000 square foot. The design shall replicate an early Californian lighthouse, and include historical exhibits related to California's maritime and local history. It shall be located inside the VR/C building stringline established by the adjacent commercial development on Green Lantern. A paved, enhanced patio area, suitable for outdoor receptions and picnicking shall be included in the design program. Sidewalks immediately adjacent to the Maritime Historical center shall be concrete enhanced pavement. See Figure 4.4.9, Harbor Point Park Section.~~
- ~~The proposed Cultural Arts Visitor Center shall be a maximum of 2,000 square foot. It shall be constructed of appropriate materials consistent with Section 4.12, Design Guidelines, to complement the surrounding area. It shall be located adjacent to Scenic Drive overlooking the Pacific Ocean. The~~

~~facility shall include multi purpose space suitable for exhibitions, lectures, and educational uses. A paved patio area shall adjoin the building.~~

- The proposed Nature Interpretive Visitor Center shall be a maximum of 2,000 feet. It shall be constructed of appropriate materials consistent with Section 4.12, Design Guidelines, to complement the surrounding area. It is located adjacent to the Headlands Conservation Park, at the terminus to Scenic Drive. The facility shall include educational, management, and operational space designed to serve the adjacent Headlands Conservation Park. The facility shall be sited in a location that avoids the degradation of environmentally sensitive habitat areas.
- Vehicular drop-off/turnarounds shall be provided ~~immediately east of the Maritime Historical Visitor Center and~~ at the terminus to Scenic Drive adjacent to the proposed Nature Interpretive Visitor Center. Vehicular drop-offs shall be paved with enhanced pavement and shall have planted islands. A minimum of two benches and one covered trash receptacle shall be provided at each drop-off. The facility shall be sited in a location that avoids the degradation of environmentally sensitive habitat areas.

Landscape Design

- Harbor Point Park shall be landscaped with native and drought tolerant materials appropriate to the habitat type as identified in Table 4.14.2 ~~and Table 4.16.1. Accent plantings immediately adjacent to the visitor recreation facilities may be planted subject to approval by the Director of Community Development.~~
- ~~An open meadow appropriate to informal uses shall be established in the area overlooking the Dana Point Harbor. It shall be composed of appropriate native grasses or groundcovers.~~
- ~~Subject to fuel modification and other restrictions, low canopy trees shall be selectively planted within 50 feet of the Maritime Historical Visitor Center, Cultural Arts Visitor Center and Nature Interpretive Visitor Center. Trees may also be selectively planted within and immediately adjacent to parking areas. Trees shall be located to minimize conflicts with views from surrounding areas.~~
- Irrigation shall be temporary in those areas adjacent to the coastal bluffs. ~~Permanent irrigation shall be allowed within enhanced landscape zones immediately adjacent to visitor facilities and as required.~~ See Section 4.16 for additional irrigation guidelines.

Ownership, Construction and Maintenance

The Harbor Point Park shall be transferred to the City pursuant to ~~the requirements of Section 4.4(A.) above the Development Agreement.~~ The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. The maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.14, Coastal Resource Management Program, for a one year period, and thereafter, by the City. An endowment may be utilized to cover the costs of maintenance and management of environmentally sensitive habitat areas and such areas shall be managed and maintained consistent with the Headlands Conservation Park.

159. (Biology) Figure 4.4.8 Harbor Point Park Conceptual Plan: Modify This Figure To Eliminate/Relocate Visitor Buildings And Parking To Avoid ESHA
160. (Biology) Figure 4.4.9 Harbor Point Park Section: Modify Figure To Eliminate Maritime Historical Visitor Center And Patio, Replace Enhanced Plantings With Native Vegetation Restoration.
161. (Access/Biology) Modify Section 4.4.B.4., Strand Vista Park/Public Beach Access:

Design Concept

Create an active park that utilizes the unique site characteristic to provide dramatic coastal access and view opportunities. Establish the integrated trail system as a major feature within the park. Incorporate a series of view overlooks to establish public view opportunities.

Create an improved public beach access, the North Strand Beach Access, by widening the existing County facility, and designing two rest/landing areas with view opportunities. Construct a new restroom and outdoor shower facility at the base of the stairs immediately above Strand Beach. If gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular (inclined elevator) in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach.

Create the Mid-Strand Vista Park Access as a new public path leading from the trail in approximately the middle of the park, to the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.

Create the Central Strand Beach Access as a new public path to Strand Beach,

conveniently located within the Strand Vista Park, near the entry to the Strand Residential neighborhood (Planning Area 2). The entry of the Central Strand Beach Access shall be designed to encourage public use, i.e., architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging use of the access by the public shall be posted. The Central Strand Beach Access shall provide direct access to Strand Beach, opening a portion of the property currently fenced and restricted from public use.

Construct the South Strand Beach Access to provide additional access to Strand Beach. Create new coastal view opportunities by establishing a public overlook area adjacent to the Selva Road entry, and by integrating rest/landing areas into the "switchback" public access trail. The South Strand Beach Access will provide direct access to the beach, opening a portion of the property currently fenced and restricted from public use. Construction of this walkway implements the coastal access identified in the Certified Dana Point Local Coastal Program. Construct a new restroom and outdoor shower facility above Strand Beach.

Program

Intensity of Use: Recreation—Moderately high. Multiple recreation activities permitted.

Level of Development: Moderately high. Multiple public trails, overlooks, rest areas, visitor recreation facilities (public restrooms and showers), funicular, public art, coastal access pathways. The facilities shall be sited in locations that avoid the degradation of environmentally sensitive habitat areas located on the Strand bluff face in the vicinity of the South Strand Beach Access.

Proposed Uses: Walking, bicycling, hiking, jogging, picnicking, restroom, and shower facilities. Coastal access and view opportunities.

Program Elements: Drought tolerant landscape materials with appropriate transitions to native materials at the south end. Vegetation on the bluff face south of the Strand residential and seaward of the Selva Road extension shall be solely native vegetation appropriate to the habitat type. Pedestrian/bicycle access pathways. Scenic overlooks. Visitor recreational facility. Interpretive informational signage. Public art. Vertical and lateral coastal access. Safety fencing, view fencing.

Site Features

- A meandering 10' wide concrete pedestrian trail shall be constructed within the linear park. As appropriate, the trail shall be grade separated, with approximately a five-foot difference in elevation between the trail and parking lot. See Figure 4.4.11, Strand Vista Park Prototypical Trail Section.
- Pedestrian plazas/overlooks shall consist of enlarged paved areas, appropriate metal view fencing, with a minimum of two benches, a picnic table, and a trash receptacle. If necessary, retaining walls adjacent to the trails or overlooks shall be constructed of appropriate, durable materials that blend with the setting. See Figure 4.4.12, Strand Vista Park Conceptual Overlooks.
- The existing County public beach access shall be improved as the North Strand Beach Access. Two overlooks providing coastal views, rest/landing areas shall be incorporated into the trail design. Benches shall be provided at each overlook. The access shall be enhanced through new landscaping and related amenities to integrate it with Strand Vista Park. See Figure 4.4.13, North Strand Beach Access Cross-Section. If gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular (inclined elevator) in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach. Signs located at the boarding area of the funicular and visible from vehicles traveling on Selva Road shall indicate the hours of operation, any fee, and notice that if the funicular is out of service for more than 3 consecutive scheduled operating days, public vehicular access through Planning Area 2 for passenger drop-off shall be available during the period of service outage.
- Atwo visitor recreation facilities consisting of new restrooms and shower facilities shall be constructed at the base of the North Strand Beach Access, and the South Strand Beach Access, above Strand Beach. As necessary, ~~view~~ fencing shall be provided.
- The Mid-Strand Vista Park Access shall consist of an 8' wide concrete walkway and shall be constructed in approximately the middle of the park, from the park trail to a connection with the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.
- The Central Strand Beach Access shall consist of a concrete walkway 8' wide which will parallel the spine road for the Strand residential neighborhood, as illustrated in Figures 4.4.15 and 4.4.16. Above the beach, at the same level as the lowest row of lots, the access shall be incorporated into a 50' wide landscaped extension of Strand Beach Park and the minimum 8 foot wide public

path that shall be located seaward of the Strand residential development and on top or landward of any shoreline protective device. Within the 50' wide landscaped extension only, the trail shall be 10' wide.

- South Strand Beach Access shall be constructed as a 6' wide "switchback" trail from Selva Road to the southern portion of the beach. An overlook shall be provided at the top of the walkway, adjacent to Selva Road. Additional rest areas/overlooks shall be incorporated into the trail at key locations and safety view fence shall be installed as necessary. The path and associated facilities shall be sited in locations that avoid the degradation of environmentally sensitive habitat areas located on the Strand bluff face. Fencing and/or barrier plantings shall be placed along the perimeter of trails passing through or adjacent to environmentally sensitive habitat areas to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails. As noted above, a restroom/shower facility will be constructed above Strand Beach near the beach terminus of the South Strand Beach Access.

Landscape Design

- Landscape within Strand Vista Park and the North Strand Beach Access shall be more "manicured" in character yet still tied to the overall landscape theme. Materials will be selected from Table 4.16.1, Landscape Palette. Existing site vegetation shall be selectively removed to create and enhance ocean views. Palm, cypress and other vertical shaped trees will be planted at the pedestrian plazas/overlooks but spaced to ensure preservation of views. Low trees and shrubs shall be planted on the slope of the western side of the trail in order to preserve public views.
- Landscape Vegetation along the South Beach Access shall be native shrubs, ground covers and drought tolerant materials appropriate to the habitat type. The landscaping should transition into native materials from Selva Road into the slope area. Vegetation on the bluff face south of the Strand residential and seaward of the Selva Road extension shall be solely native vegetation appropriate to the habitat type. Native trees shall be selectively planted as necessary to screen adjacent uses except that trees shall not be planted along the south access. ~~Selected planting of trees may be used along the south access to provide shade and visual interest.~~ Trees shall be located to minimize conflicts with views from surrounding areas.
- Within the guidelines identified in Section 4.16, permanent irrigation may be provided within Strand Vista Park, as well as those areas adjacent to the North and South accessways. Slope areas with native materials will require irrigation for plant establishment and possible fuel modification interface.

Ownership, Construction, Maintenance

Strand Vista Park shall be transferred to the City pursuant to Section 4.4(A.) above the Development Agreement. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. The Landowner/Developer shall enter into a Construction and Maintenance Agreement with the County for those portions of the County Strand Beach parking lot that abut the Strand Vista Park. The maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.134, Coastal Resources Management Program, for a one year period, and thereafter, by the City. The City reserves the right to trim or remove trees for the preservation of public views. The Landowner/Developer shall enter into a Construction and Maintenance Agreement with the appropriate public agency for the funicular.

162. (Access) Modify Figure 4.4.10 Strand Vista Park/Public Beach Access Conceptual Plan: Add Location Of Mid-Strand Vista Park Accessway And Funicular.
163. (Access) Figure 4.4.13 North Strand Beach Access Cross-Section: Show Funicular.
164. (Access/Hazards) Modify Section 4.4.B.5, Strand Beach Park:

DESIGN CONCEPT

Create multiple public beach access opportunities, which connect to the integrated trail system. Provide numerous scenic overlooks and rest areas. Dedicate the private beach to public ownership and uses. Repair and maintain ~~Reconstruct~~ the existing rock revetment (which lies within Planning Area 2) to ensure public safety and to create public coastal access and move it landward. Utilize project design features such as nuisance water diversion to minimize water quality impacts and beach erosion.

PROGRAM

Intensity of Use: Recreation-very high. Multiple recreational activities permitted.

Level of Development: Low. Limited to new coastal access pathways.

Proposed Uses: Surfing, swimming, volleyball, picnics, walking, hiking, jogging, fishing, kayaking, and other water related activities.

Program Elements: Establish public coastal access, emergency access, ~~reconstruct~~ repair and maintain the existing rock

~~revetment and move it landward to ensure public safety and to minimize coastal erosion.~~

SITE FEATURES

- As identified in Strand Vista Park above, the North Strand Beach Access pathway shall consist of a 10' wide pedestrian sidewalk that connects to Dana Strand Beach Road directly adjacent to the north end of the County parking lot. In addition, a funicular will be constructed parallel to the North Strand Beach Access to convey members of the public from Strand Vista Park to a ramp to the beach.
- Public restrooms and showers serving visitors to Strand Beach shall be constructed within the North Strand Beach Access and the South Strand Beach Access directly above the beach.

[no intervening changes]

- The emergency access and the Central Strand Beach Access will be protected from coastal erosion by incorporating the accessways into the design of the repaired and maintained reconstruction for the revetment.
- In conjunction with any shoreline protective device, an 8 foot wide concrete public access path shall be constructed seaward of the Strand residential development and on top or landward of any shoreline protective device. The path shall follow the entire length of the shoreline protective device from the North Strand Beach Access to the South Strand Beach Access, that shall be a minimum of 8 feet wide, plus any additional width necessary to accommodate benches and picnic tables, between the seaward lot line of the Strand residential lots and the top edge of the shoreline protective device. Benches (minimum 2), picnic tables (minimum 2), and trash receptacles shall be available at regular intervals along the pathway. The location of the public pathway along the top or landward of the shoreline protective device will allow convenient year-round public access and recreational area along the beach which is currently interrupted by seasonal conditions and high tides.

[no intervening changes]

OWNERSHIP, CONSTRUCTION, MAINTENANCE

The Strand Beach Park shall be offered for dedication or donation to the County pursuant to Section 4.4(A.) above the Development Agreement. If the County does not accept the Strand Beach Park, it shall be offered for dedication or donation to the City. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. Except for the beach, which will be the County's (or City's) responsibility upon

acceptance, the maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.13, Coastal Resources Management Program, for a one year period, and thereafter, by the County (or City).

165. (Access/Hazards) Modify Figure 4.4.14 Strand Beach Park Conceptual Plan: Add A Minimum 8 Foot Wide Pathway Seaward Of The First Line Of Residences Within The Strand, And on top or Landward Of The Shoreline Protective Device, Along The Entire Length Of The Strand Residential Area Between The North Strand Beach Access And The South Strand Beach Access With Connections To Each Access As Well As The Central Strand Beach Access; Show Benches And Picnic Tables Along The Length Of The Accessway; Add A Shower To The Public Restroom At The North Strand Beach Access; Add A Public Restroom And Shower Near The Terminus Of The South Strand Beach Access; Modify 'Rock Revetment' To 'Shoreline Protective Device'
166. (Access/Hazards) Modify Figure 4.4.15 Central Strand Beach Concept Plan: Add A Minimum 8 Foot Wide Pathway Plus Additional Width To Accommodate Benches And Picnic Tables, Seaward Of The First Line Of Residences Within The Strand, And on top or Landward Of The Shoreline Protective Device With Connections To The Central Strand Beach Access; Show Benches And Picnic Tables; Modify 'Revetment' To 'Shoreline Protective Device'
167. (Access) Modify Section 4.5.A, Public Trail/Access Plan, Public Trail/Access Descriptions: ...All proposed visitor recreation facilities shall be located in close proximity to the Public Trail Plan. The Public Trail/Access Plan includes the North, Mid-Strand Vista Park, Central and South Strand Beach pathways, and the pathway paralleling Strand Beach along the top or landward of the shoreline protective device.
168. (Access/Biology) Figure 4.5.1 Public Trail/Access Plan: Modify This Figure Consistent With Prior Modifications; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of Shoreline Protective Device; modify trail alignments through and adjacent to ESHA consistent with Exhibit 26b of the Staff Recommendation dated December 30, 2003.
169. (Access) Figure 4.5.2 Coastal Access Plan: Modify This Figure Consistent With Prior Modifications; Show Mid-Strand Vista Park Access; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of Shoreline Protective Device
170. (Access) Figure 4.5.3 Coastal View Opportunities: Modify This Figure Consistent With Prior Modifications; Show Mid-Strand Vista Park Access; Show Public Accessway Seaward Of Strand Residential/on top or Landward Of Shoreline Protective Device
171. (Biology) Modify Table 4.5.1, items 1 and 3: 1. Public and coastal access shall

be established by a trail and a series of overlooks located near the coastal bluff edge consistent with the NCCP/HCP, subject to the approval of the City, the USFWS and the DFG, and California Coastal Commission, and located where the facilities will not degrade environmentally sensitive habitat area.; 3. The view overlooks may provide seating, interpretive signage, public art, and historical or other relevant information, to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.

172. (Biology/Access) Modify Table 4.5.2, items 3 – 7: 3. The view overlooks may provide seating, interpretive signage, public art, and historical or other relevant information as determined by the City, to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.; 4. Any areas disturbed during the construction of the public access trails and overlooks, as well as current areas of disturbance, shall be re-vegetated with appropriate native species from the Headlands Revegetation Palette ~~subject to fuel modification requirements.~~ Fuel modification shall be prohibited within environmentally sensitive habitat areas and habitat mitigation/restoration areas.; 5. The Hilltop Park shall contain passive recreational uses that complement the multi-use trail and view overlook, such as seating, fencing, habitat preservation areas, interpretive kiosks, and related landscape features to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.; 6. The Greenbelt Linkages shall contain passive recreational uses that complement the multi-use trail, such as seating, fencing, preservation areas, interpretive kiosks, ~~a proposed visitor recreational facility (Conservation Center),~~ and related facilities to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.; 7. Parking shall be accommodated along the Street of the Green Lantern, along Scenic Drive, in the Planning Area 8a parking lot next to the proposed nature interpretive center, and in the County public parking lot adjacent to Selva Road. Six public parking spaces dedicated to open space users will also be provided in adjoining Planning Area 4.

173. (Biology) Modify Table 4.5.3, items 3, 4, 5, : 3. The view overlooks shall provide seating, interpretive signage, public art, kiosks, and historical or other relevant information as determined by the City to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.; 4. ~~The Harbor Point Park shall include uses that complement the public trail and overlooks, such as the proposed veterans' memorial, and areas appropriate for picnics, weddings, or other public functions in the immediate vicinity of the proposed public visitor facilities.~~; 5. The Harbor Point Park includes ~~three proposed public visitor recreation facilities (a Maritime Historical Visitor Center (lighthouse), Cultural Arts Visitor Center, and a Nature Interpretive Visitor Center to be constructed by the Landowner/Developer. Each~~ The facility shall be designed to encourage public access by implementing educational or recreation programs that are open to the public.; 6. The visitor recreation facilities ~~ies~~ shall have diversified, low cost public programs to attract visitors ~~and encourage the public to visit more than one facility.~~ The facilities ~~ies~~ shall be designed as a destination points for the public trail system.

7. The visitor recreation facilities shall be open to the public year-round. The recipient public agency or non-profit entity will determine hours of operation.; 8. ~~The proposed Cultural Arts Visitor Center shall be a multi purpose space of approximately 2000 sq. ft. that accommodates art exhibitions, lectures, presentations, and instructional functions;~~ 9. ~~The proposed Maritime Historical Visitor Center (lighthouse) shall be designed as a replica of an early California lighthouse and provide historical exhibits related to California maritime activities as well as the history of the local region.~~

174. (Access) Modify Table 4.5.4, items 5-6: 5. ~~The Strand Vista Park shall include three five vertical public beach access pathways—South Strand Beach Access, Mid-Strand Vista Park Access, Central Strand Beach Access, and North Strand Beach Access, and if gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, a public funicular (inclined elevator). Lateral coastal access shall be provided along the top or landward of the shoreline protective device seaward of the Strand residential development;~~ 6. The Strand Vista Park proposes ~~at two~~ public visitor recreation facilities ~~(a restroom and shower facilities)~~ to be constructed by the Landowner/Developer as part of the North and South Strand Beach Access, just above Strand Beach.
175. (Access) Table 4.5.5, item 4 and add item 10: 4. ~~Public access to all areas outside of the proposed Strand Beach Access pathways shall be restricted. A program of fencing, signage, and other design features shall discourage visitors from leaving the trails and outlooks;~~ 10. Lateral coastal access shall be provided along a minimum 8 foot wide pathway plus additional width to accommodate benches and picnic tables seaward of the first line of residences within the Strand, and on top or landward of the shoreline protective device, along the entire length of the Strand residential area between the North Strand Beach Access and the South Strand Beach Access with connections to each access as well as the Central Strand Beach Access.
176. (Biology) Figure 4.6.1 Circulation Plan and 4.6.2, Street Sections: Modify These Figures Consistent With Prior Modifications.
177. (Biology/Access) Modify Section 4.6.C: Green Lantern will be realigned to a traffic circle with Scenic Drive. Metered head-in and/or parallel parking along the realigned Street of the Green Lantern and Scenic Drive provides access to the adjacent parks, open space and public trail system.
178. (Biology/Access) Modify Section 4.6.E: Scenic Drive exists on-site and provides access for the existing residential enclaves. With the implementation of the project, the multi-family residential enclave will take access via the extension of Selva Road (Dana Strand Road). Marguerita Road is a private easement. It will be removed and converted to open space. Scenic Drive will be realigned at the Green Lantern traffic circle. Portions of Planning Area 7, Headlands Conservation Park, Planning

Area 8, Harbor Point Park, and Planning Area 9, Seaside Inn Visitor/Recreation Commercial, take access from Scenic Drive.

[no intervening changes]

...Restricted hourly parking (3-hour minimum) is proposed for the new parking lot adjacent to the Scenic Drive cul-de-sac. Metered (3-hour minimum) head-in parking along Scenic Drive provides additional access to the adjacent parks, open space and public trail system.

179. ~~178.~~ (Water Quality) Modify Section 4.7: The existing site hydrology drains to three primary areas: Strand Beach, the coastal bluff edges, and to Dana Point Harbor. The majority of the drainage flows to Strand Beach where five storm drain outlets were constructed in the 1950s to service the mobile home park, as well as adjacent off-site areas that drain to the Headlands. ~~The Approximately 13 acres of off-site runoff drains through the project to Strand Beach including~~ portions of the County Salt Creek Parking Lot, Selva Road, and adjacent residential homes and condominiums. On-site storm water runoff to Dana Point Harbor comes from portions of the existing Cove Road, Scenic Drive, and the Street of the Green Lantern, which utilize concrete "V" ditches in Cove Road and storm drains in Green Lantern. Approximately 17 acres of offsite development, including portions of Blue Lantern and Santa Clara Avenue and the commercial and residential development associated with those streets, portions of Harbor Drive and the adjoining County parking lots also drain to the west end of Dana Point Harbor.

180. (Water Quality) Modify title to Figure 4.7.1: Conceptual Drainage Plan and Best Management Practices; and modify drawing consistent with prior suggested modifications.

181. (Water Quality) Modify Section 4.7.B.2, Structural Controls (WQ1): Capture and filter the "first flush" (the initial 0.69 inches of rain in a 24-hour period) to reduce sediment, bacteria and other water quality pollution; Locate sand filters or BMPs with equivalent or better treatment capability in locations which will allow the treatment of onsite development areas as well as adjacent off-site, first flush storm flows. Add a secondary treatment system utilizing zeolite, clay or similar media filters to minimize nutrients (nitrates/phosphates) from reaching Dana Point Harbor. In conjunction with the City and County, determine the maintenance responsibilities for the filtering devices and similar BMPs.; Incorporate BMP devices that may include separators, sand filtering systems or other features into the storm water conveyance design to reduce oil, grease sediment, debris and other pollutants. All storm drain inlets shall include catch basin filters.

182. (Water Quality) Modify Table 4.7.1, items 7 and 10: 7. Implement water-efficient and environmentally sensitive landscaping where practical. See Section 4.16, Irrigation Guidelines, for specific details of the irrigation requirements. Landscaping plant organization that combines species on the basis of climatic and habitat

adaptations, and the incorporation of drought-resistant plants, can reduce irrigation and maintenance requirements. Native species will be adapted to the climate and require little supplemental irrigation.; 10. In the visitor/recreation commercial areas, ensure that all restaurants/food service facilities include grease traps and a wash-down area plumbed to drain to the sanitary sewer system for treatment and disposal.

183. (Biology) Section 4.8, Conceptual Water Plan: The water system is illustrated in Figure 4.8.1, Conceptual Water Plan. The water plan meets the applicable requirements of the City and SCWD for fire flow and the proposed land uses. Adequate water capacity and lines exist on-site and at the property boundary to serve the project. If available, reclaimed water will be utilized to provide irrigation for common area landscaping. To the extent feasible, existing utilities, including water lines, crossing through open space areas containing environmentally sensitive habitat area shall be removed or abandoned in place, provided that any alternative utility alignment minimizes or avoids impacts upon environmentally sensitive habitat area.; Modify FIGURE 4.8.1 Conceptual Water Plan Consistent With Prior Suggested Modifications; Show Water Line Generally Following The Portion Of Marguerita Road To Be Removed Within The Headlands Conservation Park As 'To Be Removed Or Abandoned In Place, If Feasible'
184. (Biology) Modify Section 4.10: ...New utilities and existing above ground utilities will be located underground as part of project development. Utilities shall be located outside of environmentally sensitive habitat areas unless it is demonstrated that there is no feasible alternative to siting them within ESHA, in which case the alignment shall minimize or avoid impacts upon environmentally sensitive habitat area to the maximum extent feasible. If feasible, utility pedestals, service substations, and utility vaults shall be located in appropriate locations with low visibility, to minimize the need for retaining walls and the potential to block existing or proposed signs or degrade public views.; Modify Figure 4.9.1 Conceptual Sewer Plan Consistent With Suggested Modifications.
185. (Biology/Hazards/Views) Figure 4.11.1 Conceptual Grading Plan: Revise Grading Plan To Reflect Reconfiguration Of Bowl Area Residential To Avoid Esha (Except For Allowable Impact Area Identified In The General Plan/Lue/Ude/Cose); And Revise Grading Plan In Strand Residential To Reflect More Landward Alignment Of Shoreline Protective Device.
186. (Biology/Hazards) Modify Table 4.11.1, items 4, 6, 8, 10, 11, 13, 14:4. Grading adjacent to greenbelt linkages shall, where feasible, blend to match existing natural contours. Disturbed areas adjacent to greenbelt linkages shall be re-vegetated with native ~~or other appropriate~~ vegetation.; 6. ~~Subject to fuel modification requirements,~~ ~~All~~ All disturbed areas within Recreation Open Space shall be re-vegetated with appropriate drought tolerant and native plant materials.; 8. Grading or disturbance of areas containing environmentally sensitive habitat area and/or designated Conservation Open Space shall be minimized to accommodate only those uses

consistent with avoiding the degradation of environmentally sensitive habitat areas, except as allowed under Conservation Open Space Element Policy [Suggested Mod 78] and Section 3.5.E of the Planned Development District [Suggested Mod 128], and public safety, public access, and management of existing natural resources.; 10. Grading and construction in Planning Areas 7 (Headlands Conservation Park), and 8a (Harbor Point Park), and ~~9 (Seaside Inn)~~ shall follow the minimum 50 foot bluff edge setback criteria, or greater setback as established in a City reviewed, licensed geotechnical report.; 11. Grading in Planning Area 8a (Harbor Point Park) shall be limited to that necessary to provide public access, the proposed visitor recreation facilities, and public amenities. Grading shall be prohibited in locations that degrade environmentally sensitive habitat areas.; 13. Grading in Planning Area 1 (Strand Vista Park) adjacent to the South Strand Beach Access shall, where feasible, blend into the adjoining natural contours, and disturbed areas shall be re-vegetated with native vegetation identified in Table 4.14.2. Grading shall be prohibited in locations that degrade environmentally sensitive habitat areas, except as allowed under Conservation Open Space Element Policy [Suggested Mod 78] and Section 3.5.E of the Planned Development District [Suggested Mod 128]; 14. Grading in Planning Areas 2 (Strand Residential Neighborhood) and 3 (Strand Beach Park) associated with the ~~reconstruction of the existing sea revetment~~ repair and maintenance of the shoreline protective device shall not encroach seaward of the toe of the existing revetment, except as necessary to comply with Section 3.5.G. of the Planned Development District relative to rock/material retrieval from the beach, at bedrock, unless improvements are specifically necessary to create or enhance public access and/or public safety. The shoreline protective device shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE). The Keith Companies dated January 8, 2004), such that, the average position of the shoreline protective device is moved at least 5 feet landward or easterly.

187. (Biology) Section 4.13, Coastal Resources Management Program and 4.14 Parks and Open Space Management Plan: Modify entire program as follows: Prohibit fuel modification of any form whatsoever (including but not limited to, thinning, pruning, native vegetation removal, irrigation, or plant palette controls) within retained ESHA and mitigation/restoration areas; change the 3 year monitoring program to a minimum 5 year monitoring program with provisions for extension of the monitoring period to address failures to meet performance criteria; require a perpetual maintenance program for all retained ESHA and mitigation/restoration areas weed removal, pest control, and plant replacement, as well as to appropriately manage human encroachment into habitat areas; mandate submittal of complete habitat/open space restoration, monitoring and perpetual maintenance plans in the filing of coastal development permit applications;
188. (Biology) Figure 4.14.1 and 4.14.2, Fuel Modification Plan: Revise Development Plan Such That No Fuel Modification Is Necessary Within Environmentally Sensitive Habitat Areas except as necessary to accommodate the development of a 65-90 room inn within Planning Area 9.

189. (Biology) Table 4.14.2, Revegetation Plant Palette: Revise Plant Palette To Include Only Species Which Have Historically Been Documented On Site, In Coastal Sage Scrub, Coastal Bluff Scrub, Or Native Grassland, Or Could Reasonably Be Expected In Those Habitats Based On Documentation Of Comparable Nearby Habitat.

190. (Biology/Water Quality/Hazards) Modify Section 4.16, Master Landscape and Irrigation Guidelines:...The landscape palette, as identified in Table 4.14.2, Vegetation Plant Palette, include materials that enhance public views, conserve water, reduce risks of fire hazard, and ~~minimize~~avoid invasive plant materials. Natural landscaping and fuel modification requirements shall follow the guidelines outlined in Section 4.14, Parks and Open Space Management Plan, which also include details concerning landscaping in native, indigenous or fuel modification areas.

Utilizing vertical landscape elements such as ~~palms, cypress and similar~~ trees to frame views shall enhance significant public coastal view opportunities. Private homeowners and the commercial development in Planning Area 9 are encouraged to utilize plant species from the following list. However, landscaping for residential lots and Planning Area 9 shall be established at the Site Development Permit approval, and may vary from the list provided any plant utilized is both non-invasive and drought tolerant. In addition to the City approved Site Development Permit, in conjunction with the final maps, an architectural review board and conditions, covenants, and restrictions (CC&Rs) shall be established for the residential neighborhoods and address landscape guidelines. All landscape guidelines shall restrict materials to ensure public views from public areas are maintained permanently. Furthermore, all landscape guidelines shall mandate the use of native plants appropriate to the habitat type throughout the Headlands, excepting landscaping on private residential lots and within Planning Area 9 where use of native plants shall be encouraged but where non-native, non-invasive, drought tolerant plants may be utilized.

[no intervening changes]

...To support this effort, residential, commercial, common area and slope irrigation systems will include sophisticated technological components and the following guidelines shall be incorporated:

- State-of-the-art Automatic irrigation controllers that incorporate real time weather data via a wireless communications system. These will be adjusted seasonally according to historic weather patterns and water requirements for each specific plant zone. Controllers will have the capacity for manual override to enable landscape maintenance personnel the ability to make informed adjustments to watering schedules based on fluctuations of on-site microclimates and regional rainfall.

- Moisture sensors within sensitive slope areas. These devices monitor soil moisture content and interrupt regularly scheduled watering during cooler climate periods that cause lower plant evapotranspiration and result in reduced irrigation demand.
- For common area landscaping, if not covered by the wireless communication system, Rain gauges shall be connected to irrigation controllers. These will monitor rainfall volume and interrupt watering schedules in response to site specific rainfall conditions. Rain gauges will be located adjacent to controllers to facilitate monitoring by maintenance personnel.
- Multiple valves in plant associations. Plant species with similar water requirements shall be grouped together so that irrigation valves can be zoned according to the optimum water frequency and duration. Additionally, planting areas with similar exposures (i.e. north-facing vs. south-facing) shall be zoned together since similar plants with different sun or wind exposures will have different watering needs.
- Use of drip irrigation, and efficient low-flow irrigation emitters and/or other appropriate technology to minimize irrigation requirements and over-irrigation.

191. (Biology/Water Quality/Hazards) Figure 4.16.1 Landscape Zone Master Plan, Modify Figure To Revised Development Plan; Revise Locations Of 'Native And/OR Indigenous' To Incorporate All Portions Of The Headlands, Excepting The Individual Residential Lots and Planning Area 9; Revise The 'Drought Tolerant' Designation To Read 'Drought Tolerant, Non-Invasive' And Apply That Designation To The Residential Lots and Planning Area 9

192. (Biology/Water Quality/Hazards) Table 4.16.1, Landscape Palette: Modify Plant Palette To Eliminate Invasive Species And Non-Drought Tolerant Species; Modify Types Of Species Allowable Within Respective Planning Areas To Conform With Requirement That All Areas, Excepting The Individual Residential Lots and Planning Area 9, Shall Have Native Plant Landscaping; add following clarification: Additional species may be added with approval of the Director of Community Development provided that any addition conforms with the requirement that native plants appropriate to the habitat type are used throughout the Headlands, excepting landscaping on private residential lots and Planning Area 9 where use of native plants shall be encouraged but where non-native, non-invasive, drought tolerant plants may be utilized.

193. (Coastal Resources) Section 9.34.010, Intent and Purpose: A Planned Development District shall comply with the regulations and provisions of the ~~Local Coastal Program when such areas are within the Coastal Overlay District and the~~ General Plan (including, for any Planned Development District or part thereof that is within the Coastal Overlay District, the Coastal Land Use Plan) and shall provide

adequate standards to promote the public health, safety and general welfare. The criteria upon which applications for Planned Development Districts shall be judged and approved will include the following:

1. [no intervening changes]

6. For areas located in the Coastal Overlay District, developments that conform with the Coastal Land Use Plan.

194. (Coastal Resources) Section 9.34.020: ...After initiation of the process to consider an application for a Planned Development District, the procedures identified in this Chapter 9.34 shall be followed. Amendments to Title 9 and to the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan shall not be effective in the coastal zone for local coastal program purposes unless and until effectively certified by the Coastal Commission as an amendment to the Local Coastal Program. An amendment to the Local Coastal Program shall be processed pursuant to the provisions of Section 9.61.080(e) of Title 9.

195. (Coastal Resources) Section 9.34.030: Approval of the Application of the Planned Development District shall include findings by the City Council that the Planned Development District is consistent with, and provides for the orderly, systematic, and specific implementation of the General Plan. Approval of a Planned Development District in the Coastal Overlay District shall include findings by the City Council that the Planned Development District is consistent with and adequate to carry out the provisions of the Land Use Plan of the City's Local Coastal Program.

196. (Coastal Resources) Section 9.34.040: ...Adoption of the Planned Development District shall include an amendment of the Zoning Map to identify the Planned Development District area, its corresponding Planned Development District number, and inclusion of the Planned Development District as an appendix to the Zoning Code. For Planned Development Districts in the Coastal Overlay District, the procedures for Local Coastal Program amendments described in Chapter 9.61 of this Code shall also apply.

197. (Coastal Resources) Section 9.34.070: ...If the City Council finds that such application is in conformity with the General Plan (and, for areas within the Coastal Overlay District, the Land Use Plan of the Local Coastal Program), and the intent of this article, and that the property is suitable for the proposed development, it may approve such application. If such application is not in such conformity with any one of those items, the application shall not be approved.

198. (Coastal Resources) Section 9.34.080: 7. For Planned Development Districts located in the Coastal Overlay District, the implementing actions described in the Planned Development District conform with, or adequately carry out, the provisions of the certified land use plan.

199. (Coastal Resources) Section 9.75.120 "L" Definitions and Illustrations of the Zoning Code/IP: Local Coastal Program (LCP) -- a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive

coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976 (as amended) at the local level. The Local Coastal Program for the City of Dana Point is comprised of the Dana Point Specific Plan/Local Coastal Program (for all areas within the coastal zone excepting Monarch Beach, the Headlands and Capistrano Beach) and for Monarch Beach, the Headlands, and Capistrano Beach the coastal land use plan consists of the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan, and the implementation plan for those areas consists of the Zoning Code, the Dana Point Specific Plan/Local Coastal Program, the Monarch Beach Resort Specific Plan, and Sections 3.0 and 4.0 of the Headlands Development and Conservation Plan the Capistrano Beach Specific Plan/Local Coastal Program. (Coastal Act/30108.6).

ORDINANCE NO. 04-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 01-02 TO ADD PLANNED DEVELOPMENT DISTRICTS AS A PERMITTED LAND USE, AND ZONE CHANGE ZC 01-01 WHICH AMENDS THE ZONING MAP DESIGNATION FOR THE HEADLANDS FROM SPECIFIC PLAN OVERLAY AND RESIDENTIAL MULTIPLE FAMILY-14, TO PLANNED DEVELOPMENT DISTRICT, AND SUBMISSION OF ZTA 01-02 AND ZC 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: Headlands Reserve, LLC
File No.: FF# 0630-30/ZTA 01-02/ZC 01-01/LCPA 01-02

WHEREAS, in January, 1994, the City of Dana Point adopted its Zoning Code and Zoning Map; and

WHEREAS, a verified application has been submitted to amend the Zoning Code, affecting properties citywide; and

WHEREAS, a verified application has been submitted to amend the Zoning Map affecting the Headlands property; and

WHEREAS, the application is for a Zone Text Amendment, Zone Change and Local Coastal Program Amendment to amend the Dana Point Zoning Code by adding a section to permit Planned Development Districts, and to amend the Dana Point Zoning Map to designate the property known as the Headlands as Planned Development District; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the City Council on January 22, 2002, approved General Plan Amendment GPA 01-02, Zone Text Amendment ZTA 01-02, Zone Change ZC 01-01, Planned Development District PDD 01-01, Local Coastal Program Amendment LCPA 01-02, and Development Agreement DA 01-01; and

WHEREAS, LCPA 01-02 was submitted to the Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on August 11, 2004, approved Local Coastal Program Amendment 1-03 with suggested modifications; and

WHEREAS, the Coastal Commission found that the LCP Amendment and

Implementation Plan Amendment with the suggested modifications was consistent with the policies of Chapter 3 of the Coastal Act, minimized or mitigated any potential significant effects, would not result in significant adverse impacts within the meaning of CEQA and that there are no feasible alternatives within the meaning of CEQA that would reduce the potential for significant environmental impacts; and

WHEREAS, said suggested modifications have been accepted and agreed to, and incorporated into PDD 01-01 and LCPA 01-02, and

WHEREAS, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the Zone Text Amendment and Zone Change will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan, as such General Plan would be amended pursuant to the recommendations of Planning Commission Resolution No. 04-09-15-40; and

WHEREAS, the Planned Development District zoning designation on the Headlands will be consistent with the zoning of the surrounding properties; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code and CEQA Guidelines Sections 15251(f) and 15265(a)(1); and

WHEREAS, an Addendum to Final EIR SC# 2001071015 was prepared as the supporting environmental documentation for the consideration of the Zone Text Amendment and Zone Change;

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on September 15, 2004, to consider the said Zone Text Amendment, Zone Change and LCPA and on that date adopted Resolutions to forward a recommendation for approval to the City Council for the HDCP including Zone Text Amendment (ZTA 01-02), Zone Change (ZC 01-01) and Local Coastal Program Amendment (LCPA 01-02) Resolution 04-09-15-42; and

WHEREAS, the City Council did on September 22, 2004 conduct a duly noticed public hearing as prescribed by law to consider the HDCP, the Addendum to Final Project EIR and, specifically said Zone Text Amendment, Zone Change, and LCPA; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to ZTA 01-02, ZC 01-01, and LCPA 01-02; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT
ORDAINS AS FOLLOWS:

Section 1. That the above recitations are true and correct;

Section 2. The City Council finds as follows:

- I. The City acknowledges receipt of the Coastal Commission's resolution of certification of the LCP amendment with suggested modifications.
- J. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and PDD Guidelines.
- K. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- L. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- M. That the Zone Text Amendment (ZTA 01-02) and Zone Change (ZC 01-01) are in the public interest;
- N. That the Local Coastal Program Amendment (LCPA 01-02) is consistent with, and will be implemented in full conformity with the Coastal Act;
- O. That the Final Environmental Impact Report and Addendum for the Headlands Development and Conservation Plan is complete and adequate for the consideration of the Zone Text Amendment and Zone Change;
- P. That the City Council adopts the following findings:
 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program Amendment is in conformance with and adequate to implement the Land Use Plan.

3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. As a Zone Text Amendment and Zone Change, no specific development is proposed. Any proposed development will be reviewed for compliance with the City's Local Coastal Program and (in addition) for proposed development located within the Commission's appeal area, the public access policies of the Coastal Act.
4. That the level and pattern of development proposed is reflected in the Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Ordinance of the City Council specifies that Local Coastal Program Amendment LCPA 01-02 be submitted to the Coastal Commission for final certification.

Section 3. The City Council adopts the amendments to the City Zoning Code and Zoning Map as shown in Exhibit "A" (also shown in Section 2.0 of HDCCP) of this Ordinance.

See Exhibit Beginning
PAGE 39

Section 4. The City Council amends the currently adopted Implementation Action portion of the 1996 Local Coastal Program as shown in Zone Text Amendment ZTA 01-02 and Zone Change (ZC 01-01), as shown in Exhibit "A" to this Ordinance.

Section 5. The City Council amends the uncertified areas of the Headlands to include the currently adopted 1996 Local Coastal Program, along with Zone Text Amendment (ZTA 01-02) and Zone Change (ZC 01-01), as shown in Exhibit "A" to this Ordinance.

Section 6. The City Council amends the 1986 Dana Point Local Coastal Program (including the Orange County Zoning Code) in its entirety as it applies to the property within the Headlands Development and Conservation Plan (HDCP) and replaces these portions of the 1986 Dana Point Local Coastal Program with the 1996 Local Coastal Program (as amended).

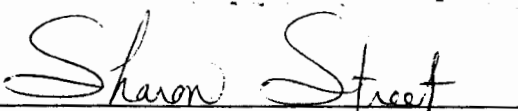
Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reasons held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 8. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 13th day of October, 2004.


JOE SNYDER, MAYOR

ATTEST:


Sharon Street
City Clerk

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

I, SHARON STREET, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 04-07 was duly introduced at a regular meeting of the City Council on the 22nd day of September, 2004, and was duly adopted and passed at a regular meeting of the City Council on the 13th day of October, 2004, by the following vote, to wit:

AYES: Council Members Chilton, Ossenmacher, Rayfield,
Mayor Pro Tem Lacey and Mayor Snyder

NOES: None

ABSTAIN: None

ABSENT: None



SHARON STREET, CITY CLERK

ORDINANCE NO. 04-07

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

AFFIDAVIT OF POSTING
AND PUBLISHING

SHARON STREET, being first duly sworn, deposes, and says:

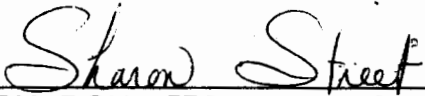
That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 04-07, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 01-02 TO ADD PLANNED DEVELOPMENT DISTRICTS AS A PERMITTED LAND USE, AND ZONE CHANGE ZC 01-01 WHICH AMENDS THE ZONING MAP DESIGNATION FOR THE HEADLANDS FROM SPECIFIC PLAN OVERLAY AND RESIDENTIAL MULTIPLE FAMILY-14, TO PLANNED DEVELOPMENT DISTRICT, AND SUBMISSION OF ZTA 01-02 AND ZC 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

was published in the Dana Point News newspaper on the 21st day of October 2004, and in further compliance with City Resolution No. 91-10-08-1 on the 15th day of October 2004, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall
Capistrano Beach Post Office
Dana Point Post Office
Dana Point Library


SHARON STREET, CITY CLERK
Dana Point, California

RESOLUTION NO. 04-09-22-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING DEVELOPMENT GUIDELINES FOR PLANNED DEVELOPMENT DISTRICT PDD 01-01, AND SUBMISSION OF PDD 01-01 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA 01-02 FOR FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: Headlands Reserve, LLC
File No.: FF# 0630-30/PDD 01-01/LCPA 01-02

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, Headlands Reserve LLC submitted an application for approval of the Headlands Development and Conservation Plan (HDGP) which consists of a General Plan Amendment (GPA 01-02) (including revisions to the Land Use Element, Urban Design Element, Circulation Element, Public Safety Element, Conservation/Open Space Element, and Public Facilities/Growth Management Element), Zone Text Amendment (ZTA 01-02), Zone Change (ZC 01-01), Planned Development District (PDD 01-01), Local Coastal Program Amendment (01-02) and a Development Agreement for the Headlands property. The Development Guidelines for Planned Development District (PDD 01-01) (the "PDD Guidelines") are attached hereto as Exhibit "A" and incorporated herein by this references, which would amend the City's Local Coastal Program (LCPA 01-02) for the Headlands property; and

See Exhibit Beginning Page 36

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's local CEQA Guidelines, the City prepared a Final Environmental Impact Report (EIR), SC# 2001071015; and

WHEREAS, Final EIR SC# 2001071015 was certified by the City Council on January 22, 2002; and

WHEREAS, the City Council on January 22, 2002, approved General Plan Amendment GPA 01-02, Zone Text Amendment ZTA 01-02, Zone Change ZC 01-01, Planned Development District PDD 01-01, Local Coastal Program Amendment LCPA 01-02, and Development Agreement DA 01-01; and

WHEREAS, LCPA 01-02 was submitted to the Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on

August 11, 2004, approved Local Coastal Program Amendment 1-03 with suggested modifications; and

WHEREAS, the Coastal Commission found that the LCP Amendment and Implementation Plan Amendment with the suggested modifications was consistent with the policies of Chapter 3 of the Coastal Act, minimized or mitigated any potential significant effects, would not result in significant adverse impacts within the meaning of CEQA and that there are no feasible alternatives within the meaning of CEQA that would reduce the potential for significant environmental impacts; and

WHEREAS, said suggested modifications have been accepted and agreed to, and incorporated into PDD 01-01 and LCPA 01-02, and

WHEREAS, in accordance with CEQA Section 21166 and CEQA Guidelines Sections 15162-15164, the City assessed the whether any potential environmental impacts of the suggested modifications were previously analyzed in Final EIR SC# 2001071015 and if any changes were necessary to that EIR, and

WHEREAS, it was determined to prepare an Addendum to Final EIR SC# 2001071015; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on September 15, 2004, to consider the Development Guidelines for the Planned Development District for the Headlands and on that date adopted Resolutions to forward a recommendation for approval to the City Council for the HDCP, including specifically the PDD Guidelines by Resolution 04-09-15-43; and

WHEREAS, the City Council did on September 22, 2004 conduct a duly noticed public hearing as prescribed by law to consider the HDCP, the Addendum to Final Project EIR, LCPA 01-02 and specifically the PDD Guidelines; and

WHEREAS, at said public hearings, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the HDCP including specifically the Development Guidelines for the Planned Development District for the Headlands; and

WHEREAS, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code and CEQA Guidelines Sections 15251(f) and 15265(a)(1); and

WHEREAS, the PDD Guidelines for the Planned Development District for the Headlands will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan, as such General Plan would be amended pursuant to the recommendations of Planning Commission Resolution No. 04-09-15-40; and

WHEREAS, the PDD Guidelines for the Planned Development District promotes creative approaches to the development of land, a mix of land uses, more accessible and desirable use of open space area, variety in the physical development pattern of the City, and utilization of innovative land use programs; and

WHEREAS, the PDD Guidelines for the Planned Development District are generally compatible with the character and density of the surrounding neighborhood through the incorporation of design guidelines to regulate development and the provision of public facilities to serve the anticipated population and the surrounding area; and

WHEREAS, the PDD Guidelines for the Planned Development District include a circulation plan that provides adequate auto, bicycle and pedestrian traffic through an interlocking system of trails and private and public roadways; and

WHEREAS, the PDD Guidelines for the Planned Development District include commercial development that is adequate and economically justified for the location, based on the proximity to surrounding commercial, residential, and recreational uses; and

WHEREAS, the PDD Guidelines for the Planned Development District are part of a comprehensive planning approach that has included extensive analysis of the natural area, including an Environmental Impact Report and Addendum, and preservation of 68.5 acres of open space out of the total project area of 121.3 acres; and

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

Section 1. That the above recitations are true and correct;

Section 2. The City Council finds as follows:

- A. The City acknowledges receipt of the Coastal Commission's resolution of certification of the LCP Amendment with suggested modifications.
- B. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and PDD Guidelines.
- C. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- D. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- E. That the adoption of the Development Guidelines for the Planned Development District as an amendment to the Local Coastal Program is in the public interest;
- F. That the Local Coastal Program Amendment (LCPA 01-02) is consistent with, and will be implemented in full conformity with the Coastal Act;
- G. That the Final Environmental Impact Report and Addendum for the Headlands Development and Conservation Plan is complete and adequate for the consideration of the Planned Development District Guidelines;
- H. That the City Council adopts the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program

Amendment is in conformance with and adequate to implement the Land Use Plan.

3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. As a General Plan Amendment and Local Coastal Program Amendment, no specific development is proposed. Any proposed development will be reviewed for compliance with the City's Local Coastal Program and (in addition) for proposed development located within the Commission's appeal area, the public access policies of the Coastal Act.
4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.

10. The Resolution of the City Council specifies that Local Coastal Program Amendment LCPA 01-02 be submitted to the Coastal Commission for final certification.
11. The residential development is compatible with the character and density of the surrounding properties, and will promote a high standard of architectural quality. Extensive public facilities have been included to serve the anticipated population, in accordance with the Development Agreement.
12. The recreation uses are appropriate in area, location and overall planning for the purpose proposed, and are protected from adverse effects of the surrounding development.
13. The circulation system is adequate to meet the anticipated traffic volume, minimizing interference between vehicle, bicycle and pedestrian traffic.
14. The commercial development is adequate and economically justified at the locations proposed.
15. The appropriate experts have extensively analyzed the natural environment of the project area, and natural open space areas have been preserved based on this analysis.

Section 3. The City Council adopts the PDD Guidelines of the Planned Development District as shown in Exhibit "A" of this Resolution (also included in Section 4.0 of the HDCP), attached hereto and incorporated herein by this reference.

Section 4. The City Council amends the currently adopted Implementation Action portion of the 1996 Local Coastal Program as shown in Development Guidelines of Planned Development District 01-01 included in Exhibit "A" to this Resolution.

Section 5. The City Council amends the uncertified areas of the Headlands to include the currently adopted 1996 Local Coastal Program, along with Planned Development District PDD 01-01, included as Exhibit "A" to this Resolution.

Section 6. The City Council amends the 1986 Dana Point Local Coastal Program (including the Orange County Zoning Code) in its entirety as it applies to the property within the Headlands Development and Conservation Plan (HDCP) and replaces these portions of the 1986 Dana Point Local Coastal Program with the 1996 Local Coastal Program (as amended).

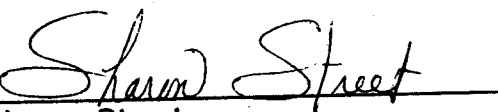
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Section 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2004.


JOE SNYDER, MAYOR

ATTEST:


Sharon Street
City Clerk

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

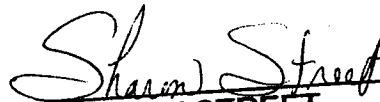
I, Sharon Street, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 04-09-22-04 was duly adopted and passed at a regular meeting of the City Council on the 22nd day of September, 2004, by the following roll-call vote, to wit:

AYES: Council Members Chilton, Ossenmacher, Rayfield,
Mayor Pro Tem Lacy and Mayor Snyder

NOES: None

ABSENT: None

ABSTAIN: None


SHARON STREET
CITY CLERK

