

California Coastal Commission Staff Suggested Modifications
As modified by the Commission on January 12, 2011
Local Coastal Program (LCP) Amendment Request No. 1-10
Dana Point Harbor Implementation Plan

Dana Point Harbor
**REVITALIZATION PLAN &
DISTRICT REGULATIONS**

IMPLEMENTATION PLAN COMPONENT

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~~December 29, 2010~~
March 29, 2011

Dana Point Harbor
**REVITALIZATION PLAN &
DISTRICT REGULATIONS**

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NOTE TO THE READER:

***California Coastal Commission Staff Suggested Modifications
As modified by the Commission on January 12, 2011
Local Coastal Program (LCP) Amendment Request No. 1-10
Dana Point Harbor Implementation Plan***

Local Coastal Program (LCP) Amendment Request No. 1-10 is an Implementation Plan (IP) Amendment, which would replace in its entirety, the implementation sections in the Dana Point Specific Plan Local Coastal Program pertaining to the Dana Point Harbor Revitalization Plan. On October 8, 2009, the Commission approved with suggested modifications LCP Amendment Request 1-08 which amended the Dana Point Specific Plan Local Coastal Program Land Use Plan to incorporate the proposed Dana Point Harbor Revitalization Plan. The City of Dana Point accepted the suggested modifications and the LUP amendment was effectively certified on October 13, 2010. Local Coastal Program (LCP) Amendment Request No. 1-10 is the accompanying implementing action to carry out this approved land use plan. ***On January 12, 2011 the Commission approved Local Coastal Program (LCP) Amendment Request No. 1-10 including the suggested modifications contained herein. Additions made at the January 12, 2011 Commission meeting are shown in bold, italicized, double underline text. Deletions made at the January 12, 2011 Commission meeting are shown in ~~double strikethrough~~.***

Due to the incorporation of additional regulations and special provisions proposed by Coastal Commission staff as part of these suggested modifications, the numbering throughout this document has been modified from the original submittal by the City of Dana Point dated September 2006.

TABLE OF CONTENTS

Section / Chapter	Title	Page
Part II	Dana Point Harbor Revitalization District Regulations	II-1.1
1.	Overview	II-1.1
2.	Purpose and Objectives	II-2.1
3.	General Provisions and Regulations	II-3.1
4.	Marine Services Commercial Planning Area 1	II-4.1
5.	Day Use Commercial Planning Area 2	II-5.1
6.	Visitor-Serving Commercial Planning Area 3	II-6.1
7.	Marine Commercial Planning Area 4	II-7.1
8.	Day Use Recreation Planning Area 5	II-8.1
9.	Educational / Institutional Planning Area 6	II-9.1
10.	Conservation Planning Area 7	II-10.1
11.	Education Basin Planning Area 8	II-11.1
12.	West and East Marina's Planning Areas 9 and 10	II-12.1
13.	Marine Services and Harbor Entrance Planning Areas 11 and 12	II-13.1
14.	Off-Street Parking Standards and Regulations	II-14.1
15.	Sign Standards and Regulations	II-15.1
16.	Discretionary Permits and Procedures	II-16.1
17.	Revitalization Plan and Statistical Table Regulations and Procedures	II-17.1
18.	Definitions	II-18.1
19.	Harbor Legal Description	II-19.1

LIST OF EXHIBITS

No.	Title	Page
17.1	Dana Point Harbor Revitalization Plan	II-17.2
18.1	Appeal Jurisdiction Map	II-18.2
19.1	Boundary Exhibit	II-19.2

LIST OF TABLES

No.	Title	Page
17-A	Dana Point Harbor Revitalization Plan Statistical Table	II-17.3

DANA POINT HARBOR DISTRICT REGULATIONS

OVERVIEW

The State of California Planning, Zoning and Development Laws of the Government Code, as articulated by the local agency's General Plan and Zoning Ordinance require that all zoning be consistent with the General Plan and the Government Code.

~~The Dana Point Harbor is divided into two (2) Planning Districts as~~ **Planned Community is** shown on Exhibit 1.1, *District Zoning Map* and includes the Harbor Marine Land District **Landside areas that are** for a Marine Services Commercial area, including dry boat storage, repair and launch facilities; Day Use Commercial uses, including restaurants, retail shops and parking deck; Visitor Serving Commercial area with a hotel; Marine Commercial area; Recreation; Institutional/Education area that includes the Ocean Institute; and Bluff/Open Space Conversation area. The Harbor Marine Land District is under the land use jurisdiction of the City of Dana Point and the Harbor Marine Water District includes all areas of the Harbor devoted to waterside uses, including the East and West Marinas, Educational Basin, navigational channels and federal anchorage providing open ocean boat access. The Harbor Marine Water District is **Waterside areas that are** under the regulatory jurisdiction of the California Coastal Commission.

~~By dividing the Harbor into increments,~~ **The Dana Point Harbor District Regulations** are specifically designed to be consistent with and adequate to carry out the policies of the certified Local Coastal Program **Land Use Plan** for Dana Point Harbor (**effectively certified by the Coastal Commission on October 13, 2010**). The District Regulations component and related provisions establish the **Planning Area boundaries**, procedures, definitions and descriptions, including District Zoning Map/Statistical Summary, Dana Point Harbor Revitalization Plan and Statistical Table as well as development standards and requirements for each land use designation **of the Dana Point Harbor Planned Community**.

Table 1-A

DANA POINT HARBOR DISTRICT ZONING STATISTICAL SUMMARY

Land Use Category	Gross Acres
Harbor Marine Landside Areas	107.1
Harbor Marine Waterside Areas	169.7
Dana Point Harbor Planned Community Total:	276.8

Exhibit 1.1
DISTRICT ZONING MAP

PURPOSE AND OBJECTIVES

These regulations are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act in that a certified ~~Local Coastal Program~~ **Land Use Plan** **Local Coastal Program** and all local implementing ordinances, regulations and other actions may be amended by the appropriate local government subject to certification by the **California** Coastal Commission.

Additionally, these regulations are intended to be consistent with and implement the goals and policies of the City of Dana Point General Plan **and the trusts and conditions of the State Tidelands Grant.** ~~and the~~ **The** Dana Point Harbor Revitalization Plan and District Regulations are intended to replace in total, the Dana Point Harbor Planned Community Development Plan component of the City of Dana Point's Zoning Code (Appendix C).

These regulations encourage innovative site planning and design concepts for the revitalization of Dana Point Harbor, while protecting and **enhancing boating and boating support, beach access,** ~~managing the visitor serving,~~ recreational and water oriented activities **as priority uses and the provision of visitor serving uses** throughout the Harbor. The regulations also establish a logical and timely sequence of governmental review of development and reuse proposals more fully described in Chapter II-16, *Discretionary Permits and Procedures*.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

GENERAL REGULATIONS

1. **Definition of Terms**

The meaning and construction of words, phrases, titles and terms used in these Dana Point Harbor District Regulations shall be the same as provided in Chapter II-18, *Definitions*.

2. **Zoning Code Consistency**

The Dana Point Harbor Revitalization Plan and District Regulations shall govern all existing and proposed development within Dana Point Harbor.

3. **Building Code Requirements**

The State of California granted title of the Dana Point Harbor Tidelands to the County of Orange in 1961 and it has operated the facilities since first being opened to the public in 1971, all existing and proposed facilities shall be designed and constructed in accordance with the building and operational standards of the County of Orange. Reliance on these same standards is considered an essential part of ensuring that improvements and ongoing operations are of consistent quality and remain available for public use.

Regardless of the provisions of these Dana Point Harbor District Regulations, no construction shall be allowed within the boundaries of Dana Point Harbor, except that which complies with applicable provisions of the Uniform Building Code, **California Title 24 Energy Regulations, California Fire Code** and various related mechanical, electrical and plumbing codes; the County of Orange Grading and Excavation Code as currently adopted by the Orange County Board of Supervisors.

4. **Noise Control**

Noise levels generated by Harbor land uses during their operation shall be in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). Noise impacting underwater marine life shall be minimized to the greatest extent feasible during construction activities and be conducted in accordance with all applicable requirements of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) and any state or local regulations protecting marine life in effect at the time of construction.

5. **Building Site Requirements**

All building sites in Dana Point Harbor shall be as specified by each land use district of these Dana Point Harbor District Regulations.

6. **Building Height Requirements**

The building height requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations. The method used for measuring

GENERAL REGULATIONS AND SPECIAL PROVISIONS

building height is set forth in Chapter II-18, *Definitions*. All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation shall be required to demonstrate that: (1) significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced; (2) adequate facilities have been provided to enhance boating use, including but not limited to designated boater parking; (3) public/boater access to dry boat storage/public launching facilities are maintained and enhanced; (4) design features have been incorporated into the buildings to promote a village atmosphere and maintain the existing community character of the area; and (5) elevated public viewing areas of the waterfront are provided.

7. Building Setback Requirements

The building setback requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations.

8. Community Character

All new buildings in the Harbor shall be consistent with the character of the community in architectural form, bulk and height of the community, including other structures located in the Coastal Zone boundary of the City of Dana Point within one-half mile of the Dana Point Harbor LCP boundary. New development within the Harbor shall provide a scale and setting for retail merchants and restaurants that encourages pedestrian opportunities through the use of widened sidewalks, outdoor plazas, promenades, courtyards and landscape design. Long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered and stepped-back exterior building facades and the incorporation of a variety of building designs, materials and colors.

9. Application of Regulations

If an issue, condition, ~~or~~ operational situation or question regarding the appropriate classification of a particular use arises that is not sufficiently covered or provided for in these Dana Point Harbor District Regulations so as to be clearly understandable, the Director, ~~County of Orange - Dana Point Harbor Department~~ OC Dana Point Harbor shall determine how to resolve the unclear issue, condition or situation. Decisions of the Director, OC Dana Point Harbor may be appealed to the Director of Community Development, City of Dana Point. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council. These provisions do not limit the authority of the California Coastal Commission to interpret any provision of the certified LCP through review, on appeal, of any decision of the City of Dana Point on a coastal development permit for

GENERAL REGULATIONS AND SPECIAL PROVISIONS

development within OC Dana Point Harbor. All such decisions of the City of Dana Point are appealable to the California Coastal Commission.

10. Special Events

~~Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals and other similar uses may be permitted in any area of the Harbor with approval of a Special Event application by the Director, County of Orange Dana Point Harbor Department.~~

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 Baby 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 as determined by the Director, OC Dana Point Harbor.

Special event permits and Coastal Development Permits (as required above) for temporary events shall be required to provide details on event characteristics, including a site plan demonstrating that there will be adequate vertical access to the water and lateral access along the water for beachgoers not attending the special event, duration (from set up/assembly to break-down/dismantling and clean-up times), event hours, per day estimated attendance, fee charged (including percentage of spectators charged), parking management arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food service, entertainment, sponsorships and advertising/marketing plans.

The implementation of a shuttle service from on-site and/or off-site Harbor parking areas shall be offered to the public free of charge for any temporary event requiring a Coastal Development Permit. A Special Event Permit shall also be required for all events that necessitate the temporary closure of a public roadway and all such proposed closures shall be reviewed and approved by the Orange County Sheriff's Department prior to permit issuance.

11. Incorporation of Conditions, Requirements and Standards

All conditions, requirements and standards indicated graphically or in writing as part of any approved discretionary permit or detailed plan granted by authority of

GENERAL REGULATIONS AND SPECIAL PROVISIONS

these regulations, shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit or plan, but not in compliance with all such conditions, requirements or standards shall be in violation of these Dana Point Harbor District Regulations.

~~12. Ambiguity~~

~~If ambiguity arises regarding the appropriate classification of a particular use, or with respect to specific matters of height, building site or other development standards, the City of Dana Point Director of Community Development shall resolve the issues, condition or situation. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.~~

13. Declaration / Severability

If any portion of these Dana Point Harbor District Regulations are, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions of these District Regulations. These regulations and each portion of these District Regulations would have been enacted by the legislative body of the local agency irrespective of the fact that one or more portions may be declared invalid or ineffective.

14. Coastal Development Permit Review

A Coastal Development Permit is a permit issued by the City of Dana Point or the California Coastal Commission which authorizes establishment, operation and maintenance of a specific use, structure or any development activity. Coastal Development Permit applications may be processed in compliance with each agencies applicable requirements. ~~either as an application that requires a public hearing or as an administrative approval.~~ When a public hearing is required for landside improvements, the application shall be heard by the City of Dana Point Planning Commission. ~~When a public hearing is not required, the City of Dana Point Director of Community Development shall determine the time and place for the approval action to be taken.~~ For development of improvements in waterside Planning Areas, an application for a Coastal Development Permit shall be submitted to the California Coastal Commission for review and approval.

15. Compliance Required

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land use be used for any purpose, other than as permitted by and in conformance with these Dana Point Harbor District Regulations.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

16. Sign Maintenance

All signs shall be maintained in good repair and functioning properly to the satisfaction of the Director, ~~County of Orange—Dana Point Harbor Department~~ **OC Dana Point Harbor**. Signs shall be free from all defects including but not limited to cracking, peeling and rusting. Signs that are **installed without all required permits or** not properly maintained shall be deemed a public nuisance and may be removed upon proper notice.

SPECIAL PROVISIONS

1. Planning Area Land Uses

All land uses, sizes and general locations shall be in conformance with these Dana Point Harbor District Regulations, ~~and~~ the **Land Use Plan (Dana Point Harbor Revitalization Plan) as effectively certified by the Coastal Commission on October 13, 2010,** and Statistical Table contained herein. No Planning Area shall exceed the maximum allowable square footage or land uses indicated within an individual Planning Area and land use district.

2. Planning Area Boundaries

- a) Except as otherwise indicated, dimensions and gross acreages are measured from centerlines of streets and highways.
- b) When a Planning Area boundary depicted on the Dana Point Harbor Revitalization Plan is also a roadway and that roadway is realigned, the Planning Area boundary and Statistical Table shall be revised to coincide with the realigned roadway. Approval for such boundary and Statistical Table revisions shall be made at the time of Coastal Development Permit approval for realignment of the roadway.
- c) Planning Area boundaries and acreages contained in these Dana Point Harbor District Regulations are approximate based upon current engineering and title information and are depicted at a general level of mapping. Final Planning Area boundaries will be consistent with approved Coastal Development Permits.
- d) **Minor** Adjustments in **the boundaries of** Planning Areas **1, 2, and 3** boundaries resulting in an acreage change of ~~ten~~ **five** percent (~~40~~ **5**%) or less of the total Planning Area for final street realignments, **parking area reconfiguration,** landscaping, geotechnical or other engineering related reasons, **may be approved as part of a** Coastal Development Permit ~~approvals~~ **and** will not require amendment of the Dana Point Harbor

GENERAL REGULATIONS AND SPECIAL PROVISIONS

Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II- 17, *Revitalization Plan and Statistical Table Regulations and Procedures*. Such adjustments shall not have the effect of exceeding the total permitted development intensity **for each affected Planning Area or** combined for all individual Planning Areas of the Dana Point Harbor in total **modify the land uses permitted by the Dana Point Harbor Land Use Plan. Any adjustments to Planning Area boundaries that result in acreage changes greater than five percent (5%), intensifying or modifying land uses in Planning Areas 1, 2 or 3 shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.**

3. Construction Phasing

Construction phasing for implementation of all Dana Point Harbor Revitalization Plan improvements shall minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. In the event of temporary closures, alternate routes and clear directional signage shall be provided. **Any parking loss temporarily during construction shall be replaced prior to its removal, and shall be located in reasonable proximity to the uses it serves, to the maximum extent feasible. Temporary replacement parking spaces, located in reasonable proximity to the uses they serve, to the maximum extent feasible, shall be provided prior to the removal of any existing parking spaces due to construction, in accordance with an approved Construction and Temporary Operations Plan (Section II-14.6e). Additionally, no construction shall be permitted to block the main navigational channels in the Harbor and should minimize the disruption or loss of existing docks by providing temporary facilities to the greatest extent feasible.**

4. Water Conservation Regulations

Interior and exterior water conservation measures shall be incorporated into all projects as improvements occur. Measures shall include, but are not limited to, installation of low-flush toilets, low-flow faucets, **planting of native or non-invasive and drought tolerant plant species as identified by California Department of Water Resources (See <http://www.owue.water.ca.gov/docs/wucols00.pdf>) that are also non-problematic/non-invasive plant species as defined by the California Native Plant Society (<http://www.CNPS.org>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org>) or as may be identified from time to time by the State of California** and the installation of efficient irrigation systems in landscaping areas to minimize runoff

GENERAL REGULATIONS AND SPECIAL PROVISIONS

and evaporation.

5. Public Road Design Standards

All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting shall insure standard sight distance requirements are achieved.

6. Public Infrastructure and Utilities

Public infrastructure and utility buildings, structures and facilities, including but not limited to electrical, gas, water, sewage, water quality and drainage, telephone and cable television facilities, including their storage, distribution or treatment are permitted in all areas of Dana Point Harbor subject to approval of a Coastal Development Permit. **In the Conservation Area (Planning Area 7), public infrastructure and utility buildings, structures and facilities are limited to water quality and drainage control structures that cannot otherwise be located outside of the Planning Area. Recreational structures (i.e., picnic areas and shelters) may be permitted when located at the toe of the bluff (adjacent to Dana Point Harbor Drive) so long as a landscape buffer consistent with the requirements of Special Provision 10, Bluff Preservation is provided between the structures and the bluff. As part of the Dana Point Harbor Revitalization Plan improvements, existing aboveground utilities shall be placed underground whenever feasible.**

7. Grading Plans

Grading Plans for all projects within Dana Point Harbor shall be consistent with the Dana Point Harbor Revitalization Plan and include the following provisions:

- a) Grading Plans shall be accompanied by a geotechnical and soils engineering report that incorporates all pertinent recommendations prior to the issuance of Grading Permits by the County of Orange.
- b) An approved Grading Plan shall show all areas of grading, including remedial grading, inside and outside of the immediate area of development. Grading shall be permitted within all Planning Areas of the Harbor, except Planning Area 7, unless specifically authorized by a Coastal Development Permit for grading of public roads, park facilities, infrastructure or other Dana Point Harbor Revitalization Plan improvements **necessary to support development permitted within the Planning Area.** Remedial grading for development shall be permitted in all landside Planning Areas except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or soils engineering problems. **Remedial grading for development shall be permitted in all landside Planning Areas except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or**

GENERAL REGULATIONS AND SPECIAL PROVISIONS

soils engineering problems and which shall minimize any adverse impacts to coastal sage scrub, to the maximum extent feasible, and provide mitigation for any unavoidable adverse impacts. The Grading Plan shall include provisions for temporary erosion control on all graded sites in accordance with the County of Orange Grading and Excavation Code and the Regional Water Quality Control Board (San Diego Region).

- c) All Grading Plans shall include provisions for safe construction regulation and procedures as identified by the Occupational Safety and Health Agency (OSHA).
- d) All Grading Plans shall be reviewed as part of a Coastal Development Permit application. No Grading Permit shall be issued prior to the approval and issuance of the Coastal Development Permit.

8. Erosion and Sediment Control Plans

Erosion and Sediment Control Plans for all projects within Dana Point Harbor shall identify site specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Such a plan shall be approved prior to construction and include instructions for storm events, normal and emergency procedures, as well as procedures following storm events. Standard erosion control measures shall be installed for all projects as required according to County standards. The following erosion control measures shall be incorporated into all project grading plans, as required during construction by the County of Orange and the Regional Water Quality Control Board (San Diego Region) during the rainy season (October 1 to April 30):

- a) Sandbags shall be placed across streets and around construction sites where necessary, depending upon size of catchment and sediment yield.
- b) Erosion control at the sediment sources shall be emphasized during construction.
- c) Tracking controls, such as rumble strips and gravel strips will be used when possible to minimize dirt being tracked into and out of construction sites.
- d) Harbor basin inlets shall be protected by placing sediment barriers such as a wire mesh and gravel filter to intercept debris and soil runoff.
- e) A stand-by work crew shall be available for emergency work during the rainy season. Necessary materials shall be available on site and shall be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

- f) Removable protective erosion control devices shall be put in place at the end of each working day when the five (5) day rain probability forecast exceeds **forty** percent (40%).
- g) All erosion control measures shall be implemented in conformance with the requirements of the Grading and Excavation Code of the County of Orange. All construction shall be conducted with provisions for the control of sand, dust and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins or similar structures to prevent runoff during construction operations.
- h) Prior to issuance of building permits, landscape, erosion **and sediment** control plans shall include provisions for temporary mulching, seeding, landscaping, permanent erosion **and sediment** control or other suitable stabilization measures in order to protect exposed areas during and after construction.

9. Water Quality Management Plan

In compliance with the National Pollution Discharge Elimination System, water quality Best Management Practices (BMP's) will be designed to remove pollutants to an acceptable level prior to outletting into the waterways **in accordance with the policies and requirements contained in Dana Point Harbor Revitalization Plan & District Regulations, Chapter I-7, Coastal Resource Protection.** These features include diversion structures, media filtration systems and vertical drop outlet structures in accordance with the approved Conceptual Water Quality Management Plan (WQMP) for Dana Point Harbor. **The WQMP shall also establish responsibilities and timeframes for the construction and long-term maintenance of all new storm water and pollution control management systems.** All storm drain systems shall be designed to comply with the requirements of the County of Orange Local Drainage Manual, Drainage Area Master Plan **and the OC Dana Point Harbor Clean Marina Program.**

10. Bluff Preservation

The Dana Point Harbor Revitalization Plan provides for the protection of the natural bluffs (Planning Area 7) by restricting the siting of any structures **on and** adjacent to the bluffs with the exception of drainage control structures and recreational structures (i.e., picnic areas and shelters) **located adjacent to Dana Point Harbor Drive.** In areas that abut the bluffs, a landscape buffer shall be maintained. All plant material shall be native or naturalized **non-native** drought tolerant, **non-invasive** species to provide a transition between natural and ornamental landscaped areas.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

11. Shoreline Management

A Shoreline Management Plan for Dana Point Harbor shall be submitted to the City of Dana Point for review prior to or concurrent with the first Coastal Development Permit for development of the Commercial Core Area and shall be periodically updated (every 5 years) to include an assessment of seasonal and long-term shoreline changes and the potential for flooding or damage from 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. The Shoreline Management Plan shall also evaluate evacuation routes (including Marine Commercial Planning Area 4 in the event of incapacitation of the Island Bridge) and the feasibility of hazard avoidance, retrofitting existing or proposing new protection devices and restoration of the sand supply in appropriate areas of the Harbor as required.

12. Air Quality Control Regulations

To minimize construction emissions, all development projects in the Harbor shall be required to implement all applicable regulations of the South Coast Air Quality Management District. These measures may include using low emission construction equipment, maintaining equipment in tune per the manufacturer's specifications, using catalytic converters on gasoline powered equipment and using reformulated, low-emission diesel fuels. Additionally, all finishing products used within Dana Point Harbor shall meet applicable SCAQMD Rules 1102 and 1171.

13. Reduction of Traffic Congestion / Vehicle Trips

Coastal Development Permits for Day Use Commercial and Visitor Serving Commercial development (Planning Areas 2 and 3) shall incorporate measures to reduce energy consumption and vehicle trips in order to decrease exhaust emissions generated by Harbor users and visitors over time. These measures shall include coordinating mass-transit service located throughout the Harbor; the planning and constructing of new pedestrian walkways, bikeways and bus stops that encourage alternative forms of transportation; and providing shuttle and/or seasonal water taxi services during peak Harbor usage periods.

Where feasible, Coastal Development Permits shall incorporate the following types of specific measures:

- a) Education and Information – Provide commuter information on available transportation alternatives, route schedules and maps; provide public transit use and ridesharing incentives for employees and advertise the availability of these employee incentives through promotional material placed in one or more convenient locations in the Marine Services

GENERAL REGULATIONS AND SPECIAL PROVISIONS

Commercial, Day Use Commercial and Visitor Serving Commercial Planning Areas and/or distributed along with employee paychecks. Additionally, information shall be made available on a periodic basis to boaters and Harbor user groups to promote ride sharing and public transportation usage.

- b) Bicycle Transportation – Encourage bicycle commuting and recreational activities through the provision of amenities that address unique aspects of bicycle usage, including maintaining existing bicycle paths and providing access to showers and changing rooms where feasible and the provision of safe and secure bicycle racks throughout the Harbor.
- c) Shuttle & Seasonal Water Taxi Services – Reduce traffic congestion and parking demand within the Harbor and enhance connectivity between other areas of high public use such as Dana Point’s Town Center area, Doheny State Beach, local hotels and other beach area amenities by cooperating with other local agencies to provide shuttle services (i.e., Tri-City Trolley, Harbor parking and special events shuttle service and a seasonal water taxi) when anticipated ridership suggests demand for such services are appropriate. 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. The implementation of a shuttle service from on-site and/or off-site Harbor parking areas shall be offered to the public free of charge for any temporary event requiring a Coastal Development Permit that identifies shuttle service as a requirement.

14. Control of Fugitive Dust

Coastal Development Permits shall ensure the implementation of measures to minimize fugitive dust identified in SCAQMD Rule 402 (i.e., that there be no dust impacts off-site sufficient to cause a nuisance) and Rule 403 (i.e., that restricts visible emissions from construction). These measures include but are not limited to: (a) pre-moistening of soil and daily watering; (b) covering loads of dirt; (c) paving roads as soon as possible; (d) ceasing grading during periods of high winds; (e) limiting on-site vehicle speeds to 15 miles per hour or less; and (f) revegetating graded areas after soil disturbance. All grading operations will be conducted in accordance with the Orange County Grading and Excavation Code.

15. Lead-based Paints

Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, that provides for worker exposure limits, exposure monitoring and mandates good working practices.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

Removal of lead-based paints from boats moored in the water through sanding or other means, shall be prohibited.

16. **Asbestos Abatement**

Should asbestos be determined to be present within any existing Harbor structures, removal shall be done by a licensed removal contractor in compliance with SCAQMD Rule 1403 and all applicable state and federal requirements.

17. **Archaeological Resources**

In accordance with the Orange County Grading and Excavation Code, prior to the issuance of a Grading Permit, written evidence shall be provided ensuring that a County-certified archaeologist has been retained to observe grading activities and prepare a salvage and catalogue mitigation plan, if determined archaeological resources as necessary. The archaeologist shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance and shall establish, in cooperation with the County of Orange — Dana Point Harbor Department OC Dana Point Harbor, procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the artifacts as appropriate. The archaeological observer shall determine appropriate actions, in cooperation with the County of Orange — Dana Point Harbor Department OC Dana Point Harbor for exploration and/or salvage and the State Office of Historic Preservation. Any Coastal Development Permit approved in areas of Dana Point Harbor that are identified as having a reasonable probability of containing archaeological resources shall include standards for archaeological and Native American grading monitoring and the preparation and implementation of a mitigation plan, in consultation with the NAHC in a manner meeting the approval of the Manager, OC Parks/Coastal and Historic Facilities.

At the completion of grading operations, The County of Orange — Dana Point Harbor Department OC Dana Point Harbor shall obtain approval of the archaeologist's follow-up report from the Manager, County of Orange — Harbors, Beaches and Parks/Coastal and Historical Facilities OC Parks/Coastal and Historical Facilities. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. Excavated finds shall be made available for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources shall be subject to approval of the Manager, County of Orange — Harbors, Beaches and Parks/Coastal and Historical Facilities OC Parks/Coastal and Historical Facilities.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

18. **Paleontological Resources**

In accordance with Orange County Grading and Excavation Code, prior to the issuance of a Grading Permit, written evidence shall be provided that a County-certified paleontologist has been retained to observe grading activities and **prepare a salvage and catalog fossils report and/or mitigation plan, if determined necessary.** The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the contractor procedures for temporarily halting or redirecting work to permit sampling, identification and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with ~~the County of Orange—Dana Point Harbor Department~~ **OC Dana Point Harbor and the State Office of Historic Preservation.** **Any Coastal Development Permit approved in areas of Dana Point Harbor that are identified by a literature and records search as having a reasonable probability of containing artifacts or other resources shall include standards for preparation and implementation of a mitigation plan, in consultation with the Office of Historic Preservation, in a manner meeting the approval of the Manager, OC Parks/Coastal and Historic Facilities.**

At the completion of grading operations, ~~the County of Orange—Dana Point Harbor Department~~ **OC Dana Point Harbor** shall obtain approval of a paleontologist's follow-up report from the Manager, ~~County of Orange—Harbors, Beaches and Parks/Coastal and Historical Facilities~~ **OC Parks/Coastal and Historical Facilities.** The report shall include the period of inspection, a catalogue and analysis of the fossils found and the present repository of the fossils. Excavated finds shall be made available for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources shall be subject to approval of the Manager, ~~County of Orange—Harbors, Beaches and Parks/Coastal and Historical Facilities~~ **OC Parks/Coastal and Historical Facilities.**

19. **Human Remains**

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 immediately of any find. If the County Coroner determines that the human remains are Native American, the Native American Heritage Commission (NAHC) must be notified within twenty-four (24) hours. The NAHC is required to immediately notify the Most Likely Descendent (MLD) of the human remains. The MLD shall be consulted in the preparation and

GENERAL REGULATIONS AND SPECIAL PROVISIONS

implementation of any mitigation plan that includes Native American human remains.

20. Pedestrian Access and Safety

As part of all construction operations, the contractor shall ensure that the construction site is adequately barricaded with temporary fencing. If required, a flag person shall be posted at the entrance of the construction site to protect pedestrians and traffic from conflicts with heavy equipment entering or leaving the construction area. Additionally, signs shall be posted to inform the public that construction activities are under way and identify alternate paths of travel. All trails and public access ways within Dana Point Harbor will remain open and usable during construction periods or a detour, approved by ~~the County of Orange~~ Dana Point Harbor Department OC Dana Point Harbor will be provided and include appropriate temporary signage.

21. Tree Trimming Procedures for Harbor Bird Habitat

In accordance with the acknowledgement that the City of Dana Point, County of Orange and OC Dana Point Harbor have an obligation to protect the public health and safety, while ensuring the long-term protection of wading bird heronries; breeding, roosting and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and all bird species of special concern, the following Tree Trimming Procedures for Harbor Bird Habitat have been developed. These provisions govern the trimming or removal of any tree that is part of a heronry that has been used in the last five (5) years or of any tree that has been used for roosting, breeding and nesting within the past five (5) years as determined by a qualified biologist. Further, these provisions shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act. Tree trimming or removal activities can be accomplished through a Harbor-wide Program Coastal Development Permit that incorporates the following parameters:

- a) Tree maintenance operations (including regularly conducted trimming or removal) shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the Director, OC Dana Point Harbor in consultation with a qualified arborist determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist 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 City/County shall be proactive in

GENERAL REGULATIONS AND SPECIAL PROVISIONS

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 that has been active anytime within the last five (5) years shall not be removed or disturbed unless a health and safety danger exists.

- b) In the event that a tree providing habitat for the above species is identified as causing a danger to public health and safety by OC Dana Point Harbor and is removed, mitigation at a 4:1 ratio shall be required. Any trees removed on or before January 12, 2011 that provided habitat for the above species shall be mitigated at a 2:1 (two trees replaced for every one tree removed) within the Harbor. Eucalyptus trees shall not be used as replacement trees. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than a thirty-six (36) inch box size), planting specifications and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review of the Director, OC Dana Point Harbor and the City of Dana Point and shall be on file as a public record.

Tree Maintenance During the Non-Breeding and Non-Nesting Season (October through December)

- a) Prior to conducting regular tree maintenance activities, a qualified biologist or ornithologist shall conduct a survey of the trees to be trimmed or removed to detect nests of bird species identified by these provisions to identify specific trees with nests and submit the survey report(s) to the Director, OC Dana Point Harbor. OC Dana Point Harbor shall maintain a database of survey reports that includes a record of nesting trees that is made available as public information and shall be used as a basis for future tree trimming and removal decisions. Tree trimming and/or removal, if necessary, may proceed if a nest is present but no courtship or nesting behavior or evidence of that behavior is observed.
- b) Any trimming of trees containing a nest(s) of the species contained in these provisions shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of

GENERAL REGULATIONS AND SPECIAL PROVISIONS

any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the City of Dana Point or OC Dana Point Harbor, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding, roosting and/or nesting habitat.

- c) In the event that any protected birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased and given approval to proceed with maintenance operations.

Tree Maintenance During Breeding and Nesting Season (January through September)

If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

- a) A qualified biologist or ornithologist shall conduct surveys and submit a report at least one (1) week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the City of Dana Point, the California Department of Fish and Game and the U.S. Fish and Wildlife Service. OC Dana Point Harbor shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following information:
1. A description of how work will occur.
 2. Work must be performed using non-mechanized hand tools to the maximum extent feasible.
 3. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

4. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding, roosting and nesting birds and their habitat.
- b) Prior to commencement of tree trimming and/or removal, the City of Dana Point or OC Dana Point Harbor shall notify in writing the California Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

All tree trimming and tree removal shall be conducted in strict compliance with these provisions. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted to the Executive Director of the California Coastal Commission to determine whether an amendment to the Local Coastal Program is required or the proposed change(s) should be submitted to the City of Dana Point as an amendment to the Coastal Development Permit.

22. Construction During the Breeding and Nesting Season (January through September)
Survey(s) for the bird species protected by Special Provision 21, Tree Trimming Procedures for Harbor Bird Habitat shall be conducted during their breeding season by a qualified biologist prior to the commencement of construction. If an active nest of any bird species listed pursuant to federal or state endangered species acts, California bird species of special concern or a wading bird (herons or egrets) as well as owls or raptors is identified, construction activities within three-hundred (300) feet or five-hundred (500) feet from any identified raptor nest shall not exceed noise levels of sixty-five (65) dB peak until the nest(s) is/are vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting.
23. Environmentally Sensitive Habitat Areas
Development in any areas determined to be Environmentally Sensitive Habitat Areas (ESHAs), including those containing important plant communities, wildlife habitats, delineated wetlands, marine refuge areas or significant tree stands shall be limited to uses dependent on those resources and shall be designated to avoid any significant disruption of habitat values. Development adjacent to designated ESHAs shall be sited and designed to prevent impacts which would significantly degrade those areas through such methods as creative site planning, usage of vegetative

GENERAL REGULATIONS AND SPECIAL PROVISIONS

buffers, incorporation of appropriate setbacks and techniques for controlling public access as determined through the Coastal Development Permit process. A definitive determination of the existence of Environmentally Sensitive Habitat areas on a specific site shall be made through the Coastal Development Permit process.

24. Eelgrass Survey

Prior to the potential disturbance to the shallow water marine substrate, OC Dana Point Harbor shall insure that a pre-construction eelgrass (*Zostera marina*) survey is completed in conformance with the most currently approved Southern California Eelgrass Mitigation Policy as adopted by the National Marine Fisheries Service, in consultation with the California Department of Fish and Game. The survey shall be conducted during the active growth period (typically March through October) when possible and make recommendations to avoid areas of eelgrass if determined to be present and/or provide recommendations for appropriate mitigation.

25. Access for Persons with Disabilities

All new public facilities shall include provisions for adequate access for persons with disabilities and to the extent feasible, existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act (ADA). Guardrails on piers, trails and public viewing areas to take into consideration the views at the eye level of persons in wheelchairs and appropriately located handicap parking spaces shall be located in designated boater parking areas to allow access to gangways and boat docks designed to accommodate wheelchairs.

26. Public Parking Restrictions

Parking shall be maintained throughout the Dana Point Harbor Revitalization Plan area to support public lower cost recreational uses (e.g. Baby Beach, picnicking and park uses in Planning Areas 1, 4, and 5). The implementation of restrictions on public parking along Dana Point Harbor Drive and Street of the Golden Lantern (including, but not limited to the posting of "no parking" signs, red curbing and placement of physical barriers) that would impede or restrict public access to lower cost recreational uses 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 approval of a Coastal Development Permit. A substantial change is a twenty-five percent (25%) or greater change in fees in a one (1) year period or a fifty percent (50%) change in a three (3) year period.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

27. Public Transit

Any new public transportation facilities shall be constructed in accordance with transit district design standards and specifications; with convenient pedestrian access to bus stops equipped with shelters and benches where appropriate.

28. Transportation Management Plan

As part of the first application for a Coastal Development Permit for Revitalization Plan improvements in the Commercial Core, a Parking Management Program shall be prepared in accordance with the requirements contained in Chapter II-14, *Off-Street Parking Requirements* and include the following components:

- a) Allocation of parking spaces based on a current assessment of peak/non-peak demand among different land uses within the areas that parking is provided. The required quantity and locations of parking spaces for marina boat slips, the boat launch ramp and dry boat storage shall be provided and maintained for those uses.
- b) Management and operational strategies for parking areas during construction activities to ensure public access and minimize construction congestion and conflicts.
- c) Implementation of off-site parking programs and shuttle service during major special events and/or other high usage periods for Harbor facilities when necessary.
- d) Provide traffic congestion and parking reduction strategies and incentive programs for employees of Harbor businesses.
- e) Include operational plans providing detailed information on the modification of any Harbor parking areas to address specific user demand and/or management and responsibilities for controlling, monitoring and adjusting operational procedures for maximizing parking area usage.

29. Public Waterfront Access

Where feasible, future Dana Point Harbor Revitalization Plan improvements shall maximize public access to and along the waterfront and bulkhead by maintaining a continuous, uninterrupted public access route, except along those segments of the bulkhead in the Marine Service Commercial area (Planning Area 1) where provision of such access would interfere with boat launch and repair operations.

GENERAL REGULATIONS AND SPECIAL PROVISIONS

30. **Vessel Maintenance and Operation**
Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner and are subject to inspection on a periodic basis by the U.S. Coast Guard Auxiliary or similar organization. On an ongoing basis, the number of live-aboard permits in the Harbor shall 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 vessels allowed in the Harbor overall.

31. **Harbor Dredging**
Periodic Harbor dredging projects shall be conducted in accordance with the Dana Point Harbor Revitalization Plan & District Regulations, Chapter I-7, Coastal Resource Protection policies and Coastal Act Sections 30230 and 30233 with approval of a Coastal Development Permit pursuant to Section 30601 of the Coastal Act.

32. **Hazardous Materials**
Any activity conducted in Dana Point Harbor that involves the handling of hazardous materials shall be required to comply with all applicable local, state and federal laws and regulations regarding the handling, storage or transportation of these materials. Additionally, during major construction operations, a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented that specifies hazardous spill prevention, remediation and management practices.

33. **Wetland Survey**
A survey and analysis with the delineation of all wetland areas shall be required 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 Chapter II-18, Definitions and Section 13577(b) of Title 14 of the California Code of Regulations. Any required wetlands survey shall also include recommendations for appropriate mitigation measures to protect the wetland, including the establishment of vegetated wetland buffer areas to protect areas if delineated. Wetland buffer areas are typically one hundred (100) feet in width but may be reduced on a case-by-case basis in consultation with the California Department of Fish and Game if a smaller buffer is proposed to protect the wetland from significant adverse impacts.

34. **Filling of Coastal Waters**
The diking, filling or dredging of open coastal waters and delineated wetland areas shall only be permitted in accordance with Section 30233 of the Coastal

GENERAL REGULATIONS AND SPECIAL PROVISIONS

Act and applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations where there is no feasible less environmentally damaging alternative available and where feasible mitigation measures are provided to minimize any adverse environmental effects and shall be limited to the permitted uses specified in Section 30233 of the Coastal Act.

35. Health and Safety Services
OC Dana Point Harbor shall periodically evaluate the level of services and service criteria to ensure adequate police, fire and emergency medical services are available to protect Harbor facilities and users in compliance with Coastal Act Section 30254.
36. Encroachment Permits
OC Dana Point Harbor shall prepare and process encroachment permits for any project work (e.g., street widening, emergency access improvements, storm drain construction, street connections, etc.) occurring in any City of Dana Point street right-of-way located within the Harbor boundary.
37. Trails
The design of new pedestrian walkways and trails shall be in accordance with County of Orange design standards and shall be coordinated with the appropriate City, County and state agencies to enhance connections with existing and proposed open space and/or regional/local bicycle and hiking trails to the extent feasible.
38. Sign Program
Prior to occupancy of any new development in the Commercial Core area of the Harbor, a comprehensive Dana Point Harbor Sign Program shall be approved by the City of Dana Point in accordance with the requirements of Chapter II-15, *Sign Standards and Regulations*.
39. Public Parking
~~Parking shall be maintained throughout the Dana Point Harbor Revitalization Plan area to support public lower cost recreational uses (e.g. Baby Beach, picnicking and park uses in Planning Areas 1, 4, and 5). Changes to existing time limits or hours of operation and/or substantial changes to parking fees shall require approval of a Coastal Development Permit. A substantial change is a twenty-five percent (25%) or greater change in fees in a one (1) year period or a fifty percent (50%) change in a three (3) year period.~~

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

4.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of Marine Services Commercial area in Planning Area 1 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses 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 and City of Dana Point. These regulations permit marine-related retail, and marine services commercial uses **and require the retention of the existing park at the south end of Puerto Place including the protection of the trees within the park area that are used for nesting and roosting by herons and egrets** in accordance with the layout and design, maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

4.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 1 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Boat docks.
- b) Facilities and structures providing for the maintenance and operation of fueling equipment for automobiles and boats, both afloat and on trailers.
- c) Facilities and structures providing for the maintenance and operation of a boat repair yard limited to the alteration, maintenance and repair of the hulls, rigging, sails, engines, ~~and~~ accessories **and boat-owner self-repair area**.
- d) Marine retail sales, including boat maintenance supplies, navigational and communications equipment, chandlery, clothing and other related accessories **when located within the boater service building**.
- e) Dry boat storage and maintenance facilities, **including boater lounge area and other boat maintenance and support facilities and boat-owner self-repair area**.
- f) Boat wash down facilities.
- g) Facilities and equipment associated with the launching or landing of motorized and non-motorized boats, personal water craft (i.e., jet-skis, etc.) or other similar types of motorized marine vehicles, except as may be determined necessary by

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

the County of Orange — Dana Point Harbor Department Director, OC Dana Point Harbor for recreational or public health and safety reasons.

- h) Boat facilities for the maintenance and operation of small craft, hand launch vessels and dry storage facilities.
- i) Boat and personal watercraft sales and rentals.
- j) Bait receivers.
- k) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- l) Facility information offices and centers, information kiosks.
- m) Cafes Take-out or walk-up restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- n) Travel and commercial recreation services and uses.
- o) Public and private recreation facilities.
- p) Parks.
- q) Seasonal water taxi service facilities including waiting areas and dock facilities.
- r) ~~Lighthouse.~~
- s) Sport fishing and/or charter boat concessions.
- t) Parking areas and structures (including paid, metered and time restricted parking).
- u) Marine-related administrative, professional and business offices (including but not limited to yacht brokers, lease agents and management offices).
- v) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- w) Communication ~~transmitting, reception and relay~~ facilities, including standby generators.
- x) Public restrooms.

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

4.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Marine Services Commercial uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

4.4 Prohibited Uses

Stand alone marine retail sales buildings or structures.

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

4.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and depth: No minimum.
- c) Building height limit: **Thirty-five (35) feet maximum.** For the Dry Boat Storage building, **an exception to the thirty-five (35) foot maximum height limit may be approved, to a maximum of sixty-five (65) feet** ~~sixty-five (65) feet~~ **provided significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit I-8.1 of the Land Use Plan, are protected and enhanced.** ~~maximum. for the potential lighthouse, seventy (70) feet~~

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

maximum; for all other buildings, thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted. The limitations on height for Planning Area 1 shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design 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. All windows in new construction will be of a type that uses minimally reflective glass. **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 in order to prevent bird strikes.**
- f) Dry boat storage building: The design of the dry boat storage building **may** include marine retail uses and covered areas for boat maintenance **where dust collection systems may be provided to help reduce the amount of particulates released into the atmosphere.**
- g) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- h) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- i) Loading: All loading shall be performed **in designated areas** on the site. **When feasible, loading platforms and areas for commercial and restaurant uses shall be screened from view from adjacent streets and adjoining residential public views.**
- j) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure **where feasible.** No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ **outdoor** trash and recyclable containers/bins **receptacles** shall be **covered to prevent scavenging birds and trash from escaping.** **All containers/receptacles that are accessible to the public shall be** conveniently located to encourage cleanliness and recycling.

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

- k) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from 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 solid walls of materials and finishes compatible with the adjacent structures.
- l) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height **shall be eight (8) feet**, provided that site distances for vehicular safety purposes are not obstructed ~~shall be eight (8) feet~~.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, **the breeding, nesting or roosting activities of herons, egrets and any bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special concern as well as owls and raptors**, atop the bluffs and Doheny State Beach. ~~and~~ **Lighting** shall be designed and located so that light rays are aimed at **downward onto** the site.
- n) Landscaping: **The use of efficient irrigation practices and Drought-tolerant native or non-invasive invasive drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas.** ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be **designed and** planted consistent ~~with the Revitalization Landscape Plan design parameters~~ to preserve and enhance distant ocean views and screen or soften building architecture.
 3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

adjacent vehicular area or with some other barrier to be protected from vehicular damage.

4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive **invasive** naturalized plants to control erosion.
 5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
 5. **Trees that are used by wading birds (herons or egrets) or are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and shall be protected and maintained pursuant to Special Provision 21, Tree Trimming and Maintenance of Harbor Sensitive Bird Habitat of these Regulations.**
 6. Irrigation **systems that include the use of weather based or sensor controlled technologies shall** facilities will be provided for all landscaped areas except where drought-tolerant species have been installed. **to minimize water use.**
 7. **The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.**
- o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.
- p) **Ship Yard: A shipyard shall be maintained in the Marine Services Commercial Planning Area and shall be no less than 1.6 acres in size, excluding any water area. The expansion, modification or renewal of the shipyard lease shall be required to demonstrate that the proposed size of the lease area is adequate to maintain a full-service shipyard facility that includes boat haul-out and repair services. Boat-owner self-repair areas are encouraged.**
- q) **Boat Launch Ramp Parking: The required redesign and expansion of the existing five and seven-tenths (5.7) acre boat launch facility shall maximize the number of vehicle with trailer parking spaces meeting minimum**

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

Department of Boating and Waterway guidelines (10 x 40 feet). At a minimum, the existing three hundred and thirty-four (334) vehicle with trailer parking spaces shall be maintained. However, both 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.

- r) Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least four hundred and ninety-three (493) boats to be stored on dry land in the Marine Services Commercial area (Planning Area 1); four hundred (400) of these spaces may be provided in a dry storage facility (dry stack building, deck and/or surface storage areas). 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 feasible. Additionally, a minimum of ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible.
- s) Construction Access: Access to the Marine Services Commercial areas and designated boater parking areas shall be maintained during all construction phases to the greatest extent feasible. A Construction Management Plan shall be prepared identifying the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, Off-Street Parking Standards and Requirements. Any subsequent changes to the approved Construction Management Plan shall also be consistent with this regulation and shall be incorporated into all applicable construction plans submitted for review and approval prior to issuance of Grading and/or Building Permits by the County of Orange.
- t) Doheny State Beach Access: Any modifications to the public parking area adjacent to Doheny State Beach (Puerto Place parking lot) shall not adversely affect public access to the state park and shall be coordinated with the California State Department of Parks and Recreation to ensure ongoing and future access opportunities are provided.
- u) Public Fishing: Public access onto Harbor jetties, including provisions for public fishing shall be provided wherever feasible and to the extent such access can be safely provided.

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES COMMERCIAL
PLANNING AREA 1 REGULATIONS

- v) Puerto Place Park: The existing park area located at the south end of Puerto Place shall be maintained for public use. The existing trees within the park area that are used for nesting and roosting by herons and egrets shall be protected for such use. All tree trimming and removal activities shall be consistent with the Tree Trimming Procedures for Harbor Bird Habitat contained in Chapter II-3, General Regulations and Special Provisions.
- w) Boat-owner self-repair area: As part of any redesign and/or significant new development within the Marine Services Commercial Planning Area (PA 1) an area shall be provided for boat owners to maintain their own vessels in compliance with all applicable regulations pertaining to self-maintenance activities. The boat-owner self-repair area shall be located in proximity to the shipyard or dry boat storage facilities where access and support facilities are available.

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

5.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of the Day Use Commercial areas in Planning Area 2 of Dana Point Harbor **in a manner that is incidental to the higher priority coastal-dependent and coastal related boating, boating support and water oriented commercial and recreational uses.** It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit conventional commercial retail, entertainment and recreation uses in accordance with the layout and design, maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

5.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 2 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Retail sales, including books, clothing, personal accessories, gifts and novelty items, jewelry, collectables and crafts (includes outdoor retail, food and beverage sales carts).
- b) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- c) **Marine retail sales, including boat maintenance supplies, navigational and communications equipment, chandlery, clothing and other related accessories.**
- d) Facilities and structures providing for the operation of sport fishing and/or charter boat concession, including office, ticketing and dockage space.
- e) Boat docks.
- f) Bait and tackle sales.
- g) **Marine-related** administrative, professional and business offices (including, **but not limited to** yacht brokers, rental/lease agents, management and governmental offices **responsible for the management and operation of Harbor facilities and/or Harbor Patrol**).

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

- h) **Marine-related** professional service shops **compatible with Tidelands Trust restrictions**.
- i) Travel and commercial recreation services and uses.
- j) ~~Yacht clubs.~~
- k) Public and private **commercial** recreation facilities.
- l) **Facilities and structures providing for the operation of sport fishing and/or charter boat concessions, including office, ticketing, dockage space and associated retail sales space.**
- m) **Boater service facilities, including restrooms, laundry and storage.**
- n) Seasonal water taxi service facilities including waiting areas and dock facilities.
- o) Parking areas and structures, underground and above ground structures (including paid, **metered and time restricted** parking).
- p) Small boat and watercraft storage facilities.
- q) ~~Commercial and non-commercial recreation facilities.~~
- r) Facility information offices and centers, information kiosks.
- s) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- t) Communication ~~transmitting, reception and relay~~ facilities, including standby generators.
- u) **Public** restrooms.

5.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Day Use Commercial uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

5.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ Director, OC Dana Point Harbor in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

5.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and depth: No minimum.
- c) Building height limit: ~~For new Commercial Core buildings fronting on Festival Plaza, pedestrian bridge connected to Festival Plaza or structures fronting on the East Marina Boat Basin (Planning Area 10), sixty (60) feet maximum; for all other buildings, thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.~~

All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation, up to a maximum of sixty (60) feet, shall be required to demonstrate all of the following:

- 1. Significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit I-8-1, Dana Point Harbor View Corridors, of the certified Land Use Plan are protected and enhanced.**
- 2. The combination of architectural design and building heights shall utilize irregular massing with offsets in plan, section and**

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

roof profile to break-up the façade of the structures and provide a pedestrian setting when viewed from the Festival Plaza and marina areas.

3. The buildings are connected to the parking deck podium structure used to create direct vehicular and pedestrian access to the Day Use Commercial amenities, with additional unobstructed views of the ocean and marinas provided from new elevated public vantage points.
4. With the exception of Conceptual Building 4 (the new building proposed in the Dana Wharf area), any Any additional height above forty (40) feet shall be for architectural features only that do not increase the gross floor area for the purpose of determining parking requirements.
5. No more than fifty percent (50%) of the total roof area of the structures shall exceed forty (40) feet in height and no more than twenty-five percent (25%) of the same roof area shall exceed fifty (50) feet in height. An exception to this limitation may be permitted for Conceptual Building 4, (the new building proposed in the Dana Wharf area) with a building footprint of less than 5,000 sq. ft., if the majority of the upper level is used to accommodate a harbor-wide view for purposes of harbor-related public safety operations.
6. Public/boater access to the dry boat storage/public boat launching facilities are maintained.
7. Architectural elements (see Site Development Standard e, below) including building heights have been incorporated into the design of the buildings to promote a village atmosphere and maintain the existing community character of the area.

Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.

- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: ~~Architectural design elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield~~

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

~~windows from the sun and reduce the effects of glare. All windows in new construction will be of a type that uses minimally reflective glass.~~

The architectural design of the Commercial Core buildings shall be consistent with the character of the community in architectural form, bulk and height, including other structures located in the Coastal Zone boundary of the City of Dana Point and include as many of the following design elements as practicable:

1. **Architectural design 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.**
 2. **All windows in new construction will be of a type that uses minimally reflective glass.**
 3. **Include the use of courtyards, patios, terraces, balconies, verandas, covered walkways and other defined outdoor spaces wherever possible.**
 4. **Avoid blank walls and other elements that lack pedestrian and visual interest.**
 5. **Buildings shall be designed to reduce the perceived height and bulk of the structure by segmenting the buildings mass into smaller parts.**
 6. **Sloped roofs.**
 7. **Individual buildings clusters of commercial businesses and restaurants will be grouped around a pedestrian scaled Festival Plaza and linked with other areas of the Harbor by a Pedestrian Promenade.**
 8. **Landscaped plazas, recessed entries, windows and recessed groups of windows may be used to break up long building walls. Projections may also be used and take a form of important architectural elements such as entrances, bays, stair towers, cornices, building bases and structural components.**
- f) Parking Deck: 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. The two-level parking deck shall be engineered

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

and constructed in such a manner to **provide direct access from the Street of the Golden Lantern and adjacent Harbor surface parking areas and** allow for the potential future expansion of the structure to **provide additional parking opportunities, including but not limited to** ~~include~~ a third level **or extension of the parking deck** if required **and the structure does not exceed the thirty-five (35) foot height limit restriction.**

- g) Boater Parking: Dedicated **Designated** boater drop-off and parking areas will be provided throughout **within** the Commercial Core area to facilitate boater access. **Any new commercial development shall be phased to provide required parking for higher priority uses (e.g., designated boater parking, boat launch ramp and surface boat storage) as specified in Section II-14.2(i), Commercial Development Phasing of these Regulations.**
- h) Pedestrian Access: Separate pedestrian walkways will be provided as part of the parking deck ramp design to minimize the need for pedestrians to use parking aisles to access the business areas of the Commercial Core. In addition, pedestrian linkages will be provided between Harbor amenities, such as those created by the Festival Plaza, Pedestrian Promenade and linear park.
- i) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- j) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- k) Loading: All loading shall be performed **in designated areas** ~~on the site~~. **When feasible,** loading platforms and areas **for commercial and restaurant uses** shall be screened from view from adjacent streets and adjoining residential **public** views.
- l) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure **where feasible**. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ **outdoor** trash and recyclable containers/~~bins~~ **receptacles** shall be **covered to prevent scavenging birds and trash from escaping. All containers/receptacles that are accessible to the public shall be** conveniently located to encourage cleanliness and recycling.
- m) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor **or other designated public views** will be hidden behind building parapets or screening materials from

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

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 solid walls of materials and finishes compatible with the adjacent structures.

- n) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- o) Shelters: All enclosures used to shelter outside eating areas will be designed **to make them visible to birds by** using clear materials **that are etched or tinted**, with awnings or covers that are integrated into the architectural design of the buildings.
- p) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and **to wading birds (herons or egrets) or other sensitive species or biological resources**. **Lighting** shall be designed and located so that light rays are aimed at **downward onto** the site.
- q) Landscaping: **The use of efficient irrigation practices and** ~~Drought-tolerant native or non-intrusive~~ **invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas.** ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
 - 1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
 - 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be **designed and** planted consistent with the Revitalization Landscape Plan design parameters to preserve and enhance distant ocean views and screen or soften building architecture.
 - 3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive invasive naturalized plants to control erosion.
 5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
 5. **Trees that are used by wading birds (herons or egrets) or are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and shall be protected and maintained pursuant to Special Provision 21, Tree Trimming and Maintenance of Harbor Sensitive Bird Habitat of these Regulations.**
 6. Irrigation systems that include the use of weather based or sensor controlled technologies shall ~~facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.~~ to minimize water use.
 7. **The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.**
-
- r) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.
 - s) **Construction Access: Access to the Day Use Commercial areas and designated boater parking areas shall be maintained during all construction phases to the greatest extent feasible. A Construction Management Plan shall be prepared identifying the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, Off-Street Parking Standards and Requirements. Any subsequent changes to the approved Construction Management Plan shall also be consistent with this regulation and shall be incorporated into all applicable**

DANA POINT HARBOR DISTRICT REGULATIONS

DAY USE COMMERCIAL
PLANNING AREA 2 REGULATIONS

construction plans submitted for review and approval prior to issuance of
Grading and/or Building Permits by the County of Orange.

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

6.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of the Visitor Serving Commercial uses in Planning Area 3 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit visitor serving accommodations (i.e., hotel and motel) uses in addition to commercial retail, entertainment and recreation uses that are consistent with the Coastal Act Policies that provide for a range of uses supportive of the public's enjoyment of the coast **in a manner that is incidental to the priority coastal-dependent and coastal-related uses**. The visitor serving facilities will be developed in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

6.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 3 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Overnight visitor accommodations not to exceed 220 rooms.
- b) Retail sales, including books, clothing, personal accessories, gifts, jewelry, collectables and crafts (includes outdoor retail, food and beverage sales carts).
- c) **Marine-related** administrative, professional and business offices (including **but not limited to** yacht brokers, **rental/lease agents** and management offices).
- d) Boat docks.
- e) Parking areas and structures, underground and above ground structures (including paid, **metered and time restricted** parking).
- f) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- g) Banquet facilities.
- h) **Marine-related** professional service shops **compatible with Tidelands Trust restrictions**.
- i) Other uses and professional services or facilities customarily found in a hotel.

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

- j) Travel and commercial recreation services and uses.
- k) **Public and c** commercial recreation facilities.
- l) **Boater service facilities, including restrooms, laundry and storage.**
- m) Florists, including indoor and outdoor displays.
- n) Seasonal water taxi service facilities including waiting areas and dock facilities.
- o) Facility information offices and centers, information kiosks.
- p) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- q) Communication ~~transmitting, reception and relay~~ facilities.
- r) **Public** Restrooms.

6.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Visitor Serving Commercial uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

6.4 Prohibited Uses

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.

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

6.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and depth: No minimum.
- c) Building height limit: ~~Fifty (50) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.~~

All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation up to a maximum of fifty (50) feet, shall be required to demonstrate all of the following:

1. **Significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit I-8-1, Dana Point Harbor View Corridors, of the certified Land Use Plan are protected and enhanced.**
2. **For all new structures, the combination of architectural design and building heights shall utilize irregular massing with offsets in plan, section and roof profile to break-up the façade of the structures and provide a pedestrian setting.**
3. **Public/boater access is maintained.**
4. **Architectural elements (see Site Development Standard e, below) have been incorporated into the design of the buildings to promote a village atmosphere and maintain the existing community character of the area.**

Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: ~~Architectural design 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. All windows in new construction will be of a type that uses minimally reflective glass.~~

The architectural design of the Commercial Core buildings shall be consistent with the character of the community in architectural form, bulk and height, including other structures located in the Coastal Zone boundary of the City of Dana Point and include as many of the following design elements as practicable:

1. **Architectural design 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.**
 2. **All windows in new construction will be of a type that uses minimally reflective glass.**
 3. **Include the use of courtyards, patios, terraces, balconies, verandas, covered walkways and other defined outdoor spaces wherever possible.**
 4. **Avoid blank walls and other elements that lack pedestrian and visual interest.**
 5. **Landscaped plazas, recessed entries, windows and recessed groups of windows may be used to break up long building walls. Projections may also be used and take a form of important architectural elements such as entrances, bays, stair towers, cornices, building bases and structural components.**
- f) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
 - g) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
 - h) Loading: All loading shall be performed **in designated areas** on the site. **When feasible,** loading platforms and areas **for commercial and restaurant uses**

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

shall be screened from view from adjacent streets and adjoining residential public views.

- i) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure where feasible. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ outdoor trash and recyclable containers/bins receptacles shall be covered to prevent trash from escaping and scavenging birds. All containers/receptacles that are accessible to the public shall be conveniently located to encourage cleanliness and recycling.
- j) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor or other designated public views 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 solid walls of materials and finishes compatible with the adjacent structures.
- k) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- l) Shelters: All enclosures used to shelter outside eating areas will be designed to make them visible to birds by using clear materials that are etched or tinted, with awnings or covers that are integrated into the architectural design of the buildings.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and to wading birds (herons or egrets) or other sensitive biological species or resources. Lighting shall be designed and located so that light rays are aimed at downward onto the site.
- n) Landscaping: The use of efficient irrigation practices and ~~Drought-tolerant native or non-intrusive~~ invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas. ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs,

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

ground cover and/or hardscape will be installed and maintained subject to the following standards:

1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be **designed and** planted consistent with the Revitalization Landscape Plan design parameters to preserve and enhance distant ocean views and screen or soften building architecture.
 3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
 4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive **invasive** naturalized plants to control erosion.
 5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
 5. **Trees that are used by wading birds (herons or egrets) or are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and shall be protected and maintained pursuant to Special Provision 21, Tree Trimming and Maintenance of Harbor Sensitive Bird Habitat of these Regulations.**
 6. Irrigation **systems that include the use of weather based or sensor controlled technologies shall** facilities will be provided for all landscaped areas except where drought-tolerant species have been installed. **to minimize water use.**
 7. **The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.**
- o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling

VISITOR SERVING COMMERCIAL
PLANNING AREA 3 REGULATIONS

and lighting and shall insure that standard sight distance requirements are achieved.

- p) Replacement of Existing Hotel Units: In the event that demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) are proposed, all demolished units shall be replaced in the area designated as Visitor Serving Commercial in 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 or the 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.
- q) Longer Visitor Stays: 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 twenty percent (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. Some hotel rooms may provide accommodations for larger groups by offering connections to adjoining rooms, allowing multiple bedroom suites.
- r) Visitor Serving Parking: 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. The design should also encourage convenient access to parking for boaters and shall be consistent with the maximum distance and mitigation requirements for the provision of boater parking.
- s) Construction Access: Access to the Visitor Serving Commercial areas and designated boater parking areas shall be maintained during all construction phases to the greatest extent feasible. A Construction Management Plan shall be prepared identifying the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, *Off-Street Parking Standards and Requirements*. Any subsequent changes to the approved Construction Management Plan shall also be consistent with this regulation and shall be incorporated into all applicable construction plans submitted for review and approval prior to issuance of Grading and/or Building Permits by the County of Orange.

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

7.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of Marine Commercial uses in Planning Area 4 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general boating public and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit marine services, public facilities, **picnic and park and other public low cost recreation uses**, private and public clubs that are consistent with the Coastal Act Policies and shall be in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

7.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 4 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Marine retail sales, including boat maintenance supplies, navigational and communication equipment, chandlery, clothing and accessories.
- b) **Marine-related** administrative, professional and business offices (including, **but not limited to** yacht brokers, lease agents and management offices).
- c) **Boating**/Yacht clubs **or sailing associations**.
- d) ~~Retail sales, including clothing, personal accessories, gifts, jewelry, collectables and crafts (includes outdoor retail, food and beverage sales carts).~~
- e) Boat docks.
- f) Dry boat storage and maintenance facilities.
- g) Small boat and **human-powered** watercraft storage facilities, **vendor areas for kayaks, paddleboards or other similar small non-motorized watercraft** and hand-launch facilities.
- h) Facilities and equipment associated with the launching or landing of motorized and non-motorized boats, personal water craft (~~i.e., jet-skies, etc.~~) or other similar types of motorized marine vehicles, except as may be determined necessary by the ~~County of Orange~~ ~~Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** for recreational or public health and safety reasons.

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

- i) Boat maintenance facilities and operation of small craft and kayak dry storage facilities
- j) Boat wash down facilities.
- k) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- l) Private and public parking areas (including paid, **metered and time restricted** parking).
- m) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- n) Banquet facilities.
- o) Travel and commercial recreation services and uses.
- p) Public and private recreation facilities.
- q) **Boater service facilities, including restrooms, laundry and storage.**
- r) ~~Law enforcement and~~ Harbor Patrol structures and uses including docks, communication facilities, storage areas, ~~prisoner detention facilities~~, meeting and administrative office facilities.
- s) Scenic viewpoints, visual outlooks, **park** and picnic areas.
- t) Seasonal water taxi service facilities including waiting areas and dock facilities.
- u) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and / or utilities necessary for the permitted development.
- v) ~~Communication transmitting, reception and relay~~ facilities.
- w) **Public** restrooms.

7.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

**MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS**

- a) Ancillary uses that are directly related to Marine Commercial uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

7.4 Prohibited Uses

New boating/yacht clubs or sailing 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, shall be prohibited.

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

7.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and dept: No minimum.
- c) Building height limit: Thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area, nor exceed the height limit by more than five (5) feet shall be permitted for any structure.
- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

windows from the sun and reduce the effects of glare. All windows in new construction will be of a type that uses minimally reflective glass.

- f) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- g) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- h) Loading: All loading shall be performed **in designated areas** ~~on the site~~. **When feasible,** loading platforms and areas **for commercial and restaurant uses** shall be screened from view from adjacent streets and adjoining residential **public** views.
- i) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure **where feasible**. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ **outdoor** trash and recyclable containers/bins **receptacles** shall be **covered to prevent trash from escaping and scavenging birds**. **All containers/receptacles that are accessible to the public shall be** conveniently located to encourage cleanliness and recycling.
- j) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor **or other designated public views** 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 solid walls of materials and finishes compatible with the adjacent structures.
- k) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- l) Shelters: All enclosures used to shelter outside eating areas will be designed **to make them visible to birds by** using clear materials **that are etched or tinted**, with awnings or covers that are integrated into the architectural design of the buildings.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs ~~Doheny State Beach~~ and **to wading birds (herons and egrets) or other sensitive species or biological resources.** **Lighting** shall be designed and located so that light rays are aimed at **downward onto** the site.

- n) **The use of efficient irrigation practices and** ~~Drought-tolerant native or non-intrusive~~ **invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas.** ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:

1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be **designed and** planted consistent with the Revitalization Landscape Plan design parameters to preserve and enhance distant ocean views and screen or soften building architecture.
3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive **invasive** naturalized plants to control erosion.
5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
5. Trees that are used by wading birds (herons or egrets) or **are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and be protected and maintained pursuant to Special Provision 21, Tree Trimming Procedures for Harbor Bird Habitat of these Regulations.**

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

6. Irrigation systems that include the use of weather based or sensor controlled technologies shall ~~facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.~~ to minimize water use.
7. The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.
 - o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.
 - p) Boating/Yacht Clubs & Sailing Associations: New boating/yacht clubs or sailing 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, sailing 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.
 - q) Recreational Parking: Existing parking in the Marine Commercial area (Planning Area 4) that supports access to recreational amenities (e.g. walkways, park and picnic areas, green space, fishing and potential new hand launch areas) shall not be reduced. Parking time limits shall be adequate to allow use of the recreational amenities. Significant changes in parking rates or time limits shall only be allowed through a Coastal

MARINE COMMERCIAL
PLANNING AREA 4 REGULATIONS

- Development Permit. Parking spaces for recreational uses 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 wherever possible.
- r) Street Improvements: Replacement of the existing vehicle turn-arounds at the east or west end of Dana Drive and the provision of additional visitor parking shall be considered with any street or parking area modifications in these areas.
- s) Construction Access: Access to the Marine Commercial areas and designated boater parking areas shall be maintained during all construction phases to the greatest extent feasible. A Construction Management Plan shall be prepared identifying the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, Off-Street Parking Standards and Requirements. Any subsequent changes to the approved Construction Management Plan shall also be consistent with this regulation and shall be incorporated into all applicable construction plans submitted for review and approval prior to issuance of Grading and/or Building Permits by the County of Orange.
- t) Hand Launch Facilities: maintain, enhance, and where feasible, expand places to hand launch small non-motorized watercraft and provide necessary parking and designated drop-off areas; 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.

RECREATION
PLANNING AREA 5 REGULATIONS

8.1 Purpose and Intent

The purpose of these provisions is to regulate all Open Space/Recreation uses in Planning Area 5 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general boating public, **beachgoers, park users and other water oriented recreational users** and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit the expansion and ongoing operation of all recreation and public facilities in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

8.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 5 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Open space (natural and modified) ~~active~~ and ~~passive~~ recreation areas.
- b) Scenic viewpoints, visual outlooks, **park** and picnic areas.
- c) Community or youth oriented recreational structures and facilities or uses meeting the public's needs for recreational programs, boating and seamanship lessons, organized recreational activities and related equipment storage.
- d) **Marine-related** administrative, professional and business offices (including, **but not limited to** yacht brokers, lease agents and management offices).
- e) **Marine-related professional service shops compatible with Tidelands Trust restrictions.**
- f) Boat docks.
- g) Small boat and watercraft storage facilities.
- h) Facilities and equipment associated with the launching or landing of **motor and non-motorized boats, personal water craft or other similar types of motorized marine vehicles**, except as may be determined necessary by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** for recreational or public health and safety reasons.

RECREATION
PLANNING AREA 5 REGULATIONS

- i) Boat facilities for the maintenance, operation and storage of small craft and kayak waterside storage facilities vessels and human powered craft.
- j) Boat wash down facilities.
- k) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers.
- l) Facilities and structures providing for the operation of sport fishing and/or charter boat concessions, including office, ticketing, dockage space and associated retail sales space.
- m) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- n) Public sandy beach (Baby Beach) and other water oriented recreation uses.
- o) Public and private recreational facilities.
- p) Boater service facilities, including restrooms, laundry and storage.
- q) Small boat and human-powered watercraft storage facilities, vendor areas for kayaks, paddleboards or other similar small non-motorized watercraft and hand-launch facilities.
- r) Parking areas (including paid, metered and time restricted parking).
- s) Seasonal water taxi service facilities including waiting areas and dock facilities.
- t) Public works, maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and / or utilities necessary for the permitted development.
- w) Parking areas (including paid, metered and time restricted parking).
- x) Communication, ~~transmitting, reception and relay~~ facilities.
- y) Public restrooms.

8.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

RECREATION
PLANNING AREA 5 REGULATIONS

- a) Ancillary uses that are directly related to Recreation uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

8.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ Director, OC Dana Point Harbor in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

8.5 Site Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and dept: No minimum.
- c) Building height limit: Thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area, nor exceed the height limit by more than five (5) feet shall be permitted for any structure.
- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design 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. All windows in new construction will be of a type that uses minimally reflective glass.
- f) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.

RECREATION
PLANNING AREA 5 REGULATIONS

- g) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- h) Loading: All loading shall be performed in designated areas ~~on the site~~. When feasible, loading platforms and areas for commercial and restaurant uses shall be screened from view from adjacent streets and adjoining residential public views.
- i) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure where feasible. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ outdoor trash and recyclable containers/bins receptacles shall be covered to prevent trash from escaping and scavenging birds. All containers/receptacles that are accessible to the public shall be conveniently located to encourage cleanliness and recycling.
- j) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor or other designated public views 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 solid walls of materials and finishes compatible with the adjacent structures.
- k) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- l) Shelters: All enclosures used to shelter outside eating areas will be designed to make them visible to birds by using clear materials that are etched or tinted, with awnings or covers that are integrated into the architectural design of the buildings.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and to wading birds (herons or egrets) or other sensitive species or biological resources. Lighting shall be designed and located so that light rays are aimed at downward onto the site.

RECREATION
PLANNING AREA 5 REGULATIONS

- n) Landscaping: The use of efficient irrigation practices and ~~Drought-tolerant native or non-intrusive~~ invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas. ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be designed and ~~planted consistent with the Revitalization Landscape Plan design parameters~~ to preserve and enhance distant ocean views and screen or soften building architecture.
 3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
 4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive invasive naturalized plants to control erosion.
 5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
 5. Trees that are used by wading birds (herons or egrets) or are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and shall be protected and maintained pursuant to Special Provision 21, Tree Trimming and Maintenance of Harbor Sensitive Bird Habitat of these Regulations.
 6. Irrigation systems that include the use of weather based or sensor controlled technologies shall ~~facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.~~ to minimize water use.

RECREATION
PLANNING AREA 5 REGULATIONS

7. The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.
- o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.
 - p) Recreational Boating Opportunities: Any proposed expansion or improvement of the County operated facilities (e.g., OC Sailing & Events Center) that offer water oriented recreational opportunities to the public shall sponsor a program that includes, but is not be limited to, sailing, navigation, boating safety, boat and equipment use classes for no cost to youths (up to age 18) of economically disadvantaged families.
 - q) Hand Launch Facilities: Provisions for providing low cost public boating facilities, such as a designated hand launch area at Baby Beach during peak usage periods; and designated drop-off areas; make publicly accessible areas of the docks available for hand launching; and adequate locations for vendors renting kayaks, paddleboards or other similar human powered watercraft shall be maintained and enhanced wherever feasible. Storage of hand launch vessels shall be provided as close to the hand launch areas as practicable.
 - r) Street Improvements: Replacement of the existing vehicle turn-around at the west end of Dana Point Harbor Drive and the provision of additional visitor parking should be considered with any street or parking area modifications proposed to the OC Sailing and Events Center.
 - s) Construction Access: Access to the Recreation areas and designated boater parking areas shall be maintained during all construction phases to the greatest extent feasible. A Construction Management Plan shall be prepared identifying the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, *Off-Street Parking Standards and Requirements*. Any subsequent changes to the approved Construction Management Plan shall also be consistent with this regulation and shall be incorporated into all applicable construction plans submitted for review and approval prior to issuance of Grading and/or Building Permits by the County of Orange.

EDUCATIONAL/INSTITUTIONAL
PLANNING AREA 6 REGULATIONS

9.1 Purpose and Intent

The purpose of these provisions is to regulate all Education/Institutional uses in Planning Area 6 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of educational programs and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit the expansion and ongoing operation of all recreation and education/institutional facilities in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

9.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 6 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Educational institutions, lecture halls and marine research facilities.
- b) Educational exhibit areas and museums.
- c) Scenic viewpoints, visual outlooks and picnic areas.
- d) Administrative offices.
- e) Community or youth oriented recreational structures and facilities or uses meeting the public's needs for recreational programs, boating and seamanship lessons, organized recreational activities and related equipment storage.
- f) Boat docks.
- g) Small boat and watercraft storage facilities.
- h) Facilities and equipment associated with the launching or landing of motorized and non-motorized boats, except as may be determined necessary by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** for recreational or public health and safety reasons.
- i) Boat facilities for the maintenance, operation **and storage** of small craft ~~and kayak waterside storage facilities~~ **vessels and human powered craft**.
- j) Boat wash down facilities.
- k) Cafes, restaurants or food and refreshment bars, vending machine food and beverage centers.

EDUCATIONAL/INSTITUTIONAL
PLANNING AREA 6 REGULATIONS

- l) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- m) **Parking areas (including paid, metered and time restricted parking).**
- n) Public and ~~private~~ **commercial** recreation facilities.
- o) Seasonal water taxi service facilities including waiting areas and dock facilities.
- p) Public works, maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and / or utilities necessary for the permitted development.
- q) Communication ~~transmitting, reception and relay~~ facilities.
- r) **Public** restrooms.

9.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Educational/Institutional uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

9.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

EDUCATIONAL/INSTITUTIONAL
PLANNING AREA 6 REGULATIONS

9.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and dept: No minimum.
- c) Building height limit: Thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area, nor exceed the height limit by more than five (5) feet shall be permitted for any structure.
- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design 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. All windows in new construction will be of a type that uses minimally reflective glass.
- f) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- g) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- h) Loading: All loading shall be performed in designated areas on the site. When feasible, loading platforms and areas shall be screened from view from adjacent streets and adjoining residential public views.
- i) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure where feasible. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ outdoor trash and recyclable containers/bins receptacles shall be covered to prevent trash from escaping and scavenging birds. All containers/receptacles that are accessible to the public shall be conveniently located to encourage cleanliness and recycling.

EDUCATIONAL/INSTITUTIONAL
PLANNING AREA 6 REGULATIONS

- j) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor **or other designated public views** 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 solid walls of materials and finishes compatible with the adjacent structures.
- k) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- l) Shelters: All enclosures used to shelter outside eating areas will be designed **to make them visible to birds by** using clear materials **that are etched or tinted**, with awnings or covers that are integrated into the architectural design of the buildings.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and **other sensitive biological resources**. **Lighting** shall be designed and located so that light rays are aimed at **downward onto** the site.
- n) Landscaping: **The use of efficient irrigation practices and** Drought-tolerant native or non-intrusive **invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas.** ~~naturalized low-maintenance species are encouraged.~~ Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be **designed and** planted consistent ~~with the Revitalization Landscape Plan design parameters~~ to preserve and enhance distant ocean views and screen or soften building architecture.

EDUCATIONAL/INSTITUTIONAL
PLANNING AREA 6 REGULATIONS

3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
 4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive **invasive** naturalized plants to control erosion.
 5. ~~Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.~~
 5. **Trees that are used by wading birds (herons or egrets) or are breeding, roosting or nesting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and any bird species of special concern shall only be removed for health or safety reasons and shall be protected and maintained pursuant to Special Provision 21, Tree Trimming and Maintenance of Harbor Sensitive Bird Habitat of these Regulations.**
 6. Irrigation **systems that include the use of weather based or sensor controlled technologies shall** ~~facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.~~ **to minimize water use.**
 7. **The use of rodenticides containing any anticoagulant compounds (including, but not limited to Warfarin, Brodifacoum, Bromadiolone or Diphacinone) are prohibited.**
- o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.
 - p) **Marine Life Refuge Access: Public access to the Marine Life Refuge that minimizes the impacts to any sensitive habitat areas shall be maintained.**
 - q) **Public Fishing: Public access onto the Harbor jetties, including provisions for public fishing shall be maintained wherever feasible and to the extent such access can be safely provided.**

CONSERVATION
PLANNING AREA 7 REGULATIONS

10.1 Purpose and Intent

The purpose of these provisions is to preserve the Conservation Bluff areas and maintain Open Space/~~passive recreation areas~~ in Planning Area 7 of the Dana Point Harbor. It is the objective of this Chapter to permit compatible uses and facilities supportive of the conservation of regionally significant scenic resources, **the protection of the sensitive coastal sage scrub habitat** and retention of open space that are consistent with the Coastal Act Policies that provide for a range of uses supportive of the public's enjoyment of the coast.

10.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 7 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Public accessways, walking paths and interpretive trails, including handicap related facilities (access may be limited due to topographic constraints).
- b) Public works, maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- c) Scenic viewpoints and visual outlooks.
- d) Picnic and lawn areas (adjacent to Dana Point Harbor Drive).
- e) **Public** restrooms.
- f) **Habitat restoration.**

10.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to permitted Conservation and open space enhancement uses or facilities.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

CONSERVATION
PLANNING AREA 7 REGULATIONS

10.4 Prohibited Uses

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. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

EDUCATION BASIN
PLANNING AREA 8 REGULATIONS

11.1 Purpose and Intent

The purpose of these provisions is to regulate all Education Basin waterside uses in Planning Area 8 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of educational programs and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit the expansion and ongoing operation of all recreation and waterside facilities in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

11.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 8 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Educational and marine research facilities.
- b) Community or youth oriented recreational facilities or uses meeting the public's needs for **water oriented** recreational programs, boating and seamanship lessons, organized **water oriented** recreational activities and related equipment storage.
- c) Boat docks, slips and end/side tie facilities.
- d) Boat mooring and anchoring facilities.
- e) **Public** fishing pier **and other public fishing areas**.
- f) Small boat and watercraft **waterside** storage facilities **located adjacent to launching areas**.
- g) Facilities and equipment associated with the launching or landing of **motor and non-motorized boats, personal water craft or other similar types of motorized marine vehicles**, except as may be determined necessary by the ~~County of Orange – Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** for recreational or public health and safety reasons.
- h) Boat facilities for the maintenance, operation **and storage** of small ~~craft and kayak waterside storage facilities~~ **vessels and human powered craft**.
- i) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.

EDUCATION BASIN
PLANNING AREA 8 REGULATIONS

- j) Public and private marine or educational recreation facilities **associated with Educational/Institutional facilities and/or programs.**
- k) Public sandy beach (Baby Beach) recreational area.
- l) Buoys, floating or anchored marine navigational aids and facilities.
- m) Harbor breakwater structures and shore protection devices.
- n) Seasonal water taxi service facilities including waiting areas and dock facilities.
- o) Public works, maintenance of docks, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- p) Communication ~~transmitting, reception and relay~~ facilities.
- q) **Facilities for the hand launching small non-motorized watercraft.**

11.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to operation of the Education Basin or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

11.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

EDUCATION BASIN
PLANNING AREA 8 REGULATIONS

11.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- b) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- c) Loading: All loading shall be performed **in designated areas** ~~on the site~~. **When feasible**, loading platforms and areas shall be screened from view from adjacent streets and adjoining ~~residential~~ **public** views.
- d) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure **where feasible**. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ **outdoor** trash and recyclable containers/bins **receptacles** shall be **covered to prevent trash from escaping and scavenging birds and. All containers/receptacles that are accessible to the public shall be** conveniently located to encourage cleanliness and recycling.
- e) Mechanical equipment: All dock-mounted mechanical equipment, storage tanks and other similar facilities, including communication devices that are visible from landside areas of the Harbor **or other designated public views** will be hidden behind screening materials from ground level to the extent feasible.
- f) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet.
- g) Docks, slips and water oriented facilities: All docks, slips, wharfs, piers and end/side tie facilities will be designed by a licensed professional engineer **in accordance with the** ~~using~~ standards and requirements ~~for~~ **of the California Department of Boating and Waterways, the** County **of Orange** ~~grading and building permits~~ and any other requirements as deemed necessary by the County of Orange ~~Dana Point Harbor Department~~ **Director, OC Dana Point Harbor**.

EDUCATION BASIN
PLANNING AREA 8 REGULATIONS

- h) Lighting: Dock lighting shall be concentrated on pedestrian accessways to enhance pedestrian safety. All lights shall be designed and located so that light rays are aimed at the docks and slip areas and not directed at the water to the maximum extent feasible.
- i) Standards for Public Accessways: All accessways shall be constructed to County of Orange Specifications, including gradients, widths, radius of curvature and **applicable** handicap access requirements.
- j) **Anchorage: The existing quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available. Changes in anchorage space to provide new berthing or mooring space may be allowed, subject to a coastal development permit and other applicable regulatory review.**
- k) **Shoreline/Ocean Protective Devices: New or enhanced protective devices, including revetments, seawalls, cliff retaining walls and other such construction shall only be permitted when required to protect coastal dependent uses, existing structures or Baby Beach.**
- l) **Breakwaters: Any required reconstruction or reconfiguration of the Harbor breakwaters shall require approval by the U.S. Army Corps of Engineers and shall be confined to the maximum extent feasible within the seaward footprint of the existing structures except as necessary to provide for public safety or access.**
- m) **Construction Phasing: A Marine Construction Management Plan shall be prepared and approved as part of any Coastal Development Permit (CDP) for construction of marina improvements identifying the location and configuration of all replacement docks and gangways, in addition to any required temporary access routes and use of temporary floating, staging and/or imported prefabricated docks.**
- n) **Public Fishing: The existing public fishing pier shall be maintained in the Education Basin (Planning Area 8). Public access onto the Harbor jetties, including provisions for public fishing shall be provided and maintained wherever feasible to the extent such access can be safely provided.**
- o) **Dock Construction: Materials used for construction of piers, pilings, docks or slips other than concrete and/or steel shall not include timber preserved with creosote (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or**

EDUCATION BASIN
PLANNING AREA 8 REGULATIONS

Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve or similar sealant. 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:

1. The material used shall be durable and a minimum of one-tenth of an inch thick;
 2. All joints shall be sealed to prevent leakage;
 3. 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;
 4. The plastic sleeves shall extend a minimum of eighteen (18) inches below the mud line;
 5. 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 piles;
 6. The marina operator shall be made responsible for removal and disposal of failed docks or materials; and
 7. If federal or state regulatory agencies, through new or better scientific information, determine that less environmentally less 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.
- p) Disposal facilities: Pump-out facilities to serve individual boat slips to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all disposal facilities shall be determined based on site-specific data related to vessel size and record of use, among other things.

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

12.1 Purpose and Intent

The purpose of these provisions is to regulate waterside uses in the West and East Marinas in Planning Areas 9 and 10 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of ~~commercial and general marine and~~ **recreational boating**, boat services industry, **other coastal dependent and coastal related marine commercial uses** and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit the expansion and ongoing operation of all recreation and waterside facilities in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

12.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Areas 9 and 10 in subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Boat docks, slips and end/side tie facilities.
- b) Guest docks, slips, end/side tie facilities and dinghy docks.
- c) Community or youth oriented recreational facilities or uses meeting the public's needs for recreational programs, boating and seamanship lessons, organized recreational activities and related equipment storage.
- d) Small boat and watercraft **waterside** storage facilities **located adjacent to launching areas**.
- e) Facilities and equipment associated with the launching or landing of **motor and non-motorized boats, personal water craft or other similar types of motorized marine vehicles**, except as may be determined necessary by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** for recreational or public health and safety reasons.
- f) ~~Law enforcement and~~ Harbor Patrol docks facilities and uses including docks, communication facilities and storage areas.
- g) Boat facilities for the maintenance, operation **and storage** of small craft ~~and kayak waterside storage facilities~~ **vessels and human powered craft**.

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

- h) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- i) Roadway or pedestrian bridges, structural abutments and support facilities.
- j) Public and private recreation facilities.
- k) **Boat mooring and anchoring facilities.**
- l) **Pump-out facilities.**
- m) Buoys, floating or anchored marine navigational aids and facilities.
- n) Seasonal water taxi service facilities including waiting areas and dock facilities.
- o) Public works, maintenance of docks, drainage improvements, flood control improvements and other infrastructure and / or utilities necessary for the permitted development.
- p) Communication ~~transmitting, reception and relay~~ facilities.

12.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to operation of the West and East Marinas or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

12.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

12.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- b) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- c) Loading: All loading shall be performed **in designated areas** ~~on the site~~. **When feasible**, loading platforms and areas shall be screened from view from adjacent streets and adjoining residential **public** views.
- d) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure **where feasible**. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ **outdoor** trash and recyclable containers/bins **receptacles** shall be **covered to prevent trash from escaping and scavenging birds**. **All containers/receptacles that are accessible to the public shall be** conveniently located to encourage cleanliness and recycling.
- e) Mechanical equipment: All dock-mounted mechanical equipment, storage tanks and other similar facilities, including communication devices that are visible from landside areas of the Harbor **or other designated public views** will be hidden behind screening materials from ground level to the extent feasible. Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet.
- f) Fences, Walls: All fences and walls shall be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet.
- g) Docks, slips and water oriented facilities: All docks, slips, wharfs, piers and end/side tie facilities will be designed by a licensed professional engineer **in**

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

accordance with the using standards and requirements for of the California Department of Boating and Waterways, County of Orange grading and building permits and any other requirements as deemed necessary by the County of Orange — Dana Point Harbor Department Director, OC Dana Point Harbor.

- h) Lighting: Dock lighting shall be concentrated on pedestrian accessways to enhance pedestrian safety. All lights shall be designed and located so that light rays are aimed at the docks and slip areas and not directed at the water to the maximum extent feasible.
- i) Standards for Public Accessways: All accessways shall be constructed to County of Orange Specifications, including gradients, widths, radius of curvature and applicable handicap access requirements.
- j) Anchorage: The existing quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available. Changes in anchorage space to provide new berthing or mooring space may be allowed, subject to a coastal development permit and other applicable regulatory review.
- k) Shoreline/Ocean Protective Devices: New or enhanced protective devices, including revetments, seawalls, cliff retaining walls and other such construction shall only be permitted when required to protect coastal dependent uses, existing structures or Baby Beach.
- l) Breakwaters: Any required reconstruction or reconfiguration of the Harbor breakwaters shall require approval by the U.S. Army Corps of Engineers and shall be confined to the maximum extent feasible within the seaward footprint of the existing structures except as necessary to provide for public safety or access.
- m) Visitor boating facilities: Replacement of the marina facilities shall include public mooring and docking facilities, dinghy docks, guest slips, pump-out stations and a minimum of forty-two (42) guest slips. Some or all of these facilities may be provided prior to the implementation of the comprehensive marina revitalization plan.

DANA POINT HARBOR DISTRICT REGULATIONS

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

- n) Marina Design: The goal of any comprehensive redevelopment of the marina facilities shall be “no net loss” of slips and shall be in conformance with the latest engineering standards; satisfy ADA design requirements; and give priority to accommodating vessels less than twenty-five (25) feet in length. The design shall also give consideration to providing slips in new berthing areas if there is a loss of slips in existing berthing areas due to these design requirements or due to the provision of larger slips to meet demand, in order to achieve the goal of no net loss of slips harborwide. Under no circumstances shall the average slip length for the entire Harbor exceed thirty-two (32) feet or result in a net loss of more than one hundred and fifty-five (155) slips overall.
- o) Protection of Existing Quantity of Boat Slips: Removal of any existing boat slips prior to construction and full operation of the dry boat storage facility shall only occur pursuant to an approved Coastal Development Permit for revitalization of the marinas that addresses impacts associated with any temporary or permanent loss of slips.
- p) Construction Phasing: A Marine Construction Management Plan shall be prepared and approved as part of any Coastal Development Permit (CDP) for construction of marina improvements identifying the location and configuration of all replacement docks and gangways, in addition to any required temporary access routes and use of temporary floating, staging and/or imported prefabricated docks. Marina construction shall be phased in a manner that minimizes the number of docks that are unavailable at any given time and maximizes the number of temporary replacement docks for displaced boaters.
- q) Public Fishing: Public access onto the Harbor jetties, including provisions for public fishing shall be provided and maintained wherever feasible to the extent such access can be safely provided.
- r) Dock Construction: Materials used for construction of piers, pilings, docks or slips other than concrete and/or steel shall not include timber preserved with creosote (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve or similar sealant. 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:

DANA POINT HARBOR DISTRICT REGULATIONS

WEST AND EAST MARINAS
PLANNING AREAS 9 AND 10 REGULATIONS

1. The material used shall be durable and a minimum of one-tenth of an inch thick;
 2. All joints shall be sealed to prevent leakage;
 3. 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;
 4. The plastic sleeves shall extend a minimum of eighteen (18) inches below the mud line;
 5. 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 piles;
 6. The marina operator shall be made responsible for removal and disposal of failed docks or materials; and
 7. If federal or state regulatory agencies, through new or better scientific information, determine that less environmentally less 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.
- s) Disposal facilities: Pump-out facilities to serve individual boat slips to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all disposal facilities shall be determined based on site-specific data related to vessel size and record of use, among other things.

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS

13.1 Purpose and Intent

The purpose of these provisions is to regulate waterside uses in the Marine Services and Harbor Entrance in Planning Areas 11 and 12 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of commercial and recreational boating, general marine and the boat services industry and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit the expansion and ongoing operation of all recreation and waterside facilities in accordance with the maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

13.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Areas 11 and 12 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Boat docks, slips and end/side tie facilities.
- b) Bait receivers.
- c) Fuel docks and storage facilities, end/side tie facilities and bait receiver.
- d) Small boat and watercraft storage facilities.
- e) Facilities and equipment associated with the launching or landing of motor and non-motorized boats, personal water craft (~~i.e., jet-skies, etc.~~) or other similar types of motorized marine vehicles, except as may be determined necessary by the ~~County of Orange – Dana Point Harbor Department~~ Director, OC Dana Point Harbor for recreational or public health and safety reasons.
- f) Boat facilities for the maintenance, operation and storage of small ~~craft and kayak waterside storage facilities~~ vessels and human powered craft.
- g) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- h) Sport fishing and/or charter boat concessions and passenger ferry.
- i) Public and private recreation facilities.
- j) Seasonal water taxi service facilities including waiting areas and dock facilities.

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS

- k) Boat mooring and anchoring facilities.
- l) Buoys, floating or anchored marine navigational aids and facilities.
- m) Harbor breakwater structures and shore protection devices.
- n) **Public fishing areas.**
- o) Public works, maintenance of docks, drainage improvements, flood control improvements and other infrastructure and / or utilities necessary for the permitted development.
- p) Communication ~~transmitting, reception and relay~~ facilities.

13.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to operation of the Marine Services and Harbor Entrance or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

13.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the ~~County of Orange — Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS

13.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- b) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- c) Loading: All loading shall be performed in designated areas ~~on the site~~. **When feasible,** loading platforms and areas shall be screened from view from adjacent streets and adjoining residential public views.
- d) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure where feasible. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All ~~public and commercial~~ outdoor trash and recyclable containers/bins receptacles shall be covered to prevent trash from escaping and scavenging birds. All containers/receptacles that are accessible to the public shall be conveniently located to encourage cleanliness and recycling.
- e) Mechanical equipment: All dock-mounted mechanical equipment, storage tanks and other similar facilities, including communication devices that are visible from landside areas of the Harbor or other designated public views will be hidden behind screening materials from ground level to the extent feasible. ~~Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet.~~
- f) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet.
- g) Docks, slips and water oriented facilities: All docks, slips, wharfs, piers and end/side tie facilities will be designed by a licensed professional engineer in accordance with the ~~using~~ standards and requirements for of the California Department of Boating and Waterways, the ~~County of Orange~~ grading and building permits and any other requirements as deemed necessary by the

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS

County of Orange — Dana Point Harbor Department Director, OC Dana Point Harbor.

- h) Lighting: Dock lighting shall be concentrated on pedestrian accessways to enhance pedestrian safety. All lights shall be designed and located so that light rays are aimed at the docks and slip areas and not directed at the water to the maximum extent feasible.
- i) Standards for Public Accessways: All accessways shall be constructed to County of Orange Specifications, including gradients, widths, radius of curvature and applicable handicap access requirements.
- j) **Anchorage:** The existing quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available. Changes in anchorage space to provide new berthing or mooring space may be allowed, subject to a coastal development permit and other applicable regulatory review.
- k) **Shoreline/Ocean Protective Devices:** New or enhanced protective devices, including revetments, seawalls, cliff retaining walls and other such construction shall only be permitted when required to protect coastal dependent uses, existing structures or Baby Beach.
- l) **Breakwaters:** Any required reconstruction or reconfiguration of the Harbor breakwaters shall require approval by the U.S. Army Corps of Engineers and shall be confined to the maximum extent feasible within the seaward footprint of the existing structures except as necessary to provide for public safety or access.
- m) **Construction Phasing:** A Marine Construction Management Plan shall be prepared and approved as part of any Coastal Development Permit (CDP) for construction of marina improvements identifying the location and configuration of all replacement docks and gangways, in addition to any required temporary access routes and use of temporary floating, staging and/or imported prefabricated docks.
- n) **Public Fishing:** Public access onto the Harbor jetties, including provisions for public fishing shall be provided and maintained wherever feasible to the extent such access can be safely provided.
- o) **Dock Construction:** Materials used for construction of piers, pilings, docks or slips other than concrete and/or steel shall not include timber preserved

**MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS**

with creosote (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve or similar sealant. 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:

1. The material used shall be durable and a minimum of one-tenth of an inch thick;
2. All joints shall be sealed to prevent leakage;
3. 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;
4. The plastic sleeves shall extend a minimum of eighteen (18) inches below the mud line;
5. 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 piles;
6. The marina operator shall be made responsible for removal and disposal of failed docks or materials; and
7. If federal or state regulatory agencies, through new or better scientific information, determine that less environmentally less 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.

p) Disposal facilities: Pump-out facilities to serve individual boat slips to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all

DANA POINT HARBOR DISTRICT REGULATIONS

MARINE SERVICES AND HARBOR ENTRANCE
PLANNING AREAS 11 AND 12 REGULATIONS

disposal facilities shall be determined based on site-specific data
related to vessel size and record of use, among other things.

OFF-STREET PARKING
STANDARDS AND REGULATIONS

14.1 Purpose and Intent

These regulations provide and govern the off-street parking of motor vehicles within the Dana Point Harbor. These regulations will result in parking facilities of sufficient capacity **and adequate proximity** to manage traffic congestion, provide safe and convenient facilities for motorists and pedestrians **and assure that required land area is provided for parking facilities for higher priority water-dependent and park uses before non-water dependent land uses are intensified.** ~~and may be subject to approval of a~~ Joint-use or shared parking programs may be allowed.

14.2 General Provisions

Except as otherwise specified in these Dana Point Harbor District Regulations, off-street parking for the Dana Point Harbor shall be in accordance with the following provisions and regulations:

- a) Location of off-street parking – Required parking spaces shall be located in close proximity to the use or uses they serve as described in an approved Coastal Development Permit.
- b) ~~Common area parking – Common area parking may be approved by a Coastal Development Permit.~~
- c) Joint-use or shared parking – In recognition of the unique characteristics of the Harbor and its uses, a comprehensive **parking management plan (prepared in accordance with the requirements in Section II-14.6, Parking Management Plan)** may be processed with a Coastal Development Permit to demonstrate the aggregate total of otherwise required parking spaces is adequate for the range of commercial and recreational uses proposed. **Required designated boater parking shall not be used in joint-use or shared parking plans. The public boat launch ramp facility may be included as part of a joint-use or shared parking plan when all of the following criteria are satisfied:**
 1. **The facility may be used only during the non-peak Harbor season (October 1 through May, but excluding Memorial Day weekend).**
 2. **The facility may be used only for other boating uses (e.g., sportfishing, whale watching, cruises, charter boat concessions and commercial ferry service).**

OFF-STREET PARKING
STANDARDS AND REGULATIONS

3. At no time shall the total number of parking spaces used exceed twenty-five percent (25%) of the spaces in the boat launch ramp facility.
 4. None of the spaces immediately adjacent to the boat launching area shall be used.
- d) Accessibility and usability – All off-street parking (on-street and off-street) shall be fully and independently usable and accessible and in conformance with LUP Chapter I-6, Public Access and Recreation and specifically Exhibit I-6-1, Dana Point Harbor Coastal Access. Existing surface parking areas may be re-stripped to improve efficiencies in parking stall configuration.
- e) Maximum grades permitted:
1. Wherever access is taken from a street, alley or driveway to an off-street parking area serving commercial or community facilities, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (15%) or a minus two percent (-2%), measured from the street, alley or driveway grade along the driveway centerline for a distance of not more than eighteen (18) feet.

Exceptions may be approved by the County of Orange in consultation with the City of Dana Point Public Works Director for conditions where physical design prevents such extreme grade breaks and provides safe sight distance.
 2. The maximum grades will generally provide adequate site distance at street level and prevent vehicles from dragging on extreme grade breaks. Exceptions may be approved by the County of Orange in consultation with the City of Dana Point Public Works Director for conditions where physical design prevents such extreme grade breaks and provides safe sight distance.
 3. Off-street parking spaces and the abutting parking aisles shall have a maximum grade of five percent (5%). Said grade shall be measured across the parking space and the abutting parking aisle in any direction.
 4. Ramps or driveways providing vehicular access within the interior of an off-street parking area located beyond eighteen (18) feet from the ultimate right-of-way line of a street, alley or driveway shall have a maximum slope of plus or minus twenty percent (20%). When such a ramp or driveway slopes exceed plus or minus ten percent (10%), the ramp or driveway design shall include transitions not less than eight (8) feet in length,

OFF-STREET PARKING
STANDARDS AND REGULATIONS

having a slope equal to one-half the ramp slope. When parking is provided on a ramp, the maximum slope shall not exceed six percent (6%).

- f) Parking area notices and directional instructions – Parking area notices, each not to exceed two (2) square feet in area and directional instructions lettered on the paved surface of driveways and parking areas are permitted for parking facilities serving commercial and other public uses. Such parking notices may contain the name of the tenant of a building or land use and only such words or symbols that are directly related or essential to parking, enforcement or the direction of vehicular traffic within the parking area.
- g) Paving – All permanent paved areas shall be maintained with asphaltic concrete, cement concrete, decorative concrete pavers or other all-weather, non-erodible, hard surfacing. Temporary parking spaces, driveways and maneuvering areas may use decomposed granite or other stable, all-weather surfacing.
- h) Lighting – Lights shall be designed and located so that direct rays are aimed at **downward onto** the site.
- i) **Commercial Development Phasing – New commercial development shall be phased such that required parking for higher priority uses (e.g., marina boat slips, public boat launch facility, surface boat storage, beach, picnic and parks) is provided and maintained. Parking for these higher priority uses shall be provided as follows:**

Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (j). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

Marine Service Commercial, Marine Commercial and Recreation Areas – The location and amount of new development adjacent to park and beach areas shall not adversely impact public use of the low cost water-oriented recreation, park and beach uses by ensuring that adequate parking spaces are maintained for these uses. Accordingly, all Coastal Development Permits for new development in Planning Areas 1, 4 and 5 shall demonstrate that the intensity of the proposed development and the

OFF-STREET PARKING
STANDARDS AND REGULATIONS

proposed hours of operation will not adversely impact public use of the beach or park area within the Planning Area.

- j) Parking for marina boat slips, the public launch ramp facility and dry boat storage shall be provided in the amounts and locations as follows:

Parking Lots — 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.

Designated Boater Parking – Parking for 2,409 boat slips shall be provided at a minimum ratio of 0.60 parking spaces per slip or end tie unless a net loss of slips is authorized by a Coastal Development Permit. Boater parking 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 three hundred (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 six hundred (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 boats or to the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds three hundred (300) feet and/or where there are other factors present which make such transport difficult. Public Launch Ramp Facility – There shall be no net loss of the existing three hundred thirty-four (334) vehicle with trailer parking spaces. Redesign and expand the existing five and seven-tenths (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.

Dry Boat Storage - Maintain space for at least four hundred ninety-three (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 ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be

**OFF-STREET PARKING
 STANDARDS AND REGULATIONS**

stored in a dry stack storage building, within the Harbor at all times; additional spaces shall be provided where feasible.

k) **Bicycle Parking – All parking facilities shall be designed to include safe and secure parking for bicycles.**

l) Parking facilities for the physically handicapped – Public accommodations or facilities, including commercial and other public uses shall provide parking spaces for the physically handicapped in compliance with the following provisions:

1. Parking spaces required – The following table establishes the number of handicap parking spaces required for any parking area serving one or more land uses:

Handicapped Parking Requirements

Total Number of Parking Spaces	Number of Handicapped Parking Spaces Required
1 - 4	0
5 - 40	1
41 - 80	2
81 - 120	3
121 - 160	4
161 - 300	5
301 - 400	6
401 - 500	7
Over 500	1 for each 200 additional spaces

2. Parking space size – Physically handicapped parking spaces shall be located as near as practical to a primary entrance. If only one space is provided, it shall be fourteen (14) feet wide and outlined to provide a nine (9) foot parking area and a five (5) foot loading and unloading area. When more than one space is provided in lieu of providing a fourteen (14) foot-wide space for each parking space, two spaces can be provided within a twenty-three (23) foot-wide area lined to provide a nine (9) foot parking area on each side of a five (5) foot loading and unloading area in

OFF-STREET PARKING
STANDARDS AND REGULATIONS

the center. The minimum length of each parking space shall be eighteen (18) feet.

3. Arrangement of parking spaces – In each parking area a bumper or curb shall be provided and located to prevent encroachment of other cars over the required width of walkways. Also, the space shall be located so that a handicapped person is not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space except where such encroachment into the length of any handicapped space does not limit the handicapped person's ability to leave or enter their vehicle.
4. Slope of parking spaces – Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed ~~two~~ one-half percent (~~2%~~) (0.5%) in any direction.
5. Identification – Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. This sign shall not be smaller than seventy (70) square inches in area and shall be centered at the interior end of the parking space at a minimum height of eighty (80) inches from the bottom of the sign to the parking space finished grade, or centered on the wall at the interior end of the parking space at a minimum height of thirty-six (36) inches from the parking space finished grade, ground or sidewalk. A sign shall also be posed, in a conspicuous place, at each entrance to the off-street parking facility, not less than seventeen (17) inches by twenty-two (22) inches in size with lettering not less than one (1) inch in height, which clearly and conspicuously states the following:

“Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically-handicapped persons may be towed away at the owners expense.”

In addition to the above requirements, the surface of each parking space shall have a surface identification duplicating the symbol of accessibility in blue paint, at least three (3) sq. ft. in area.

6. Parking structures – Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of 8 feet, 2 inches where required for accessibility to handicap parking spaces.

OFF-STREET PARKING
STANDARDS AND REGULATIONS

14.3 Standards for Individual Permitted Uses

The following standards delineate the minimum facilities required for the listed individual permitted uses:

- | | |
|--|---|
| 1. <u>Dry</u> Surface-boat storage | 0.25 parking spaces per boat. |
| 2. Recreational boat slips and end/side tie facilities | 0.60 parking spaces per boat slip or side tie. |
| 3. Commercial <u>fishing</u> boat slips and side tie facilities | Two (2) parking spaces per boat slip or side tie. |
| 4. <u>Sport fishing, charter boat concessions and passenger ferry</u> | <u>One (1) parking space per three (3) passengers</u> |
| 5. Boater Service Buildings, County Harbor Patrol and Dana Point Harbor Department offices | One (1) parking space per 250 sq. ft. of gross floor area. |
| 6. Retail and service commercial stores | One (1) parking space per 200 sq. ft. of gross floor area. |
| 7. Restaurants | One (1) parking space per 100 sq. ft. up to 4,000 sq. ft. plus one (1) parking space per 80 sq. ft. of gross floor area above 4,000 sq. ft. |
| 8. Hotel, motel | One (1) parking space per guest room. |
| 9. Yacht clubs and sailing associations | Four (4) parking spaces per 1,000 sq. ft. of gross floor area |
| 10. OC Sailing and Events Center | One (1) parking space per 75 sq. ft. of gross floor area |

Any changes to these standards shall require a Local Coastal Program Amendment. Parking requirements for other uses not referenced above shall be determined as part of a joint-use or shared parking study in accordance with the provisions of Section 14.4 of this Chapter.

OFF-STREET PARKING
STANDARDS AND REGULATIONS

14.4 Joint-Use or Shared Parking

A reduction in the aggregate total of otherwise required parking spaces for principal uses within Dana Point Harbor shall be permitted for either joint-use or shared parking upon approval of a Detailed Parking Management Plan pursuant to Section II-14.6 when submitted as part of a comprehensive Traffic Management Plan approved as part of a Coastal Development Permit by the City of Dana Point. The approval of a parking reduction due to joint-use or shared parking shall be based on the following findings:

1. Such modification shall not have a negative impact on parking for commercial, visitor-serving, boater, parks or other recreational uses.
2. Joint-use or shared parking facilities shall be located in close proximity to the land and/or water uses they serve.
3. A Detailed Parking Plan, showing all ~~common~~ shared parking facilities and the current level of utilization, shall be approved ~~independently~~ or as part of a Coastal Development Permit for the development proposing to include joint-use or shared parking.
4. Permit approval shall be conditional upon providing evidence to the Director, OC Dana Point Harbor that ~~an~~ a joint-use or shared use agreement is in place.
5. Subsequent individual uses which result in a parking demand more than is provided by the existing parking shall be required to provide additional parking adequate to meet the demand and/or provide alternative means to meet the parking demand through a Coastal Development Permit and prepare a revision to the Detailed Parking Plan for approval by the ~~County of Orange — Dana Point Harbor Department~~ Director, OC Dana Point Harbor.

14.5 Exceptions and/or Modifications to Off-Street Parking Requirements

The provisions of this Chapter are intended to meet the ~~minimum design needs~~ demand for off-street parking under most conditions. Where, because of the nature of the use involved or other relevant circumstances, the parking ratio requirements of this Chapter are considered to be excessive or deficient, an exception ~~and/or~~ modification to these provisions may be approved in accordance with the following procedure, provided such exception and/or modification is consistent with the purpose and intent of this Chapter and the Dana Point Harbor Revitalization Plan:

DANA POINT HARBOR DISTRICT REGULATIONS

OFF-STREET PARKING
STANDARDS AND REGULATIONS

1. Exceptions to or modifications of the off-street parking regulations may be permitted subject to the approval of a Coastal Development Permit.
2. Any Coastal Development Permit that includes a request for an exception to or modification of off-street parking requirements based on joint-use or shared parking considerations shall be processed with a revised Traffic Management Plan or Detailed Parking Management Plan ~~amendment~~. The burden of proof shall be on the project proponent to establish that the exception to, or modification of the parking standard will not adversely impact the availability of public parking for the affected area of the Harbor.
3. Variations in seasonal scheduling and passenger ridership patterns shall be taken into consideration along with the vessels maximum passenger capacity for sport fishing, charter boat concessions and passenger ferries in determining the appropriate parking requirements as part of a Parking Management Plan.
4. Any Coastal Development Permit proposing to establish an exception to or modification of off-street parking requirements shall require a public hearing, with public notification before the City of Dana Point Planning Commission.

14.6 Parking Management Plan

A Dana Point Parking Management Plan (PMP) shall be prepared under the direction of OC Dana Point Harbor to identify and address the parking requirements and locations for all areas and land uses throughout the Harbor, including an operation and implementation program. The Parking Management Plan will implement all applicable parking and traffic management policies set forth in the Dana Point Harbor Revitalization Plan Land Use Plan, the provisions of this Chapter and fully satisfy the requirements of the County of Orange Parking Code.

The Dana Point Harbor Parking Management Plan will be updated on a routine basis (every 5 years) or as determined by the Director, OC Dana Point Harbor and/or the City of Dana Point Director of Community Development or as Coastal Development Permit application(s) are processed for Dana Point Harbor Revitalization Plan improvements that affect a significant number of parking spaces or utilization management of parking areas in the Harbor. *The*

OFF-STREET PARKING
STANDARDS AND REGULATIONS

Parking Management Plan shall also provide accurate (baseline) numbers for the number of slips in each area of the harbor, the number of dry boat storage spaces, and the number of parking spaces which currently exist, based on legal and permitted development. These baseline numbers shall be used in development of the parking management plan.

A Parking Management Plan shall be submitted with the first Coastal Development Permit for development of the Commercial Core area improvements and establish a baseline assessment of the current and future parking demands throughout the Harbor. The PMP shall take into account weekday, weekend and seasonal variations in the use of the Harbor facilities to make the best possible use of the parking, while prioritizing parking usage to avoid adverse impacts on designated boater parking and boat launch ramp parking areas, in addition to balancing parking area usage in such a way as to minimize overcrowding of high demand areas. The PMP shall also address specific compliance measures to implement the requirements included in the Southern California Air Quality Management District's Regulation XV of the Air Quality Management Plan, including transportation demand management strategies (i.e., preferential parking for vanpooling/carpooling, employee subsidy program(s) for use of transit passes or vanpooling/carpooling, flextime work schedules, etc.) that will be implemented by Harbor businesses and facilities to reduce traffic congestion and parking demand.

The Dana Point Harbor Parking Management Plan shall be organized to include the following information at a minimum:

- a) Introduction – summarizing the conditions at the time, including land uses throughout the Harbor, special land use related or pre-existing regulatory restrictions, business hours, operational considerations and anticipated future growth demand estimates that may affect parking utilization or management practices.
- b) Existing Parking Conditions – describing the existing parking supply and demand, including within individual parking areas and in each of the Harbor Planning Areas. A description of the existing utilization patterns in terms of occupancy of the parking supply (parking demand or utilization survey) for both typical and peak Harbor usage periods (including weekday and weekend days) shall also be provided along with an assessment of operational practices for parking area management.
- c) Long-Term Future Parking Assessment – providing description of the various components that affect parking dynamics throughout Dana Point Harbor. Detailed estimations and assessment of parking demand in the

OFF-STREET PARKING
STANDARDS AND REGULATIONS

future within each Planning Area shall also include a summary of the methodology used in the preparation of these forecasts (i.e., key assumptions, parameters and other relevant information).

- d) Design and Operational Plans – providing detailed information on the modification of any Harbor parking areas to address specific user demand and/or operational methods and responsibilities for controlling, monitoring and adjusting management procedures for parking area usage.

Parking area design criteria shall include, but are not limited to the following:

1. Satisfy the provisions and requirements as contained in Section II-14.2, *General Provisions* of this Chapter.
2. Maintain designated parking ratios as contained in Section II-14.3, *Standards for Individual Permitted Uses* of this Chapter, including maintaining boater parking at a minimum ratio of 0.60 parking spaces per boat slip or side tie.
3. Providing designated boater parking areas within three hundred (300) feet of the land/dock connection point of the docks the parking spaces serve, but where adherence to this standard is infeasible, no greater than six hundred (600) feet of the land/dock connection point of the docks they serve.
4. Phasing of new commercial development such that required parking for higher priority uses (e.g., designated boater parking, boat launch ramp and surface boat storage) is provided as specified in Section II-14.2(i).
5. Providing adequate parking in close proximity to the land uses the parking is intended to support. Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development inside of the Commercial Core.
6. Providing strategies that include use of a combination of on-site and off-site parking areas to be utilized for employee's, sport fishing and charter boat concessions, passenger ferry service and Harbor visitor parking during significant special events and/or periods of peak Harbor usage.
7. Hotel design shall emphasize providing adequate parking for guests and maintaining boater access to boater designated parking consistent with Section 14.6(d).3 above.

OFF-STREET PARKING
STANDARDS AND REGULATIONS

8. Consolidation of individual parking areas whenever possible to minimize the number of driveways on major streets.
9. Reducing the demand for parking by including programs to enhance the use of alternative modes of circulation, including providing convenient transit stop locations, water taxi and shuttle stops, bicycle paths and pedestrian trails throughout the Harbor.
- e) Construction and Temporary Operations Plans – describing operational and parking management practices to ensure public and boater access will be provided to all Harbor facilities and businesses to the extent they can be safely accessed during construction activities and reduce parking congestion/conflicts. The plans shall also include the locations of shuttle drop-off areas, relocation of public transit facilities and provision of valet service (if construction operations do not allow convenient parking adjacent to the existing businesses).
- f) Summary of Recommendations, Conclusions and Implementation Schedules describing potential options for ongoing monitoring/reporting to increase the efficiency of parking area utilization and minimize congestion and any operational inefficiencies.

SIGN STANDARDS AND REGULATIONS

15.1 Purpose and Intent

These regulations provide and govern the usage of signs within the Dana Point Harbor and establish standards for the uniform regulation of signs and are intended to produce a consistency in sign design that reinforces the collective image of the Dana Point Harbor Revitalization Plan while maintaining flexibility for individual identification needs. All signs are to be designed, built and installed according to the requirements set forth in this Chapter.

This Chapter permits adequate signage and seeks to prevent unnecessary and unsightly signs inconsistent with the purpose and intent of the Dana Point Harbor Revitalization Plan.

15.2 Approval Requirements

To ensure compliance with the regulations contained in this Chapter, signs shall be approved either **through a harborwide coastal development permit** or as part of a Sign Plan application submitted to the ~~County of Orange — Dana Point Harbor Department and approved by the Dana Point Harbor Review Board (DPHRB)~~ **Director, OC Dana Point Harbor in conjunction with a Coastal Development Permit.**

The Harbor Sign Program shall include the following components at a minimum:

- a) **A written description of the propose and type(s) of signs proposed.**
- b) **Plans, drawn to scale, including the following:**
 1. **All sign details including sign area, dimensions, colors, materials, letter style(s), proposed copy, letter height and method of illumination.**
 2. **A Site Plan indicating the location of all existing and proposed signs with a specific description of all signs to remain or be replaced.**
 3. **All existing and proposed public information signage, including but not limited to signs intended to assist:**
 - **Boat owners/operators and the public in locating public boat launching facilities.**
 - **To direct the public to parking areas, restrooms and other support facilities in an adjacent to Harbor facilities.**

SIGN STANDARDS AND REGULATIONS

- To inform the public of the availability of and provide direction to coastal accessways and on-site recreational amenities.
- Access signs to facilitate regional access from Interstate 5 and PCH.

c) All building elevations with sign area and locations depicted.

No signs shall be erected, constructed or altered except for maintenance or repair, except as provided for in this Chapter without **prior** written approval **from the Director, OC Dana Point Harbor**. A separate approval shall be required for each sign or group of signs in one location or as part of a **Master Harbor Sign Program**. Following approval of a Harbor Sign Program, subsequent permits for signs that have been verified by the City of Dana Point Director of Community Development as being in substantial conformance with the approved Harbor Sign Program shall be issued by the County of Orange. In addition to the requirements set forth in this Chapter, all applicable building and electrical permits shall be obtained in accordance with the Uniform Building Code and Uniform Electrical Code as approved **adopted** by the County of Orange.

15.3 Exempted Signs

Except as otherwise specified in these Dana Point Harbor District Regulations, the following signs are exempt from the requirements of Section 15.2:

- a) Governmental signs providing general information to the public and for control of traffic or similar regulator purposes. These may include, but are limited to street signs, danger signs, landside and waterside warning signs.
- ~~b) Memorial tablets or signs, including those indicating names of buildings and dates of construction, when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or similar non-combustible material.~~
- c) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten (10) square feet on any building site or leasehold. Street address numbers are to be provided ~~with a total surface area not exceeding two (2) square feet~~ **in accordance with County of Orange design requirements for size and location.**
- d) Signs not visible beyond either the boundaries of the leasehold on which they are located or from any public right-of-way or from any parking area or circulation area open to the general public.

SIGN STANDARDS AND REGULATIONS

- e) Parking lot or other traffic directional signs not exceeding four (4) square feet in area per sign. Each parking lot is permitted one (1) such sign per entrance to the lot or premises, to direct pedestrian or vehicular traffic on the same premises.
- ~~f) On-site temporary real estate "for lease" signs pertaining to the property they are placed on and limited to four (4) square feet in area or window signs when limited to forty percent (40%) of the total window area.~~
- ~~g) Signs or banners announcing the opening of a new business that, in the aggregate, do not exceed twenty (20) square feet or thirty percent (30%) of the total window area, whichever is greater. Such signs may be erected for a maximum of thirty (30) days during the opening of a new business.~~

15.4 Approved Signs

Signs within Dana Point Harbor shall conform to the approved ~~Master~~ **Harbor Sign Program**, except as provided for in the following standards or as otherwise established by approval of the ~~County of Orange - Dana Point Harbor Department~~ and approved by the Dana Point Harbor Review Board (DPHRB) **Director, OC Dana Point Harbor**. Applications for free-standing ground signs, including monument, directional, identification, bulletin boards and temporary, shall be accompanied by scale drawings indicating the size, sign copy, colors, method and intensity of illumination, height, sign area and general location of all signs on the building or leasehold site.

- a) Freestanding Monument Signs – For single retail tenants, signs shall be restricted to a maximum height of six (6) feet (including base structure) and width of twelve (12) feet for an overall area of seventy-two (72) square feet. For multi-tenant signs, the maximum dimensions shall not exceed eight (8) feet in height or sixteen (16) feet in width for an overall area of one-hundred and twenty-eight (128) square feet.

All Freestanding Monument Signs shall be two (2) sided, placed in landscaped planter areas in a location perpendicular to the street. All multi-tenant signs shall be restricted to a maximum of six (6) tenant names.

- b) Upper Level Tenant Identification Signs – The upper level Tenant Identification Sign is a wall mounted sign placed on a building at or above the second floor level for greater visibility and is intended to identify businesses to pedestrian and roadway traffic. The maximum sign area height and width shall not exceed one-half the wall area height or width to which the sign is attached or a maximum letter height of twenty-four (24) inches. The total sign area shall not exceed one

SIGN STANDARDS AND REGULATIONS

(1) square foot per lineal foot of leased space frontage up to a maximum of forty-two (42) square feet.

Upper Level Tenant Identification Signs will be limited to one (1) sign per street, parking lot, or interior courtyard frontage, not to exceed two (2) signs per building. Sign text will be restricted to the tenant name and type of business (if applicable) or a combination of name and nationally recognized logo (limited to no more than ten percent (10%) larger than the largest letter height).

- c) Ground Level Primary Tenant Identification Signs – The Ground Level Primary Tenant Identification Sign is a wall mounted sign placed on a build at the ground floor level and is intended to identify select Harbor tenants to adjacent pedestrian and roadway traffic. The maximum sign area height and width shall not exceed one-half ($\frac{1}{2}$) the wall area height or width to which the sign is attached or a maximum letter height of eighteen (18) inches. The total sign area shall not exceed one (1) square foot per lineal foot of leased space frontage up to a maximum of thirty-six (36) square feet.

Ground Level Primary Tenant Identification Signs will be limited to one (1) sign per street, parking lot, or interior courtyard frontage, not to exceed two (2) signs per building. Sign text will be restricted to the tenant name and type of business (if applicable) or a combination of name and nationally recognized logo (limited to no more than ten percent (10%) larger than the largest letter height).

- d) Tenant Identification Awning Signs – The Tenant Identification Awning Sign is a screen printed name and/or graphic on an architectural awning above individual tenant entries and is intended to identify select Harbor tenants to adjacent pedestrian and roadway traffic. The maximum sign area height and width shall not exceed one-half ($\frac{1}{2}$) the awning height or width to which the sign is attached or a maximum letter height of twelve (12) inches. The total sign area shall not exceed one-quarter ($\frac{1}{4}$) square foot per lineal foot of awning area up to a maximum of eighteen (18) square feet.

Tenant Identification Awning Signs will be limited to one (1) sign per tenant entry awning and is limited to the tenant's name only. No more than one (1) sign per tenant on any one building elevation when located on the vertical element of the awning.

- e) Tenant Entry Identification Sign – The Tenant Entry Identification Sign is a wall mounted or hanging panel sign above or adjacent to individual tenant entries and is intended to identify tenant entry locations to pedestrians. The maximum sign area height shall not exceed four (4) feet and sign area width shall not exceed eight (8) feet or one-half ($\frac{1}{2}$) the perimeter area height and width to which the sign is attached. The maximum letter height shall not exceed ten (10) inches.

SIGN STANDARDS AND REGULATIONS

The total sign area shall not exceed one (1) square foot per lineal foot of leased space frontage up to a maximum of sixteen (16) square feet.

Tenant Entry Identification Signs will be limited to one (1) sign per tenant entry and is limited to two (2) signs per building. No more than one (1) sign per tenant on any one building elevation when signs are wall mounted or hanging and placed above or adjacent to the tenant's entry. Signs text shall be restricted to the tenant name, business type and/or logo (limited to no more than ten percent (10%) larger than the largest letter height). Signs may be externally illuminated only. All mechanical connections shall be concealed from view.

- f) Tenant Directory Signs – The Tenant Directory Sign is a freestanding monument or wall mounted panel sign located at common multi-tenant entry portal areas and is intended to identify all tenants within the specific common multi-tenant area. The maximum sign area height shall not exceed four (4) feet and sign area width shall not exceed six (6) feet or twenty-four (24) square feet. Signs shall be limited to one (1) Tenant Directory Sign per entry portal and sign text shall be restricted to Harbor and/or Commercial Core area maps, tenant names and addresses.
- g) Primary Roadway Directional Sign – The Primary Roadway Directional Sign is a two-sided, freestanding post and panel or monument sign placed perpendicular to the roadway and is intended to provide directional information to vehicles and pedestrians. Signs shall not exceed seven (7) feet in height or an overall sign area of ~~five (5)~~ **thirty-two (32)** square feet. Sign text shall be restricted to general Harbor location directional information only.
- h) Secondary Roadway Directional Sign – The Secondary Roadway Directional Sign is a two-sided, freestanding post and panel sign (may also be located on a light pole) placed perpendicular to the roadway or pedestrian pathway and is intended to provide directional information to vehicles and pedestrians. Signs shall not exceed ~~five (5)~~ **ten (10)** feet in height or an overall sign area of ~~three and one-half (3½)~~ **twenty-four (24)** square feet. Sign text shall be restricted to general Harbor location directional information only.
- i) **Public Trail and Visitor Information Signs – The Public Trail and Visitor Information Signs provide general information to the public in locating recreation areas and other visitor recreational amenities and for the protection of areas containing sensitive habitat or coastal marine resources. These signs may include, but are limited to directional signs, trail names and/or use/restriction signs, habitat or wildlife protection (limiting access to areas containing delineated wetlands, sensitive habitat and/or marine resources) and public safety hazard information signs.**

SIGN STANDARDS AND REGULATIONS

Signs may be freestanding or mounted to a light pole and shall not exceed a total surface area of ten (10) square feet.

- j) Temporary Banners and Fabric Signs – All banners and temporary fabric signage **intended** for special events or announcements must be approved by the ~~Director, County of Orange – Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** following submittal of an application stating the size, type, style, type size, color and purpose of such banners. ~~Duration of time for authorized display of such banners will be determined at the time of application approval.~~ **Banners for special events may be posted for up to two (2) consecutive weekends preceding the event and must be removed within twenty-four (24) hours following the events conclusion or as determined by the Director, OC Dana Point Harbor.**
- k) **Memorial Tablets or Signs – Memorial tablets or signs, including those indicating names of buildings and dates of construction, when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or similar non-combustible material.**
- l) **Temporary Real Estate Signs – On-site temporary real estate “for lease” signs pertaining to the property they are placed on and limited to four (4) square feet in area or window signs when limited to forty percent (40%) of the total window area.**
- m) **Signs and Banners – Signs or banners announcing the opening of a new business that, in the aggregate, do not exceed twenty (20) square feet or thirty percent (30%) of the total window area, whichever is greater. Such signs may be erected for a maximum of thirty (30) days during the opening of a new business.**

15.5 Prohibited Signs

- a) Signs that incorporate any manner of mechanical movement, audible elements, flashing or intermittent lighting or moving or otherwise animated forms.
- b) Signs that project above a parapet or roof line or signs that are located upon or affixed to the roof of a building.
- c) Off-premises signs (except for approved directional signs and free-standing monument/ground signs), including signs or graphics applied to parked vehicles for nearby vendor identification.
- d) Signs or graphics, except for addresses, printed directly on the exterior of a building or temporary construction structure.

SIGN STANDARDS AND REGULATIONS

- e) Landscaping that becomes a sign or message.
- f) Graphics printed on or adhered to trash bins or their enclosures.
- g) Advertising signs on bus benches.

15.6 General Sign Requirements

- a) No free-standing sign or sign structure shall be permitted closer than five (5) feet from **the edge of** the street right-of-way line **(except Harbor Directional Signs located in landscaped medians/parkways)**.
- b) Sign letter styles and sign colors **identifying an individual tenant (tenant sign)** shall be tenant's option from an approved project letter style and color palette per the Master **Harbor** Sign Program.
- c) Monument Signs shall be constructed per the Master **Harbor** Sign Program.
- d) All Illuminated signs shall be per the approved Master **Harbor** Sign Program. Illumination of graphics shall be of a concealed internal monolith light fixture and/or external ground mounted light fixture construction. All mechanical and electrical connections shall be concealed. Visible bracing, conduit or raceways shall not be permitted.

All illuminated signs or lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lighting or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public street, sidewalk or adjacent premises causing glare or reflection that may constitute a traffic hazard or nuisance.

- e) Harbor Directional Signs may be placed in the street right-of-way in a landscaped median area per the Master **Harbor** Sign Program.
- f) All signage shall be of a consistent architectural style. All externally illuminated signs in landscape areas shall have lighting sources that are hidden by vegetation or installed flush with the grade. Signage shall be designed to complement the architecture of the building and shall emphasize natural materials.
- g) Signs shall not constitute a traffic hazard. No person shall erect, maintain or cause to be erected or maintained any sign that simulates or imitates in size, color, lettering or design any traffic sign or signal, or that makes use of the words "Stop", "Look", "Danger" or any other words, phrases, symbols or characters in a manner to interfere with, mislead or confuse traffic.

DISCRETIONARY PERMITS AND PROCEDURES

- 16.1 General Requirements** – These regulations are intended to guide the implementation of the Dana Point Harbor Revitalization Plan improvements and the on-going operation of the Dana Point Harbor facilities by the County of Orange **in a manner consistent with the tidelands trust and all applicable laws. Existing and future land uses shall provide the public with facilities for navigation, fishing, public access, water oriented recreation and prioritize coastal dependent uses adjacent to the water. Coastal areas suited for water oriented recreational activities shall be protected for such uses consistent with the certified Land Use Plan, in or adjacent to the Harbor and/or no longer needed.** All development in landside Planning Areas (1 through 7) shall be subject to the review and approval by the City of Dana Point in accordance with the procedures and requirements described in this Chapter. **Following approval of a Coastal Development Permit (CDP), subsequent grading and construction related permits that have been verified by the City of Dana Point Director of Community Development as being in substantial conformance with the approved CDP shall be issued by the County of Orange.** For all development in waterside Planning Areas (8 through 12), an application for a Coastal Development Permit shall be submitted to the California Coastal Commission for review and approval.

~~However, because the State of California granted title of the Dana Point Harbor Tidelands to the County of Orange in 1961 and it has operated the facilities since first being opened to the public in 1971, all existing and proposed facilities shall be designed and constructed in accordance with the building and operational standards of the County of Orange. Reliance on these same standards is considered an essential part of ensuring that improvements and ongoing operations are of consistent quality and remain available for public use.~~

- 16.2 General Submission of Plans and Other Data** – All submittals shall be made to the office of the ~~County of Orange – Dana Point Harbor Department~~ **OC Dana Point Harbor**. Preliminary approval is required for all schematic drawings, architectural renderings and any other relevant information prior to proceeding with preparation of construction plans. The project proponent shall submit a written narrative outline of the intended improvements with a plot plan, followed by schematic architectural renderings and any other material that will fully inform the ~~County of Orange – Dana Point Harbor Department~~ **OC Dana Point Harbor** as to the architectural style of the improvements planned and any other pertinent information. After the preliminary submittal has been approved by the ~~County of Orange – Dana Point Harbor Department~~ **Director, OC Dana Point Harbor**, the project proponent will be referred to the City of Dana Point Community Development Department in the event a Coastal Development Permit is required or the County of Orange Development Processing Center in the event that only construction permits are required.

DISCRETIONARY PERMITS AND PROCEDURES

All applications for Coastal Development Permits for Planning Areas 1 through 7 shall be in accordance with this Chapter of the Dana Point Harbor District Regulations and the City of Dana Point Zoning Code, Chapter 9.69, *Coastal Development Permit*. In addition to the requirements of this Chapter, all applications for Coastal Development Permits for 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 Coastal Commission* (Government Code Sections 13053.5 through 13053.6). A permit application submitted on the form available from the Coastal Commission regional offices, together with all necessary attachments and exhibits and a filing fee shall be deemed "filed" after having been received and found complete by the California Coastal Commission.

16.3 Coastal Development Permits – A Coastal Development Permit within Dana Point Harbor is a permit issued by the City of Dana Point or the California Coastal Commission which authorizes establishment, operation and maintenance of a specific use, structure or activity of any development, as defined in Chapter 18, *Definitions*, within the Coastal Zone. Except as otherwise provided by these Dana Point Harbor District Regulations, any person, partnership, corporation or state or local government agency proposing to undertake any development project within the Dana Point Harbor boundary, shall obtain approval of a Coastal Development Permit in compliance with the provisions of these District Regulations and the City of Dana Point Zoning Ordinance for Dana Point Harbor **Code**.

A Coastal Development Permit may be processed as a single project Coastal Development Permit or a large-scale Program Coastal Development Permit when it is determined that projects involving the integration of multiple construction phases or master utilities or backbone infrastructure (i.e., roads, backbone flood control/drainage facilities, backbone water distribution facilities, sewer system and similar public works and facilities) to serve existing or proposed land uses in different planning areas is better reviewed at a comprehensive level. A large-scale Program Coastal Development Permit may also be utilized when it can be determined by the ~~County of Orange – Dana Point Harbor Department~~ **Director, OC Dana Point Harbor** that several different independent projects by different project proponents can be combined to facilitate the review and approval of construction plans and permits. Large-scale Program Coastal Development Permits may also apply to the preparation and processing of a ~~comprehensive sign program~~ **Harbor Sign Program** for all or a portion of the Harbor.

Any application for a Coastal Development Permit may be combined with any other discretionary permit application; however any such combined application shall be processed in compliance with the provisions of this Chapter. When it is not feasible

DISCRETIONARY PERMITS AND PROCEDURES

to combine a Coastal Development Permit application with one or more other discretionary permit applications, they may be processed in a concurrent manner so that the effective dates of the different actions shall occur at the proper time and in the required sequence.

Coastal Development Permit applications for Planning Areas 1 through 7 ~~may~~ **shall** be processed in compliance with applicable requirements. ~~either as an application requiring a public hearing or an application requiring administrative approval.~~ When a public hearing is required, the application shall be heard by the City of Dana Point Planning Commission at a regularly scheduled meeting. ~~When a public hearing is not required, the City of Dana Point Director of Community Development shall determine the time and place for the approval action to be taken.~~

In the event a proposed development requires a Coastal Development from both the City of Dana Point (because it includes development in the jurisdiction of the certified LCP) and the California Coastal Commission (because it includes development in the Commission's area of retained jurisdiction) and the applicant/County, the City and the California Coastal Commission consent to consolidate the permit action, then the Commission may process and act upon a consolidated CDP application (pursuant to Coastal Act Section 30601.3). The standard of review for a consolidated CDP application shall follow Chapter 3 of the California Coastal Act, with the City of Dana Point LCP and Dana Point Harbor Revitalization Plan & District Regulations used as guidance.

All applications to the California Coastal Commission shall be processed and administered in accordance with the procedures contained in Government Code Sections 13056 through 13188.

16.4 Applications – Applications for Coastal Development Permits, including any large-scale Program Coastal Development Permits shall contain the following information:

- a) Site or large-scale Plans:
 1. Vicinity Map.
 2. Title block (applicant's name, business address, date drawn and any applicable professional license information), scale and north arrow.
 3. Lease boundaries.
 4. Existing use of property.
 5. Location, acreage and type of land use for each building.
 6. Square footages of each land use or tenant space on each building.

DISCRETIONARY PERMITS AND PROCEDURES

7. Access; existing and proposed, including street layout, ultimate widths and right-of-way.
8. Location of existing structures to a minimum of two-hundred (200) feet from the project boundary.
9. Location of all easements, including a description of their purpose and width size.
10. Location of all retaining walls; existing and proposed.
11. Location and size of landscape, open space and recreation areas.
12. Topography: existing and proposed (i.e., Concept Grading Plan in accordance with the provisions of the County Grading and Excavation Manual).
13. Drainage Plan that includes erosion control measures.
14. Utility Plan.
15. Location of all pedestrian access paths, sidewalks and bicycle lanes.
16. Architectural elevations; including, but not limited to: building height, dimensioned projections and overhangs, detailed exterior building materials, colors, and description of any special building treatments.
17. Visual analysis to demonstrate the proposed structures have been sited and designed to protect views and are visually compatible with the surrounding areas.
18. Landscape **and Irrigation** Plans (if applicable); **prepared by a licensed landscape architect that includes all proposed and existing plant materials (location, type, size, quantity and planting details) and irrigation systems (including method, installation details, recommended watering schedule and water conservation measures incorporated into the design, if appropriate).** ~~including locations of existing significant vegetation and details on proposed removal or preservation and plant palette;~~
19. Trash facilities; including location, size and method of screening.
20. **Circulation and parking** areas; including **showing the location and number of parking spaces, including** handicap parking spaces.
21. Signs; location, height, dimensions, copy (if available) and materials; and
22. Location and size of any exterior improvements proposed, including but not limited to outdoor seating areas, loading, delivery or storage areas.

DANA POINT HARBOR DISTRICT REGULATIONS

DISCRETIONARY PERMITS AND PROCEDURES

23. Location of any temporary construction fencing (if required).

- b) A list and justification for any proposed Alternative Development Standards.
- c) A Water Quality Management Plan Amendment, if required.
- d) A Parking Management Plan or amendment, if required pursuant to Chapter 14, Off-Street Parking Standards and Regulations.
- e) A Construction Staging Plan which shall provide methods of maintaining access to all recreation, designated boater parking areas and public access to the waterfront and bulkhead areas during all construction phases, to the greatest extent feasible. The Plan shall identify the location and configuration of construction staging areas, temporary access routes and parking areas and shall be submitted with Coastal Development Permit (CDP) application(s) in accordance with the requirements of Chapter II-14, Off-Street Parking Standards and Requirements. The approved Construction Staging Plan shall also be incorporated into any construction plans submitted for County approval of a Grading or Building Permit. Any subsequent changes to the approved Construction Staging Plan shall be consistent with the requirements contained herein and shall be incorporated into all applicable construction plans submitted for review and approval prior to issuance of Grading and/or Building Permits by the County of Orange.

All submittals shall be made to the City of Dana Point Community Development Department for landside area permits (Planning Areas 1 through 7) and the California Coastal Commission for all waterside improvements (Planning Areas 8 through 12). It is required that preliminary approval of all schematic drawings, architectural renderings and any other relevant information be obtained from the office of the the County of Orange — Dana Point Harbor Department **OC Dana Point Harbor** prior to proceeding with preparation of any construction plans and/or submittal of any applications to a responsible permitting agency.

~~16.5 — Alternative Development Standards — With approval of any Coastal Development Permit pursuant to the procedures contained in this Chapter, alternative development standards may be established without an amendment to the Local Coastal Program where the standards pertain to: street alignments; building siting or the adjustment of gross square footage of individual land uses within each land use district without exceeding the total; construction of parking lots and/or structures; boat dock size and/or configuration adjustments; modifications to recreational areas; and/or modifications to signs and off-street parking requirements.~~

DISCRETIONARY PERMITS AND PROCEDURES

~~Alternative Development Standards other than those specified above will require an LCP Amendment.~~

~~A Coastal Development Permit proposing to establish alternative development standards shall require a public hearing with public notification pursuant to the requirements of this Chapter. When a Coastal Development Permit proposes to establish an alternative development standard, the burden of proof shall be on the project proponent. The alternative development standards may be approved when it is found that they will result in an equivalent or better project in terms of minimizing adverse impacts and enhancing public benefits to Harbor users.~~

16.6 Public Hearing Notification

For Coastal Development Permit applications requiring a public hearing in accordance with City of Dana Point Zoning Code Section 9.61.050, a public hearing notice shall be prepared and distributed in accordance with the requirements of City of Dana Point Zoning Code Section 9.69.060. For all waterside areas under the jurisdiction of the California Coastal Commission, a public hearing notice shall be prepared and distributed **by the California Coastal Commission** in accordance with the requirements of Government Code Sections 13054 and 13063.

16.7 Basis of Action – The City of Dana Point may approve, conditionally approve, or deny a Coastal Development Permit **for landside areas (Planning Areas 1 through 7)**. The basis of this action shall be subject to the findings located in City of Dana Point Zoning Code Section 9.69.070 as modified by these Harbor Development Regulations. **In order for a Coastal Development Permit to be approved, all of the following findings must be made, in writing, in addition to the findings required to approve other applications being considered concurrently:**

- a) **That the proposed development is in conformity with the Dana Point Harbor Revitalization Plan & District Regulations as certified by the California Coastal Commission.**
- b) **That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (Coastal Act Section 30333 and 30604(c); 14 Cal. Code of Regulations Section 13096).**
- c) **That the proposed development conforms with Public Resources Code Section 21000 et seq. and that there are no feasible mitigation measures or feasible alternatives available that would substantially lessen any significant adverse impact(s) that the activity may have on the environment.**

DISCRETIONARY PERMITS AND PROCEDURES

- d) That the proposed development, if it includes structures in excess of thirty-five (35) feet in height is in conformity with the provisions of the Dana Point Harbor Land Use Plan to preserve significant coastal public views through scenic corridors and from scenic viewpoints.
- e) That the proposed development conforms with the Dana Point Harbor Land Use Plan to maintain sufficient parking for coastal dependent and coastal related land uses.

~~16.8 De Minimis and Administrative Permits~~ – Projects that qualify as either De Minimis or Administrative Permits shall be in accordance with City of Dana Point Zoning Code Sections 9.69.110 and 9.69.160, respectively or shall be processed by the California Coastal Commission Executive Director in accordance with Government Code Sections 13145 through 13168

16.9 Effective Date – The final decision on an application for an appealable development shall become effective after ten (10) working days following the California Coastal Commission's receipt of the Notice of Decision and any applicable supporting documentation.

16.10 Expiration – Any Coastal Development Permit granted herein shall be effective for a period of twenty-four (24) months from the effective date. Failure to exercise the permit within the effective period will cause the permit to automatically expire, unless a written request for an extension of time is made in conformance with City of Dana Point Zoning Code Section 9.69.140 for all landside areas or Government Code Section 13169 for all waterside areas. Once construction has been initiated pursuant to the approved Coastal Development Permit, the Coastal Development shall be deemed established and shall not expire unless work is not diligently pursued to completion.

16.11 Amendments to Coastal Development Permits – An approved Coastal Development Permit may be amended in accordance with City of Dana Point Zoning Code Section 9.69.130 for all landside areas and Government Code Sections 13164 through 13168 for all waterside areas.

16.12 Emergency Permits – The California Coastal Commission or the City of Dana Point may issue emergency permits within the Dana Point Harbor area, subject to the provisions shown in City of Dana Point Zoning Code Section 9.69.150 for landside areas and Government Code Sections 13136 through 13144 for waterside areas.

16.13 Appeals – A Coastal Development Permit is subject to appeal in accordance with City of Dana Point Zoning Code Section 9.69.090.

16.14 Fees – Any application for a Coastal Development Permit initiated by the ~~County of Orange~~ Dana Point Harbor Department **OC Dana Point Harbor** shall be exempt

DISCRETIONARY PERMITS AND PROCEDURES

from paying processing fees. All other Coastal Development Permit applications shall pay a processing fee in accordance with the latest fee schedule adopted by the Dana Point City Council or California Coastal Commission.

DANA POINT HARBOR DISTRICT REGULATIONS

REVITALIZATION PLAN AND STATISTICAL TABLE
REGULATIONS AND PROCEDURES

17.1 Purpose and Intent

The purpose of this Chapter is to provide regulations and procedures for City of Dana Point Planning Commission revisions to the Dana Point Harbor Revitalization Plan and Dana Point Harbor Statistical Table.

17.2 Dana Point Harbor Revitalization Plan

The Dana Point Harbor Revitalization Plan covers those areas of Dana Point Harbor granted to the County of Orange by the California State Legislature in 1961 as part of the Tidelands and Submerged Lands Acquisition Act (Chapter 321 of the Statutes of 1961). As shown on Exhibit 17.1, *Dana Point Harbor Revitalization Plan* identifies Planning Areas and corresponding land uses.

~~The acreages in the Dana Point Harbor Statistical Table may vary without requiring a LCP Amendment provided that the variation is consistent with the total acreage and boundaries of the *Dana Point Harbor District Zoning Map and Statistical Summary* (Exhibit 1.1 and Table 1-A). Such adjustments shall not have the effect of exceeding the total permitted development intensity combined for all individual Planning Areas or for the Dana Point Harbor in total.~~

Minor adjustments in the boundaries of Planning Areas 1, 2 and 3 resulting in an acreage change of five percent (5%) for final street realignments, parking area reconfiguration, landscaping, geotechnical or other engineering-related reasons may be approved as part of a Coastal Development Permit and will not require amendment of the Dana Point Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II-17, Revitalization Plan and Statistical Table Regulations and Procedures. Any adjustments to Planning Area boundaries that results in acreage changes greater than five percent (5%), intensifying or modifying land uses in Planning Areas 1, 2 and 3 shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.

17.3 Dana Point Harbor Statistical Table

The Dana Point Harbor Statistical Table contains a statistical breakdown for each of the Planning Areas shown on the Dana Point Harbor Revitalization Plan in terms of acreage and maximum amount of allowable development intensity. All Planning Areas allowing land uses shall not exceed the maximum amount of square footage indicated for the Planning Area in the Dana Point Harbor Revitalization Plan Statistical Table. The ~~estimated existing~~ square footage on the Statistical Table

DANA POINT HARBOR DISTRICT REGULATIONS

REVITALIZATION PLAN AND STATISTICAL TABLE
REGULATIONS AND PROCEDURES

shall be revised only in accordance with the requirements contained in this Chapter. No amendment to these Dana Point Harbor District Regulations and/or the Dana Point Harbor Revitalization Plan shall be required for the purpose of changing the Planning Area acreage and/or estimated amount of square footage of individual land uses provided: **below. Any changes to the land use, land use intensity or Planning Area boundaries as approved by the Dana Point Harbor Revitalization Plan (Land Use Plan) shall require approval by the California Coastal Commission through the Local Coastal Program Amendment process.**

- a) The proposed change is consistent with the adopted Dana Point Harbor District Zoning Map and Statistical Summary.
- b) The proposed change does not exceed the maximum amount of square footage assigned to any Planning Area.

Exhibit 17.1
DANA POINT HARBOR REVITALIZATION PLAN

DANA POINT HARBOR REVITALIZATION PLAN STATISTICAL TABLE *

Land Use Category	Planning Area	Gross Acreage	Existing Square Footage	Maximum Square Footage ⁽¹⁾
Marine Services Commercial (MSC)	1	24.0		
<u>Dry-Stack Boat Storage Facility</u>				50,000
<u>Boater Service Building X</u>			5,000	7,600
<u>– Offices / Boater Lounge</u>				
<u>– Marine Retail</u>				
Boat Yard Building			5,000	5,000
Fuel Dock			750	750
<u>Marine Services Commercial Recreation (R)</u>		1.2		
Planning Area 1 Subtotals:		25.2	10,750	63,350
Day Use Commercial (DUC)	2	18.1		
Boater Service Building 1			4,000	6,800
Passenger Ferry Building				1,000
Retail / Office ⁽²⁾			26,600	32,800
Restaurant			51,300	78,400
Planning Area 2 Subtotals:		18.1	81,900	119,000
Visitor Servicing Commercial (VSC)	3	9.5		
Hotel / Motel			136 rooms	220 rooms
-- Function / Meeting			2,000	12,000
-- Restaurant / Food Service				2,750
-- Accessory Retail				500
-- Fitness / Health Center			450	1,500
Boater Service Building 2			3,600	1,000
Boater Service Building 3			3,600	6,600
Boater Service Building 4			5,000	7,000
Planning Area 3 Subtotals:		9.5	8,600	31,350 ⁽³⁾
Marine Commercial (MC)	4	21.2		
County Sheriff Harbor Patrol			6,000	7,500
General Marine Commercial Use			10,000	15,000
<u>– Yacht Club</u>			12,400	18,000
Boater Service Building D			3,600	8,600
<u>– Yacht Club</u>				
Boater Service Building E			3,600	5,600
Boater Service Building F			3,600	5,600
Boater Service Building 5			4,000	6,600
<u>– Sailing Association</u>				
Boater Service Building 6			3,600	6,600
Boater Service Building 7			3,600	6,600
Boater Service Building 8			3,600	6,600
<u>Marine Commercial Recreation (R)</u>		4.4		
Planning Area 4 Subtotals:		25.6	54,000	86,700
Recreation (R)	5	14.9		
OC Sailing & Events Center			11,000	17,000
Boater Service Building A			3,600	5,600
Boater Service Building B			3,600	5,600
Boater Service Building C ⁽⁴⁾			3,600	5,600
<u>Recreation/Baby Beach (R)</u>		6.2		
Planning Area 5 Subtotals:		21.1	21,800	33,800
Education/Institutional (E)	6	3.6		
Ocean Institute			32,000	32,000
Conservation (C)	7	4.0	N/A	N/A
Education Basin, Marina, Marine Services and Harbor Entrance (M)	8, 9, 10, 11, 12	169.7	N/A	N/A
Total Acreage:		276.8		

* NOTE: The Dana Point Harbor Revitalization Plan Statistical Table serves as a planning document only and indicates the upper limit of potential development. The maximum square footage shown is not guaranteed. All development must be consistent with the certified Dana Point Harbor Revitalization Plan and District Regulations.

Notes:
 (1) Maximum Square Footage includes existing buildings to remain
 (2) May include a Marine Retail Store
 (3) For hotel, square footage subtotal includes ancillary uses only
 (4) Includes OC Dana Point Harbor offices on the upper floor

DANA POINT HARBOR DISTRICT REGULATIONS

REVITALIZATION PLAN AND STATISTICAL TABLE
REGULATIONS AND PROCEDURES

c) The change does not result in an increase in the maximum allowable square footage of land uses permitted within Dana Point Harbor in total.

d) Any adjustment in Planning Area boundaries shall not reduce the total size of any area designated as a Recreation land use.

17.4 Procedures for Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table

Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table shall be in accordance with the following procedures, which are intended to assure compliance with the goals and policies of the City of Dana Point General Plan and the California Coastal Act.

- a) Any proposed revision to the Dana Point Harbor Revitalization Plan and/or Statistical Table shall be accompanied by a project proposal consisting of a Coastal Development Permit and shall require a public hearing before the City of Dana Point Planning Commission.
- b) All revisions to the Dana Point Harbor Revitalization Plan and/or Statistical Table shall be consistent with the Dana Point Harbor District Zoning Statistical Summary and District Zoning Map. Revisions shall be deemed consistent if they meet the requirements of this Chapter.
- c) All Planning Area boundary lines and acreages identified on the Dana Point Harbor Revitalization Plan and Statistical Table are estimates based upon the current level of information and mapping. Refinements to the Planning Area boundaries/acreages are expected to occur with future project design and more detailed engineering and mapping. For this reason, **in Planning Areas 1, 2 and 3, boundary lines and acreages shown on the Dana Point Harbor Revitalization Plan and Statistical Table may be refined up to 5 (five) percent for final street realignments, parking area reconfiguration, landscaping, geotechnical or other engineering-related reasons** without ~~amendment~~ **amending** the body of these District Regulations, when more accurate information becomes available and is submitted with future Coastal Development Permits.
- ~~d) Any proposed revision to increase the estimated amount of square footage allocated to any land use in one or more Planning Area(s) shall be offset by a corresponding decrease in another Planning Area(s), so that the maximum amount of square footage for all identified land uses is not exceeded. The location and extent of both increases and decreases in the Harbor area must be included in the Coastal Development Permit application.~~

DANA POINT HARBOR DISTRICT REGULATIONS

REVITALIZATION PLAN AND STATISTICAL TABLE
REGULATIONS AND PROCEDURES

- e) Any proposed revision to reallocate the allowable square footage and/or acreage assigned from one Planning Area to another Planning Area by more than ten-five percent (~~105~~%) shall require a public hearing pursuant to Chapter II-16, *Discretionary Permits and Procedures*. Revisions of ~~ten~~ five percent (~~105~~%) or less may be deemed a minor administrative refinement and may be approved by the City of Dana Point Director of Community Development. **Any reallocation in Planning Area boundaries in excess of five percent (5%) shall not be effective until approved by the California Coastal Commission through a Local Coastal Program Amendment.**
- f) ~~Unless determined otherwise, the Dana Point Harbor Revitalization Plan and District Regulations document shall serve as the location and record for any future revisions to the Dana Point Harbor Revitalization Plan and Statistical Table, as they may be approved from time to time.~~

DEFINITIONS

The following definitions shall apply to all areas within the Dana Point Harbor Revitalization Plan.

Appeal Jurisdiction – includes the following:

1. All areas between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. All areas within one-hundred (100) feet of any wetland, estuary or stream and all area within three hundred (300) feet, both seaward and landward of the top of the seaward face of any coastal bluff.

Appeal Jurisdiction (P.R.C. §30613) – Includes lands where the Commission has delegated original permit jurisdiction to the local government (for Dana Point Harbor, the City of Dana Point) for areas potentially subject to the public trust but which are filled, developed and committed to urban uses as shown on Exhibit II-18.1, Harbor Area Permit & Appeal Jurisdiction Map.

In addition to these geographic areas of appeal jurisdiction, the following types of development are appealable throughout the Coastal Zone pursuant to P.R.C. Section 30603 (a)(4) and (a)(5):

1. **Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.**
2. **Developments approved by the City not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, within 300 feet of the top of the seaward face of any coastal bluff.**
3. **Developments approved by the City not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.**
4. **Any development that constitutes a major public works project or a major energy facility.**

In areas where a parcel is bisected by the appeal jurisdiction boundary, only that portion of the parcel within the area defined as appealable is subject to the Commission's appeal jurisdiction.

Appealable Development – Any Coastal Development Permit or Coastal Development Permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.

Exhibit 18.1
HARBOR-AREA PERMIT & APPEAL JURISDICTION MAP

DEFINITIONS

Approving Authority – Means any person, committee, commission, board or council authorized by the applicable Dana Point Harbor District Regulations to approve, disapprove a Coastal Development Permit or discretionary permit application or project.

Bluff Edge – Is defined as the upper termination of a bluff, cliff or seacliff. When the top edge of the bluff 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 edge shall be defined as the point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

Building Height – Building height shall be measured along perpendiculars (plumb lines) from the elevation of the finished grade to the maximum height above grade specified in the development standards for each land use district. Maximum height shall be measured to the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Elevators, mechanical space, chimneys and architectural treatments intended to add interest and variation to the roof design, yet which do not exceed ten percent (10%) of the overall roof area, nor exceed the base height restriction for the Harbor of **thirty-five (35) feet** by more than five (5) feet will be permitted. **Exceptions to the base building height restriction shall be permitted subject to satisfying the development standards and requirements for building height, including visual resource protection and architectural elements provided in each land use district permitting building height limit exceptions.**

California Coastal Commission – The state agency established under Section 30300 of the California Coastal Act, designated as the coastal zone planning and management agency charged with implementing the Coastal Act.

California Department of Fish and Game (CDFG) – the state agency having authority and responsibility to protect and enhance fish and wildlife resources and to administer certain state lands.

Canopy – A roof-like covering over an area, in or under which a lighting fixture may be mounted.

Certified Land Use Plan – A plan for the use of the Harbor within the Coastal Zone which has been adopted by the City of Dana Point and certified by the California Coastal Commission pursuant to the Public Resources Code.

Coastal Act of 1976 (Coastal Act) – The state law codified as California Public Resources Code §30000 et seq., enacted to protect and enhance the coastal environment and to guide and regulate local planning within the coastal zone to assure conformity with the statewide goals and policies.

DEFINITIONS

Coastal Bluff – includes the following:

1. Any bluff where the toe of the slope is now or within the past 200 years has been subject to marine erosion.
2. Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of slope is within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach.

Coastal Dependent Development or Use – Any development or use that requires a site on or adjacent to the sea to be able to function at all.

Coastal Development Permit – A permit issued by a local government agency with jurisdictional authority or by the Coastal Commission, which is required for all development projects pursuant to Coastal Act Section 30600.

Coastal Related Development or Use – Any development or use that is dependent on a coastal dependent development or use.

Coastal Zone – That area of land and water extending seaward to the state's outer limit of jurisdiction as specified on the Coastal Zone Boundary Map adopted by the State Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.

Commercial Core – the Dana Point Harbor Revitalization Plan provides for a new Marine Services and Day Use Commercial area (includes the northerly portion of Planning Area 1 and Planning Area 2) that allows for the reconfiguration of the public boat launch ramp facility and the dry boat storage area and replacement and/or remodeling of all of the existing retail and restaurant buildings, as shown on Exhibit II-17.1, Dana Point Harbor Revitalization Plan.

Detached Buildings and Structures – Buildings or structures that are each structurally independent and freestanding and not connected by walls, roofs, floors, decks, supports, trellises, architectural features or any other structure, fixture or device that exceeds thirty (30) inches in height above finished grade.

Development – The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in density or intensity of use of land; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

DEFINITIONS

Development Area – Lands proposed for development pursuant to the requirements and procedures described herein.

Development Project – Means any of the uses, activities or structures listed under the definition of “development” when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form or are a component part of a integrated project.

Discretionary Permit – Means any plan or permit required by the provisions of these Harbor District Regulations. The term “discretionary permit” as used in these Harbor District Regulations includes site plans, detailed plans, Coastal Development Permits, Site Development Permits, Public Property or Encroachment Permits and any other plans, permits or easements which regulates, controls or permits any construction, use or activity included in the definitions of development and development project.

Drip Line Area – The area on the ground enclosed by vertical planes extending downward from the outside perimeter of a structure or landscape vegetation to form the outer solid edge of a canopy.

Ecological Reserve – An “Ecological Reserve: is defined by California Fish and Game Code §1584 as: Land or land and water areas which are designated as ecological reserve by the commission pursuant to Section 1580 and which are to be preserved in a natural condition for the benefit of the general public to observe native flora and fauna and for scientific study”.

Environmentally Sensitive Habitat Area (ESHA) – Any area in which plant or animal like or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Existing Structures – A principal structure, (e.g., a commercial building existing at the time of certification of the Local Coastal Program Amendment for the Dana Point Harbor Revitalization Plan & District Regulations) excluding any accessory or ancillary structures such as decks, patios, stairs, and landscaping, etc.

Facility Information Center – Any temporary or permanent structure principally used as an information pavilion and/or office for the sale of tickets and including parking and administrative facilities.

Floor Area, Gross – The total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet; excepting that for commercial, professional and administrative offices, areas used in common, such as walkways, patio areas and entries open to and directly connecting with the outside areas, shall not be included when calculating off-street parking requirements.

DEFINITIONS

Floor Area Ratio – Numerical value obtained by dividing the gross floor area of all buildings located on a building site by the building site area.

General Plan – The comprehensive long-term plan for the physical development of the local agency, consisting of policies setting forth objectives, principles, standards and generalized land use designations.

Geotechnical Hazards – The term covering potential dangers to person or property as a consequence of earthquake tremor or geological instability. It includes the effects of surface faulting, tsunami, liquefaction, subsidence and subsidence-related to shallow pet deposits.

Grade, Average Finished – The median level of the ground surface surrounding the exterior face of a building.

Grade, Finished – The average elevation, determined by averaging the elevations of four (4) or more points as necessary, at the building site boundary line where it is less than five (5) feet from the building or at five (5) feet outside the perimeter of the bearing of the foundation line of the building.

Gross Area – The entire land area within the boundary of a project site, measured to the centerline of any abutting roadway.

Hardscape Lighting – Lighting associated with architectural features, such as fountains, sculptures or similar treatments.

Hotel – Any building, portion thereof, or combination of buildings with access provided through a common entrance, lobby or hallway to guest rooms, with or without cooking facilities, retail commercial and other ancillary facilities and which rooms are designed, intended to be used, rented or hired out as temporary or overnight accommodations for guests. Facilities are intended to provide a diverse selection of recreational opportunities including day-use commercial, restaurant, tennis court(s), health spa and other recreational amenities, conference and meeting facilities ancillary to the overnight accommodations, parking facilities or structures and other incidental and accessory uses supportive of and directly related to the hotel. In order to provide a wide variety of options for visitors, overnight accommodations may include individual hotel rooms, multiple bedroom unit modules convertible to separate rooms or combined into larger units suitable for larger families, all of which may include cooking facilities.

Joint Use/Shared Use Parking – The shared use of off-street parking facilities by more than one type of land use. The same parking spaces are counted to satisfy the off-street parking requirements of more than one land use (e.g., use of the same parking facility to satisfy the off-street parking requirements of a retail store and a restaurant or marina management office).

DEFINITIONS

Landscape Lighting – Luminaries mounted in or at grade (not to exceed three (3) feet overall above grade) and used solely for landscape rather than area lighting, or fully shielded luminaries mounted in trees and used solely for landscape or façade lighting.

Landside Planning Areas – An area of land that is depicted on the Dana Point Harbor Revitalization Plan as Planning Areas 1 through 7 and is within the jurisdiction of the City of Dana Point pursuant to provisions of the California Coastal Act Section 30519.

Land Use Plan (LUP) – As defined in Coastal Act §30108.5, “the relevant portions of a local government’s general plan or local coastal element that are sufficiently detailed to indicate the kind, location and intensity of land uses, the applicable resource protection and development policies to accomplish Coastal Act objectives and where necessary, a listing of implementing actions”.

Limited Use Overnight Visitor Accommodations (LUOVA) – Any hotel, motel or similar facility that provides overnight visitor accommodations wherein some or all of the units, rooms or other amenities of the facility may be sold to a subsequent purchaser who receives the right for exclusive use or occupancy of those units, rooms or other amenities on an annual or some other seasonal or periodic basis for a period of time. Such facilities include, but are not limited to timeshare, condominium hotel, fractional ownership hotel or uses of a similar nature.

Local Coastal Program – The land use plans, zoning regulations, district regulations and implementing procedures adopted by the City of Dana Point for the purpose of carrying out the provisions of the California Coastal Act. Once certified by the California Coastal Commission, these standards and implementing programs become the basis for all future discretionary decisions in the Harbor.

Lumen – The unit of luminous flux: a measure of the amount of light emitted by a lamp.

Luminary (“light fixture”) – A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, diffuser, ballast and/or other components and accessories.

Luminance – The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square feet.

Mitigation – As defined in §15370 of the State Guidelines for the California Environmental Quality Act, mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environment;

DEFINITIONS

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
5. Compensating for the impact by replacing or providing substitute resources or environments.

Principal Permitted Use – The permitted main use that is designated specifically in the district regulations of these Harbor District Regulations.

Public Works – Means the following:

1. All production, storage, transmission and recovery facilities for water, sewer, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires and other related facilities.
3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.
4. All community college facilities.

Restaurant – An establishment where foods and beverages are prepared and/or dispensed for consumption on or off-site. Restaurants include, but may not be limited to fully enclosed establishments, partially enclosed establishments, fast and convenience food establishments.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Structure – Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power and transmission distribution line.

Submerged Lands – Lands which lie below the line of mean low tide.

Tidelands – Lands which are located between the line of mean high tide and mean low tide.

U.S. Army Corps of Engineers (ACOE) – The federal agency that reviews navigation aspects of development projects, conducts design studies and issues dredge and fill permits under the Clean Water Act and water construction permits under the U.S. Rivers and Harbors Act of 1899.

DEFINITIONS

Waterside Planning Areas – An area of water that is depicted on the Dana Point Harbor Revitalization Plan as Planning Areas 8 through 12 and is within the jurisdiction of the California Coastal Commission pursuant to provisions of the California Coastal Act Section 30519.

Wetlands – Lands which may be covered periodically or permanently with shallow waer and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.