

W 13a

Fernie Sy

From: Bruce Heyman [bruceheyman@cox.net]
Sent: Monday, October 04, 2010 7:18 PM
To: Teresa Henry; Fernie Sy; Karl Schwing; Peter Douglas; Sherilyn Sarb; Jeff Staben
Cc: B4DPH Leadership
Subject: October 13, 2010 Item 13a - Oceanside - Revised Language for Dana Point Harbor Land Use Plan

Dear Commission Staff and Commissioners,

We believe that requiring that the heights of the buildings be consistent with the character of the community, while continuing to leave unchanged policy 8.5.1-3 (which allows up to 60' buildings in the Commercial Core and up to 50' in Planning Area 3), creates conflicting policy goals. We believe that leaving this discrepancy means that the actions of the Commission on October 8, 2009 to control building heights will not be realized.

By stating that the maximum height of the buildings is 50 and 60 feet as a policy statement, the LUP unfairly establishes a "community character" without providing any justification or analysis. This will force the community to have to challenge this stated maximum height every time a CDP is submitted to the City or appealed to the Coastal Commission for as long as this LUP is in force.

We are requesting that the Commission and staff either require lowering of the proposed 50 and 60 foot height limits for the harbor to something that is consistent with the current community standards, or that you strike the building height exceptions in 8.5.1-3. Our preference would be to lower the heights and acknowledge that zoning in Dana Point allows 26' to 31' in residential areas, up to 35' in commercial areas and 40' in the proposed town center. According to reports in the local paper, the City Planning Manager, in objecting to a proposed 55 foot building at the Dana Hills High School stated there are currently no buildings over 40 feet, and said the city has concerns about compatibility with the community. We do not believe there is any valid reason for new buildings in the harbor to be 71% higher than the typical commercial buildings in the city today. In our opinion, these heights would clearly be inconsistent with the character of the area and should not be included in a blanket Land Use Plan policy by the Commission.

We've brought this issue up to the City of Dana Point during all of their hearings on this topic. The City Staff and City Attorney advised the city council members that they were only allowed to approve the document as provided by Commission Staff, or start the whole LCP process over again. We disagree. We feel it was impossible for the Staff and Commissioners to perform a consistency check of the entire document during the hearing. Amendments from the dais often require other language changes to bring them into consistency with the Commission approved amendments.

We welcome the opportunity to discuss or answer any questions you may have.

Best Regards,

Bruce Heyman
Boaters for Dana Point Harbor
www.boaters4dph.com
bruceheyman@cox.net
949 289-8400

10/7/2010

CALIFORNIA COASTAL COMMISSION

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

September 29, 2010

**TO:** Commissioners and Interested Persons**W 13a**

FROM: Peter Douglas, Executive Director
Sherilyn Sarb, Deputy Director
Teresa Henry, South Coast District Manager
Karl Schwing, Orange County Area Supervisor
Fernie Sy, Staff Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Dana Point accepting certification with suggested modifications of Major LCP Amendment No. 1-08 is legally adequate. For Commission review at its October 13-15, 2010 meeting in Oceanside.

STAFF RECOMMENDATION

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

BACKGROUND

In 2006, the City of Dana Point initially submitted Local Coastal Program (LCP) Amendment Request No. 3-06 for Commission certification pursuant to City Council Resolution No. 06-09-13-06 and also changes contained in City Council Ordinance No. 06-08. However, this amendment was withdrawn and resubmitted and the request was refiled as LCP Amendment No. 1-08. Local Coastal Program (LCP) Amendment No. 1-08 proposes to amend the Local Coastal Program Land Use Plan to incorporate the proposed Dana Point Harbor Revitalization Plan (replacing those sections of the Dana Point Specific Plan relevant to the Dana Point Harbor (1986 LCP). The City's submittal of the Dana Point Harbor Revitalization Plan also included an Implementation Plan (IP) component. However, that component was not reviewed by the Commission at the October 8, 2009 meeting. That component will be heard at a later date. Therefore, only the Land Use Plan (LUP) of the Dana Point Harbor Revitalization Plan went before the Commission at the October 8, 2009 hearing and on that date the Commission approved the amendment with suggested modifications.

The major issues raised by this amendment request were 1) the protection of two existing parks (a linear park located along the main channel on the island and a second existing park located at the southern end of Puerto Place) with the appropriate Recreation land use designation; 2) the proposed allowance of a 9,100 sq. ft. free standing Marine Retail Building and associated parking within the Marine Service Commercial land use area, an area that is currently used for higher priority dry boat storage and public boat launch vehicle parking; 3) the expansion of existing and potential construction of additional private (membership) yacht clubs on tidelands; 4) a net reduction in the number of boat slips (approximately 200), including a reduction of approximately 300 slips under 30 ft in length and the need to ensure that the loss of in-water slips is tied to the provision of dry boat storage within the Harbor; 5) the potential that the reduction in the boater parking ratio

from 0.75 to 0.60 parking spaces per boat slip may adversely effect recreational boating use; 6) the need to ensure that the new visitor-serving commercial area (Commercial Core) uses are incidental to the coastal-dependent and coastal-related boating, boating support and water oriented recreational uses; 7) assessment of the need to provide for non-vehicular transit (seasonal water taxi, shuttle service and Tri-City Trolley) to and within the Dana Point Harbor; 8) the need to establish a tree trimming policy to protect nesting herons and egrets as well as owls and raptors within the Harbor; 9) preservation of the existing lower cost overnight visitor accommodations (Marina Inn) and the prohibition of conversion of the facility to Limited Use Overnight Visitor Accommodations (LUOVA) on public tidelands; and 10) protection of visual resources.

The Commission approved the amendment subject to suggested modifications to bring the amendment into conformity with the policies of Chapter 3 of the Coastal Act. The suggested modifications accomplished the following:

Provide and protect uses that are preferred in the Coastal Act and allow only development, such as fishing, public access, water oriented recreation and incidental commercial uses, that is consistent with the Tidelands Grant. Additionally, institute controls on the expansion of existing and potential construction of additional private (membership) yacht clubs on tidelands.

Establish the goal of the harbor redevelopment to be no net loss of slips in the Harbor. Also, priority shall be given to the provision of slips that accommodate boats less than 25 feet in length in the redevelopment of the harbor.

Ensure that land area and parking facilities are maintained, enhanced and dedicated for coastal-dependent and coastal-related land uses.

Encourage provision and use of public transit by having OC Dana Point Harbor in cooperation with the County and adjacent cities determine the feasibility of the Tri-City Trolley being operational prior to or concurrent with build-out and occupancy of the Commercial Core.

Establish a tree trimming policy that will ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of bird species listed pursuant to the federal of California Endangered Species Acts, California bird species of special concern and wading birds (herons and egrets) as well as owls and raptors.

Institute provisions for the protection of low cost visitor-serving facilities and overnight accommodations in the Harbor, which will assist in promoting overnight accommodations with a range of affordability. In addition, conversion of existing or construction of new LUOVAs on public tidelands in the Harbor are prohibited since LUOVAs do not maximize visitor serving uses since opportunities for public access and recreation would be far less than with a traditional hotel property, and certainly less than what is required for a designated commercial recreation site on public trust lands.

Protect scenic and visual resources by making sure development within designated and proposed scenic corridors is compatible with scenic enhancement and preservation. Protect and enhancement of public views to and along the coast through open space designations and innovative design techniques. Establish height limits and exceptions to those height limits for buildings that are allowed only to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. Additionally, require that buildings that exceed the height limit, excluding the dry stack storage building, are consistent with the character of the area (LUP Policy 8.5.1-3).

The suggested modifications also required that the City revise or provide maps/tables in the LUP. For example, Table 2-1 Land Use Summary Table was to be revised to include the Recreation (R) designation in Planning Area 1 and 4; Exhibit 6-1 was to be revised to remove the anticipated footprints/locations of new buildings; and a Coastal Views Exhibit was required to be included in Section 8.5 Coastal Views of the LUP. The City has made these changes revisions/additions and are consistent with the suggested modifications.

The City made six (6) discretionary changes within the LUP for clarification purposes and to correct typographical errors. These discretionary changes have been reviewed and found to be consistent with the intended effect of the Commission action.

On February 8, 2010, the Dana Point City Council adopted Resolution No. 10-02-08-02 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications to the City's Local Coastal Program Land Use Plan and also requesting final certification by the California Coastal Commission. Additionally, on February 22, 2010 the City Council adopted Ordinance No. 10-02 amending the Dana Point Specific Plan by incorporating the modifications suggested by the Commission. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on October 8, 2009 (Exhibit #2).

Executive Director Certification was agendized for Commission concurrence for the June 2010 Commission Hearing in Marina Del Rey. In addition, the Revised Findings for LCP Amendment 1-08 was agendized for the same June 2010 hearing.

On June 9, 2010, Revised Findings for LCP Amendment 1-08 were approved, but with changes by the Commission to Policy 8.5.1-3. Due to the required changes to Policy 8.5.1-3, Commission concurrence with the Executive Director Certification was postponed from the June 2010 Hearing. Therefore, the Dana Point City Council needed to adopt the Commission's revised suggested modification (revised Policy 8.5.1-3 as indicated above) and forward the adopted suggested modifications to the Commission by new resolution.

On September 27, 2010, the Dana Point City Council adopted Resolution No. 10-07-26-04, and Ordinance 10-08 (Exhibit #3-4) acknowledging receipt of the Coastal Commission Action and accepting and agreeing to Local Coastal Program Amendment No. 1-08 as modified.

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Dana Point LCP Amendment No. 1-08 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (a letter that substantially conforms with Exhibit #1 to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

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



October 13, 2010

Kyle Butterwick, Community Development Department Director
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629-1805

Subject: EFFECTIVE CERTIFICATION OF DANA POINT LOCAL COASTAL
PROGRAM AMENDMENT 1-08

Dear Mr. Butterwick:

We are pleased to notify you that on October 13, 2010, the Commission concurred with the Executive Director's determination that the action of the City of Dana Point accepting certification of Local Coastal Program Land Use Plan (LCP) Amendment No. 1-08 with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(v).

City of Dana Point LCP Amendment No. 1-08 was submitted for Commission certification pursuant to City Council Resolution No. 06-09-13-06. The approved land use plan amendment would amend the Local Coastal Program Land Use Plan to incorporate the proposed Dana Point Harbor Revitalization Plan (replacing those sections of the Dana Point Specific Plan relevant to the Dana Point Harbor (1986 LCP).

On October 8, 2009, the Commission approved LCP Amendment No. 1-08 with suggested modifications. On February 8, 2010, the Dana Point City Council adopted Resolution No. 10-02-08-02, acknowledging receipt of the Coastal Commission Action and accepting and agreeing to Local Coastal Program Amendment No. 1-08 as modified. Executive Director Certification was agendized for Commission concurrence for the June 2010 Commission Hearing in Marina Del Rey. In addition, the Revised Findings for LCP Amendment 1-08 was agendized for the same June 2010 hearing.

On June 9, 2010, Revised Findings for LCP Amendment 1-08 were approved, but with changes by the Commission to Policy 8.5.1-3. Due to the required changes to Policy 8.5.1-3, Commission concurrence with the Executive Director Certification was postponed from the June 2010 Hearing. Therefore, the Dana Point City Council needed to adopt the Commission's revised suggested modification (revised Policy 8.5.1-3 as indicated above) and forward the adopted suggested modifications to the Commission by new resolution.

On September 27, 2010, the Dana Point City Council adopted Resolution No. 10-07-26-04, and Ordinance 10-08 acknowledging receipt of the Coastal Commission Action and accepting and agreeing to Local Coastal Program Amendment No. 1-08 as modified.

On October 13, 2010, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 1-08. If you have any questions, please contact Fernie Sy at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry
District Manager



RESOLUTION NO. 10-02-08-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE LAND USE PLAN COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN AND REQUESTING FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

WHEREAS, the City Council on September 13, 2006, approved Local Coastal Program Amendment LCPA 06-03 for adoption of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, LCPA 06-03 was submitted to the California Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on October 8, 2009, approved the Land Use Plan component of Local Coastal Program Amendment 06-03 with suggested modifications; and

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

WHEREAS, said suggested modifications have been incorporated into the Land Use Plan component of LCPA 06-03 and the Dana Point Harbor Revitalization Plan, and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public hearing on February 8, 2010, regarding the Coastal Commission's Suggested Modifications to the Land Use Plan component of the Dana Point Local Coastal Program Amendment LCPA06-03, and the City Council finds that the proposed amendment is consistent with the Dana Point Specific Plan/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

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

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

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

Section 2. The City Council finds as follows:

- A. The City acknowledges receipt of the Coastal Commission's certification of the LCP Amendment with suggested modifications.
- B. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and Dana Point Harbor Revitalization Plan.
- C. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- D. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- E. That the adoption of the Dana Point Harbor Revitalization Plan as an amendment to the Local Coastal Program is in the public interest;
- F. That the Local Coastal Program Amendment (LCPA 06-03) is consistent with, and will be implemented in full conformity with the Coastal Act;
- G. That the Environmental Impact Report for the Dana Point Harbor Revitalization Plan is complete and adequate;
- H. That the City Council adopts the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.

2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources. That the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act and that the Implementation Program Amendment is in conformance with and adequate to implement the Land Use Plan.
3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the 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.
4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.

8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution of the City Council specifies that the Land Use Plan component of Local Coastal Program Amendment LCPA 06-03 be submitted to the Coastal Commission for final certification.

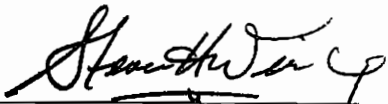
Section 3. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-03 pursuant to Resolution 10-02-08-02 and Ordinance No. 10-02. LCPA06-03 pertains to adoption of the Dana Point Harbor Revitalization Plan which includes the required land use and implementation measures. A copy of Resolution 10-02-08-02 and Ordinance 10-02 approving the amended Land Use Plan component of LCPA06-03 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 4. That the California Coastal Commission is hereby requested to consider, approve and finally certify the Land Use Plan component of Dana Point Local Coastal Program Amendment LCPA06-03 which replaces the Land Use Plan component for the 1986 Dana Point Specific Plan Local Coastal Program for the Dana Point Harbor.

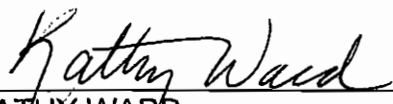
Section 5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, the Land Use Plan component of Dana Point Local Coastal Program Amendment LCPA06-03 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

Section 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of February, 2010.


STEVEN H. WEINBERG, MAYOR

ATTEST:


KATHY WARD
City Clerk

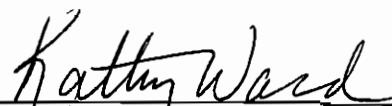
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

I, Kathy Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 10-02-08-02 was duly adopted and passed at a regular meeting of the City Council on the 8th day of February, 2010, by the following roll-call vote, to wit:

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

NOES: None

ABSENT: None


KATHY WARD
CITY CLERK

Dana Point Harbor
Revitalization Plan
& District Regulations

LAND USE PLAN COMPONENT

City of Dana Point
Community Development Department
33282 Golden Lantern
Dana Point, CA 92629

Contact: Kyle Butterwick, Director of Community Development

OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Contact: Brad Gross, Director

California Coastal Commission
Suggested Modifications (Entire Document)

Dana Point Harbor Revitalization Plan & District Regulations

LAND USE PLAN COMPONENT

Final Program Environmental Impact Report No. 591 certified by the Orange County Board of Supervisors, Resolution No. 06-013 on January 31, 2006

Dana Point Harbor Revitalization Plan Approved by the Orange County Board of Supervisors Resolution No. 06-014 on January 31, 2006

Recommended Approval of the Dana Point Harbor Revitalization Plan and District Regulations by the Dana Point Planning Commission Resolution No. 06-06-21-22 on June 21, 2006

Dana Point Harbor Revitalization Plan and District Regulations Adopted by Ordinance No. 06-08 of the Dana Point City Council on September 13, 2006

Submitted to the California Coastal Commission on November 11, 2006

Application Deemed Complete on November 7, 2007

12-Month Major Amendment Extension Approved by the California Coastal Commission on January 10, 2008

Application Withdrawn and Reaccepted on December 12, 2008

Approved by the California Coastal Commission (Land Use Plan) on October 8, 2009

Adopted by the Dana Point City Council on

Certified by the California Coastal Commission on

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INTRODUCTION

1.0 Introduction

Dana Point Harbor is a County of Orange owned and operated facility located in the southern portion of the City of Dana Point (see Exhibit 1.1-1, *Regional Vicinity Map*). The City of Dana Point lies in the southwest portion of Orange County and is part of the larger Southern California region. Dana Point is a coastal city with a coastline extending almost seven miles from Laguna Beach in the north to San Clemente in the south. The 276.8-acre (gross) Dana Point Harbor can be accessed by vehicles via Dana Point Harbor Drive, which can be reached primarily via Pacific Coast Highway, Street of the Golden Lantern or accessed by Cove Road at the west end of the Harbor. The Harbor is bordered by the Pacific Ocean to the south, Dana Point Headlands and Old Cove Marine Preserve to the west, Doheny State Beach to the east and a variety of commercial, hotel, residential and public park uses to the north. The Interstate-5 freeway is located approximately two miles to the east and provides regional access to the Harbor.

The Dana Point Harbor was created in 1968 from a natural cove along the southern Orange County shoreline as a small boat marina. Steep bluffs surround it on the north and west, Dohney State Beach adjoins the Harbor on the southeast. The County of Orange, with the cooperation of the U.S. Army Corps of Engineers, constructed the Harbor's basic infrastructure and public facilities that first opened in 1971. Over the past three decades, Dana Point Harbor has established itself as one of the best small boat harbors on the west coast. The complex offers a diversity of recreational and commercial amenities, attracting a variety of users, including boaters, tourists, local residents and business patrons.

The City of Dana Point was incorporated on January 1, 1989 and comprises an area of approximately 6.7 square miles with a population of about 37,000 residents. The City serves a significant number of visitors each year, many of whom are drawn to the area by the Harbor, beaches, local and regional park facilities, golf courses and the resorts. The tourist industry is crucial to the financial well being of the City since transient occupancy taxes represent the single most important revenue source for the City and local businesses are heavily dependent upon visitor traffic for their sales throughout the year.

The general configuration of the Harbor has three major components: a landside area adjacent to the bluffs; the island area (connected by a bridge to the landside); and marina areas consisting of boat docks, commercial fishing fleet slips, federal anchorage areas, tall boat docks adjacent to the Ocean Institute, marine service areas and fuel docks. For the purpose of establishing land use and development regulations for the Dana Point Harbor Revitalization Plan, the Harbor has been divided into 12 Planning Areas (see Exhibit 1.1-2, *Planning Area Map*). The following is a summary of the existing conditions for each of the Planning Areas.



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PLANNING AREA 1

Planning Area 1 makes up the eastern boundary of the Harbor, beginning at the intersection of Pacific Coast Highway and Dana Point Harbor Drive. A large monument sign is located on the southwest corner marking the main vehicular entrance to the Harbor. Immediately south of the intersection along Dana Point Harbor Drive is the main entrance to Doheny State Beach and the entrance road (Park Lantern) leading to Lantern Bay Park and the Laguna Cliffs Marriott Resort and Spa. Lantern Bay Park and Heritage Park are local park facilities operated by the City of Dana Point and are located on the bluffs, overlooking Doheny State Beach and the eastern portion of the Harbor. Park facilities include meandering walking paths, picnic benches and barbecues, turf areas shaded by large pine trees, a newly remodeled tot-lot, basketball courts and off-street parking lot. Located immediately west of the Doheny State Beach entrance is the Puerto Place parking area. This paid parking area (between the hours of 6 AM to 12 AM) has a capacity of 163 cars and includes a small picnic area with benches and barbecues that overlooks the state beach and ocean. Beach access stairs are also provided from the parking area.

Across from the Puerto Place Parking area, the County of Orange operates the South Coastal Operations Administration Office and Maintenance Yard. The maintenance campus includes approximately 4,120 sq. ft. of uses, comprised of a brick office and equipment storage building, several temporary modular units, materials storage and employee parking area. A telecommunications tower and standby generator are also located adjacent to the County Maintenance Yard, providing cell service to the Harbor. Puerto Place extends along the eastern boundary of the Anchor Marine Center that includes the entrance to the Dana Point Shipyard and Dana Point Jet Ski Rentals.

The shipyard facilities are made up of administrative offices, a retail parts counter and a machine shop (approximately 5,000 sq. ft. including Dana Point Jet Ski providing sales, rentals and repair services of personal watercraft) located in a two-story ribbed metal panel building adjacent to the waterfront. The shipyard in its current configuration has a capacity to simultaneously service approximately 25 vessels in the 30 foot or less size category that is presently the most common size vessel in the Harbor (comprises approximately 75% of the total). Puerto Place terminates with a circular turn-around that has a public restroom and a small park at the breakwaters edge. A paid parking lot (28 car spaces); park area that includes benches and the fuel dock, with a small office, sales area and small convenience store (750 sq. ft.) are also located in this area of the Harbor. There is visible evidence of underground storage tanks adjacent to the fuel dock area, indicated by manholes and fuel pumps at the terminus of Puerto Place.

Immediately west of Puerto Place on Dana Point Harbor Drive is the Embarcadero Marina entrance, consisting of a two-lane, one-way roadway with card-key and fee-paid control gate access. The Embarcadero Marina facilities include a large surface parking lot for vehicles and boat trailers (183 spaces), four boat wash down stations, trash dumpsters, boat launch ramps with two floating docks and Embarcadero Boat Rentals. Embarcadero Marina

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offices are housed in a two-story building. The facility also includes a one-lane boat launch hoist. Users of the facility presently exit using Street of the Golden Lantern and Dana Point Harbor Drive.

As a condition of approval by the California Coastal Commission for the Dana Point Harbor Boat Launch Renovation project, water quality treatment improvements were necessary, which included retrofitting the boat wash-down area with a filtered catch basin to screen boat wash and runoff and send it to the sanitary sewer for treatment and installation of a trench drain along the ramp apron to collect runoff and treat it via an in-line stormwater filtration vault. All of the boat launch improvements were completed and fully operational in 2008.

Planning Area 1 currently has a total capacity of accommodating up to 288 cars in the various parking areas, 183 cars and trailers and 516 boats in the surface storage areas.

PLANNING AREA 2

Planning Area 2 (between Embarcadero Place and Casitas Place), presently includes Mariner's Village (directly east of Casitas Place), Mariner's Alley and Dana Wharf. A total of approximately 26,600 sq. ft. of retail and 51,300 sq. ft. of restaurant uses are presently located in Planning Area 2. Primary access to the retail shops and restaurants is from the Street of the Golden Lantern. Mariner's Village and Mariner's Alley uses consist primarily of small retail specialty shops and restaurants (including The Brig, El Torito, Harpoon Henry's, The Harbor Grill and Gemmell's).

Businesses that make up the Dana Wharf area of the Harbor consist primarily of various small retail shops, boater services (including Dana Wharf Sport Fishing and the Catalina Ferry Service) and restaurants (including the Wind & Sea, Turk's Bar and Grill, Jon's Fish Market, Harbor Delicatessen, Jolly Roger and Proud Mary's). The adjacent Dana Wharf parking area has a capacity of 170 spaces with narrow isles, making access by large delivery trucks and emergency vehicles problematic.

Adjacent to the boardwalk, between Mariner's Village and Dana Wharf, a 4,000 sq. ft. Boater Service Building (No. 1) provides boater facilities such as restrooms with showers and laundry washing facilities and office space for yacht brokers.

Planning Area 2 currently has a total capacity of accommodating up to 900 cars in the various parking areas, including designated boater parking and up to 130 vehicles with trailers.

PLANNING AREA 3

Great Western Hotels built the Marina Inn in Dana Point Harbor in 1970 as a 3-story, 80-room apartment hotel for County residents looking for a weekly vacation destination. In

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1974, 68-rooms were added to create the configuration of the current facility. At the time the hotel was constructed, the County expressly did not want to include retail or food service as part of the hotel to encourage guests to visit businesses and restaurants in the Mariner's Village and Dana Wharf areas. The Marina Inn presently provides overnight accommodations consisting of a total of 136 guest rooms and limited guest amenities that includes outdoor pool and deck area, three meeting rooms totaling approximately 2,000 sq. ft. and a small lobby, located at the main entrance, accessed by a driveway from Casitas Place and Dana Point Harbor Drive.

Adjacent to the docks of the East Marina are three (3) Boater Service Buildings (Numbers 2, 3 and 4) that provide boater restrooms with showers and laundry facilities, including clothes washer and dryer and office space for yacht brokers. Boater Service Buildings 2 and 3 are approximately 3,600 sq. ft. in size and Boater Service Building No. 4 located adjacent to Island Way is 5,000 sq. ft. in size.

Planning Area 3 currently has a total capacity of accommodating up to 623 cars, including that portion of the parking area located immediately adjacent to the East Marina that is dedicated boater parking. Some areas immediately adjacent to the Boater Service Buildings have also been equipped with storage racks for hand launch vessels. A portion of the boater parking area is used on a regular basis to accommodate ferry passengers to Catalina Island.

PLANNING AREA 4

The Island Area (accessed by a two-lane bridge extending across the marinas) includes a number of Harbor-related uses, accessed via Dana Point Harbor Drive by Island Way and is comprised of the Dana Point Yacht Club (12,400 sq. ft.), Dana West Yacht Club (3,600 sq. ft.), Beach House Restaurant (10,000 sq. ft. with outdoor seating area) and Orange County Sheriff Harbor Patrol offices (6,000 sq. ft.).

Adjacent to the slips along the length of the Island are a total of seven (7) Boater Service Buildings (D, E, F, 5, 6, 7 and 8), each approximately 3,600 sq. ft. in size, with the exception of Boater Service Building 5 which is 4,000 sq. ft. The buildings presently provide office space for yacht brokers, yacht and sailing clubs (Dana West Yacht Club and Aventura Sailing Association), boater restrooms, locker rooms with showers, clothes washers and dryers. Located immediately adjacent to the Boater Service Buildings in the boater parking lots are racks for housing kayaks and other small boats. The Island also includes a linear park with meandering walking paths, turf and picnic areas, benches and public restrooms located throughout.

Planning Area 4 currently has a total capacity of accommodating up to 1,295 cars, including that portion of the parking area located immediately adjacent to the docks that is reserved for use by boaters.

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PLANNING AREA 5

Key recreational facilities include the OC Sailing and Events Center, Baby Beach (provides hand launching of non-motorized crafts), a public fishing pier, restrooms and large picnic area. These activity areas are popular location for picnics, beach activities, beginner sailing and hand launching of small vessels as well as group gatherings of all types.

The OC Sailing and Events Center totals approximately 11,000 sq. ft. in size and is located on the west side of the Dana Point Harbor. Built in 1985 to serve as a center for education and recreation for water activities, the facility is comprised of several wood framed buildings containing offices, kitchen, a multi-purpose building, a maintenance building, pre-launch area, jib crane and docks. The multi-purpose building is used for classes, meetings, programs and special events. The office building has two stories with conference rooms and management offices on the second level.

Adjacent to the northern portion of the West Marina are a total of three (3) Boater Service Buildings (A, B and C), each approximately 3,600 sq. ft. in size. The buildings presently provide boater restrooms, locker rooms with showers and clothes washers and dryers and office space for yacht brokers and marina operations. In the upper level of the Boater Service Building C, located adjacent to Island Way, the County of Orange – Dana Point Harbor Management Department (OC Dana Point Harbor) has its headquarters.

Planning Area 5 currently has a total capacity of accommodating up to 725 cars, including that portion of the parking area located immediately adjacent to the docks that is reserved for use by boaters. Located in several of the boater parking lots, racks for housing kayaks and other small boats are provided.

As a condition of approval by the California Coastal Commission for the Dana Point Headlands Development and Conservation Plan, an underground water quality treatment and dry-weather diversion system was constructed under the parking lot adjacent to the public fishing pier on County property. These improvements are described here for reference purposes only.

PLANNING AREA 6

The Ocean Institute is located in the westernmost portion of the Harbor, providing a unique educational campus, situated adjacent to the Old Cove Marine Preserve. The recently expanded Ocean Institute facilities provide a hands-on marine sciences experience for children and adults, including RV/Sea Explorer cruises, tours of the historical Brig "Pilgrim" and "Spirit of Dana Point" tall ships, tide pool excursions and other marine/coastal educational programs. The Ocean Institute consists of a total of approximately 32,000 sq. ft. in a series of small buildings, designed to emulate the campus of an early coastal marine science facility historically located along the coastline of the western United States. Principal goals of the facility include providing significant increases in seating capacity for lectures

INTRODUCTION

and special events, larger learning center, areas for teacher conferences, training/lecture and instructional space for administrative staff and space for facility operational functions.

Three of the buildings are devoted to creating unique laboratory environments that serve as the principal learning centers for the At Sea, Ecology and Surf Science/Overnight programs. Three other buildings house support services, including the bookstore, a multipurpose room and a student services building that incorporates a main lobby area, exhibit area and student services, administration and conference room. The facility is also made up of two of the original buildings, the Maritime Center and Chilcote House.

The parking area adjacent to the Ocean Institute includes parking for 118 cars and provides public restrooms and pedestrian walkways connecting with other areas of the Harbor, including the large boat docks and nearby fishing pier. The Ocean Institute also serves as the principle point of access to the Old Cove Marine Preserve. Currently the general public accesses the Marine Preserve primarily via the Harbor walk (along the seawall) or by using an emergency access road located along the western edge of the main Ocean Institute building.

PLANNING AREA 7

The Harbor is backed by high bluffs and cliffs that have been a landmark for Dana Point since sailors first discovered the area. Several drainage outlets are located at various points along the bluffs to route storm water towards the Harbor from the surrounding upland areas. A portion of the bluffs west of Island Way were graded and concrete brow ditches installed to convey surface water runoff. In recognition of the importance of the bluffs, the upper and lower system of laterals and intermediate drop channels are maintained by the County of Orange and the City of Dana Point.

PLANNING AREA 8

The Educational Basin is located in the western most portion of Dana Point Harbor and includes a federal anchorage area and tall boat docks adjacent to the Ocean Institute. In addition to the docks for the Spirit of Dana Point and the Pilgrim vessels, a free and ADA-accessible public fishing pier is located immediately adjacent to the Pilgrim dock. Because of its sandy bottom and gradual transition to deeper water in the main channel of the Harbor, the Educational Basin is frequently used by individuals or groups for the hand launching of vessels. OC Sailing and Events Center docks in the Education Basin are used for storing boats used in the sailing and education programs as well as providing other opportunities for the hand launching of small vessels.

PLANNING AREAS 9, 10, 11 & 12

Marinas include the West Marina (west of Island Way, adjacent to the West Harbor Area or Planning Area 9); the East Marina (east of Island Way, adjacent to Dana Wharf and the Commercial Core area or Planning Area 10 and includes the East Turning Basin with a full-

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service fuel dock/bait receiver or Planning Area 11) and the Harbor entrance and the main channel behind the Federal breakwater or Planning Area 12.

Fully-sheltered from the open coast by almost 8,000 lineal feet of Federal breakwater, the interior basins provide berthing for approximately 2,493 small-crafts. A variety of public, commercial and educational ancillary facilities and recreation amenities, some of which are lease operated, occupy the areas adjacent to the mooring areas and waterways.

OC Dana Point Harbor is directly responsible for operation and maintenance of all boating facilities within the Harbor. The Orange County Sheriff Harbor Patrol docks are located near the entrance to the East Basin. The facility consists of a combination of 23 single berth and additional side-tie dock space totaling approximately 10,000 sq. ft. of deck area. The floating docks are constructed of industry standard concrete pontoons fastened together with continuous treated timber wall and through rod systems. Several docks have been recently replaced, however most original gangways and anchor piles remain in place.

The West Basin Guest Docks are located near the entrance to the West Boat Basin. This transient berthing area contains 42 slips distributed over a single head walk. The 9,900 square feet of deck space has also been replaced with a concrete floating deck system. The Guest Docks are available on both a reservation and first-come-first-served basis and are presently managed by two separate marina management companies. The third County boating element is the dock space at the OC Sailing and Events Center located on the interior aspect of the West Basin. Two concrete dock systems on both sides of the educational center have been installed. The total deck space is approximately 10,700 square feet and provides a combination of wet and dry storage for small sail boats and dinghies.

The shoreline interface of Dana Point Harbor is protected by a combination of vertical bulkhead and side slope protection. The bulkhead is a cast-in-place concrete L-wall that borders the water's edge in the East and West Basins and the landside perimeter of the Harbor. The basin side slopes are protected in the mooring basins by a grid of pre-cast concrete panels set on grade. Areas outside of the mooring basins are armored with stone riprap that require ongoing periodic maintenance and repair.

1.1 Description of Dana Point Harbor Revitalization Plan

The amendment to this LCP establishes new land use policies and development standards that will allow for much needed upgrades to the visitor serving and marina services areas of Dana Point Harbor. As a result, the Dana Point Harbor Revitalization Plan has been planned and described as follows:¹

¹ Note: This Local Coastal Program contains extensive description of planned future development (e.g. the Dana Point Harbor Revitalization Plan). However, the presence of those descriptions does not constitute any entitlement for the improvements described. All future non-exempt development will need to be reviewed, in the context of an application for coastal development permit, for consistency with the policies of this Local

INTRODUCTION

The Dana Point Harbor Revitalization Plan (Revitalization Plan) establishes a new Visitor Serving Commercial area (the Commercial Core that includes the northerly portion of Planning Area 1 and Planning Area 2) that will replace and/or remodel all of the existing retail and restaurant buildings. The Commercial Core revitalization also includes the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-off areas, a new dry-stack boat storage facility and improvements to several boater service and public restroom buildings. The initial phase of the proposed Dana Point Harbor Revitalization Plan provides for the relocation of certain yacht brokerage firms and other harbor-related offices uses to the new Commercial Core area.

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan provides for the future improvement of many of the existing Harbor facilities as funding sources are identified and jurisdictional approvals are obtained. Major components to enhance other Visitor Serving and Marine Commercial amenities are the replacement of the outdated Marina Inn complex with an upgraded hotel; the future renovation and/or expansion of the boater facilities on the Island, including expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space; expansion of the OC Sailing and Events Center; and an upgraded boat shipyard. Other work anticipated to be performed includes the reconfiguration and/or reconstruction of the docks and needed repairs to portions of the seawall throughout the Marinas. Although specific ideas haven't been developed at this time, some harbor users have identified a need to upgrade and expand facilities at Baby Beach to meet the growing needs of hand launched vessels and to expand the level of access for non-boating day use visitors as feasible. Policies in this plan encourage maintenance and improvement of such uses in the Harbor.

The proposed Dana Point Harbor Revitalization Plan improvements are planned to occur in phases over approximately 5 to 20 years. The near-term improvements to the Commercial Core area (also referred to as Phase I) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary jurisdictional approvals. The long-term improvements (referred to as Phase II) are anticipated to include revitalization of the Marinas, renovations to existing structures, street and infrastructure improvements, the reconfiguration of the area presently used for non-shipyard related activities to provide space for boat storage.

The Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor-serving commercial and marine recreational amenities, providing water quality improvements and promoting coastal resource preservation throughout the Harbor.

Coastal Program. The development ultimately approved may or may not be consistent with the descriptions provided herein.

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1.1.1 Scope

The entire Dana Point Harbor is located within the Coastal Zone as defined by the California Coastal Act of 1976 and is therefore under the land use planning and regulatory jurisdiction of both the City of Dana Point and California Coastal Commission. Pursuant to the California Coastal Act, local jurisdictions are required to prepare a Local Coastal Program (LCP) for those areas of their jurisdiction within the Coastal Zone. The LCP is composed of land use plans, land use policies, zoning ordinances and zoning regulations. After adoption of the LCP and its certification by the California Coastal Commission, the administration of the LCP becomes the responsibility of the local jurisdiction and in the case of Dana Point Harbor, the City of Dana Point. The City of Dana Point has a certified Local Coastal Program and therefore has the authority to approve Coastal Development Permits for all landside development. Pursuant to the Coastal Act, the California Coastal Commission retains permit authority for all waterside activities, however.

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan provides for the future improvement of many of the existing Harbor facilities as funding sources are identified and jurisdictional approvals are obtained. Major components to enhance other Visitor Serving and Marine Commercial amenities are the replacement of the outdated Marina Inn complex with an upgraded hotel; the future renovation and/or expansion of the boater facilities on the Island, including expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space; expansion of the OC Sailing and Events Center; and an upgraded boat shipyard.

Other work anticipated to be performed includes the reconfiguration and/or reconstruction of the East and West Marina docks, gangways and security gates. Additionally, new Embarcadero/dry stack boat storage facility staging docks and dinghy dock, Marine Services docks, commercial fishing docks and sport fishing docks are included in the overall renovation of facilities. In order to accommodate boaters during renovations, potential temporary docks may be located along the breakwater adjacent to Doheny State Beach. Following completion of the marina improvements, these temporary docks may potentially be reconfigured to provide additional dock space for yacht brokers or other identified users should the appropriate jurisdictional approvals be obtained to allow these docks as a permanent use.

The Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor serving commercial and marine recreational amenities, providing water quality improvements and promoting coastal resource preservation throughout the Harbor.

INTRODUCTION

1.1.2 Overview

Dana Point Harbor is located entirely within the Coastal Zone as defined by the California Coastal Act of 1976. The primary purposes of the Coastal Act are to protect, maintain and where feasible, enhance and restore the natural and scenic qualities of coastal resources; assure an orderly and balanced use and conservation of coastal zone resources; maximize public access consistent with conservation principles and constitutionally protect private property rights; assure priority for coastal-dependent and coastal-related development; and, encourage state and local government cooperation concerning planning and development. The Coastal Act ensures the conservation of coastal resources through the implementation of a series of coastal resources planning and management policies.

The Land Use Plan (LUP) is the general planning and policy document for Dana Point Harbor as part of the City's LCP. It illustrates the location and intensity of land uses, identifies the primary circulation system, provides coastal resource, marine, conservation and development policies and includes technical information and plans necessary to accomplish the objectives of the California Coastal Act as set forth by the General Plan of the City of Dana Point. The Dana Point Harbor Revitalization Plan & District Regulations document is generally divided into the following nine parts:

Land Use Plan

- 1) Dana Point Harbor Revitalization Plan (Part I – Chapters 1 through 3) – describes jurisdictional considerations, the physical design of the Harbor's existing facilities and proposed renovations/improvements as identified by the Dana Point Harbor Revitalization Plan; and
- 2) Land Use and Resource Management Program (Part I – Chapters 4 through 8) – comprehensively implements LUP policies for the land uses, land and waterside amenities, conservation and protection of resources within Dana Point Harbor.
- 3) Environmental Review Process (Part I – Chapter 9) – pursuant to the requirements of the California Environmental Quality Act (CEQA), project applications for Coastal Development Permits shall be evaluated for potential impacts to the environment as part of the project approval process.

The regulatory component of the Dana Point Harbor District Regulations serves as the Implementing Actions Program (IAP) for the City of Dana Point LCP for Dana Point Harbor and includes land use regulations and site development standards for all Planning Areas in Dana Point Harbor. Furthermore, it establishes both specific regulations applicable to each Land Use Planning Area and general regulations for off-street parking, signage and the processing of discretionary permits and approvals throughout the Harbor.

INTRODUCTION

Implementing Actions Program

- 4) Regulations and Site Development Standards (Part II – Chapters 1 through 13) – provides the development regulations and standards for Dana Point Harbor – in effect serving as the zoning ordinance for the Harbor;
- 5) Design Standards (Part II – Chapters 14 and 15) – establishes design requirements for parking and signage components of the Harbor that can be used for subsequent design and project review;
- 6) Discretionary Permits and Procedures (Part II – Chapter 16) – provides community and governmental representatives with the opportunity to review and consider detailed plans for specific revitalization projects within Dana Point Harbor;
- 7) Revitalization Plan and Statistical Table (Part II – Chapter 17) – provides regulations and procedures for City of Dana Point Planning Commission to consider revisions to the Dana Point Harbor Revitalization Plan and Statistical Table;
- 8) Definitions (Part II - Chapter 18) – provides meanings for the terminology and standards used throughout the Dana Point Harbor Revitalization Plan and District Regulations document; and
- 9) Legal Description (Part II – Chapter 19) – establishes a boundary for Dana Point Harbor that has been prepared to reflect current conditions and adjacent property ownerships.

The Coastal Act requires local governments to prepare Local Coastal Programs for areas located within the Coastal Zone. Local Coastal Programs are comprised of the relevant portions of a local government's general plan, zoning ordinances, zoning district maps and other implementing actions, which, when taken together meet the requirements of and implement the provisions and policies of the California Coastal Act at the local level.

The following general policies shall provide the framework for interpreting the Land Use Plan (LUP) components for the Dana Point Harbor Revitalization Plan:

1. Where policies within the LUP overlap, the policy that is the most protective of the coastal resources shall take precedence;
2. Where there are conflicts between the policies set forth in this LUP and those set forth in any element of the City of Dana Point General Plan Elements, other adopted plans, programs or existing ordinances, the policies of this LUP shall take precedence; and

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3. In the event of any ambiguities or conflicts not resolved by (1) or (2) above or by other provisions of the Dana Point Harbor Revitalization Plan and District Regulations, the policies of the California Coastal Act shall guide interpretation of this LUP.

The Dana Point Harbor District Regulations are prepared pursuant to the provisions of the California Government Code, Title 7, Division 1, Chapter 3 and Sections 65450 through 65457. The Dana Point Harbor District Regulations provide the zoning designations for Dana Point Harbor and establish regulations for specific land use development projects, including submittal requirements and public hearing procedures for the consideration of subsequent City and California Coastal Commission approvals such as issuance of Coastal Development Permits.

LAND USE PLAN

2.0 Land Use Plan

This Chapter describes the Land Use Plan (LUP) components for Dana Point Harbor. Subsequent chapters provide the policies, technical information and plans related to a particular resource or proposed Dana Point Harbor Revitalization Plan component.

2.1 Overview

The Land Use Plan for Dana Point Harbor is summarized on the Summary Table (Table 2-1) and shown on Exhibit 2-1, *Land Use Summary Table and Dana Point Harbor Land Use Plan*, respectively.

Table 2-1
LAND USE SUMMARY TABLE

Land Use Category	Planning Areas	Gross Acres	Percent of Total Harbor
Marine Services Commercial (MSC)	1	24.0	9.2
Marine Services Commercial Recreation (R)		1.2	
Day Use Commercial (DUC)	2	18.1	6.5
Visitor Serving Commercial (VSC)	3	9.5	3.4
Marine Commercial (MC)	4	21.2	9.3
Marine Commercial Recreation (R)		4.4	
Recreation (R)	5	21.1	7.6
Educational/Institutional (E)	6	3.6	1.3
Conservation (C)	7	4.0	1.4
Education Basin	8	169.7	61.3
West & East Marinas	9, 10		
Marine Services & Harbor Entrance (M)	11, 12		
Totals		276.8	100.0

The Dana Point Harbor Revitalization Plan would allow a new Visitor Serving Commercial area (the Commercial Core) that includes the replacement and/or remodeling of all existing retail and restaurant buildings. The Commercial Core revitalization would also allow the reconfiguration of the main Marine Services Commercial area to provide enhancements to surface parking areas, new boater loading and drop-off areas, a dry-stack boat storage facility and improvements to several boater service and public restroom buildings. The reconfiguration would also allow the relocation of certain yacht brokerage firms and other harbor-related offices to the Commercial Core area (Planning Area 2) of the Harbor.

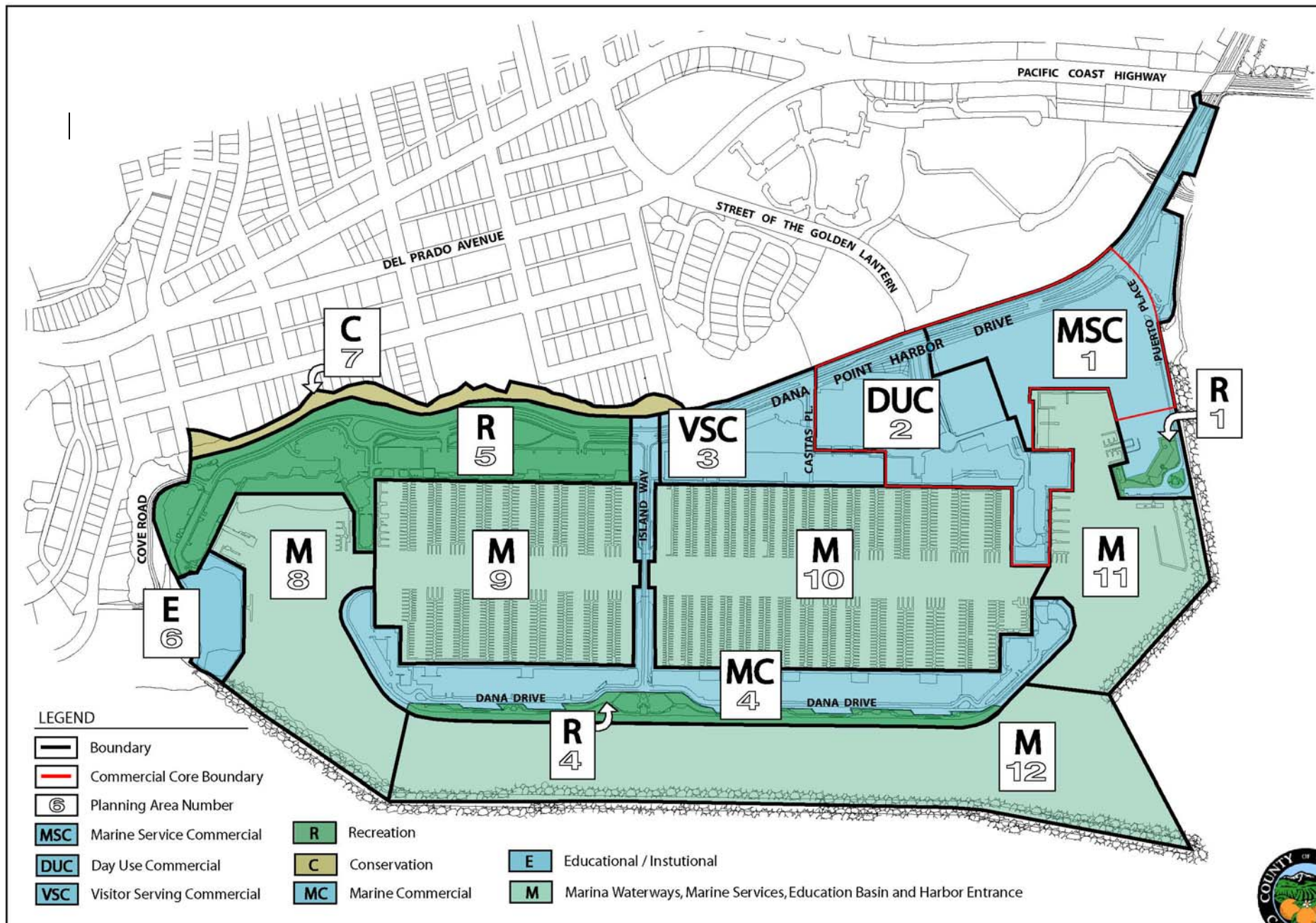


Exhibit #2 Page 27 of 31 *Dana Point Harbor* REVITALIZATION PLAN & DISTRICT REGULATIONS



Exhibit 2-1 DANA POINT HARBOR LAND USE PLAN



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LAND USE PLAN

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan would provide for a number of future improvements (the remaining portion of Planning Area 1 and Planning Areas 3 through 7 [landside] and 8 through 12 [waterside]). Planning Area 3 plans include the potential for a new hotel with conference facilities in addition to providing up to 220 new guest rooms and other visitor-serving amenities. Plans for the Island area of the Harbor (Planning Area 4) would allow for the future renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. Other work would be allowed to reconfigure and/or reconstruct the marina docks and portions of the seawall in Planning Areas 8 through 12, and to add additional guest boater docks closer to the Commercial Core with a dinghy dock area adjacent to Dana Wharf, subject to a separate permitting and environmental review process.

The anticipated improvements that would be allowed by Dana Point Harbor Revitalization Plan would occur in phases over approximately 5 to 20 years. The near-term improvements (referred to as Phase I) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary jurisdictional approvals and consists of the northerly portion of Planning Area 1 and all of Planning Area 2, collectively referred to as the "Commercial Core" area of the Harbor ("Marine Services Commercial" – the Embarcadero and Shipyard area and "Day Use Commercial" – The Dana Wharf and Mariners Village areas). The long-term improvements (referred to as Phase II) are anticipated to commence as funding sources are identified and jurisdictional approvals are obtained and consists of future improvements in Planning Areas 3-12 including renovations to structures and street improvements on the Island and reconfiguration of the Marinas. Future improvements may also occur in the southern portion of Planning Area 1 and includes reconfiguration of the area used for non-shipyard related activities such as boat storage, boat brokerages, jet-ski rentals and sales and hand launch vessel rentals to be included as part of the Revitalization Plan's surface boat storage area. There is also an existing park at this location that will be maintained and protected.

The Dana Point Harbor Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor serving commercial and marine recreational amenities and promoting coastal resource preservation throughout the Harbor.

2.2 Land Use Designations

Commercial

MARINE COMMERCIAL (MC)

The Marine Commercial (MC) designation is intended to provide a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, private and public club uses supportive of the general boating public and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The MC designation allows uses such as:

- Marine retail sales;
- Marine-related administrative, professional and business offices;
- Yacht clubs/boating associations;
- Boat docks;
- Dry boat storage, wash down and maintenance facilities;
- Small boat and watercraft storage facilities;
- Boat maintenance and operation facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skis, etc.) or other similar types of motorized marine vehicles;
- Commercial and recreational fishing;
- Parking areas;
- Restaurants, and other food and beverage sales;
- Travel and commercial recreation services and uses;
- Public and Commercial Recreation facilities;
- Law enforcement and Harbor Patrol facilities;
- Boater Service facilities, including restrooms, laundry and storage;
- Scenic viewpoints, visual outlooks and picnic areas;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public restrooms.

The City of Dana Point Harbor Revitalization Plan would allow uses to maintain the existing character of the Island. Future allowable development includes expansion of the Harbor Patrol Facility. A seasonal water taxi will be considered with pick-up/drop-off locations in this land use area. The Dana Point Harbor Revitalization Plan would allow for the renovation and/or expansion of the Dana Point Yacht Club and Dana West Yacht Club, creation of additional overall square footage to provide storage for hand launch vessels (kayaks, rowboats and other small craft) used by the yacht clubs. Additionally, the seven boater service buildings may be expanded.

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To aid and enhance water quality improvements, a materials and recycling disposal station would be installed within Planning Area 4 to facilitate boater drop-off of materials such as oil absorbing bilge pads. Anticipated plans also include enhancements in visitor parking availability and the possible replacement of existing turn-around at each end of Dana Drive to resolve large vehicle and emergency access constraints. Additional public parking may also be provided through the reconfiguration of Dana Drive if determined feasible and sources of funding improvements are appropriated.

MARINE SERVICES COMMERCIAL (MSC)

The Marine Services Commercial (MSC) designation is intended to provide a variety of coastal dependent and coastal-related marine services for recreational boating, and facilities supportive of the general marine and boat services industry and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The MSC designation allows uses such as:

- Boat docks;
- Small craft boat repair and boat fueling;
- Dry boat storage and maintenance facilities, including kayaks;
- Boat wash down facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Marine retail sales;
- Boat and personal water craft sales and rentals;
- Boater Service facilities, including restrooms, laundry and storage;
- Commercial and recreational fishing;
- Sport fishing and/or charter boat concessions;
- Information kiosks;
- Take-out or walk-up restaurant, vending machine food and beverage centers;
- Travel and commercial recreation services and uses;
- Seasonal water taxi service facilities;
- Parking areas;
- Marine-related administrative, professional and business offices;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Dana Point Harbor Revitalization Plan would allow enhancements to the Marine Services Commercial area by allowing a dry stack boat storage facility building. The dry stack facility would offer upgraded boater services, including valet launch and retrieval services. The dry stack boat storage facility may also contain marine retail sales, new offices and boater

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lounge area, a hoist, boat maintenance area and other support space. Development of this facility would allow the reconfiguration and modification of the wet slip staging area located adjacent to the boat launch ramp. This area would be utilized to dock the vessels for client access and as a drop-off area prior to returning boats to the dry stack building.

Currently, County maintenance buildings occupy a portion of this site. As part of the Dana Point Harbor Revitalization Plan, the County of Orange South Coastal Operations Administration Office and maintenance Yard is planned to be relocated to a site outside the Harbor and the existing buildings demolished. An existing telecommunications tower may also require relocation to facilitate implementation of planned improvements. The exact location will be determined by OC Dana Point Harbor and the telecommunications operators as part of the final design and local project approval process.

The Marine Services Commercial land use designation would also allow parking for approved uses, surface boat storage spaces and enhanced vehicle with trailer parking spaces for the boat launch. Additionally, as part of a harbor wide program being contemplated, a seasonal water taxi service stop may be located in this land use area.

VISITOR SERVING COMMERCIAL (VSC)

The Visitor Serving Commercial (VSC) designation is intended to provide a variety of visitor serving commercial overnight accommodations and ancillary uses and facilities in addition to visitor serving commercial, recreation uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The VSC designation allows uses such as:

- Overnight visitor accommodations;
- Retail sales (includes outdoor retail);
- Boat docks;
- Boater Service facilities, including restrooms, laundry and storage;
- Parking areas and structures;
- Cafes, restaurants, vending machine food and beverage centers;
- Other uses and professional services or facilities customarily found in a hotel;
- Travel and commercial recreation services and uses;
- Public and commercial recreation facilities;
- Seasonal water taxi service facilities;
- Facility information offices and centers, information kiosks;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Dana Point Harbor Revitalization Plan would allow the future renovation or replacement of the existing lower cost Marina Inn with a new lower cost facility located in the present

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hotel location or relocated closer to the waterfront to promote a stronger pedestrian connection with the anticipated Pedestrian Promenade and Festival Plaza.

The boater facilities located adjacent to the revitalized Commercial Core and hotel would be allowed to be reconfigured to provide a linear park. Other enhancements to the boater facilities include upgrades to restrooms and laundry facilities, expansion of office square footage and the reconfiguration of surface parking areas. Associated with the design of the hotel, several boater service buildings may be relocated and/or replaced.

DAY USE COMMERCIAL (DUC)

The Day Use Commercial (DUC) designation is intended to provide a variety of visitor serving commercial and recreation uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The DUC designation allows uses such as:

- Retail sales (includes outdoor retail);
- Cafes, restaurants, and other similar types of indoor and outdoor food/drink/entertainment establishments;
- Sport fishing and/or charter boat concessions;
- Marine retail sales;
- Boat docks;
- Boater Service facilities, including restrooms, laundry and storage;
- Small boat and watercraft storage facilities;
- Travel and commercial recreation services and uses;
- Public and commercial recreation facilities;
- Seasonal water taxi service facilities;
- Parking areas and structures;
- Facility information offices and centers, information kiosks;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public restrooms.

The Dana Point Harbor Revitalization Plan would allow a large, centralized outdoor Festival Plaza, along the waterfront within the central portion of the anticipated Harbor's Commercial Core. The Festival Plaza would provide direct views across the Commercial Core by creating an open plaza along this section of waterfront as well as a central gathering space for events, activities and celebrations throughout the year. Currently, these activities are limited to a small area of lawn adjacent to a restaurant service dock. The Festival Plaza would include a combination of landscaping, decorative paving and informal seating areas. A Pedestrian Promenade, an anticipated waterfront walkway, would be located along the waterfront and would lead to Festival Plaza.

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With completion of the new Commercial Core buildings and facilities, it is anticipated that the existing businesses and restaurants would be relocated and demolition of Mariner's Village and Mariner's Alley would occur, making way for the construction of additional guest and boater parking areas. The new retail area would improve water orientation and integration with the Festival Plaza, Pedestrian Promenade and the merchants located on Dana Wharf.

The new Day Use Commercial area would replace and/or rehabilitate approximately 26,600 sq. ft. of existing retail uses and 51,300 sq. ft. of existing restaurant uses. The Revitalization Plan would allow for the relocation of the yacht brokerages within existing Boater Service Buildings 1 and 2. The Plan would also allow for a marine retail store to be located in the Commercial Core area of the Harbor (in the Day Use Commercial area only and not in the Marine Service Commercial area). Commercial and restaurant uses would be integrated into a two level podium structure, accommodating parking spaces and waterfront retail uses on the bottom level and restaurant facilities and additional parking on the second level.

The recently renovated Dana Point Harbor Entry Monument Sign and landscaping improvements at the intersection of Dana Point Harbor Drive and Street of the Golden Lantern will remain in place.

The Dana Point Harbor is viewed as a unique marine recreational facility that provides year round activities for local residents, the boating public and visitors. The defining vision behind the Dana Point Harbor Revitalization Plan is to unify the entire Harbor under the design theme of "California Coastal". This vision is a hybrid-style based on the historic characteristics of coastal villages merged with the California traditions of open space and outdoor living.

The model for a California Coastal Village is a coastal area that has an appearance of being constructed over time, with buildings being added as needed, while at the same time allowing the various buildings to differentiate themselves based on users and individual type of businesses. Generally, buildings will share a color palette of cool colors, mixed with brighter accents and contrasting trim elements. Building exterior finishes will also share many materials which can be deployed in numerous ways such as clapboard, shingle, stone trim and stucco. By unifying some architectural elements, such as roof pitches and railings, these buildings will present a varied yet unified village appearance.

The scale of Dana Point Harbor allows the creation of a unique setting that includes the clustering of buildings together to provide a comfortable pedestrian setting for retail merchants and restaurants. The new village will also be moved closer to the existing Dana Wharf to create a stronger pedestrian link with the remaining buildings and adjacent parking areas. A small number of careful architectural enhancements will bring the California Coastal style to the existing buildings on Dana Wharf to be remodeled.

Recreation

RECREATION (R)

The Recreation (R) designation is intended to provide recreation and public uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The R designation allows specific uses such as:

- Open space (natural and modified) active and passive recreation areas;
- Scenic viewpoints, visual outlooks and picnic areas;
- Community and youth oriented boating and seamanship recreational structures and facilities or uses and related equipment storage;
- Administrative offices;
- Boat docks;
- Small boat and watercraft storage facilities;
- Boater Service facilities, including restrooms, laundry and storage;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Facilities for the hand-launching of small non-motorized watercraft;
- Boat wash down facilities;
- Cafes, restaurants , vending machine food and beverage centers;
- Commercial and recreational fishing;
- Sport fishing and/or charter boat concessions;
- Public recreation facilities;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

Several recreation areas located throughout the Harbor provide a range of active and passive recreational opportunities. Situated on both sides of Dana Point Harbor Drive, between the OC Sailing and Events Center and the public fishing pier are a series of lawn areas with meandering pedestrian paths, restrooms and sheltered picnic facilities. The lawn area adjacent to the waterfront also serves as an informal staging area for recreational small craft users using Baby Beach as a point of access. During the summer months, the lawn areas also provide a popular location for the Ocean Institute and OC Sailing and Events Center to conduct youth instructional programs. Several parking areas are located immediately adjacent to the OC Sailing and Events Center and public fishing pier.

The Dana Point Harbor Revitalization Plan would allow several enhancements to these recreational facilities including picnic area improvements, upgraded restrooms, reconfigured parking areas and providing areas for small-scale day use retail (snack or concession

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vendors) businesses and low-cost boating and hand launch vessel rentals. OC Sailing and Events Center currently offers meeting rooms for recreational activities, community events and private parties, as well as sailing and ocean-related educational programs. The OC Sailing and Events Center may increase their facility in size. Anticipated expansion of community meeting space, activity areas, instructional facilities and offices would be allowed in addition to the potential reconfiguration of adjacent parking areas to provide additional parking opportunities.

Circulation and access improvements would be allowed and may include the realignment of Dana Point Harbor Drive adjacent to the proposed facility to remove the existing traffic circle to improve traffic circulation. Currently, Cove Road provides secondary access to the Harbor.

One of the most prominent recreational areas in the Harbor is located along the main channel on the Island. A long linear park (designated Recreation (R)) provides views of the open ocean, boat traffic entering and leaving the Harbor and includes a series of sheltered picnic areas and restroom buildings, connected by a waterfront meandering pedestrian walkway. Public parking is located along Dana Drive. The Dana Point Harbor Revitalization Plan would allow several enhancements to these recreational facilities including picnic area improvements, upgraded restrooms and reconfigured parking areas. There is also an existing park area located at the southern portion of Planning Area 1 that also has the land use designation Recreation (R). This park will be maintained and protected.

Conservation

CONSERVATION (C)

The Conservation (C) designation is intended to preserve the bluff areas and maintain open space/passive recreation areas supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The C designation preserves significant coastal topographical landmarks (i.e. coastal bluff face) and allows uses such as:

- Public accessways, walking paths and interpretive trails, including handicap-related facilities (access may be limited due to habitat on the bluff face and topographic constraints);
- Public works structures necessary for the permitted development;
- Scenic viewpoints and visual outlooks;
- Picnic and lawn areas (adjacent to Dana Point Harbor Drive); and
- Public Restrooms.

Recognizing the emphasis the Coastal Act places on the preservation of significant coastal topographical landmarks, the Revitalization Plan provides for the preservation the coastal bluff-face that has served to define the area since sailors first discovered the area. This area,

LAND USE PLAN

protected under the Conservation land use designation includes a small amount of coastal sage scrub, which is a sensitive plant species that provides habitat for other sensitive plant and animal species. Improvements to surface drainage facilities would be allowed as part of the Dana Point Harbor Revitalization Plan.

Educational / Institutional

EDUCATIONAL / INSTITUTIONAL (E)

The Education/Institutional (E) designation is intended to permit a variety of recreation and education/institutional facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The E designation allows specific uses such as:

- Educational institutions, lecture halls and marine research facilities;
- Educational exhibit areas and museums;
- Scenic viewpoints, visual outlooks and picnic areas;
- Administrative offices;
- Community or youth oriented boating and seamanship recreational structures and facilities or uses and related equipment storage;
- Boat docks;
- Small boat and watercraft storage facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Small boat and watercraft storage facilities;
- Boat wash down facilities;
- Cafes, restaurants, vending machine food and beverage centers;
- Commercial and recreational fishing;
- Public recreation facilities;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Ocean Institute consists of a series of buildings devoted to creating unique marine laboratory environments that serve as learning centers for the At Sea, Ecology, and Surf Science/Overnight programs. Other support buildings house a bookstore (Campus Store), a multipurpose room, a main lobby, an exhibit area, student services, administration, a library and conference room and other support spaces. Recreational uses within the vicinity of the Ocean Institute include the Old Cove Marine and Native Plant Preserves. To facilitate access to the Ocean Institute, a seasonal water taxi stop may be located adjacent to the Ocean Institute's Tall Ship facilities. The Ocean Institute was recently completely renovated.

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OC Sailing and Events Center docks in the Education Basin are used for storing boats used in the sailing and education program as well as providing additional opportunities for the hand launching of small vessels.

Marine Waterways

EDUCATION BASIN, WEST AND EAST MARINAS, MARINE SERVICES AND HARBOR ENTRANCE (M)

The uses included in the marine waterways (M) designation are intended to permit a variety of general marine and boat services facilities supportive of the general marine and boat services industry and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The M designation allows specific uses such as:

- Boat docks, slips and end/side tie facilities;
- Boat mooring and anchoring facilities;
- Public Fishing pier;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Small boat and watercraft waterside storage facilities;
- Commercial and recreational fishing;
- Bait receivers;
- Public sandy beach (Baby Beach) recreational area;
- Buoys, floating or anchored marine navigational aids and facilities;
- Harbor breakwater structures and shore protection devices;
- Seasonal water taxi service facilities;
- Communication facilities; and
- Public works structures necessary for the permitted development;

The Dana Point Harbor Revitalization Plan would allow the renovation of the marine portions of Baby Beach. The non-motorized craft launching area and picnic and park area within Baby Beach and Federal anchorage area will remain. However, because of ongoing water quality concerns, the form and function of this area would be modified based on the findings of water quality research. Potential changes range from implementing water quality Best Management Practices to reconfiguration of the sandy bottom to promote water movement.

Also allowed are the future reconfiguration and/or reconstruction of the East and West Marinas, the quay wall and bulkheads within those basins and gangways and security gates. Additionally, new dry stack storage and dinghy docks and renovations to the OC Sailing and Events Center docks, guest slips and sport fishing docks would be allowed in the Marina Improvement Project.

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Marina renovations would possibly necessitate removal of all floating docks and piles; reconstruction of portions of the degraded quay wall; and installation of new docks, guide piles, gangways, security gates, dock boxes, and utilities. Other waterside project components allowed by the LUP are the enhancement of lighting on the docks and public access improvements, including gangways and docks in compliance with the Americans with Disabilities Act (ADA) requirements.

2.3.1 Dana Point Harbor Land Use Plan – Policy

- 2.3.1-1 Land uses and new development in Dana Point Harbor shall be consistent with the Dana Point Harbor Land Use Plan and all applicable policies and regulations contained in the Dana Point Harbor Revitalization Plan and District Regulations.

TIDELANDS & SUBMERGED LANDS

3.0 Tidelands and Submerged Lands

This Chapter sets forth the Land Use Plan goals and policies for Dana Point Harbor related to tidelands and submerged lands in the Coastal Zone, consistent with the following Chapter 3 policies of the Coastal Act:

Coastal Act §30213 provides:

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

Coastal Act §30220 provides:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act §30221 provides:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act §30224 provides:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Coastal Act §30234 provides:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

TIDELANDS & SUBMERGED LANDS

3.1 Tidelands Trust

The State of California (State) acquired ownership of all previously ungranted tidelands, submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space purposes. Tidelands are those lands that lie between the lines of the mean high tide and the mean low tide; submerged lands lie below the line of mean low water. The State Lands Commission (SLC) has the review responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted or ungranted, are subject to the Common Law Public Trust, which is a sovereign public right held by the State-delegated trustee for the benefit of all people.

Dana Point Harbor is held in trust by the County of Orange in accordance with the State Tidelands Grant. Chapter 321 of the Statutes of 1961 was an Act of the State legislature (effective on September 15, 1961) that granted ownership of certain tidelands and submerged land of the State of California (including Dana Point Harbor) to the County of Orange.

Conveyance of the Harbor area by the State Lands Commission was subject to the following trusts and conditions:

- 1) That said lands shall be used by said County and its successors, only for the establishment, improvements and conduct of a harbor and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation and for use, public park, parking, highway, playground and business incidental thereto; and said County, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said County, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said land are held by the State of California and with the requirements of commerce and navigation at said Harbor and collect and retain rents from such leases.
- 2) That said lands shall be improved by said County without expense to the State and shall always remain available for public use for all purposes of commerce and navigation and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quay walls and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned and operated by the State of California.
- 3) That in management, conduct or operation of said Harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (1), no discrimination in rates,

TIDELANDS & SUBMERGED LANDS

tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said County or its successors.

- 4) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said Harbor with the right of convenient access to said waters over said lands for said purposes.
- 5) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land and to the State of California, or persons authorized by the State of California the right to prospect for, mine and remove such deposits from said land.
- 6) The lands herein described are granted subject to the express reservation and conditions that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the County, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.
- 7) That within ten years from the effective date of this act, said lands shall be substantially improved by said County without expense to the State and if the State Lands Commission determines that the County has failed to improve said lands as herein required, all rights, title and interest of said County in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

In addition to the statutory requirements, the County must also adhere to the common law Public Trust Doctrine. This body of law mandates that the County adhere to Constitutional limitations as set forth by the State of California regarding the protection of commerce, navigation and fishing.

TIDELANDS & SUBMERGED LANDS

3.2 Tidelands Leases

Tidelands and submerged lands are subject to a public trust that, among other things, limits their use to navigation, fishing, commerce, public access, water-oriented recreation, open space and environmental protection. At the time Dana Point Harbor was first constructed, the Harbor was divided into a number of sub-areas that were subject to long-term lease agreements with the developers of the facilities located within each leasehold boundary. Presently, the County of Orange (OC Dana Point Harbor) controls all areas of the Harbor with the following 2 exceptions: the shipyard (located in Planning Area 1) and the Ocean Institute (located in Planning Area 6).

Prior to development of the existing buildings in the Harbor, the Ocean Institute site was used as a camping area for recreational vehicles and tents (between 1971 and 1980). The Ocean Institute began in 1981 as a joint power authority and then re-chartered as a nonprofit organization, with the broad objective of increasing awareness and understanding of the marine environment (formerly known as the Orange County Marine Institute until November 1999). With a small staff, the organization has developed a highly successful science and environmental education program with a mission to provide marine-related education to school-aged children and adults throughout Orange County.

The Ocean Institute's programs and exhibits are a destination for school field trips on weekdays throughout the school year. Most visitors are elementary school students visiting the exhibits and the bookstore, tall ships or exploring the nearby tide pools of the Marine Life Refuge that is located southwest of the Ocean Institute grounds. On weekends, the facilities are open to the public.

In addition to the County's practice of leasing other properties throughout the Harbor to independent merchants, recreational services and equipment vendors and restaurateur's, Dana Point Harbor also provides facilities for the on-going activities of a sailing association and two yacht clubs. As is the case with all Harbor lease agreements, facilities are provided on a rental basis that also includes a profit sharing component that is based on a percentage of sales receipts.

Under the terms of leases, the sailing association and yacht clubs are specifically for the purpose of operating the facilities and conducting the boating, social, youth programs and educational activities that are generally associated with the operation of such a club or organization. Each of the leases further stipulates that the clubs activities include youth programs and boating education programs available to the general public. Furthermore, the clubs must also make significant portions of the facilities available at all reasonable times to the public (member and non-member) groups for banquets, receptions, meetings, luncheons, conferences, seminars and other similar events as the size of the facility permits.

TIDELANDS & SUBMERGED LANDS

Additionally, the lease agreements provide that any boat slip area included as part of the leasehold (as applicable) shall be used for small boat rigging, temporary berthing of transient/guest boaters and/or slip rental to yacht club or sailing association members or the public on a non-discretionary basis and at fair market charges based on the prevailing rates in Dana Point Harbor. Transient/guest boaters are permitted to occupy the slips for periods ranging from overnight to seven days and may also be made available on a reciprocal basis to members of visiting boater clubs for up to three days.

3.2.1 Tidelands Lease – Policies

- 3.2.1-1 Administer the use of the tidelands and submerged lands in a manner consistent with the tidelands trust and all applicable laws.
- 3.2.1-2 Promote the use of the Harbor for navigation, fishing, public access, water-oriented recreation and the provision of coastal-dependent uses adjacent to the water in leasing or re-leasing of publicly owned land. Commercial uses, incidental to the above uses, are also allowed.
- 3.2.1-3 Evaluate and ensure the consistency of the proposed use with the public trust restrictions and the public interest at the time any tideland lease is re-negotiated or renewed.
- 3.2.1-4 New boating/yacht clubs or associations that require membership and/or fees for enrollment/initiation and/or other recurrent fees (e.g. member dues, assessments, etc.), or any other facilities that operate similarly, on public tidelands, are prohibited. Any expansion of existing legally established boating/yacht clubs, associations and/or such clubs that renew or renegotiate their lease on public tidelands shall be required to: 1) remove any existing impediments to public access to and along the bulkhead/waterfront that exist due to the presence of the club; 2) where the club has facilities for banquets, receptions, meetings, luncheons, conferences, seminars and other similar events, make significant portions of the facilities available at all reasonable times to the public (member and non-member) groups, and market the availability of such facilities to the public; 3) within their existing capacity, provide activities at the facilities accessible to the general public throughout the year such as, but not limited to, sailing and navigation classes; sailing and boat racing events, and boating safety classes; 4) offer sailing, navigation, and boating safety classes and boat use and equipment for free and low cost to economically disadvantaged families (to the extent the club has access to such equipment); 5) prohibit membership requirements that discriminate against anyone on the basis of race, color, religion, sex, national origin, sexual orientation or disability.
- 3.2.1-5 The County shall offer a program to include, but not be limited to, sailing, navigation, and boating safety classes, and boat and equipment use, for free to

TIDELANDS & SUBMERGED LANDS

youths (up to age 18) of economically disadvantaged families, with any proposal to expand or improve County operated facilities (e.g., OC Sailing & Events Center) that offer water oriented recreational opportunities to the public.

3.3 Marine Waterways, Marine Services, Education Basin and Harbor Basin

The marinas include the West Marina in Planning Area 9 (west of Island Way, which includes the West Turning Basin and the OC Sailing and Events Center docks), the East Marina in Planning Area 10 (east of Island Way, adjacent to Dana Wharf, including the East Turning Basin, a full-service fuel dock and a bait receiver) and the Embarcadero Marina, located in Planning Area 11 adjacent to the public boat launch ramp. The marinas are fully sheltered from the open ocean by approximately 8,000 linear feet of federal breakwater plus the Island.

The West Marina (Planning Area 9) channel connects the marina to the West Turning Basin, which contains docks for the Sea Explorer and the two tall ships, the Spirit of Dana Point and the Pilgrim. In addition, a public beach area commonly known as Baby Beach is located adjacent to the West Turning Basin.

The East Marina (Planning Area 10) contains the Orange County Sheriff Harbor Patrol docks, which are located near the entrance to the East Marina. Commercial fishing slips are located adjacent to the Sheriff Harbor Patrol docks. The East Marina channel connects the East Marina to the East Turning Basin, which contains a full-service fuel dock and a bait receiver.

Embarcadero Marina is located in Planning Area 11, northeast of the East Turning Basin. Planning Area 11 also contains the sport fishing docks, charter boat docks, the Catalina Express dock, boat rental facilities, the public boat launch ramp and docks, as well as the docks used by the shipyard operator.

The LUP allows for the renovation and/or replacement of the docks and related infrastructure to better serve visitors and coastal dependent businesses while ensuring that boating and water-oriented recreational uses are protected and enhanced. Additionally, new Embarcadero / dry stack boat storage staging docks and dinghy docks are anticipated. Public access to the existing yacht clubs/association will increase with expansion of those facilities as well as the provision of free and low cost sailing, navigation, and boating safety classes to economically disadvantaged youths with the expansion of certain County facilities in the Harbor.

COASTAL DEPENDENT / RELATED DEVELOPMENT

4.0 Coastal Dependent/Related Development

This Chapter sets forth the Land Use Plan policies for Dana Point Harbor pertaining to the location of coastal-dependent and related developments which are in furtherance of the following Coastal Act policies:

Coastal Act §30213 provides:

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

Coastal Act §30220 provides:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act §30221 provides:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act §30223 provides:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act §30224 provides:

Increased recreational boating use of coastal waters shall be encouraged in accordance with this division, by development dry storage areas, increasing public launching facilities . . .

Coastal Act §30234 provides:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

COASTAL DEPENDENT / RELATED DEVELOPMENT

Coastal Act §30255 provides:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

4.1 Dana Point Harbor Coastal-Dependent / Related Development

Dana Point Harbor supports a wide range of coastal-dependent boating and coastal related commercial uses. These include passenger/sightseeing boats, passenger-fishing boats, boat and personal watercraft rentals and sales, commercial fishing vessels, educational and historical boats of significance, entertainment boats, boat storage, maintenance and repair, Orange County Sheriff Harbor Patrol and OC Dana Point Harbor operations offices. All these uses play a significant role in providing the wide range of amenities and services available in Dana Point Harbor.

4.1.1 Coastal-Dependent / Related Development – Policies

- 4.1.1-1 Coastal-dependent development, as defined in Chapter 9.75 of the City of Dana Point Zoning Code, shall have priority over other developments on or near the shoreline. Except as provided for in Conservation and Open Space Element Policy 3.6, coastal-dependent developments shall not be sited in a wetland. Coastal-related developments should be accommodated within the closest feasible proximity to the coastal-dependent uses they support. (Coastal Act Section 30255)
- 4.1.1-2 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. (Coastal Act Section 30220)
- 4.1.1-3 Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (Coastal Act Section 30221)
- 4.1.1-4 Protect irreplaceable beaches and coastal bluffs from development and natural erosion processes, to provide for the replenishment of beach sands when feasible, and to strive for increased public access to the Harbor beaches and the coastline.
- 4.1.1-5 Maintain and enhance boating use through the provision of various amenities to the waterside areas, including, but not limited to improved boater drop-off areas,

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dedicated boater parking, upgraded boater service buildings and restrooms and dinghy docks planned to be relocated adjacent to Planning Area 2.

- 4.1.1-6 Ensure that construction shall not block the main navigational channels of the Harbor (Planning Areas 8 through 12).
- 4.1.1-7 Increased recreational boating use of Dana Point Harbor shall be encouraged by maintaining and enhancing dry storage areas, maintaining and increasing public launching facilities, maintaining and enhancing berthing space within the Harbor and limiting non-water-dependent land uses that may congest access corridors and preclude boating support facilities. (Coastal Act Section 30224)

4.2 Vessel Launching, Berthing and Storage

Vessel launching refers to areas or facilities where vessels may be placed into and retrieved from the water. This could be as simple as hand-carried boat launching at Baby Beach or involve structures, such as ramps and docks or specialized equipment such as cranes, lifts or hoists. Dana Point Harbor has an existing boat launch facility that was recently upgraded. The LUP amendment would result in the enhancement of the vessel launching parking lot by bringing all of the parking spaces into compliance with Department of Boating and Waterways guidelines and maximizing the use of the Marine Service Planning Area primarily for vessel launching parking, boat storage and marine repair and maintenance.

Berthing refers to areas or facilities intended for the storage of a vessel in the water. These facilities can involve anchorage and mooring areas, marinas or individual slips. In addition to the simple docking or mooring of vessels by their owners, berthing can also be associated with boat rentals, vessels used in the charter boat industry, brokered vessels stored for sale, yacht clubs and sailing associations and vessels staged for entry into upland shipyards or repair facilities. The majority of vessel berthing occurs in Planning Areas 9 and 10 in the East and West Marinas. The LUP amendment allows for the reconstruction and reduction of the number of slips in the marinas. The LUP however ensures that the existing boat slips are maintained unless a CDP is issued that addresses not only the net loss of slips but also balances the loss of smaller slips (e.g. with the provision of dry boat storage), among other issues, in order to protect boating opportunities for the smaller boats, within the Dana Point Harbor.

Dry storage of vessels is on-land storage of vessels including vessels normally stored in open or enclosed rack structures, on trailers, cradles, boat stands or by other means. The LUP amendment allows for commercial dry boat storage in a multi-story dry boat storage facility with the capacity of housing approximately 400 vessels in the Marine Services Commercial (MSC) area and requires that the existing number of surface dry storage spaces within the MSC area also be maintained until a dry storage facility is built and is open for use. Also, a minimum of 93 surface boat storage spaces will be maintained and additional surface dry

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boat spaces, where feasible. Additionally, the yacht clubs and associations have facilities for the limited storage of members' boats.

4.2.1 Vessel Launching – Policies

- 4.2.1-1 Protect and where feasible, expand and enhance vessel-launching facilities in Dana Point Harbor. Provide low-cost use of such facilities.
- 4.2.1-2 Protect, and where feasible, expand and enhance low-cost public boating facilities, such as providing a dedicated hand launch area at Baby Beach during peak usage periods; make publicly accessible areas of the docks available for hand launching; and providing adequate locations for vendors renting kayaks, paddleboards or other similar small vessels. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.
- 4.2.1-3 As part of a comprehensive Dana Point Harbor Sign Program, provide information to assist boat owners/operators and the public in locating public launching facilities.

4.2.2 Berthing and Storage – Policies

- 4.2.2-1 Provide a variety of berthing opportunities reflecting State and regional demand for slip size throughout Dana Point Harbor.
- 4.2.2-2 Protect, and where feasible, enhance and expand berthing, dry boat storage facilities and hand launch vessel storage opportunities.
- 4.2.2-3 Maintain existing quantity of anchorage space, and where feasible, provide new anchorages in areas of the Harbor that minimize interference with navigation and where shore access and support facilities are available.
- 4.2.2-4 Continue to enforce requirements that moored and docked vessels are seaworthy and navigable, thereby preserving the safe and positive image of Dana Point Harbor and promoting public use of the water.
- 4.2.2-5 Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy docks, guest slips, club guest slips, pump-out stations and other facilities. A minimum of 42 guest slips shall be maintained in the Harbor.
- 4.2.2-6 Protect and enhance berthing opportunities in Dana Point Harbor. The goal for any dock replacement should be no net loss of slips harbor-wide. However, if conformance with current engineering and Americans with Disabilities Act (ADA) design requirements, and/or the provision of larger slips to meet demands, requires a reduction in the quantity of slips in existing berthing areas, those slips should be

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replaced, if feasible, in new berthing areas elsewhere in the harbor (e.g. within a portion of the 'safe harbor' area near the east breakwater). Priority shall be given to provision of slips that accommodate boats less than 25 feet in length. The average slip length shall not exceed 32 feet. If new berthing areas are not available or are limited in size, the net loss of slips harbor-wide shall be minimized and shall not exceed 155 slips.

- 4.2.2-7 Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing new development proposals, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed development on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.
- 4.2.2-8 Maintain the Marine Commercial (MC) and Marine Services Commercial (MSC) designation in area on or near the water to encourage a continuation of coastal-dependent and coastal-related uses.
- 4.2.2-9 Encourage and maintain marine-related businesses and industries unless the demand for such facilities no longer exists. A shipyard shall be maintained in Planning Area 1 and shall be no less than 1.6 acres in size.
- 4.2.2-10 Ensure that the redevelopment of Dana Point Harbor maintains and enhances the following coastal-dependent and coastal related uses:
 - Redesign and expand the existing 5.7 acre boat launch facility to maximize the number of vehicle with trailer parking spaces meeting minimum Department of Boating and Waterway guidelines (10 x 40 feet). Some larger and smaller vehicle with trailer parking spaces shall also be provided in adequate amount to meet demand as determined through the coastal development permit process;
 - Maintain space for at least 493 boats to be stored on dry land in Planning Area 1; 400 of these spaces may be provided in a dry stack storage facility. Maintain a minimum of 93 surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, within the Harbor at all times; additional spaces shall be provided where feasible;
 - Removal of any existing slips prior to construction and full operation of the boat storage facility shall only occur pursuant to an approved CDP for marina redevelopment that addresses impacts associated with any loss of slips; and
 - Maintain designated boater parking at a minimum ratio of 0.60 parking spaces per boat slip or side tie.

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4.3 Harbor Support Facilities

Harbor support facilities are uses, equipment and vessels that provide repair, maintenance, new construction, parts and supplies, fueling, waste removal, cleaning and related services to vessels berthed in or visiting Dana Point Harbor.

4.3.1 Harbor Support Facility – Policies

- 4.3.1-1 Protect public coastal access recreational opportunities through the provision of adequate support facilities and services.
- 4.3.1-2 Ensure the distribution of support facilities and services in Dana Point Harbor considers the amount of public use.
- 4.3.1-3 Protect and where feasible, expand and enhance facilities necessary to support vessels berthed or moored in Dana Point Harbor, such as boat haul-out and repair facilities.
- 4.3.1-4 Protect and where feasible, expand and enhance existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community and visiting vessels.
- 4.3.1-5 Maintain the ability to distribute, remove and relocate support facilities and services in Dana Point Harbor in response to changes in land uses and recreational interests while continuing to provide comparable facilities and levels of service.
- 4.3.1-6 Coordinate with the California State Department of Parks and Recreation to expand and enhance support facilities and access opportunities between Dana Point Harbor and Doheny State Beach.
- 4.3.1-7 As part of a comprehensive Dana Point Harbor Sign Program, provide information to direct the public to parking areas, restrooms and other support facilities in and adjacent to Dana Point Harbor.

4.4 Marine Commercial (MC) and Marine Services Commercial (MSC)

The Harbor Patrol Facility is contemplated to be expanded from 6,000 sq. ft. to 7,500 sq. ft. A potential seasonal water taxi may be provided, with pick-up/drop-off locations at the Harbor Patrol Facility, at one or more locations in Island Park and at the Dana Point Yacht Club.

To aid and enhance water quality improvements, a materials and recycling disposal station would be installed within Planning Area 4 to facilitate boater drop-off of materials such as oil

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absorbing bilge pads. Plans also contemplate enhancements in visitor parking availability and the replacement of existing turn-around at each end of Dana Drive to resolve large vehicle and emergency access constraints. Additional public parking may also be provided through the reconfiguration of Dana Drive.

The Land Use Plan amendment would provide enhancements to the Marine Services Commercial area by allowing one (1) dry stack boat storage facility building with a capacity to store up to 400 boats generally ranging in size from 20 to 40 feet. Currently, County maintenance buildings occupy a portion of this Planning Area.

The dry stack facility would offer enhanced boater services, including valet launch and retrieval services and may also include new offices, marine retail sales and boater lounge area, a hoist, boat maintenance area and other support space.

The provision of surface boat storage and parking for the boat launch (i.e. vehicle with boat trailer) is a priority in the Marine Services Commercial area. Approximately 93 surface boat storage spaces will be provided. Additional dry boat storage will be provided in surface storage and/or in a dry stack boat storage facility. The boat launch facility will be redesigned and expanded such that spaces are maximized and meet the minimum Department of Boating and Waterways guidelines of 10 x 40 feet to the greatest extent feasible while taking into account consideration the demand for larger and smaller spaces. An adequate quantity of larger and smaller vehicle with trailer spaces shall be provided for the type of tow vehicles and vessels that use the launch ramp facility, as determined through the Coastal Development Permit process.

4.4.1 Marine Commercial (MC) and Marine Services Commercial (MSC) – Policies

- 4.4.1-1 Facilities serving the commercial fishing and recreational boating industries shall be protected and where feasible, upgraded. Existing commercial fishing and recreational boating shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry. (Coastal Act Section 30234)
- 4.4.1-2 Renovation of the southern portion of the Marine Services Commercial area of the Harbor (southern portion of Planning Area 1) may include reconfiguration of the areas presently used for non-shipyard related activities such as boat storage, boat brokerages, jet-ski rentals and sales and kayak rentals to include a future boat storage area.
- 4.4.1-3 To provide enhancements to boater facilities and services in the Marine Services Commercial area (Planning Area 1) one (1) dry stack boat storage facility building may be constructed with a capacity to store up to 400 boats generally ranging in

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size from 20 to 40 feet. The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent possible. Other services may include ancillary marine-related administrative, professional and business offices, marine retail store, a boater lounge area, a hoist, boat maintenance area, and potentially other boat maintenance and support facilities. The existing public launch ramp and associated vehicle and trailer parking facilities shall be enhanced and maintained. There shall be no net loss of the existing 334 vehicle with trailer parking spaces. The existing vehicle with trailer parking spaces shall be reconfigured such that spaces are maximized and meet the minimum California Department of Boating and Waterways guidelines of 10 x 40 feet to the greatest extent feasible while taking into consideration the demand for larger and smaller spaces. An adequate amount of larger and smaller vehicle with trailer parking spaces shall also be provided for the type of tow vehicles and vessels that use the launch ramp facility, as determined through the Coastal Development Permit process.

- 4.4.1-4 To aid and enhance water quality improvements a materials and recycling disposal station will be installed to facilitate boater drop-off of materials such as oil absorbing bilge pads.
- 4.4.1-5 Renovation of the Marine Commercial area (Planning Area 4) may include the potential expansion of the two existing yacht clubs, restaurant upgrades and modifications to the Harbor Patrol offices to provide additional meeting rooms and staff office space. Additional new private (membership) yacht clubs are prohibited. Public access parking shall not be reduced as a result of new development.
- 4.4.1-6 Access to the Marine Services Commercial areas shall be maintained during all construction phases. A Construction Management Plan shall be prepared identifying the configuration of construction staging areas, temporary access routes and parking areas and will be submitted with development permit applications.

4.5 Public Facilities

The Land Use Plan policies for the Dana Point Harbor related to the location of public facilities are in furtherance of the following Coastal Act policy:

Coastal Act §30212.5 provides:

Wherever appropriate and feasible, public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise of overcrowding or overuse by the public of any single area.

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Lands designated for public facilities that are on or adjacent to the shoreline are primarily used for public parking for access to the beach and open space areas, public safety facilities and educational facilities. In Dana Point Harbor, these facilities include Baby Beach, Island Park, the Ocean Institute, Harbor Patrol and the OC Sailing and Events Center.

4.5.1 Dana Point Harbor Public Facility – Policy

- 4.5.1-1 Wherever appropriate and feasible, public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. (Coastal Act Section 30212.5)

VISITOR SERVING COMMERCIAL DEVELOPMENT

5.0 Visitor-Serving Commercial Development

This Chapter sets forth the Land Use Plan policies for Dana Point Harbor related to the location of visitor serving commercial and related development which are in furtherance of the following Coastal Act policies:

Coastal Act §30213 provides:

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

Coastal Act §30221 provides:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act §30222 provides:

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.

Coastal Act §30223 provides:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act §30250 (c) provides:

Visitor Serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

5.1 Visitor Serving Commercial (VSC) and Day Use Commercial (DUC)

In order to insure that Coastal Act priorities are accommodated in the Day Use Commercial Planning Area, extensive site planning has been undertaken, balancing the need for boater services and parking, visitor serving retail and restaurants, coastal access, etc. All these land uses, when combined, play a significant role in ensuring that the policies in this Section can be met and Coastal Policies ensured.

VISITOR SERVING COMMERCIAL DEVELOPMENT

5.1.1 Visitor Serving Commercial (VSC) and Day Use Commercial (DUC) – Policies

- 5.1.1-1 Future visitor serving facilities shall be located in those areas designated as Visitor Serving Commercial and Day Use Commercial by the Dana Point Harbor Land Use Plan.
- 5.1.1-2 Continue to provide commercial uses, including eating and drinking establishments, recreation and entertainment establishments as a means of providing public access to the waterfront.
- 5.1.1-3 The Commercial Core area shall include a public Pedestrian Promenade, located immediately adjacent to the waterfront and extending from Casitas Place to Dana Wharf that will vary in width from 15 to 50 feet.
- 5.1.1-4 Design of the Commercial Core buildings and facilities shall improve the water orientation of these visitor serving land uses through the integration with the Festival Plaza, the Pedestrian Promenade and the merchants located on Dana Wharf.
- 5.1.1-5 As a part of planned new development, visitor serving commercial and restaurant uses may be integrated into a two-level podium structure, with visitor serving commercial and restaurant uses and parking on each level.
- 5.1.1-6 The two-level parking deck in the Commercial Core area shall be designed to provide direct access from the Street of the Golden Lantern and adjacent Harbor surface parking areas.
- 5.1.1-7 Cluster and phase new commercial development in the Harbor to minimize significant adverse individual or cumulative impacts on public recreational areas and the ability to provide adequate land area and support facilities for higher priority public access, public recreational and coastal dependent uses.
- 5.1.1-8 Phase new commercial development such that sufficient parking for higher priority uses (e.g. slips, boat launch, surface boat storage) is provided prior to construction of the new commercial development.
- 5.1.1-9 Ensure that adequate land area is reserved to provide parking for 2,409 boat slips (i.e. no net loss) unless a net loss of slips is authorized by a Coastal Development Permit.

VISITOR SERVING COMMERCIAL DEVELOPMENT

5.2 Overnight Visitor Accommodations and Recreational Facilities (R)

The Dana Point Harbor Revitalization Plan contemplates the future replacement of the existing Marina Inn with a new facility located in the present hotel location or relocated closer to the waterfront to promote a stronger pedestrian connection with the Pedestrian Promenade and Festival Plaza. The new hotel is planned to provide up to a maximum of 220 guest rooms with full-service guest amenities, including expanded lobby area with guest services, 2,750 sq. ft. restaurant, up to 12,000 sq. ft. of special function and meeting rooms, 500 sq. ft. of ancillary retail space, a 1,500 sq. ft. fitness center, pool and other outdoor activity facilities.

In addition to traditional hotel accommodations, the proposed hotel may include suites (up to 20 percent of the total number of rooms) that provide families with a bedroom, living area, dining rooms, kitchens, clothes washers and dryers. The final design of the hotel may also include connections to adjoining rooms, allowing multiple bedroom suite accommodations. The new hotel rooms would have private decks or balconies for guests to take advantage of the views and oceanfront climate. These suites would be intended to encourage longer visitor stays, particularly for families with children.

The Dana Point Harbor Revitalization Plan anticipates at some time in the future, plans will be prepared by interested parties to replace the existing Marina Inn. Conceivably, any future plans, in addition to offering overnight accommodations would also include ancillary services intended to enhance the financial viability of the facility and attract patrons.

The architectural character of the hotel will need to be compatible with the California Coastal theme of the new planned Commercial Core, possibly including terraced levels of buildings in various configurations to maximize views and break up building massing as viewed from surrounding vantage points. The hotel building design would also emphasize providing adequate parking for guests and maintaining convenient access to parking areas for boaters. Parking areas may be provided using a combination of at-grade parking lots and some underground parking facilities, allowing direct access to the Harbor and hotel facilities. A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may also be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.

Planning Area 5 includes a potential expansion of the OC Sailing and Events Center, which currently offers meeting rooms for recreational activities, community events and private parties, as well as sailing and ocean-related educational and instructional programs. The OC Sailing and Events Center may ultimately increase by approximately 6,000 sq. ft. to a total of 17,000 sq. ft. There may be a seasonal water taxi pick-up/drop-off station adjacent to the facility. Additionally, locations for the provision of low-cost boating activities, including hand launch vessel rentals and marine sightseeing excursions the operation of sports fishing

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and/or charter boat concessions may be provided. Other enhancements include picnic area improvements, upgraded restrooms and reconfigured parking areas.

Contemplated circulation and access improvements in future phases of the Harbor Revitalization Plan may include the realignment of Dana Point Harbor Drive adjacent to the proposed facility to remove the existing traffic circle to improve traffic circulation. Currently, Cove Road provides secondary access to the Harbor.

5.2.1 Overnight Visitor Accommodations and Recreational Facilities (R) – Policies

5.2.1-1 Harbor visitor serving and overnight accommodations (Planning Area 3) will be enhanced by potential replacement and/or remodeling of the hotel complex to include conference and recreational facilities in addition to providing up to 220 new guest rooms and amenities.

5.2.1-2 If demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) in the Harbor is proposed, all demolished units shall be replaced in the area designated as visitor serving commercial by the Dana Point Harbor Land Use Plan with units that are of equal or lower-cost than the existing lower-cost units to be demolished. Conversion of any existing units to high cost, replacement of any existing units with anything other than lower cost, and construction of any new/additional units that are anything other than lower cost units shall require a Local Coastal Program Amendment to address Coastal Act issues associated with such proposals.

5.2.1-3 The conversion of any existing overnight accommodations located on public tidelands to timeshares or condominium-hotel units or any other type of Limited Use Overnight Visitor Accommodations, shall be prohibited. The construction of new timeshares or condominium-hotel units, or any other type of Limited Use Overnight Visitor Accommodation, on public tidelands, shall be prohibited. Limited Use Overnight Visitor Accommodations are any hotel, motel or other similar facility that provides overnight visitor accommodations wherein some or all of the units, rooms, lots or parcels or other segment of the facility may be sold to a subsequent purchaser who receives the right in perpetuity, for life or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s) or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to timeshare, condominium-hotel, fractional ownership hotel or uses of a similar nature.

5.2.1-4 Harbor visitor serving and overnight accommodations (Planning Area 3) will be enhanced by potential remodeling and/or replacement (if remodeling isn't feasible) of the hotel complex to potentially include conference and recreational facilities in addition to providing up to 220 new guest rooms and amenities.

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- 5.2.1-5 The design of any renovated or new hotel in addition to traditional guest accommodations may encourage longer visitor stays, particularly for families with children, by providing up to 20% of the total number of rooms with guest amenities in addition to a bedroom, that include a living area, dining room, kitchen, clothes washers and dryers.
- 5.2.1-6 Some hotel rooms may provide accommodations for larger groups by offering connections to adjoining rooms, allowing multiple bedroom suites.
- 5.2.1-7 The design of hotel rooms shall incorporate wherever possible the use of private decks or balconies to allow guests to take advantage of the Harbor views and enjoy the oceanfront climate.
- 5.2.1-8 The design of the hotel will be compatible with the California Coastal design theme of the Commercial Core area and terraced levels of buildings in various configurations to maximize public views and break up building massing as viewed from the surrounding public vantage points shall be encouraged as part of the design.
- 5.2.1-9 The hotel building design shall emphasize providing adequate parking for guests and maintaining convenient access to parking areas for boaters.
- 5.2.1-10 A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.
- 5.2.1-11 Future facilities providing overnight accommodations will be located in the area designated as Visitor Serving Commercial (Planning Area 3) by the Dana Point Harbor Land Use Plan.

PUBLIC ACCESS AND RECREATION

6.0 Public Access and Recreation

This Chapter sets forth the Land Use Plan goals and policies for Dana Point Harbor implementing several sections of the California Coastal Act that pertain to providing public access in the Coastal Zone. They include:

Coastal Act §30210 provide:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act §30211 provide:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act §30212 provide:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided except where:*
 - (1) it is inconsistent with public safety, military security needs or the protection of fragile coastal resources;*
 - (2) adequate access exists nearby . . .*

Coastal Act §30214, in part provide:

- (c) In carrying out the public access policies of this article, the commission, regional commissions and other responsible public agencies shall consider and encourage the utilization of innovative access management techniques, including but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Coastal Act §30252 provides 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 . . . (3) providing non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses . . .

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Coastal Act § 30253(d) provides in part that:

New development shall do all of the following:

(d) Minimize energy consumption and vehicle miles traveled

Coastal Act §30212.5 provide that:

Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise of overcrowding or overuse by the public of any single area.

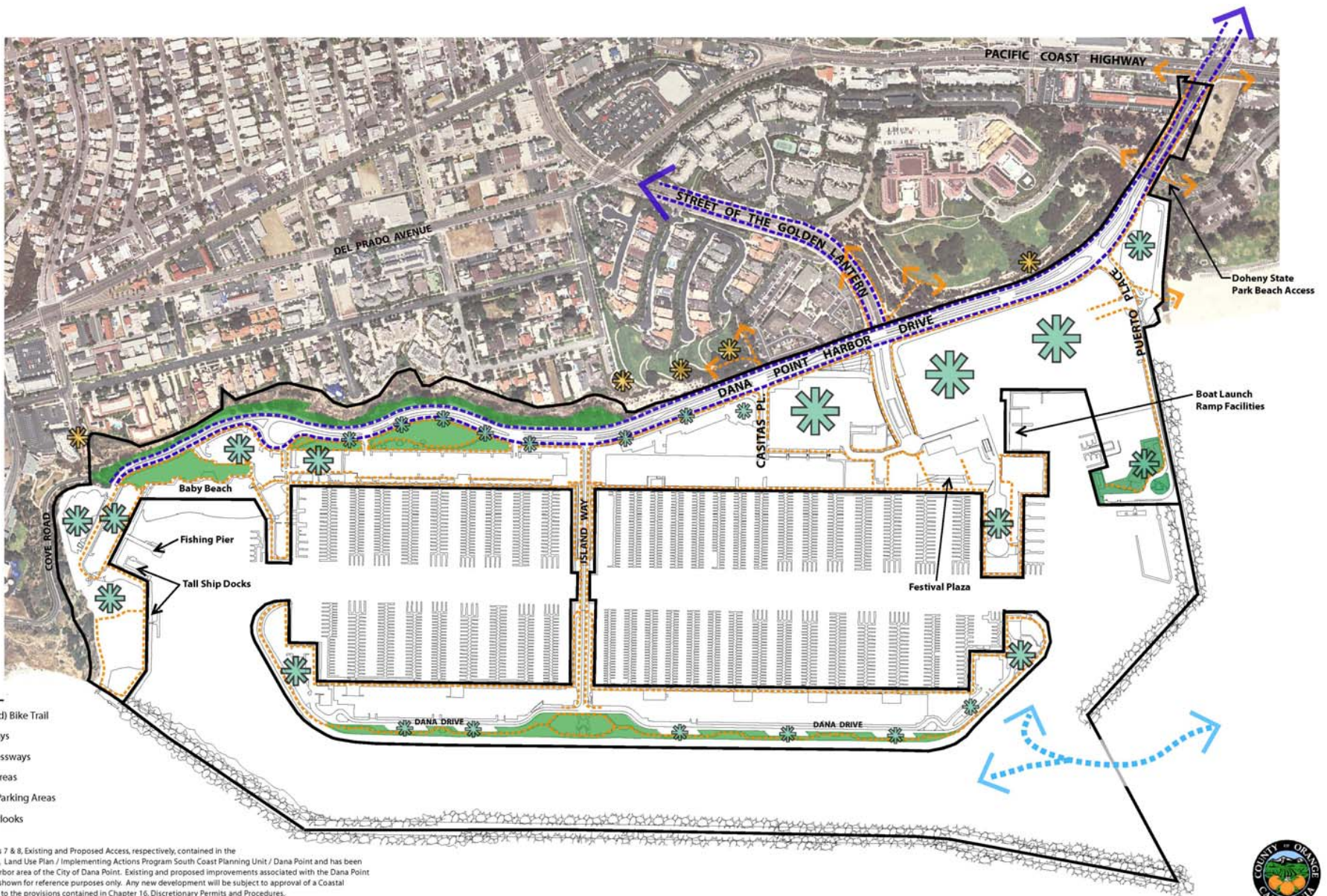
The policies contained in Chapter 3, Article 2 of the California Coastal Act focus on providing for maximum public access to the coast and the provision of recreational use of the coastline, consistent with property rights and environmental protection practices. Further, the policies require that development not interfere with public access where acquired through use or legislative authorization. Coastal development is encouraged to provide convenient access from the nearest public roadway to the shoreline, including parking areas that minimize the potential for overcrowding or overuse of a single area.

6.1 Shoreline Access

The Dana Point Harbor Revitalization Plan is planned to continue to allow the Harbor to provide a wide range of public access opportunities to the coast as shown on Exhibit 6-1, *Dana Point Harbor Coastal Access*. The Revitalization Plan would provide for the reconfiguration of the main Harbor vehicular entrance and provide dedicated parking for visitors and businesses in the Commercial Core, boaters and boat service users. The physical design of the Commercial Core would facilitate the consolidation of a majority of the Day Use Commercial land uses by clustering the commercial businesses and restaurants in one centralized area and providing more convenient parking accessibility.

6.1.1 Shoreline Access – Policies

6.1.1-1 Oceanfront land suitable for recreation use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (Coastal Act Section 30221)



PUBLIC ACCESS AND RECREATION

- 6.1.1-2 Priority should be given to those projects that provide for coastal recreational opportunities for the public. Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. (Coastal Act Sections 30213, 30222, 30223)
- 6.1.1-3 Preserve, maintain, and enhance existing public access ways and existing areas open to the public. Create new public access opportunities where feasible. (Coastal Act Sections 30210, 30212)
- 6.1.1-4 Existing, new or improved public access shall be well posted. A comprehensive signage plan shall be implemented in conjunction with new development to inform the public of the availability of and provide direction to coastal accessways, on-site recreational amenities, and public parking areas. The County shall coordinate an access signing system to facilitate regional access from Interstate 5 and Pacific Coast Highway.
- 6.1.1-5 Public access will continue to be provided to the marine life refuge.
- 6.1.1-6 Existing access trails will be managed for controlled access if use is excessive and contributing to the deterioration of highly sensitive habitat areas. Management mechanisms shall be maintained, and where necessary modified, in conjunction with the State Department of Fish and Game.
- 6.1.1-7 Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. (Coastal Act Section 30211)
- 6.1.1-8 Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or where adequate access exists nearby. (Coastal Act Section 30212)
- 6.1.1-9 Public access, which shall be conspicuously posted, and public recreational opportunities, shall be provided to the maximum extent feasible for all the people to access the coastal zone area and shoreline consistent with public safety needs and the need to protect public rights and natural resource areas from overuse. (Coastal Act Section 30210)
- 6.1.1-10 Public access and views of the waterfront shall be enhanced through the creation of a large, centralized outdoor Festival Plaza (approximately 35,000 sq. ft.), and located at the southern terminus of the Street of the Golden Lantern that provides a combination of landscaping, special paving and informal seating opportunities, serving as a central gathering place for events, activities and celebrations.

PUBLIC ACCESS AND RECREATION

6.1.1-11 Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

6.1.1-12 Enhanced lighting for streets, parking lots and pedestrian walkways will be implemented with new development.

6.2 Transportation

The Dana Point Harbor Revitalization Plan would allow for improvements to the vehicular circulation system to minimize pedestrian conflicts, thereby improving public access to the Commercial Core area and the ocean. The vehicular entrance to the Harbor from Dana Point Harbor Drive and Street of the Golden Lantern, if modified, will provide direct access to the parking deck facility, enhancing accessibility to the businesses located in the Commercial Core area. An above ground pedestrian bridge located east of the Festival Plaza, would provide an unimpeded pedestrian connection to the Dana Wharf area. Non-vehicular accessibility of the different areas of the Harbor also would be enhanced by the provision of a seasonal water taxi service and land-based, non-auto/ shuttle system when determined feasible and necessary to improve traffic circulation and reduce parking demand within the Harbor.

To reduce the current commercial/retail parking shortage and improve access, the Dana Point Harbor Revitalization Plan would allow consolidation of parking areas into a two-level parking deck north of proposed Commercial Core area that will extend directly from Street of the Golden Lantern and Dana Point Harbor Drive. To create the main Harbor vehicular entrance that is contemplated, the realignment of the extension of the Street of the Golden Lantern is necessary to provide improved vehicular access, to open valuable public view corridors to the coast and provide access to the upper and lower levels of the parking deck. While the footprint of the new parking deck is located in a portion of the existing boat launch ramp parking lot, the design relocates the surface parking for the boat launch ramp to the east, maintaining at least the same size surface parking lot and maintaining California Department of Boating and Waterways design standards. The new parking deck facility would provide efficient ingress and egress and allow for safe pedestrian movement from the parking areas to shopping and restaurants.

The traffic management strategies to be developed as part of a comprehensive Traffic Management Plan and implemented through the Coastal Development Permit process will minimize short-term disruptions of traffic flow during construction activities and continue with long-term ways of managing traffic throughout the year. The Plan will include the locations of shuttle drop-off areas, relocation of public transit facilities and provisions for valet service (if construction activities do not allow convenient parking adjacent to existing businesses).

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6.2.1 Transportation – Policies

- 6.2.1-1 Promote Harbor improvements that are designed in a manner that: (1) facilitates provision or extension of transit service; (2) provides on-site commercial and recreational facilities to discourage mid-day travel; and (3) provides non-automobile circulation to and within the Harbor. (Coastal Act Section 30213 & 30252)
- 6.2.1-2 The City of Dana Point and OC Dana Point Harbor shall cooperate to the maximum extent feasible to provide a convenient shuttle service to link Dana Point Harbor with the Town Center and reduce energy consumption and vehicle miles traveled wherever feasible. (Coastal Act 30252, 30253)
- 6.2.1-3 The implementation of restrictions on public parking along Dana Point Harbor Drive and Street of the Golden Lantern that would impede or restrict public access to the Harbor, trails or recreation areas (including, but not limited to the posting of “no parking” signs, red curbing and placement of physical barriers) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Changes to existing time limits or hours of operation and substantial changes to parking fees shall require a Coastal Development Permit.
- 6.2.1-4 Prior to Coastal Development Permit approval for development within the Commercial Core, plans shall be prepared indicating the use of Transportation Demand Management Plan (TMP) measures such as preferential parking for vanpooling/carpooling, employee subsidy for transit passes or vanpooling/carpooling, flextime work schedules, etc. A TMP shall be required for implementation as part of the Coastal Development Permit process.
- 6.2.1-5 Bike racks shall be incorporated into the design of the Harbor wherever feasible.

6.2.2 Public Transit

Dana Point Harbor is presently served by an established network of public transportation services that bring visitors, sightseers and the general public to enjoy the various Harbor amenities. In addition to the services presently provided, the Dana Point Harbor Revitalization Plan contemplates the implementation of the following two programs to augment existing access opportunities.

A seasonal water taxi service could be provided as an alternative means of transportation during high usage periods in the Harbor for boaters and business patrons and to potentially reduce average daily trips. Prior to completion of Dana Point Harbor Revitalization Plan improvements, OC Dana Point Harbor will evaluate the feasibility of such a venture. Based on the results, OC Dana Point Harbor will implement such a program.

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The Cities of Dana Point, San Juan Capistrano and San Clemente have joined together in support of the Orange County Transportation Authority's (OCTA) "Go Local Program" to propose creation of the "Tri-City Trolley" program. The Tri-City Trolley would provide tourists, visitors, residents and employees in the areas with a link between the local Amtrak Station, Metrolink Station, beaches, historic districts, local attractions, shopping, restaurants and local hotels. The goal of this program is to serve as many destinations as possible and minimize the travel time for Trolley customers. The objective of the program is to reduce traffic congestion, parking demand, enhance pedestrian use and increase economic development of the cities involved. Anticipated activity centers to be served include:

- San Juan Capistrano Train Station
- St. Regis Hotel
- Ritz Carlton Hotel
- Dana Point Harbor
- Doheny State Beach
- Capistrano Beach (from the pedestrian bridge)
- San Clemente Metrolink Station
- San Clemente Pier / Amtrak Train Station
- Mission San Juan Capistrano

Public Transit – Policies

- 6.2.3-1 Transit service and pedestrian/bicycle trails shall be maintained and enhanced wherever possible in order to reduce the demand for parking.
- 6.2.3-2 Require the implementation of employer Transportation Demand Management (TDM) requirements included in the Southern California Air Quality Management District's Regulation XV of the Air Quality Management Plan. Participate in regional efforts to implement (TDM) requirements.
- 6.2.3-3 Promote ridesharing and public transportation through publicity and provision of information to the public.
- 6.2.3-4 Ensure accessibility of public transportation for elderly and disabled persons.
- 6.2.3-5 Require employers to reduce vehicular trips by offering employee incentives.
- 6.2.3-6 Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation. (Coastal Act Section 30252, 30253)

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Bus Transportation

The Orange County Transit Authority (OCTA) provides bus services to the City of Dana Point and Dana Point Harbor. Bus stops are currently located adjacent to the intersection of Dana Point Harbor Drive on Street of the Golden Lantern at the main entrance to the Harbor.

Bus Transportation – Policies

- 6.2.3-7 Encourage the provision of safe, attractive and clearly identifiable transit stops and related high quality pedestrian facilities throughout the Harbor. (Coastal Act Section 30252)
- 6.2.3-8 Work with the Orange County Transit Authority (OCTA) and other appropriate agencies to provide express transportation to regional airports.
- 6.2.3-9 To promote energy conservation as part of new development, OC Dana Point Harbor in cooperation with the County and adjacent cities will determine the feasibility of the Tri-City Trolley being operational prior to or concurrent with build-out and occupancy of the Commercial Core. Funding mechanisms and the option to serve Dana Point Town Centre as an activity center will be evaluated.
- 6.2.3-10 To reduce traffic congestion and parking demand within OC Dana Point Harbor and enhance connectivity between areas of high public use within the Dana Point coastal zone (e.g. Harbor, Town Center, Doheny State Beach, hotels, etc.), the OC Dana Point Harbor shall implement a shuttle service to link the Harbor with other areas of high public use when anticipated ridership suggests demand for such service. The City and OC Dana Point Harbor shall continually evaluate traffic and parking demand within the harbor to determine whether implementation and/or expansion of existing shuttle service is required. Where shuttle service implementation and/or expansion is determined to be necessary to offset the impacts of new development, the City and/or OC Dana Point Harbor shall require new development to participate in the provision of such service.

Water Transportation

Water transportation options in Dana Point Harbor presently include services such as ferry service to Catalina Island, whale watching and pleasure excursions and may include a seasonal water taxi if determined feasible.

Water Transportation – Policy

- 6.2.3-11 A seasonal water taxi service may be incorporated throughout the Harbor to reduce average daily trips (ADT's) during peak Harbor usage days.

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6.2.4 Bikeways and Trails

All Harbor facilities are linked by a series of pedestrian pathways that meander through the landscape areas of the Harbor and along the local collector streets. Most of the walkways are of adequate width (between 5 and 10 feet) to allow opposing paths of travel for pedestrians as well as occasional bicycle access to all areas of the Harbor.

The design of the future Commercial Core area emphasizes a pedestrian oriented environment designed to take full advantage of the Harbor's unique setting and promote better access to parking, retail businesses, restaurants and boater facilities. Two critical components of the contemplated Revitalization Plan improvements are the creation of a centralized Festival Plaza and Pedestrian Promenades along the waterfront. The Festival Plaza, expected to be comprised of landscaping, specialized pavement and seating would be located at the southern terminus of the Street of the Golden Lantern. Consistent with the Revitalization design goals established by the Dana Point Harbor Advisory Committee, the Festival Plaza adds a significant central gathering space for Harbor-wide events and outdoor entertainment surrounded by Harbor merchants and restaurateurs.

The other central component to providing a strong pedestrian-orientation for the Harbor is the creation of Pedestrian Promenades that serves to link the land uses located throughout the Commercial Core area. As envisioned in the Harbor Revitalization Plan, a continuous Pedestrian Promenade (varying in width from 15- to 50-feet as measured from the Harbor bulkhead) will be created between Island Way and the businesses located on Dana Wharf. To provide a safer and more convenient connection between the Marina Inn, visitor and boater parking areas and the businesses located in the Commercial Core, a secondary Pedestrian Promenade would be created as part of a new linear park.

Dana Point Harbor Drive is identified on both the Orange County and City of Dana Point Master Plan of Bikeways as a Class II Bikeway (on-street bike lane). The Class II Bikeway provides a restricted right-of-way in the established paved area of highways designated for the exclusive or semi-exclusive use of bicycles. Dana Point Harbor Drive is configured to have designated bicycle paths on both sides of the street, continuing from Pacific Coast Highway to the traffic circle, adjacent to OC Sailing and Events Center. On-street vehicle parking is presently only allowed on the Harbor-side of Dana Point Harbor Drive, extending from the traffic circle to Casitas Place.

As previously stated, pedestrian walkways located throughout the Harbor also typically serve as informal bicycle paths, particularly during periods of low pedestrian usage or during special events. The County of Orange Master Plan of Bikeways identifies Dana Point Harbor Drive as a Class II Bikeway (bike lane). Class II Bikeways provide a restricted right-of-way in the established paved area of highways designated for the exclusive or semi-exclusive use of bicycles, with through travel by motor vehicles or pedestrians prohibited, but permit motor vehicle parking and cross-flows by pedestrians and motorists.

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Bikeways and Trails – Policies

- 6.2.4-1 Coordinate with appropriate City and County Park, Recreation and Harbor agencies to enhance Open Space trails and bike paths. (Coastal Act Sections 30210-212.5)
- 6.2.4-2 Promote the safety of pedestrians and bicyclists by adhering to national standards and uniform practices.
- 6.2.4-3 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between facilities.
- 6.2.4-4 Encourage safe and convenient bicycle and pedestrian access throughout the community. (Coastal Act Sections 30210-212.5, 30250, 30252)
- 6.2.4-5 Develop stronger pedestrian, bicycle and visual linkages between public spaces and along the shoreline and bluffs. (Coastal Act Sections 30210, 30212)
- 6.2.4-6 Support and coordinate the development and maintenance of bikeways in conjunction with the County of Orange Master Plan of Countywide Bikeways to assure that local bicycle routes will be compatible with routes of neighboring jurisdictions.
- 6.2.4-7 Require the provision of showers, changing rooms and an accessible and secure area for bicycle storage at all new and existing developments and public places whenever feasible. (Coastal Act Section 30213)
- 6.2.4-8 Consider the provision of unique non-motorized circulation methods for special events.
- 6.2.4-9 Provide public access consistent with the exhibit entitled Dana Point Harbor Coastal Access.
- 6.2.4-10 Maximize public access to and along the waterfront and bulkhead. As a goal, maintain, and where necessary establish, continuous, uninterrupted public access along the waterfront and bulkhead, except along those segments of the bulkhead in the Marine Service Commercial area where provision of such access would interfere with boat launch and repair operations (in which case connecting detours shall be provided around those areas). Remove existing obstructions to public access along the waterfront and bulkhead and establish new public accessways through those areas.
- 6.2.4-11 Pedestrian walkways and trails shall provide connection points to off-site, existing or proposed walkways/trails, including integration with the California Coastal Trail.

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6.2.4-12 Provide public access onto harbor jetties, including provisions for public fishing, wherever feasible and to the extent such access can be safely provided.

6.2.5 Parking

The Vehicular circulation system throughout the Commercial Core would be significantly enhanced by providing dedicated parking areas to serve the merchants, restaurants, surface boat storage and boater needs. Additionally, to assist boaters with loading and unloading of supplies and guests, several short-stay boater drop-off areas will be provided in close proximity to the marinas edge.

As part of the Dana Point Harbor Revitalization Plan, a parking analysis was prepared to determine existing parking supply uses and Harbor activity areas and to forecast whether adequate parking can be provided based on planned improvements. As indicated by the parking study, the Harbor presently has a parking capacity of 3,983 spaces total and with the planned modifications and improvements included in the Dana Point Harbor Revitalization Plan; the number of spaces available would be increased by 582, for a total of 4,565 spaces.

To minimize the disruption of traffic and parking facilities in and around the Harbor for marina users and visitors during construction activities, a Construction Management Plan would provide alternative strategies that include use of a combination of on- and off-site parking areas to be utilized for the temporary storage of boats, vehicles and employee parking. During significant special events or periods of peak Harbor usage, Harbor visitors and guest parking at off-site locations would be linked by using regularly scheduled shuttle transportation.

Dana Point Harbor Parking – Policies

- 6.2.5-1 All parking facilities shall be designed to include safe and secure parking for bicycles.
- 6.2.5-2 Provide opportunities for and encourage the shared use of parking facilities to improve public access to the coast, where feasible and where such shared use does not substantially and adversely impact the primary use for which the parking was intended. (Coastal Act Sections 30212.5 & 30252)
- 6.2.5-3 Adequate parking will be provided in close proximity to the use the parking is intended to support.
- 6.2.5-4 Maintain public access to the coast by providing better transit and parking opportunities. (Coastal Act Section 30252)
- 6.2.5-5 Provide sufficient off-street parking. (Coastal Act Section 30250)

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- 6.2.5-6 Designated boater parking areas shall be located as close as possible to the land/dock connection point of the docks they serve. Typically, the boater parking spaces should be within 300-feet of the land/dock connection point of the docks they serve, but where adherence to this standard is infeasible, the parking spaces shall be within a maximum of 600-feet of the land/dock connection point of the docks they serve. Mitigation measures should be provided to assist boaters with transport of passengers, equipment and provisions from parked vehicles to the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300-feet and/or where there are other factors present which make such transport difficult.
- 6.2.5-7 As part of any application for a Coastal Development Permit for Revitalization Plan improvements in the Commercial Core, a parking management program shall be developed which assesses current and anticipated future parking demands throughout the harbor, taking into account weekday, weekend and seasonal variations in the use of Harbor facilities, and develops a plan which makes the best possible use of the parking while prioritizing and avoiding adverse impacts on dedicated boater parking and boat launch ramp parking (i.e. vehicle with boat trailer) opportunities. The parking needs of the general public visiting the harbor for boat and non-boat related recreational purposes shall also be considered, especially with regard to any underutilized parking that may exist in Planning Area 4.
- 6.2.5-8 The parking ratios will be contained in the off-street parking standards section of the Implementation Plan once certified by the California Coastal Commission. Any changes to these standards shall require a Local Coastal Program Amendment.
- 6.2.5-9 Separate pedestrian sidewalks will be provided as part of the ramp design to minimize pedestrians using parking aisles to access the Commercial Core area businesses.
- 6.2.5-10 Prioritize construction of proposed parking facilities in new development to augment parking for Harbor visitors and boaters.
- 6.2.5-11 Designated boater drop-off areas and parking shall be provided in the Commercial Core.
- 6.2.5-12 Existing surface parking may be re-striped to improve efficiencies in parking stall configuration.
- 6.2.5-13 Prior to the approval of any Coastal Development Permit or Grading Permit for Revitalization Plan improvements, OC Dana Point Harbor shall prepare a construction-phase Parking Management Plan (PMP) that ensures public access will

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be retained to the extent it can be safely provided and to reduce construction congestion/ conflicts.

6.2.5-14 OC Dana Point Harbor shall prepare a Traffic Management Plan (TMP) to include a provision for use of off-site locations for parking during peak Harbor use periods as necessary.

6.2.5-15 Existing parking in Planning Area 4 that supports access to recreational amenities (e.g. walkways, picnic areas, green space) shall not be reduced. Those parking spaces shall not be used to support other uses in Planning Area 4 (e.g. expanded yacht clubs, restaurant, harbor patrol, etc.). Consideration shall be given to opening up existing underutilized parking areas that are closed to public use for use by the visiting public.

6.2.6 Arterial Highways, Local Roads and Circulation

The overarching goal of ensuring that new development maintains and enhances public access to the coast, as required by Coastal Act §30212, is carried out through the planned regional circulation improvements required by the affected agencies. Exhibit 6-2, *Dana Point Harbor Arterial Highways*, shows the roadway system serving the Dana Point Harbor and surrounding land uses. Access to Dana Point Harbor is provided principally from Pacific Coast Highway via Dana Point Harbor Drive and the Street of the Golden Lantern. Pacific Coast Highway is classified as a Major Arterial Highway and both Dana Point Harbor Drive and the Street of the Golden Lantern are Primary Arterials.

Dana Point Harbor Drive is a four-lane divided roadway trending in an east-west direction to the turn-around located adjacent to the OC Sailing and Events Center, where the road transitions to a 2-lane, non-divided roadway; on-street parking is provided in some locations. The posted speed limit is 25 mph for the segment between Cove Road and the Street of the Golden Lantern and 30 mph on the divided segment between Street of the Golden Lantern and Pacific Coast Highway. Street of the Golden Lantern is a four to six-lane divided roadway trending in a north-south direction; on-street parking is provided north of Dana Point Harbor Drive. The posted speed limit is 30 mph north of Dana Point Harbor Drive and 25 mph inside the Harbor entry. Puerto Place, Casitas Place and Island Way are all two-lane undivided roadways trending in a north-south direction; on-street parking is prohibited and a posted maximum speed of 25 mph.

The vehicular circulation system throughout the Commercial Core would be significantly enhanced by providing dedicated parking areas to serve the merchants, restaurants, surface boat storage and boater needs. Additionally, to assist boaters with loading and unloading of supplies and guests, several short-stay boater drop-off areas would be provided in close proximity to the marinas edge.

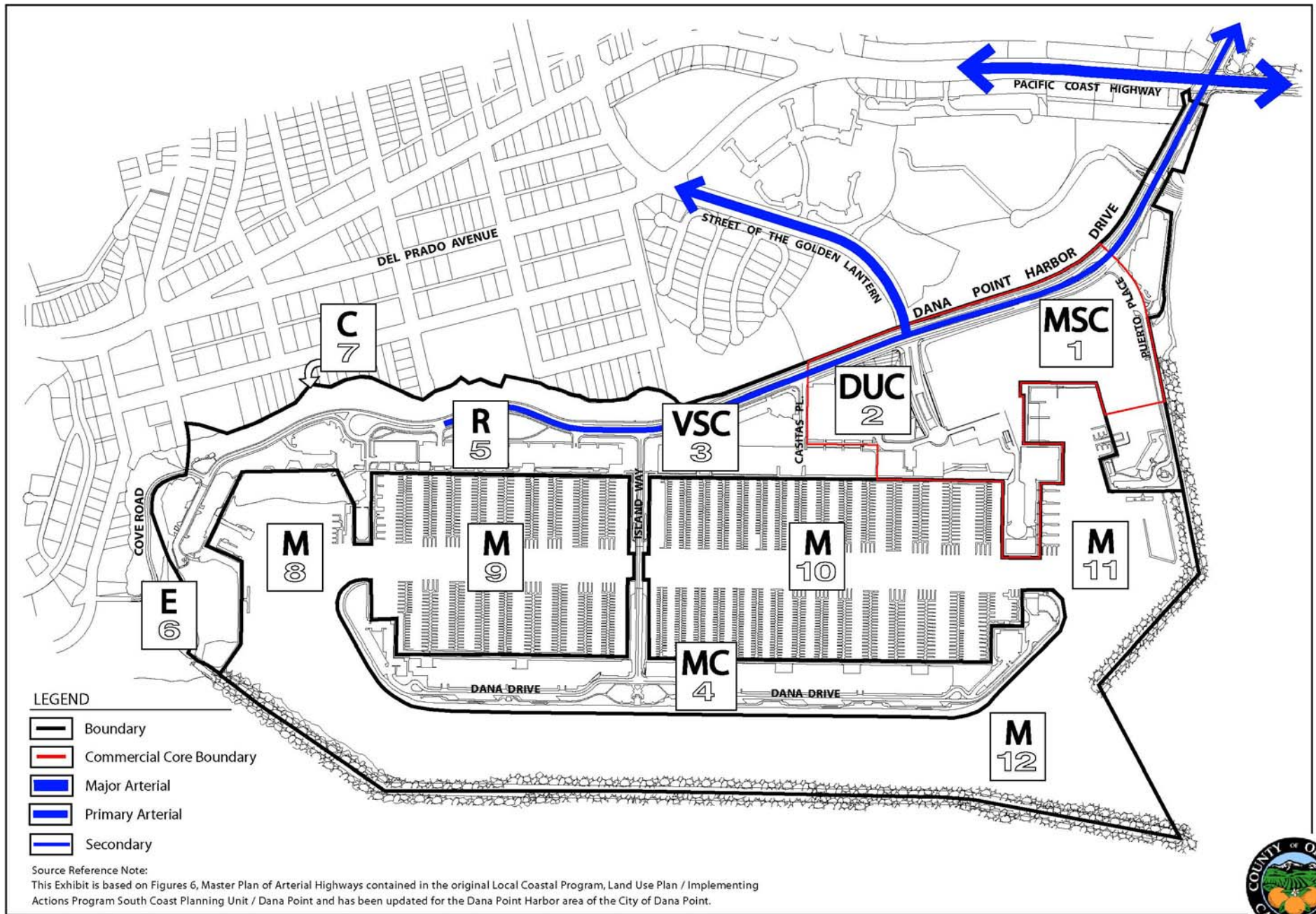


Exhibit #2
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Dana Point Harbor REVITALIZATION PLAN & DISTRICT REGULATIONS



Exhibit 6-2

DANA POINT HARBOR ARTERIAL HIGHWAYS



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Contemplated circulation and access improvements include the realignment of Dana Point Harbor Drive adjacent to the OC Sailing and Events Center to remove the existing traffic circle, thereby improving traffic circulation for large vehicles (buses, and emergency apparatus, etc.) to the Ocean Institute and potentially allowing the reconfiguration of adjacent parking areas to provide additional parking opportunities. Currently, Cove Road provides secondary access to the Harbor.

The majority of Harbor facilities are accessed by a series of local collector roads from Dana Point Harbor Drive. These streets have been designed to accommodate two-way traffic and have a low design speed to minimize conflicts between vehicles, pedestrians and bikers.

Arterial Highways, Local Roads and Circulation – Policies

- 6.2.6-1 Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act Section 30252)
- 6.2.6-2 Improve the visual character of major street corridors.
- 6.2.6-3 Preserve public views from streets and public places. (Coastal Act Section 30251)
- 6.2.6-4 Develop circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity, maximum grades and associated features such as medians and bicycle lanes. (Coastal Act Section 30252)
- 6.2.6-5 Develop a program to identify, monitor and make recommendations for improvement to Harbor roadways and intersections that are approaching or have approached unacceptable levels of service or are experiencing higher than expected accident rates.
- 6.2.6-6 Provide for the safe transport of hazardous materials.
- 6.2.6-7 Policies related to Harbor roadway circulation:
 - a. All roadways shall be designed to minimize landform alterations;
 - b. Existing Cove Road will be retained as a means of access to Dana Point Harbor and Doheny State Beach;
 - c. Convenient pedestrian access shall be provided to transit stops;
and
 - d. Turnouts, benches and shelters shall be provided, as appropriate, at bus stops in order to maximize the safety, comfort and convenience of transit passengers.

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- 6.2.6-8 Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts. (Coastal Act Section 30250)
- 6.2.6-9 Minimize pedestrian and vehicular conflicts. (Coastal Act Section 30252)
- 6.2.6-10 Establish landscaping buffers and building setback requirements along all roads where appropriate. (Coastal Act Section 30252)
- 6.2.6-11 Provide appropriately designed and maintained roadways for the primary truck routes. (Coastal Act Section 30254)
- 6.2.6-12 Provide loading areas and accessways that are designed and located so as to avoid conflicts with efficient traffic circulation.
- 6.2.6-13 The maintenance and enhancement of public non-vehicular access to the shoreline will be of primary importance when evaluating future improvements in the coastal zone, both public and private.
- 6.2.6-14 Circulation enhancements, including the provision of additional visitor parking, potential replacement of the existing vehicle turn-around at the east end of Dana Drive and adjacent to OC Sailing and Events Center will resolve large vehicle and emergency access constraints.

6.3 Recreation (R)

The Land Use Plan policies for the Dana Point Harbor related to the location of recreational facilities are in furtherance of the following Coastal Act policies:

Coastal Act §30213 provide:

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

Coastal Act §30221 provide:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

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6.3.1 Recreational Opportunities

Dana Point Harbor contains a wide variety of recreational facilities and activities in the Commercial Core area, along Baby Beach and throughout the Harbor's twelve Planning Areas. The goal of these Planning Areas is to provide regional recreation activities and facilities that successfully meet the diverse interests of existing and future residents of the entire County, by designating the most appropriate and cost effective uses for each Planning Area. Recreational facilities provided include:

Planning Area 1 (Marine Services Commercial) – Most of Planning Area 1 consists of boat services and storage. The Marina Services Commercial area is located at the south-central portion of Planning Area 1. Components of the Dana Point Harbor Revitalization Plan include a completely renovated public boat launch, a non-motorized boat launch, jet ski and boat rentals, a hoist for launching and retrieving boats and dry surface storage spaces for boats. There is a small park located at the southerly end of Planning Area 1 that is designated Recreation (R) that will be preserved in place.

Planning Area 2 (Day Use Commercial) – Most of the Commercial Core would be located within Planning Area 2. Approximately 26,600 sq. ft. of existing retail uses and 51,300 sq. ft. of existing restaurant uses are planned to be located within the Commercial Core. Adjacent to the boardwalk, between Mariner's Village and Dana Wharf, a 5,000 square foot boater service building could provide office space for yacht brokers and restrooms with showers and laundry washing facilities for boaters. In addition, Dana Wharf Sport fishing and Dana Island Yachts provide boat and fishing charters. In addition, the Catalina Express (a high-speed ferry to Catalina Island) has service out of Planning Area 2.

Planning Area 3 (Visitor Serving Commercial) – The Marina Inn at Dana Point provides year round hotel accommodations for guests and visitors offering a variety of recreational amenities and services for the visiting public. Additionally this Planning Area provides boater parking to support boat slips in Planning Area 10 and also provides boat service buildings which include restrooms, showers and laundry washing facilities for recreational boaters.

Planning Area 4 (Marine Commercial) – Planning Area 4 includes the Dana West Yacht Club and the Dana Point Yacht Club. The Dana West Yacht Club is a full-service club that provides junior sailing programs, racing programs and billfish tournaments. The Dana Point Yacht Club also provides junior sailing programs, racing programs and permanent and visitor slips available on a reservation or first-come-first-serve basis. Along the southern boundary of the Island is a 4.25 acre picnic park area that includes picnic areas with benches, restroom facilities and barbecues on wide grassy areas (although located in Planning Area 4, this area is designated Recreation (R)). Planning Area 4 also includes the Aventura Sailing Association, which provides boat rentals, sailing instruction, cruises, whale-watching charters and racing programs.

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Planning Area 5 (Recreation) – Planning Area 5 is dedicated to open-space recreational activities and educational uses. Key recreational amenities include the 11,000 sq. ft. OC Sailing and Events Center, Baby Beach (with a non-motorized craft launch and fishing pier access and parking). Planning Area 5 is a popular location for picnics, beach activities, beginner sailing, hand launch vessels and private parties. Specifically, the OC Sailing and Events Center is located on a one-acre site within the southeastern portion of Planning Area 5. This facility is a center dedicated to the promotion of boating, sailing and safety around the water. Many groups, including the Girl Scouts, Saddleback College, the Boy Scouts and the Coast Guard Auxiliary use the facility for public instruction and recreation. The programs held at the OC Sailing and Events Center include basic boating, rowing, canoeing, sailing, marine safety education, summer camps and tide pool walks. OC Sailing and Events Center facilities include docks, three buildings (comprised of the 3,500 sq. ft. Dana Cove Room with kitchen and stage), administration building, conference room, three classrooms, storage and showers.

Planning Area 6 (Education/Institutional) – Planning Area 6 includes the Ocean Institute within the southeastern portion of the Planning Area. The Institute is dedicated to providing education on marine life and its preservation and public programs, including sailing trips on an historic ship (the Spirit of Dana Point), summer camps and marine life excursions. The Ocean Institute has a 5,200 sq. ft. exhibit space featuring interactive demonstration areas focused on sea floor exploration. The Institute also provides classes on living systems, surf science, sea floor exploration and advanced education. The Institute includes a lecture hall and conference center totaling 3,000 square feet inside and 2,000 square feet outdoors. Two tall ships are harbored at the Ocean Institute, the Spirit of Dana Point and the Pilgrim, which provide historical connections to Dana Point Harbor.

Planning Area 7 (Conservation) – Planning Area 7 is reserved for conservation. The area includes bluff land with native and non-native habitat. Hiking walkways traverse the area and there are small park areas for resting and picnicking.

Planning Area 8 (Waterside – Educational Basin) – Planning Area 8 includes the Pilgrim Dock and Sea Explorer Dock adjacent to the Ocean Institute and the marine portions of Baby Beach. The Public Fishing Pier is also located within this Planning Area as well as a launching area for non-motorized craft contiguous to the OC Sailing and Events Center.

Planning Areas 9 and 10 (West and East Marina's) – Planning Area 9 (West Marina) and PA 10 (East Marina) consist of 2,409 boat slips. Additionally, Planning Area 9 includes 42 visitor slips, 15 commercial fishing slips, 9 Harbor Patrol slips, 13 OC Sailing and Events Center slips and 11 slips for the Dana Point Yacht Club.

Planning Areas 11 and 12 (Marine Services and Harbor Entrance) – Planning Area 11 includes the Catalina Express dock, the Embarcadero Boat Rental Docks, Sport Fishing Docks, Charter

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Fishing Docks, Bait Receiver and the shipyard slips. Planning Area 12 is the marine entrance to the Harbor from the Pacific Ocean.

Recreational – Policies

- 6.3.1-1 Encourage the provision of a range of recreational facilities and programs to meet the needs of Harbor visitors.
- 6.3.1-2 Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Harbor facilities providing public recreational opportunities are preferred. (Coastal Act Section 30213)
- 6.3.1-3 Pedestrian linkages shall be created between Harbor amenities, such as the Pedestrian Promenade and linear park.
- 6.3.1-4 Development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas through, among other methods, creative site planning and minimizing visual impacts and shall be compatible with the continuance of those parks and recreation areas. (Coastal Act Section 30240)
- 6.3.1-5 Coastal water areas suited for water-oriented recreation activities shall be protected for such uses. (Coastal Act Section 30220)
- 6.3.1-6 Maintain, enhance, and where feasible, expand places to hand launch small non-motorized watercraft and provide necessary parking; as well as opportunities to rent and store such watercraft. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.

6.3.2 Recreational and Education Programs

Dana Point Harbor, through the operations of several independent businesses and non-profit organizations presently offer a variety of low-cost boating opportunities including: ferry passenger service to Catalina Island, guest docks, jet ski, kayak, paddleboard and boat rentals, whale watching excursions, sports fishing charters and tours of historic tall ships. Additionally, a number of the boater-related organizations in the Harbor offer instructional classes on sailing and boating throughout the year that are available to anyone who is interested. The Ocean Institute and OC Sailing and Events Center both conduct an extensive number of recreational and educational programs for groups ranging in age from toddlers and elementary school students to adults, including summer and school break youth programs. Public watercraft launching is available at the boat launch ramp facility and hand launching of canoes, kayaks and paddle boards can be done at Baby Beach, the public dock at the fishing pier, the boat launch ramp and from the dock areas throughout the Harbor.

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6.3.3 Temporary Events

Dana Point Harbor has long been the venue for temporary events, including film productions, runs, races, water-related sporting events, concerts, boat shows, holiday observances and other such events. Presently, the County and the City of Dana Point regulate these events by requiring special event permits.

Temporary Event – Policies

- 6.3.3-1 Temporary events shall minimize impacts to public access, recreation and coastal resources. A Coastal Development Permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A Coastal Development Permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources. (Coastal Act/30212)
- 6.3.3-2 Special event permits and Coastal Development Permits (as required above) for temporary events shall be required to provide details on event characteristics, including duration (from set up/assembly to break-down/dismantling and clean-up times), event hours, per day estimated attendance, parking management and shuttle arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food service, entertainment, sponsorships and advertising/marketing plans.
- 6.3.3-3 A Special Event Permit shall be required for all events that necessitate the temporary closure of a public roadway and shall be reviewed and approved by the Orange County Sheriff's Department prior to permit issuance.
- 6.3.3-4 Shuttle service from off-site parking areas and available to the public free of charge shall be required to serve any temporary event requiring a Coastal Development Permit.

6.3.4 Access for Persons with Disabilities

People with disabilities that limit their mobility require special improvements in order to be afforded access to coastal resources. Dana Point Harbor continues to ensure that persons with disabilities have access to coastal areas through implementation of an ongoing retrofitting of the existing facilities and the enhancements proposed as part of the Dana Point Harbor Revitalization Plan improvements to land and waterside areas.

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Access for Persons with Disabilities – Policies

- 6.3.4-1 Ensure accessibility of pedestrian facilities to the elderly and disabled.
- 6.3.4-2 Ensure that planned public facilities include provisions for adequate access for persons with disabilities and that to the extent feasible, existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act (ADA) in a manner consistent with the protection of coastal resources.
- 6.3.4-3 Design guardrails on piers, trails and public viewing areas to take into consideration the views at the eye level of persons in wheelchairs.
- 6.3.4-4 Provide appropriately located handicap parking spaces in designated boater parking areas to allow access to gangways and boat docks designed to accommodate wheelchairs.

6.4 Education (E)

The Ocean Institute consists of a series of buildings devoted to creating unique marine laboratory environments that serve as learning centers for the At Sea, Ecology, and Surf Science/Overnight programs. Other support buildings house a bookstore (Campus Store), a multipurpose room, a main lobby, an exhibit area, student services, administration, a library and conference room and other support spaces. Recreational uses within the vicinity of the Ocean Institute include the Old Cove Marine and Native Plant Preserves. To facilitate access to the Ocean Institute, a seasonal water taxi stop may be located adjacent to the Ocean Institute's Tall Ship Harbor. The Ocean Institute was recently completely renovated and the Dana Point Revitalization Plan does not contemplate any future expansion of these facilities.

6.4.1 Educational and Institutional Facilities – Policies

- 6.4.1-1 Continue to consider the need for multi-purpose meeting rooms and space for community events.
- 6.4.1-2 Encourage public support of Ocean Institute and OC Sailing and Events Center activities and programs.

COASTAL RESOURCE PROTECTION

7.0 Coastal Resource Protection

This Chapter sets forth the Land Use Plan policies for Dana Point Harbor related to the protection of coastal resources and in furtherance of the following Coastal Act policies:

Coastal Act §30230 provides:

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.

Coastal Act §30231 provides:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms and for 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.

Coastal Act §30233 provides, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the*

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- placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
 - (6) Restoration purposes.*
 - (7) Nature study, aquaculture, or similar resource-dependent activities.*
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable long-shore current systems.*
- (c) In addition to the other provisions of this section, diking, filing, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.....*
- (d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Coastal Act §30240 provides:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

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Coastal Act §30210 provides:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners and natural resources in the area from overuse.

7.1 Biological Resources

Dana Point Harbor, constructed between 1966 and 1970 is located on the lee (protected side) of the Dana Point Headlands within Capistrano Bay. The Harbor is entirely manmade and is completely developed with urbanized uses and native and non-native/ornamental landscaping. The literature review and assessment of the various habitat types within the Harbor identified approximately sixty-nine sensitive wildlife species that could potentially occur in the vicinity of the Harbor or immediately adjacent off-site areas. Fifteen of these species are listed as Federal and/or State-listed endangered, threatened or proposed endangered or threatened species. Of the wildlife species noted, a total of 6 species were identified as present, Common loon (*Gavia immer*), California brown pelican (*Pelecanus occidentalis californicus*), Double-crested cormorant (*Phalacrocorax anritus*), Snowy egret (*Egretta thula*), Black-crowned night heron (*Nycticorax nycticorax*) and the California gull (*Larus californicus*); Monarch butterfly (*Danaus plexippus*) and American white pelican (*Pelecanus erythrorhynchos*) have a high potential to occur; and an additional ten species, including Cooper's hawk (*Accipiter cooperii*), Sharp-shinned hawk (*Accipiter striatus*), Northern harrier (*Circus cyaneus*), Osprey (*Pandion haliaetus*), American peregrine falcon (*Falcon peregrinus anatum*), Western snowy plover (*Charadrius alexandrinus nivosus*), Black skimmer (*Rynchops niger*), California least tern (*Sterna caspia*) Elegant tern (*Sterna elegans*) and Large-billed savannah sparrow (*Passerculus sandwichensis rostratus*) have a moderate potential to occur.

Section 30107.5 of the Coastal Act defines "Environmentally Sensitive Area" as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development." Section 30240 of the *Coastal Act* requires that Environmentally Sensitive Habitat Areas (ESHAs) be protected against any significant disruption of habitat values. Only uses dependent on those resources are allowed within ESHAs and adjacent development must be sited and designed to prevent impacts that would significantly degrade the ESHA and must be compatible with the continuance of the ESHA.

7.1.1 Dana Point Harbor Biological Resource – Policies

- 7.1.1-1 The Dana Point Harbor Revitalization Plan has a wide range of biological resources which may include Environmentally Sensitive Habitat Areas (ESHAs) including important plant communities, wildlife habitats, marine refuge areas and significant

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tree stands, all of which shall be appropriately preserved and protected depending upon their designation. Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas through such methods as, the practice of creative site planning and vegetative buffers and shall be compatible with the continuance of those habitat areas. A definitive determination of the existence of Environmentally Sensitive Habitat Areas on a specific site shall be made through the Coastal Development Permit process. (Coastal Act Sections 30230, 30240)

- 7.1.1-2 Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (Coastal Act Section 30240)
- 7.1.1-3 Endangered species shall be protected within their existing habitat from harassment and molestation by among other measures, controlling access, by regulations and enforcement measures. Wherever feasible, the habitat of endangered species shall be enhanced consistent with the resource protection policies of the LCP and the Coastal Act.

7.1.2 Land Resources

Section 30001.5 of the California Coastal Act provides that the goals of the State for the coastal zone include:

- (a) Protect, maintain and where feasible enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources;*
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state;*
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resources conservation principles and constitutionally protect rights of property owners;*
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast; and*
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses in the Coastal Zone.*

The existing Dana Point Harbor area is fully developed, being comprised of buildings of varying height, surface parking areas, meandering walkways, large open space grass areas

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with picnicking facilities, native and non-native vegetation and landscaping and boat docks. More specifically, an overview of existing Harbor resources includes:

Harbor Landscape & Vegetation

All of the trees within Dana Point Harbor, including the native trees, were planted as landscape, ornamental trees. Of the approximately 525 eucalyptus (*Eucalyptus* sp.) trees, a non-native species, approximately 175 of the eucalyptus trees are large with good ecological or aesthetic value; the remaining trees are small or leggy, with little canopy cover. Approximately 40 native California sycamore (*Platanus racemosa*) trees are located east of Island Way in Planning Areas 1 through 3. The sycamore trees throughout the Harbor are typically large and healthy. Also located throughout the Harbor are approximately 25 pines (*Pinus* sp.) that are generally less than 20 feet in height. Additionally, there are Norfolk Island Pines (*Araucaria heterophylla*) located near the OC Sailing and Events Center. Other common trees included Coral trees (*Erythrina* sp.), Bay Fig (*Ficus macrophylla*), and various species of palm.

Most of the Harbor is covered with asphalt parking lots, commercial buildings and expansive lawn areas and scattered ornamental landscaping. The vegetation community subtypes in the developed areas is non-native, commercial and ornamental landscaping. Ornamental landscaping consists of planted and maintained trees, shrubs, flowers and turf grass. Very few native species can be observed in the Harbor, with the exception of the native plants installed in the native plant garden at the Ocean Institute in Planning Area 6 and the coastal bluff scrub in Planning Area 7.

Within the Harbor, southern coastal bluff scrub occurs along the northern side of Dana Point Harbor Drive, along the bluffs in Planning Area 7. This area is not easily accessible to the public. The vegetation on the bluffs consists of coastal scrub species, including California sagebrush, coyote brush, California bush sunflower and dudleya. Sensitive plant species that have a potential to occur in this plant community, include aphanisma, Coulter's saltbush, south coast saltscale, Blochman's dudleya and cliff spurge. Implementation of the Dana Point Harbor Revitalization Plan designates Planning Area 7 for Conservation land uses and therefore precludes any new development other than that required to maintain existing surface drainage facilities. The nearest anticipated construction to the bluff areas includes possible realignment of Dana Point Harbor Drive, the OC Sailing and Events Center expansion and replacement of the existing Marina Inn that are also contemplated. Construction in these areas would not encroach into the native habitat in Planning Area 7 and therefore would not impact potentially sensitive species.

The policies contained in Coastal Act Chapter 3, Article 5 are intended to protect Environmentally Sensitive Habitat Areas against any significant disruption of habitat values and require that only uses dependent on those resources shall be allowed within those areas. The policies place priority on maintaining productive coastal agricultural land and

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require that development in areas adjacent to Environmentally Sensitive Habitat Areas and parks and recreation areas be sited and designed to prevent impacts that would significantly degrade those areas.

The Dana Point Harbor Revitalization Plan would allow enhancements to the existing parkland throughout the Harbor by allowing upgraded landscaping, maintaining active and passive recreation uses and upgrading public service facilities such as restrooms. Additionally, the Revitalization Plan would allow an approximately 4-acre Conservation land use area (Planning Area 7) to preserve the natural bluffs that are a significant regional natural coastal resource and establishes regulatory mechanisms for the ongoing preservation of the coastal bluff face areas. Further, areas that include sensitive species of habitat would be protected by allowing the creation of landscape buffer areas to minimize construction and land use related impacts on the native coastal bluff scrub habitat. All landscaping in areas adjacent to the Conservation land use area (Planning Area 7) (including any required temporary erosion control) will be maintained by the County of Orange. Native plants used for landscaping shall be provided from seeds and vegetative sources in and around the bluffs. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council or as may be identified from time to time by the State of California shall be utilized in the Harbor. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized. Furthermore, any plants should 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>.

Implementation of the Dana Point Harbor Revitalization Plan would include the removal of some native and non-native trees as part of construction activities. However, nesting and foraging habitat protection policies and tree maintenance and procedures have been incorporated into the Revitalization Plan that would preclude the removal or relocation of any tree that has been used within the past five years for nesting or breeding by wading birds (herons or egrets), California bird species of special concern or those protected by the Migratory Bird Treaty Act, unless the tree must be removed due to public health and safety reasons. Only under these circumstances may such trees be removed. When trees are removed, mitigation must be provided. The Plan also requires that trees used by the above bird species within the last five years be trimmed in a manner that protects current nesting or breeding activity and the integrity of the tree for future nesting and breeding. The details of the tree trimming/tree removal plan will be developed, and subject to Commission review and approval, through the Implementation Plan process. With these policies, including the replacement of native trees into newly developed or other landscaped areas, the effects of selective tree removal on bird species that include the black-crowned night herons, snowy egrets and different species of raptors that forage in and around the Harbor will be

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minimized. Additionally, other practices such as noise avoidance will be implemented throughout the construction process to reduce impacts on bird species.

The Dana Point Harbor Revitalization Plan requires compliance with the South Coast Air Quality Management District Rule 403 to ensure the implementation of soil erosion techniques during construction activities and implementation of all feasible BMPs in order to reduce erosion. Additionally, requirements for the preparation and approval of erosion control plans prior to the commencement of any grading operations that specifies practices to prevent off-site siltation, construct or upgrade drainage facilities and minimize slope erosion will be implemented in conformance with Part II – Chapter 3, *General Regulations and Special Provisions*.

The Revitalization Plan also would allow a minor amount of improvements to areas adjacent to Doheny State Park and the Old Cove Marine Preserve. Existing landscaping along the edge of the boundary between Doheny State Beach and the Marine Services area would be allowed to be enhanced to further reduce visual impacts associated with the allowed improvements to the Marine Services Commercial land use area (Planning Area 1). Access to the Old Cove Marine Preserve will remain confined to two locations from the Ocean Institute and include interpretive signage that would be installed to protect sensitive species and their habitat. The Old Cove Marine Preserve itself will not be affected by any of the improvements proposed as part of the Dana Point Harbor Revitalization Plan.

Through the creation of regulations restricting the development of improvements in the bluff area, the Dana Point Harbor Revitalization Plan and District Regulations ensure that the existing pockets of isolated habitat will be protected from human disturbance to the maximum extent possible. All of the trees, shrubs, flowers and turf grass located throughout Dana Point Harbor, including the native trees were planted as part of the original landscaping.

Dana Point Harbor Land Resource – Policy

7.1.2-1 Manage public access to the shore of the marine life refuge to avoid detrimental impacts to the resources of the refuge. (Coastal Act Section 30230)

Conservation (C)

Bluffs

The Dana Point Harbor Revitalization Plan preserves the coastal bluff area as an important coastal resource. In addition to its visual significance, the bluff area includes a small amount of coastal sage scrub, which is a sensitive plant species that provides habitat for other sensitive plant and animal species. Only limited maintenance-related improvements to surface drainage facilities are contemplated.

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Through the creation of regulations restricting the development of improvements in the bluff area, the Dana Point Harbor Revitalization Plan and District Regulations ensures that the existing pockets of isolated habitat will be protected from human disturbance to the maximum extent possible. The majority of trees, shrubs, flowers and turf grass presently located throughout Dana Point Harbor, including the native trees located in areas outside the area of the bluffs were planted as part of the original Harbor landscaping program.

Nesting and Foraging Habitat

Nesting and Foraging Habitat – Policies

- 7.1.2-2 While evaluations of the trees located throughout Dana Point Harbor do not rise to the level of ESHA, they do provide important habitat which should be protected. The purpose of these tree trimming policies is to ensure the long-term protection of bird breeding, nesting and roosting habitat for bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls and raptors which have an especially valuable role in the overall coastal ecosystem.

Ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls or raptors. The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described in the Dana Point Harbor Tree Maintenance Procedures as approved by the Coastal Commission as a part of the Implementation Plan.

- 7.1.2-3 OC Dana Point Harbor shall prepare Tree Maintenance Procedures for the trimming and/or removal of trees consistent with Policy 7.1.2-2 above. The procedures shall include, but not be limited to, the following provisions:

- Tree trimming, or tree removal when necessary, shall be conducted only during the non-breeding and non-nesting season (October through December) of the identified bird species unless the County of Orange in consultation with a qualified arborist and with review and comment from the Audubon Society determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist

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if a qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The County shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season.

- Trees or branches with a nest of a state or federal listed species, a California bird species of special concern, or a wading bird (heron or egret) as well as owls or raptors that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.
- The removal of any tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36 inch box size), planting specifications, and a five-year monitoring program with specific performance standards.

7.1.2-4 If an active nest of any bird species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern, or a wading bird (herons or egrets) as well as owls or raptors is found, construction activities within 300 feet (500 feet from any identified raptor nest) shall not exceed noise levels of 65 dB peak until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement of construction.

7.2 Marine Resources

Coastal Act §30230 provides:

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.

Coastal Act §30231 provides:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum

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populations of marine organisms and for 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.

Marine Habitats

The original construction of Dana Point Harbor has significantly changed the type of habitat available for marine organisms along this portion of the California coastline. These modifications have created artificial habitats, which support a wide diversity of biological communities. Because of dredging and filling, very little sandy-beach and shallow-water habitats remain. Benthic (at the bottom of a body of water) habitat has also been altered. However, the deep-water habitat for fish has expanded because of the emplacement of bulkheads, riprap for shoreline breakwaters and pier pilings. The riprap provides refuge and foraging habitat for fish and birds and the protected, open waters of the Harbor maintain a diverse fish community that in turn provides food for several species of birds.

The Marine Resource policies of the Coastal Act are intended to protect the marine environment and recognize the economic, commercial and recreational importance of fishing activities and the facilities that provide them. To this end, the policies require that uses of coastal waters, streams, wetlands, estuaries and lakes be carried out in a manner that will restore and 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. The policies require protection against the spillage of crude oil, gas, petroleum products or hazardous substances in relation to any development or transportation of such materials. The policies require implementation of strict environmental protection practices during any necessary diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes to reduce any significant disruption of habitats and water circulation. The policies also require that standards for maintaining the quality of water through the implementation of erosion control and flood control facilities are achieved.

7.2.1 Dana Point Harbor Marine Habitat – Policies

7.2.1-1 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. Use 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-

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term commercial, recreational, scientific and educational purposes. (Coastal Act Section 30230)

- 7.2.1-2 Coastal water areas suited for water-oriented recreation activities shall be protected for such uses. (Coastal Act Section 30220)
- 7.2.1-3 Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such construction that alters shoreline processes shall only be permitted when required to serve coastal-dependent uses or to protect existing structures or adverse impacts on local shoreline sand supply and minimize adverse impacts on public use Baby Beach. (Coastal Act Section 30210-12, 30235)
- 7.2.1-4 Preserve, maintain, enhance and where feasible restore marine resource areas and coastal waters. Special protection shall be given to areas and species of special biological or economic significance. Restore general water quality and biological productivity as necessary to maintain optimum populations of marine organisms and for the protection of human health. (Coastal Act Section 30230)
- 7.2.1-5 Maintain and where feasible, restore the biological productivity and the quality of coastal waters, creeks and groundwater, appropriate to maintain optimum populations of marine organisms and to protect human health. Measures including, but not limited to minimizing the adverse effects of waste water discharges, controlling runoff, preventing the depletion of ground water supplies, preventing substantial interference with surface water flow, maintaining vegetation buffer areas protecting riparian habitats, minimizing alteration of natural streams and street sweeping, shall be implemented to accomplish the objectives of this policy. (Coastal Act Section 30231)
- 7.2.1-6 The biological productivity and quality of coastal waters, streams, wetlands, estuaries and lakes and the restoration of optimum populations of marine organisms shall be ensured by, among other means, minimizing adverse effects of waste water discharges. Any specific plans and/or planned development district policies and specific development proposals, site plans and subdivision maps shall control runoff, prevent depletion of ground water supplies and substantial interference with surface water flow, encourage waste water reclamation, maintain natural vegetation buffer areas that protect riparian habitats and minimize alteration of natural streams. (Coastal Act Section 30231)
- 7.2.1-7 Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems. (Coastal Act Section 30233)

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- 7.2.1-8 The diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes shall only be permitted in accordance with Section 30233 of the Coastal Act. (Coastal Act Section 30233)
- 7.2.1-9 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. (Coastal Act Section 30230)
- 7.2.1-10 Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.
- 7.2.1-11 The non-motorized craft launching area and picnic and park area within Baby Beach shall remain, but the configuration may be modified to accommodate mitigation for water quality-related improvements.
- 7.2.1-12 Construction phasing for the reconstruction and reconfiguration of the marina docks shall minimize the loss or disruption of the existing docks to the extent feasible and may involve the use of temporary floating, staging and/or imported prefabricated docks to minimize construction time.
- 7.2.1-13 Renovations to the Marina channels shall emphasize improved access to the water and circulation of boat traffic in the Harbor.
- 7.2.1-14 To improve boat/vessel circulation in the Harbor, the Revitalization Plan includes modernization of the docks in the Marine Services Commercial area and the sport fishing boat docks.
- 7.2.1-15 Future waterside improvements to the east and west of the breakwaters (Planning Areas 8, 11 & 12) shall be reconstructed within the seaward footprint of the existing structures except as necessary to provide for public safety or public access. Construction activities taking place below the mean higher high water (MHHW) mark shall prepare a focused marine biological survey to determine if sensitive species are present.
- 7.2.1-16 OC Dana Point Harbor shall require that standard BMP's be utilized in order to ensure impacts to water quality or the marine environment are minimized and include:
- Erosion to be controlled by landscaping (leave existing vegetation in place where possible), paving and drainage structures;
 - Perimeter barriers, such as berms or sand bags around all construction sites to catch run-off;

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- Tracking controls, such as rumble strips and gravel strips will be used to minimize dirt being tracked into and out of the project site;
- Harbor basin inlets shall be protected by placing sediment barriers, such as a wire mesh and gravel filter to intercept debris and soil runoff; and
- Appropriate housekeeping activities to minimize the potential for pollutants from material storage or construction activities.

7.2.1-17 Reduce underwater noise impacts to marine mammals and fish from construction to the maximum extent feasible.

Sensitive Marine Species

Several species of marine mammals frequent the nearshore waters along the Dana Point coastline. All marine mammals are protected by the federal Marine Mammal Protection Act. Several whales are federally listed endangered species. The marine mammals that have the greatest potential to occur locally are the California sea lion (*Zalophus californicus*), harbor seal (*Phoca vitulina*), California gray whale (*Eschrichtius robustus*), killer whale (*Orcinus orca*), common dolphin (*Delphinus delphis*), bottlenose dolphin (*Tursiops truncatus*), Pacific white sided dolphin (*Lagenorhynchus obliquidens*) and Dall's porpoise (*Phocénoides dalli*).

Subtidal reefs are considered Essential Fish Habitat for groundfish species. Kelp forests associated with reefs provide protection and cover for many marine invertebrates and fishes. Kelp (*Macrocystis pyrifera*) grows on the rock and cobble habitat offshore of the Harbor at depths between 20 and 45-feet. The California Department of Fish and Game (CDFG) Kelp Bed No. 9 extends between Emerald Bay and Dana Point Harbor. Although giant kelp beds do not have official status as a sensitive habitat or resource, kelp does grow on the western breakwater of Dana Point Harbor. Inside the Harbor, giant kelp is very sparse, with individual kelp plants in extremely low density and in poor condition with no observable canopy.

Invasive Marine Species

Caulerpa taxifolia has a potential to cause ecosystem-level impacts on California's bays and nearshore systems due to its extreme ability to out-compete other algae and seagrasses. *Caulerpa taxifolia* grows as a dense smothering blanket, covering and killing all active aquatic vegetation in its path when introduced in a non-native marine habitat. Fish, invertebrates, marine mammals and sea birds that are dependent on native marine vegetation are displaced or die off from the areas where they once thrived. This species has a characteristic bright green color, with flat, leafy fern-like fronds. It is a tropical-subtropical species that is commonly used in aquariums and was likely introduced into Southern California coastal waters in 2000 by way of individuals dumping their aquaria waters into storm drains or directly into lagoons. *Caulerpa* has not been observed within the bottom habitat, dock piles and floats of Dana Point Harbor.

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7.3 Water Quality

Dana Point Harbor is located in the City of Dana Point that is within the Dana Point hydrologic sub-area of the San Juan hydrologic unit, which is within the San Diego Basin. More specifically, the Harbor lies within the Dana Point Coastal Streams Watershed, which drains to the Pacific Ocean. The main tributary is Salt Creek, which ultimately drains into the Pacific Ocean. The 6-square-mile watershed is almost fully developed and includes portions of the cities of Dana Point, Laguna Beach, Laguna Niguel and San Juan Capistrano. Remaining undeveloped areas include open space within the Aliso and Wood Canyons Regional Park in the upper watershed and the Salt Creek Corridor Regional Park in the eastern part of the watershed. Also included in the watershed are a number of coastal drains that discharge to the Pacific Ocean through Dana Point Harbor. A few small, unnamed drainages and larger tributaries (Arroyo Salado Creek and San Juan Canyon Creek) join Salt Creek as it makes its way through the watershed.

Adjacent land uses are the Dana Point Headlands, restaurant and residential uses immediately north of the Harbor on the bluffs, which use off-site drainage mitigation techniques and terrace drains, respectively. The Harbor is located east of the Old Cove Marine Preserve and west of Doheny State Beach. These areas serve as habitat for several marine species of flora and fauna that are under special protection for their biological resource significance.

Facilities that collect drainage from existing off-site commercial and residential development, as well as portions of the Street of the Golden Lantern, Cove Road, Santa Clara Avenue, Street of the Blue Lantern, Dana Point Harbor Drive and Scenic Drive are conveyed to the Pacific Ocean via a series of various sized storm drains. Most of the runoff from the off-site areas above the Harbor is collected within the existing storm drain system in the Street of the Golden Lantern and Cove Road. Off-site surface water is conveyed by a series of existing V-ditches that are located at the back of (north of) the Harbor parking lots, at the base of the bluffs. Between there and the outlet location, the pipe accepts runoff from various inlets located in the Harbor parking lots and Dana Point Harbor Drive. A minor portion of the sheet flow runoff origination from Dana Point Harbor Drive enters the Harbor from Casitas Place, Street of the Golden Lantern and Embarcadero Place is collected within the street curb and gutters and is conveyed into the regional (County) storm drain facilities that traverse underneath the Harbor facilities.

Within Dana Point Harbor, most of the on-site runoff from the parking lots and facilities enters a series of drain inlets and catch basins prior to discharging into the ocean via the Harbor. Some of these systems tie into the County of Orange storm drains running underneath the Harbor, while others discharge directly into the Harbor Marinas through smaller pipe outfalls. Rooftop drainage from the existing buildings is typically collected by a series of 4 to 6-inch pipes and confluence into a larger pipe for discharge.

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Dana Point Harbor Revitalization Plan contemplates the repair and renovation of the existing quay wall slope panels by filling voids and gaps, replacing panels where required and by placing a tie-back system of anchor rods where necessary to provide for the improved longevity of recreational uses and address any existing seismic safety concerns.

In compliance with Coastal Act Policies to improve water quality, the Dana Point Harbor Revitalization Plan would enhance the biological productivity of the coastal waters through the upgrading of utility systems and treatment of runoff. Enhancements to the water quality within Dana Point Harbor would be implemented through the incorporation of state-of-the-art Best Management Practices (BMPs). Additionally, as part of the on-going Clean Beaches Initiative, diversions are contemplated for the drainages adjacent to the Baby Beach area. All dry-weather runoff or low-flow runoff that previously sheet flowed or drained into the storm drain system and directly from the Harbor would be treated by a series of pre-treatment and treatment BMPs. The implementation of a full range of BMPs including non-structural and on-site structural BMPs would be proposed with the anticipated revitalization of the Commercial Core area and would reduce the total amount of pollutants in the storm water runoff.

Numerous BMPs have been incorporated into the Dana Point Harbor Revitalization Plan in order to reduce pollutant loading into the Harbor and includes the maintenance of storm drain stenciling and signage for new storm drain construction in order to discourage dumping of waste and other materials into the drains. Other features include the requirement for preparation of a comprehensive Water Quality Management Plan (with progressive amendments as new revitalization projects throughout the Harbor are identified) and Storm Water Pollution Prevention Plans in compliance with National Pollution Discharge Elimination System permits.

Water quality and conservation would also be addressed by diverting low-flow “nuisance” runoff to the sanitary sewer system for treatment where feasible, thereby avoiding dry weather flows being introduced into beach areas or the Harbor in general. The Dana Point Harbor Revitalization Plan also would propose to continue to expand a public awareness program focused on maintaining water quality standards by limiting the use of fertilizers and pesticides and performing routine maintenance of grease interceptors for restaurants and storm water treatment technologies.

7.3.1 Water Quality Landside Area – Policies

- 7.3.1-1 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. (Coastal Act Section 30232)

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- 7.3.1-2 Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters and the generation of polluted runoff and nuisance flows.
- 7.3.1-3 Development shall not result in the degradation of the water quality of coastal surface waters including the ocean, coastal streams, or wetlands and of groundwater basins. To the maximum extent feasible, ensure that pollution from urban runoff not be discharged or deposited such that it adversely impacts groundwater, the ocean, coastal streams or wetlands.
- 7.3.1-4 Development shall be designed to minimize to the maximum extent feasible, the introduction of pollutants that may result in significant impacts to surface waters, groundwater, or coastal waters. In order to meet these requirements, applicants shall prepare a post-development phase drainage and pollutant runoff control plan that incorporates a Best Management Practice (BMP) or the combination of BMP's best suited to reduce pollutant loading to the maximum extent feasible. BMP's may include site design, source control and treatment control BMP's.
- 7.3.1-5 Promote infiltration of runoff, including storm water and nuisance flow runoff, to protect the natural hydrologic cycle. Incorporate site drainage and landscape designs that minimize increases in peak runoff by promoting infiltration, filtration and attenuation over landscaped areas or through permeable surfaces. Where possible, include infiltration BMP's (e.g., permeable pavements, dry wells, etc.) and apply techniques consistently over drainage areas. Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMP's that do not require infiltration.
- 7.3.1-6 New development shall minimize where feasible the development footprint and directly connected impervious surfaces, as well as the creation of and increases in impervious surfaces.
- 7.3.1-7 New development shall protect the absorption, purification and retention functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed areas of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.
- 7.3.1-8 New development shall be sited and designed on the most suitable portion of the site while ensuring protection and preservation of natural and sensitive site resources by providing for the following:

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- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;
- Analyzing the natural resources and hazardous constraints of Planning Areas and individual development sites to determine locations most suitable for development;
- Promoting clustering of development on the most suitable portions of a site taking into account geologic constraints, sensitive resources and natural drainage features;
- Preserving and protecting riparian corridors, wetlands and buffer zones;
- Minimizing disturbance of natural areas, including significant trees, native vegetation and root structures;
- Using natural drainage as a design element, maximizing the preservation of natural contours and native vegetation; and
- Limiting land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss and avoiding steep slopes, unstable areas and erosive soils.

- 7.3.1-9 Management practices that enhance infiltration and help maintain the natural hydrologic cycle will be preferred except where site conditions make the use of enhanced infiltration unsafe. In these instances other management practices that provide similar water quality protection shall be used.
- 7.3.1-10 Commercial development shall incorporate BMP's designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.
- 7.3.1-11 Gasoline and marine repair facilities shall incorporate BMP's designed to minimize runoff of oil and grease, solvents, car battery acid, coolant, gasoline and other pollutants to storm water system.
- 7.3.1-12 Storm drain stenciling and signage shall be provided for new storm drain construction in order to discourage dumping into drains.
- 7.3.1-13 Permits for new development shall be conditioned to require on-going maintenance where maintenance is necessary for effective operation of required BMP's.
- 7.3.1-14 New development shall include construction phase erosion control and polluted runoff control plans. For example, such plans may include controls on timing of grading, BMP's for storage and disposal of construction materials, or design specifications of sedimentation basins.

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- 7.3.1-15 New development that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas.
- 7.3.1-16 The use of efficient irrigation practices and native or non-invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas. The use of rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) is prohibited.
- 7.3.1-17 All structural BMPs shall be inspected on an annual basis and cleaned and/or repaired as necessary, ensuring proper function in accordance with the Model Maintenance Procedures of the County's Local Implementation Plan (LIP).
- 7.3.1-18 The use of water conservation irrigation systems and practices, such as weather based or sensor controlled, shall be required throughout the Harbor.

7.3.2 Water Quality Waterside Area – Policies

- 7.3.2-1 Boat maintenance and operation practices to be encouraged by OC Dana Point Harbor include:
- a) Continue to provide restrooms with showers and laundry facilities in close proximity to the marinas thereby reducing the need for boaters to utilize on-board facilities;
 - b) Limit the number of live-aboard permits in the Harbor to not exceed more than ten percent (10%) of the total vessels on any one dock and no more than three percent (3%) of the total allowed in the Harbor overall;
 - c) Require live-aboard permittees to have their vessel thoroughly inspected by the U.S. Coast Guard Auxiliary on an annual basis to ensure the vessel has proper safety equipment aboard, waste holding tanks are in good operating condition with locking overboard diversion valves secured in the closed (inboard) position;
 - d) Continue enforcement prohibiting all waste disposal discharges in the Harbor;
 - e) Continue to provide pump-out stations to facilitate proper disposal of waste from vessels;
 - f) Ensure an adequate supply of primary clean-up and containment materials including oil absorbent pads and oil absorbent booms are conveniently located and easily accessible in the event of a spill;
 - g) Continue to prohibit the rebuilding of vessels, hull painting and other major repairs while a boat is moored in the Harbor;

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- h) Continue enforcement of regulations restricting maintenance practices that involves sanding, painting and use of chemicals on a boat moored in the Harbor;
- i) Continue to prohibit the dumping of fish waste into Harbor waters;
- j) Continue to prohibit the cleaning of fish on Harbor docks;
- k) Continue to require passing vessel entry inspections (USCGA Vessel Safety Inspection) for all new slip tenants to ensure all vessels appear to be sound and functional and are in compliance with Dana Point Harbor environmental and safety regulations (passing said inspection does not necessarily deem the vessel adequate for open ocean transit. Such determination remains the sole responsibility of the vessel operator); and
- l) Continue to require the use of only biodegradable soaps, cleaners and teak cleaners approved for ocean waters.

7.3.2-2 Encourage the use of less polluting, cleaner running engines in all motorized watercraft (e.g. jet skis, motor boats, etc.).

7.3.2-3 The preferred material for pilings used for construction of piers, docks, or slips is concrete or steel coated with a non-toxic material. Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) wrapped or coated prior to installation with a water tight plastic sleeve or similar sealant can also be used, but are not preferred over concrete piles or steel piles coated with a non-toxic material. Timber piles preserved with creosote (or similar petroleum-derived products) are not allowed. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor) shall conform to the following requirements:

- a) The material used shall be durable and a minimum of one-tenth of an inch thick;
- b) All joints shall be sealed to prevent leakage;
- c) Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into Harbor waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping;
- d) The plastic sleeves shall extend a minimum of eighteen (18) inches below the mud line;
- e) Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic or similar material wrapped pilings;

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- f) The marina operator shall be made responsible for removal and disposal of failed docks or materials; and
- g) If federal or state regulatory agencies, through new or better scientific information, determine that less environmentally damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, as feasible.

7.3.3 Eelgrass Protection

Eelgrass (*Zostera Marina*) is a marine-flowering plant that grows in soft sediments in coastal bays and estuaries and occasionally offshore to depths of 50-feet. Eelgrass canopy (consisting of shoots and leaves) enhances the abundance and the diversity of otherwise barren sediments. Many species of invertebrates (i.e., clams, crabs and worms) live either on eelgrass or within the soft sediments that cover the root and rhizome mass system. Eelgrass is a nursery habitat for many juvenile fishes, including species of commercial and/or sports fish value (California halibut and barred sand bass). They are also foraging centers for seabirds such as the endangered California least tern that seek out juvenile topsmelt that are attracted to the eelgrass cover. Eelgrass is also an important contributor to the detrital (decaying organic) food web of bays as the decaying plant material is consumed by many benthic invertebrates (e.g., polychaete worms) and reduced to primary nutrients by bacteria. Review of historic files and recent surveys indicate that the only time eelgrass was observed in the Harbor was a single, three-turion plant at the eastern end of Baby Beach in April 2005.

7.3.3 Eelgrass Protection and Restoration – Policies

- 7.3.3-1 Prior to the potential disturbance to shallow water marine substrate, OC Dana Point Harbor will insure that a pre-construction survey will be conducted to determine the presence of Eelgrass (*Zostera marina*) to be taken during the active growth period if possible. If Eelgrass is determined to be present within the project area, when feasible, the project shall be redesigned to avoid impacts to Eelgrass. If nearby Eelgrass is impacted, it shall be mitigated in conformance with the Control Protocol adopted by the National Marine Fisheries Service.
- 7.3.3-2 Avoid impacts to eelgrass (*Zostera marina*) to the greatest extent possible. Mitigate losses of eelgrass at a 1.2 to 1 mitigation ratio and in accordance with the *Southern California Eelgrass Mitigation Policy*.

7.4 Wetlands

The Coastal Act distinguishes wetlands from other types of water areas, such as estuaries and open coastal waters. Section 30121 of the Coastal Act defines "wetlands" as "lands within the coastal zone which may be covered periodically or permanently with shallow

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water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens."

7.4.1 Wetlands – Policies

7.4.1-1 Recognize and protect wetlands for their recreational, water quality and habitat value.

7.4.1-2 Protect, maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes.

7.4.2 Wetland Definition and Delineation

As stated, Section 30121 of the Coastal Act defines "wetlands" as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." However, a more specific definition is provided in Section 13577 (b-1) of Title 14 of the California Code of Regulations:

"...land where the water table is at near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some during each year and their location within, or adjacent to vegetated wetland or deepwater habitats."

The boundary line between wetland and adjacent upland area is determined by the extent of one or more key wetland characteristics: hydrology (frequency, duration, and timing of inundation or saturation), hydric soils (soil with characteristics resulting from prolonged saturation), and hydrophytic vegetation (plants adapted to life in water, or in periodically flooded and/or saturated anaerobic soils). Positive wetland indicators of all three characteristics are normally present in wetlands. However, the presence of only one of these characteristics (e.g., hydrology, hydric soils, or hydrophytic vegetation) is needed for an area to qualify as a wetland, pursuant to the California Code of Regulations.

Wetland Definition and Delineation – Policies

7.4.2-1 A "wetland" is defined as: a land which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

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- 7.4.2-2 Require a survey and analysis with the delineation of all wetland areas when an initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations.
- 7.4.2-3 Require buffer areas around wetlands of a sufficient size to ensure the biological integrity and preservation of the wetland that they are designated to protect.

7.5 Dredging, Diking and Filing

Originally, the Harbor was an open coast, mixed sand and rocky beach located between the Dana Point Headlands and San Juan Creek. The area provided favorable habitat for fish and invertebrates and the sand beach served as roosting and nesting habitat to shorebirds. In 1971, a breakwater was constructed and the Harbor was dredged to achieve a relatively uniform subsurface terrain and thereby changing the type of habitat available for marine organisms. These modifications have largely created artificial habitats that support a wide diversity of biological communities, principally deep-water habitat for fish due to the emplacement of bulkheads, riprap for shoreline breakwaters and pier pilings.

7.5.1 Dredging, Diking and Filling – Policies

- 7.5.1-1 The diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes shall only be permitted in accordance with Section 30233 of the Coastal Act and other applicable provisions of this Local Coastal Program, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects pursuant to the policies found within Section 30233 of the Coastal Act.
- 7.5.1-2 Require dredging and dredged material disposal to be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.
- 7.5.1-3 Require at least the following mitigation measures for dredging projects in Dana Point Harbor:
- a) Dredging and spoils disposal must be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.
 - b) Maintenance dredging shall be encouraged where the dredging enhances commercial or recreational use of the Harbor. When dredged material is of an appropriate grain size and grain percentage, this material may be used to restore or replace natural sandy sloping beaches in order to retain the current

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profiles of Dana Point Harbor. Maintenance dredging activity shall have the approval of the U.S. Army Corps of Engineers and shall meet applicable U.S. Environmental Protection Agency standards.

- c) Dredged material not suitable for beach nourishment or other permitted beneficial reuse shall be disposed of offshore at a designated U.S. Environmental Protection Agency disposal site or at an appropriate upland location.
- d) Temporary dewatering of dredged spoils may be authorized within the Harbor's drainage if adequate erosion controls are provided and the spoils are removed. A bond or a contractual arrangement shall be a precondition to dredging of the material, and final disposal of the dewatered material on the approved dump site shall be accomplished within the time period specified in the permit.
- e) Dredged spoils shall not be used to fill riparian areas, wetlands, or natural canyons.
- f) Other mitigation measures may include opening areas to tidal action, removing dikes, improving tidal flushing, restoring eelgrass vegetation, or other restoration measures.
- g) Dredge spoils suitable for beach nourishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems provided that the placement is permitted by a Section 404 permit and by a Coastal Development Permit pursuant to Coastal Act Section 30607.7.

7.5.2 Dredge Spoils Disposal

Historically, the County of Orange has carried out maintenance dredging in navigational channels and areas under docks within Dana Point Harbor that have become shoaled due to sediment build up. Following laboratory testing of the materials (chemical composition, grain size and bioassay testing), placement of clean sand has been permitted on or nearshore to Capistrano Beach (adjacent to the Harbor) or on the interior swim beach (Baby Beach) in the Harbor. Other unsuitable material, consisting of fine silty and clayey material was approved for disposal at an EPA approved offshore disposal site.

Dredge Spoils Disposal – Policies

- 7.5.2-1 Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils

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- suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.
- 7.5.2-2 Monitor dredging projects within the region to identify opportunities to reduce disposal costs and utilize dredge spoils for beach nourishment.
- 7.5.2-3 Dredged materials suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment. Provide onsite monitoring and supervision during the implementation of any permitted beach nourishment activities.
- 7.5.2-4 All routine maintenance dredging operations involving the dredging of 100,000 cubic yards or more of material within a twelve (12) month period; the placement of dredged spoils within an ESHA, on any sandy area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams; or the removal, sale, or disposal of dredge spoils that would be suitable for beach nourishment in an area the California Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use, shall require a Coastal Development Permit approved by the California Coastal Commission prior to the commencement of dredging operations.
- 7.5.2-5 All routine maintenance dredging operations shall be conducted in accordance with Regional Water Quality Control Board (RWQCB) requirements to ensure that dredging does not result in increases in water turbidity or that dissolved oxygen in the receiving waters is being depressed below established standards.
- 7.5.2-6 Dredging activities shall comply with the following construction-related practices:
- a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, storm water or where it may contribute to or come in contact with nuisance flows;
 - b) Temporary impacts due to turbidity and sediment color differences during sediment placement activities will occur. However, if turbid conditions exceed allowable jurisdictional thresholds during the dredging or beach replenishment operations, a BMP such as a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
 - c) The discharge of any hazardous materials into the Harbor or any receiving waters shall be prohibited;

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- d) Floating booms used to contain debris discharged into coastal waters. Any debris discharged will be removed as soon as possible, but no later than the end of each working day; and

7.5.2-7 Any required beach area closures for sand replenishment shall be minimized to the maximum extent practicable (generally within 200 feet of the pipeline and deposition area) and shall be re-opened for public use as soon as feasible upon completion of sand placement.

7.6 Total Maximum Daily Loads (TMDL's)

The Dana Point Harbor is located within the Dana Point hydrologic sub-area of the San Juan hydrologic unit, which in turn, is within the San Diego Basin. More specifically, the Harbor lies within the Dana Point Coastal Streams Watershed (also referred to as the Salt Creek Watershed), which drains to the Pacific Ocean.

According to the California 2002 303(d) list published by the San Diego Regional Water Quality Control Board (RWQCB Region 9), both Dana Point Harbor and the Pacific Ocean in the vicinity of the Harbor are listed as impaired for Bacteria Indicators. The Dana Point Harbor impairment is located primarily in the area of Baby Beach and potential sources include urban runoff/storm sewers, marinas and recreational boating, unknown non-point sources and unknown point sources. Approximately 120 acres are affected by the impairment and Dana Point Harbor has been given a "Medium TMDL priority by the SWRCB, with no proposed completion time determined. There are currently no TMDL's established for Dana Point Harbor as a receiving water body.¹

7.6.1 National Pollutant Discharge Elimination (NPDES)

The Environmental Protection Agency (EPA) is the primary federal agency responsible for the management of water quality in the United States. The Clean Water Act (CWA) is the federal legislation that governs water quality control alternatives initiated by the EPA and other responsible agencies. Section 303 of the CWA requires the adoption of water quality standards for all surface waters in the U.S. Under Section 303(d), each state is required to develop a list of water bodies that do not meet water quality objectives after required levels of treatment by point source dischargers. Total TMDL's must be established for each listed pollutant to bring the water bodies into compliance with the established water quality objectives.

In 1972, provisions of the CWA were amended so that discharge of pollutants to water of the U.S. from any point source is effectively prohibited, unless the discharge is in compliance with a National Pollutant Discharge Elimination (NPDES) permit. The 1987 amendments to

¹ (Conceptual Harbor WQMP, Fuscoe, 11.1.2004, pgs 28-29)

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the CWA added Section 402(p), which established a framework for regulating municipal, industrial and construction stormwater discharges under the NPDES program. On November 16, 1990 the EPA published final regulations that established application requirements for stormwater permits for any municipal separate storm sewer system (MS₄) that serves a population of over 100,000 (Phase 1 Communities) and for certain industrial facilities comprising construction sites of 5 acres or greater. On December 8, 1999 the EPA published the final regulations for communities under 100,000 (Phase II MS₄s) and operators of construction sites from 1 acre through 5 acres.

In California, the EPA's NPDES permits are administered by the State Water Resources Control Board (SWRCB). While the EPA allows two permitting options to meet the NPDES requirements (Individual and General Permits), the SWRCB has elected to adopt one Statewide General Permit for California that applies to all construction-related stormwater discharges except for those on tribal lands, those in Lake Tahoe Hydrologic Unit and those from the California Department of Transportation (CalTrans) projects.

Construction activities subject to the General Permit include clearing, grading, stockpiling and excavation that results in soil disturbances of at least one acre of total land area. Construction activities disturbing less than one acre may still be subject to this permit if the activity is part of a larger common plan of development or if significant water impairment will result from the activity.

Dana Point Harbor NPDES – Policies

- 7.6.1-1 Coordinate with the appropriate Regional Water Quality Control Board, the County of Orange and other agencies and organizations in the implementation of the National Pollution Discharge Elimination System Permits (NPDES) regulations to minimize adverse impacts on the quality of coastal waters. (Coastal Act Section 30231)
- 7.6.1-2 OC Dana Point Harbor shall obtain coverage under the NPDES Statewide Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence of receipt of permit approval must be presented prior to issuance of a grading permit.
- 7.6.1-3 As required for obtaining any Grading or Building Permits, OC Dana Point Harbor shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.

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- 7.6.1-4 As required for obtaining any Grading or Building Permit, OC Dana Point Harbor shall prepare an Erosion and Sediment Control Plan (ESCP) to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris and stockpiles of soil, aggregates, soil amendment, etc. shall be properly covered, stored and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all Best Management Practices (BMP's) will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.
- 7.6.1-5 As required for obtaining any Grading or Building Permit (whichever comes first), OC Dana Point Harbor shall prepare a Water Quality Management Plan (WQMP) and/or a project-specific amendment specifically identifying Best Management Practices (BMP's) that will be used on-site to minimize the volume, velocity, and pollutant load of runoff, including measures to prevent, eliminate and/or otherwise effectively address dry weather nuisance flow. The WQMP shall follow the model WQMP prepared by the County of Orange Flood Control District, July 1, 2003, or the most recent version available. This WQMP or amendment thereto shall also demonstrate conformance with the policies and provisions governing Water Quality and Hydrology identified in Chapter 2 of the Dana Point Harbor Revitalization Plan, Resource Protection section, including applicable provisions from the Project Design Features and Requirements section. The WQMP should include one or more of the following:
- Discuss regional water quality and/or watershed programs (if available for the Harbor);
 - Address and include Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - Include any applicable Source Control BMP's and where necessary Treatment Control BMPs, as defined in the DAMP; and
 - Demonstrate how surface runoff and subsurface drainage shall be managed and directed to the nearest acceptable drainage facility (as applicable), via sump pumps if necessary.
- 7.6.1-6 As required for obtaining any Grading or Building Permits (whichever comes first), OC Dana Point Harbor shall include in the WQMP the following additional Priority Project information:

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- Include post-construction Structural Treatment Control BMP(s) as defined in the DAMP; and
- Include a conceptual Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for the post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the proposed mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

7.6.1-7 As required for obtaining a Certificate of Use and Occupancy, OC Dana Point Harbor shall confirm compliance with the WQMP, including:

- Demonstrate that all structural Best Management Practices (BMP's) described in the applicable WQMP for the project have been implemented, constructed and installed in conformance with the approved plans and specifications;
- Demonstrate that OC Dana Point Harbor has complied with all non-structural BMP's described in the WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMP's for attachment to the WQMP; and
- Demonstrate that copies of the projects approved WQMP (with attached O&M Plan) are available for each of the incoming occupants.

8.0 Development

This Chapter sets forth the Land Use Plan policies for the Dana Point Harbor related to the location of new development in furtherance of the following Coastal Act policies:

Coastal Act 30235 provides:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Coastal Act §30250 provides, in part:

(a) New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act 30251 provides:

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.

Coastal Act §30252 provides:

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 non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

Coastal Act 30253 provides:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Coastal Act §30254 provides, in part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division...Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state,

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or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

8.1 Dana Point Harbor Revitalization Plan

This Land Use Plan contains policies and development standards in anticipation of implementing the Dana Point Harbor Revitalization Project (Revitalization Plan). The LUP would allow for the establishment of a Commercial Core (northerly portion of Planning Area 1 and all of Planning Area 2) that includes the replacement and/or remodeling of all existing retail and restaurant buildings. The Commercial Core redevelopment (Phase I) would also provide for the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-off areas, new dry-stack boat storage spaces and improvements to several boater service and public restroom buildings. The initial phase of the contemplated Revitalization Plan would provide for the relocation of certain yacht brokerage firms and other harbor-related offices uses to the Commercial Core area.

Outside the Commercial Core area (Phase II), the Revitalization Plan would provide for a number of future improvements (southerly portion of Planning Area 1 and Planning Areas 3 through 7 [landside] and 8 through 12 [waterside]). In Planning Area 4 the LUP allows for the future renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. The LUP would also allow reconfiguration and/or reconstruction of the marina docks and portions of the seawall to add additional guest boater slips closer to the Commercial Core and to construct a dinghy dock area adjacent to Dana Wharf.

The policies in this LUP apply to any other development that may be contemplated in the harbor as well (i.e. that occur in the areas subject to the jurisdiction of the plan).

8.1.1 General Development – Policies

- 8.1.1-1 Work closely with the County of Orange to plan for the future development within the Harbor and to assure that additional development is compatible with existing uses and enhances the scenic, recreational and visitor opportunities for the area. (Coastal Act Sections 30220-224, 30233, 30234, 30250, 30252, 30255)
- 8.1.1-2 New development shall minimize energy consumption and vehicle miles traveled. (Coastal Act Section 30253)
- 8.1.1-3 Wherever appropriate and feasible, public facilities including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the

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impacts, social and otherwise, of overcrowding or overuse by the public of any single area. (Coastal Act Section 30212.5)

- 8.1.1-4 Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development. (Coastal Act Sections 30250, 30254)
- 8.1.1-5 The development of unified or clustered commercial centers shall be encouraged. (Coastal Act Sections 30250, 30252)
- 8.1.1-6 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development in the Harbor. (Coastal Act Section 30250)
- 8.1.1-7 Encourage site and building design that takes advantage of the City's excellent climate to maximize indoor-outdoor spatial relationships. (Coastal Act Section 30250)
- 8.1.1-8 Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.
- 8.1.1-9 Encourage outdoor pedestrian spaces, sidewalks and usable open space in all new development.
- 8.1.1-10 Encourage aesthetic roof treatment as an important architectural design feature.
- 8.1.1-11 Consolidate adjacent parking lots, without reducing the number of parking stalls, in order to decrease the number of ingress and egress points onto arterials. (Coastal Act Sections 30210, 30252)
- 8.1.1-12 Encourage innovative site and building designs and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping and building materials.
- 8.1.1-13 Maintain local legislation to establish, update and implement energy performance building code requirements established under State Title 24 Energy Regulations and to minimize energy consumption. (Coastal Act Sections 30250, 30253)
- 8.1.1-14 The Dana Point Harbor Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance, by enhancing public access opportunities, providing updated visitor serving commercial and marine

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recreational amenities and promoting coastal resource preservation throughout the Harbor.

- 8.1.1-15 All new development within the Harbor shall be designed in conformance with all County of Orange and City of Dana Point greenhouse gas emissions and green building requirements applicable to new development that are in place at the time an application for building permit(s) are submitted.
- 8.1.1-16 All fences and walls within the Harbor area will be designed to have a minimum impact on coastal and scenic views from public areas. If enclosures used to shelter outside eating areas are designed using clear materials, they shall be etched or tinted to make them visible to birds and with awnings or covers that are integrated into the architectural design of the buildings.
- 8.1.1-17 Architectural and building articulation will have a form that complements the Harbor area and natural setting, when viewed from within the Harbor or the surrounding area (both from land and sea). High, uninterrupted wall planes are to be avoided.
- 8.1.1-18 All accessory buildings and structures will be consistent with the main structure in materials, color palette, roof pitch and form.
- 8.1.1-19 All roof-mounted mechanical equipment and communication devices that are visible to and along the Harbor will be hidden behind building parapets or screening materials from both ground level and elevated areas to the extent feasible. Ground-level mechanical equipment, storage tanks and other similar facilities shall be screened from view with dense landscaping and/or walls of materials and finishes compatible with the adjacent areas. In addition, service, storage, maintenance, utilities, loading and refuse collection areas will be located generally out of view of public right-of-ways and uses adjacent to the development area.
- 8.1.1-20 All new solid waste (refuse / trash collection) areas will be screened from public view.
- 8.1.1-21 Architectural elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare.
- 8.1.1-22 The project will utilize minimally reflective glass and other materials used on the exteriors of the buildings and structures will be selected with attention to minimizing reflective glare.

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- 8.1.1-23 Landscape and irrigation plans shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size and quantity), an irrigation plan, a grading plan, an approved site plan and a copy of the entitlement conditions of approval.
- 8.1.1-24 Prior to the issuance of any Grading or Building Permits, OC Dana Point Harbor shall prepare or obtain an acoustical analysis report and appropriate plans which demonstrate that the noise levels generated by Harbor land uses during their operation shall be controlled in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). The report shall be prepared under the supervision of a County-certified acoustical consultant and shall describe the noise generation potential of the use during its operation and the noise mitigation measures, if needed which shall be included in the plans and specifications for the project to assure compliance with the Orange County Codified Ordinance, Division 6 (Noise Control).
- 8.1.1-25 Prior to approval of project plans, OC Dana Point Harbor shall confirm that the plans and specifications stipulate that stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors during construction activities.
- 8.1.1-26 Roof-mounted solar panels, metal panels and skylights should incorporate non-reflective materials and be designed to point away from roadways to the extent possible while assuring proper function.
- 8.1.1-27 The parking deck design shall include a light well that separates the upper deck area, allowing light and/or installation of landscaping elements to enhance the visual appearance of the structure.
- 8.1.1-28 Contractors shall install landscaping, equipment for irrigation and improvements in all areas of the Harbor in accordance with the following:
- a) Detailed Plan – Prior to the issuance of any Coastal Development Permit(s), a detailed landscape plan showing the detailed irrigation and landscaping design shall be submitted to the City of Dana Point as part of a CDP application for approval. Plans shall show the detailed irrigation and landscaping design, the County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and plan requirements, water conservation measures (contained in Board of Supervisors Resolution No. 90-487 – Water Conservation Measures and Resolution 90-1341 – Water Conservation Implementation Plan).

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- b) Installation Certification – Prior to issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect or licensed landscape contractor, as having been installed in accordance with the approved detailed plans. Said certification including irrigation management report for each landscape irrigation system and any other required implementation report determined applicable shall be submitted to County of Orange, Building and Grading Inspection Services Division.

8.1.1-29 Prior to issuance of any Grading Permit, a Construction Staging Plan shall be prepared. The contractor's construction equipment and supply staging areas shall be established away from existing marina operations to the extent feasible. The plan shall specify the following:

- a) During construction and grading, the contractor shall keep the site clear of all trash, weeds and debris.
- b) The grading contractor shall not create large stockpiles of debris or soils, but shall seek to place smaller piles adjacent to each other to minimize visual impacts.
- c) Staging areas shall be located where impacts upon public access, water quality, and sensitive biological resources are avoided.

8.1.1-30 Prior to issuance of a grading permit for new development, screened construction fencing shall be provided around the construction area to temporarily screen views of the construction site.

8.1.1-31 All new landscaped areas in the Harbor shall be planted in accordance with the planting palette as approved in a Coastal Development Permit.

8.1.1-32 OC Dana Point Harbor shall confirm that grading and drainage plans are reviewed with a geotechnical report and that the plans include the following notes:

- a) All construction vehicles and equipment, fixed or mobile and operated within 1,000 feet of a dwelling shall be equipped with proper operation and maintained mufflers;
- b) All operations shall comply with the County's Noise Ordinance; and
- c) Stockpiling and/or vehicle staging areas shall be located as far away as practical from dwellings.

8.1.1-33 Interior and exterior water conservation measures will be incorporated into all Harbor projects as development occurs to the extent possible. Measures will include (but are not limited to) low-flush toilets, low-flow faucets and the installation of efficient irrigation systems to minimize runoff and evaporation.

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8.1.1-34 Construction phasing for new development shall be designed to minimize the disruption of vehicular and pedestrian access routes and parking availability throughout the Harbor. In the event of temporary closures, alternative routes and clear directional signage will be provided.

8.2 Location of New Development

The Coastal Act provides for the protection of coastal resources by requiring that new development be located in areas in close proximity to existing development with available public services to minimize the impacts associated with the extension of infrastructure and services. Since Dana Point Harbor is presently completely built-out, all new development will occur in the form of replacement or in-fill development projects.

8.2.1 Location of New Development – Policies

8.2.1-1 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 non-automobile circulation within the development; (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation; (5) assuring the potential for public transit for high intensity uses; and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development. (Coastal Act Section 30252)

8.2.1-2 New development shall be sited and designed on the most suitable portion of the Harbor while ensuring protection and preservation of natural and sensitive site resources by providing for the following:

- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;
- Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;
- Promoting clustering of development on the most suitable portions of a site taking into account geologic constraints, sensitive resources and natural drainage features;
- Preserving and protecting riparian corridors, wetlands and buffer zones;
- Minimizing disturbance of natural areas, including significant trees, native vegetation and root structures;

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- Using natural drainage as a design element, maximizing the preservation of natural contours and native vegetation; and
 - Limiting land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss and avoiding steep slopes, unstable areas and erosive soils.
- 8.2.1-3 Review all applications for new development to determine potential threats from sea level rise, coastal and other hazards.
- 8.2.1-4 Design and site new development to avoid hazardous areas and minimize risks to life and property from sea level rise, coastal and other hazards.
- 8.2.1-5 Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- 8.2.1-6 Require new development to be setback from slopes sufficiently to assure a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic, $k=0.15$) for the economic life of the development, which shall normally be assumed to be a minimum of 75 years.
- 8.2.1-7 The design and layout of the future developments shall be consistent with the approved Land Use Plan and preserve views of the bluff area.

8.3 Coastal Development Review

Coastal Act policies related to development review that are relevant to Dana Point Harbor Revitalization Plan include the following:

Coastal Act §30600 provides, in part:

- (a) *Except as provided in subdivision (e) and in addition to obtaining any other permit required by law from any local government or from any state, regional or local agency, any person as defined by Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.*
- (d) *After certification of its Local Coastal Program [Amendment] or pursuant to the provisions of Section 30600.5, a coastal development permit shall*

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be obtained from the local government as provided for in Section 30519 or Section 30600.5.

To ensure that development within Dana Point Harbor is consistent with the Dana Point Harbor Revitalization Plan and District Regulations, applicable portions of the City of Dana Point LCP and policies from Chapter 3 of the Coastal Act, the City of Dana Point will require a Coastal Development Permit prior to commencement of any development, with the exceptions of developments in areas where the Coastal Commission retains permit jurisdiction or developments determined to be excluded from Coastal Development Permit requirements pursuant to Dana Point Zoning Code Section 9.69.040.

8.3.1 Coastal Development Review – Policies

- 8.3.1-1 After certification of the LCP, require a Coastal Development Permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act.
- 8.3.1-2 Applications for Coastal Development Permits for Dana Point Harbor Planning Areas 1 through 7 (landside areas) shall be in accordance with the Dana Point Harbor District Regulations and the City of Dana Point Zoning Code, Chapter 9.69, Coastal Development Permit application.
- 8.3.1-3 Applications for Coastal Development Permits for Dana Point Harbor Planning Areas 8 through 12 (waterside areas) shall be made to the California Coastal Commission in a form consistent with Chapter 5, Coastal Development Permits Issued by the California Coastal Commission.
- 8.3.1-4 Prior to approval of any Coastal Development Permit by the City of Dana Point for landside areas, the City shall make a finding that the development conforms to the policies and requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations.
- 8.3.1-5 Pursuant to Coastal Act section 30601.3, if a proposed project requires a Coastal Development Permit from both the City of Dana Point (because it includes development in the jurisdiction of the certified local coastal program) and the California Coastal Commission (because it includes development in the Commission's area of retained jurisdiction); and if the applicant, the City of Dana Point, and the Commission consent to consolidate the permit action, then the Commission may process and act upon a consolidated Coastal Development Permit application, provided that public participation is not substantially impaired by that review consolidation. The standard of review for a consolidated Coastal Development Permit application submitted pursuant to this policy shall follow Chapter 3 of the Coastal Act (commencing with Section 30200), with the City of Dana Point local coastal program used as guidance. The application fee for a

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consolidated Coastal Development Permit shall be determined by reference to the Commission's permit fee schedule.

8.4 Scenic and Visual Resources

The following Coastal Act policy is relevant to Dana Point Harbor Revitalization Plan related to scenic and visual resources:

Coastal Act §30251 provides, in part:

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.

Policies included in Chapter 3, Article 6 of the Coastal Act are intended to protect the scenic beauty of the coastal landscape as a resource of public importance. Policies direct new development to be located in existing urbanized and/or developed areas with adequate services, rather than allowing a scattered pattern of subdivision and potentially dividing continuous areas of the coastline into divided communities. The policies regulate new development to ensure compliance with air quality regulations; to minimize risks in areas of high geologic, flood and fire hazard to assure stability and structural integrity; to neither create nor contribute significantly to erosion, geologic instability or destruction of the coastline or surrounding areas; and where appropriate, to protect the public's right to access.

8.4.1 Scenic and Visual Resource – Policies

- 8.4.1-1 Protect and enhance public views to and along the coast through open space designations and innovative design techniques. (Coastal Act Section 30251)
- 8.4.1-2 Ensure development within designated and proposed scenic corridors are compatible with scenic enhancement and preservation and shall not significantly impact public views through these corridors. (Coastal Act Section 30251)
- 8.4.1-3 Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact. (Coastal Act Section 30250)
- 8.4.1-4 Textured paving will be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be planted consistent with landscape plans approved through the Coastal Development Permit process to preserve and enhance ocean views.

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- 8.4.1-5 In areas that abut Planning Area 7, a landscape buffer will be maintained. All new plant material in recreational areas will be native or non-invasive and drought tolerant species to provide a transition between natural and ornamental areas.
- 8.4.1-6 The planting of trees within new development will provide a visually soft and natural backdrop while framing and protecting significant public view opportunities.
- 8.4.1-7 Vertical landscape elements and setbacks between buildings shall be incorporated into the design of new development to break up building massing.
- 8.4.1-8 Street and parking lot lighting shall be positioned to enhance the vehicular and pedestrian safety. Lighting shall be concentrated on intersections and pedestrian crosswalks and shall be directed downward.
- 8.4.1-9 All exterior lighting will be designed and located to avoid intrusive effects on the adjacent uses atop the bluffs and Doheny State Beach. New light fixtures will be designed to direct light on-site, away from other areas and where feasible (not interfering with public safety), minimize impacts to nesting birds or other sensitive biological resource areas within the boundaries of the LCP.

8.5 Coastal Views

Dana Point Harbor's natural setting borders the Pacific Ocean, principally marked by the Headlands and coastal bluffs. The Headlands is one of the most prominent features of the southern California coastline between Point Loma (in San Diego County) and the Palos Verdes Peninsula (in Los Angeles County). Scenic resources of the City of Dana Point and Dana Point Harbor include vistas and panoramas of the Pacific Ocean and distant views of the Southern California coastline. Primary and secondary views are identified on Exhibit 8-1, Dana Point Harbor View Corridors.

Views of the Dana Point Harbor area from Pacific Coast Highway (PCH) are limited as a result of development on and along the coastal bluffs. However, the eastern portion of Dana Point Harbor is partially visible from PCH across Doheny State Beach, including the eastern jetty and portions of the shipyard area of the Harbor. Structures within Dana Point Harbor are partially obstructed by the existing eucalyptus trees. Within the Harbor, views from Street of the Golden Lantern consist primarily of commercial buildings, parking areas and landscaping within the existing Mariner's Village and commercial areas.

Dana Point Harbor Drive serves as a portion of the northerly boundary of the Harbor, providing vehicular access to all the facilities. The existing Harbor area is fully developed, being comprised of buildings of varying heights, surface parking areas, meandering

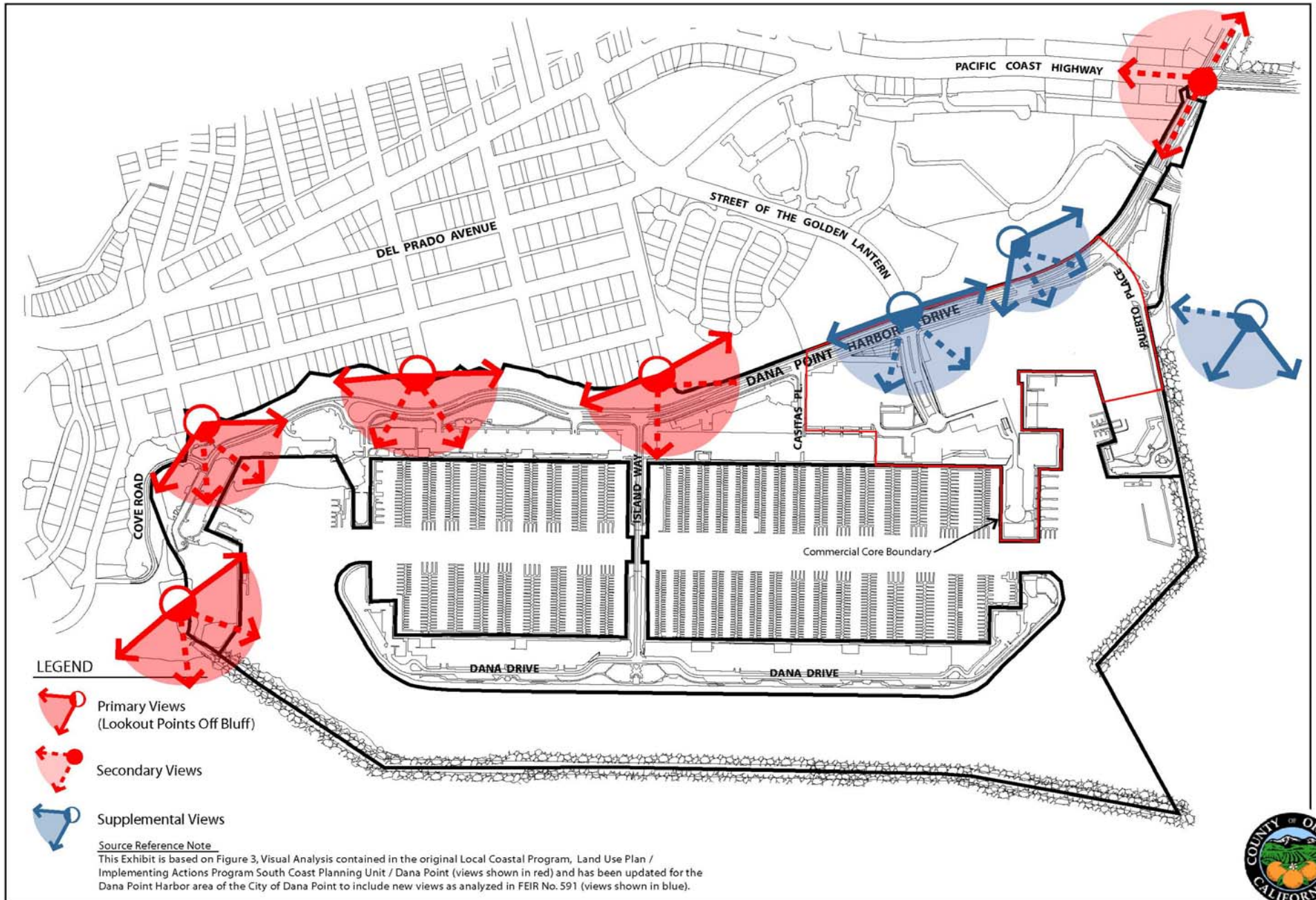


Exhibit #2
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Dana Point Harbor

REVITALIZATION PLAN & DISTRICT REGULATIONS

Exhibit 8-1

DANA POINT HARBOR VIEW CORRIDORS



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walkways, large open space grass areas that include various types of picnicking facilities, boat slips, docks and other urbanization features.

As a result of implementation of the contemplated Dana Point Harbor Revitalization Plan, views from the Street of the Golden Lantern and those areas to the northwest would be altered as a result of the consolidation of the commercial and retail uses along the waterfront, the planned parking deck and landscape improvements. The planned reconfiguration of the commercial land uses will also potentially allow additional opportunities to view the marinas with the creation of the Festival Plaza that aligns with the main Harbor entrance from Street of the Golden Lantern.

Although certain views from the public parks located north of the Harbor along the bluffs will be somewhat altered by the implementation of the planned dry boat storage facility, as the result of extensive public review and implementation of the recommended design modifications at the time of the Dana Point City Council approval of the Dana Point Harbor Revitalization Plan, the facility has been designed and located to minimize view impacts from these public viewpoints.

Current uses within the Harbor area produce light and glare typical of a small-craft Harbor, with relatively limited high-intensity lighting and small amounts of metallic surfaces on existing facilities. Existing on-site light sources include parking lot lighting, interior lighting from the assemblage of buildings, security lighting and flood lighting at the boat docks. Occasional special events require temporary lighting, typically placed in the parking lot areas. Glare generation in the Harbor is predominantly a nighttime event. With the exception of the Ocean Institute, there are no buildings that have large glass or polished surfaces.

8.5.1 Bulk and Height Limitation

The Dana Point Harbor is viewed as a unique marine recreational facility that provides year round activities for local residents, the boating public and visitors. The Dana Point Harbor Revitalization Plan proposes to upgrade the amenities and facilities to address present and future demand and also enhance varied opportunities for inside and outside dining, walking, viewing and public access ways. The defining vision behind the Dana Point Harbor Revitalization Plan is to unify the entire Harbor under the design theme of "California Coastal". This vision is a hybrid-style based on the historic characteristics of coastal villages merged with the California traditions of open space and outdoor living.

The model for a California Coastal Village is a coastal area that has an appearance of being constructed over time, with buildings being added as needed, while at the same time allowing the various buildings to differentiate themselves based on users and individual type of businesses. Generally, buildings would share a color palette of cool colors, mixed with brighter accents and contrasting trim elements. Building exterior finishes would also share

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many materials which can be deployed in numerous ways such as clapboard, shingle, stone trim and stucco. By unifying some architectural elements, such as roof pitches and railings, these buildings would present a varied yet unified village appearance.

Building height limits would provide for greater architectural design features and allow for visitor serving uses to be located on two levels, taking advantage of increased access with additional parking from the parking deck to the restaurants and retail areas as well as to other surrounding areas of the Harbor. The building heights established in this LUP also allow for the concentration of the Commercial Core and providing a Festival Plaza for public access and assembly in a park-like setting.

The scale of Dana Point Harbor allows the creation of a unique setting that includes the clustering of buildings together to provide a comfortable pedestrian setting for retail merchants and restaurants. The new village would also be moved closer to the existing Dana Wharf to create a stronger pedestrian link with the buildings that will remain and adjacent parking areas. A small number of careful architectural interventions would bring the California Coastal style to the existing buildings to remain, but allow their uniqueness to enhance the overall Commercial Core by appearing to have been built over time.

Bulk and Height Limitation – Policies

- 8.5.1-1 New building architecture shall encourage irregular massing of structures.
- 8.5.1-2 Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile.
- 8.5.1-3 All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following:
 - Dry Stack Boat Storage building in the Marine Services Commercial area (Planning Area 1) shall have a maximum building height of sixty-five (65) feet;
 - Commercial Core area (Planning Area 2) buildings fronting on the Festival Plaza or structures fronting the East Marina Boat Basin (Planning Area 10) shall be a maximum of sixty (60) feet high;
 - Visitor-Serving Commercial (Planning Area 3) building(s) shall have a maximum height of fifty (50) feet;
 - Elevators, appropriately screened mechanical units and chimneys that do not exceed the ten percent (10%) of the total roof area for all new and existing/remodeled structures, should conform to the applicable height limit, but may exceed that height limit by no more than five (5) additional feet.

These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced.

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Buildings, excluding the dry stack storage building, need to be consistent with the character of the area.

The limitations on height for the Marine Services Commercial area (Planning Area 1) shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

- 8.5.1-4 The appearance of long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered, stepped-back exterior building facades and incorporation of a variety of building designs, materials and colors.

8.5.2 Natural Landform Protection

The bluffs, cliffs, hillsides and other significant natural landforms are an important part of the scenic and visual qualities of the coastal zone and are to be protected as a resource of public importance. Dana Point Harbor from its early history as the harbor for Mission San Juan Capistrano and the site visited by Richard Henry Dana, has emphasized its maritime identity as a place in which to engage the sea. The Harbor's natural setting borders the Pacific Ocean, principally marked by the Headlands and coastal bluffs. The Headlands is one of the most prominent features of the southern California coastline between Point Loma (in San Diego County) and the Palos Verdes Peninsula (in Los Angeles County).

Development will be designed to ensure that permitted development is 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 to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas and where feasible, to restore and enhance visual quality in visually degraded areas. New development when proposed 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. (Coastal Act Section 30251)

Natural Landform Protection – Policy

- 8.5.2-1 Preserve significant natural features as part of new development. Permitted development shall be sited and designed to minimize the alteration of natural landforms. Improvements adjacent to beaches shall protect existing natural features and be carefully integrated with landforms. (Coastal Act Section 30240, 30250, 30251, 30253)

Coastal Bluffs

Coastal bluffs are formed by a rapid uplift of the shore relative to sea level. Dana Point Harbor is located within the northwest-trending Peninsular Ranges in southern California. The Peninsular Ranges province is an elongated area characterized by parallel fault-bounded mountain ranges and intervening valleys. The Harbor is a coastal reentrant (cove) protected by the Headlands at Dana Point. The protected cove owes its existence to differing resistance to wave erosion of the two bedrock formations exposed along a fault in the steep coastal bluff. Bedrock units include the Capistrano Formation and the San Onofre Breccia, both of which are exposed in the sea cliffs behind the Harbor.

The Land Use Plan provides for the preservation of the coastal bluff-face as an important coastal resource. Planning Area 7 presently includes a small amount of coastal sage scrub, which is a sensitive plant species that provides habitat for other sensitive plant and animal species and is reserved for conservation.

Dana Point Harbor Coastal Bluffs – Policies

- 8.5.2-2 The design and layout of the future developments shall be consistent with the approved Land Use Plan and preserve views of the bluff area.
- 8.5.2-3 Preserve Dana Point's bluffs as a natural and scenic resource and avoid risk to life and property through responsible and sensitive bluff top development, including, but not limited to, the provision of drainage which directs runoff away from the bluff edge and towards the street, where feasible and the prohibition of permanent irrigation systems and the use of water intensive landscaping within the setback area to prevent bluff erosion. (Coastal Act Sections 30251, 30253)
- 8.5.2-4 Bluff repair and erosion control measures such as retaining walls and other similar devices shall be limited to those necessary to protect coastal-dependent uses or existing structures in danger from erosion to minimize risks to life and property and shall avoid causing significant alteration to the natural character of the bluffs. For the purposes of this policy, "existing" shall mean structures existing at the time of certification of Local Coastal Program Amendment No. 1-08 (Coastal Act 30251, 30253)
- 8.5.2-5 No development will be permitted on the bluff face, except for drainpipes as follows. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe and beach and visual treatment of the drain system is incorporated (e.g. color to match adjacent soil/vegetation, screening with native vegetation, etc.). Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

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- 8.5.2-6 Development adjacent to coastal bluffs shall minimize hazards to owners, occupants, property and the general public; be environmentally sensitive to the natural coastal bluffs; and protect the bluffs as a scenic visual resource.
- 8.5.2-7 For purposes of this section, bluff edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.
- 8.5.2-8 The Land Use Plan provides for the protection of the Bluffs in Planning Area 7 by restricting the siting of any structures adjacent to the bluffs with the exception of drainage control structures and recreational structures (e.g., public picnic areas, etc.).

8.5.3 Signs

A signage program will be implemented that is consistent with the California Coastal theme. Commercial signage will be of appropriate village scale and designed for legibility within the pedestrian-scale Festival Plaza. Column-mounted blade signs perpendicular to the pedestrian flow will be easily readable and additional elements may be printed on the awnings. The signage will be proportional in size to the proposed awnings and limited by reasonable vertical head heights along the pedestrian right-of-way. Directional and wayfinding signage will also reflect the material and color palettes appropriate to the development theme.

Dana Point Harbor Sign – Policies

- 8.5.3-1 Design and site signs to minimize visual impacts to coastal resources.
- 8.5.3-2 Implement programs to remove illegal signs and amortize legal nonconforming signs.
- 8.5.3-3 Prohibit new billboards and roof top signs and regulate the bulk and height of other freestanding signs that affect public coastal views.
- 8.5.3-4 Encourage the reasonable regulation of signs to preserve the character of the community. (Coastal Act Section 30251)
- 8.5.3-5 Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of any commercial development shall be incorporated into the

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design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Roof signs or flashing signs shall not be permitted.

- 8.5.3-6 A comprehensive Dana Point Harbor Sign Program shall include provisions for providing clear and conspicuous notice to assist the public in locating and recognizing trail access points, recreation areas and other visitor recreational amenities. In areas containing sensitive habitat or safety hazards, signs shall be posted with a description of the sensitive habitat or safety hazard and limitation on entry to those areas.
- 8.5.3-7 All signage shall be of a consistent architectural style. Commercial signage shall be externally illuminated and lighting sources shall be hidden by vegetation or installed flush with the grade. Signage shall be designed to complement the architecture of the buildings.
- 8.5.3-8 Signage throughout the Harbor shall be designed to reduce pedestrian/vehicle conflicts (i.e., no crossing signs).
- 8.5.3-9 OC Dana Point Harbor shall provide a construction sign program to direct Harbor visitors and boaters to available parking.
- 8.5.3-10 A comprehensive signage program for public access shall be implemented in conjunction with the construction of the Commercial Core area and subsequent Planning Areas within the Harbor to inform the public of the availability of and provide direction to public parking areas, coastal access and on-site recreational amenities.
- 8.5.3-11 Remove existing signs and prohibit new signs that adversely impact public access.

8.6 Hazards and Protective Devices

Coastal Act policies related to hazards and protective devices that are relevant to Dana Point Harbor Revitalization Plan include the following:

Coastal Act §30235 provides:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to

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pollution problems and fish kills should be phased out or upgraded where feasible.

Coastal Act §30253 provides:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, floor and fire hazard.*
- (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics are popular visitor destination points for recreational uses.*

Coastal Act §30236 provides:

Channelizations, dams or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible and be limited to:

- (1) Necessary water supply projects;*
- (2) Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or*
- (3) Developments where the primary function is the improvement of fish and wildlife habitat.*

8.6.1 Hazards and Protective Devices – General Policies

- 8.6.1-1 Identify flood hazard areas (taking into account riverine and coastal flooding sources and sea level rise) and provide appropriate land use regulations, such as but not limited to the requirement that new habitable development shall have the lowest floor, including basement, elevated to or above the base flood elevation, for areas subject to flooding in order to minimize risks to life and property. (Coastal Act Sections 30235, 30253)
- 8.6.1-2 Retain, protect and enhance local drainage courses, channels and creeks in their natural condition, where feasible and desirable, in order to maximize their natural

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hydrologic functioning so as to minimize adverse impacts from storm water run-off. (Coastal Act Section 30231)

- 8.6.1-3 Control erosion during and following construction through proper grading techniques, vegetation replanting and the installation of proper drainage and erosion control improvements. (Coastal Act Section 30243)
- 8.6.1-4 Require the practice of proper soil management techniques to reduce erosion, sedimentation and other soil-related problems. (Coastal Act Section 30243)
- 8.6.1-5 Lessen beach erosion by minimizing any human-caused activities which would reduce the replenishment of sand to the beaches. (Coastal Act Section 30235)
- 8.6.1-6 Whenever feasible, the material removed from erosion control and flood control facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of the Local Coastal Program and where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for such purposes are the characteristics of the material (grain size and color), potential contamination), method of placement, time of year of placement and sensitivity of the placement area. (Coastal Act Sections 30233, 30607.7)
- 8.6.1-7 Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such protective devices or construction that alters shoreline processes shall only be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to mitigate adverse impacts on local shoreline sand supply and minimize adverse impacts on public use of sandy beach areas, unless a waiver of future shoreline protection was required by a previous Coastal Development Permit. "Existing structures" for purposes of this policy shall consist only of a principle structure, e.g. a commercial building existing at the time of certification of Local Coastal Program Amendment No. 1-08, and shall not include accessory or ancillary structures such as decks, patios, stairs, landscaping etc. (Coastal Act Section 30210-12, 30235)
- 8.6.1-8 Maintain existing jetties and modify as necessary to eliminate or mitigate adverse effects on shoreline processes.
- 8.6.1-9 Design and site protective devices to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access, minimize visual impacts, adapt to sea level rise and eliminate or mitigate adverse impacts on local shoreline sand supply.
- 8.6.1-10 Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new, non-

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coastal dependent development. Such devices shall be located as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. a commercial building existing at the time of certification of Local Coastal Program Amendment No. 1-08, and shall not include accessory or ancillary structures such as decks, patios, stairs, landscaping etc.

8.6.1-11 Site and design new structures to avoid the need for new shoreline and bluff protective devices during the economic life of the structure (75 years).

8.6.1-12 Future waterside improvements to the east and west of the breakwaters (Planning Areas 8, 11 & 12) shall be reconstructed within the seaward footprint of the existing structures except as necessary to provide for public safety or public access. Construction activities taking place below the mean higher high water (MHHW) mark shall prepare a focused marine biological survey to determine if sensitive species are present.

8.6.1-13 New building design will include storm water collection systems (e.g., roof-top drainage directed into storm or sewer system).

8.6.1-14 Parking areas will be designed to direct surface run-off away from the Harbor Marinas.

8.6.1-15 As required for obtaining a Grading Permit, the following drainage studies shall be prepared:

- a) A drainage study of the project, including diversions, off-site areas that drain onto and/or through the project and justification of any diversions; and
- b) When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- c) Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains and flood water retarding will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

8.6.1-16 Prior to the issuance of any grading permits, OC Dana Point Harbor shall:

- a) Design provisions for surface drainage; and
- b) Design all necessary storm drain facilities extending to a satisfactory point of disposal.

8.6.1-17 Consider the constraints of natural and man-made hazards in determining the location, type and intensities of new development. (Coastal Act Sections 30240, 30253)

8.6.2 Tsunamis and Rogue Waves

Tsunamis

A tsunami is a sea wave caused by any large-scale disturbance of the ocean floor that occurs in a short period of time and causes a sudden displacement of water. Tsunamis can travel across the entire Pacific Ocean basin or they can be local. Tsunamis are not comprised of a single wave, but rather a series of waves. The most frequent causes of tsunamis are shallow underwater earthquakes and submarine landslides; however, underwater volcanic explosions, oceanic meteor impacts and even underwater nuclear explosions can cause tsunamis. The historical tsunami record for California suggests that the tsunami hazard in the Southern California region, from the Palos Verdes Peninsula south to San Diego has a moderate likelihood of occurrence. However, the Southern California historical record is not very extensive and it is possible that the Southern California area has been impacted by tsunami events for which there is no record.

Dana Point Harbor Tsunamis – Policies

- 8.6.2-1 Periodically review tsunami preparation and response policies/practices to reflect current and predicted future sea level trends, development conditions, and available tools and information for preparedness and response.
- 8.6.2-2 Periodically review inundation maps and design standards, update identification of susceptible areas, evacuation routes and building codes as new information on tsunami and design standards becomes available.
- 8.6.2-3 Participate in any regional effort to develop and implement workable response plans that the County and City emergency services personnel can incorporate into evacuation plans in the case of tsunami warnings.
- 8.6.2-4 Review local and distant tsunami inundation maps for Dana Point and adjacent coastal communities to identify susceptible areas and plan evacuation routes.
- 8.6.2-5 Include tsunami evacuation route information as part of any overall evacuation route sign program implemented in the City. Evacuation routes out of the Harbor should be clearly posted. An evacuation route traffic monitoring system that provides real-time information on the traffic flow at critical roadways should be considered.
- 8.6.2-6 Continue projects that maintain beach width. Wide beaches provide critical protection against tsunami run-up for structures along the oceanfront.
- 8.6.2-7 Develop and implement a tsunami educational program for residents, visitors, and people who work in the susceptible areas.

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- 8.6.2-8 Require overnight visitor-serving facilities in susceptible areas to provide tsunami information and evacuation plans.
- 8.6.2-9 OC Dana Point Harbor shall prepare an assessment of the potential impacts of inundation from a tsunami taking into account future sea-level rise on the existing and proposed building structures along the seawall.

Rogue Waves

Rogue waves are very high waves (tens of meters high) that arise unexpectedly in the open ocean for no clearly defined cause. Due to the unpredictable nature of these waves it is difficult to create specific plans to minimize their effects.

Dana Point Harbor Rouge Wave – Policy

- 8.6.2-3 Regulate the construction of non-recreational uses on coastal stretches with high predicted storm wave run-up to minimize risk of life and property damage. Take projected sea-level rise into account when evaluating storm wave run-up. (Coastal Act Section 30253)

8.6.3 Storm Surges and Seiches

Storm surges are temporary rises in water level caused by storm winds blowing across miles of open water and dragging some water towards the down-wind shore. This causes a build-up in water level along the down-wind shore. Storm surges occur on ocean coasts or on the shores of large water bodies and typically last as long as the strong winds are blowing onshore.

Seiches are periodic oscillations of water level set in motion by some atmospheric disturbance passing over a large enclosed water body, such as a lake. The disturbances that cause seiches include the rapid changes in atmospheric pressure with the passing of low or high pressure systems, rapidly-moving weather fronts and major shifts in the directions of strong winds. One or more seiches following a storm surge may cause repeated flooding of low-lying property.

Storm Surges and Seiches – Policies

- 8.6.3-1 Prepare and periodically update (every five years) a Shoreline Management Plan for Dana Point Harbor to assess seasonal and long-term shoreline changes and the potential for flooding or damage from erosion, sea-level rise, waves, storm surge or seiches and provide recommendations for protection of existing and proposed development, public improvements, coastal access, public opportunities for coastal recreation and coastal resources. Plan must also evaluate the feasibility of hazard avoidance, planned retreat, retrofitting existing or proposing new protection

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devices and restoration of the sand supply and beach nourishment in appropriate areas of the Harbor, if needed.

- 8.6.3-2 Siting and design of new shoreline development anywhere in Dana Point Harbor and the siting and design of new or replacement shoreline protective devices shall take into account anticipated future changes in sea level.
- 8.6.3-3 New or modified shoreline or ocean protective devices such as revetments, breakwaters, groins, Harbor channels, seawalls, cliff retaining walls and other such construction that alters shoreline processes shall be designed to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access and minimize visual impacts.
- 8.6.3-4 Require all Coastal Development Permit applications for new development on a beach or other waterfront area or on a coastal bluff property with the potential to be subject to wave action to assess the potential for flooding or damage from sea level rise, waves, storm surge or seiches, through a wave uprush and impact reports prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-term (75 years) erosion; high tide conditions, combined with long-term (75 year) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.
- 8.6.3-5 Encourage the use of non-structural methods, such as dune restoration and beach nourishment, as alternatives to static shoreline protective structures.
- 8.6.3-6 OC Dana Point Harbor shall prepare an assessment of the potential wave run-up from a seiche or tsunami near the Harbor during a major seismic event including but not limited to an event on the Newport-Inglewood Fault and/or San Jacinto Mountains Faults prior to submittal of the first coastal development permit for development of the Commercial Core.

8.6.4 Hurricanes and Tropical Storms

Most hurricanes that affect the southern California region are generated in the southern portion of the Gulf of California. Though no hurricane-strength storms have reportedly hit the Los Angeles basin area in modern times, damage from wave swell and weather related to hurricanes that develop in the Baja California area have the potential to affect areas along the southern California coastline by causing localized flooding.

8.6.5 Sea Level Rise

Local mean sea level (LMSL) is defined as the height of the sea with respect to a land benchmark, averaged over a period of time long enough that fluctuations caused by waves

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and tides as well as any vertical movements of the land. Atmospheric pressure, oceanic currents and local ocean temperatures also affect LMSL.

Historic sea level rise is documented as occurring at a rate of approximately 1.8mm per year for the past century, in part as a result of human-induced climate change. It is currently assumed that climate change will continue to increase sea level over at least the coming century. Increasing temperatures result in sea level rise by the thermal expansion of water and through the addition of water to the oceans from the melting of continental ice sheets. Thermal expansion, which is well-quantified, is currently the primary contributor to sea level rise and is expected to remain a significant contributor over the course of the next century. Glacial contributions to sea-level rise have been less significant but recent large losses of glacial mass indicate that glaciers may become more significant contributors to future sea level, but the contributions are difficult to project.

The Fourth Assessment Report on the Intergovernmental Panel on Climate Change (IPCC 2007) projects an increase of temperature ranging between 1.1 and 6.4 °C over the next century, necessarily entailing a reduction of the amount of ice worldwide. Although it is not well established how fast the ice sheet will melt, if the Greenland and the West and East Antarctica ice sheets were to melt, it would result in a rise in the overall world sea level by approximately 65 meters. The U.S. Environmental Protection Agency approximates that 10,000 square miles of land would be erased by a 2-foot rise in sea level. A 1-foot rise in sea level might well translate to a 200-foot retreat of shoreline. In addition, the IPCC suggests that by 2080, sea level rise could convert as much as 33-percent of the world's coastal wetlands to open water (IPCC 2007).¹

Sea level rise is also expected to make coastal cities more vulnerable to extreme weather (such as hurricanes and tropical storms) as well as to destroy important ecosystems such as wetlands and mangroves. Rising sea level inundates low-lying lands, erodes shorelines, exacerbates flooding and increases the salinity of estuaries and aquifers.

A recent draft report prepared by the California Natural Resources Agency through the California Climate Action Team has used climate models and scenarios to project sea level rise between 2000 and 2100 that could range from about 0.6 meters up to almost 1.5 meters². The range of projections for future sea level result from both modeling uncertainty and the strong interdependences between sea level rise, global temperature and the uncertainties about policy and social decisions that influence future greenhouse gas emissions. While it is certain that a continued or accelerated rise of sea level will increase the inundation of low-lying coastal lands and increase the vulnerability of coastal development to storms and extreme weather, it is not certain how high sea level will be in the future or the increased duration of exposure to higher water levels. Model improvement and improved understanding of climate and patterns and glacial dynamics can reduce some

¹ Climate Institute, 2007

² California Climate Change Center, 2009 (CEC-500-2009-14-D)

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of the projection uncertainties, but the uncertainties that arise from human activities will remain, making it difficult to project a single trend for future sea level.

The State of California has initiated steps for the National Academy of Science (NAS) to develop relative sea level rise projections specific to California. The NAS study may clarify both the range of possible sea level rise and the appropriate approach to planning and designing for sea level rise. Until this study is completed, the Coastal Conservancy has adopted sea level of 0.6 meter by 2050 and 1.4 meters by 2100 for planning purposes. Rather than adopt a specific amount of sea level rise, a second approach for incorporation of sea level rise uncertainty into project planning and design is through an examination of a likely range of future sea level and analysis of the sensitivity of a project design to various likely sea level rise conditions. Such an analysis would determine if there is some "tipping point" at which a given design would rapidly become less stable, and to evaluate the consequences of crossing such a threshold. The sensitivity analysis would identify project limitations early in the planning process. Depending upon the design life of the development, the economic and technical feasibility of incorporating more proactive features into the design and the levels of acceptable risk, the analysis would help in determining the need for design flexibility and opportunities for adaptation to sea level higher than included in the initial design.

The analysis of a range of likely changes in future sea level provides some opportunity to adapt to changing sea level. Such evaluations provide some flexibility with regard to the uncertainty concerning sea level rise, providing an approach to analyze projects in the face of uncertainty that would not involve the imposition of mandatory design standards based upon future sea level elevations that may not be realized during the project life. Given the adaptive nature of this approach to hazards avoidance and minimization it will remain important to include new information on sea level trends as it is developed and reviewed by the scientific community. Accordingly, any adopted design or siting standards that may be applied to a development project should be re-examined periodically to ensure the standard is consistent with current estimates in the literature.

Ultimately coastal areas and coastal development will be affected by local water level and local water levels depend upon many factors besides global sea level. Local uplift and subsidence contribute to relative sea level; waves, tides, currents and atmospheric forcing contribute to short-term and seasonal variability in water level, tidal epochs, El Niño/Southern Oscillations, Pacific Decadal Oscillations, and Arctic Oscillations contribute to longer-term, annual to multi-decadal variability and the earth's orbital cycles (Milankovitch cycles) contribute to centennial to millennial variability.

Dana Point Harbor Sea Level Rise – Policies

- 8.6.5-1 Siting and design of new shoreline development anywhere in Dana Point Harbor and the siting and design of new or replacement shoreline protective devices shall take into account anticipated future changes in sea level, based on the best

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available scientific information and projections or range of projections of future sea level.

- 8.6.5-2 Due to the uncertainties about future sea level rise, a range of likely and extreme rises in sea level shall be used in the planning phase to assess project sensitivity to future water levels, identify possible consequences to the development and the surrounding area if the anticipated sea level is exceeded, and determine the minimum acceptable amount of future sea level rise that can be used for design purposes.
- 8.6.5-3 OC Dana Point Harbor shall study the potential impacts of sea level rise and flooding of San Juan Creek on the existing or proposed structures along the seawall.

8.6.6 Coastal Erosion

Coastal erosion refers to the loss of sub-aerial landmass into the sea due to natural processes such as wave action, tidal current, wave currents or waves generated by storms, wind or even fast moving motor craft. Large storm-generated waves typically cause coastal erosion, which may take the form of long-term losses of sediment and rocks or merely in the temporary redistribution of coastal sediments.

The Dana Point Harbor is fully sheltered from the open ocean by almost 8,000 lineal feet of federal breakwater, thereby minimizing the natural effects of erosion associated with waves and tidal influences on the Harbor land areas.

Dana Point Harbor Coastal Erosion – Policies

- 8.6.6-1 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.
- 8.6.6-2 Protect irreplaceable beaches and coastal bluffs from development and natural erosional processes, to provide for the replenishment of beach sands when feasible and to strive to increase public access to the Harbor, beaches and the coastline.
- 8.6.6-3 Encourage retention of natural vegetation and require re-vegetation of graded areas.

8.6.7 Geologic and Seismic

This Section sets forth the geotechnical policies for the LUP and includes technical information related to mitigation of geologic hazards and implementation of the Dana Point Harbor Revitalization Plan.

Geologic

Dana Point Harbor is located within the northwest-trending Peninsular Ranges in southern California. The Peninsular Ranges province is an elongated area characterized by parallel fault-bounded mountain ranges and intervening valleys. The province extends southward from the Transverse Ranges at the northern side of the Los Angeles basin southward into Mexico. The Dana Point Harbor also lies at the southernmost end of the San Joaquin Hills, which are a northwest trending topographically high area that extends southward from the City of Newport Beach to Dana Point.

The Harbor is a coastal reentrant (cove) protected by the Headlands at Dana Point. The protected cove owes its existence to differing resistance to wave erosion of the two bedrock formations exposed along a fault in the steep coastal bluff. Bedrock units include the Capistrano Formation and the San Onofre Breccia, both of which are exposed in the sea cliffs behind the Harbor, which are separated by the Dana Cove Fault. The weaker Capistrano Formation has been preferentially eroded, creating Dana Cove. More youthful sediments have been deposited in the Harbor, including colluvium, alluvium, beach deposits, landside debris, talus and artificial fill placed during the original construction of Harbor facilities in the 1970's.

Potential soil-related constraints and hazards shall be assessed by a geotechnical report that includes an evaluation of potentially expansive soils and recommendations for construction procedures and/or design criteria to minimize the effect of these soils on proposed development. Additionally, adherence to the Dana Point Harbor District Regulations Chapter 3, including compliance with Uniform Building Code requirements, as well as County of Orange Grading Manual and Building Codes will ensure public health and safety standards are achieved.

Dana Point Harbor Geologic – Policies

- 8.6.7-1 Geotechnical studies are required for developments that are proposed on or adjacent to coastal or inland bluff tops and where geological instability is suspected. (Coastal Act Section 30253)
- 8.6.7-2 Applications for Grading and Building Permits will be reviewed for adjacency to, threats from and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, beach and bluff erosion or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a

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geologic report shall be required. Require such reports be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City. Mitigation measures will be required where necessary.

8.6.7-3 New development shall:

- a. Minimize risks to life and property in areas of high geologic, flood and fire hazard; and
- b. Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Coastal Act Section 30253)

8.6.7-4 A study of Life Safety and Evacuation shall be conducted for Planning Area 4 to ensure that adequate evacuation can occur should the Island bridge become incapacitated.

8.6.7-5 Creation of the Festival Plaza and Pedestrian Promenade along the waterfront's edge provides for an extended structural setback from the bulkhead area.

8.6.7-6 All new structures and the Commercial Core area parking deck will be supported with piles to provide adequate resistance to long-term settlement if recommended.

8.6.7-7 Foundation setback requirements will be implemented for proposed Harbor improvements as specified in the geotechnical report. Setback distances will reflect geologic and structural engineering evaluations of the site and recommendations included in the geotechnical report, subject to the review and approval of the County of Orange and the City.

8.6.7-8 Prior to the issuance of a grading permit, a geotechnical report shall be submitted to the County for approval and shall include the information and be in the form as required by the Orange County Grading Code and Manual.

8.6.7-9 If cranes and pile-driving equipment are required, adequate setbacks shall be observed from bulkhead areas to prevent failures due to increased lateral and surcharge loads.

8.6.7-10 Construction work performed within public roadways or public properties adjacent to the Harbor will require compliance with specifications presented in the latest edition of Standard Specifications for Public Works Construction (the Greenbook).

8.6.7-11 Further investigation and detailed characterization of the existing fill conditions is required to identify the extent of the potential for liquefaction and include:

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- Recommended new building setback distances from the quay wall ranging from 2 to 3 times the height of the bulkhead will for localized liquefaction and lateral spreading failure to several times the height of the revetment slope and bulkhead system for global seismic instability, to be considered during the planning and design phases of the project;
- Supporting proposed structures on deep foundations extending into bedrock;
- Stiffened floor slab designs;
- Total or partial removal of the potentially liquefiable soils and replacement with compacted fill; and
- Soil remediation and site improvement.

Seismic

Orange County, like most regions that border the Pacific Ocean is a region of high seismic activity and therefore is subject to potentially destructive earthquakes. Dana Point Harbor is located within the northwest-trending Peninsular Ranges in southern California. The Peninsular Ranges province is an elongated area characterized by parallel fault-bounded mountain ranges and intervening valleys. The Harbor is a coastal reentrant (cove) protected by the Headlands at Dana Point. The protected cove owes its existence to differing resistance to wave erosion of the two bedrock formations exposed along a fault in the steep coastal bluff. Bedrock units include the Capistrano Formation and the San Onofre Breccia, both of which are exposed in the sea cliffs behind the Harbor, which are separated by the Dana Cove Fault. The weaker Capistrano Formation has been preferentially eroded, creating Dana Cove. More youthful sediments have been deposited in the Harbor, including colluvium, alluvium, beach deposits, talus and artificial fill placed during the original construction of the Harbor in the 1970's.

A well-defined fault zone passes diagonally through the Harbor, directly under and nearly parallel to the fishing pier located in the western portion of the Harbor (PAs 5 and 8). The seaward projection is estimated to be approximately 250 ft. wide, consisting of sheared breccia and contorted siltstones and sandstones. No seismic activity has been reported along this fault, which has been classified as inactive. The closest active fault to the Harbor is the South Coast Offshore Zone of Deformation (likely the offshore connection between the Newport-Inglewood and Rose Canyon Faults) which is located approximately 3.4 miles to the southwest.

Seismic – Policies

8.6.7-12 Require applications for new development, where applicable, to include a geologic/soils and geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures and contains a

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statement that the project site is suitable for the proposed development in a manner consistent with the County of Orange Grading and Excavation Code.

8.6.7-13 Conformance with the latest Uniform Building Code, California Building Code, or International Building Code and County Ordinances can be expected to satisfactorily mitigate the effect of seismic groundshaking. Conformance with applicable codes and ordinances shall occur in conjunction with the issuance of Building Permits in order to ensure that over excavation of soft, broken rock and clayey soils within sheared zones will be required where development is planned.

8.6.7-14 Engineering design for all structures shall be based on the probability that new structures will be subjected to strong ground motion during the lifetime of development. Construction plans shall be subject to the County review and shall include applicable standards, which address seismic design parameters.

8.6.7-15 Mitigation of earthquake ground shaking shall be incorporated into the design and construction in accordance with Uniform Building Code requirements and site-specific design.

8.6.8 Fire

The Orange County Fire Authority is responsible for providing fire protection services to Dana Point Harbor and the entire City of Dana Point. All existing structures and new development will be required to meet applicable provisions of the County and the Uniform Fire Code. New buildings and the planned dry stack boat storage facility will be equipped if required by Code with automatic sprinklers or other fire suppression systems and required to demonstrate that adequate water distribution facilities are in place to meet fire-flow requirements.

Dana Point Harbor Fire – Policies

8.6.8-1 Establish building code, setback, site design and landscaping requirements that assure adequate fire protection to minimize risks to life and property. (Coastal Act Section 30253)

8.6.8-2 Dana Point Harbor is not located within the very high fire hazard severity zone per the OCFA maps. However, exposed building construction shall meet all requirements for exposed sides, per OCFA requirements. Additionally, automatic sprinklers shall be provided in all applicable structures, per OCFA requirements.

8.6.8-3 OC Dana Point Harbor shall confirm the following items are included as part of development design:

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- All applicable building plans shall indicate by note that the interior fire sprinkler system is required for the structure(s). Plans for the fire sprinkler systems shall be submitted for review and approval by the Fire Chief.
- A supervised fire alarm system with an enunciator, per the requirements of the California Fire Code shall be installed in an accessible location.
- Access to and around all structures shall meet the OCFA and California Fire Code requirements.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems shall be installed.
- Turning radii and access in and around the Harbor and other facilities shall be designed to accommodate large fire department vehicles and their weight.
- Emergency access shall be maintained during construction.
- All service roads and fire lanes, as determined by the Fire Chief shall be posted and marked accordingly.

8.7 Infrastructure and Utility Improvements

Plans for new development include the relocation and/or replacement of a number of the existing wet and dry utility systems (water, sewer, natural gas, electrical, telephone, cable, etc.). All new utility systems will be designed, located and sized according to regulatory and utility service provider standards. Improvements include various infrastructure and utility elements, signage and landscape improvements to enhance the Harbor's appearance and provide adequate infrastructure. These elements that are planned include:

Streets

- Planning Area 1: Improvements to Puerto Place, include widening the existing western right-of-way (ROW), constructing new entries to the Marine Services Commercial area and potential installation of a traffic signal at the intersection of Dana Point Harbor Drive and Puerto Place (subject to future traffic study and signal warrants).
- Planning Area 2: Realignment of the terminus of the Street of the Golden Lantern, including construction of a split-level ramp providing parking deck access into the Commercial Core area from the Dana Point Harbor Drive intersection; constructing traffic circle links on both levels of the parking deck to the Festival Plaza; and constructing a left-turn pocket and additional exit lane from the parking deck.
- Planning Area 4: Future improvements to the Dana Drive turn-arounds on the Island to improve vehicle circulation and to provide additional public parking opportunities.

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- Planning Area 5: Future modification of the turnaround on Dana Point Harbor Drive adjacent to OC Sailing and Events Center to provide better access for large vehicles (i.e., buses and emergency vehicles).

Harbor-wide Utilities, Drainage, Lighting, and Signage

- Upgraded utility capacities to serve the proposed improvement areas, including upgrading storm drain facilities;
- Improved lighting on streets, in parking areas and pedestrian walkways;
- Improved commercial, directional and public information signage; and
- In Planning Area 1 – replacement of an existing 18-inch storm drain and outlet structure with a larger pipe and new outlet structure.

Quay Wall–Slope Panel and Bulkhead

Planning Areas 8, 9, 10, 11 and 12:

- Repair and partial replacement of the existing quay wall slope panels by filling voids and gaps and by placing a tie-back system or anchor rods where needed to provide improved longevity and seismic safety; and
- Replace degraded rock revetment as needed.

Harbor-wide Walkways and Landscaping Improvements

- Improved pedestrian walkways, including new paving, signage and access ramps that comply with Americans with Disabilities Act (ADA) requirements; and
- New landscaping and irrigation systems in the Commercial Core area and enhancement of existing landscaping throughout the Harbor as new development projects are implemented over time.

8.7.1 Dana Point Harbor Infrastructure and Utility – Policies

- 8.7.1-1 Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions. (Coastal Act Section 30250)

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- 8.7.1-2 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the certified Local Coastal Program. Special districts which include the coastal zone shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with the City of Dana Point certified Local Coastal Program. (Coastal Act Section 30254)
- 8.7.1-3 Work closely with local-serving water and sewer districts in determining future area needs. (Coastal Act Sections 30250, 30255, 30254)
- 8.7.1-4 Require the use of native and non-native, non-invasive drought tolerant landscaping to reduce overall water use.
- 8.7.1-5 Support public education programs for water conservation.
- 8.7.1-6 Support the appropriate regional agencies in developing and utilizing reclaimed water facilities.
- 8.7.1-7 Support the efforts of water and sewer agencies to encourage recycling of wastes and proper disposal of household wastes and waste oil.
- 8.7.1-8 Evaluate the varying levels of service provided by the water and sewer districts serving the City and support increased coordination among these districts in order to provide consistent service levels.
- 8.7.1-9 Identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components. (Coastal Act Sections 30233, 30235, 30236, 30253)
- 8.7.1-10 Work with the Orange County Flood Control District in ensuring the adequacy of regional storm drainage facilities. (Coastal Act Sections 30235, 30236, 30253)
- 8.7.1-11 Periodically evaluate services and service criteria to ensure the City has adequate police, fire and emergency medical services. (Coastal Act Section 30254)
- 8.7.1-12 Coordinate with the Orange County Sheriff's Department and Orange County Fire Authority for the continued provision of adequate law enforcement and fire protection.
- 8.7.1-13 Existing aboveground utilities will be removed and placed underground wherever and whenever possible.
- 8.7.1-14 OC Dana Point Harbor shall prepare and process encroachment permits for any project work (e.g., street widening, emergency access improvements, storm drain

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construction, street connections, etc.) occurring in any City of Dana Point right-of-way.

8.7.1-15 The County shall install all underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) needed for future traffic signal construction and for future interconnection with adjacent intersections.

8.7.1-16 New utilities will be located underground to the extent feasible as part of new development projects. Utility undergrounding activities will be coordinated with the utility providers to ensure that service to adjoining utility customers is not interrupted.

8.8 Paleontological Cultural Resources

The Paleontology Literature and Records Review obtained from the San Bernardino County Museum indicate that the Harbor area is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids and marine vertebrates, including sharks and whales. The marine terrace deposits have yielded marine invertebrate fossils (mollusks, crustaceans, and echinoids) and marine vertebrate fossils (sharks, rays, and bony fish).

The historical property data file at the South Central Coastal Information Center at California State University, Fullerton, currently lists 28 properties in the vicinity of the City of Dana Point that have been evaluated for their potential historical significance. Four archaeological sites have been documented within one-half mile of Dana Point Harbor, however none of the sites are located in or directly adjacent to the existing or proposed Harbor facilities.

The Dana Point Harbor area is part of the territory occupied by the Juaneño Native American group when the Spanish arrived in A.D. 1769. Ethnographic descriptions of the Juaneño are often given in terms of their neighbors to the south, the Luiseño, but also point to a separate ethnic identity.

Paleontological and Archaeological Resource – Policies

8.8.1-1 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. (Coastal Act Section 30244)

8.8.1-2 Prior to the issuance of any Grading Permit, OC Dana Point Harbor shall ensure that a County-certified archaeologist has been retained to observe grading activities and preserve in place and/or salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance and shall establish in cooperation with the applicant, procedures for temporarily halting or redirecting

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work to permit the sampling, identification and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with OC Dana Point Harbor for exploration and/or salvage and/or preservation in place.

- 8.8.1-3 If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC) which will determine and notify a Most Likely Descendent (MLD). With the permission of the owner of the land or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend preservation in place, scientific removal and non-destructive analysis of human remains and items associated with Native American burials.

8.9 Air Quality

Dana Point Harbor and the City of Dana Point are located in the South Coast Air Basin, a 6,600-square-mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino Counties, in addition to the San Geronio Pass area of Riverside County. The Basins terrain and geographical location, a coastal plain with connecting broad valleys and low hills are key variables in determining its distinctive climate.

The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences. Factors such as wind, sunlight, temperature, humidity, rainfall and topography all affect the accumulation and/or dispersion of air pollutants throughout the Basin.

Regulatory oversight for air quality in the South Coast Air Basin is overseen by the South Coast Air Quality Management District (SCAQMD) at the regional level, the California Air Resources Board (CARB) at the state level and the U.S. Environmental Protection Agency (EPA) Region IX at the federal level.

As of 2009, the Basin has been designated as in attainment for nitrogen oxides (NO_x) and sulfur oxides (SO_x) for both state and federal standards. The Basin is designated non-attainment for ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}) under both state and federal standards. The Basin is designated as non-attainment for carbon monoxide (CO) under just the federal standard. Since the Dana Point Harbor is an existing facility and future improvements remain consistent with County and City of Dana Point long-term planning policies, measures will be incorporated into the design and construction of development

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projects in the Harbor to reduce the level of air pollutants generated by short-term construction and ongoing operation of the facilities.

Dana Point Harbor Air Quality – Policies

- 8.9.1-1 Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act Section 30250)
- 8.9.1-2 Provide commercial areas that are conducive to pedestrian and bicycle circulation.
- 8.9.1-3 Encourage bicycle/trail systems to reduce air pollution.
- 8.9.1-4 Assure the development of shuttle systems, train or transit facilities, to help reduce vehicular trips and air pollution.
- 8.9.1-5 Should asbestos be determined to be present within the existing structures, the project shall comply with SCAQMD Rule 1403, Asbestos Emission from Demolition/Renovation Activities, during the demolition process.
- 8.9.1-6 Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring and mandates good working practices by workers exposed to lead.
- 8.9.1-7 All finishing products used on-site shall meet applicable SCAQMD regulations for solvent content, as required by SCAQMD Rule 1102 and 1171.
- 8.9.1-8 To reduce long-term operation emissions from area sources (by implementing energy conservation measures and by reducing motor vehicle emissions) the following measures shall be implemented:
 - Install energy-efficient street lighting on the site; and
 - Landscape with native or non-invasive and drought-tolerant species to reduce water consumption and provide passive solar benefits, where feasible.
- 8.9.1-9 The design of the dry-stack boat storage building includes covered areas for boat maintenance, where dust collection systems may be used to reduce the amount of particulates released into the atmosphere.
- 8.9.1-10 Reduction of vehicle trips is achieved by implementing the Transportation Management Plan, including:
 - Shuttle service to off-site (remote) parking areas when necessary;
 - Shuttle service to regional visitor attractions and for hotel guests;

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- Seasonal water taxi service;
- Visitor boat slips and dingy docks located near restaurants and retail areas; and
- Phased construction of new development will minimize the size of areas subject to disruption from construction activities.

8.9.1-11 In order to reduce operational energy usage and reduce energy production air emissions, Harbor projects are required at a minimum to comply with Title 24 of the California Code of Regulations established by the California Energy Commission regarding energy conservation standards.

ENVIRONMENTAL REVIEW

9.0 Environmental Review

The protection of coastal resources and protection from coastal hazards requires that applications for new development to undergo appropriate environmental review. In most cases, the County of Orange (County) is the Lead Agency under the California Environmental Quality Act (CEQA) and is responsible for preparation and/or review of all environmental analysis conducted for projects located in Dana Point Harbor. CEQA requires the state to review the environmental impacts of projects that require state or local government approval. Additionally, CEQA mandates the appropriate level of environmental analysis be conducted to review existing conditions, analyze potential environmental impacts and suggest feasible mitigation measures and/or alternatives to reduce potentially significant effects, are considered at the time of discretionary approval of a project or series of projects. In the event that the responsible agency for a project's approval identifies that the project may result in "significant adverse effects" and that feasible alternatives or feasible mitigation measures are not available to substantially lessen such effects, the approval must be withheld.

The County as Lead Agency, landowner and project proponent for the Dana Point Harbor Revitalization Plan has the principal responsibility for approving and implementing the Revitalization Plan. The County was designated over 30 years ago by the Tidelands Act as the trustee for the Harbor for the people of the State of California. The County is therefore acting as Lead Agency in preparation of all environmental documentation associated with the implementation of the Revitalization Plan to address the future use and operation of the Harbor and its facilities. The County, as Lead Agency will use these environmental determinations for subsequent discretionary and ministerial approvals, such as grading and building permits.

It is the intention of the County that the City of Dana Point, the California Coastal Commission and other Responsible Agencies will use the environmental documentation prepared for the implementation of the Dana Point Harbor Revitalization Plan improvements (land and waterside) for discretionary permits or approvals under their respective jurisdictions (for the City of Dana Point, the required Local Coastal Program Amendment and subsequent issuance of Coastal Development Permits for landside areas of the Harbor; the California Coastal Commission for issuance of Coastal Development Permits for waterside areas; and other Trustee Agencies, such as the State Lands Commission and California Department of Fish and Game for other project-related permits and approvals).

Further, to ensure consistency with the resource protection policies of the Dana Point Harbor Revitalization Plan and District Regulations, applications for new development subject to Coastal Development Permit requirements shall be reviewed by qualified County and City staff, contracted employee/consultant and/or advisory committee in accordance with the CEQA requirements and the recommendations and/or findings considered as part of the project approval process.

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Dana Point Harbor Environmental – Policies

- 9.1-1 Consider the environmental impacts of development decisions. (Coastal Act Sections 30240, 30241, 30242, 30243 & 30244)
- 9.1-2 Review all new development proposals subject to California Environmental Quality Act (CEQA) and Coastal Development Permit requirements in accordance with the principles, objectives and criteria contained in CEQA, the State CEQA Guidelines, those contained in the Dana Point Harbor Revitalization Plan and District Regulations and any environmental review guidelines adopted by the County of Orange and/or City of Dana Point.
- 9.1-3 Integrate CEQA procedures into the review procedures for all new development in the Coastal Zone.
- 9.1-4 Require a qualified County and/or City staff member, advisory committee designated by the County and/or City or a consultant approved by and under the supervision of the County and/or City to review all environmental documentation submitted as part of an application for new development and provide recommendations to the appropriate decision-making official or body.
- 9.1-5 Require the County and/or City staff member(s) and/or contracted employee(s) responsible for reviewing site specific surveys and analyses to have technical expertise in biological resources, as appropriate for the resource issues of concern (e.g., marine/coastal, arboreal habitat, water quality, etc.) and be knowledgeable in the operational practices of the County and City of Dana Point.
- 9.1-6 Where development is proposed within or adjacent to a sensitive resource or ESHA (if delineated), require the County and/or City staff member(s) and/or contracted employee(s) to consider the individual and cumulative impacts of the development, define the least environmentally damaging alternative and recommend modifications or mitigation measures to avoid or minimize the anticipated impacts.
- 9.1-7 Where development is proposed within or adjacent to a sensitive resource or ESHA (if delineated), require the County and/or City staff member(s) and/or contracted employee(s) to include the following in any recommendations of approval: an identification of the preferred project alternative, required modifications or mitigation measures necessary to ensure conformance with the Dana Point Harbor Revitalization Plan and District Regulations. The decision making body (Director, OC Dana Point Harbor, City of Dana Point Community Development Director, Planning Commission or City Council) shall make findings relative to the project's conformance to the recommendations of the County and/or City staff member(s) and/or contracted employee(s).

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- 9.1-8 Coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service and other identified resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to sensitive resources or an ESHA (if delineated), including rare, threatened or endangered species are avoided or minimized such that the sensitive resource is not significantly degraded, habitat values are not significantly disrupted and the biological productivity and quality of coastal waters is preserved.
- 9.1-9 Require applications for new development, where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures and contains statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For Coastal Development Permits including coastal bluff areas (for public works projects, including maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities permitted in Planning Area 8), such reports shall include a slope stability analyses and estimates of the long-term bluff stability affecting the development proposal. Reports are to be signed by an appropriately licensed professional and subject to review and approval by a qualified County and/or City staff member(s) and/or contracted employee(s).

RESOLUTION NO. 10-07-26-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S REVISION TO MODIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE LAND USE PLAN COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN AND REQUESTING FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

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

WHEREAS, the City Council on September 13, 2006, approved Local Coastal Program Amendment LCPA 06-03 for adoption of the Dana Point Harbor Revitalization Plan and District Regulations and forwarded the amendment to the Coastal Commission by Resolution; and

WHEREAS, LCPA 06-03 was submitted to the California Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on October 8, 2009, approved the Land Use Plan component of Local Coastal Program Amendment 06-03 with suggested modifications; and

WHEREAS, said suggested modifications were incorporated into the Land Use Plan component of LCPA 06-03 and the Dana Point Harbor Revitalization Plan, and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public hearing on February 8, 2010, regarding the Coastal Commission's Suggested Modifications to the Land Use Plan component of the Dana Point Local Coastal Program Amendment LCPA06-03, and found that the proposed amendment was consistent with the Dana Point Specific Plan/General Plan, the Local Coastal Program and the California Coastal Act; and

WHEREAS, at said public hearing, the City Council adopted the Coastal Commission's modifications to the Land Use Plan for the Dana Point Harbor Revitalization Plan and District Regulations and forwarded the modifications to the Coastal Commission by Resolution; and

WHEREAS, the California Coastal Commission did on June 9, 2010, conduct a duly noticed public hearing as prescribed by law, adopted revised findings in support of its approval of October 8, 2009 and found the Land Use Plan, as further clarified with a revision to Land Use Plan Policy 8.5.1-3, is consistent with the approval of the Local Coastal Plan Amendment LCPA 06-03 for the Land Use Plan portion of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the City Council did on July 26, 2010, conduct a duly noticed public hearing as prescribed by law to consider the Coastal Commission's revision to the LUP for the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments, if any, of all persons desiring to be heard, the City Council adopted the revision and forwarded the revision to the Local Coastal Plan Amendment to the Coastal Commission by Resolution; 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

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

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

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

Section 2. The City Council finds as follows:

- A. The City acknowledges receipt of the Coastal Commission's certification of the LCP Amendment with a revision to LUP Policy 8.5.1-3.
- B. The City accepts and agrees to the revised policy and agrees to take formal action to satisfy the revision by making conforming amendments as necessary to its ordinances, General Plan, LCP, Zoning Code, and Dana Point Harbor Revitalization Plan.
- C. The City agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.
- D. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- E. That the adoption of the Dana Point Harbor Revitalization Plan as an amendment to the Local Coastal Program is in the public interest;
- F. That the Local Coastal Program Amendment (LCPA 06-03) is consistent with, and will be implemented in full conformity with the Coastal Act;
- G. That the Environmental Impact Report for the Dana Point Harbor Revitalization Plan is complete and adequate;
- H. That the City Council adopts the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act. The amendments to the General Plan are consistent with the Coastal Act policies that

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

3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the 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.
4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of the revision to the amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution of the City Council specifies that the Land Use Plan component of Local Coastal Program Amendment LCPA 06-03 be submitted to the Coastal Commission for final certification.

Section 3. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-03 pursuant to Resolution 10-02-08-02 and Ordinance No. 10-02. LCPA06-03 pertains to adoption of the Dana Point Harbor Revitalization Plan which includes the required land use and implementation measures. Ordinance 10-08 approving the amended Land Use Plan component of LCPA06-03 with the specific content of the proposed amendment is incorporated herein by this reference as though fully set forth herein.

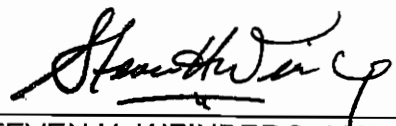
Section 4. That the California Coastal Commission is hereby requested to consider, approve and finally certify the Land Use Plan component of Dana Point Local Coastal Program Amendment LCPA06-03 which replaces the Land Use Plan component for the 1986 Dana Point Specific Plan Local Coastal Program for the Dana Point Harbor.

Section 5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, the Land Use Plan component of Dana Point Local Coastal Program Amendment LCPA06-03 will automatically take effect immediately upon California

Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

Section 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of July, 2010.


STEVEN H. WEINBERG, MAYOR

ATTEST:


KATHY WARD, CITY CLERK

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

I, Kathy Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 10-07-26-04 was duly adopted and passed at a regular meeting of the City Council on the 26th day of July, 2010, by the following roll-call vote, to wit:

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

NOES: None

ABSENT: None


KATHY WARD, CITY CLERK

ORDINANCE NO. 10-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A REVISION TO LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 TO THE LAND USE PLAN COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: City of Dana Point / County of Orange
File No.: FF# 0630-10/LCPA 06-03

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

WHEREAS, The County of Orange has submitted the proposed Dana Point Harbor Revitalization Plan and District Regulations for the Dana Point Harbor which would amend the City's Local Coastal Program; and

WHEREAS, The Dana Point Harbor Revitalization Plan and District Regulations will amend the Dana Point Specific Plan, replacing the Dana Point Harbor Planned Community Program document; 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 Dana Point Harbor Revitalization Plan and District Regulations will be consistent with and will continue to provide for the orderly, systematic and specific implementation of the City's General Plan; and

WHEREAS, The Dana Point Harbor Revitalization Plan and District Regulations will constitute the Local Coastal Program for the Dana Point Harbor, satisfying the requirements of the California Coastal Act; and

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations is part of a comprehensive planning approach that has included extensive analysis of the Harbor area, including Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization improvements; 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 City Council did on September 13, 2006 conduct a duly noticed public hearing as prescribed by law and approved Local Coastal Plan Amendment LPCA 06-03 for the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the California Coastal Commission did on October 8, 2009, conduct a duly noticed public hearing as prescribed by law and approved Local Coastal Plan Amendment LPCA 06-03 for the Land Use Plan (LUP) portion of the Dana Point Harbor Revitalization Plan and District Regulations with modifications; and

WHEREAS, the City Council did on February 8, 2010, conduct a duly noticed public hearing as prescribed by law and adopted the Coastal Commission's modifications to the Land Use Plan for the Dana Point Harbor Revitalization Plan and District Regulations and forwarded the modifications to the Coastal Commission by Resolution; and

WHEREAS, the California Coastal Commission did on June 9, 2010, conduct a duly noticed public hearing as prescribed by law, adopted revised findings in support of its approval of October 8, 2009 and found the LUP, as further clarified with a revision to Land Use Plan Policy 8.5.1-3, is consistent with the approval of the Local Coastal Plan Amendment LPCA 06-03 for the Land Use Plan (LUP) portion of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the City Council did on July 26, 2010, conduct a duly noticed public hearing as prescribed by law to consider the Coastal Commission's revision to Policy 8.5.1-3 of the Land Use Plan for the Dana Point Harbor Revitalization Plan; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments, if any, of all persons desiring to be heard, the City Council adopted the revision and forwarded the revision to the Local Coastal Plan Amendment to the Coastal Commission by Resolution; and

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

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

Section 2. The City Council finds as follows:

- A. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- B. That the adoption of the proposed modification to the Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the Dana Point Specific Plan and Local Coastal Program and Zoning Code is in the public interest;

- C. That the Local Coastal Program Amendment LCPA 06-03 is consistent with, and will be implemented in full conformity with the Coastal Act;
- D. That the City Council adopts the following specific 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 3 policies of the Coastal Act in that the amendment is a Harbor Land Use Plan that meets the requirements of and implements the provisions and policies of the Coastal Act at the local level by protecting, maintaining and, where feasible, enhancing the natural and scenic qualities of coastal resources; assures access consistent with conservation principles and constitutionally protected private property rights; assures priority for coastal-dependent and coastal-related development; and, encourages state and local government cooperation concerning the planning and development process.
 - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the locations and intensity of land and water uses in that subsequent development within the harbor 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 amended Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
 - 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
 - 6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.

7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution No. 10-10-07-26-04 of the City Council specifies that Local Coastal Program Amendment LCPA 06-03 as modified be submitted to the Coastal Commission for certification.

Section 3. Appendix C, Chapter 9.25 of the Dana Point Zoning Code and Chapter 8 of the Land Use Portion (LUP) of the Dana Point Harbor Revitalization Plan and District Regulations, is hereby amended to read as follows:

Land Use Plan Chapter 8, Bulk and Height Limitation -- Policy 8.5.1-3:

- 8.5.1-3 All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following:
- Dry Stack Boat Storage building in the Marine Services Commercial area (Planning Area 1) shall have a maximum building height of sixty-five (65) feet;
 - Commercial Core area (Planning Area 2) buildings fronting on the Festival Plaza or structures fronting the East Marina Boat Basin (Planning Area 10) shall be a maximum of sixty (60) feet high;
 - Visitor-Serving Commercial (Planning Area 3) building(s) shall have a maximum height of fifty (50) feet;
 - Elevators, appropriately screened mechanical units and chimneys that do not exceed the ten percent (10%) of the total roof area for all new and existing/remodeled structures, should conform to the applicable height limit, but may exceed that height limit by no more than five (5) additional feet.

These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced.

~~Buildings, excluding the dry stack storage building, need to be consistent with the character of the area.~~

The height of the buildings, excluding the dry stack storage building, should be consistent with the community character.

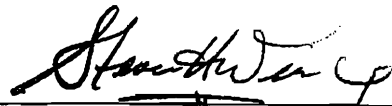
The limitations on height for the Marine Services Commercial area (Planning Area 1) shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

Section 4. The Dana Point Harbor Revitalization Plan & District Regulations replaces in its entirety the Dana Point Harbor Planned Community District Development Plan and thereby amend the relevant portion of the Dana Point Specific Plan as applicable.

Section 5. The Dana Point Harbor Revitalization Plan & District Regulations is included as Appendix C of the Dana Point Zoning Code. Furthermore, a reference to the Dana Point Harbor Revitalization Plan and District Regulations shall replace any reference to the Dana Point Harbor Planned Community in the City's Zoning and Municipal Code including, but not limited to, Appendix A of the Zoning Code.

Section 6. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 27th day of September, 2010.


STEVEN H. WEINBERG, MAYOR

ATTEST:


KATHY M. WARD, CITY CLERK

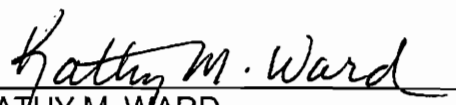
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

I, Kathy M. Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 10-08 was duly introduced and placed upon its first reading at an adjourned regular meeting of the City Council on the 26th day of July, 2010, and that thereafter, said Ordinance was duly adopted and passed at an adjourned regular meeting of the City Council on the 27th day of September, 2010, by the following roll-call vote, to wit:

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

NOES: None

ABSENT: None



KATHY M. WARD
CITY CLERK

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

AFFIDAVIT OF POSTING
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

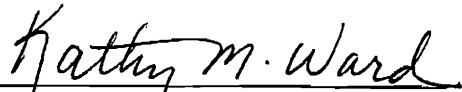
That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 10-08, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA APPROVING A REVISION TO LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 TO THE LAND USE PLAN COMPONENT OF THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

was published in summary in the Dana Point News newspaper on the 5th day of August, 2010, and the 7th day of October, 2010, and, in further compliance with City Resolution No. 91-10-08-1, on the 29th day of July, 2010, and the 30th day of September, 2010, was caused to be posted in four (4) public places in the city of Dana Point, to wit:

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


KATHY M. WARD, CITY CLERK
Dana Point, California