

**CALIFORNIA COASTAL COMMISSION**

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**W 8b**

December 29, 2010

**TO:** Commissioners and Interested Persons

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

**SUBJECT:** Major Amendment Request No. 1-10 (Dana Point Harbor LCP Implementation Plan) to the City of Dana Point Certified Local Coastal Program (For Public Hearing and Commission Action at the January 12, 2011 meeting in Long Beach).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 1-10**

Request by the City of Dana Point to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by amending the Dana Point Specific Plan and Dana Point Zoning Code.

The Implementation Plan amendment is proposed via City Council Resolution No. 06-09-12-06 and as reflected in the following Ordinance: 06-08, each of which is attached as Exhibits 1 and 2.

The issues raised by the Implementation Plan amendment are the same issues that were raised by the Land Use Plan amendment for the Dana Point Harbor since the subject Implementation Plan amendment was submitted along with the Land Use Plan amendment and has not been subsequently revised by the local government to reflect the Commission's October 8, 2009 action on the Land Use Plan amendment. However, subsequent to the Commission's action the City of Dana Point and OC Dana Point Harbor staff has worked extensively with Commission staff in developing the proposed suggested modifications that are necessary to carry out the certified LUP. The issues include the lack of standards/regulations to: 1) maximize the protection of the existing quantity of boat slips in the marina by failing to establish a goal of no net loss of slips, prioritizing the provision of smaller (less than 25 foot) slips in the redevelopment of the marina, and the provision of dry boat storage to offset the loss of in-water slips; 2) ensure that the new day-use commercial area (Commercial Core) is incidental to the priority coastal-dependent and coastal-related boating, boating support and water oriented recreational uses by regulating the intensity and phasing of the development, including the visual impacts on the character of the community and ensuring that there is adequate land area and parking for the maintenance and expansion of the higher priority uses; 3) protect the habitat within the Harbor that is used for wading bird (herons and egrets) nesting, roosting and breeding as well as habitat for owls, raptors or other bird species protected by the Migratory Bird Treaty Act, listed pursuant to the federal of California Endangered Species Acts or California bird species of special concern; 4) preserve the existing lower cost overnight visitor accommodations (Marina Inn) and the

prohibition of conversion of the facility to Limited Use Overnight Visitor Accommodations (LUOVA) on public tidelands; 5) ensure the assessment of the parking needs of the various uses within the Harbor and the provision of adequate parking facilities as well as the assessment of the need to provide for non-vehicular transit (seasonal water taxi, shuttle service and Tri-City Trolley) within and to the Dana Point Harbor; and 6) tie the expansion of existing private (membership) yacht clubs with the provision of public access improvements and lower cost boating opportunities and prohibition on the establishment of new private (membership) yacht clubs on tidelands.

The suggested modifications are found in Exhibit 5 to the staff report.

Staff is recommending suggested modifications to bring the proposed Implementation Plan amendment into conformity with the policies of the certified Land Use Plan.

Local Coastal Program Amendment 1-10 affects only the Implementation Plan portion of the certified LCP.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing:

**Deny** the amendment request to the Implementation Plan **as submitted**.  
**Approve** the amendment request to the Implementation Plan **if modified as recommended**.

The proposed amendment, if modified as recommended, would be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions to accomplish this recommendation are found on pages 3 and 4.**

### **STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Dana Point Harbor segment of the City of Dana Point Land Use Plan.

### **SUMMARY OF PUBLIC PARTICIPATION**

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

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City Planning Commission held a public hearing for the proposed LCP Amendment on June 7, 2006 and June 21, 2006, and the City Council held a public hearing for the proposed LCP Amendment on September 13, 2006, and September 27, 2006. This LCP Amendment request is consistent with the submittal requirements of the Coastal Act and the regulations that govern such proposals (see, e.g., Sections 30501, 30510, and 30514 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

## **EXHIBITS**

Click on the link below  
to go to Exhibit 5.

1. City Council Resolution No. 06-09-13-06
2. Ordinance No. 06-08
3. Vicinity Map
4. Letter dated November 17, 2010 regarding Effective Certification of Dana Point Local Coastal Program Amendment 1-08
5. IP 1-10 Suggested Modifications [*This exhibit is provided in a separate bound document*]
6. Harbor Parking Resources
7. Dana Point Harbor Revitalization Plan Land Use Plan (LUP): Dana Point Harbor View Corridors Exhibit 8.1

## **ADDITIONAL INFORMATION**

Copies of the staff report are available on the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Fernie Sy in the Long Beach office at (562) 590-5071. The City of Dana Point contact for this LCPA is John Tilton who can be contacted at (949) 248-3500.

## **I. STAFF RECOMMENDATION**

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

### **A. Denial of the IP Amendment as Submitted**

**MOTION:** *I move that the Commission reject the Implementation Plan Amendment No. 1-10 for the City of Dana Point as submitted.*

### **STAFF RECOMMENDATION OF REJECTION:**

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

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

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-10 submitted for the City of Dana Point and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted

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

**MOTION:** *I move that the Commission certify the Implementation Plan Amendment No. 1-10 for the City of Dana Point if it is modified as suggested by staff.*

**STAFF RECOMMENDATION:**

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

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

The Commission hereby certifies the Implementation Plan Amendment 1-10 for the City of Dana Point if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## II. **SUGGESTED MODIFICATIONS**

Certification of City of Dana Point LCP Amendment Request No. 1-10 is subject to the modifications as shown in Exhibit 5.

The Commission's suggested deletions are shown in ~~strikethrough~~ text and suggested additions are shown in **bold, underlined text**.

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

## III. **FINDINGS**

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

### A. **Amendment Description**

The City of Dana Point has requested an amendment to the Implementation Plan (IP) portion of the certified Local Coastal Program (LCP). The existing certified Implementation Plan is found in the City's Zoning Code. The City's current amendment submittal is intended to establish the zoning for the area known as the Dana Point Harbor which is owned by the County of Orange and managed by Orange County (OC) Dana Point Harbor. It is also intended to provide implementation for the certified Land Use Plan, known as the Dana Point Harbor Revitalization Plan which was also amended and approved with suggested modifications by the Commission on October 8, 2009.

As proposed by the City, the proposed Implementation Plan amendment is intended to implement the recently approved (October 2009) Land Use Plan (LUP) amendment, replacing, in its entirety, the implementation sections relevant to the Dana Point Harbor found in the Dana Point Zoning Code in the commonly referred to "1996" Local Coastal Program.

The amended Dana Point Harbor Revitalization Plan (LUP) as approved by the Commission allows for a newly created Commercial Core area which would consolidate and intensify the existing visitor-serving commercial uses in the Harbor along a new promenade (Festival Plaza). The Plan also calls for the redevelopment of the existing aging East and West Marinas which currently contain 2,409 boat slips. Further, under the amended certified LUP the Harbor would allow for the future redevelopment and expansion of the boater service buildings, the three existing private (membership) yacht clubs/sailing associations as well as the future redevelopment and expansion of the existing Marina Inn, a lower cost hotel.

To carry out the recently amended certified LUP, the Implementation Plan is proposed

to be amended by modifying the Zoning Map to establish zoning for the Harbor such that it is consistent with the Land Use Plan map approved under LUP LCPA 1-08 (see Exhibit 5, page 124). To implement the land use map reflected in the LUP the City proposes changes to the certified Zoning Map. The Zoning for the Harbor area remains “DPHPC” (Dana Point Harbor Planned Community) (Exhibit 1.1 of the Dana Point Harbor District Regulations found on page 5 of Exhibit 5); however, an additional Zoning Map (Exhibit 17.1 of the Dana Point Harbor District Regulations found on page 124 of Exhibit 5) has been included, which identifies the specific planning areas that are regulated by the Dana Point Harbor District Regulations. The zoning map changes are reflected in City Ordinance No. 06-08. The land use designations approved under the Dana Point Harbor Revitalization Plan Amendment LUPA 1-08 and reflected in the approved LUP map for the site include the following Planning Areas (PA) and acreages:

<u>Land Use Designation</u>	<u>Acreage</u>
PA 1 - Marine Service Commercial	24.0 acres
PA 2 - Day Use Commercial	18.1
PA 3 – Visitor Serving Commercial	9.5
PA 4 – Marine Commercial	21.2
PA 5 – Recreation	26.8
PA 6 – Educational/Institutional	3.4
PA 7 – Conservation	4.0
PA 8-12 – Education Basin, Marina Waterways, Marine Services Basin and Harbor Entrance	169.7

Accordingly, the Zoning for the Harbor area remains “DPHPC” (Exhibit 1.1 of the Dana Point Harbor District Regulations found on page 5 of Exhibit #5); however, an additional Zoning Map (Exhibit 17.1 of the Dana Point Harbor District Regulations found on page 124 of Exhibit #5) has been included, which identifies the specific planning areas that are regulated by the Dana Point Harbor District Regulations.

#### Dana Point Harbor Location

The proposed zoning map changes will affect the entire Dana Point Harbor LCP Area. The Dana Point Harbor is owned by the County of Orange and operated by Orange County (OC) Dana Point Harbor though located within the City of Dana Point. The City of Dana Point is situated in southwest Orange County, between the cities of Laguna Beach on the north and San Clemente on the south. Dana Point’s coastline is approximately seven miles long. Dana Point Harbor LCP A is 276.8 (gross) acres and is bounded by the Pacific Ocean on the south, Doheny State Beach on the east, Old Cove Marine Preserve on the west, and residential and public park, commercial and hotel development on the north, north of Dana Point Harbor Drive. The Harbor was

created as a small boat harbor in 1968 from a natural cove. The Harbor opened in 1971.

**B. Description of Previously Approved Dana Point Harbor Land Use Plan Amendment 1-08**

The City of Dana Point Land Use Plan Amendment (LUPA) 1-08 was approved by the Commission on October 8, 2009. Among other things the Dana Point Harbor Revitalization Plan LUPA:

Establishes new land use designations and boundaries throughout the harbor.

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

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

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

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

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

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

Protects scenic and visual resources by making sure development within designated and proposed scenic corridors is compatible with scenic enhancement and preservation. Protect and enhancement of public views to and along the coast through open space designations and innovative design techniques. Establish height limits and exceptions to those height limits for buildings that are allowed only to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. Additionally, require that building heights, excluding the dry stack storage building, are consistent with the existing community character of the area which consists primarily of 35 ft. high buildings (LUP Policy 8.5.1-3).

### **C. Findings for Denial of Implementation Plan Amendment 1-10 as Submitted**

The standard of review for amendments to the Implementation Plan (IP) of a certified Local Coastal Program (LCP) is whether the Implementation Plan, as amended by the proposed amendment, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

#### **1. Tidelands and Submerged Lands**

The protection of Tidelands and Submerged Lands is an important issue for LCP areas that contain tidelands and submerged lands. Tidelands and submerged lands are subject to a public trust that, among other things, limits their use to navigation, fishing, public access, water-oriented recreation and open space and environmental protection, but also allows for incidental commercial use. Accordingly, in approving the Dana Point Harbor LUP amendment the Commission required new policies that call for, among other things, the protection and enhancement of recreational boating and water-oriented use and maximize public access in the Harbor. The Commission required the prohibition of additional private (membership) yacht clubs and required, among other things, that the three existing private membership boating clubs/associations provide mitigation for the expansion of those facilities, including maximizing public access to and along their bulkhead, allow public use of any banquet or meeting room facilities when not booked by members, and allow general public participation in any water safety or boating classes and use of equipment offered to members, and that the classes be offered free of charge or low cost to economically disadvantaged families (LUP Policy 3.2.1-4 below). The County was also required to provide similar mitigation when expanding its facilities (LUP Policy 3.2.1-5 below).

The certified Land Use Plan includes the following policies regarding tidelands and submerged land uses:

3.2.1-2 Promote the use of the Harbor for navigation, fishing, public access, water-oriented recreation and the provision of coastal-dependent uses adjacent to the water in leasing or re-leasing of publicly owned land. Commercial uses, incidental to the above uses, are also allowed.

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3.2.1-3 Evaluate and ensure the consistency of the proposed use with the public trust restrictions and the public interest at the time any tideland lease is re-negotiated or renewed.

3.2.1-4 New boating/yacht clubs or associations that require membership and/or fees for enrollment/initiation and/or other recurrent fees (e.g. member dues, assessments, etc.), or any other facilities that operate similarly, on public tidelands, are prohibited. Any expansion of existing legally established boating/yacht clubs, associations and/or such clubs that renew or renegotiate their lease on public tidelands shall be required to: 1) remove any existing impediments to public access to and along the bulkhead/waterfront that exist due to the presence of the club; 2) where the club has facilities for banquets, receptions, meetings, luncheons, conferences, seminars and other similar events, make significant portions of the facilities available at all reasonable times to the public (member and non-member) groups, and market the availability of such facilities to the public; 3) within their existing capacity, provide activities at the facilities accessible to the general public throughout the year such as, but not limited to, sailing and navigation classes; sailing and boat racing events, and boating safety classes; 4) offer sailing, navigation, and boating safety classes and boat use and equipment for free and low cost to economically disadvantaged families (to the extent the club has access to such equipment); 5) prohibit membership requirements that discriminate against anyone on the basis of race, color, religion, sex, national origin, sexual orientation or disability.

3.2.1-5 The County shall offer a program to include, but not be limited to, sailing, navigation, and boating safety classes, and boat and equipment use, for free to youths (up to age 18) of economically disadvantaged families, with any proposal to expand or improve County operated facilities (e.g., OC Sailing & Events Center) that offer water oriented recreational opportunities to the public.

As submitted, the proposed Implementation Plan amendment does not contain standards/regulations to adequately carry out the above LUP policies for the protection of tidelands and submerged lands for maximum public access and priority water-oriented recreational uses. All of the existing private (membership) yacht clubs/associations are located in Marine Commercial Planning Area (PA 4) where "boating/yacht clubs or sailing associations" are permitted uses (Exhibit 5, Dana Point Harbor District Regulations, Chapter 7 Marine Commercial Planning Area Regulations, Section 7.2 Principal and Other Permitted Uses, subsection (c), page 53). The proposed District Regulations for the Marine Commercial Planning Area (PA 4) are not adequate to carry out the applicable certified LUP policy that prohibits additional private (membership) yacht clubs/associations.

Further, although the proposed Dana Point Harbor District Regulations IP amendment includes "commercial and recreational fishing" and "sport fishing/ charter boat" as permitted uses in many Planning Areas (PA) including the Marine Services Commercial (PA 1), the Marine Commercial (PA 4), Recreation (PA 5), Educational/Institutional (PA 6), Education Basin (PA 8), East and West Marina (PA 9 and 10) and the Marine Services Basin and Entrance Channel (PA 11 and 12) Areas, public access onto the Harbor jetties and other appropriate areas for the purpose of fishing and provisions for public fishing, are not provided. Public fishing is a lower cost water-oriented recreational use and must be maintained and provided in new areas, where it can be done safely, as required by the certified LUP.

The proposed IP amendment does not adequately carry out the applicable LUP policies regarding tidelands and submerged lands as required by the certified LUP and therefore must be denied as submitted.

## **2. Coastal-Dependent/Related Development**

In approving the Dana Point Harbor LUP amendment the Commission placed a priority on the use of land and water area for coastal-dependent and coastal-related uses, such as maintaining and enhancing recreational boating including the existing marina and the public boat launch ramp facility and boating support facilities, including dry boat storage, boater service facilities and shipyard facilities and the provision of guest and dinghy docks. Secondly, emphasis was placed on the provision of lower cost water-oriented, recreational uses and facilities, such as the provision of additional hand launch watercraft use and storage areas at Baby Beach and other areas, and vendor space for those renting kayaks, paddleboards or other similar small vessels. Finally, visitor-serving commercial uses were allowed to the extent that the intensity and location of these uses do not adversely impact the coastal-dependent/coastal-related uses general public ability to enjoy the coast.

Specifically, the certified Dana Point Harbor LUP contains the following policies dealing with the provision, enhancement and protection of coastal-dependent and coastal-related development:

### **4.1 Dana Point Harbor Coastal-Dependent / Related Development**

#### **4.1.1 Coastal-Dependent / Related Development – Policies**

4.1.1-5 Maintain and enhance boating use through the provision of various amenities to the waterside areas, including, but not limited to improved boater drop-off areas, dedicated boater parking, upgraded boater service buildings and restrooms and dinghy docks planned to be relocated adjacent to Planning Area 2.

4.1.1-7 Increased recreational boating use of Dana Point Harbor shall be encouraged by maintaining and enhancing dry storage areas, maintaining and increasing public launching facilities, maintaining and enhancing berthing space within the Harbor and limiting non-water-dependent land uses that may congest access corridors and preclude boating support facilities. (Coastal Act Section 30224).

#### **4.2 Vessel Launching, Berthing and Storage**

##### **4.2.1 Vessel Launching – Policies**

4.2.1-1 Protect and where feasible, expand and enhance vessel-launching facilities in Dana Point Harbor. Provide low-cost use of such facilities.

4.2.1-2 Protect, and where feasible, expand and enhance low-cost public boating facilities, such as providing a dedicated hand launch area at Baby Beach during peak usage periods; make publicly accessible areas of the docks available for hand

launching; and providing adequate locations for vendors renting kayaks, paddleboards or other similar small vessels. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.

#### **4.2.2 Berthing and Storage – Policies**

4.2.2-1 Provide a variety of berthing opportunities reflecting State and regional demand for slip size throughout Dana Point Harbor.

4.2.2-2 Protect, and where feasible, enhance and expand berthing, dry boat storage facilities and hand launch vessel storage opportunities.

4.2.2-3 Maintain existing quantity of anchorage space, and where feasible, provide new anchorages in areas of the Harbor that minimize interference with navigation and where shore access and support facilities are available.

4.2.2-5 Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy docks, guest slips, club guest slips, pump-out stations and other facilities. A minimum of 42 guest slips shall be maintained in the Harbor.

4.2.2-6 Protect and enhance berthing opportunities in Dana Point Harbor. The goal for any dock replacement should be no net loss of slips harbor-wide. However, if conformance with current engineering and Americans with Disabilities Act (ADA) design requirements, and/or the provision of larger slips to meet demands, requires a reduction in the quantity of slips in existing berthing areas, those slips should be replaced, if feasible, in new berthing areas elsewhere in the harbor (e.g. within a portion of the 'safe harbor' area near the east breakwater). Priority shall be given to provision of slips that accommodate boats less than 25 feet in length. The average slip length shall not exceed 32 feet. If new berthing areas are not available or are limited in size, the net loss of slips harbor-wide shall be minimized and shall not exceed 155 slips.

4.2.2-9 Encourage and maintain marine-related businesses and industries unless the demand for such facilities no longer exists. A shipyard shall be maintained in Planning Area 1 and shall be no less than 1.6 acres in size.

4.2.2-10 Ensure that the redevelopment of Dana Point Harbor maintains and enhances the following coastal-dependent and coastal related uses:

- Redesign and expand the existing 5.7 acre boat launch facility to maximize the number of vehicle with trailer parking spaces meeting minimum Department of Boating and Waterway guidelines (10 x 40 feet). Some larger and smaller vehicle with trailer parking spaces shall also be provided in adequate amount to meet demand as determined through the coastal development permit process;
- Maintain space for at least 493 boats to be stored on dry land in Planning Area 1; 400 of these spaces may be provided in a dry stack storage facility. Maintain a minimum of 93 surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, within the Harbor at all

times; additional spaces shall be provided where feasible;

- Removal of any existing slips prior to construction and full operation of the boat storage facility shall only occur pursuant to an approved CDP for marina redevelopment that addresses impacts associated with any loss of slips; and
- Maintain designated boater parking at a minimum ratio of 0.60 parking spaces per boat slip or side tie.

### **4.3 Harbor Support Facilities**

#### **4.3.1 Harbor Support Facility – Policies**

4.3.1-4 Protect and where feasible, expand and enhance existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community and visiting vessels.

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

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

4.4.1-3 To provide enhancements to boater facilities and services in the Marine Services Commercial area (Planning Area 1) one (1) dry stack boat storage facility building may be constructed with a capacity to store up to 400 boats generally ranging in size from 20 to 40 feet. The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent possible. Other services may include ancillary marine-related administrative, professional and business offices, marine retail store, a boater lounge area, a hoist, boat maintenance area, and potentially other boat maintenance and support facilities. The existing public launch ramp and associated vehicle and trailer parking facilities shall be enhanced and maintained. There shall be no net loss of the existing 334 vehicle with trailer parking spaces. The existing vehicle with trailer parking spaces shall be reconfigured such that spaces are maximized and meet the minimum California Department of Boating and Waterways guidelines of 10 x 40 feet to the greatest extent feasible while taking into consideration the demand for larger and smaller spaces. An adequate amount of larger and smaller vehicle with trailer parking spaces shall also be provided for the type of tow vehicles and vessels that use the launch ramp facility, as determined through the Coastal Development Permit process.

As submitted, the proposed Implementation Plan amendment does not contain standards/regulations to adequately carry out the above LUP policies for the provision, maintenance and enhancement of coastal-dependent and coastal-related uses. The Marine Services Commercial (MSC) Planning Area (PA 1) contains the existing shipyard, surface dry boat storage, and a portion of the existing public boat launch ramp facility.

The above LUP policies required that any redevelopment of the existing marina (PA 9 and 10) have as a priority the provision of slips that accommodate boats less than 25 ft. in length and a goal no net loss of the existing 2,409 slips; but if slips are lost due to ADA, engineering requirements or the demand for larger slips and the slips cannot be replaced in new Harbor

berthing areas, that the maximum loss be kept to 155 slips, and that the average slip length of the new marina not exceed 32 ft. (LUP Policy 4.2.2-6). The certified LUP also requires that no in-water slips can be removed prior to approval of a Coastal Development Permit that deals with the provision of adequate dry boat storage facilities (LUP Policy 4.2.2-10). Also required was that the sizeable stand alone marine retail use and its associated parking be eliminated in PA 1 so that the area can be used to expand and enhance the existing public boat launch ramp facility to provide a minimum of 334 adequately sized vehicle with trailer parking spaces and surface dry boat storage space (LUP Policies 4.2.2-2, 4.2.2-10, 4.3.1-4 and 4.4.1-3); and that land area no smaller than 1.6 acres be retained in PA 1 for a full-service shipyard facility (LUP Policy 4.2.2-9). The proposed Implementation Plan amendment does not contain standards/regulations to require these coastal-dependent and coastal-related uses be provided. Therefore the IP amendment must be denied as submitted.

### **3. Visitor-Serving Commercial Development**

Visitor-Serving Commercial Development including day-use commercial is strongly preferred under the Coastal Act. This type of use is preferred because it provides opportunities for the general public to enjoy the unique experience available only along the coast. The Dana Point Harbor is a favorable location to provide amenities that will enhance the general public's access to the coast. However, when the LCP area in question is a harbor area, coastal-dependent boating, fishing and water-oriented recreational uses and coastal-related uses such as boating support uses have priority over visitor-serving commercial use. The certified LUP allows the redevelopment and intensification of the visitor serving day use commercial area, called the Commercial Core. However, due to the requirement that day use commercial uses be incidental to the priority coastal dependent boating and boating support uses and water-oriented recreational uses, the LUP contains policies that require that the necessary land area and parking support for these priority uses be preserved before allowing the day use commercial uses to intensify. However, as submitted the proposed IP amendment does not include the required phasing of the higher priority uses and assure parking support for those uses and therefore does not conform to or adequately carry out the certified LUP. Therefore the IP amendment submittal must be denied as submitted.

### **4. Lower-Cost Overnight Accommodations/Limited Use Overnight Visitor Accommodations**

The certified LUP amendment has policies that protect the existing 136 room lower-cost hotel, known as the Marina Inn. The hotel is located on filled public tidelands within the Harbor. The LCP contemplates expansion of that hotel from 136 to 220 rooms, plus the addition of other amenities including conference facilities. As land becomes less available and more expensive, protection of coastally located facilities that provide recreation and accommodations to the general public become invaluable. It is important to protect those uses that best service the public in general, as opposed to members of the public that can afford certain luxuries.

LUP policies protect the existing lower cost overnight accommodations and assure that renovated or new accommodations are also low cost. Historically, the Commission has

in past actions, loosely considered low cost to be less than \$100 per night. In order to protect the existing lower cost facility the City and OC Dana Point Harbor agreed in the LUP to stipulate that the existing hotel, which has room rates of about \$89.00/night, is low cost, and that any renovated, replaced or new additional units would also be low cost. The LUP requires that conversion of any existing units to high cost, replacement of any existing units with anything other than lower cost, and construction of any new/additional units that are anything other than lower cost units shall require a local coastal program amendment to address Coastal Act issues associated with such proposals. The certified LUP policies that protect the existing overnight accommodations include:

## **5.2 Overnight Visitor Accommodations and Recreational Facilities (R)**

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

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

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

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

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

5.2.1-10 A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.

5.2.1-11 Future facilities providing overnight accommodations will be located in the area designated as Visitor Serving Commercial (Planning Area 3) by the Dana Point Harbor Land Use Plan.

The IP amendment as submitted provides no regulations or provisions to carry out the protection of the existing lower cost overnight accommodations required by LUP Policy 5.2.1-2 above which requires the replacement of any demolished units be replaced in the existing Planning Area 3 (Visitor-Serving Commercial) with units of equal or lower-cost than the existing lower-cost units. Further there are no proposed regulations to require that the conversion of any existing units to high cost, replacement of any existing units with anything other than lower cost, and construction of any new/additional units that are anything other than lower cost units require a Local Coastal Program Amendment to address Coastal Act issues associated with such proposals. Therefore the proposed IP amendment is not adequate to carry out the certified LUP for the protection of existing lower cost overnight accommodations and must be denied as submitted.

The Commission found in its action certifying the Dana Point Harbor LUP that there is a recent trend that developers constructing projects with overnight accommodations often seek individual investors to aid in the initial costs of construction and development. This often results in a development having a "private component" that limits the visitor-serving use of the facility. These developments incorporate condominium hotel units or fractional ownership units (i.e. Limited Use Overnight Visitor Accommodations or LUOVAs), both of which give some priority to the individual owners, and diminish the visitor-serving use of such a facility. In order to protect the existing lower cost overnight accommodation from becoming available to a more limited segment of the general public who can afford to participate in the various types of LUOVA programs and prevent the existing units from becoming more like residential than overnight visitor accommodations, the Commission first required a policy in the LUP to add a definition for the term "Limited Use Overnight Visitor Accommodations" or LUOVA and added a policy to clarify that no existing, traditional overnight transient visitor serving accommodations can be converted to Limited Use Overnight Visitor Accommodations and no new LUOVAs may be constructed on public tidelands. The proposed IP amendment contains no regulations or provisions restricting the conversion of the existing lower cost overnight accommodation to LUOVA as required by LUP Policy 5.2.1-3 above. Therefore the amendment submittal must be denied as submitted.

## **5. Transit/Smart Growth**

The certified LUP requires policies to encourage provision and use of public transit as one method to allow visitors to move throughout the Harbor and to other destination points of the City without relying on the private automobile thereby improving circulation and reducing traffic congestion and enhancing public access to the coast. The local

government already provides a shuttle for use by the public during peak use periods associated with temporary events such as the annual Blues Festival but noted that there is currently no demand for an ongoing shuttle system.

However, the certified LUP requires various transit/smart growth policies including Policy 6.2.1-2 that requires the City and OC Dana Point Harbor in cooperation with the County and adjacent cities to determine the feasibility of the Tri-City Trolley becoming operational prior to or concurrent with build-out and occupancy of the Commercial Core; requiring funding mechanisms and the option to serve Dana Point Town Centre to be evaluated; and reducing traffic congestion and parking demand within OC Dana Point Harbor and enhancing connectivity between areas of high public use within the Dana Point coastal zone (e.g. Harbor, Town Center, Doheny State Beach, hotels, etc.), by implementing a shuttle service to link the Harbor with other areas of high public use when anticipated ridership suggests demand for such service. The City and OC Dana Point Harbor shall continually evaluate traffic and parking demand within the harbor to determine whether implementation and/or expansion of existing shuttle service is required. Further, where shuttle service implementation and/or expansion is determined to be necessary to offset the impacts of new development, the certified LUP requires the City and/or OC Dana Point Harbor to require that new development participate in the provision of a shuttle service. There is also an LUP policy (Policy 6.2.3-11) stating that a seasonal water taxi will be incorporated throughout the harbor if there is demand for such service.

The LUP also contains other transportation specific policies as shown below, including the provision of pedestrian/bicycle trails, aimed at minimizing pedestrian conflicts and thereby improving public access to the Commercial Core area and the water and reducing the demand for parking. Finally, policies regarding parking are also provided in the certified LUP that would enhance the vehicular circulation system and are also found in the Public Access and Recreation Policies of the certified LUP.

### **6.2.1 Transportation – Policies**

6.2.1-1 Promote Harbor improvements that are designed in a manner that: (1) facilitates provision or extension of transit service; (2) provides on-site commercial and recreational facilities to discourage mid-day travel; and (3) provides nonautomobile circulation to and within the Harbor. (Coastal Act Section 30213 & 30252)

6.2.1-2 The City of Dana Point and OC Dana Point Harbor shall cooperate to the maximum extent feasible to provide a convenient shuttle service to link Dana Point Harbor with the Town Center and reduce energy consumption and vehicle miles traveled wherever feasible. (Coastal Act 30252, 30253)

6.2.1-3 The implementation of restrictions on public parking along Dana Point Harbor Drive and Street of the Golden Lantern that would impede or restrict public access to the Harbor, trails or recreation areas (including, but not limited to the posting of “no parking” signs, red curbing and placement of physical barriers) shall be

prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Changes to existing time limits or hours of operation and substantial changes to parking fees shall require a Coastal Development Permit.

6.2.1-4 Prior to Coastal Development Permit approval for development within the Commercial Core, plans shall be prepared indicating the use of Transportation Demand Management Plan (TMP) measures such as preferential parking for vanpooling/carpooling, employee subsidy for transit passes or vanpooling/carpooling, flextime work schedules, etc. A TMP shall be required for implementation as part of the Coastal Development Permit process.

6.2.1-5 Bike racks shall be incorporated into the design of the Harbor wherever feasible.

## **6.2.2 Public Transit**

### **Public Transit – Policies**

6.2.3-1 Transit service and pedestrian/bicycle trails shall be maintained and enhanced wherever possible in order to reduce the demand for parking.

6.2.3-2 Require the implementation of employer Transportation Demand Management (TDM) requirements included in the Southern California Air Quality Management District's Regulation XV of the Air Quality Management Plan. Participate in regional efforts to implement (TDM) requirements.

6.2.3-3 Promote ridesharing and public transportation through publicity and provision of information to the public.

6.2.3-4 Ensure accessibility of public transportation for elderly and disabled persons.

6.2.3-5 Require employers to reduce vehicular trips by offering employee incentives.

6.2.3-6 Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation. (Coastal Act Section 30252, 30253)

## **Water Transportation**

### **Water Transportation – Policy**

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

The proposed IP amendment submittal does contain provisions for a seasonal water taxi by making water taxi service and stops an allowable use in the applicable Planning Areas and providing shuttle service during peak use periods associated with temporary events. However, as submitted the proposed IP amendment is inadequate to carry out the above LUP policies aimed at maintaining and enhancing public access to and

throughout the LCP area with the provision of transit/smart growth practices that reduce the reliance on the private automobile since there is no commitment to the evaluation of a shuttle on a permanent basis. Therefore the proposed IP amendment must be denied as submitted.

## **5. Public Access and Recreation**

In certifying the Dana Point Harbor LUP the Commission found that the public access and recreation provisions were lacking. The Commission required policies to be added to the certified LUP to preserve, maintain, and enhance existing public accessways to the Harbor and the provision and protection of existing public open space/park areas in Planning Areas 1 and 4, and also to enhance access to the Harbor by creating new public access opportunities. Roadway circulation improvement policies were added to improve access to the Harbor. The certified LUP requires policies to ensure the continued provision and expansion of shoreline access in the harbor including continuous public access along the waterfront and bulkhead in the harbor; and a comprehensive sign plan to assure the public is well-informed about available access opportunities.

LUP policies describing and graphics depicting existing access to be protected and the enhancement of public access with new access opportunities were required. The LUP 'Circulation and Access' section was found to be inadequate because of its emphasis on the Commercial Core area but did not protect public access to the other recreational areas of the Harbor including the parks in Planning Areas 1 and 4, Baby Beach in Planning Area 5, and opportunities for increased use of lower cost hand launch vessels and other smaller watercraft and fishing.

Although the LUP provided general parking policies for the Harbor, specific parking standards were not provided and the certified LUP. The specific parking ratios were to be provided in the Implementation Plan.

Policies were added to provide additional recreational opportunities, including low cost recreational opportunities within the harbor, such as the expansion of places to hand launch small non-motorized watercraft and provide necessary parking; as well as opportunities to rent and store such watercraft as close to hand launch area as feasible.

Although the certified LUP allowed a reduction in the required parking ratio for boater parking, reducing the parking allocation required for boat slips from 0.75 to 1.6 spaces per boat slip to 0.6 spaces per slip, the LUP requires that the Commercial Core and other lower priority commercial uses throughout the Harbor not adversely impact the parking supply and land area available for the higher priority coastal-dependent and water-oriented recreational uses. The certified LUP also addressed the intensity and phasing of the new Commercial Core development in order to ensure that the development, and its required parking, does not adversely impact parking that is available for other higher priority coastal dependent uses (e.g. the marina boater

parking and the public boat launch ramp facility) or that is used for other public access purposes (e.g. picnicking, Baby Beach or strolling along the bulkhead).

The existing supply of 3,962 parking spaces within the Harbor is augmented by approximately 62 additional on-street spaces along Dana Point Harbor Drive and 65 on-street spaces on Street of the Golden Lantern, according to the City/County figures). These existing parking spaces are distributed around the harbor in surface parking lots that support the adjacent uses ((Exhibit 6). The area of greatest competition for parking is in the north-east quadrant of the harbor (identified as 'parking area I' in Exhibit 6), where significant existing and proposed commercial development (e.g. restaurants, bars, retail) is located, the Catalina Express and sport fishing docks, the boat launch ramp, boat storage areas, and boat slips. This is the area closest to major roads with access into the harbor like Street of the Golden Lantern and Pacific Coast Highway which feed onto Dana Point Harbor Drive and is where the 'Commercial Core' is contemplated.

The certified LUP recognizes that there are limited opportunities to provide additional parking in the Harbor without constructing multi-level parking structures. However, the use of such structures is constrained by the need to avoid adverse impacts to public coastal views to the harbor and to minimizing displacement of other higher priority uses, such as the public launch ramp facility and boater parking. There are inherent limitations on the types of vehicles that can use such structures (e.g. at-grade lots can be used for multiple purposes (e.g. cars, small and large vehicles with and without trailers for boats, as well as for boat storage), whereas structures can mostly only be used by passenger vehicles. The Commission was concerned about the potential displacement of higher priority uses by the new Commercial Core development and/or its associated parking demand and required policies in the LUP to deal with this concern. The policies first make it clear that the square footage of retail, restaurant and other commercial and private (membership) yacht and boating club development identified in the certified LUP in the Commercial Core and other areas of the Harbor is the maximum possible and in no way guaranteed. Second, the Commission required in the LUP that provisions that allow the planned intensity of the Commercial Core, including the granting of height exceptions, be allowed only if the visual resources of the area are preserved and enhanced, as discussed in the Visual Resources section of this staff report. Third, the Commission required that before the Commercial Core is allowed to build out that the parking needs and land area for the higher priority coastal-dependent, coastal-related support uses and water-oriented recreational uses must be provided through development phasing requirements.

Additionally, the LUP contains policies requiring that a comprehensive parking management plan be prepared to make better use of existing and planned parking resources for new commercial development as well as maintaining designated boater parking at the new parking ratio and assuring continued public access parking in the Harbor. The certified LUP requires maximum distances for the provision of any relocated boater parking and if existing designated boater parking is relocated assistance is required to boaters to, among other things, transport equipment between

the parking facility and their boat docks. Finally, the certified LUP requires that adequate parking or alternative public transportation be provided.

The specific LUP Policies that were required to address public access and recreation issues are as follows:

## **6.1 Shoreline Access**

### **6.1.1 Shoreline Access – Policies**

6.1.1-2 Priority should be given to those projects that provide for coastal recreational opportunities for the public. Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. (Coastal Act Sections 30213, 30222, 30223)

6.1.1-4 Existing, new or improved public access shall be well posted. A comprehensive signage plan shall be implemented in conjunction with new development to inform the public of the availability of and provide direction to coastal accessways, on-site recreational amenities, and public parking areas. The County shall coordinate an access signing system to facilitate regional access from Interstate 5 and Pacific Coast Highway.

6.1.1-10 Public access and views of the waterfront shall be enhanced through the creation of a large, centralized outdoor Festival Plaza (approximately 35,000 sq. ft.), and located at the southern terminus of the Street of the Golden Lantern that provides a combination of landscaping, special paving and informal seating opportunities, serving as a central gathering place for events, activities and celebrations.

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

### **Bikeways and Trails – Policies**

6.2.4-2 Promote the safety of pedestrians and bicyclists by adhering to national standards and uniform practices.

6.2.4-3 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between facilities.

6.2.4-4 Encourage safe and convenient bicycle and pedestrian access throughout the community. (Coastal Act Sections 30210-212.5, 30250, 30252)

6.2.4-5 Develop stronger pedestrian, bicycle and visual linkages between public spaces and along the shoreline and bluffs. (Coastal Act Sections 30210, 30212)

6.2.4-7 Require the provision of showers, changing rooms and an accessible and secure area for bicycle storage at all new and existing developments and public places whenever feasible. (Coastal Act Section 30213)

6.2.4-9 Provide public access consistent with the exhibit entitled Dana Point Harbor Coastal Access.

6.2.4-10 Maximize public access to and along the waterfront and bulkhead. As a goal, maintain, and where necessary establish, continuous, uninterrupted public access along the waterfront and bulkhead, except along those segments of the bulkhead in the Marine Service Commercial area where provision of such access would interfere with boat launch and repair operations (in which case connecting detours shall be provided around those areas). Remove existing obstructions to public access along the waterfront and bulkhead and establish new public accessways through those areas.

6.2.4-11 Pedestrian walkways and trails shall provide connection points to off-site, existing or proposed walkways/trails, including integration with the California Coastal Trail.

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

## **6.2.5 Parking**

### **Dana Point Harbor Parking – Policies**

6.2.5-1 All parking facilities shall be designed to include safe and secure parking for bicycles.

6.2.5-2 Provide opportunities for and encourage the shared use of parking facilities to improve public access to the coast, where feasible and where such shared use does not substantially and adversely impact the primary use for which the parking was intended. (Coastal Act Sections 30212.5 & 30252)

6.2.5-3 Adequate parking will be provided in close proximity to the use the parking is intended to support.

6.2.5-5 Provide sufficient off-street parking. (Coastal Act Section 30250)

6.2.5-6 Designated boater parking areas shall be located as close as possible to the land/dock connection point of the docks they serve. Typically, the boater parking spaces should be within 300-feet of the land/dock connection point of the docks they serve, but where adherence to this standard is infeasible, the parking spaces shall be within a maximum of 600-feet of the land/dock connection point of the docks they serve. Mitigation measures should be provided to assist boaters with transport of passengers, equipment and provisions from parked vehicles to the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300-feet and/or where there are

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other factors present which make such transport difficult.

6.2.5-7 As part of any application for a Coastal Development Permit for Revitalization Plan

improvements in the Commercial Core, a parking management program shall be developed which assesses current and anticipated future parking demands throughout the harbor, taking into account weekday, weekend and seasonal variations in the use of Harbor facilities, and develops a plan which makes the best possible use of the parking while prioritizing and avoiding adverse impacts on dedicated boater parking and boat launch ramp parking (i.e. vehicle with boat trailer) opportunities. The parking needs of the general public visiting the harbor for boat and non-boat related recreational purposes shall also be considered, especially with regard to any underutilized parking that may exist in Planning Area 4.

6.2.5-8 The parking ratios will be contained in the off-street parking standards section of the Implementation Plan once certified by the California Coastal Commission. Any changes to these standards shall require a Local Coastal Program Amendment.

6.2.5-9 Separate pedestrian sidewalks will be provided as part of the ramp design to minimize pedestrians using parking aisles to access the Commercial Core area businesses.

6.2.5-10 Prioritize construction of proposed parking facilities in new development to augment parking for Harbor visitors and boaters.

6.2.5-11 Designated boater drop-off areas and parking shall be provided in the Commercial Core.

6.2.5-12 Existing surface parking may be re-striped to improve efficiencies in parking stall configuration.

6.2.5-13 Prior to the approval of any Coastal Development Permit or Grading Permit for Revitalization Plan improvements, OC Dana Point Harbor shall prepare a construction-phase Parking Management Plan (PMP) that ensures public access will be retained to the extent it can be safely provided and to reduce construction congestion/ conflicts.

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

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

up existing underutilized parking areas that are closed to public use for use by the visiting public.

### **6.3 Recreation (R)**

#### **Recreational – Policies**

6.3.1-1 Encourage the provision of a range of recreational facilities and programs to meet

the needs of Harbor visitors.

6.3.1-2 Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Harbor facilities providing public recreational opportunities are preferred. (Coastal Act Section 30213)

6.3.1-3 Pedestrian linkages shall be created between Harbor amenities, such as the Pedestrian Promenade and linear park.

6.3.1-4 Development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas through, among other methods, creative site planning and minimizing visual impacts and shall be compatible with the continuance of those parks and recreation areas. (Coastal Act Section 30240)

6.3.1-5 Coastal water areas suited for water-oriented recreation activities shall be protected for such uses. (Coastal Act Section 30220)

6.3.1-6 Maintain, enhance, and where feasible, expand places to hand launch small non-motorized watercraft and provide necessary parking; as well as opportunities to rent and store such watercraft. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.

### **6.3.3 Temporary Events**

#### **Temporary Event – Policies**

6.3.3-1 Temporary events shall minimize impacts to public access, recreation and coastal

resources. A Coastal Development Permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A Coastal Development Permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources. (Coastal Act/30212)

6.3.3-2 Special event permits and Coastal Development Permits (as required above) for temporary events shall be required to provide details on event characteristics, including duration (from set up/assembly to break-down/dismantling and clean-up times), event hours, per day estimated attendance, parking management and

shuttle arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food service, entertainment, sponsorships and advertising/marketing plans.

6.3.3-3 A Special Event Permit shall be required for all events that necessitate the temporary closure of a public roadway and shall be reviewed and approved by the Orange County Sheriff's Department prior to permit issuance.

6.3.3-4 Shuttle service from off-site parking areas and available to the public free of charge shall be required to serve any temporary event requiring a Coastal Development Permit.

The proposed IP amendment is inadequate to carry out the public access and recreation LUP policies of the certified LUP as cited in the above. Therefore the IP amendment must be denied as submitted.

## **6. Coastal Resource Protection**

Protection of Coastal Resources is a primary goal in the certified LUP. The LUP indicates that is coastal sage scrub habitat on the coastal bluff face at the northern boundary of the LCP area in Planning Area 7. There are also protected bird species such as the black-crowned night heron, snowy egret as well as raptors present in the Harbor. Herons and egrets nest, roost and breed in non-native trees located in an existing park area in at the southern end of Planning Area 1. The LUP required that this area be given a land use designation of Recreation (R) as opposed to the Marine Service Commercial (MSC) designation of the surrounding area (see Exhibit 5, page 124). The certified LUP contains policies to ensure the long-term protection of breeding, nesting and roosting habitat for bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls and raptors. The certified LUP policies that protect these coastal resources are as follows:

### **7.0 Coastal Resource Protection**

#### **7.1.1 Dana Point Harbor Biological Resource – Policies**

7.1.1-1 The Dana Point Harbor Revitalization Plan has a wide range of biological resources which may include Environmentally Sensitive Habitat Areas (ESHAs) including important plant communities, wildlife habitats, marine refuge areas and significant tree stands, all of which shall be appropriately preserved and protected depending upon their designation. Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade those areas through such methods as, the practice of creative site planning and vegetative buffers and shall be compatible with the continuance of those habitat areas. A definitive determination of the existence of Environmentally Sensitive Habitat Areas on a specific site shall be made through the Coastal Development Permit process. (Coastal Act Sections 30230, 30240)

## **7.1.2 Land Resources**

### **Nesting and Foraging Habitat**

#### **Nesting and Foraging Habitat – Policies**

7.1.2-2 While evaluations of the trees located throughout Dana Point Harbor do not rise to the level of ESHA, they do provide important habitat which should be protected. The purpose of these tree trimming policies is to ensure the long-term protection of bird breeding, nesting and roosting habitat for bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls and raptors which have an especially valuable role in the overall coastal ecosystem. Ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls or raptors. The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described in the Dana Point Harbor Tree Maintenance Procedures as approved by the Coastal Commission as a part of the Implementation Plan.

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

- Tree trimming, or tree removal when necessary, shall be conducted only during the non-breeding and non-nesting season (October through December) of the identified bird species unless the County of Orange in consultation with a qualified arborist and with review and comment from the Audubon Society determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist if qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The County shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season.
- Trees or branches with a nest of a state or federal listed species, a California bird species of special concern, or a wading bird (heron or egret) as well as owls or raptors that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.
- The removal of any tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36 inch box size), planting specifications, and a five-year monitoring program with specific performance standards.

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

The proposed IP amendment fails to include the required regulations and special provisions as required by the above LUP Policies 7.1.2-1 through 7.1.2-3 to carry out the long-term protection, including the regulation of construction noise near the bird habitat areas during bird breeding, nesting and roosting as required by LUP Policy 7.1.2-4. Further, the IP would allow the removal of trees in the Commercial Core and Visitor Serving Commercial areas, regardless of whether the trees are habitat for any of the birds listed in the above LUP policies, if the trees are replaced on a 1:1 basis. The biological survey of the Harbor that was done during the EIR process found that no trees other than those located in Planning Area 1 are being used by herons or egrets or other wading birds, owls or raptors. However, the tree may in the future become habitat for the listed species. Additionally, the IP amendment does not contain adequate regulations to protect the coastal bluff from inappropriate development to protect the existing coastal sage scrub habitat and prevent erosion of the bluff face. For these reasons the IP amendment is not in conformance with the certified LUP is denied as submitted.

## **7. Locating New Development**

The type, location and amount of new development provided for in the certified LUP and issues it raises regarding the protection and enhancement of scenic and visual resources, the provision of adequate parking and non-automobile circulation, among other things, must be carried out in the Implementation Plan amendment .

### **Visual Resources**

The Commission found that the Dana Point Harbor Revitalization Plan LUP failed to protect the visual resources of the area and assure that the new Commercial Core development, the expansion of the existing hotel, and the future dry stack storage building would be consistent with the bulk and scale of the community. The Commission required policies to designate and protect significant public coastal views from several public vantage points; from Doheny State Beach, the bluffs surrounding the harbor and from other public areas, such as the Street of the Golden Lantern and Dana Point Harbor Drive, which are both designated as scenic corridors by the City of Dana Point. Although the LUP recognized that certain development allowed in the LUP i.e., the 400-space dry stack storage building (PA 1), Commercial Core buildings (PA 1 and 2), and the Marina Hotel (PA 3), will have some impacts upon views from the designated view areas, the impacts were required to be minimized and significant visual

impacts were not permitted. The Commission also addressed the impacts of the bulk, scale and height of the above future buildings on the existing community requiring that the building heights, excluding the dry stack storage building, be consistent with the existing community character. It was noted that the existing buildings within the Harbor are primarily 35 feet in height. The certified LUP contains the following policies, including Subsection 8.5.1, Bulk and Height Limitations, that were found to be necessary to protect visual resources the Harbor:

### **8.1.1 General Development – Policies**

8.1.1-5 The development of unified or clustered commercial centers shall be encouraged. (Coastal Act Sections 30250, 30252)

8.1.1-8 Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.

8.1.1-9 Encourage outdoor pedestrian spaces, sidewalks and usable open space in all new development.

8.1.1-10 Encourage aesthetic roof treatment as an important architectural design feature.

8.1.1-16 All fences and walls within the Harbor area will be designed to have a minimum impact on coastal and scenic views from public areas. If enclosures used to shelter outside eating areas are designed using clear materials, they shall be etched or tinted to make them visible to birds and with awnings or covers that are integrated into the architectural design of the buildings.

8.1.1-17 Architectural and building articulation will have a form that complements the Harbor area and natural setting, when viewed from within the Harbor or the surrounding area (both from land and sea). High, uninterrupted wall planes are to be avoided.

8.1.1-18 All accessory buildings and structures will be consistent with the main structure in materials, color palette, roof pitch and form.

8.1.1-19 All roof-mounted mechanical equipment and communication devices that are visible to and along the Harbor will be hidden behind building parapets or screening materials from both ground level and elevated areas to the extent feasible. Ground-level mechanical equipment, storage tanks and other similar facilities shall be screened from view with dense landscaping and/or walls of materials and finishes compatible with the adjacent areas. In addition, service, storage, maintenance, utilities, loading and refuse collection areas will be located generally out of view of public right-of-ways and uses adjacent to the development area.

8.1.1-20 All new solid waste (refuse / trash collection) areas will be screened from public view.

8.1.1-21 Architectural elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare.

8.1.1-22 The project will utilize minimally reflective glass and other materials used on the exteriors of the buildings and structures will be selected with attention to minimizing reflective glare.

8.1.1-26 Roof-mounted solar panels, metal panels and skylights should incorporate non-reflective materials and be designed to point away from roadways to the extent possible while assuring proper function.

8.1.1-27 The parking deck design shall include a light well that separates the upper deck area, allowing light and/or installation of landscaping elements to enhance the visual appearance of the structure.

## **8.4 Scenic and Visual Resources**

### **8.4.1 Scenic and Visual Resource – Policies**

8.4.1-1 Protect and enhance public views to and along the coast through open space designations and innovative design techniques. (Coastal Act Section 30251)

8.4.1-2 Ensure development within designated and proposed scenic corridors are compatible with scenic enhancement and preservation and shall not significantly impact public views through these corridors. (Coastal Act Section 30251)

8.4.1-3 Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact. (Coastal Act Section 30250)

8.4.1-4 Textured paving will be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be planted consistent with landscape plans approved through the Coastal Development Permit process to preserve and enhance ocean views.

8.4.1-5 In areas that abut Planning Area 7, a landscape buffer will be maintained. All new plant material in recreational areas will be native or non-invasive and drought tolerant species to provide a transition between natural and ornamental areas.

8.4.1-6 The planting of trees within new development will provide a visually soft and natural backdrop while framing and protecting significant public view opportunities.

8.4.1-7 Vertical landscape elements and setbacks between buildings shall be incorporated into the design of new development to break up building massing.

8.4.1-8 Street and parking lot lighting shall be positioned to enhance the vehicular and pedestrian safety. Lighting shall be concentrated on intersections and pedestrian crosswalks and shall be directed downward.

8.4.1-9 All exterior lighting will be designed and located to avoid intrusive effects on the

adjacent uses atop the bluffs and Doheny State Beach. New light fixtures will be designed to direct light on-site, away from other areas and where feasible (not interfering with public safety), minimize impacts to nesting birds or other sensitive biological resource areas within the boundaries of the LCP.

## **8.5 Coastal Views**

### **8.5.1 Bulk and Height Limitation**

#### **Bulk and Height Limitation – Policies**

8.5.1-1 New building architecture shall encourage irregular massing of structures.

8.5.1-2 Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile.

8.5.1-3 All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following:

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

These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. The height of the buildings, excluding the dry stack storage building, should be consistent with the community character.

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

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

As indicated by the above policies, the certified LUP contains numerous policies for the protection of the visual resources of the Harbor. As proposed the IP amendment does

not carry out the above policies because the IP fails to acknowledge that the height limit throughout the Harbor is 35 feet maximum and that a height exception is allowed only in specific Planning Areas, for certain structures, only if certain criteria is met for the protection of significant coastal public views and the community character, as specified in LUP Policy 8.5.1-3. Clarification should be provided in the IP to prevent any incorrect assumption that a height exception is guaranteed. Further, the IP amendment does not define the geographic boundaries of the community or determine the existing community character. Defining the community and the existing community character is necessary in order to determine if buildings can be granted an exception, and if so, to what extent, to the 35 foot maximum height limit and if so, to what extent. For these reasons the proposed IP amendment must be denied as submitted.

### **Conclusion**

As detailed above, the proposed Implementation Plan amendment is not in conformance with or adequate to carry out the tidelands/submerged lands, coastal-dependent/coastal-related development, visitor serving development, lower cost overnight accommodations/limited use overnight accommodations, transit/smart growth, public access and recreation, coastal resources protection and new development policies of the certified Dana Point Harbor LUP. Therefore, the Implementation Plan amendment must be denied as submitted.

#### **D. Findings for Approval of Implementation Plan Amendment 1-10 if Modified as Recommended**

##### **1. Incorporation of Findings for Denial of Implementation Plan Amendment 1-10 as submitted.**

The findings for denial of the Implementation Plan amendment as submitted are incorporated as though fully set forth herein.

##### **2. Proposed Changes that are Consistent if Modified**

###### **a) Tidelands and Submerged Lands and Coastal-Dependent and Coastal-Related Development**

As detailed in Section C. the staff report the proposed IP amendment is not in conformance with and inadequate to carry out the Tidelands and Submerged Lands and Coastal-Dependent and Coastal-Related Development policies of the certified LUP. The IP amendment submittal does not require maximum public access to the Tidelands and Submerged Lands for the higher priority coastal-dependent boating and boating support coastal-related uses. The submittal would allow additional private (membership) yacht clubs and does not require the three existing private (membership) facilities to provide maximum public access on the bulkhead within their lease area, nor boating opportunities or use of their facilities by the general public as required by the

LUP. Nor does the IP amendment submittal provide for maximum boating use of the Harbor water and land areas by adopting a policy giving priority to the provision of boat smaller than 25 ft in length and a no net loss goal in the redevelopment of the marina as required by the certified LUP; nor does the IP require the retention of in-water slips until a Coastal Development Permit is issued to address any loss of slips and dry stack boat storage needs; allows for a large non-priority marine retail sales building and its associated parking in the planning area that should be reserved for boating and boating support uses (Planning Area 1), among other things. Only as modified as suggested in Exhibit 5, Dana Point Harbor District Regulation, Chapter 7 Marine Commercial District Regulation, Section 7.4 (Exhibit 5, page 55) to prohibit new private (membership) yacht clubs or sailing associations as an allowable use and to further modify Section 7.5 by adding subsection (p) requiring that the existing private clubs/associations provide maximum public access on the bulkhead within their lease area, provide boating safety classes and boating opportunities at low cost or free, and use of their facilities by the general public as required by the LUP and as shown in Exhibit 5, Section 7.5 (p) page 58; and to modify the submittal as shown in Exhibit 5, page 85 to add subsection (n) to Section 12.5, Chapter 12 District Regulations for Planning Areas 9 and 10 (East and West Marinas) that requires the marina redesign to be guided by a policy of no net loss, to prioritize the provision of slips 25 ft and less and to keep the average slip length at or below 32 feet, and to add the other regulations shown on page 84-85 of Exhibit 5 to maximize recreational boating; and to prohibit stand alone marine retail sales uses in Planning Area 1 (Exhibit 5, page 30) as well the require the retention of at least 1.6 acres for an adequately sized shipyard (Exhibit 5, page 33, Section 4.5(p) as well as the other regulations added to Planning Area 1 District Regulations as shown on pages 33-35, Exhibit, can the proposed IP be found in conformance with and adequate to carry out the certified LUP.

## **b. Locating New Development**

### **1) Visual Resources Protection**

The certified Land Use Plan contains Development Policies regarding the protection and enhancement of scenic and visual resources, the provision of adequate parking and non-automobile circulation, among other things. These LUP policies, cited previously, require that significant public coastal views from several public vantage points; from Doheny State Beach, the bluffs surrounding the harbor and from other public areas, such as the Street of the Golden Lantern and Dana Point Harbor Drive, which are both designated as scenic corridors by the City of Dana Point be protected and enhanced. The Commission found that the Dana Point Harbor Revitalization Plan LUP as proposed failed to protect the visual resources of the area and assure that the new Commercial Core development, the expansion of the existing hotel, and the future dry stack storage building would be consistent with the bulk and scale of the community. Therefore, the Commission required policies to designate and protect and enhance the significant public coastal views as shown on Exhibit I-8.1 (Exhibit 7). Although the LUP recognized that certain development allowed in the LUP i.e., the 400-space dry stack storage

building (PA 1), Commercial Core buildings (PA 1 and 2), and the Marina Hotel (PA 3), will have some impacts upon views from the designated view areas, the impacts were required to be minimized and significant visual impacts were not permitted. The Commission also addressed the impacts of the bulk, scale and height of the above future buildings on the existing community requiring that the building heights, excluding the dry stack storage building, be consistent with the existing community character. It was noted that the existing buildings within the Harbor are primarily 35 feet in height.

Policy 8.5.1-3 of the certified LUP states:

8.5.1-3 All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following:

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

***These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. The height of the buildings, excluding the dry stack storage building, should be consistent with the community character. (emphasis added)***

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

The above LUP policy makes it clear that the height limit throughout the Harbor is 35 feet maximum, and that a height exception is not automatic. Any approved height exception must meet the four criteria stated above in Policy 8.5.1-3; significant coastal public views through scenic corridors and from scenic viewpoints must be protected and the height of the buildings, excluding the dry stack storage building, should be consistent with the community character.

The proposed Dana Point Harbor District Regulations Implementation Plan amendment is not adequate to carry out the above LUP Policy 8.5.1-3. The City of Dana Point proposes to meet the requirements of LUP Policy 8.5.1-3 through (1) General Regulation 6. Building Height Requirements, found in Chapter 3, General Regulations and Special Provisions of the Dana Point Harbor District Regulations Implementation

Plan (Exhibit 5, page 7) and (2) building height provisions in the Development Standards and Regulations Sections of the District Regulations of Planning Areas 1, 2, and 3 where the dry boat storage facility, the Commercial Core development and the hotel, respectively, would be located. Planning Area 1 Standards and Regulations are covered in Chapter 4, Marine Services Commercial (MSC) in the proposed District Regulations Implementation Plan (Exhibit 5, pages 28-35). Planning Area 2 standards and regulations are covered in Chapter 5, Day Use Commercial (DUC) in the proposed Implementation Plan (Exhibit 5, pages 36-44) and Planning Area 3 standards and regulations are covered in Chapter 6, Visitor-Serving Commercial (VSC) in the proposed Implementation Plan (Exhibit 5, pages 45-52).

The proposed General Regulation and Standards and Regulations for the three affected Planning Areas are not adequate to meet the requirements of LUP Policy 8.5.1-3. General Regulation 6, Building Height Requirements as proposed simply states that the building height requirements for each land use district are found in the district regulations and that height is measured as set forth in the Chapter 18, Definitions (Exhibit 5, page 7). A review of the proposed district regulations for Planning Areas 1, 2 and 3, the Planning Areas where structures would be located that could potentially be allowed an exception to the 35 foot maximum height limit, indicates that they too are inadequate to carry out the provisions of LUP Policy 8.5.1-3. As proposed the district regulations for Planning Area 1 (Marine Services Commercial), where the dry stack storage building would be located, found in Chapter 4 of the Dana Point Harbor District Regulations Implementation Plan does not contain the requirements found in the applicable LUP Policy above in order to protect the visual resources of the area. Section 4.5(c) Building height limit, allows the dry boat storage building to be sixty-five (65) feet by right (Exhibit 5, page 30). Although the LUP Policy allows the dry boat storage building to be exempted from the requirement of being consistent with the community character, the LUP does not exempt the structure from the requirement to protect significant public coastal views.

Similarly, as proposed, the proposed Development Standards and Regulations for Planning Area 2, where the Commercial Core development is located, does not include the requirements contained in LUP Policy 8.5.1-3. Section 5.5(c) of the District Regulations for Planning Area 2 allows certain Commercial Core buildings at sixty (60) feet high by right and makes no mention that these are height exceptions and is allowed only if certain criteria are met to protect the scenic resources of the area, including the requirement to be consistent with character of the area (Exhibit 5, page 38). Likewise, as proposed, the Development Standards and Regulations for Planning Area 3, where the hotel is located, found in Chapter 6 of the District Regulations, does not carry out the applicable LUP Policy. Section 6.5(c) also allows a fifty (50) foot high hotel to be built by right and does not acknowledge the Harbor-wide 35 foot maximum height limit and that additional height is allowed by exception only if the criteria specified in LUP Policy 8.5.1-3 are met (Exhibit 5, page 47). Therefore, as proposed the IP amendment cannot be found consistent with the applicable LUP policies and must be modified.

As indicated in Section II of this staff report, the Commission's suggested modifications

are found in Exhibit 5 of this staff report. The Commission's suggested deletions are shown in ~~strike through~~ text and suggested additions are shown in **bold, underlined text**.

1. General Regulation 6, Building Height Requirements, found in Chapter 3, General Regulations and Special Provisions of the Dana Point Harbor District Regulations Implementation Plan (Exhibit 5, page 7) are proposed to be modified as such:

**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 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.**

2. Staff is also proposing the addition of a new General Regulation 8, Community Character, as follows:

**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. 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.**

3. Staff is recommending the following modifications to Chapter 4 Dana Point Harbor District Regulations, Marine Services Commercial Planning Area 1 Regulations, 4.5 (c) Development Standards and Regulations, pertaining to building height limit, Exhibit 5, page 30, as shown:

#### 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, 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)-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.

4. Staff is also recommending the following modifications to Chapter 5 Dana Point Harbor District Regulations, Day Use Commercial Planning Area 2 Regulations, 5.5 (c) Development Standards and Regulations, pertaining to building height limit, Exhibit 5, page 38, as shown:

#### 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 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 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. The additional height above the forty (40) foot height limit 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.**

**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.**

5. Staff is also recommending the following modifications to Chapter 6 Dana Point Harbor District Regulations, Visitor Serving Commercial Planning Area 3 Regulations, 6.5 (c) Development Standards and Regulations, pertaining to building height limit, Exhibit 5, page 47, as shown:

**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*.

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- 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 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.**

The above modifications are necessary to bring the above district regulations into conformance with and adequate to carry out certified LUP Policy 8.5.1-3. This LUP Policy was discussed by the Commission during several actions on the Land Use Plan amendment. At the October 8, 2009 public hearing at which the Commission approved the Dana Point Harbor Revitalization Plan LUP amendment this Policy was further modified by the Commission to add the requirement that any buildings granted a height exception be found consistent with the character of the community in terms of the building's height, among the other architectural and design features incorporated to minimize visual impacts of the taller structure. At the June, 2010 Commission meeting at which the revised findings were adopted the Commission further clarified its intent with regards to the protection of community character with increased building heights. Although the revised findings were adopted with clarifying language the Commission did not concur in the Executive Director's determination that the local government had incorporated its suggested modifications accurately with regards to Policy 8.5.1-3 due to the clarify language that was added during the deliberation on the adoption of the revised findings. Finally, when the Executive Director's determination was brought back to the Commission in October, 2010 the Commission concurred in the Executive Director's determination that the local government had accurately adopted the suggested modifications, as clarified in June, 2010 however additional discussion

ensued with regards to the existing character of the Harbor area. Although the Commission did not establish the geographic boundaries of what it considered the community of the Harbor, the Commission found noted that the existing buildings with the Dana Point Harbor are primarily 35 feet in height. The Commission further found at the October 2010 meeting that subject IP amendment must make it clear that any height exception above the 35 foot maximum height limit is not guaranteed. The allowable bulk and scale of the commercial building out of the Harbor area will need to be determined taking into consideration all of the certified LUP policies, particularly those that require that coastal-dependent, coastal-related support uses and water-oriented recreational uses be given priority of visitor-serving commercial uses and that parking resources are adequate to serve the commercial development after the priority use land area and priority use parking has been provided for. The Commission directed staff to make these changes to the Commission's concurrence with the Executive Director's determination. Exhibit 4 contains the changes as directed by the Commission.

Specifically, Suggested Modification 1, which modifies General Regulation 6, Building Height Requirements is necessary to clarify that the maximum building height throughout the Harbor is 35 feet maximum. Therefore all building heights approved above 35 feet is through an exception. Further, the modification adds the criteria by which proposed height exceptions will be measured, as required by LUP Policy 8.5.1-3. Suggested modification 2 adds a new General Regulation, number 8 to the IP that would define the geographic boundaries of the community within the meaning of determining consistency of a proposed building's height, among other things, when a height exception is requested. The regulation also requires that the buildings be designed to encourage pedestrian opportunities with staggered and stepped-back exterior building design features. The suggested regulation was developed with input from the City/County reflecting their desire to consider the building heights throughout the Coastal Zone boundary of the City, and not just the immediate Harbor LCP area, in determining whether a proposed height is consistent with the existing community character.

Suggested modification 3 is necessary to bring the proposed development regulations 4.5(c) regarding the maximum height limit in the Marine Services Commercial Area (Planning Area 1) consistent with LUP Policy 8.5.1-3 with regards to any dry boat storage structure. The modification acknowledges that the LUP Policy does not require the boating support facility to be found consistent with the character of the community but it is modified to require that the structure be sited and designed to protect and enhance significant coastal views from designated view corridors and public viewpoints. The protected public coastal view corridors and viewpoints are depicted in the certified LUP in Exhibit 8.1 (Exhibit 7).

Suggested modification 4 is necessary to bring the proposed development regulations regarding the maximum height limit in the Day Use Commercial Area (Planning Area 2) consistent with LUP Policy 8.5.1-3 with regards to the Commercial Core development. Similar to the above modifications to the building height for Planning Area 1, the necessary modifications require that any structure within the Commercial Core

development are that is granted a height exception has to protect and enhance the LUP designated view corridors and public viewpoints. However, Commercial Core building height exceptions would have to be found consistent with the community, among other criteria. As discussed in the Parking subsection below, the intensity and phasing of Commercial Core development be regulated to assure that the land area and parking supply for priority boating, boating support and other water-oriented recreational uses are provided for. For this reason there are additional development standards contained in the suggested modifications to Section 5.5(c), namely standards 5.5(c)3-6. To further regulate the amount of any structure approved above the maximum height limit of 35 feet, 5.5(c).3 requires that the building provide unobstructed views of the ocean and marinas from elevated public viewing areas. Suggested modification 5.5(c).4 requires any additional height above forty (40) feet be limited to architectural features only and not contain additional gross floor area that would need additional parking. Suggested modification 5.5(c).5 requires the bulk of the building to be reduced by restricting the amount of the roof area that can go up to 40 and 50 feet in height. Finally, Suggested modification 5.5(c).6 requires that access to surface dry boat storage areas and the public boat launch ramp facility be maintained.

Finally, Suggested Modification 5 similarly carries out the requirements of LUP Policy 8.5.1-3 by requiring that any structure within the Visitor Serving Commercial Planning Area 3 that is granted a height exception has to protect and enhance the LUP designated view corridors and public viewpoints. The maintenance of boater and public access to parking supplies in this Area is also required.

Only as modified to incorporate the above suggested modifications into General Regulations and Development Standards and Requirements will the proposed IP amendment be in conformance with and adequate to carry out LUP Policy 8.5.1-3.

## **2) Parking**

The certified Land Use Plan contains Development Policies regarding the provision of adequate parking and non-automobile circulation, among other things. These LUP policies, cited previously require that a comprehensive parking management plan be prepared to make better use of existing and planned parking resources for new commercial development as well as maintaining designated boater parking, to expand and enhance the public boat launch ramp facility by providing additional and larger vehicle with tow parking spaces and to maintain parking for the use of Baby Beach and the park areas located in Planning Areas 1 and 4. Although the certified LUP allowed a reduction in the required parking ratio for boater parking, reducing the parking allocation required for boat slips from 0.75 to 1.6 spaces per boat slip to 0.6 spaces per slip, the LUP requires that the Commercial Core and other lower priority commercial uses throughout the Harbor not adversely impact the parking supply and land area available for the higher priority coastal-dependent and water-oriented recreation.

LUP Policy 6.2.5-7 requires that a parking management program with the first CDP application for Commercial Core development that, among other things, assesses current and anticipated

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future parking demands throughout the harbor, while prioritizing and avoiding adverse impacts on priority boater parking and boat launch ramp parking opportunities. The parking needs of the general public visiting the harbor for boat and non-boat related recreational purposes shall also be considered, especially with regard to any underutilized parking that may exist in Planning Area

4. LUP Policy 6.2.5-10 requires the construction of proposed parking facilities in new development to be prioritized to augment parking for Harbor visitors and boaters. Further, certified LUP Policy 6.2.5-13 requires that prior to the approval of any Coastal Development Permit for any new development that a construction-phase Parking Management Plan (PMP) be prepared that ensures public access will be retained to the extent it can be safely provided and to reduce construction congestion/ conflicts.

Finally, in keeping with providing maximum public access and recreational opportunities, including lower cost recreational opportunities, LUP Policy 6.2.5-15 requires that the existing parking in the Marine Commercial Planning Area 4 located on the island that supports access to lower cost recreational amenities (e.g. walkways, picnic areas, green space and fishing) shall not be reduced. Those parking spaces shall not be used to support other uses in Planning Area 4 (e.g. expanded yacht clubs, restaurant, harbor patrol, etc.).

The proposed IP amendment is not in conformance with or adequate to carry out the above public access and recreation parking policies of the certified LUP. The proposed IP amendment contains Chapter 14, Off-Street Parking Standards and Regulations (Exhibit 5, pages 93-105). The Off-Street Parking Standards and Regulations provide general parking provisions, parking ratios for the various uses allowed in the Harbor, and provisions for joint or shared use of parking spaces and exceptions to the parking standards. The proposed Plan does not provide the LUP required Parking Management Plan, carry out the required commercial development phasing requirements to ensure that adequate land area and parking for higher priority boating and water-oriented recreational uses are provided, and proposes to allow new commercial development to rely on unlimited joint or shared use parking, including parking that the LUP designates for higher priority coastal dependent and water-oriented recreational uses.

The suggested modifications to Chapter 14 are extensive and include a new section, 14.6 Parking Management Plan (PMP) as required by the certified LUP (Exhibit 5, pages 102-105). The PMP is required to be submitted with the first CDP for Commercial Core development and is to be updated routinely in order to maximize the utilization and provision of parking and the long-term parking needs. The PMP assure the provision of the required parking for priority uses in the amounts and locations required by the certified LUP and the phasing of new commercial development such parking for that higher priority uses is also provided as required by the certified LUP. The PMP also includes provisions dealing with temporary impacts to parking due to construction as requires that parking losses be minimized during construction to the maximum extent feasible and that shuttles be used to reduce temporary impacts to access. Finally, the modifications to Section 14.2 General Provisions, subsection(c) addresses joint-use or shared parking. The suggested modifications place a prohibition on the use of boater parking in joint or shared use parking plans and a limitation on the use the public boat launch ramp facility to allow joint or shared use of parking only for other boating uses; during the non-peak use summer season; and allows a maximum of

25% of the parking spaces to be used, not including those spaces adjacent to the boat launching area (Exhibit 5, pages 93-94).

Only as modified to include the changes to the proposed Chapter 14, Off-Street Parking Standards and Regulations as outlined above and shown in Exhibit 5, pages 93-105 is the proposed Dana Point Harbor District Regulations Implementation Plan in conformance with and adequate to carry out the applicable LUP policy dealing with public access parking.

### **Conclusion**

For the reasons described above, only if modified as suggested can the proposed IP amendment be found to be consistent with and adequate to carry out the policies of the City's certified Land Use Plan. Therefore, the Commission finds that, as modified the proposed Implementation Plan amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

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

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal "meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. Sections 13555(b), 1354(a), and 1354(f). The City of Dana Point LCP amendment 1-10 consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed Implementation Plan amendment as submitted could potentially result in impacts to tidelands/submerged lands, coastal-dependent/coastal-related development, visitor serving development, lower cost overnight accommodations/limited use overnight accommodations, transit/smart growth, public access and recreation, coastal resources protection and new development policies. However, if modified as suggested, the IP amendment is in conformity with and adequate to carry out the tidelands/submerged lands, coastal-dependent/coastal-related development, visitor serving development, lower cost overnight accommodations/limited use overnight accommodations, transit/smart growth, public

DPT-MAJ-1-10  
Dana Point Harbor District Regulations  
Implementation Plan Amendment  
- 42 -

access and recreation, coastal resources protection and new development policies of the certified LUP. Therefore, the Commission finds that approval of the Implementation Plan amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies City of Dana Point LCP amendment request 1-10 if modified as suggested herein.

RESOLUTION NO. 06-09-13-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA  
POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM  
AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY  
THE CALIFORNIA COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 4

**RESOLUTION NO. 06-09-13-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission on June 7, 2006, held a public hearing to consider the adoption of Dana Point Local Coastal Program Amendment LCPA06-03 and via a resolution adopted on June 21, 2006, recommended its approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public hearing on September 13, 2006, regarding the proposed Dana Point Local Coastal Program Amendment LCPA 06-03, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program and the California Coastal Act; and

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

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

Section 2. The City Council of the City of Dana Point certifies that it intends to implement the Local Coastal Program in a manner fully consistent and in conformance with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.

Section 3. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-03 pursuant to Ordinance No. 06-xx-xx-xx. LCPA06-03 pertains to the adoption of the Dana Point Harbor Revitalization Plan and District Regulations to amend the Dana Point Specific Plan and replace the Dana Point Harbor Planned Community Program document. The amendment is to both the land use plan and the implementing actions. A copy of Ordinance No. 06-xx-xx-xx approving LCPA06-03 with the specific content of the proposed amendment is attached hereto as Exhibit A and is incorporated herein by this reference as though fully set forth herein.

Section 4. The City certifies that it has found that the land use plan as amended is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.

Section 5. The City certifies that it has found that the implementing actions as amended are in conformity with and adequate to carry out the provisions of the certified land use plan.

**COASTAL COMMISSION**

EXHIBIT # 1  
PAGE 2 OF 4

Section 6. LCPA06-03 pertains to the adoption of the Dana Point Harbor Revitalization Plan and District Regulations to amend the Dana Point Specific Plan and Zoning Code to replace the Dana Point Harbor Planned Community Program.

Section 7. The City hereby certifies that the amendment will be submitted to the Coastal Commission for review and approval and the California Coastal Commission is hereby requested to consider, approve and certify Dana Point Local Coastal Program Amendment LCPA06-03.

Section 8. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Dana Point Local Coastal Program Amendment LCPA06-03 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

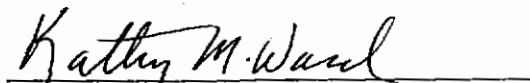
Section 9. The City Clerk shall certify to the adoption of this Resolution.

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



LARA ANDERSON, MAYOR

ATTEST:

  
KATHY M. WARD,  
ACTING CITY CLERK

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 3 OF 4

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

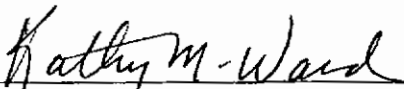
I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 06-09-13-06, and was duly passed and adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof, held on the 13th day of September, 2006, by the following roll-call vote, to wit:

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

NOES: Mayor Anderson

ABSENT: None

ABSTAIN: None

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

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 4 OF 4

ORDINANCE NO. 06-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 8

ORDINANCE NO. 06-08

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

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

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

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

WHEREAS, The Dana Point Harbor Revitalization Plan and District Regulations will amend the Dana Point Specific Plan, replacing the Dana Point Harbor Planned Community Program document; and

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

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations will be consistent with and will continue to provide for the orderly, systematic and specific implementation of the City's General Plan; and

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

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations is part of a comprehensive planning approach that has included extensive analysis of the Harbor area, including Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization improvements; and

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

WHEREAS, on June 7, 2006, the Planning Commission of the City of Dana Point conducted a duly noticed public hearing to consider the Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the City's Local Coastal Program; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments of all persons desiring to be heard, the Planning Commission considered all factors relating to the Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the City's Local Coastal Program, LCPA 06-03, the Dana Point Specific Plan and Zoning Code; and

WHEREAS, on June 21, 2006 the Planning Commission adopted a Resolution to forward its recommendations to the City Council for approval of the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA 06-03 through Resolution No. 06-06-21-22; and

WHEREAS, the City Council did on September 13, 2006 conducted a duly noticed public hearing as prescribed by law to consider the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA 06-03; and

WHEREAS, at the public hearing of September 13, after consideration of the recommendations of the Planning Commission, public testimony and evidence, the City Council made additional amendments to the Local Coastal Program Amendment and Dana Point Harbor Revitalization Plan and District Regulations as submitted and amended by the County; and

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations, (Exhibit A is hereby amended by the City Council as identified by Exhibit B) attached hereto and made a part of this Ordinance; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to LCPA 06-03; and

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

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

Section 2. The City Council finds as follows:

A. That the proposed action complies with all other applicable requirements of State law and local Ordinances;

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 3 OF 8

- B. That the adoption of the proposed Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the Dana Point Specific Plan and Local Coastal Program and Zoning Code is in the public interest;
- C. That the Local Coastal Program Amendment LCPA 06-03 is consistent with, and will be implemented in full conformity with the Coastal Act;
- D. That the City Council adopts the following specific findings:
  - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
  - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter 3 policies of the Coastal Act in that the amendment is a Harbor Land Use Plan that meets the requirements of and implements the provisions and policies of the Coastal Act at the local level by protecting, maintaining and, where feasible, enhancing the natural and scenic qualities of coastal resources; assures access consistent with conservation principles and constitutionally protected private property rights; assures priority for coastal-dependent and coastal-related development; and, encourages state and local government cooperation concerning the planning and development process.
  - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the locations and intensity of land and water uses in that subsequent development within the harbor will be reviewed for compliance with the Coastal Act provisions and other applicable state law.
  - 4. That the level and pattern of development proposed is reflected in the amended Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 4 OF 8

5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution No. 06-09-13-06 of the City Council specifies that Local Coastal Program Amendment LCPA 06-03 be submitted to the Coastal Commission for certification.

Section 3. Chapter 9.25 of the City's Zoning Code is hereby deleted in its entirety and amended to read as follows:

**Chapter 9.25**

**DANA POINT HARBOR DISTRICT**

**Sections:**

**9.25.010 Dana Point Harbor Revitalization Plan & District Regulations**

**9.25.010 Dana Point Harbor Revitalization Plan & District Regulations.**

The land use and development regulations for this area are contained in the Dana Point Harbor Revitalization Plan & District Regulations included at Appendix C of the Dana Point Zoning Code.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 5 OF 8

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

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

Section 6. The County of Orange operated parking lot on Selva Road shall not be an option for boat storage, except during interim periods of construction for Planning areas 1, 2, 9 and 10. The County shall also take the City Council's other comments, as expressed at the 9-13-06 Council meeting, into consideration as the Plan goes forward to the extent that it is feasible.

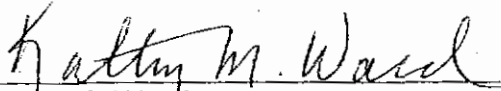
Section 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary thereof to be published as required by law.

PASSED, APPROVED, AND ADOPTED this 27th day of September, 2006.



LARA ANDERSON, MAYOR

ATTEST:



Kathy M. Ward  
Acting City Clerk

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 6 OF 8

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

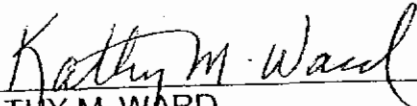
I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 06-08 was duly introduced at a regular meeting of the City Council on the 13th day of September, 2006, and was duly adopted and passed at a regular meeting of the City Council on the 27th day of September, 2006, by the following vote, to wit:

AYES: Council Members Harkey, Lacy, Rayfield  
Mayor Pro Tem Chilton, and Mayor Anderson

NOES: Mayor Anderson

ABSENT: None

ABSTAIN: None

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

COASTAL COMMISSION

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

AFFIDAVIT OF POSTING  
AND PUBLISHING

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

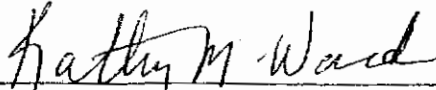
That she is the duly appointed and qualified Acting City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 06-08 being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

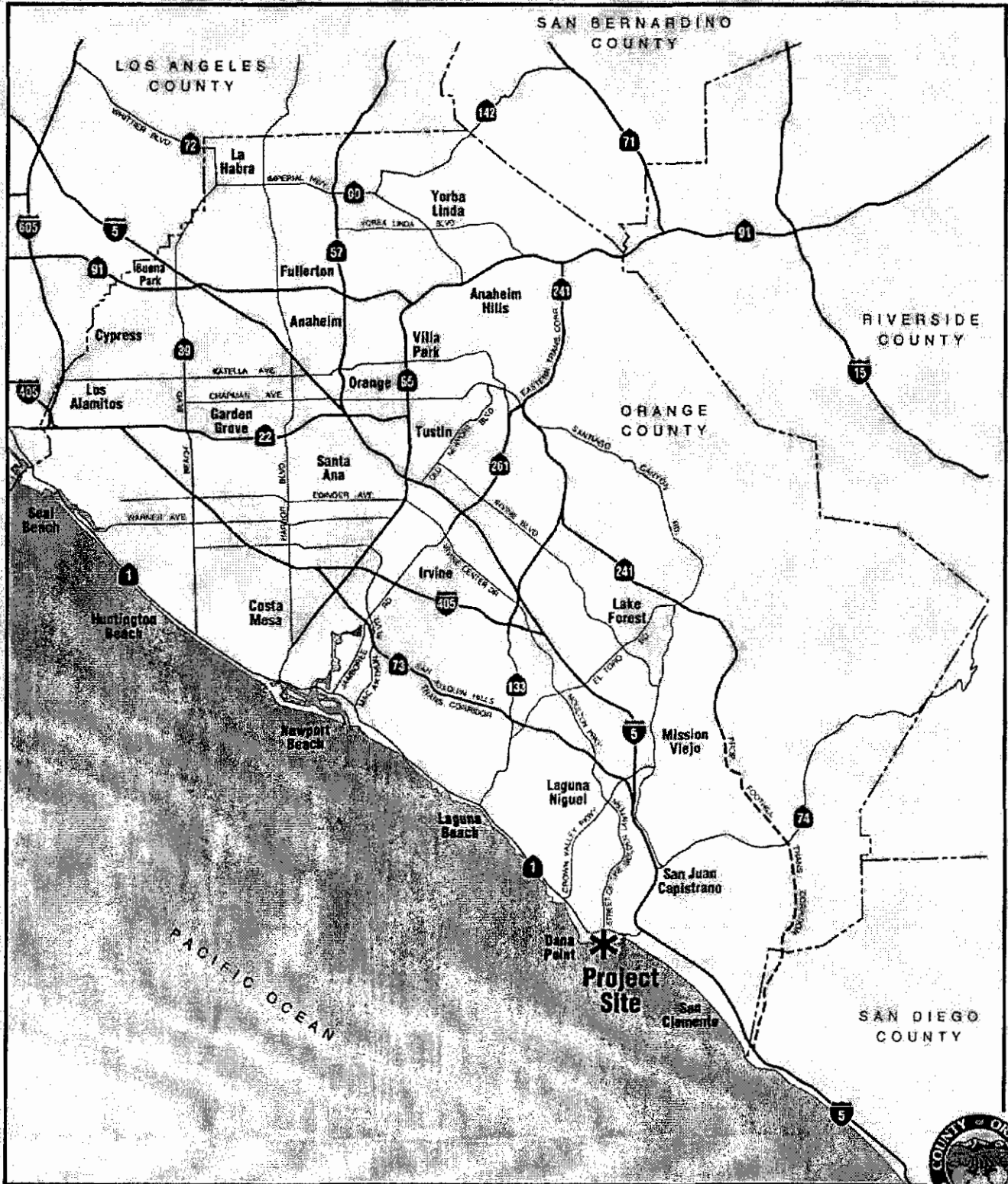
was published in summary in the Dana Point News on the 21st day of September, 2006, and on the 5th day of October, 2006, and, in further compliance with City Resolution No. 91-10-08-1, on the 15th day of September, 2006, and the 29th day of September, 2006, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

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



KATHY M. WARD  
ACTING CITY CLERK  
Dana Point, California

COASTAL COMMISSION



COASTAL COMMISSION

EXHIBIT # 3 *Point Harbor*  
 TION PLAN & DISTRICT REGULATIONS

Exhibit 1.1-1  
 REGIONAL VICINITY MAP

PAGE 1 OF 1

**CALIFORNIA COASTAL COMMISSION COASTAL COMMISSION**

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

EXHIBIT # 4PAGE 1 OF 9 November 17, 2010

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

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

Dear Mr. Butterwick:

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

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

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

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

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

At the hearing on October 13, 2010, the Commission acknowledged the changes made to Policy 8.5.1-3 and further clarified the building heights referred to in the policy must be

consistent with the existing community character which consists primarily of 35 ft. high buildings. The regulations in the Implementation Plan will clarify that the LUP policy language in no way guarantees the maximum height limits are achievable. The allowable bulk and scale of the commercial build-out will be determined when considering all the policies of the LUP and particularly those that protect and prioritize recreational boating and marine-related uses and the facilities such as parking necessary to support those uses. The regulations in the Implementation Plan will define what constitutes the existing community character and include performance standards which must be met if the 35 ft. height limit is exceeded. The IP is the appropriate location to add the specificity necessary to carry out those LUP policies.

With those clarifications, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

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

Sincerely,

Teresa Henry  
District Manager

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 2 OF 9

CALIFORNIA COASTAL COMMISSION  
South Coast Area Office  
200 OceanGate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

November 17, 2010



# W 13a

## REVISED STAFF REPORT PURSUANT TO COASTAL COMMISSION DIRECTION AT THE OCTOBER 13, 2010 HEARING

(Deletions are in ~~strike-out~~ and additions are in **bold**)

**TO:** Commissioners and Interested Persons

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

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

### STAFF RECOMMENDATION

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

### BACKGROUND

At the 10/13/10 Commission hearing, staff was directed to make changes to this staff report to clarify that the Commission's suggested modifications to the LUP addressed the bulk and scale of future commercial development in the harbor and its potential effect on priority uses including coastal dependent, marine-related uses, recreational boating, and the facilities such as parking necessary to support these priority uses.

Policy 8.5.1-3 establishes a 35 ft. ht. limit in the Harbor but contains 4 possible exceptions to that height limit including:

The dry stack boat storage building may go up to maximum height of 65 ft.; Buildings in the commercial core and fronting on the east marina boat basin may go to a maximum height of 60 ft.; Visitor serving uses in PA 3 shall have a maximum height of 50 ft.; Allowance for appurtenant structures that are not more than 10% of roof area may exceed the height limit by no more than 5 additional feet.

The policy goes on to say these heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced.

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 3 OF 9

**And the Commission added additional criteria during the October 8, 2009 hearing requiring that the building heights, excluding the dry stack storage bldg., should be consistent with the community character. For purposes of this policy, the building heights referred to in the policy must be consistent with the existing community character. It was noted that the existing buildings within the Dana Point Harbor are primarily 35 ft. in height.**

**The regulations in the Implementation Plan will clarify that the LUP policy language in no way guarantees the maximum height limits are achievable. The allowable bulk and scale of the commercial build-out will be determined when considering all the policies of the LUP and particularly those that protect and prioritize recreational boating and marine-related uses and the facilities such as parking necessary to support those uses. The regulations in the Implementation Plan will define what constitutes the existing community character and include performance standards which must be met if the 35 ft. height limit is exceeded. The IP is the appropriate location to add the specificity necessary to carry out those LUP policies.**

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

The major issues raised by this amendment request were 1) the protection of two existing parks (a linear park located along the main channel on the island and a second existing park located at the southern end of Puerto Place) with the appropriate Recreation land use designation; 2) the proposed allowance of a 9,100 sq. ft. free standing Marine Retail Building and associated parking within the Marine Service Commercial land use area, an area that is currently used for higher priority dry boat storage and public boat launch vehicle parking; 3) the expansion of existing and potential construction of additional private (membership) yacht clubs on tidelands; 4) a net reduction in the number of boat slips (approximately 200), including a reduction of approximately 300 slips under 30 ft in length and the need to ensure that the loss of in-water slips is tied to the provision of dry boat storage within the Harbor; 5) the potential that the reduction in the boater parking ratio from 0.75 to 0.60 parking spaces per boat slip may adversely effect recreational boating use; 6) the need to ensure that the new visitor-serving commercial area (Commercial Core) uses are incidental to the coastal-dependent and coastal-related boating, boating

support and water oriented recreational uses; 7) assessment of the need to provide for non-vehicular transit (seasonal water taxi, shuttle service and Tri-City Trolley) to and within the Dana Point Harbor; 8) the need to establish a tree trimming policy to protect nesting herons and egrets as well as owls and raptors within the Harbor; 9) preservation of the existing lower cost overnight visitor accommodations (Marina Inn) and the prohibition of conversion of the facility to Limited Use Overnight Visitor Accommodations (LUOVA) on public tidelands; and 10) protection of visual resources; **and 11) the need to address the impact of commercial development on boater parking.**

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

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

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

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

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

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

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

Protect scenic and visual resources by making sure development within designated

and proposed scenic corridors is compatible with scenic enhancement and preservation. Protect and enhancement of public views to and along the coast through open space designations and innovative design techniques. Establish height limits and exceptions to those height limits for buildings that are allowed only to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. Additionally, require that ~~buildings that exceed the height limit~~ **building heights**, excluding the dry stack storage building, are consistent with the **existing community** character of the area **which consists primarily of 35 ft. high buildings** (LUP Policy 8.5.1-3).

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

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

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

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

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

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

Revisions to ED Certification Staff Report  
November 17, 2010

Page 5

EXHIBIT # 4  
PAGE 7 OF 9

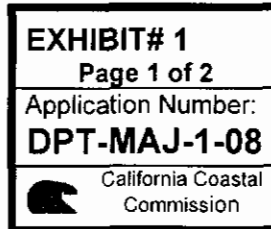
As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless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

#### **RECOMMENDATION**

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

**CALIFORNIA COASTAL COMMISSION**

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

November 07, 2010 **COASTAL COMMISSION**

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

EXHIBIT # 4  
PAGE 8 OF 9

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

Dear Mr. Butterwick:

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

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

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

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

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

At the hearing on October 13, 2010, the Commission acknowledged the changes made to Policy 8.5.1-3 and further clarified the building heights referred to in the policy must be

consistent with the existing community character which consists primarily of 35 ft. high buildings. The regulations in the Implementation Plan will clarify that the LUP policy language in no way guarantees the maximum height limits are achievable. The allowable bulk and scale of the commercial build-out will be determined when considering all the policies of the LUP and particularly those that protect and prioritize recreational boating and marine-related uses and the facilities such as parking necessary to support those uses. The regulations in the Implementation Plan will define what constitutes the existing community character and include performance standards which must be met if the 35 ft. height limit is exceeded. The IP is the appropriate location to add the specificity necessary to carry out those LUP policies.

With those clarifications, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

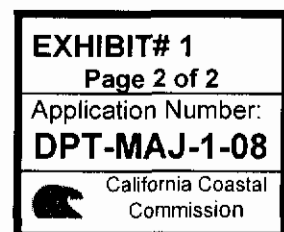
On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 1-08. If you have any questions, please contact Fernie Sy at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry  
District Manager

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 9 OF 9

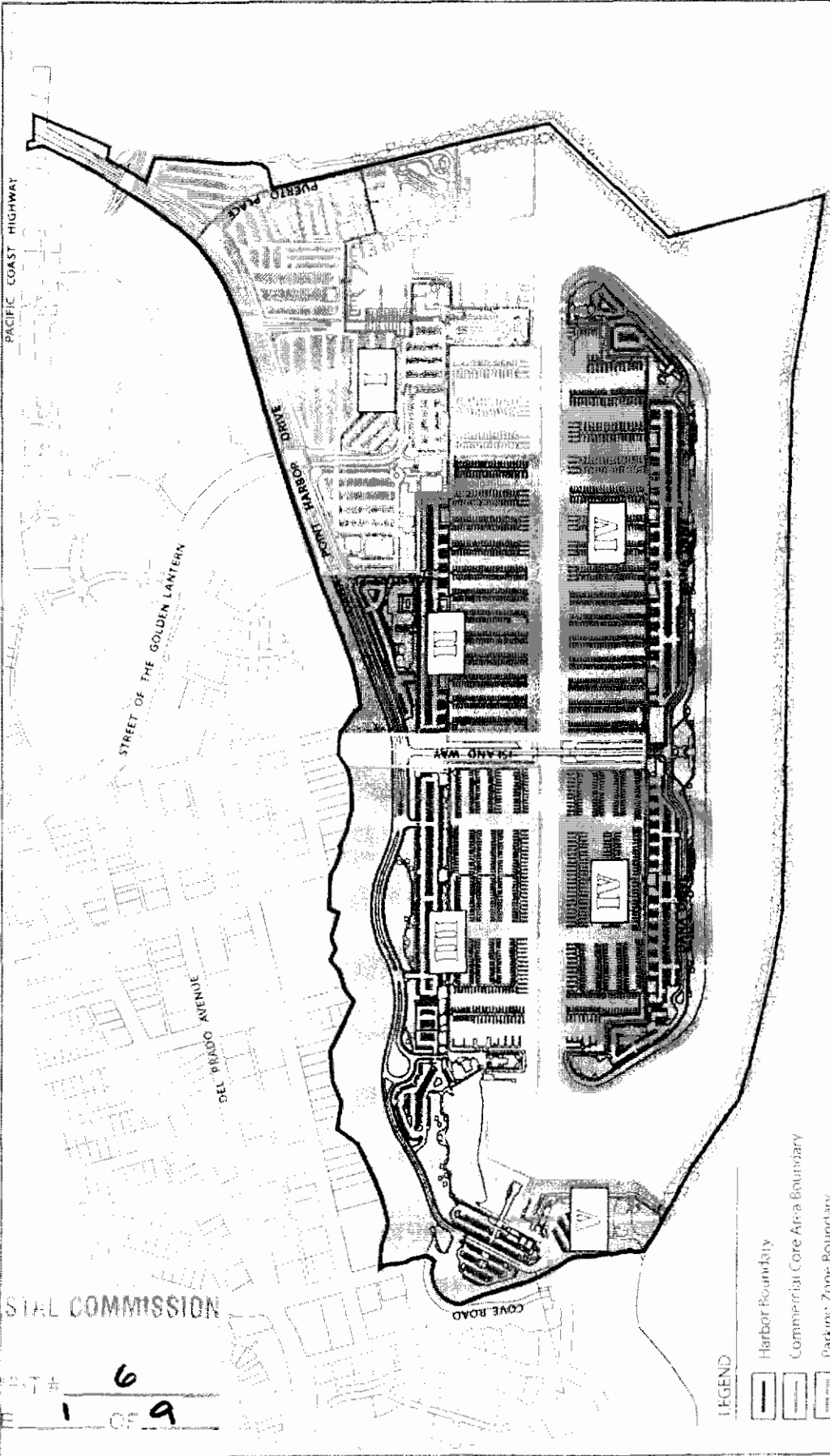




1-2009



# HARBOR PARKING ZONES



COASTAL COMMISSION

EXHIBIT # 6  
 PAGE 1 OF 9

LEGEND

- Harbor Boundary
- Commercial Core Area Boundary
- Parking Zone Boundary
- Parking Zone

*Dana Point Harbor*





10-2009



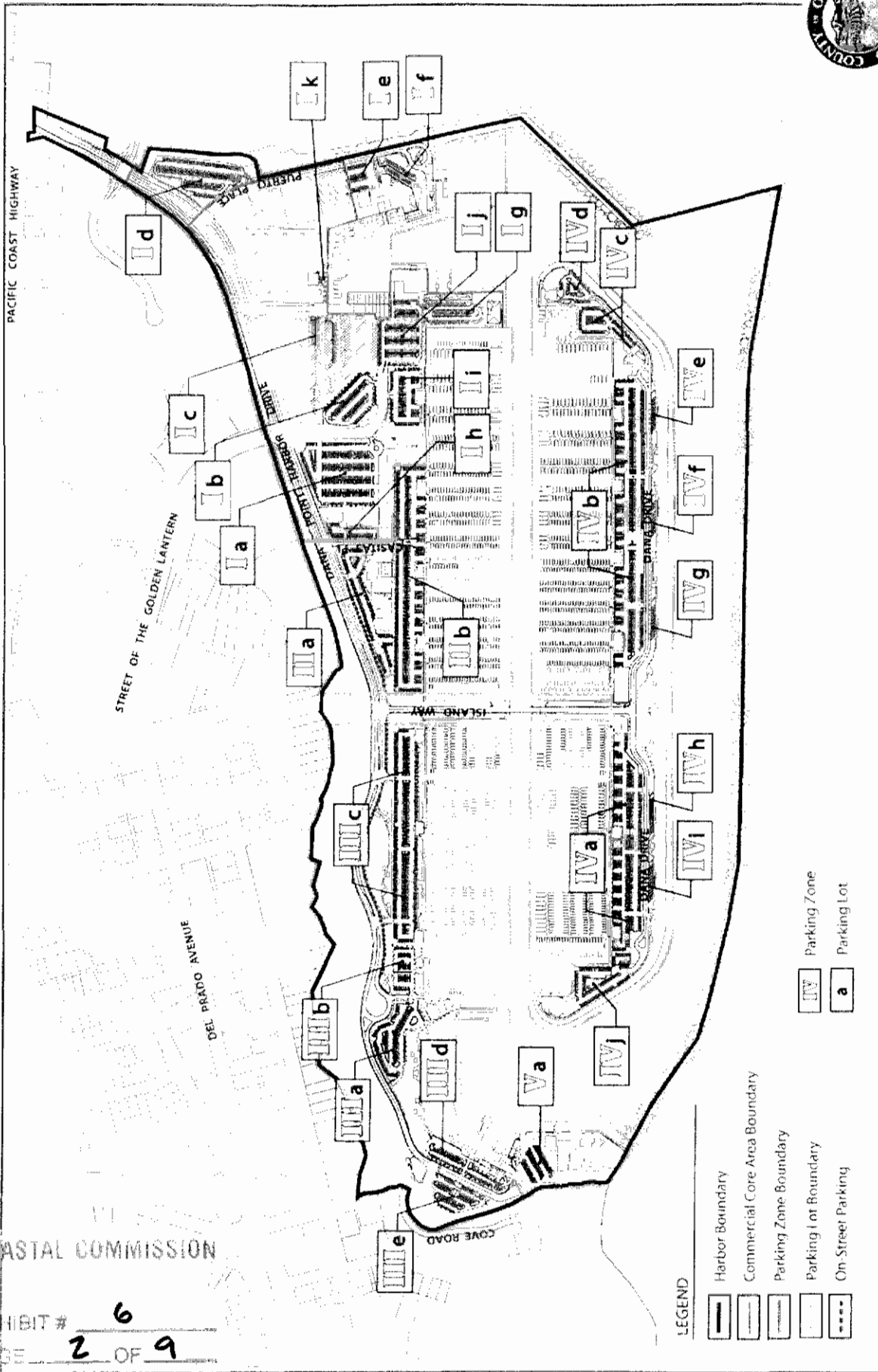
# EXISTING HARBOR PARKING AREAS

## Dana Point Harbor



COASTAL COMMISSION

EXHIBIT # 6  
PAGE 2 OF 9



## DPH Existing Parking Areas

### **Area I – 1,184 spaces**

- Ia 313 spaces with a 4-hour limit for Harbor users.
- Ib 127 spaces. Gate controlled. This lot is currently used for sport fishing customers. Once the morning sport fishing boats have departed, approximately 12 noon, this gate is lifted and parking in this lot is open to any harbor user.
- Ic 58 “Car Only” spaces located inside of the gated launch ramp parking area. These spaces are for boaters coming to the launch ramp without a trailer or the surface storage area.
- Id 161 spaces located off of Puerto Place. This is a pay & display lot for harbor users.
- Ie 46 spaces for the shipyard and other businesses located within the 2.6 acre leased parcel including surface boat storage customers, PWC rental & sales and kayak rental.
- If 31 spaces located near the end of Puerto Place. This is a pay & display lot for Harbor users.
- Ig 105 spaces with a 4-hour limit located on the Dana Wharf for Harbor users.
- Ih 35 spaces with a 1-hour limit for Harbor users.
- Ii 121 spaces. Gate controlled. For authorized boaters and merchants. *(119 boats @ .6 = 72 spaces)*
- Ij 178 spaces with a 4-hour limit located near Dana Wharf for Harbor users.
- Ik 9 spaces. 3 of these spaces have a 15 minute limit for boaters at the Embarcadero Marina. The other 6 are without a time limit and are located along the bulkhead for Embarcadero customers.

### **Area II – 629 spaces**

- IIa 139 spaces for hotel users. Guests display parking passes on dashboards.
- IIb 490 spaces. Gate controlled. For authorized boaters and merchants. Up to a maximum of 120 spaces reserved for Catalina Express passengers who pay to park in this lot.

*Note: On-Street parking is also available in Area II but is not included here.*

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 3 OF 9

### Area III – 736 spaces

- IIIa 125 spaces for the Harbor users (including Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).
- IIIb 37 spaces for the Harbor users (including Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).
- IIIc 392 spaces. Not gated, but restricted to boaters with slips in the west basin on the cove side and users of the boater service buildings. This lot is also available for limited use during special events.
- IIId 109 spaces for the Harbor users (including Fishing Pier users, Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).
- IIIe 73 spaces for the Harbor users (including Fishing Pier users, Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers). Included 20 spaces for Ocean Institute overflow parking, if needed.

*Note: On-Street parking is also available in Area III but is not included here.*

### Area IV – 1303 spaces

- IVa 376 spaces. Not gated, but restricted to boaters with slips in the west basin on the island.
- IVb 552 spaces. Gate controlled. Restricted to boaters with slips in the east basin on the island, or users of the boater service buildings.
- IVc 76 spaces for the restaurant.
- IVd 66 spaces for Harbor Patrol and the Harbor users.
- IVe 19 spaces for the Harbor users.
- IVf 19 spaces for the Harbor users.
- IVg 19 spaces for the Harbor users.
- IVh 19 spaces for the Harbor users.
- IVi 19 spaces for the Harbor users.
- IVj 138 spaces for the DPYC and the Harbor users.

### Area V – 110 spaces

- Va 110 spaces for the Ocean Institute.

COASTAL COMMISSION

EXHIBIT A 6  
PAGE 4 OF 9

EXISTING

Parking Zone	Planning Area	Description	Land Use	Parking Requirement	Existing Size	Required Spaces	Provided Spaces
I	1	Surface Boat Storage	Boat Use <sup>2</sup>	0.25 per boat	516 Boats	129	
	1	Dry Stack Boat Storage	Boat Use	0.25 per boat	0	0	
	1	BSB X	Office	1 per 250 s.f. of g.f.a.	2,500 s.f.	10	
	1	Shipyards Building	Motor Vehicle Sales & Repair	1 per 400 s.f. of g.f.a.	5000 s.f.	13	
	11	Recreational Boat Slips (Rental boats)	Boat Use <sup>5</sup>	0.6 per boat slip	32	19	
	2	BSB 1	Office	1 per 250 s.f. of g.f.a.	2,000 s.f.	8	
	2	Retail/Restaurant - Retail Component	Retail	1 per 200 s.f. of g.f.a.	26,600 s.f.	133	
	2	Retail/Restaurant - Restaurant Component	Restaurant	1 per 100 s.f. up to 4,000 s.f. plus 1 per each 80 s.f. above 4,000 s.f.	61,500 s.f. (includes outdoor dining)	666	
	11	Sport Fishing	Boat Use	Measured Use		125	
	11	Charter Boat Concessions	Boat Use	1 space per 3 passengers		49	16
10	Rec. Boat Slips	Boat Use <sup>5</sup>	0.6 per boat slip		119	71	
<b>Total</b>						<b>1,191</b>	<b>1,184</b>

-7

Parking Zone	Planning Area	Description	Land Use	Parking Requirement	Existing Size	Required Spaces	Provided Spaces
II	11	Catalina Ferry	Boat Use	Measured Use		120	
	3	Hotel	Hotel	1 per guest room	136 rooms	136	
	3	BSB 2	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	3	BSB 3	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	3	BSB 4	Office	1 per 250 s.f. of g.f.a.	2,500 s.f.	10	
	10	Rec. Boat Slips	Boat Use <sup>5</sup>	0.6 per boat slip	609	365	
<b>Total</b>						<b>645</b>	<b>628</b>

-16

Parking Zone	Planning Area	Description	Land Use	Parking Requirement	Existing Size	Required Spaces	Provided Spaces
III	9	Rec. Boat Slips	Boat Use <sup>5</sup>	0.6 per boat slip	512	307	
	9	Charter Boat Concessions	Boat Use	1 space per 3 passengers	49	16	
	5	OC Sailing & Events Center	Union Halls, Lodges, Clubs	1 per 75 s.f. of g.f.a.	11000 s.f.	147	
	5	BSB A	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	5	BSB B	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	5	BSB C	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	6	Ocean Institute <sup>3</sup>				20	
<b>Total</b>					<b>15,122</b>	<b>512</b>	<b>236</b>

224

Parking Zone	Planning Area	Description	Land Use	Parking Requirement	Existing Size	Required Spaces	Provided Spaces
IV	9 & 10	Rec. Boat Slips	Boat Use <sup>5</sup>	0.6 per boat slip	1,169	701	
	10	Commercial Boat Slips	Boat Use <sup>5</sup>	2 per boat slip	15 slips	30	
	4	Harbor Patrol Building	Office	1 per 250 s.f. of g.f.a.	6,000 s.f.	24	
	4	Restaurant	Restaurant	1 per 100 s.f. up to 4,000 s.f. plus 1 per each 80 s.f. above 4,000 s.f.	10,000 s.f.	115	
	4	BSB D - Dana West Yacht Club	Yacht Club & Storage <sup>2</sup>	4 per 1,000 s.f.	1,800 s.f.	7	
	4	BSB E	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	4	BSB F	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	4	BSB 5 - Aventura Sailing Association	Yacht Club & Storage <sup>2</sup>	4 per 1,000 s.f.	2,000 s.f.	8	
	4	BSB 6	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	4	BSB 7	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	4	BSB 8	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7	
	4	Dana Point Yacht Club	Yacht Club & Storage <sup>2</sup>	4 per 1,000 s.f.	12,400 s.f.	50	
<b>Total</b>					<b>31,771</b>	<b>977</b>	<b>302</b>

333

Parking Zone	Planning Area	Description	Land Use	Parking Requirement	Existing Size	Required Spaces	Provided Spaces
V	6	Ocean Institute <sup>3</sup>				110	
<b>Total</b>						<b>110</b>	<b>0</b>

0

TOTALS

3,428 3,962

1,7 534

BSB = Boater Service Building; s.f. = square feet; gfa = gross floor area; PA = Planning Area

- This does not include the car with trailer spaces provided for the boat launch ramp, or the on-street parking along a portion of Dana Point Harbor Drive and Street of the Golden Lantern. Additionally, the Boater Service Buildings parking requirement is based on the office portion of the buildings gross floor area. Rates are based on City of Los Angeles Planning and Zoning Code, Section 12.21, 9/13/2000 revision, and California Department of Boating and Waterways standards.
- Total number of spaces required, based on "Traffic and Parking Study for the OC Marine Institute Expansion" (January 27, 2000)
- Information in black matches information in Table 4.5-5 from EIR 591. Information in red has been updated since EIR 591.
- Rates are based on California Department of Boating and Waterways standards.
- The parking requirement is calculated on a restaurant-by-restaurant basis, not an aggregate total. The restaurant square footage includes outdoor patio/dining areas.
- On-street parking is also available on Dana Point Harbor Drive (62 spaces) and Street of the Golden Lantern (65 spaces). These spaces are not included in the "Provided Spaces" column.

**COASTAL COMMISSION**

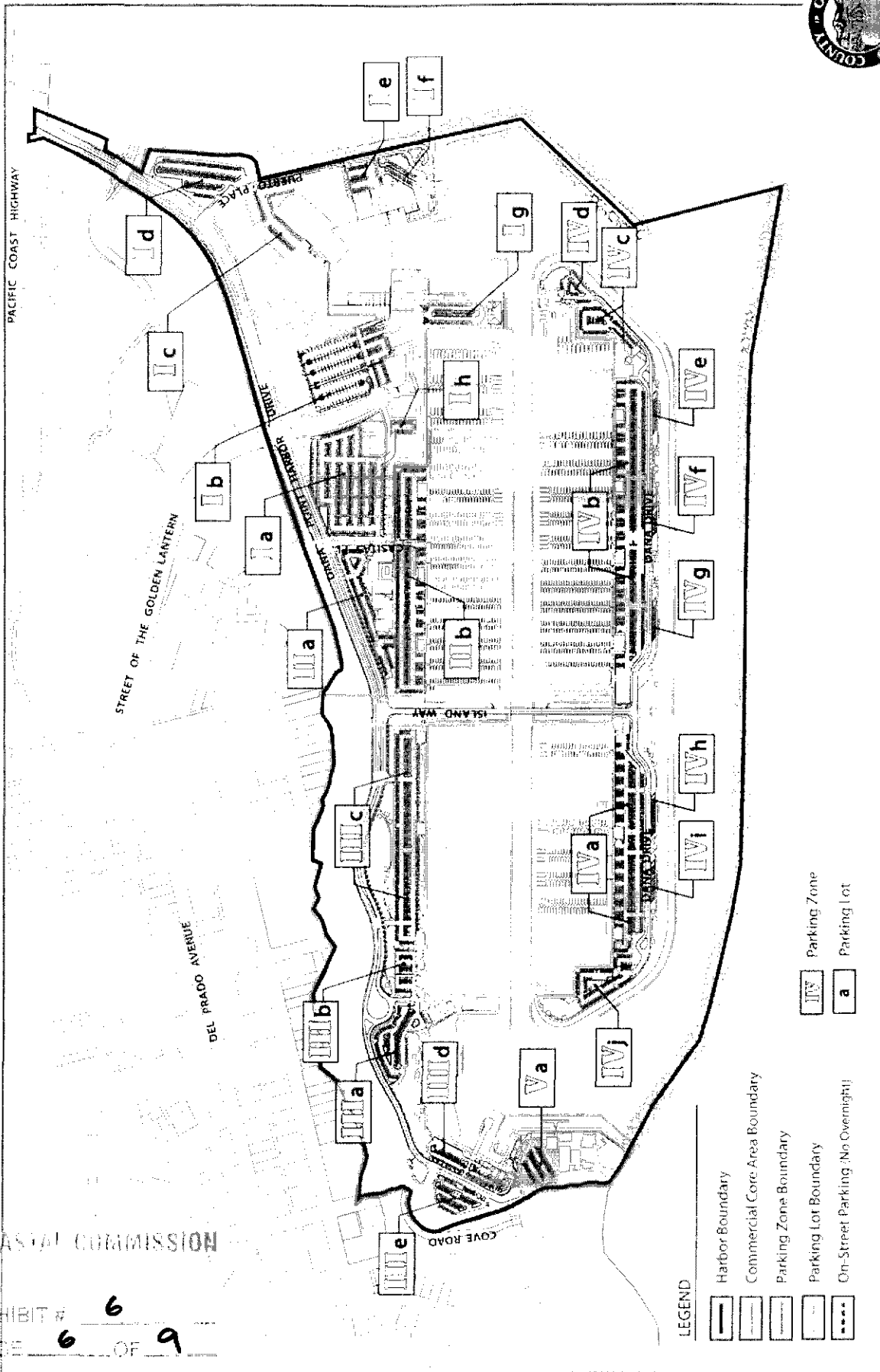
EXHIBIT # 6  
PAGE 5 OF 9



10-2008



# PROPOSED HARBOR PARKING AREAS



COASTAL COMMISSION

EXHIBIT # 6  
PAGE 6 OF 9



## Dana Point Harbor

## DPH Proposed Parking Areas

### **Area I – 1,025 spaces**

- Ia 503 spaces with a 4-hour limit for Harbor users. During the non-peak season months of January, February, March, April, May, October, November and December, up to 125 spaces are allocated for sport fishing passengers.
- Ib 699 spaces in the parking deck with a 4-hour limit for Harbor users. Also includes 47 sport fishing passenger parking in the lower level of the parking deck closest to the water.
- Ic 100 "Car Only" spaces. These boaters using the dry stack storage building in the surface storage area.
- Id 161 spaces located off of Puerto Place. This is a pay & display lot for harbor users.
- Ie 46 spaces for the shipyard.
- If 31 spaces located near the end of Puerto Place. This is a pay & display lot for harbor users.
- Ig 78 spaces with a 4-hour limit located on the Dana Point Co. Harbor users.
- Ih 23 spaces with a 4-hour limit for Harbor users.

### **Area II – 629 spaces**

- IIa 139 spaces for hotel users.
- IIb 490 spaces. Gate controlled. Card keys are issued to some boaters and some Harbor merchants. Up to 125 spaces reserved for Catalina Express passengers who pay to park in this lot during the non-peak season months of January, February, March, April, May, October, November and December. During the peak season months of June, July, August and September, up to 125 sport fishing passengers can park in this lot. Catalina passengers park in lot IVb during the peak season months.

*Note: On-Street parking is also available in Area II but is not included here.*

### **Area III – 736 spaces**

- IIIa 125 spaces for the Harbor users (including Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).
- IIIb 37 spaces for the Harbor users (including Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 7 OF 9

- IIIc 392 spaces. Not gated, but restricted to boaters with slips in the west basin on the cove side and users of the boater service buildings. This lot is also available for limited use during special events.
- III d 109 spaces for the Harbor users (including Fishing Pier users, Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers).
- IIIe 73 spaces for the Harbor users (including Fishing Pier users, Baby Beach users, human powered craft launch users, OC Sailing and Events Center users and charter boat concession passengers). Includes 20 spaces for Ocean Institute overflow parking if needed.

*Note: On-Street parking is also available in Area III but is not included here.*

**Area IV – 1303 spaces**

- IVa 376 spaces. Not gated, but restricted to boaters with slips in the west basin on the island.
- IVb 552 spaces. Gate controlled. Restricted to boaters with slips in the east basin on the island, or users of the boater service buildings. Up to 120 Catalina Express passengers can also park in this lot during the peak season months of June, July, August, and September.
- IVc 76 spaces for the restaurant.
- IVd 66 spaces for Harbor Patrol and the Harbor users.
- IVe 19 spaces for the Harbor users.
- IVf 19 spaces for the Harbor users.
- IVg 19 spaces for the Harbor users.
- IVh 19 spaces for the Harbor users.
- IVi 19 spaces for the Harbor users.
- IVj 138 spaces for the DPYC and the Harbor users.

**Area V – 110 spaces**

- Va 110 spaces for the Ocean Institute.

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 8 OF 9

Planning Zone	Planning Area	Description	Land Use	Parking Requirements	NON-PEAK (Sun, Mon, Tue, Wed, Thu, Fri, Sat)			PEAK (Sun only, Avg. Sat)		
					Proposed Size	Required Spaces	Provided Spaces	Proposed Size	Required Spaces	Provided Spaces
I	1	Surface Boat Storage	Boat Use <sup>1</sup>	0.25 per boat	93 Boats	23		93 Boats	23	
	1	Dry Stack Boat Storage	Boat Use	0.25 per boat	400 Boats	100		400 Boats	100	
	1	BSB X	Office	1 per 250 s.f. of g.f.a.	5,600 s.f.	22		5,600 s.f.	22	
	1	Shipyards Building	Motor Vehicle Sales & Repair	1 per 400 s.f. of g.f.a.	5,000 s.f.	13		5,000 s.f.	13	
	11	Recreational Boat Slips (Rental boats)	Boat Use <sup>2</sup>	0.6 per boat slip	32	19		32	19	
	2	BSB 1	Office	1 per 250 s.f. of g.f.a.	6,800 s.f.	27		6,800 s.f.	27	
	2	Retail/Restaurant - Retail Component	Retail	1 per 200 s.f. of g.f.a.	32,800 s.f.	164		32,800 s.f.	164	
	2	Retail/Restaurant - Restaurant Component	Restaurant	1 per 100 s.f. up to 4,000 s.f. plus 1 per each 80 s.f. above 4,000 s.f.	91,000 s.f. (includes outdoor/dining dining)	1,010		91,000 s.f. (includes outdoor/dining dining)	1,010	
	11	Sport Fishing	Boat Use	Measured Use		125			125	
	11	Charter Boat Concessions	Boat Use	1 space per 3 passengers	49	16		49	16	
	2	Ferry Ticket Office	Office	2 employees	250 s.f.	2		250 s.f.	2	
11	Recreational Boat Slips (Temporary slips during construction)	Boat Use <sup>3</sup>	0.6 per boat slip	0	0		0	0		
10	Rec. Boat Slips	Boat Use <sup>3</sup>	0.6 per boat slip	119	71		119	71		
<b>Total</b>					<b>6,800 s.f.</b>	<b>1,803</b>	<b>1,644</b>	<b>6,800 s.f.</b>	<b>1,803</b>	<b>1,644</b>
										48
II	11	Catalina Ferry	Boat Use	Measured Use		100			100	
	11	Sport Fishing	Boat Use	Measured Use		100			100	
	3	Hotel	Hotel	1 per guest room	136 rooms	136		136 rooms	136	
	3	BSB 3	Office	1 per 250 s.f. of g.f.a.	1,600 s.f.	7		1,600 s.f.	7	
	3	BSB 4	Office	1 per 250 s.f. of g.f.a.	2,500 s.f.	10		2,500 s.f.	10	
	10	Rec. Boat Slips	Boat Use <sup>3</sup>	0.6 per boat slip	609	365		609	365	
<b>Total</b>						<b>613</b>			<b>618</b>	
										11
III	9	Rec. Boat Slips	Boat Use	0.6 per boat slip		367			367	
	11	Catalina Ferry	Boat Use	Measured Use		20			25	
	11	Sport Fishing	Boat Use	Measured Use		25			25	
	9	Charter Boat Concessions	Boat Use	1 space per 3 passengers	49	16		49	16	
	5	OC Sailing & Events Center	Union Halls, Lodges, Clubs	1 per 75 s.f. of g.f.a.	11,000	147		11,000	147	
	5	BSB A	Office	1 per 250 s.f. of g.f.a.	1,600 s.f.	7		1,600 s.f.	7	
	5	BSB B	Office	1 per 250 s.f. of g.f.a.	1,600 s.f.	7		1,600 s.f.	7	
	5	BSB C	Office	1 per 250 s.f. of g.f.a.	1,600 s.f.	7		1,600 s.f.	7	
6	Ocean Institute				20			20		
<b>Total</b>						<b>632</b>			<b>637</b>	
										199
IV	11	Catalina Ferry	Boat Use	Measured Use		120			120	
	9 & 10	Rec. Boat Slips	Boat Use <sup>3</sup>	0.6 per boat slip	1,169	701		1,169	701	
	10	Commercial Boat Slips	Boat Use <sup>3</sup>	2 per boat slip	15 slips	30		15 slips	30	
	4	Harbor Patrol Building	Office	1 per 250 s.f. of g.f.a.	2,000 s.f.	8		2,000 s.f.	8	
	4	Restaurant	Restaurant	1 per 100 s.f. up to 4,000 s.f. plus 1 per each 80 s.f. above 4,000 s.f.	10,300 s.f.	115		10,300 s.f.	115	
	4	BSB D - Dana West Yacht Club	Yacht Club & Storage <sup>4</sup>	4 per 1,000 s.f.	1,500 s.f.	7		1,800 s.f.	7	
	4	BSB E	Office	1 per 250 s.f. of g.f.a.	1,500 s.f.	7		1,800 s.f.	7	
	4	BSB F	Office	1 per 250 s.f. of g.f.a.	1,800 s.f.	7		1,800 s.f.	7	
	4	BSB 5 - Aventura Sailing Association	Yacht Club & Storage <sup>4</sup>	4 per 1,000 s.f.	2,000 s.f.	8		2,000 s.f.	8	
	4	BSB 6	Office	1 per 250 s.f. of g.f.a.	1,500 s.f.	7		1,800 s.f.	7	
	4	BSB 7	Office	1 per 250 s.f. of g.f.a.	1,500 s.f.	7		1,800 s.f.	7	
	4	BSB 8	Office	1 per 250 s.f. of g.f.a.	1,500 s.f.	7		1,800 s.f.	7	
	4	Dana Point Yacht Club	Yacht Club & Storage <sup>4</sup>	4 per 1,000 s.f.	12,400 s.f.	50		12,400 s.f.	50	
<b>Total</b>						<b>970</b>			<b>1,000</b>	
										219
V	6	Ocean Institute <sup>5</sup>				110			110	
<b>Total</b>						<b>110</b>			<b>110</b>	
										0
<b>TOTALS</b>						<b>3,823</b>	<b>4,419</b>		<b>3,823</b>	<b>4,419</b>

BSB = Boater Service Building, s.f. = square feet; gta = gross floor area; PA = Planning Area

- This does not include the car with trailer spaces provided for the boat launch ramp, or the on-street parking along a portion of Dana Point Harbor Drive and Street of the Golden Lantern. Additionally, the Boater Service Buildings parking requirement is based on the office portion of the buildings gross floor area.
- Rates are based on City of Los Angeles Planning and Zoning Code, Section 12.21, 9/13/2000 revision, and California Department of Boating and Waterways standards.
- Total number of spaces required, based on "Traffic and Parking Study for the OC Marine Institute Expansion" (January 27, 2000)
- Information in black matches information in Table 4.5.4 from EIR 591. Information in red has been updated since EIR 591.
- Rates are based on California Department of Boating and Waterways standards.
- The parking requirement is calculated on a restaurant-by-restaurant basis, not an aggregate total. The restaurant square footage includes outdoor patio / dining areas.
- On-street parking is also available on Dana Point Harbor Drive (62 spaces) and Street of the Golden Lantern (65 spaces). These spaces are not included in the "Provided Spaces" column.

**COASTAL COMMISSION**

EXHIBIT # 6  
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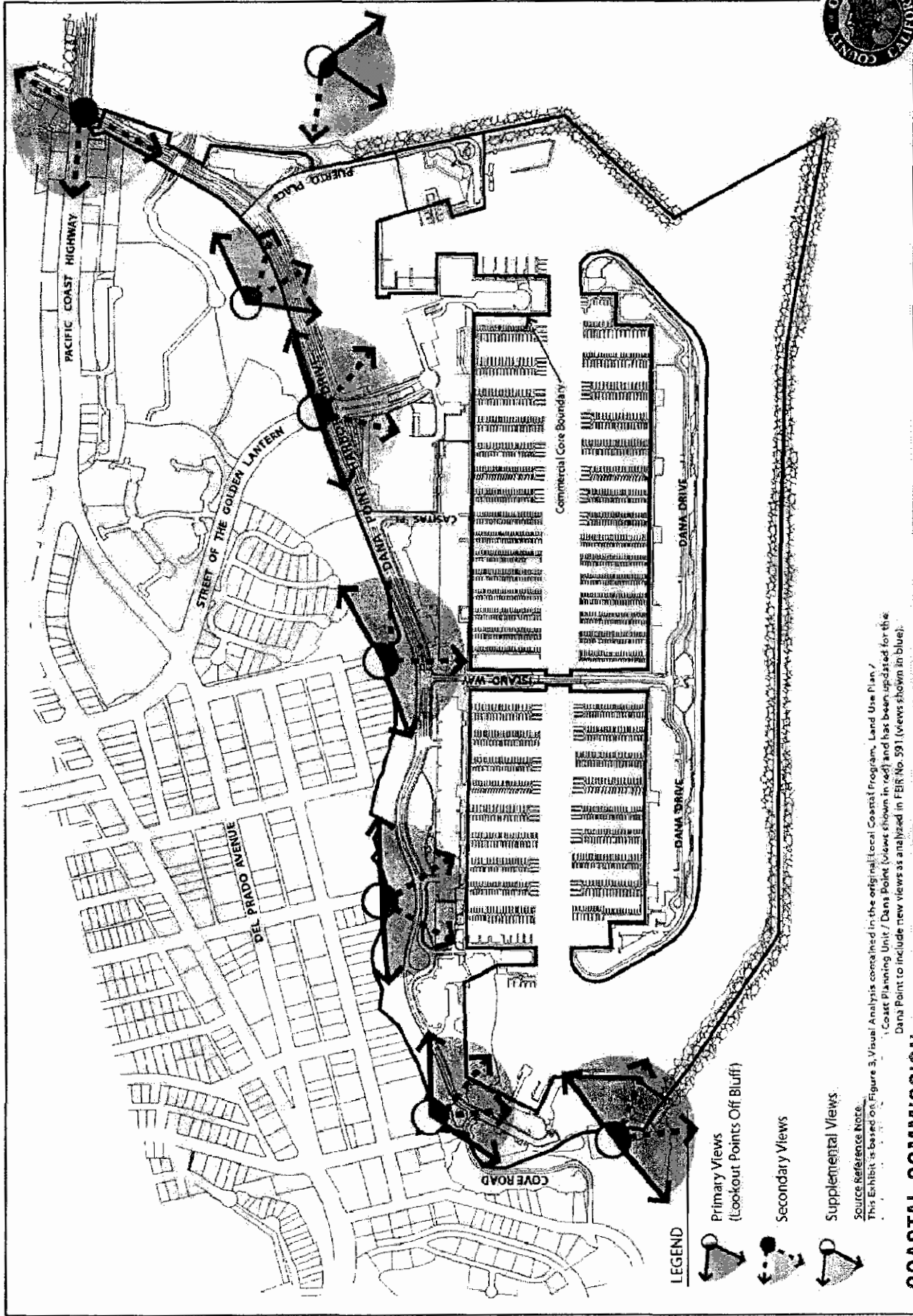


Exhibit 8-1

**DANA POINT HARBOR VIEW CORRIDORS**

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

**COASTAL COMMISSION**

EXHIBIT # **7**

PAGE **1** OF **1**



02.08.2010