

**CITY OF DANA POINT**  
**AGENDA REPORT**

|                     |          |
|---------------------|----------|
| <b>Reviewed By:</b> |          |
| DH                  | <u>X</u> |
| CM                  | <u>X</u> |
| CA                  | <u>X</u> |

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**DATE: SEPTEMBER 13, 2006**

**TO: CITY MANAGER/CITY COUNCIL**

**FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBJECT: LOCAL PROGRAM AMENDMENT (LCPA 06-03) AND SPECIFIC PLAN AND ZONING CODE AMENDMENTS FOR THE DANA POINT HARBOR**

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**RECOMMENDED ACTION:** That the Dana Point City Council conduct a Public Hearing and approve Dana Point Local Coastal Program Amendment LCPA06-03 and Dana Point Specific Plan Amendment for the Dana Point Harbor by introducing an Ordinance entitled:

**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, AND;**

Adopt a Resolution entitled:

**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**

**APPLICANT:** City of Dana Point Community Development Department /  
County of Orange – Dana Point Harbor Department

**LOCATION:** Dana Point Harbor

**NOTICES:** Notice for the proposed Local Coastal Program Amendment was provided in a 1/8<sup>th</sup> page advertisement, published in the Orange County Register on August 28, 2006. Approximately 1,000 notices were mailed to affected agencies, property owners within 500-feet of the Harbor boundary, addresses within 100-feet of the Harbor, Harbor merchants, boat slip tenants and interested parties. Notices were also posted on August 28, 2006 at the Dana Point City Hall and the Dana Point Post office.

A Notice of Availability regarding the Dana Point Harbor Revitalization Plan and District Regulations document was circulated by City staff on May 31, 2006. Copies of the document and addendum have been made available at 4 local public libraries, the California Coastal Commission – South Coast Area office, in addition to City Hall and the Dana Point Harbor Department office.

**ENVIRONMENTAL:** Program FEIR No. 591 was prepared by the County of Orange as lead agency in accordance with the California Environmental Quality Act (CEQA), as amended (Public Resources Code Section 21000, et. seq.), the CEQA Guidelines (California Code of Regulations Section 15000, et. seq.) and the County of Orange Environmental Procedures. In accordance with CEQA requirements, a Notice of Preparation (NOP) of a Draft EIR was filed with the State Clearinghouse (SCH) Office of Planning and Research (OPR) on October 29, 2003. The SCH OPR assigned SCH No. 2003101142 to the environmental documentation for the project. The Orange County Board of Supervisors certified the Final EIR on January 31, 2006 (Resolution No. 06-014) together with Statements of Facts, Findings and Overriding Considerations and Mitigation Monitoring and Reporting Program as complete and adequate in satisfying all the requirements of CEQA for the proposed Dana Point Harbor Revitalization Plan.

**ISSUES:**

1. Is the proposal consistent with the goals and policies of the Dana Point General Plan?
2. Is the proposal consistent with the Dana Point Zoning Code?
3. Is the proposal consistent with the California Coastal Act as described by the Dana Point Zoning Code Section 9.27, Coastal Overlay District?
4. Is the proposal consistent with the Local Coastal Program Amendment procedures as set forth in Dana Point Zoning Code Section 9.61.080?
5. Do the proposed Revitalization Plan and District Regulations revisions reflect recommendations made by the Planning Commission?

**BACKGROUND:** Dana Point Harbor is approximately 276.8 acres, owned and operated by the County of Orange and located entirely in the southern portion of the City of Dana Point. The Harbor is bordered by the Pacific Ocean to the south, Dana Point Headlands and the Old Cove Marine Life Preserve to the west, Doheny State Beach to the east and a variety of commercial, hotel, residential and public park uses to the north. Vehicular access to the Harbor is provided by Dana Point Harbor Drive, Street of the Golden Lantern and secondary access via Cove Road. Dana Point Harbor is a man-made County of Orange regional recreational facility built in a cove formed by the headlands of Dana Point to the north in Capistrano Bay. The Harbor construction was completed in the early 1970's and with the exception of the Dana Wharf buildings, routine maintenance and some other minor improvements, the County has not remodeled or constructed any new facilities since that time. Beginning in the late 1990's, planning for the Harbor's revitalization began.

### Revitalization Plan Development

The Dana Point Harbor Revitalization Plan has been subject to extensive public outreach, beginning in the late 1990's with the creation of the Dana Point Harbor Task Force and continuing through the end of 2005 with numerous meetings involving various stakeholders, including merchants, boaters, nearby residents and regular Harbor user groups. The product of these interactions has resulted in the proposed Dana Point Harbor Revitalization Plan, formally approved by the Orange County Board of Supervisors on January 31, 2006 that addresses the goals and objectives identified by the Dana Point Harbor Task Force as well as frequently voiced concerns regarding:

- Adequacy of parking;
- Construction phasing that minimizes business impacts; and
- Improving Harbor water quality.

Since the County Board of Supervisors approval in January 2006, the DPHD has continued to meet with the public to discuss the Dana Point Harbor Revitalization Plan. The most recent public open house meetings occurred on May 9, 2006 and August 24, 2006.

The County began the master-planning process to develop a Revitalization Plan for the Harbor by concentrating on the Harbor's landside area improvements in 1997 with the creation of a 23-member Dana Point Harbor Task Force. This Task Force was comprised of representatives from the County, City of Dana Point, local citizens, merchants, boaters and other key Harbor user groups. Led by Orange County Supervisor Thomas Wilson, the Task Force process resulted in the creation of the *Dana Point Harbor Draft Concept Plan* that was received and filed by the Board of Supervisors in December 1998.

Recognizing the emphasis placed on the existing commercial areas of the Harbor (comprising the northeastern portion of the Harbor – generally between Puerto Place and Casitas Place) by the Task Force and other groups, the County Board of Supervisors commissioned a team of design professionals and engineers to evaluate and address the needs of this crucial guest-serving area of the Harbor. Refining the information contained in the *Dana Point Harbor Draft Concept Plan* with input from governmental agency representatives and stakeholders groups, the *Commercial Core Concept Plan* was completed in April 2003. This plan made specific recommendations on site planning principles, building architecture, parking, landscaping, signage, bulkhead rehabilitation, grading, utilities and roadway/circulation improvements. The *Commercial Core Concept Plan* was received and filed by the Board of Supervisors in January 2005 and serves as the basis for the improvements proposed as part of the Dana Point Harbor Revitalization Plan.

### Dana Point Harbor Revitalization Plan and District Regulations

Because the Dana Point Harbor Revitalization Plan involves extensive renovations to the facilities located throughout the Harbor, particularly in the Commercial Core area, the regulations currently used no longer satisfy the purpose for which they were intended. The Dana Point Harbor Revitalization Plan and District Regulations when included as part of the City General Plan and Zoning Code will constitute the LCP for the Dana Point Harbor area of the City of Dana Point. The Dana Point Harbor

Revitalization Plan and District Regulations have been prepared to: 1) satisfy the requirements of the California Coastal Act for a Harbor Land Use Plan; and 2) establish the zoning regulations and other implementing actions programs required for the ongoing implementation of improvements and management of the Dana Point Harbor pursuant to the procedures set forth in California Coastal Act.

With approval of the Dana Point Harbor Revitalization Plan and District Regulations, along with the land use configurations depicted on the Dana Point Harbor Revitalization Plan and regulations contained in the District Regulations portion of the document will replace, in their entirety the previously certified Land Use Plan (the 1986 plan), existing zoning ordinance and design guidelines (collectively referenced as Attachment C of the Zoning Code) with a comprehensive boundary, a current land use plan, zoning regulations and development standards to regulate existing and future land uses throughout the Harbor.

#### City of Dana Point Planning Commission Hearing

The Planning Commission conducted a public hearing for the project on June 7, 2006 at which time extensive public testimony was presented covering the following range of issues:

- Adequacy of parking;
- Visual impacts of proposed new buildings to adjacent homeowners;
- Architectural character and additional allowances for architectural projections;
- Elimination of dry stack storage facilities within the Harbor;
- Reconfiguration of the Harbor Shipyard area;
- Maintaining the small boat character of the Harbor; and
- Pedestrian trails and circulation.

As a result of the testimony received, the Planning Commission made the following recommendations as part of their approval action adopted at the regularly scheduled meeting conducted on June 21, 2006.

1. Eliminate dry stack storage facilities within the Harbor. Disallow any facilities that serve such purpose that have significant impacts on public views and overwhelm the small footprint of the Harbor with excessive massing. Analyze alternatives for boat storage that do not impact public views and do not create excessive massing in the Harbor. (Public Resources Code, Sec. 30251; Dana Point General Plan Conservation/Open Space Element)
2. Revise the plan's Development Regulations to remove allowances for elevators, mechanical units, etc. to exceed maximum allowed building heights for all new and existing, remodeled structures in excess of 35 feet in height and to reduce the allowance for architectural projections on all other buildings to a maximum of 5 feet when limited to no more than 10% of the total roof area.
3. In the preparation of the Parking Management Plan, the parking and circulation design should be reformatted to optimize on-site parking opportunities for public and employee parking while enhancing circulation, access and convenience to commercial uses.

4. Maintain the character, nature and vision of the Harbor as an “in water” small boat harbor.
5. Incorporate with the plan, the current trail system connection between Doheny State Beach and the Harbor.

**DISCUSSION:** As described in the submittal considered by the Planning Commission, the proposed Dana Point Harbor Revitalization Plan improvements will occur in two main phases over approximately 5 to 20 years. The near-term improvements (referred to as Phase I) are estimated to take approximately 2 to 5 years to complete once construction is permitted to commence after obtaining all necessary jurisdictional approvals. Most of the initial work will be confined to the northerly portion of Planning Area 1 and all of Planning Area 2, collectively referred to as the “Commercial Core” area of the Harbor. The long-term improvements (referred to as Phase II) are anticipated to commence as funding sources are identified and jurisdictional approvals are obtained. The following provides an overview of the planned improvements to the landside and waterside areas of the Harbor.

#### Landside Component (Planning Areas 1 through 7)

The proposed Revitalization Plan for the Commercial Core (the northerly portion of Planning Area 1 and all of Planning Area 2) provides for the replacement and/or remodeling of approximately 26,600 sq. ft. of existing retail uses and 51,300 sq. ft. of existing restaurant uses; creating a net additional 6,200 sq. ft. of retail and 27,100 sq. ft. of restaurant uses. The Development Standards and Requirements of the Harbor District Regulations limit building heights for the new Commercial Core buildings fronting on the East Marina Boat Basin to a maximum of 65-feet and limit all other day-use commercial buildings to a maximum building height of 35-feet. The proposed plan includes the reconfiguration of all existing surface parking areas to provide additional parking (including construction of a single, two-level 610-space parking deck), new boater loading and drop-off areas, 400 space dry stack boat storage building with a maximum building height of 65-feet and 9,100 sq. ft. stand-alone marine retail store. Improvements to boater services and public restroom buildings are also proposed. Additionally, the Dana Point Harbor Revitalization Plan provides for the relocation of yacht brokerage firms in Boater Service Buildings 1 and 2 and other Harbor-related office uses to the Commercial Core area.

Outside the Commercial Core area, the Revitalization Plan provides for a number of future improvements (the southern portion of Planning Area 1 and Planning Areas 3 through 12). Long-term improvements in the remaining portion of Planning Area 1 include the potential construction of a new privately-funded lighthouse facility at the terminus of Puerto Place and potentially some reconfiguration of the existing shipyard and adjacent parking and boat storage areas to accommodate this new use.

In Planning Area 3, the Dana Point Harbor Revitalization Plan provides for the replacement of the existing Marina Inn with a new facility located in the present hotel location or relocated closer to the waterfront. The new hotel facility may include up to 220 guest rooms and provide enhanced guest services such as special function rooms,

restaurant, recreational amenities and parking. In Planning Area 4, plans include the renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and improvements to the Harbor Patrol offices to add additional meeting and administrative space. In the future, detailed design studies and engineering will also examine how existing parking areas and the alignment of Dana Drive can be adjusted to maximize the amount of available parking spaces for boaters and the general public on the Island.

The Dana Point Harbor Revitalization Plan also includes provisions for the enhancement of the County's Youth and Group Facility should the need for additional meeting and activity facilities be identified in the future. All landside areas of the Harbor will progressively have visitor facilities, including public restrooms, picnic and recreation area upgrades and improvements to landscaping, signage and lighting.

#### Waterside Component (Planning Areas 8 through 12)

Proposed as part of the Dana Point Harbor Revitalization Plan are provisions for the reconfiguration and/or reconstruction of the East and West Marinas. Plan elements for the East Marina include the construction of 22 additional visitor slips and dinghy docks adjacent to the Commercial Core and Dana Wharf areas to improve visitor access. Based on preliminary estimates developed for purpose of preparing the Dana Point Harbor Revitalization Project Program EIR, the Revitalization Plan contemplates a maximum reduction in the total number of boat slips in the East and West Basins (Planning Areas 9 and 10) to approximately 1,988 slips or an overall decrease of approximately 545 slips. The following Boat Slip and Dock Summary Table provide a comparison between the facilities presently available and the modifications analyzed as part of the EIR. It should be noted that the types of facilities and actual number of slips indicated in the table are only preliminary estimates established for environmental analysis purposes and will require refinement throughout the design and engineering process that is anticipated to commence in the fall of 2006. To offset the contemplated reduction in waterside facilities, the implementation of the dry stack boat storage facility to be located in Planning Area 1 (planned to house approximately 400 boats ranging in size from 20 to 40 feet) is a crucial component of the overall Revitalization Plan.

**BOAT SLIP AND DOCK SUMMARY**

| Planning Area  | Existing Slips/Docks | Estimated Slips/Docks | Difference | Existing Lineal Feet | Proposed Lineal Feet | Difference |
|--|----------------------|-----------------------|------------|----------------------|----------------------|------------|
| Planning Areas 9 and 10 – West Marina and East Marina (76.2 Acres)                                 |                      |                       |            |                      |                      |            |
| Marina Side and End Ties   | 93                   | 68                    | -25        | 0                    | 0                    | 0          |
| East and West Marina Slips   | 2,260                | 1,715                 | -545       | 0                    | 0                    | 0          |
| Guest Slips  | 42                   | 66                    | 24         | 83                   | 83                   | 0          |
| Youth and Group Docks  | 13                   | 13                    | 0          | 58                   | 58                   | 0          |
| Commercial Fishing Slips   | 15                   | 15                    | 0          | 85                   | 85                   | 0          |
| Dana Point Yacht Club Slips  | 11                   | 11                    | 0          | 78                   | 78                   | 0          |
| Harbor Patrol Docks  | 10                   | 10                    | 0          | 0                    | 0                    | 0          |
| Dinghy Docks   | 0                    | 0                     | 0          | 0                    | 375                  | +375       |
| Planning Areas 8, 11, and 12 – Educational Basin, Marine Services and Harbor Entrance (67.7 Acres) |                      |                       |            |                      |                      |            |
| Planning Area  | Existing Slips/Docks | Estimated Slips/Docks | Difference | Existing Lineal Feet | Proposed Lineal Feet | Difference |
| Charter Fishing Slips  | 15                   | 15                    | 0          | 0                    | 0                    | 0          |
| Boat Rental Docks  | 15                   | 7                     | -8         | 0                    | 0                    | 0          |
| Dry-Stack Storage Docks  | 0                    | 0                     | 0          | 0                    | 600                  | +600       |
| Shipyards Slips  | 17                   | 8                     | -9         | 0                    | 0                    | 0          |
| Channel Side Ties  | 0                    | 58                    | 58         | 0                    | 0                    | 0          |
| R/V Sea Explorer Dock  | 1                    | 1                     | 0          | 0                    | 0                    | 0          |
| Pilgrim Dock   | 1                    | 1                     | 0          | 0                    | 0                    | 0          |
| TOTAL  | 2,493                | 1,988                 | -505       | 304                  | 1,279                | +975       |

Source: Dana Point Harbor Revitalization Plan FEIR No. 591, prepared by RBF

Improvements to Planning Areas 11 and 12 also include the reconfiguration/relocation of rental and shipyard docks/slips. The reconstruction and reconfiguration of the docks will likely require relocation of the dock system guide piles or construction of new piles. Additionally, as part of the marina work, reconfigured docks will be designed in compliance with the Americans with Disabilities Act (ADA) and will provide improved lighting, security, signage and utility delivery infrastructure. All dock and slip work will be phased to minimize the loss or disruption of existing facilities and may involve use of temporary floating, staging and/or imported prefabricated docks to accelerate the construction time. All improvements involving waterside areas will require approval of a Coastal Development Permit issued by the California Coastal Commission.

### Resolution of Concerns and Planning Commission Recommendations

Prior to and following the Planning Commission Hearing, the County of Orange – Dana Point Harbor Department staff has been working closely with City staff to resolve concerns presented as part of the public testimony and to explore potential modifications to the Dana Point Harbor Revitalization Plan. In addition to regularly scheduled monthly coordination meetings with Supervisor Wilson's office, County and City staff, the Harbor Department has been proactive in meeting with the following agencies, the public and stakeholder groups:

- Harbor Focus Group – selected by the City of Dana Point;
- Harbor merchants (individually and with the Merchants Association);
- Boaters (individual and small groups requesting additional information);
- California Coastal Commission staff;
- California State Parks staff; and
- Lantern Bay Estates representatives.

The following describes some of the key project issues identified and summarizes the current status.

View Impacts Associated With Implementation of the Dry Stack Boat Storage Buildings:

Although the proposed design of the dry stack boat storage facility emphasized the operational characteristics and capacity to store a significant number of small boats, the visual impact of these large buildings (as acknowledged by the Harbor EIR) has been a concern of residents, State Park officials and Harbor users. To address these concerns, the County is proposing several modifications to the Revitalization Plan to minimize the visual affects of this facility. The modified plan proposes the elimination of the second dry stack boat storage building and a reconfiguration of the first building to lower the overall building height. The new design reduces the overall building height by 14-feet and extends the length by 60-feet (30-feet at each end) to off-set any loss in the capacity of structure to house approximately 400 boats. To accommodate these revisions, modifications to the surface boat and car parking areas are required, as well as constructing a separate building to house the marine retail store. These revisions also the area of the existing shipyard and related activities (approximately 1.6 acres) to remain unchanged.

Off-Site Dry Boat Storage: The Dana Point Harbor Department is continuing to pursue a lease agreement with the South Coast Water District to utilize a portion of their existing property for boat and vehicle storage. The SCWD property is located north of Pacific Coast Highway and east of San Juan Creek. DPHD is in the process of developing a proposal for consideration by the South Coast Water District Board of Directors to determine the future use of the District's vacant property. This plan includes utilization of the maximum possible acreages for boat storage to offset the loss of storage opportunities within the Harbor.

The County-owned Selva Parking Lot, located near the southern terminus of Selva Road, approximately 1.5 miles west of the Harbor is also being considered as a potential off-site location for the storage of boats and vehicles. The Selva Parking Lot may also be potentially utilized as an alternative parking site should overflow parking be required. Use of this existing parking facility will be subject to discretionary permit approval by the City (for fencing, gates, etc.) to allow for the secure storage of boats and employee vehicles during Harbor construction activities.

Parking: Some observation made by members of the public and Harbor merchants focused on the current design of the Commercial Core area and the availability of parking for Harbor visitors and business patrons. To address the specific relationships between parking and circulation demands during different usage periods, the DPHD has contracted with a specialized traffic and parking consultant to begin work on the Traffic

Management Plan for implementation of the Harbor improvements. The scope of work includes several tasks specifically intended to study and recommend potential strategies to optimize on-site parking opportunities for public and employee parking and improve the overall circulation and access for all commercial areas of the Harbor. An initial draft of the Traffic Management Plan is anticipated to be completed in the next two months.

Homeowner Views: In response to a letter received from the Lantern Bay Villas president (dated March 21, 2006), requesting that story poles be installed to clearly show the expected sizes and heights of the proposed commercial buildings and boat storage facilities, City staff worked with the County to determine the effects of the buildings on adjacent views. The County commissioned a private company to erect story poles on extended fork-lifts to demonstrate the location and height of the proposed buildings. The story poles were positioned as per a City-approved staking plan and photographed on May 9, 2006.

Further, as part of an effort to try and resolve concerns of residents in the Lantern Bay Villas and Lantern Bay Estates regarding views, DPHD invited representatives of both homeowner groups to participate in meetings with DPHD and City Public Works staff to explore potential ways of addressing their concerns. Only the Lantern Bay Estates representatives chose to continue meeting with the DPHD team. Approaches discussed included the selective trimming or removal of large trees and landscaping that currently block views on City and County property and/or entering into a long-term maintenance agreement that would set standards to ensure that views are preserved. Final resolution was conceptually agreed upon but has not yet been formalized with the Lantern Bay Estate Association membership. The conceptual agreement was reached prior to the most recent changes to the Dana Point Harbor Revitalization Plan. These proposed modifications will enhance views from the Lantern Bay Estates even further, with the removal of the second dry stack boat storage building and reduction in height of the remaining building.

Reconfiguration of the Harbor Shipyard: The Dana Point Harbor Revitalization Plan required the partial reconfiguration of the Dana Point Shipyard (after expiration of the existing shipyard lease in 2012) to allow for the construction of the proposed second dry stack boat storage building. With the proposed deletion of the second dry stack boat storage building, the shipyard will remain at its present 1.6 acre configuration and reconfiguration of the shipyard/ship repair facilities is no longer necessary. However, an existing 1.0 acre portion of the shipyard lease area presently used for non-shipyard related activities such as boat storage, boat brokerages, jet-ski rentals and sales and kayak rentals will be included as part of the Revitalization Plan's mast-up boat storage area.

Small Boat (in-water) Harbor Character: The Dana Point Harbor Revitalization Plan contemplates the reconfiguration of the East and West Marinas to upgrade facilities and provide additional opportunities and services for boaters. Although the planning process is just beginning with the selection of a marina design team, no specific reconfiguration recommendations have been considered by the County to change the overall small boat character of the Harbor. Because of numerous constraints (size of the existing basins, variations in water depth and contemporary marina design and

construction regulations), it is anticipated that variations will be considered in the number, size and configuration of the slips available in the Harbor, but the existing character of the facility will be largely maintained. As design alternatives are contemplated, the DPHD intends to conduct an on-going public and boater outreach program to solicit input on the plan prior to selection of any final design.

Pedestrian Linkages: The DPHD is aware of a potential pedestrian linkage project associated with the proposed North Creek Restoration and Improvement Project. It is the County's understanding that the project is being proposed by a coalition, consisting of Miocean (a local non-profit organization), Doheny State Park and the City of Dana Point. The project as proposed is located on State owned property and includes streambed sediment removal and channel bank repairs, a pedestrian bridge, abutments, pathways, an educational kiosk and overlook area, in addition to signage and landscaping. The DPHD has committed to working with the project proponents to cooperate and assist with the project's implementation by making modifications or construction improvements within Dana Point Harbor to accommodate a linkage to provide access from the existing parking lot to the new bridge facility.

Additional Public Outreach: The City and County hosted a Public Open House on September 24, 2006 at the County Youth and Group Facility in the Harbor to introduce refinements in the Dana Point Harbor Revitalization Plan prior to City Council consideration of the changes. The event was attended by approximately 150 members of the general public, boaters, Harbor merchants and interested agency representatives. Following a brief presentation by the County Dana Point Harbor Department Director, guests were encouraged to ask questions of DPHD staff and the consultant team. Discussion topics in addition to the newly announced Revitalization Plan changes, included building heights, views, construction phasing/schedules, marina design, surface dry boat storage, parking, shipyard changes, launch ramp construction and hotel replacement progress, among others.

**FUTURE REVIEW PROCESS:** Following the City Council approval of the Dana Point Harbor Revitalization Plan and District Regulations, City staff in consultation with the County of Orange – Dana Point Harbor Department will submit an application to the California Coastal Commission for an amendment to the City's Local Coastal Program. After adoption of the LCP and its certification by the California Coastal Commission, the administration of the LCP becomes the responsibility of the local jurisdiction and in the case of Dana Point Harbor, the City of Dana Point. The City of Dana Point has a certified Local Coastal Program and therefore has the authority to approve Coastal Development Permits for all landside development proposals. Pursuant to the Coastal Act, the California Coastal Commission retains permit authority for all waterside activities, however.

**CONCLUSION:** This Local Coastal Program Amendment (LCPA 06-03) as proposed will amend the previously certified Dana Point Specific Plan for Dana Point Harbor and will replace the Dana Point Harbor Planned Community Development Plan, which is part of the Dana Point Specific Plan with the Dana Point Harbor Revitalization Plan and District Regulations. This amendment will govern all land uses within the Harbor and will establish new regulations for all development in the Harbor, including the Harbor Revitalization Plan.

**ACTION DOCUMENT:**

**Page No.**

- A. [Draft Ordinance No. 06-XX](#)..... 12
- B. [Draft Resolution No. 06-09-13-XX](#)..... 17

**SUPPORTING DOCUMENTS:**

- C. Dana Point Harbor Revitalization Plan and District Regulations, Draft document dated May 2006 (Hard Copy Provided)
- D. Dana Point Harbor Revitalization Plan and District Regulations, Draft Addendum document dated September 13, 2006 (Hard Copy Provided)
- E. [Correspondence received](#) ..... 20

**ACTION DOCUMENT A****ORDINANCE NO. 06-xx**

**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

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 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

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

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

Section 2. The City Council finds as follows:

- A. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- B. That the adoption of the proposed Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the Dana Point Specific Plan and Local Coastal Program and Zoning Code is in the public interest;
- C. That the Local Coastal Program Amendment LCPA 06-03 is consistent with, and will be implemented in full conformity with the Coastal Act;
- D. That the City Council adopts the following specific findings:
  1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.

2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter 3 policies of the Coastal Act in that the amendment is a Harbor Land Use Plan that meets the requirements of and implements the provisions and policies of the Coastal Act at the local level by protecting, maintaining and, where feasible, enhancing the natural and scenic qualities of coastal resources; assures access consistent with conservation principles and constitutionally protected private property rights; assures priority for coastal-dependent and coastal-related development; and, encourages state and local government cooperation concerning the planning and development process.
3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the locations and intensity of land and water uses in that subsequent development within the harbor will be reviewed for compliance with the Coastal Act provisions and other applicable state law.
4. That the level and pattern of development proposed is reflected in the amended Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.

10. The Resolution No. 06-xx-xx-xx 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.

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 City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this \_\_\_th day of September, 2006.

\_\_\_\_\_  
LARA ANDERSON, MAYOR

ATTEST:

\_\_\_\_\_  
Kathy M. Ward  
Acting City Clerk

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-XX was duly adopted and passed at a regular meeting of the City Council on the \_\_\_<sup>th</sup> day of September, 2006, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**ACTION DOCUMENT B****RESOLUTION NO. 06-09-13-xx****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.

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.

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LARA ANDERSON, MAYOR

ATTEST:

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Kathy M. Ward  
Acting City Clerk

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 Resolution No. 06-09-13-XX was duly adopted and passed at a regular meeting of the City Council on the 13<sup>th</sup> day of September, 2006, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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KATHY M. WARD  
ACTING CITY CLERK

**SUPPORTING DOCUMENT E**