

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

December 16, 2004



TO: Coastal Commissioners and Interested Persons **F6a**

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.**

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate. Such concurrence is implied unless there is an objection by a majority of the Commissioners present.

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 amends 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. However, at the Commission's November 2004 hearing, the Commission raised concerns relative to deviations in the City's adoption of Suggested Modifications 118, 136, and 179. The errors were found in exhibits that are a part of Ordinances 04-06 and 04-07 and Resolution 04-09-22-04. The City indicated these deviations represented un-intentional errors, inclusions and omissions. The Commission continued the November hearing to allow the City to make corrections.

On November 29, 2004, the City Council of the City of Dana Point adopted Resolution No. 04-11-29-01 (attached, see pages 32-33), which re-affirmed their action and intent concerning the previously adopted resolutions and ordinances and directed City staff to

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 (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 (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, 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;

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

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

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 geologic hazards and 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 crevices 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

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 HDCA 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

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 25 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.

and incorporate avoided 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 avoided 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]

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~~shall~~ 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

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 storm drain 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 is 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

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 (Supplemental Mod 62), this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 109, furthermore, subsequent applications for development on individual residential lots situated by the continuation of the plan and stabilization shall not be required to individually address stability hazards provided the comprehensive protection and stabilization is deemed to adequately address these 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 analysis 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 (Supplemental Mod 62), this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 109, furthermore, subsequent applications for development on individual residential lots protected by the comprehensive protection shall not be required to individually address wave inundation, load or stability hazards provided the comprehensive protection is deemed to adequately address these 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

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 areas presently known to the City is generally depicted on Figure COS-1, and the land use and 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 revegetation 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:

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 exceeding 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 and development 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 development 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 process to effect 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 (approved April 78) in such a manner as to ensure that the property is conserved in perpetuity as open space, and the dedication of all public beaches and recreational facilities in this LCP of the Headlands to the City, County or other public agency in perpetuity in such a manner as to ensure that the property is conserved in perpetuity as public parkland. 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

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>24,327.9</u> acres	The Dana "Point" promontory area. Approximately seaward Falls on either side of existing Margarita Road.	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 access to incorporate space for functioned</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>Run from approximately the middle of Strand Vista Park to a connection with the Central Strand Beach Access at the intersection of the first cul-de-sac street.</u> Between County Strand Beach parking lot and the existing residential enclave to the south.	Linear park with unobstructed scenic overlooks to and along the ocean per <u>Figure COS-5a</u> , public trails, seating, landscape and hardscape 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 			
Strand Beach Park Recreational Open Space		From the Strand	Wide, sandy beach; pedestrian access to the County Strand Beach

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

Section 2. The City Council finds that the errors identified are minor typographical formatting errors and correction of the errors will be non-substantive changes.

Section 3. The City Council directs staff to correct the official record of Resolution No. 04-09-22-04 and Ordinance Nos. 04-06 and 04-07 to accurately reflect the City Council's action and stated intent that the California Coastal Commission's recommended modifications to LCPA 01-02 be adopted verbatim, making all the changes identified, and correcting any and all other minor typographical errors as may be identified in accordance with the City Council's intent for Resolutions Nos. 04-09-22-02, 04-09-22-03 and 04-09-22-04, and Ordinance Nos. 04-06 and 04-07.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 29th day of November, 2004.



JOE SNYDER, MAYOR

ATTEST:



Sharon Street
City Clerk



RECEIVED
South Coast Region

DEC 6 - 2004

CALIFORNIA
COASTAL COMMISSION

DOCUMENT CERTIFICATION

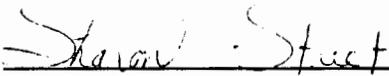
State of California }
County of Orange }

RE: Ordinance No. 04-06, Ordinance 04-07, Resolution No. 04-09-22-04

I, Sharon Street, City Clerk for the City of Dana Point, California, am the duly authorized custodian of records for the City, and hereby certify that the attached reproduction of documents (listed below) on file with the City of Dana Point are true and exact copies. These referenced records are a true, correct and complete photocopy of records in my possession. The records were prepared by the personnel of the City of Dana Point in the ordinary course of business.

- Ordinance No. 04-06
- Ordinance No. 04-07
- Resolution No. 04-09-22-04

Dated: December 2, 2004


 Sharon Street
 City Clerk
 City of Dana Point, California

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

- 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

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).

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

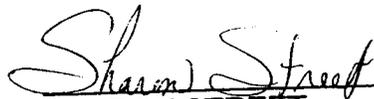
I, Sharon Street, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 04-09-22-04 was duly adopted and passed at a regular meeting of the City Council on the 22nd day of September, 2004, by the following roll-call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN: None


SHARON STREET
CITY CLERK

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.

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.

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.

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

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:

		<p><u>(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 <u>landscaped/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>
<p>Planning Area 3</p>	<p>REC/OS</p>	<p>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></p>
<ul style="list-style-type: none"> • Strand Beach Park 	<p>REC/OS</p>	<p>Strand Beach Park is <u>primarily</u> located seaward of the <u>existing revelment shoreline protective device protecting the Strand residential development.</u> <u>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. 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</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>
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>

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
<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 <u>in perpetuity</u> as 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, <u>and public safety fencing, and recontouring necessary to restore the road cut for Marguerita Road.</u> Balancing the desire for limited public access and views along</p>

	<p>rocky beach area.</p> <p>Harbor Point Park accommodates several active educational/passive 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 ^{42,3}

LEGEND:

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

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:

District, must be adopted by ordinance and ~~serve 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 ~~9.719.69~~ 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 ~~this 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

- 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

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~~-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 Charthouse 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

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.

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 (CDFG), 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:

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 Margueta 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.~~

- ~~• 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]

1. 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.~~

2. 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:

Proposed Uses:

For Planning Area 8a, walking, bicycling, hiking, jogging, picnicing, 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.

7. 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 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, ~~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

8. 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.

9. 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.

11. 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

12. 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/over looks 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.

13. 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.

[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]

17. 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'

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 shall have diversified, low cost public programs to attract visitors ~~and encourage the public to visit more than one facility.~~ The facilities 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

off-site areas that drain to the Headlands. ~~The~~ Approximately 13 acres of off-site runoff drains through the project to Strand Beach including ~~es~~ 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

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.

- 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

DEC 6 - 2004

ORDINANCE NO. 04-06

CALIFORNIA
COASTAL COMMISSION

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

See pages 44-96

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

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.

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.

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:

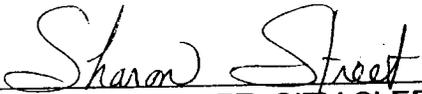
That she is the duly appointed and qualified City Clerk of the City of Dana Point;

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

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

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 HDCP) of this Ordinance.

SEE PAGES 44-96

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

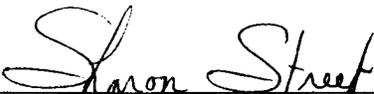
I, SHARON STREET, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 04-07 was duly introduced at a regular meeting of the City Council on the 22nd day of September, 2004, and was duly adopted and passed at a regular meeting of the City Council on the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