

**CALIFORNIA COASTAL COMMISSION**

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

**Th 14a****ADDENDUM**

May 6, 2008

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th 14a**, COASTAL COMMISSION PERMIT APPLICATION **DPT-LCPA-MAJ-4-06-(City of Dana Point)** FOR THE COMMISSION MEETING OF **May 8, 2008**.

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Changes to Staff Report

Commission staff recommends modifications and additions to the Standard of Review Section and Section II (Suggested Modifications) of the staff report for clarification purposes. Language to be added is shown in **bold double underlined italic** and language to be deleted is in ~~double strike-out~~, as shown below

1] Page 2 – Modify the “Standard of Review” Section, as follows:

**STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Land Use Plan is consistency with the Chapter 3 policies of the Coastal Act. **The “Goals and Policies” Section of the Town Center Plan is considered part of the LCP Land Use Plan and the standard of review for future amendments thereto would be the Chapter 3 policies of the Coastal Act.** The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Dana Point Land Use Plan. **The “Land Use Matrix, Development Standards, Design Guidelines and Implementation” Sections of the Town Center Plan are considered part of the LCP Implementation Plan and the standard of review for future amendments thereto would be the Dana Point Land Use Plan.**

2] Pages 5-6 – Modify Section II “Suggested Modifications” Section, as follows:

**II. SUGGESTED MODIFICATIONS**

Certification of City of Dana Point LCP Amendment Request No. 4-06 is subject to the following modifications.

Language as submitted by the City of Dana Point is shown in straight type.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

~~The Commission's suggested deletions are shown in ***bold, italic, underlined, strike out text***.~~

***The Commission's suggested deletions are shown in Strike Out.***

***The policies found in the "Town Center Plan" are also repeated within the Land Use Element and Urban Design Elements of the City's General Plan, which are also components of the City of Dana Point's "1996" Local Coastal Program. In order to conform with the suggested modifications, the City will need to make changes to those policies as well.***

Revisions to the policies, made through suggested modifications, in certain circumstances may make the background narrative obsolete. Descriptive narrative no longer consistent with the policies will need to be revised by the City to conform the narrative of any associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

...No intervening changes...

3] Page 6– Modify Section II "Suggested Modifications/Land Use Plan Suggested Modification/Suggested Modification No. A." Section as shown below with the following:

As currently shown in the staff report

## ***LAND USE PLAN SUGGESTED MODIFICATIONS***

### ***A. Suggested Modifications to the Town Center Plan***

#### ***1. Suggested Modification No. A***

##### ***Land Use***

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

***Policy A: Retail service commercial and visitor service commercial uses are priorities uses which shall be encouraged within the Town Center.***

Replace in its entirety with the following:

## ***LAND USE PLAN SUGGESTED MODIFICATIONS***

### **A. Suggested Modifications to the Town Center Plan**

#### **1. Suggested Modification No. A**

##### **Land Use**

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

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

4] Page 6– Modify Section II “Suggested Modifications/Land Use Plan Suggested Modification/Suggested Modification No. 1.” Section, as follows:

Delete Suggested Modification No. 1 (i.e. retain proposed policy language as is). Retain as empty placeholder to avoid re-numbering the remainder of the suggested modifications. Suggested Modification No. 1 is unnecessary because Suggested Modification No. B has already made this change.

#### **~~3. Suggested Modification No. 1 (Land Use Plan)~~**

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

**CALIFORNIA COASTAL COMMISSION**

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**Th 14a**

April 24, 2008

**TO: Commissioners and Interested Persons**

**FROM: Sherilyn Sarb, Deputy Director  
Teresa Henry, South Coast District Manager  
Karl Schwing, Orange County Area Supervisor  
Fernie Sy, Coastal Program Analyst II**

**SUBJECT: Major Amendment Request No. 4-06 to the City of Dana Point Certified Local Coastal Program (For Public Hearing and Commission Action at the May 7-9, 2008 (meeting in Marina Del Rey).**

**SUMMARY OF LCP AMENDMENT REQUEST NO. 4-06**

The City of Dana Point presently has two groups of documents that serve as its certified Local Coastal Program. There is an older set of documents that were originally certified when Dana Point was unincorporated and which were adopted by the City when it incorporated that still apply to the central geographic area of the City (i.e. that area generally located between Monarch Beach to the north and Capistrano Beach to the south) including the Town Center area that is the subject of the proposed LCP amendment. We've generally referred to these older documents as the Dana Point Specific Plan Local Coastal Program or '1986' LCP. In addition, there is a more recent group of documents that includes three elements of the City's General Plan (the Land Use Element, Urban Design Element, and Conservation Open Space Element), the City's Zoning Code, the Monarch Beach Resort Specific Plan, and the Headlands Development Conservation Plan which apply to those areas of the City which are not covered by the 1986 LCP. We've generally called these more recent documents the '1996' LCP.

In the proposed City of Dana Point amendment request, the City propose to replace in its entirety, the Dana Point Specific Plan Local Coastal Program for the Town Center (1986 LCP) with the Town Center Plan. This amendment would apply the '1996' LCP to the Town Center, with updates to those documents to reflect the City's latest planning efforts. Technically, the City is asking the Commission to certify the Land Use Plan Element (LUE), Urban Design Element (UDE), and Conservation Open Space Element (COSE) of the City's General Plan and the City's Zoning Code with changes thereto to reflect the goals, policies and implementation identified in the Dana Point Town Center Plan, for the Town Center; but, leave the 1986 LCP in place with respect to the remaining areas that are outside of the Town Center Plan and outside of the areas presently covered by the 1996 LCP.

Staff is recommending **denial** of the LUP and IP amendment as submitted, and **approval** of the LUP amendment and IP amendment if modified as suggested.

## **EXHIBITS**

- 1) City Council Resolution No. 06-11-08-06.
- 2) City Council Resolution No. 06-11-08-5.
- 3) City Council Ordinance No. 06-17.
- 4) Town Center Area Map.
- 5) Town Center Area Map showing the portion of the Town Center to be removed from the Town Center Boundary as stated by suggested modification.
- 6) Town Center Plan
- 7) Land Use Plan Element (LUE), Urban Design Element (UDE), and Conservation Open Space Element (COSE) of the City's 1996 LCP

## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing:

**Deny** the Land Use Plan Amendment, as submitted, and **approve it if modified** as provided below.

**Deny** the Implementation Plan Amendment, as submitted, and **approve it if modified** as provided below.

**The motions to accomplish this recommendation are found on pages 3-5.** As proposed, the LUP portion of the LCP amendment does not meet the requirements of and is not in conformity with the Chapter 3 policies of the Coastal Act. As submitted, the IP portion of the amendment is inconsistent with and inadequate to carry out the City's certified Land Use Plan. Only if modified as recommended will the LUP amendment meet the requirements of and be in conformity with the Chapter 3 policies of the Coastal Act. Only if modified as recommended will the IP amendment be consistent with and adequate to carry out the City's certified Land Use Plan, as amended.

## **STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Land Use Plan is consistency with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Dana Point Land Use Plan.

## **SUMMARY OF PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a

public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City Planning Commission held a public hearing for the proposed LCP Amendment on September 26, 2006, and the City Council held a public hearing for the proposed LCP Amendment on October 25, 2006, November 8, 2006, and December 13, 2006. This LCP amendment request is consistent with the submittal requirements of the Coastal Act and the regulations that govern such proposals (see, e.g., Sections 30501, 30510, and 30514 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

### **ADDITIONAL INFORMATION**

Copies of the staff report are available on the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Fernie Sy in the Long Beach office at (562) 590-5071. The City of Dana Point contact for this LCP amendment is Kyle Butterwick, Director of Community Development, who can be reached at (949) 248-3560.

## **I. STAFF RECOMMENDATION**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

### **A. Denial of the Land Use Plan Amendment as Submitted**

**MOTION:** *I move that the Commission certify Land Use Plan Amendment No. 4-06 to the City of Dana Point Local Coastal Program as submitted by the City of Dana Point.*

### **STAFF RECOMMENDATION TO DENY:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO DENY:**

The Commission hereby denies certification of the Land Use Plan Amendment No. 4-06 as submitted by the City of Dana Point and adopts the findings set forth below on the grounds that the amendment does not meet the requirements of or conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**B. Approval of the LUP Amendment with Suggested Modifications**

**MOTION:** *I move that the Commission certify Land Use Plan Amendment No. 4-06 for the City Dana Point if it is modified as suggested by staff.*

**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Land Use Plan Amendment No. 4-06 for the City of Dana Point if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

**C. Denial of the Implementation Plan Amendment as Submitted**

**MOTION:** *I move that the Commission reject the Implementation Plan Amendment No. 4-06 for the City of Dana Point as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

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

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Plan Amendment No. 4-06 submitted for the City of Dana Point and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan would not meet the requirements of the California

Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted

#### **D. Approval of the IP Amendment with Suggested Modifications**

**MOTION:** *I move that the Commission certify the Implementation Plan Amendment No. 4-06 for the City of Dana Point if it is modified as suggested by staff.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Plan Amendment 4-06 for the City of Dana Point if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## **II. SUGGESTED MODIFICATIONS**

Certification of City of Dana Point LCP Amendment Request No. 4-06 is subject to the following modifications.

Language as submitted by the City of Dana Point is shown in straight type.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

The Commission's suggested deletions are shown in ***bold, italic, underlined, strike out text***.

Revisions to the policies, made through suggested modifications, in certain circumstances may make the background narrative obsolete. Descriptive narrative no longer consistent with the policies will need to be revised by the City to conform the narrative of any



associated policy that has been revised through suggested modifications as part of the submission of the final document for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

**Organizational Notes:** the addition of new policies or the deletion of policies (as submitted) will affect the numbering of subsequent LCP (Land Use Plan and Implementation Plan) policies when the City of Dana Point publishes the final LCP incorporating the Commission's suggested modifications. This staff report will not make revisions to the existing policy numbers but new policies will be lettered. The City will make modifications to the numbering system when it prepares the final LCP for submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.

## ***LAND USE PLAN SUGGESTED MODIFICATIONS***

### **A. Suggested Modifications to the Town Center Plan**

#### **1. Suggested Modification No. A**

##### **Land Use**

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

**Policy A: Retail service commercial and visitor service commercial uses are priorities uses which shall be encouraged within the Town Center.**

#### **2. Suggested Modification No. B**

**Global Change: Modify all policies, text and graphics as follows.**

**The geographic boundary of the Town Center area shall be modified to exclude the area bordered by Santa Clara Avenue, Green Lantern Street, Blue Lantern Street, and the Dana Point Bluffs.**

#### **3. Suggested Modification No. 1 (Land Use Plan)**

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

4. Suggested Modification No. C

**Policy C: Demolition of Existing Lower Cost Overnight Accommodations**

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

**The Town Center planning area does include one existing 24 room Motel which does provide lower cost overnight accommodations. The Motel's location is at the northern section of the Town Center planning area and sits between two major three lane roadways, Del Prado and Pacific Coast Highway.**

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

5. Suggested Modification No. 2

**Urban Design/Streetscape**

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

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

6. **Suggested Modification No. 3**

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

7. **Suggested Modification No. 4**

**Parking**

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

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

8. **Suggested Modification No. 5**

Policy 4.3: Develop a parking concept that emphasizes shared parking facilities **through a subsequent LCP amendment.**

9. **Suggested Modification No. 6**

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

10. **Suggested Modification No. D**

**Landscape**

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

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

11. Suggested Modification No. E

**Water Quality**

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

12. Suggested Modification No. F

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

13. Suggested Modification No. G

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

14. Suggested Modification No. H

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

15. Suggested Modification No. I (Land Use Plan)

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

16. Suggested Modification No. J

**Policy J: In areas of new development and redevelopment, minimize the amount of impervious surfaces and directly connected impervious surfaces and where feasible maximize on-site infiltration of runoff,**

**except where site conditions preclude infiltration (e.g., geologic hazards would be exacerbated, or pollutant concentrations are high).**

17. Suggested Modification No. K

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

18. Suggested Modification No. L

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

19. Suggested Modification No. M

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

20. Suggested Modification No. N

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

21. Suggested Modification No. O

**Policy O: All development projects will be required to meet City Municipal code section 15.10.050 requirements for a detailed Water Quality Management Plan. This includes a three pronged approach including requiring effective Site Design, Source Control and Treatment Control Best management Practices to the maximum extent practicable. In addition to common practices for reducing runoff, best available technology for catch basin inserts, filtration systems, diversion and/or biofiltration will be required.**

22. Suggested Modification No. P

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

23. Suggested Modification No. Q

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

## **IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS**

### **A. Suggested Modifications to the Land Use Regulations section**

1. Suggested Modification No. R

Make the following changes to the “Land Use Matrix” section in the Town Center Plan. Language as submitted by the City of Dana Point is shown in straight type. The text to be deleted per CCC Suggested Modifications is shown in ~~Strike Out~~. The text to be added Per CCC Suggested Modifications is shown in **Bold Italic Underlined**.

<p>P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use</p>	<p>P* = Permitted Use subject to special use standards (DPZC sec. 9.07) C* = Conditional Use subject to special use standards (DPZC sec. 9.07) T* = Temporary Use subject to special use standards (DPZC sec. 9.07) A = Accessory Use <b><u>(1) = Permitted or Conditionally Permitted above the street level only.</u></b></p>	<p>Town Center Mixed-Use District</p>
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<p>Administrative Office Uses: real estate, insurance, banks, travel agent.</p>	<p><u>P</u></p>
<p><b><u>- Above the ground floor</u></b></p>	<p><b><u>P</u></b></p>

<b><u>- On the ground floor</u></b>	<b><u>C</u></b>
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Alcoholic Beverage Outlets:</u> establishments which serve or sell alcohol	C
<u>Bed and Breakfast Inn:</u> large dwelling unit which provides lodging.	<u>C</u> <b><u>P</u></b>
<u>Business Service Uses:</u> office products and supply stores, parcel/postal services, computer sales and service, and courier/messenger services.	P
<b><u>- Above the ground floor</u></b>	<b><u>P</u></b>
<b><u>- On the ground floor</u></b>	<b><u>C</u></b>
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Caretaker's Residence:</u> dwelling unit accessory to the principal use on a site and intended for occupancy by a caretaker, security guard, or worker.	C
<b><u>Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern .</u></b>	<b><u>X</u></b>
<u>Clinical Services:</u> medical and health clinics, chiropractic/physical therapy clinics, counseling services and emergency care centers.	C
<b><u>Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Commercial Recreation Uses:</u> bicycle rentals, billiard parlors, boat kayak rentals. dance studios, golf courses, health and athletic clubs and youth clubs.	<u>C</u> <b><u>P</u></b>
<u>Convalescent Facility:</u> State licensed facility which provides long-term nursing, dietary and other medical services.	C
<b><u>Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Convenience Store:</u>	C
<u>Drinking Establishments:</u> restaurants that serve alcoholic beverages, bars, pubs, taverns, nightclubs and cocktail lounges.	P*/C*

<u>Educational Uses:</u> art schools, martial arts schools, dance schools, day care centers, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.	C
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Family Day Care Home, Small:</u> home which provides family day care to one to six children.	C <u>(1)</u>
<b><u>Health and Athletic clubs: youth clubs, dance studios.</u></b>	C
<u>Hospital, Acute Psychiatric:</u> medical, nursing, rehabilitative, pharmacy, and dietary services.	C
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
Hotels located within the interior portion of the couplet: - <b><u>portion of</u></b> structure containing guest rooms, <b><u>meeting rooms</u></b> or suites offering transient lodging: - <b><u>accessory uses to hotel such as lobby, restaurant, retail store, meeting rooms</u></b> Hotels located in the outer couplet along the alleys which are adjacent to surrounding residential zones – structure containing guest rooms or suites offering transient lodging	<p>⊖<u>P</u>(1) <u>P</u></p> <p>X</p>
<u>Institutional Uses:</u> libraries, public or private schools, hospitals, municipally owned or operated buildings, structures or lands used for public purposes.	C
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.</u></b>	<b><u>X</u></b>
<u>Marine Uses:</u> boat sales and incidental rental, <del>boat storage</del> , surfboard sales and repair, scuba equipment sales and service, marine supply sales, sail sales and incidental making and repair and jet-ski repair.	⊖ <u>P</u>
<u>Medical Office Uses:</u> offices of doctors, dentists, chiropractors and veterinarians.	<u>P</u>
<b><u>- Above the ground floor</u></b>	<b><u>P</u></b>



<b><u>- On the ground floor</u></b>	<b><u>C</u></b>
<b><u>- - Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern</u></b>	<b><u>X</u></b>
<u>Mixed-Use Center:</u> combination of certain types of retail, office, and residential.	P
<u>Professional Office Use:</u> accountants, architects, designers, engineers, interior decorators, landscape architects, photographers and planners.	P
<b><u>- Above the ground floor</u></b>	<b><u>P</u></b>
<b><u>- On the ground floor</u></b>	<b><u>C</u></b>
<b><u>- - Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern</u></b>	<b><u>X</u></b>
<u>Residential Care Facility for the Elderly:</u> housing for persons 60 years of age or over where varying levels of care are provided.	C
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern</u></b>	<b><u>X</u></b>
<u>Retail Sales Uses:</u> antique sales, appliance sales and repair, art supplies, bicycle sales and service, bookstores, camera sales and service, clock sales, clothing sales, coin and stamp sales, computer and electronics stores, <i>convenience stores</i> , department stores, drugstores, fishing supply stores, florist shops, furniture sales, gift shops, grocery and food stores, hardware stores, hobby shops, interior design stores, jewelry stores, machine and tools sales, music stores, newsstands, optical products sales, pet shops and pet supply stores, photo finishing and photo supply stores, plant nurseries (garden center), shoe stores, sporting goods stores, stationery stores, surfboard sales and repair, television/stereo sales, toy stores and video sales/rental stores.	P
<u>Senior Citizen Housing:</u> licensed housing for persons 62 years of age or older, or unlicensed housing for persons 55 years of age or older, including such housing facilities as retirement villas, apartments, condominium.	C
<b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern</u></b>	<b><u>X</u></b>

<p><u>Single Room Occupancy</u>: cluster of guest units within a residential hotel for weekly or longer tenancy providing sleeping or living facilities for one person per unit.</p>	<p>C</p>
<p><b><u>- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern</u></b></p>	<p><b><u>X</u></b></p>

2. Suggested Modification No. S

**Development Standards**

**Policy C: Demolition of Existing Lower Cost Overnight Accommodations**

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

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

**B. As a condition of approval of a coastal development permit for demolition of the existing lower cost overnight accommodation in the Town Center planning area, the property owner (applicant) shall pay the required in-lieu fee as specified above. Prior to the issuance of the coastal development permit, but only after the City of Dana Point has indicated in writing, that the City has entered into an agreement with the California Department of Parks and Recreation (CDPR) (the "Agreement"), the applicant shall provide to CDPR, through a financial instrument subject to the review and approval of the City of Dana Point, a fee in an amount adequate to carry out the specific project identified in subsection A, payable to the CDPR. This fee shall be used for the purpose described in subsection A in accordance with the terms and conditions of the Agreement, which, at a minimum, shall include the following provisions: 1) CDPR shall submit a detailed final plan for the use of the funds to the City of Dana Point for review and approval within 24 months of the date on which the funds are transferred to CDPR; 2) the final plan shall provide for the submittal of renovation and conversion plans within 36 months of approval of the final plan by the City of Dana Point; 3) CDPR must obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit, for the renovation and conversion effort prior to commencement of the project; and 4) a deadline not to exceed 5 years from the date of transfer of the funds to CDPR by which the funds shall be used by the CDPR to complete the project identified in the final plan, along with provisions to address any failure to complete the project.**

### **III. FINDINGS**

The following findings support the Commission's denial of the proposed LCP amendment as submitted and approval if modified as suggested by staff. The Commission hereby finds and declares as follows:

#### **A. AMENDMENT DESCRIPTION**

Proposed Local Coastal Program Amendment (LCPA) request No. 4-06 consists of a Land Use Plan (LUP) and Implementation Plan (IP) that would replace, in their entirety, the Dana Point Specific Plan Local Coastal Program for the Town Center Area. Proposed LCP Amendment Request No. 4-06 was submitted for Commission certification by City Council Resolution No. 06-11-08-06, which has been included as Exhibit #1. That Resolution and also Resolution 06-11-08-5, which contains the City's proposed changes to the LUP and IP, are attached as Exhibit #2. In addition, Ordinance No. 06-17 approving the Zone Text Amendment and the Zone Change has been included as Exhibit #3.

The City describes the Town Center area (Exhibit #4) as one of the primary business districts in the City, which is the focus of activity for visitors traveling along Pacific Coast Highway (PCH). The area is made up of a mixture of commercial retail and service, office and residential use. The designated land uses found in this area consist of: Coastal Couplet Commercial (C-CPC), Coastal Minor Commercial (C-MC) and Coastal Residential Commercial (C-RC), per the Dana Point Specific Plan/LCP (1986). The City states that the Town Center area currently fails to draw residents or visitors because of its segmentation within the Pacific Coast Highway - Del Prado couplet, accompanied by high traffic speeds. Furthermore, the small parcel sizes, lack of consistent site design patterns, diversity of building types and setbacks, and barren quality of the streetscapes intensify the problems. Because of these factors, the Town Center does not work well as a "shopping district" where businesses benefit each other from an overall collective strength. Instead, the Town Center functions and feels like a roadside or "strip commercial" environment with many small separate commercial buildings and shopping centers that are poorly linked. Thus, in order to transform the character of the Town Center, the Town Center Plan proposes changing the scale and character of the couplet to dramatically impact the Town Center. Major changes in public infrastructure and amenities would transform the area's image, create stronger linkages between the blocks and foster a stronger pedestrian orientation, "small town" atmosphere within Dana Point's central business district.

The City states the following regarding the plan: *"The Town Center Plan calls for a greater mix of uses in the Town Center. Adding residential uses and increasing office will help to create a more dynamic, interesting and attractive place for both residents and visitors. A greater continuity of activities along the streets is encouraged through the development of public parking in central locations, making the Town Center more accessible and walkable for those arriving from outside and immediate vicinity. The plan supports the historic legacy of the Town Center and provides direction on detailed elements, such as public art and signage to enrich the Town Center and reinforce its pedestrian orientation and interest."* Furthermore, the City states that the purpose of the amendment is the following: *"The purpose of the plan is to establish a framework of policies and development standards that will help guide the transformation of the Town Center into a pedestrian-oriented, mixed use district that serves the community more effectively and creates a more meaningful and memorable place that adds to the identity and quality of life in Dana Point. The plan represents a departure from other planning documents previously prepared by the City in that it focuses on a single district that is of broad community value and importance, and it addresses issues related to its future at a much greater level of specificity than the City's General Plan or Zoning Ordinance."*

## **1. Land Use Plan (LUP) Amendment**

In the proposed City of Dana Point amendment request, the City propose to replace in its entirety, the Dana Point Specific Plan Local Coastal Program for the Town Center (1986 LCP) with the Town Center Plan. This amendment would apply the '1996' LCP to the Town Center, with updates to those documents to reflect the City's latest planning efforts. Technically, the City is asking the Commission to

certify the Land Use Plan Element (LUE), Urban Design Element (UDE), and Conservation Open Space Element (COSE) of the City's General Plan and the City's Zoning Code with changes thereto to reflect the goals, policies and implementation identified in the Dana Point Town Center Plan, for the Town Center; but, leave the 1986 LCP in place with respect to the remaining areas that are outside of the Town Center Plan and outside of the areas presently covered by the 1996 LCP. This amendment would also modify and add policies located in the Land Use Element and the Urban Design Guidelines. The modified and added policies would center around: 1) Land Use, 2) Urban Design/Streetscape; 3) Signage; 4) Historic Preservation; 5) Building Design; and 6) Landscape.

More specifically, the following goal and associated policies would now apply to the Town Center as proposed in the Land Use Element: "*GOAL: Achieve development in the Town Center area that enhances the area as a primary business district in the City.*" The Town Center Plan identifies the land use designation as "Town Center Mixed-Use District." In addition, the Land Use Plan Map would be modified to designate the area as "Town Center District". Currently, the designated land uses found in this area consist of: Coastal Couplet Commercial (C-CPC), Coastal Minor Commercial (C-MC) and Coastal Residential Commercial (C-RC), per the Dana Point Specific Plan/LCP (1986).

Within the broader land use designation placed upon the Town Center area with this amendment, the amendment would allow housing as an allowable upper-level use throughout the Town Center; currently it is only permitted south of Del Prado. In addition, the proposed amendment would also allow hotels located within the interior portion of the couplet; however, would prohibit hotels from being located in the outer couplet along the alleys which are adjacent to surrounding residential zones.

Also, the proposed amendment's traffic and circulation change would result in changing both roadways into a two-way configuration. Upon completion of the reconfiguration, PCH would return to two (2) lanes in each direction and Del Prado would be one (1) lane in each direction.

In addition, the proposed amendment would include policies that would utilize and improve the existing pedestrian system by widening sidewalks of all streets and providing connections to sidewalks on existing streets. Additionally, the LUP proposes to provide Class II bike lanes in both directions on Del Prado and a 14-foot curb along the westbound direction of PCH. The proposed LUP would enhance the connectivity for bicycle lanes and the pedestrian system.

Additionally, while the City's Zoning Ordinance's basic height limit of three (3) floors would be maintained, the existing height limit of 31-to 35 feet would be increased to 40-feet to allow for higher ground floors and for quality upper level office or residential uses by the proposed amendment.

The proposed amendment policies will not result in any change or loss to the quantity of existing on-street public parking spaces. The Town Center Plan actually encourages the creation of additional public parking spaces as reflected in Policy 4.6 which reads: *“Create additional public parking which would involve one or preferably two facilities prior to beginning roadway construction.”* Additionally, another parking goal stated on the same page states: *“Create and implement a parking program that ensures adequate and convenient parking is made available with the creation of centrally located public parking facilities.”* The Town Center Plan does not propose or contemplate any change to the existing roadway system. Nevertheless, the City is looking at opportunities to acquire existing land in the Town Center for purchase and/or lease, in order to create additional public parking opportunities.

The Town Center Plan requires all private parking to be provided on-site. The Plan does not allow for the transfer of required parking to an off-site location or a payment of a fee to satisfy the parking requirements. The Town Center Plan does envision the need for an in-lieu parking fee program and such a program is identified as a future implementation measure (page 49 of the Town Center Plan document).

## **2. Implementation Plan (IP) Amendment**

The proposed IP amendment component included a Land Use Matrix that identifies the allowable and not allowable uses in the Town Center under the new Land Use Plan designation of the area as *Town Center Mixed-Use District*. The matrix indicates the uses which are permitted by right; uses that are permitted subject to a Conditional Use permit, and uses which are prohibited. Furthermore, uses not listed are prohibited. For example, the Land Use Matrix states that hotels within the interior portion of the couplet are a conditionally permitted use, but that hotels located in the outer couplet along the alleys which are adjacent to surrounding residential zones are prohibited. Additionally, the Land Use Matrix states that a multi-family dwelling unit is a permitted or conditionally permitted use, above the street level.

In addition to the Land Use Matrix in the IP amendment, the Town Center Plan includes Development Standards that according to the City reinforces pedestrian friendliness and human scale. The standards address density of development, building height, roof decks, design of ground-floor commercial space, setbacks, open space and parking. A more specific example of such a Development Standard is the Development Standard that allows a maximum height of 40-feet (3 stories).

The IP amendment also includes Design Guidelines which according to the City: *“...reinforce pedestrian friendliness and human scale and the importance of using high quality materials and details to enhance Dana Point’s unique sense of place.”* The Town Center Plan goes on to say that the Town Center Design Guidelines complement the Zoning Ordinance provisions and that while the latter are

mandatory, the guidelines are advisory. These guidelines relate to things such as entrances from the sidewalk and the design of retail frontage.

Lastly, the IP amendment includes a discussion of how the policies, design guidelines and zoning regulation will be implemented. For example, in regards to streetscape improvements the plan states that: "*The specific design characteristics of the landscape, lighting, street furniture, and other streetscape improvements will be prepared following approval of the Town Center Plan by the City Council.*" It also states that after analyzing the demand for parking in the Town Center area, the City Council would acquire land in the Town Center for a centralized public parking facility funded by fees from new building construction. Additionally, the document provides a list of necessary measures in order to determine an in-lieu parking program.

## **B. LAND USE PLAN AMENDMENT**

### **1. DENIAL of the LUP amendment as Submitted**

The standard of review for amendments to a certified Land Use Plan is consistency with the policies of Chapter 3 of the Coastal Act.

#### **a. Retail Service Commercial Uses and Visitor Service Commercial Uses**

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section 30222 of the Coastal Act states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

One of the strongest legislative mandates of the Coastal Act is the provision of retail service commercial and visitor service commercial uses. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible provided. Section 30222 of the Coastal Act places a higher priority on the provision of retail service commercial and visitor service commercial uses designed to enhance public opportunities for coastal recreation than on residential, industrial, or general commercial uses. The proposed LUP would allow a number of uses including retail service commercial and visitor service commercial uses. Retail service commercial uses and visitor service commercial uses provide greater public benefit than general commercial (i.e. office uses) and private residential uses because a larger segment of the population is able to take advantage of and enjoy the use. In addition, retail service commercial and visitor service commercial areas provide services to the visiting beach user, including providing places to stay overnight, dine and shop.

Retail service commercial uses and more so visitor service commercial uses are strongly preferred under the Coastal Act. These types of uses are preferred because they maximize the number of people who can enjoy the unique experience available only along the coast. Private residential development along the coast is of highly limited use, being usable only by those able to afford coastal living. Furthermore, lesser priority uses, such as residential and general commercial, are not dependent upon being located within the coastal zone. Such uses can accomplish their functions virtually anywhere; whereas the coastal visitor experience is available only along the coast. Moreover, population growth in general creates greater demand for visitor serving amenities within the Coastal Zone.

As submitted, the Town Center Mixed-Use District gives equal priority to office and general commercial uses as it does to retail service and visitor service commercial uses. Therefore, the Town Center Plan as submitted is inconsistent with Section 30222 of the Coastal Act. While the Town Center Plan “promotes “ professional business and office uses on the upper floors and “supports” street level uses that are pedestrian oriented, the Land Use Strategy (Land Use Policy 1.4) allows professional business and office uses on the ground floor of all parcels throughout the Town Center. The Commission notes that under the currently certified LCP, two of the three land use designations either do not allow office uses at all or do not allow professional business and office uses on the ground floor in the proposed Town Center planning area. As submitted, this LUP amendment does not include policies to protect retail service commercial uses and visitor service commercial uses.

As submitted, the Town Center Plan is inconsistent with Section 30213 of the Coastal Act because it does not protect the existing C-VC (Coastal Visitor Commercial) designated area or lower cost overnight accommodations within the LCP area. As originally submitted, the Town Center area contains a



second overnight visitor accommodation, the Blue Lantern Inn located at 34343 Blue Lantern Street. The currently certified LCP designates this hotel site as C-VC. The subject LUP amendment designates the entire Town Center area Mixed-Use thereby allowing the elimination of the hotel use in favor of office or other uses. In discussion with City staff, Commission staff made it clear that we could not support the redesignation of this parcel from C-VC to Mixed-Use given the mandate of Section 30213 of the Coastal Act. The City explained that it was not their intent to eliminate hotel use at this site. Further, the Town Center Plan would eliminate an existing lower cost motel, The Dana Marina Inn, located within the inner couplet. The LUP amendment would allow the loss of this 24-unit facility and the conversion of this site to another use. The LUP as submitted is therefore inconsistent with Section 30213 of the Coastal Act. Therefore, the LUP amendment must be denied as submitted.

**b. Water Quality and the Marine Environment**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

The protection of water quality is an important aspect of the Coastal Act. Section 30230 of the Coastal Act states that marine resources shall be maintained, enhanced, and where feasible restored. Section 30231 of the Coastal Act states that the biological productivity and quality of coastal waters shall be protected. Section 30232 of the Coastal Act states protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Water from the Town Center site will flow into the City of Dana Point's storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

Protection of water quality should be a primary goal associated with any LUP. However, the proposed LUP amendment does not provide policies to prevent impacts to water quality. Therefore, the submitted Town Center Plan is inconsistent with Sections 30230, 30231, and 30232 of the Coastal Act because it fails to provide policies that would protect water quality and the marine environment. Therefore, the LUP amendment must be denied as submitted.

**c. Public Access**

Section 30252 of the Coastal Act states, in part:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation ...*

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30252 of the Coastal Act states that all new development shall maintain and enhance public access to the coast by providing adequate parking facilities. As stated previously, the Town Center Plan requires all private parking to be provided on-site and also have included provisions for potential parking structures in the future (parking structures are not currently anticipated). Policies that require adequate parking for projects in the Town Center have been provided in the plan. Even though adequate parking for projects in the Town Center are required by these policies, the Town Center Plan does envision the need for an in-lieu

parking fee program and such a program is identified as a future implementation measure (page 49 of the Town Center Plan document). As part of the future in-lieu fee parking program, the City would need to prepare a comprehensive parking demand study.

While the Town Center Plan does include a number of policies that deal with parking within the Town Center as well as improved circulation, it is unclear with regards to current standards versus future programs. Therefore, the submitted Town Center Plan does not protect public access.

**2. APPROVAL of the LUP Amendment if Modified as Suggested**

The findings for denial of the Land Use Plan as submitted are herein fully incorporated.

**a. Retail Service Commercial Uses and Visitor Service Commercial Uses**

As stated previously, the Town Center Plan as submitted allows a number of uses as permitted or allowed by condition. Within the Town Center there are a number of retail service commercial uses and visitor service commercial uses allowed. These types of uses provide an opportunity for the visiting public as well as residents to enjoy and experience the surrounding coastal area. Therefore, policies need to be implemented that protect priority retail service commercial uses and visitor service commercial uses.

As stated previously, the City's intends to allow the demolition of the existing lower cost motel and allow mixed used development of the site which would not include overnight accommodations. To mitigate the loss of the existing lower cost motel facility the City has consulted with the Department of Parks and Recreation (CDPR) and has informally proposed funding the renovation of three existing structures at Crystal Cove State Park that are currently being used for park operations and to convert them to overnight visitor accommodations. The Commission notes that the structures that would be converted to overnight visitor accommodations are large beachfront cottages, thereby providing tremendous public access. This mitigation can be found consistent with the Coastal Act if the renovated cottages provide at least the same number of beds as the motel units that are demolished. Further, the replacement of lower cost hostel beds at Crystal Cove State Park must be a condition of approval for the demolition of the existing lower cost motel. Only if modified to require the payment of an in-lieu fee to fund the renovation and conversion of the structures at Crystal Cove State Park to overnight accommodations can the LUP be found to be in conformance with Section 30213 of the Coastal Act.

Thus, if the amendment were modified to: 1) include policies that give priority to retail service commercial uses and visitor service commercial uses; 2)

revise the Town Center Plan boundary (Exhibit #5) so that the existing hotel that is designated C-VC remains so designated and protected for hotel land use; and 3) encourage the protection of lower cost visitor accommodations; thereby the LUP amendment can be found consistent with Sections 30213 and 30222 of the Coastal Act. In order to accomplish this, modifications are suggested to the proposed LUP amendment.

**b. Water Quality and the Marine Environment**

LCP's must include policies that protect water quality. These policies must prevent adverse impacts to water quality stemming from construction anticipated to take place in the Town Center and also impacts that would occur after such construction takes place. However, the proposed LUP amendment as submitted does not provide policies to prevent impacts to water quality.

Consistent with Sections 30230 and 30231 of the Coastal Act, development shall not result in the degradation of coastal waters caused by the introduction of pollutants, or by changes to the landscape that adversely impact the quality, quantity, and flow dynamics of coastal waters. Development shall not discharge runoff in a manner that adversely impacts the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms and protect human health.

Development from activities such as new construction of roads and commercial facilities has the potential to increase the pollutant load, volume, and velocity of runoff, impact water quality and increase storm drainage requirements in a number of ways. During urban development two important changes occur. First, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing a very effective natural purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural purification characteristics of the land are lost. Secondly, urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, grease and oils from roads and pavement, sediments from erosion, and various other pollutants in runoff from industrial, commercial, and residential areas, which can be washed into storm sewers. Some water uses associated with development, such as landscape irrigation, can also increase dry weather runoff leaving the site and carry landscaping chemicals, such as pesticides and fertilizer. As a result of these changes, the runoff leaving the developed urban area is significantly greater in volume, velocity and pollutant load than the pre-development runoff from the same area. Development can also alter natural

drainage courses and drainage patterns potentially resulting in increased erosion and siltation. Increased development also increases demands on the limited supply of water, potentially leading to an increased concentration of pollution in water supplies.

Water quality degradation increases with percent imperviousness. The increased volume and velocity of runoff from developed urban areas can greatly accelerate the erosion of downstream natural channels. A number of studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of beneficial uses of downstream receiving waters. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as a 10% conversion from natural to impervious surfaces. Typical medium-density single-family home projects range between 25 to 60% impervious. Even at very low densities, such as 1-2 housing units per acre, standard subdivision designs can exceed the 10% imperviousness threshold that, as noted above, is theorized to be the threshold for degradation of streams and other waters with increasing imperviousness of their catchment.

The pollutants found in urban runoff can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of stormwater discharged from new impervious surfaces resulting from new development and redevelopment can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion, deepening and widening of channels. These impacts reduce the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms and have adverse impacts on human health, inconsistent with Coastal Act Sections 30230 and 30231. Therefore, it is critical that the LUP establish a comprehensive framework of development standards, applicable to all phases of development.

The Commission shares responsibility for regulating nonpoint water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB have been co-leads in developing and implementing the January 2000 Plan for California's Nonpoint source Pollution Control Program (Plan), which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. Some of these management measures are best implemented at the local City or County planning and permitting level, since they can be most cost effective during the design stage of development. The San Diego Regional Water Quality Control Board regulates discharge of stormwater and urban runoff from the municipal separate storm sewers operated by the municipalities of southern Orange County through its municipal stormwater permit. This order provides

extensive guidance regarding the types of development that are most likely to cause water quality impacts, selection of appropriate best management practices and requirements for water quality management plans. Suggested Policy G would make the requirements of the municipal stormwater permit part of the standard of review for coastal development at Dana Point. Additionally, Suggested Policy H would make the Standard Urban Stormwater Mitigation Plan Ch. 15.10, Municipal Code and Local Implementation Plan all standards of review.

When development can be sited and designed with water quality in mind, new impervious surfaces are minimized. Additionally, adequate site design and source control measures may eliminate the need for structural treatment controls, decreasing the cost to the applicant, while still protecting water quality. Suggested Policy O requires all development projects to use the three pronged approach of requiring effective site design, source control and treatment control best management practices to the maximum extent practicable.

Commercial development can be a significant source of nonpoint source pollution both due to the generation of pollutants and common designs that connect impervious surfaces directly to storm drains. For larger developments, the need for parking can generate increases in the volume and velocity of runoff, in addition to the pollutants produced by automobiles. Suggested Policy I requires all development to incorporate Best Management Practices designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater, is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Coastal Commission and several Regional Water Quality Control Boards have selected the 85th percentile storm event as a design storm based on a point of diminishing returns, beyond which the marginal benefit of capturing the next incrementally larger volume of stormwater is no longer deemed practicable. The 85th percentile storm generates the same or more precipitation than 85 percent of recorded storms. The actual measurement of the 85th percentile storm event may be the amount of rainfall generated over 24 hours (or less) for structural BMPs that work by capturing a certain volume of water for a certain period of time (volume-based BMPs, e.g., detention basins). The measurement may be the rainfall intensity (precipitation per hour) for structural BMPs that treat the runoff as it flows

through (flow-based BMPs, e.g., bioswales). The Commission finds that this design standard is based on sound science and notes that the same design standard has been used by numerous stormwater management agencies throughout the state. Therefore, the Commission requires that where post-construction structural BMPs are required, they be sized based on the Design Standard specified in Suggested Policy Q and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Nonpoint pollution is generated by many actions of many people. One of the most important steps in any nonpoint source pollution program is to educate the public about how their collective activities can have harmful effects on water quality and how they can help to protect water quality with relatively simple actions. Suggested Policy N will promote education of Dana Point residents, property owners and visitors regarding good water quality practices.

In addition to the previous discussed policies, any proposed landscaping also plays into the protection of water quality. Any proposed vegetated landscaped areas located in the Town Center should only consist of non-invasive plants that are primarily drought tolerant. The use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation, which is primarily drought tolerant. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. In addition, any plants in the landscaping plan should primarily be drought tolerant to minimize the use of water. The term "drought tolerant" is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Thus, if the amendment were modified to include policies regarding the protection of water quality such as : 1) having all development incorporate Best Management Practices (BMPs) designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas; 2) having post-construction structural BMPs (or suites of BMPs) be designed, sized and installed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm

event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs; and 3) require that any proposed landscaping consist of non-invasive, primarily drought tolerant plants; then, and only then, could the LUP amendment be found consistent with Sections 30230, 30231, and 30232 of the Coastal Act. In order to accomplish this, modifications are suggested to the proposed LUP amendment.

**c. Public Access**

As stated previously, the LUP includes policies to protect public access, but some of the policies are unclear. For example, even though policies regarding adequate parking for projects in the Town Center are included in the LUP, the Town Center Plan states that it envisions the need for an in-lieu parking fee program and that such a program is identified as a future implementation measure (page 49 of the Town Center Plan document). As part of any in-lieu fee parking program, the City would prepare a comprehensive parking demand study. However, the proposed policies do not clearly indicate that an in-lieu parking fee program is intended for the future and is not intended to be implemented at this time. Therefore, a policy clarifying that such a program would be subject to a future LCP amendment is necessary.

Thus, if the LCP amendment were modified to include a policy requiring approval of a Local Coastal Program Amendment from the California Coastal Commission for any zoning code amendments made for the purpose of implementing an in-lieu parking program for the Town Center; the LUP amendment can be found consistent with Section 30252 of the Coastal Act. In order to accomplish this, modifications are suggested to the proposed LUP amendment.

**3. CONCLUSION**

Therefore, for the reasons outlined above, the Commission finds that only if modified as suggested, can the proposed LUP amendment be found to be consistent with Sections 30213 and 30222 of the Coastal Act, which requires protection of retail service commercial uses and visitor service commercial uses be protected, with Sections 30230, 30231 and 30232 of the Coastal Act, which requires protection of water quality and with Section 30252 of the Coastal Act, which requires protection of public access.



**C. IMPLEMENTATION PLAN AMENDMENT**

**1. Findings for DENIAL of the Implementation Plan Amendment as Submitted**

The Commission hereby finds and declares as follows:

**a. Retail Service Commercial Uses and Visitor Service Commercial Uses**

The Commission has modified the Land Use Plan to bring it into conformance with the Chapter 3 requirements of the Coastal Act concerning priority land use, the protection of lower cost overnight accommodations, and the protection of other existing overnight accommodations, especially located on land designated C-VC in the currently certified LCP. The IP portion of the Town Center Plan, as submitted includes a proposed Mixed-Use zoning which would allow business professional and office uses with the same priority as retail and visitor commercial uses throughout the LCP area. Further, the IP would allow the loss of lower cost overnight accommodations and other existing overnight accommodations without mitigation. Therefore, the IP does not carry out the Land Use Plan and must be denied as submitted.

**b. Water Quality and the Marine Environment**

The Commission has modified the Land Use Plan to bring it into conformance with the Chapter 3 requirements of the Coastal Act concerning water quality and the marine environment. The IP portion of the Town Center Plan fails to provide an adequate framework in which to ensure that water quality and the marine environment are protected. Therefore, the IP does not carry out the Land Use Plan and must be denied as submitted.

**c. Public Access**

The Commission has modified the Land Use Plan to bring it into conformance with the Chapter 3 requirements of the Coastal Act concerning public access. The IP portion of Town Center Plan fails to provide Development Standards that would carry out protection of public access. Therefore, the IP does not carry out the Land Use Plan and must be denied as submitted.

**2. APPROVAL of the Implementation Plan Amendment Modified**

The findings for denial of the IP amendment as submitted are herein fully incorporated.

a. **Retail Service Commercial Uses and Visitor Service Commercial Uses**

As stated, it is the City's intent to allow the demolition of the existing lower cost motel and allow mixed used development of the site which would not include overnight accommodations. To mitigate the loss of the existing lower cost motel facility the City has consulted with the Department of Parks and Recreation (CDPR) and has informally proposed funding the renovation of three existing structures at Crystal Cove State Park that are currently being used for park operations (cottages 14, 17 and 21 within the Historic District) and to convert them to overnight visitor accommodations. The Commission notes that the structures that would be converted to overnight visitor accommodations are large beachfront cottages, thereby providing tremendous public access. The mitigation can be found consistent with the Coastal Act if the renovated cottages provide at least the same number of beds as the motel units that are demolished. Further, the replacement of lower cost hostel beds at Crystal Cove State Park must be a condition of approval for the demolition of the existing lower cost motel and there must be an agreement (MOU between the City and CDPR to ensure that this specific project is implemented). If this project does not go forward, an LCP will be necessary in order to assess the amount of the new in-lieu fee. Only modified to require the payment of an in-lieu fee to fund the renovation and conversion of the structures at Crystal Cove State Park to overnight accommodations can the IP be found in conformance with and carry out the LUP as amended.

In order to prioritize retail service commercial uses and visitor service commercial uses, the Land Use Matrix has been modified. As modified, the IP is consistent with the City's certified and modified LUP which protects retail service commercial uses, visitor service commercial uses and the protection of lower cost overnight accommodations.

b. **Water Quality and the Marine Environment**

In order to protect water quality, appropriate BMPs are required to be implemented. As modified, the IP is consistent with the City's certified and modified LUP which protects water quality.

c. **Public Access**

In order to protect public access, Development Standards need to be included in order to reflect the importance of protecting public access. As modified, this would be consistent with the City's certified and modified LUP which protects public access.

### 3. CONCLUSION

Therefore, the Commission finds that only if modified as suggested to require changes to the Land Use Matrix; revision of the Town Center boundary to protect an existing hotel; mitigation for the loss of existing lower cost overnight accommodations; inclusion of Development Standards regarding water quality; and clarifications regarding public access can the IP be found consistent with the City's certified and modified LUP.

## D. APPROVAL OF LAND USE PLAN AMENDMENT AS SUBMITTED

### Visual Impacts

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Coastal Act considers the protection of scenic and visual resources very highly. Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The proposed discretionary actions involved with the Town Center Plan would allow for the maximum building height limit within the Town Center area to be increased from 35-feet to 40-feet. As the allowable height limit would increase by five feet, the potential affect would not significantly modify the existing views within the public viewshed (i.e. PCH and Del Prado). The increase in height would be similar to the already existing height limit thus preserving the existing community character of the area.

PCH, which traverses the Town Center area, is a designated State Scenic Highway. Future development projects have the potential to result in impacts to scenic resources (i.e. Pacific Ocean and historic buildings) along PCH. However, as stated in the Town Center Plan, each proposed project would be reviewed and evaluated by the City to determine impacts and the necessary subsequent actions. Thus, any potential adverse impacts to views would be analyzed on a case by case basis. Therefore, no adverse impacts to views are anticipated.

## **E. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED**

### **Visual Impacts**

The proposed Town Center Plan includes Development Standards that will implement policies found in the Town Center Plan regarding visual impacts. Therefore, this would be consistent with the City's certified and modified LUP which protects against visual impacts.

## **IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Dana Point LCP amendment 4-06 consists of an amendment to both the Land Use Plan and Implementation Plan (IP).

As outlined in this staff report, the proposed LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and the IP amendment is inconsistent with the policies of the certified Land Use Plan. However, if modified as suggested, the LUP amendment will be consistent with the Chapter 3 policies of the Coastal Act. In addition, if modified as suggested, the IP amendment will be consistent with the policies of the Land Use Plan. Thus, the Commission finds that the LUP amendment, if modified as suggested, is consistent with the Chapter 3 policies of the Coastal Act and that the IP amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 4-06 if modified as suggested herein.

RESOLUTION NO. 06-11-08-06

EXHIBIT # 1  
PAGE 1 OF 2**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission on September 26, 2006, held a public hearing to consider the adoption of Dana Point Local Coastal Program Amendment LCPA06-05 and recommended its approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held public hearings on October 25, 2006, regarding the proposed Dana Point Local Coastal Program Amendment LCPA06-05, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program and the California Coastal Act; and

WHEREAS, the City Council of the City of Dana Point certifies that it intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act; and

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

Section 1. That the above recitals are true and correct and incorporated herein.

Section 2. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-05 pursuant to Resolution 06-11-08-05 and Ordinance No. 06-17. LCPA06-05 pertains to adoption of the Town Center Plan which includes the required land use and implementation measures as outlined in General Plan Amendment GPA06-02, Zone Text Amendment ZTA06-04, Zone Change ZC06-01 and LCPA06-05. A copy of Resolution 06-11-08-05 and Ordinance 06-17 approving LCPA06-05 with the specific content of the proposed amendment is attached hereto as Exhibit A and is incorporated herein by this reference as though fully set forth herein.

Section 3. That the California Coastal Commission is hereby requested to consider, approve and certify Dana Point Local Coastal Program Amendment LCPA06-05 which replaces the Dana Point Specific Plan Local Coastal Program for the Town Center area.

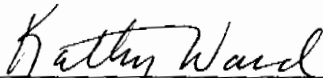
Section 4. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Dana Point Local Coastal Program Amendment LCPA06-05 will

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

EXHIBIT #   1    
PAGE   2   OF   2  

I, Kathy Ward, Acting City Clerk of the City of Dana Point, do hereby certify that the foregoing is a true and correct copy of Resolution No. 06-11-08-06, adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 8th day of November, 2006, by the following roll-call vote, to wit:

- AYES:           Council Members Lacy, Rayfield and Mayor Anderson
  
- NOES:           None
  
- ABSENT:        None
  
- ABSTAIN:       Mayor Pro Tem Chilton and Council Member Harkey

  
\_\_\_\_\_  
KATHY WARD  
ACTING CITY CLERK

RESOLUTION NO. 06-11-08-05

FEB 21 2007

EXHIBIT # 2  
PAGE 1 OF 11

CALIFORNIA  
COASTAL COMMISSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 06-02, WHICH AMENDS THE GENERAL PLAN LAND USE ELEMENT, URBAN DESIGN ELEMENT, CIRCULATION ELEMENT, AND ECONOMIC DEVELOPMENT ELEMENT, TABLES AND DIAGRAM, AND SUBMISSION OF GPA 06-02 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: City of Dana Point  
File No.: FF# 0630-30/GPA06-02/ZC06-01/ZTA06-04/LCPA06-05

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

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

WHEREAS, the City of Dana Point has prepared a Mitigated Negative Declaration which has been reviewed and approved by the City Council; and

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

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

WHEREAS, the General Plan Amendment GPA06-02 is the second General Plan Amendment processed for 2006; and

WHEREAS, the proposed amendment would make changes to of the Land Use Element, Urban Design Element, Circulation Element, and Economic Development Element, and Zoning Code; and

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

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act pursuant to Section 21080.9 of the Public Resources Code; and

WHEREAS, the Planning Commission did on September 26, 2006 hold a duly noticed public hearing as prescribed by law to consider the said amendments and recommended the City Council approve the General Plan Amendment and Local Coastal Program Amendment; and

WHEREAS, the City Council did on October 25, 2006 hold a duly noticed public hearing as prescribed by law to consider the General Plan Amendment and Local Coastal Program Amendment; 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 GPA06-02 and LCPA06-05; and

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

- A. That the above recitations are true and correct;
- B. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- C. That the General Plan Amendment under GPA06-02 is in the public interest;
- D. That the Local Coastal Program Amendment (LCPA06-05) is consistent with, and will be implemented in full conformity with the Coastal Act;
- E. That the Planning Commission has reviewed and considered the Mitigated Negative Declaration;
- F. That the Mitigated negative Declaration for the Town Center Plan is complete and adequate for the consideration of the General Plan Amendment;
- G. 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 activities.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 2 OF 11



preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program Amendment is in conformance with and adequate to implement the Land Use Plan.

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

H. That the City Council recommends the following in the Resolution:

1. 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.
2. 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.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 3 OF 11

3. 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.
  4. The Resolution of the City Council specifies that Local Coastal Program Amendment LCPA06-05 be submitted to the Coastal Commission for certification.
- I. That the amendments to the City General Plan are shown in Exhibit "A" of this Resolution, attached hereto and incorporated herein by this reference.
  - J. That the currently adopted 1996 Local Coastal Program (City of Dana Point General Plan) be amended as shown in Exhibit "A".
  - K. That the 1986 Dana Point Local Coastal Program (including the Orange County Zoning Code) which apply to the Town Center area be replaced with the 1996 Local Coastal Program (as amended).
  - L. The City Council approves that the Dana Point Town Center Plan replace in its entirety the Dana Point Specific Plan for the Town Center area.
  - M. GPA06-02, ZC06-01, ZTA06-04, the Town Center Plan and other remaining applicable sections of the City's General Plan and Zoning Code shall constitute the LCP for the Town Center area.

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

PASSED, APPROVED, AND ADOPTED this 8<sup>th</sup> day of November, 2006.

  
LARA ANDERSON, MAYOR

ATTEST:

  
Kathy Ward  
Acting City Clerk

**COASTAL COMMISSION**

EXHIBIT # 2  
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STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) ss.  
CITY OF DANA POINT    )

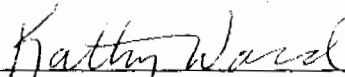
I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 06-11-08-05, adopted by the City Council of the City of Dana Point, California, at a regular meeting of thereof held on the 8th day of November, 2006, by the following roll-call vote, to wit:

AYES:           Council Members Lacy, Rayfield and Mayor Anderson

NOES:           None

ABSENT:        None

ABSTAIN:       Mayor Pro Tem Chilton and Council Member Harkey

  
\_\_\_\_\_  
KATHY WARD  
ACTING CITY CLERK

**COASTAL COMMISSION**

EXHIBIT #   2    
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**EXHIBIT A  
GENERAL PLAN AMENDMENT  
(Land Use, Urban Design, Circulation  
and Economic Development Elements)**

**MODIFICATION TO LAND USE ELEMENT (PAGE 19)**

**DEVELOPMENT OF THE TOWN CENTER**

The Town Center area is one of the primary business districts in the City, and is the focus of activity for visitors traveling along Pacific Coast Highway (PCH). Although the area is segmented by the PCH couplet street system and impacted by its vehicular traffic, the mixture of commercial retail and service, office, and residential uses coupled with a pedestrian character and scale can be enhanced through proper planning and the use of physical design techniques. The Town Center also has a strong, physical connection with the blufftop viewpoints overlooking the Harbor at the south ends of Amber Lantern, Violet Lantern, and Golden Lantern. Although the Town Center is very accessible to visitors and travelers on PCH, it has a strong connection with surrounding residential areas. ~~In fact, the La Plaza area is a center of neighborhood shops and services oriented toward local needs.~~

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

**Policy 6.1:** Provide a diversity of retail, office and residential land uses that establish the Town Center as a major center of social and economic activity in the community. (Town Center Plan Policy 1.1)

**Policy 6.2:** Encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area. (Town Center Plan Policy 1.2)

**Policy 6.3:** Establish patterns of land use and circulation that promote the desired pedestrian character of the area. (Town Center Plan Policy 1.3)

~~**Policy 6.4:** Through effective design guidelines encourage building designs, intensity and setbacks to be compatible with the desired scale and character of the area. (Coastal Act/30251) (Moved to Urban Design See Policy 3.5)~~

~~**Policy 6.5:** Develop land use and parking regulations to assure that adequate and reasonable standards are provided. (Moved to Circulation Element See Policy 12.2)~~

~~**Policy 6.6:** Provide opportunities for shared parking facilities in the Town Center, such as through the establishment of an offstreet parking district. (Moved to Circulation Element See Policy 12.1)~~

Policy 6.4: Encourage mixed-use development in the Town Center. (Town Center Plan Policy 1.4)

Policy 6.5: Support street level uses that are pedestrian-oriented and contribute to the vibrancy of the street. (Town Center Plan Policy 1.5)

Policy 6.6: Promote professional business/office uses on the upper floors. (Town Center Plan Policy 1.6)

Policy 6.7: Periodically review entertainment uses in the Town Center to ensure that cumulative impacts are not detrimental to the city. (Town Center Plan Policy 1.7)

Policy 6.8: New construction located in the Town Center shall be subject to the requirements of California Planning and Zoning Law Section 35590 (Mello Act). Compliance with the mandate shall be evaluated on a case-by-case basis. (Town Center Policy 1.8)

**Modify Figure LU-4, Land Use Policy Diagram:** Modify figure to reflect Plan boundary as shown on page 4 of the Town Center Plan and to designate the area as "Town Center District".

**Modify Figure LU-7, Town Center, and related text:** Modify Town Center boundary to reflect boundary shown on page 4 of the Town Center Plan and designate the area as "Town Center District". The introductory text shall be modified as follows:

The Dana Point Town Center is a primary business district within the City which serves both visitors and residents. Revitalization and economic development of the Town Center are intended to create a compact pedestrian-oriented, "small town" atmosphere within Dana Point's central business district. ~~The Urban Design Element of the General Plan~~ The Town Center Plan establishes the allowable land uses for the Town Center area and describes design concepts useful in creating this desired atmosphere. The Land Use Policy Diagram for the Town Center is depicted in Figure LU-7 below ~~and includes Community Commercial, Visitor/Recreation Commercial, Commercial/Residential, and Neighborhood Commercial designations.~~

**Update Table LU-7, Town Center - Land Use Composition:** Revise the Table and corresponding pie chart to reflect the proposed Town Center land uses which include retail and residential uses.

## MODIFICATION TO URBAN DESIGN ELEMENT (PAGE 5)

### **THE DANA POINT TOWN CENTER**

At the present time, the Town Center does not have an environment or image that draws residents or visitors, nor does the Town Center work well as a "shopping district" where businesses benefit each other from an overall collective strength. Instead, the Town Center functions and feels like a roadside or "strip commercial" environment with many small separate commercial buildings and shopping centers that are poorly linked. The Pacific Coast Highway - Del Prado couplet, accompanied by high traffic speeds, has contributed to this problem. The small parcel sizes, lack of consistent site design patterns, diversity of building types and setbacks, and barren quality of the streetscapes are intensify the problems. There are some examples, however, that provide potential ideas for the future.

~~The Plaza works well as a focus and pleasant pedestrian space - more environments like this can be created in the Town Center. San Juan Avenue presents a significant opportunity to create this additional pedestrian focus. The Town Center Plan proposes changing the scale and character of the streets in the Town Center. A major~~

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in public infrastructure and amenities will be necessary to transform the area's image, create stronger linkages between the blocks and foster a stronger pedestrian orientation.

### Urban Design/Streetscape

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

~~Policy 3.1: Increase the Town Center's economic vitality and its contribution to the City's economic development goals. (Moved to Economic Development Element)~~

~~Policy 3.2: Reduce the disruptive and negative impact of traffic movements and high traffic speeds in the Town Center. (Moved to Circulation See Policy 11.1)~~

**Policy 3.1: Improve pedestrian opportunities and create an attractive pedestrian environment within the Town Center. (Coastal Act/30250) (Town Center Policy 2.1)**

~~Policy 3.4: Encourage mixed-use development in selected areas of the Town Center. (Moved to Land Use See Policy 6.4)~~

~~Policy 3.5: Develop a parking concept that emphasizes shared parking facilities. (Moved to Circulation See Policy 12.3)~~

**Policy 3.2: Create safety buffers of street trees, planters and street furniture between pedestrian walks and the street along both Pacific Coast Highway and Del Prado. Provide widened sidewalks with a special Town Center streetscape design. (Town Center Policy 2.2)**

**Policy 3.3: Develop pedestrian courtyards and other outdoor spaces with planting and street furniture. (Town Center Plan Policy 2.3)**

**Policy 3.4: Encourage pedestrian-oriented building frontages with shops opening to the public sidewalk, and encourage a minimum maximum amount of retail uses on the first floor. (Town Center Policy 2.4)**

**Policy 3.5: Through effective design guidelines, encourage building designs, intensity and setbacks to be compatible with the desired scale and character of the area. (Coastal Act/30251) (Town Center Plan Policy 2.5)**

**Policy 3.6: Incorporate art features, including public art as an element of development and enhancements. (Town Center Plan Policy 2.6)**

**Policy 3.7: Encourage the use of small spaces for landscaping and mini-parks with art features. (Town Center Plan Policy 2.7)**

**Policy 3.8: Provide centrally located public restrooms. (Town Center Plan Policy 2.8)**

**Policy 3.9: Develop a plan designing and locating enclosed trash containers in the Town Center. (Town Center Plan Policy 2.9)**

**Policy 3.10: Address the impact of delivery trucks on the circulation system for new development and for new businesses. Encourage deliveries to utilize the alleyways when feasible. (Town Center Plan Policy 2.10)**

**Policy 3.11: Establish a recommended plant list for trees, shrubs, herbaceous materials and ground cover within the Design Guidelines for Town Center. Priority shall be given to drought tolerant plants. (Town Center Plan Policy 2.11)**

**Policy 3.12: Encourage the design of lighting that enhances the streetscape and facilitates nighttime use of the Town Center by pedestrians. (Town Center Plan Policy 2.12)**

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 8 OF 11

Policy 3.13: Increase the number of flowers in the Town Center by adding containers in the city right of way and on streetlights, and encourage businesses to plant flowers where possible, provided a maintenance program is established. (Town Center Plan Policy 2.13)

Policy 3.14: Utilize historical lantern design for lighting in public improvements and private development and 2-foot grid sidewalk pattern to reflect historic character. (Town Center Plan Policy 2.14)

Policy 3.15: Establish criteria and methods of measure for Levels of Quality (LOQ) for the pedestrian environment (similar to Level of Service for vehicular environment). Require minimum pedestrian LOQ for all new street improvement projects, and establish objectives for future improvements to pedestrian LOQ. (Town Center Plan Policy 2.15)

### Signage

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

### GOAL 3B: Require signs to contribute to the atmosphere and to serve as symbols of quality for commercial establishments.

Policy 3.15: Create a public signage and banner program, which creates a unified design reflecting the character of the Town Center for street signage, and direction signs to public parking locations and community serving uses (i.e., public buildings, parks, harbor, scenic attractions, coastal access points, bike and pedestrian paths, cultural/historic structures). (Town Center Policy 6.1)

Policy 3.16: Encourage signage oriented to the pedestrian, such as projecting signs. (Town Center Policy 6.2)

### Historic Preservation

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

### GOAL 3C: Maintain and revitalize the character of designated historic structures in the Town Center.

Policy 3.17: Seek to protect and revitalize historic elements in the Town Center, such as the original lanterns and historic concrete stamps. (Town Center Policy 7.1)

Policy 3.18: Encourage remodeling and renovating of historic structures and placement of the structures on the National Register of Historic Places. (Town Center Policy 7.2)

Policy 3.19: Ensure that the Dana Point Historic Resources Inventory reflects the structures which have historic significance, as determined by the City Historic Resources Ordinance. (Town Center Policy 7.3)

Policy 3.20: Provide incentives for re-use of historically significant buildings. (Town Center Policy 7.4)

Policy 3.21: Develop incentives to promote improvements to historic structures and building façades and create programs to provide relocation assistance. (Town Center Policy 7.5)

**COASTAL COMMISSION**

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## **Building Design**

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

### **GOAL3D: Create a Town Center which reflects the unique natural, historic, and cultural qualities of the community.**

Policy 3.22: New development shall comply with the Town Center Design Guidelines. (Town Center Policy 8.1)

Policy 3.23: Pursuant to the City of Dana Point, Local Implementation Plan, all private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and water and materials Best Management Practices. (Town Center Policy 8.2)

## **Landscape**

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

### **GOAL3E: Require landscape improvements and incorporated amenities that improve the pedestrian environment and create a strong sense of place for the Town Center.**

Policy 3.24: Benches, kiosks or art features should be incorporated into the landscaping as amenities to pedestrians. (Town Center Policy 9.1)

Policy 3.25: Nighttime illumination of landscaping, paths, trees or art features shall be designed to contribute to the safety and beauty of the downtown, but should not overflow onto residential areas. (Town Center Policy 9.2)

Policy 3.26: Landscaping must be selected and maintained at a scale that is consistent with the building site and overall pedestrian scale of the downtown. (Town Center Policy 9.3)

Policy 3.27: Landscaping shall be designed so it does not interfere with pedestrian circulation. (Town Center Policy 9.4)

Policy 3.28: Best Management Practices (BMPs) for landscaping, in addition to those required by the City's Local Implementation Plan, shall be considered. (Town Center Policy 9.5)

Policy 3.29: Landscaping shall not interfere with visibility of businesses and signage. (Town Center Policy 9.6)

Policy 3.30: Temporary planters and pots placed by business owners in the public right of way shall be limited to items identified in an encroachment permit issued to the business owner by the Public Works Department. (Town Center Policy 9.7)

**COASTAL COMMISSION**



Policy 3.31: Street trees shall be limited to the maximum allowed building height (40 feet). (Town Center Policy 9.8)

Policy 3.32: Street landscaping elements (i.e., trees/ shrubs) shall be selected which are appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks. (Town Center Policy 9.9)

### INSERT TO CIRCULATION ELEMENT (PAGE 12)

#### DANA POINT TOWN CENTER

Circulation and parking are key in upgrading the Town Center. The Town Center Plan envisions the enhancement of existing streets, the provision of centralized public parking, and an update to roadway operations to improve circulation and change the existing character of the streets.

Accessible and convenient public parking is essential to the health and vitality of the Town Center. The Town Center Plan outlines actions that would expedite parking improvements to support merchants and residents and encourage development on vacant and underutilized parcels. It is expected that the City would establish a centralized public parking facility(ies) funded by fees from new building construction in the Town Center. Centralized parking would help to satisfy parking needs while providing for a more cohesive Town Center.

GOAL 11A: Slow down the speed of traffic through Town Center while maintaining efficient and safe vehicular, pedestrian and bicycle travel.

Policy 11.1: Reduce the disruptive and negative impact of traffic movements and high traffic speeds in the Town Center. (Town Center Policy 3.1)

Policy 11.2: Establish patterns of land use and circulation that promote the desired pedestrian character of the area. (Town Center Policy 3.2)

Policy 11.3: Improve pedestrian circulation in the Town Center, including pedestrian linkages with the bluff top lookouts, Heritage Park, and Dana Point Harbor. (Town Center Policy 3.3)

Policy 11.4: Encourage the use of alleys as pedestrian pathways through alleyway beautification and through upgrades to the rear facades of buildings with alley frontage, when appropriate. (Town Center Policy 3.4)

Policy 11.5: Create a convenient shuttle service to link the Town Center with the Harbor and hotels. (Town Center Policy 3.5)

Policy 11.6: Where alley access is available, locate parking areas in the rear of the property. (Town Center Policy 3.6)

Policy 11.7: Investigate other options for linking businesses and events in the Town Center and the Harbor, such as gondolas and escalators. (Town Center Policy 3.7)

GOAL 11B: Create and implement a parking program that ensures adequate and convenient parking is made available with the creation of centrally located public parking facilities.

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ORDINANCE NO. 06-17

EXHIBIT # 3  
PAGE 1 OF 6

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA06-04 AND ZONE CHANGE ZC06-01 TO ESTABLISH THE TOWN CENTER DISTRICT AND INCORPORATE THE TOWN CENTER PLAN AS APPENDIX E OF THE ZONING CODE, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA06-05 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: City of Dana Point  
File No.: FF# 0630-30/ GPA06-02/ZC06-01/ZTA06-04/LCPA06-05

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

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

WHEREAS, the City seeks to amend the Zoning Code and Zoning Map, affecting properties in the Town Center; and

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

WHEREAS, the proposal is for a Zone Text Amendment, Zone Change and Local Coastal Program Amendment to amend the Dana Point Zoning Code by adding Chapter 9.26, Town Center District, and to amend the Dana Point Zoning Map to designate the Town Center project area as the Town Center District; 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; and

WHEREAS, the Town Center District zoning designation will be harmonious with the zoning of the surrounding properties; and

WHEREAS, the Planning Commission did, on the 26<sup>th</sup> day of September, 2006, hold a duly noticed public hearing, as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the amendments and changes and recommended City Council approval of said application; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law on October 25, 2006, to consider approval of the said Zone Text Amendment, Zone Change and LCPA and continued the public hearing to November 8, 2006; and

WHEREAS, at said public hearing, upon hearing and considering ~~the~~ ~~testimony~~ ~~and~~ ~~arguments~~, if any, of all persons desiring to be heard, said Council considered all factors relating to ZTA06-04, ZC06-01 and LCPA06-05 and introduced an Ordinance adopting said request; and

WHEREAS, at the second reading on the 13<sup>th</sup> of December, 2006, said Ordinance was duly adopted as Ordinance No. 06-17.

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

- A. That the above recitations are true and correct;
- B. That the Dana Point Town Center Plan is attached hereto as Exhibit "A" and incorporated herein by reference with the deletion of any reference to the future traffic circulation pattern of Pacific Coast Highway and Del Prado;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That the Zone Text Amendment (ZTA06-04), and Zone Change (ZC06-01) are in the public interest;
- E. The City Council has reviewed and adopted the Mitigated Negative Declaration;
- F. 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;
- G. The proposed amendment to the Zoning Code and Zoning Map will be consistent with the amended General Plan;
- H. The City Council adopts Zone Text Amendment ZTA06-04 and Zone Change ZC06-01 for the reasons outlined herein and in the Dana Point Town Center Plan, including but not limited to: adding residential uses and increasing pedestrian-oriented retail and commercial offices to create a more dynamic, interesting and attractive place for both residents and visitors; creating a continuity of activities along the streets to make the Town Center more accessible and walkable for those arriving from outside the immediate vicinity; and supporting the historic legacy of the Town Center and provide direction on detailed elements to enrich the Town Center and reinforce its pedestrian orientation and interest;
- I. 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, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act. The amendments to the Zoning Code and Zoning Map are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources.
  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 development will be reviewed for compliance with the Coastal Act provisions and other applicable state law.
  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 and Zoning Map are being amended concurrently with the LCP amendment.
- J. That the City Council includes the following findings submitting the LCPA to the Coastal Commission:
1. 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.
  2. The City include the Town Center Plan in its submittal to the Coastal Commission and state that the amendment to the Local Coastal Plan is to both the land use plan and implementing actions.
  3. 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.

- 4. 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.
- 5. The Ordinance of the City Council include the Zone Text Amendment, Zone Change and Local Coastal Program Amendment numbers ZTA06-04, ZC06-01 and LCPA06-05 when submitted to the Coastal Commission.
- 6. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.

K. That the City Council adopts the amendments to the City Zoning Code and Zoning Map as follows:

- 1. Appendix E, Dana Point Town Center Plan, shall be established in the Zoning Code and the Dana Point Town Center Plan shall be added to the Zoning Code as Appendix E.
- 2. Chapter 9.26 of the City's Zoning Code is hereby established and is to read as follows:

**Chapter 9.26  
TOWN CENTER DISTRICT**

**Section:**

**9.26.010 Town Center District & Regulations**

**9.25.010 Town Center District & Regulations.**

The land use and development regulations for this area are contained in the Dana Point Town Center Plan included as Appendix E of the Dana Point Zoning Code.

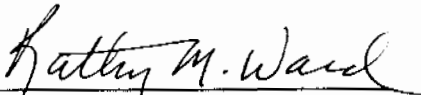
- 3. The Zoning Map shall be amended to define the project boundary and designate the area as "Town Center District".
- 4. A reference to the Town Center District and Dana Point Town Center Plan shall be included in the City's Zoning and Municipal Code including where applicable, including but not limited to, Appendix A of the Zoning Code.
- 5. The current Appendix E shall be retitled Appendix F and any additional references to the amendments and changes to the City's Zoning Code not currently included, shall be added.

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.

PASSED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of December, 2006.

  
\_\_\_\_\_  
LISA A. BARTLETT, MAYOR PRO TEM

ATTEST:

  
\_\_\_\_\_  
KATHY M. WARD,  
ACTING CITY CLERK

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

EXHIBIT # 3  
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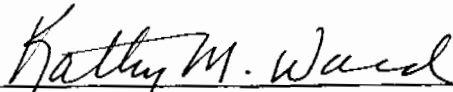
I, KATHY M. WARD, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 06-17, introduced at a regular meeting of the City Council held on the 8<sup>th</sup> day of November, 2006, and passed and adopted at a regular meeting held on the 13<sup>th</sup> day of December, 2006, by the following roll call vote:

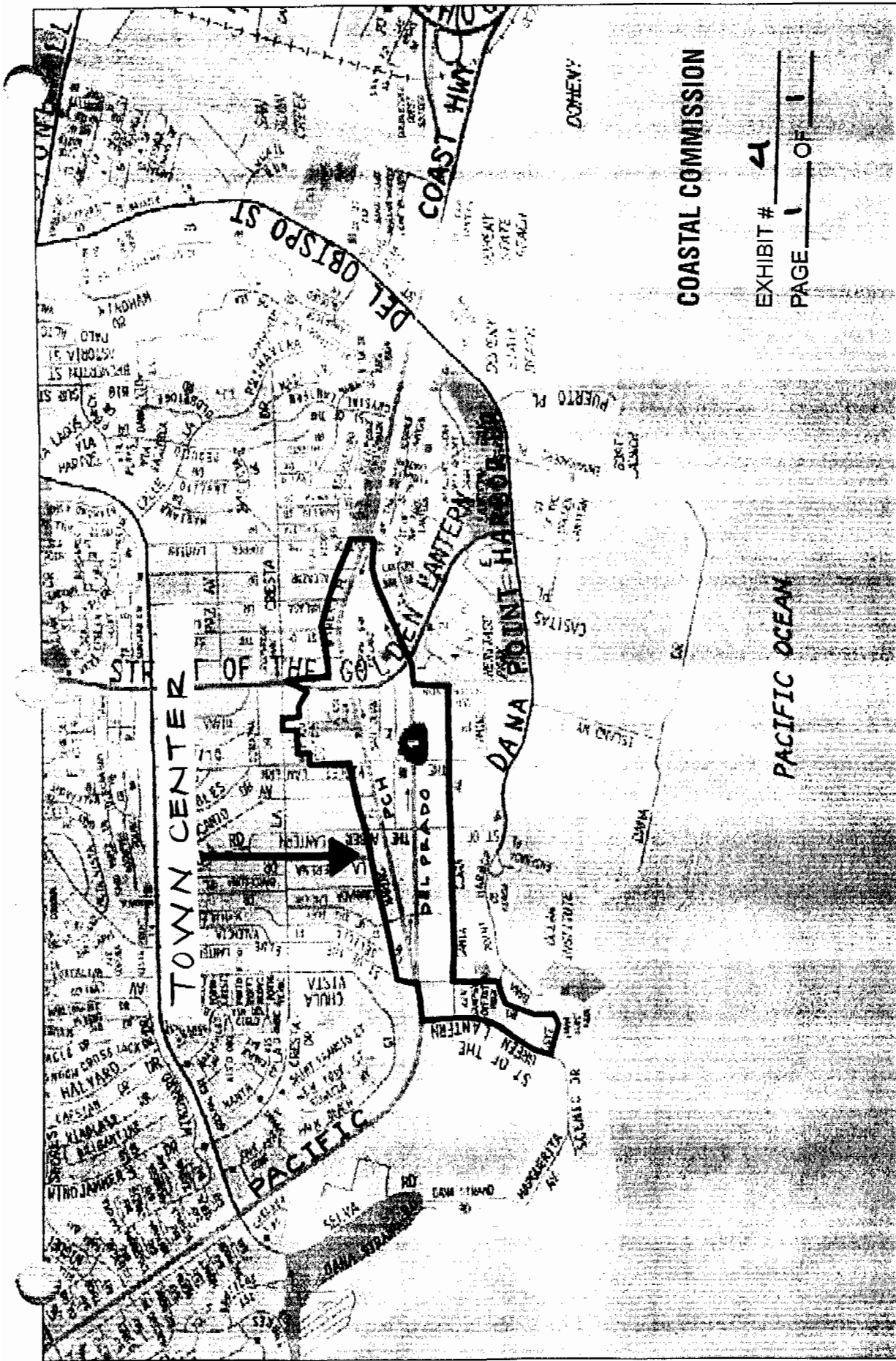
AYES: Council Members Anderson and Weinberg,  
and Mayor Pro Tem Bartlett

NOES: None

ABSENT: None

ABSTAIN: Mayor Harkey and Council Member Bishop

  
\_\_\_\_\_  
KATHY M. WARD, ACTING CITY CLERK



COASTAL COMMISSION

EXHIBIT # 4

PAGE 1 OF 1

DANA POINT TOWN CENTER  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**Site Vicinity**

Exhibit 2

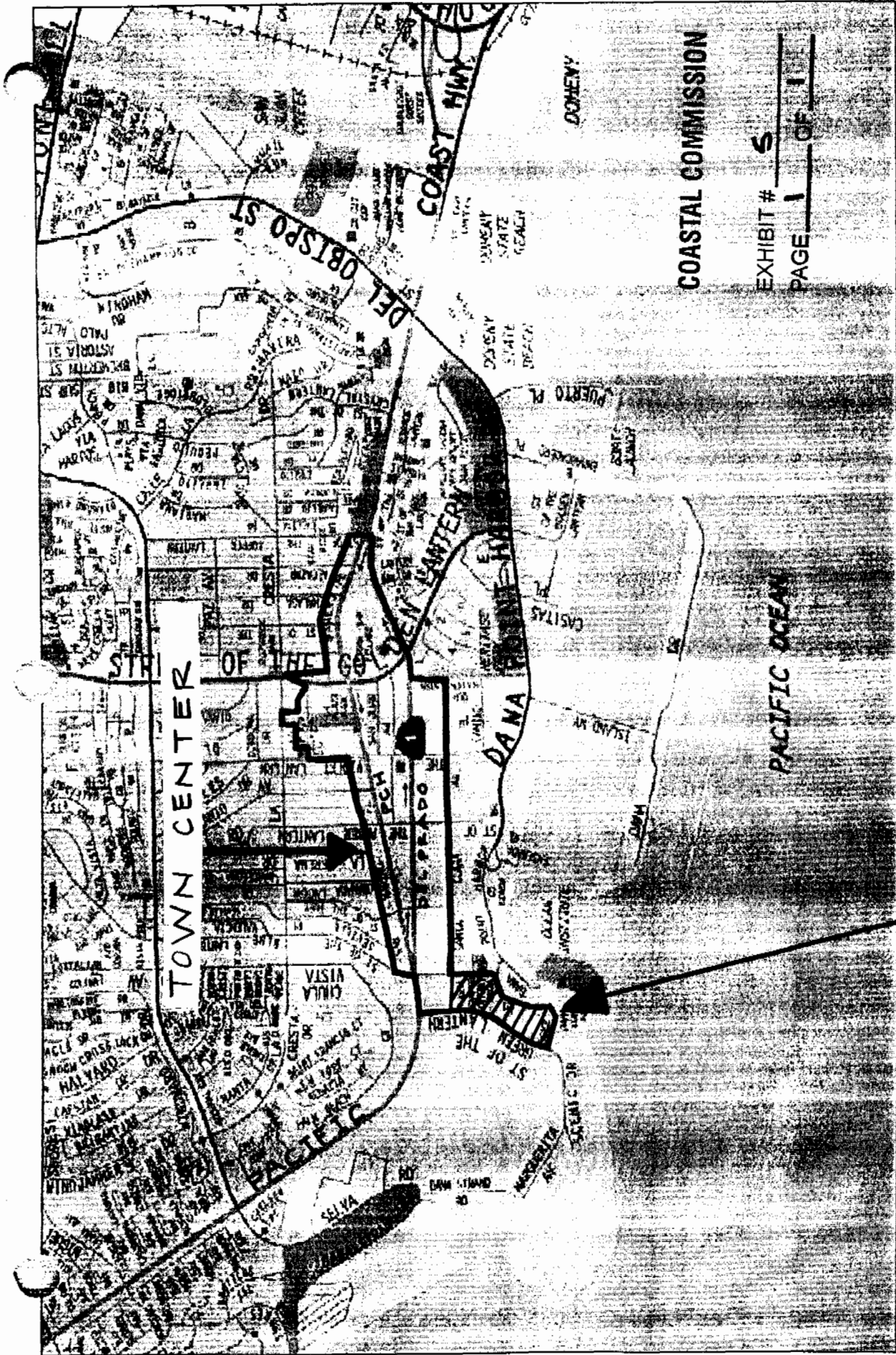
Project Area

Not to Scale



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COASTAL COMMISSION

EXHIBIT # S

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DANA POINT TOWN CENTER  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
**Site Vicinity**

Exhibit 2

PORTION OF THE TOWN CENTER TO  
BE REMOVED FROM THE TOWN CENTER  
BOUNDARY AS STATED BY SUGGESTED  
MODIFICATION.

Project Area

Not to Scale



**RBF**  
CONSULTING

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