

ENVIRONMENTAL MANAGEMENT AGENCY
ADVANCE PLANNING FUNCTION
PROJECT PLANNING DIVISION

Kenneth C. Winter

Larry Cottrill
Robert Montgomery

FIFTH DISTRICT

Peter F. Herman

- Chief, Urban and Open Space Planning
- Project Manager
- Project Manager

- Executive Assistant

DANA POINT SPECIFIC PLAN

In Association With:

CBA/Castaneda-Berg & Associates
WMRT/Wallace, McHarg, Roberts and Todd

Ralph Castaneda, Jr. (CBA)
Robert Y. Takata (WMRT)

- Study Director
- Project Manager

APRIL 1980

ORANGE COUNTY

Board of Supervisors

Ralph B. Clark, Chairman
Philip L. Anthony
Harriett M. Wieder
Edison W. Miller
Thomas F. Riley

- Fourth District
- First District
- Second District
- Third District
- Fifth District

Planning Commission

Richard J. Footner, Chairman
A. Earl Wooden
Fred Light
Irving Pickler
William R. MacDougall

- Second District
- First District
- Third District
- Fourth District
- Fifth District

Environmental Management Agency

H.G. Osborne
Richard G. Munsell
Robert L. Rende

- Director
- Assistant Director,
Advance Planning
- Manager, Project
Planning Division

Specific Plan Advisory Committee

- Sandra Boostrom
- Judith S. Curreri
- Dan Daniels
- Ollie Harris
- Sue Hinman
- Jay Howe

- Perry Jacobson
- Alex McGearry
- Harry Otsubo
- Chuck Smyth
- Wendell Thompson
- Mickey Valentine

TABLE OF CONTENTS

SECTION		PAGE
I	EXECUTIVE SUMMARY.....	I-1
II	INTRODUCTION.....	II-1
III	BACKGROUND.....	III-1
	Historical Background.....	III-1
	Developmental Background.....	III-2
	Economic Background.....	III-3
	Physical Factors Background.....	III-9
	Planning Background.....	III-14
IV	LAND USE ELEMENT.....	IV-1
	General Plan Framework.....	IV-1
	Specific Plan Framework and Recommendations.....	IV-3
	• Residential.....	IV-8
	• Residential-Commercial.....	IV-12
	• Commercial.....	IV-13
	• Tourist-Recreation/Commercial.....	IV-16
	• Public and Quasi-Public.....	IV-17
	• Recreational.....	IV-17
	• Other Open Space.....	IV-18
	• Conservation.....	IV-18
	• Dana Point Headlands Sector.....	IV-18
	• Lantern Bay Project Sector.....	IV-26
V	CIRCULATION ELEMENT.....	V-1
	General Plan Framework.....	V-1
	Specific Plan Framework and Recommendations.....	V-4
VI	HOUSING ELEMENT.....	VI-1
	General Plan Framework.....	VI-1
	Specific Plan Framework and Recommendations.....	VI-2
VII	RECREATION ELEMENT.....	VII-1
	General Plan Framework.....	VII-1
	Specific Plan Framework and Recommendations.....	VII-1
VIII	SCENIC HIGHWAYS ELEMENT.....	VIII-1
	General Plan Framework.....	VIII-1
	PCH Specific Plan Framework.....	VIII-1
	PCH Scenic Corridor Recommendations....	VIII-5

SECTION	PAGE
IX	COMMUNITY DESIGN ELEMENT.....IX-1
	General Plan Framework.....IX-1
	Community Design Structure.....IX-1
	Community Design Recommendations.....IX-1
X	LOCAL COASTAL PROGRAM.....X-1
	Shoreline Access/Recreation and
	Visitor-Serving Facilities.....X-1
	Housing.....X-8
	Water and Marine Resources/Environ-
	mentally Sensitive Habitat Areas.....X-13
	Diking, Dredging, Filling and
	Shoreline Structures.....X-16
	Commercial Fishing and Recreational
	Boating.....X-16
	Agriculture.....X-16
	Public Works/New Development/Visual
	Resources/Hazards.....X-16
	Governmental Coordination.....X-23
XI	LAND USE REGULATIONS.....XI-1
	Authority, General Purpose, Objectives...XI-1
	Interpretation and Application of the
	Dana Point Specific Plan Land Use
	Regulations.....XI-2
	Definitions.....XI-5
	Use and Site Development Regulations.....XI-6
	• Residential.....XI-6
	-- RS, Residential, Single-Family...XI-6
	-- RM, Residential, Multiple-Family..XI-7
	• Residential-Commercial.....XI-8
	• Commercial.....XI-10
	-- CL, Local Commercial.....XI-10
	-- CC, Community Commercial.....XI-13
	• Tourist-Recreation/Commercial.....XI-14
	• Public and Quasi-Public.....XI-16
	• Open Space.....XI-17
	• Conservation.....XI-18
	Localized Regulations.....XI-19
	• Scenic Highways Regulations.....XI-19
	• Site Plan Review Requirements.....XI-19
XII	RESOLUTION OF GENERAL PLAN/ZONING
	INCONSISTENCIES.....XII-1
	Background.....XII-1
	Recommendations.....XII-3

SECTION	PAGE
XIII	PROVISION OF MUNICIPAL LEVEL COMMUNITY SERVICES.....XIII-1
	Types of Services and Improvements....XIII-1
	Financing of Community Services and Improvements.....XIII-2
	Governmental Agency Responsibilities..XIII-6
	Recommendation.....XIII-7
XIV	COMMUNITY PARTICIPATION.....XIV-1
	Specific Plan Board of Review.....XIV-2
	Municipal Advisory Council.....XIV-2
	Recommendation.....XIV-3
APPENDICES	
	Appendix A -- Dana Point Plant Palette.....A-1
	Appendix B -- Type Face Design -- New England Theme.....B-1
	Appendix C -- Cost Estimates for Eight Community Services and Improvements.....C-1

LIST OF TABLES

TABLE		PAGE
1	South Coast Housing and Commercial Market Study -- Hotel/Motel Demand Forecasts.....	III-5
2	South Coast Housing and Commercial Market Study -- Hotel/Motel Supply Forecasts.....	III-5
3	Affordable Rental Units in Dana Point.....	VI-3
4	General Plan/Zoning Inconsistencies.....	XII-3

LIST OF CHARTS

CHART		PAGE
1	EXECUTIVE SUMMARY: LAND USE ELEMENT.....	I-5
2	EXECUTIVE SUMMARY: OTHER GENERAL PLAN ELEMENTS.....	I-11
3	EXECUTIVE SUMMARY: LOCAL COASTAL PROGRAM.....	I-16
4	EXECUTIVE SUMMARY: LAND USE REGULATIONS....	I-23

LIST OF EXHIBITS

EXHIBIT		PAGE
1	Regional Location.....	II-2
2	Dana Point Planning Area.....	II-3
3	Dana Point Coastal Zone Boundaries.....	II-5
4	Planning Process -- Dana Point Specific Plan.....	II-6
5	La Plaza Market Area.....	III-7
6	Topography.....	III-10
7	Sections.....	III-11
8	View Analysis.....	III-12
9	Generalized Development Pattern.....	III-13
10	Existing Land Use Element.....	IV-4
11	Current Zoning.....	IV-5
12	Community Sectors.....	IV-6
13	Land Use Recommendations.....	IV-7
14	Dana Point Headlands Sector Land Use Plan.....	IV-20
15	Dana Point Headlands Sector -- Sub-areas..	IV-25
16	Lantern Bay Project Sector -- Conceptual Site Plan.....	IV-27
17	Circulation Element.....	V-3
18	Del Prado Precise Alignment.....	V-5
19	Recreation Plan.....	VII-3
20	PCH Existing Conditions.....	VIII-3
21	PCH Design Concept.....	VIII-6
22	PCH Design Concepts.....	VIII-9

EXHIBIT	PAGE
23	Consolidated Parking.....VIII-13
24	Golden Lantern Streetscape Concept.....IX-4
25	Richard Henry Dana Centre.....IX-7
26	Richard Henry Dana Centre -- Street Furniture.....IX-10
27	Dana Point Professional Centre.....IX-11
28	Design Theme Area.....IX-13
29	Dana Point Pacific Investments Building...IX-14
30	Dana Point Athletic Club.....IX-15
31	Dana Point Planned Community.....XI-3
32	Zoning Recommendations.....XI-4
33	SH District Regulations.....XI-20
34	General Plan/Zoning Inconsistencies..... XII-2

SECTION I
Executive Summary

Dana Point is an unincorporated, coastal community located in southern Orange County. In recognition that additional detailed planning was both desirable and necessary in the Dana Point community, the Board of Supervisors, by Minute Order M373-78, dated May 3, 1978, directed the Environmental Management Agency (EMA) to proceed with the preparation of a Specific Plan for that community. The Specific Plan described in this report is a continuation, refinement and consolidation of several studies completed by EMA, including the Dana Point Reconnaissance Study, South Coast Housing and Commercial Market Study, Local Coastal Program and Dana Point Traffic and Parking Study. Throughout the course of preparing the Specific Plan, there was extensive community participation and public involvement. An Advisory Committee was established for purposes of guiding the development of the Specific Plan.

As a result of the previous studies as well as original research efforts and the community participation process, the recommended Specific Plan for the Dana Point community was prepared. That Specific Plan provides detailed guidance and policies in connection with four mandated elements of the General Plan and one optional element, as follows:

- Land Use Element.
- Circulation Element.
- Housing Element.
- Scenic Highways Element.
- Community Design Element (optional).

In addition, the Open Space Element of the County of Orange General Plan is implemented by the Dana Point Specific Plan through: 1) the recommended Recreation Element (Section VII); 2) the 5.3 "recreational" and 5.4 "other open space" land use categories as designated by Exhibit 13 -- Land Use Recommendations and 3) the OS or Open Space Land Use Regulations (Section XI). Moreover, the Conservation Element is implemented by the Specific Plan through: 1) the 5.41 "conservation" land use category as designated by Exhibit 13 -- Land Use Recommendations and 2) the Conservation Land Use Regulations (Section XI).

Individual chapters on the noise, seismic safety and safety elements are not included in the Dana Point Specific Plan. It was found that the goals, policies and objectives of these elements (as contained in the County of Orange General Plan) are

adequate for purposes of guiding future growth and development in the Dana Point community. However, seismic safety and safety issues and policies are evaluated within the context of the appropriate sub-sections of the Local Coastal Program.

Besides implementing various elements of the General Plan, the Specific Plan also implements the Coastal Act of 1976 in the form of a Local Coastal Program. That program recommends a series of local coastal program policies and related implementing actions. The Coastal Act policies which are addressed in detail include the following:

- Shoreline Access/Recreation and Visitor-Serving Facilities.
- Housing.
- Water and Marine Resources/Environmentally Sensitive Habitat Areas.
- Public Works/New Development/Visual Resources/Hazards.

The final four sections of this report describe several methods and techniques for implementing the recommendations of the Specific Plan, including: 1) land use regulations, 2) resolution of General Plan/zoning inconsistencies, 3) provision of municipal level community services and 4) community participation. Each of these methods and techniques will help to achieve the goals, policies and objectives of the Dana Point Specific Plan.

The majority of the Specific Plan is summarized in four charts. Chart 1 summarizes the Specific Plan Land Use Element in terms of findings, conclusions, and recommendations for each category of land use (e.g., residential, commercial, etc.) and for the Dana Point Headlands and Lantern Bay Project Sectors. Chart 2 presents a summary of the other Specific Plan elements, including circulation, housing, recreation and community design. Once again, the summary is presented in terms of findings, conclusions and recommendations. Chart 3 summarizes the Local Coastal Program for the Dana Point community. That summary describes background data, the issues which were identified and the recommended policies and implementing actions for each of the five Coastal Act policies which were evaluated in detail. Finally, in Chart 4, the land use regulations are summarized. An overview is presented of the use and site development regulations for the following categories: residential,

residential-commercial, commercial, tourist recreation/commercial, public and quasi-public, open space and conservation. In addition, the localized regulations dealing with the scenic highways regulations and the site plan review requirements are summarized in Chart 4.

Additional sections of the Dana Point Specific Plan which are not summarized in chart form include: 1) resolution of General Plan/zoning inconsistencies; 2) provisions of municipal level community services and 3) community participation. An overview of these sections of the Specific Plan is presented in the following paragraphs.

Within the Dana Point community there are 18 areas in which there is an inconsistency between the General Plan Land Use Element designations and the zoning districts applied to those areas. Section XII of the Specific Plan describes the type of inconsistency for each area as well as the recommended resolution. It should be noted that the Land Use Element of the Specific Plan (i.e., Exhibit 13) reflects the resolutions which are recommended in Section XII — Table 4.

Some of the issues and problems raised by community residents have involved the need for an extended level of services. In addition, some features of the Specific Plan are likely to require extended levels of community services if they are to be adequately implemented. The types of services which may be necessary or desirable in the Dana Point community include the following:

- Street sweeping.
- Median landscape improvement and maintenance.
- Slope landscape improvement and maintenance.
- Natural open space maintenance.
- Open space improvement and maintenance.
- Entry quadrant improvement and maintenance.
- Mini-neighborhood park improvement and maintenance.
- Pacific Coast Highway lighting improvement and maintenance.

The Specific Plan Advisory Committee evaluated the alternative methods of financing the services and improvements as well as the

governmental agency or agencies that should be responsible for providing the services and/or constructing the improvements. Moreover, the Advisory Committee reviewed a report prepared by the Local Agency Formation Commission (LAFCO) which evaluated five service-delivery options. LAFCO recommended the delivery of all desired services by the existing Capistrano Bay Recreation and Parks District. The Advisory Committee, upon review of LAFCO's report, concurred with the recommended alternative.

Another consideration of the Specific Plan is the provision for ongoing participation of the community in future implementation actions and programs. Many residents of Dana Point have expressed the opinion the County government appears "to distant" and that more involvement by the community is necessary in those County decisions which affect the future character of the area. Consequently, the Advisory Committee considered and evaluated the nature and scope of an ongoing community participation process. Two basic community participation alternatives were evaluated by the Advisory Committee: a "Specific Plan Board of Review" and a "Municipal Advisory Council." The Advisory Committee deliberated at length the merits of the two alternative community participation methods. As a result of these deliberations and additional considerations, the Advisory Committee decided upon the following recommendation:

A Specific Plan Board of Review should be established with the prime goal of implementing the Specific Plan and the secondary goals of investigating and identifying the long range desires of the community — specifically, the signatures required to bring the question of the formation of a Municipal Advisory Council onto the 1980 election ballot.

CHART I EXECUTIVE SUMMARY: LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>RESIDENTIAL RESIDENTIAL- COMMERCIAL</p>	<p>For several sub-areas of the Dana Point community it is unnecessary to depart from existing County policy (i.e., current LUE residential categories and densities are appropriate).</p> <p>For a few sub-areas it is appropriate to redesignate planned land uses (i.e., from non-residential LUE categories to residential categories).</p> <p>For some vacant areas with a residential land use category it is desirable to redesignate them to categories having lower residential densities (i.e., 1.51 to 1.42). Permitting future development at existing densities is likely to produce excessive demands on public services and facilities and lead to traffic and parking problems. There is also a need to encourage a mix of housing and household types in an otherwise predominantly renter-occupied, high density area (i.e., Central Area).</p> <p>It is desirable to delete the heavy density (1.51) residential land use category from the Dana Point community wherever possible.</p>	<p>The following areas with non-residential land use categories should be redesignated to residential categories:</p> <ul style="list-style-type: none"> • Dana Point Headlands Sector -- a portion of this site (about 28%) should be designated as 1.4, high density residential. • "Old Hotel" Site on the south side of Santa Clara Avenue, between Street of the Amber Lantern and Street of the Violet Lantern -- from 5.31, tourist recreation/commercial, to 1.41, high density residential. • Santa Clara Avenue between Street of the Amber Lantern and Street of the Violet Lantern -- from 2.2, community commercial, to 1.41, high density residential. • Del Prado Avenue between Street of the Amber Lantern and Street of the Golden Lantern -- from 2.2, community commercial, to 1.51/2.2, combined residential and commercial land uses. • Easterly side of Street of the Golden Lantern -- from 5.3, recreation, to 1.41, high density residential, in those areas that are developed as multi-family housing. • Elevado Site southerly of Via Elevado -- from 5.4, open space, to 1.32, medium density residential. 	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p> <p>Adopt the following land use policy for the Dana Point Headlands Sector: <i>"The maximum number of dwelling units permitted will be the midpoint of the 1.4 land use designation."</i></p>

CHART 1

LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
		<ul style="list-style-type: none"> • Pacific Coast Highway between Street of the Copper Lantern and Street of the Crystal Lantern -- from 2.2, community commercial, to 1.41/2.2 combined residential and commercial uses. • Mobile Home Park Site located northerly of Pacific Coast Highway/Del Obispo Street -- from 5.3, residential, to 1.3, medium density residential. <p>The following areas should be redesignated to residential land use categories with lower densities than currently permitted:</p> <ul style="list-style-type: none"> • Central Area Sector -- from 1.51, heavy density, to 1.41, high density. • North side of Santa Clara, from Street of the Blue Lantern to Street of the Golden Lantern -- from 1.51 to 1.41. • Portion of Thunderbird Capistrano Planned Community, south of Stonehill Drive and west of Selva Road -- from 1.41 to 1.32. 	
<p>COMMERCIAL TOURIST RECREATION/ COMMERCIAL</p>	<p>There is sufficient market support for an additional neighborhood convenience shopping center in the Dana Point community.</p> <p>It is desirable to apply the local commercial (2.1) land use category to such existing and future facilities.</p>	<p>Areas which should be designated as local commercial (2.1) include: The La Plaza Center, Albertson's Shopping Center which is located at Stonehill Drive and Del Obispo Street (southwest corner) and the site which is now zoned "neighborhood commercial" located at Street of the Golden Lantern and Acapulco Drive (northeast corner).</p>	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p>

CHART 1

LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
	<p>It is desirable to have the land uses in the La Plaza Center service the needs of local residents and to have a "retail" focus for the Center.</p> <p>It is desirable to apply a local commercial designation to the site now zoned "neighborhood commercial" in the Thunderbird Capistrano Planned Community.</p> <p>It is desirable to focus existing and future community commercial uses in the areas along Pacific Coast Highway and Del Prado Avenue.</p> <p>There is sufficient market support for an additional 280 to 400 motel/hotel rooms by 1986 in the Dana Point community.</p> <p>It is desirable for future tourist recreation/commercial uses to be located primarily in the Dana Point Headlands and Lantern Bay Project Sectors and Marina Sector.</p> <p>It is desirable to exclude future hotel/motel accommodations from locations along Pacific Coast Highway and Del Prado Avenue.</p>	<p>Areas which should be designated as community commercial (2.2) include: those along both sides of Pacific Coast Highway, along both sides of Del Prado Avenue, and a vacant 5.6 acre site in the Lantern Bay Project Sector.</p> <p>Areas which should be designated as tourist recreation/commercial (5.31) include portions of the Dana Point Headlands, the existing Dana Point Harbor, a portion of the Lantern Bay Project Sector and the existing restaurant and motel situated southeasterly of Pacific Coast Highway and Del Obispo Street.</p>	<p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p> <p>Endorse the proposed renaming of La Plaza Center to the Richard Henry Dana Centre.</p>
<p>PUBLIC AND QUASI-PUBLIC</p>	<p>It is desirable to designate existing public and quasi-public facilities with the appropriate land use element categories.</p>	<p>The public facilities (4.1) category should be applied to the Dana Hills High School site.</p> <p>The quasi-public (4.2) category should be applied to Serra Treatment facility and to the area southeasterly of Calle la Primavera and Oldbridge Road.</p>	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p>

CHART 1

LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
RECREATIONAL	<p>It is necessary to designate existing and future sites that will serve to meet the outdoor recreational needs of the Dana Point community.</p> <p>It is desirable for the Specific Plan proposals to be consistent with the Master Plan of Local Parks as prepared by the Capistrano Bay Recreation and Parks District, wherever possible.</p>	<p>Existing sites that should be designated as recreational (5.3) include: Sea Canyon and Thunderbird local parks, a 2-acre site located southeast of the intersection of Stonehill Drive and Street of the Golden Lantern, a linear strip on the eastern side of Street of the Golden Lantern, existing recreational facilities easterly of Del Obispo Street and Doheny State Beach.</p> <p>Future sites that should be designated as recreational (5.3) include: 28 acres in two sites located in the Lantern Bay Project Sector, 6.5 acres in the Dana Point Headlands Sector, and a future extension of the existing facilities situated easterly of Del Obispo Street.</p>	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p>
OTHER OPEN SPACE	<p>Areas of notable scenic and natural qualities in the Dana Point community include: the bluff face and bluff edge from the Dana Point Headlands to the terminus of Street of the Golden Lantern.</p>	<p>The other open space (5.4) category should be applied to 18.3 acres of land in the Dana Point Headlands Sector.</p> <p>The other open space category also should be applied to 5.4 acres of land (consisting of the bluff face) from Cove Road to Street of the Golden Lantern.</p>	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p>

CHART 1

LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>CONSERVATION</p>	<p>Areas in Dana Point require preservation in a <u>natural state</u> on behalf of the public interest.</p> <p>It is necessary to preclude any alteration or development of visually significant land form features.</p>	<p>The coastal bluffs and tidepool areas located in the Dana Point Headlands Sector should be designated in conservation (5.41) land use category.</p>	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p>
<p>DANA POINT HEADLANDS SECTOR</p>	<p>The Dana Point Headlands Sector is characterized by outstanding natural features and ocean views.</p> <p>It is recognized that the entire sector need not be designated as open space.</p> <p>It is recognized that the entire sector need not be designated for full-time residential use because it is necessary to meet the public needs for open space, recreation and visitor-serving facilities.</p> <p>It is desirable to change the current designations of 5.31 and 5.41 to allow for the creation of a well integrated mixture of both visitor-serving facilities as well as a full-time residential community.</p>	<p>The land use plan for the Dana Point Headlands Sector should include five Land Use Element categories, as follows:</p> <ul style="list-style-type: none"> • High Density Residential (1.4) -- 28%. • Recreation (5.3) -- 8%. • Tourist Recreation/Commercial -- 22%. • Other Open Space (5.4) -- 19%. • Conservation (5.41) -- 23%. 	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p> <p>Adopt the recommended Dana Point Headlands Sector Land Use Plan as depicted in Exhibit 14.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p>

CHART 1

LAND USE ELEMENT

CATEGORY	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>LANTERN BAY PROJECT SECTOR</p>	<p>The Lantern Bay Project Sector represents one of the major significant land resources of the Dana Point community.</p> <p>Future uses and development of this sector can meet the need for full-time residential uses as well as the recreation and open space needs of local residents and visitors.</p> <p>It is unnecessary and undesirable to locate a State park in this sector.</p>	<p>The Land Use Plan for the Lantern Bay Project Sector should include four Land Use Element categories, as follows:</p> <ul style="list-style-type: none"> • High Density Residential (1.41) -- 2.54 acres. • Community Commercial (2:2) -- 5.6 acres. • Recreation (5.3) -- 28 acres. • Tourist Recreation/Commercial -- 17.1 acres. 	<p>Adopt the recommended Land Use Plan as depicted in Exhibit 13.</p>

CHART 2 EXECUTIVE SUMMARY: OTHER GENERAL PLAN ELEMENTS

ELEMENTS	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>CIRCULATION</p>	<p>Dana Point's circulation system consists of local streets and six arterial highways.</p> <p>Traffic congestion and safety problems are evident along Pacific Coast Highway and street intersections with Pacific Coast Highway.</p> <p>To meet future local and non-local circulation needs, it is necessary to construct a secondary arterial in the Dana Point Headlands Sector.</p>	<p>The existing County policy of relieving traffic congestion and problems along Pacific Coast Highway should be continued.</p> <p>The planned arterial circulation improvements to accommodate community and regional circulation needs should be continued.</p>	<p>Implement the Master Plan of Arterial Highways as it pertains to the Dana Point community.</p> <p>Implement the Precise Plan of Alignment for the Del Prado/Couplet extension.</p> <p>Adopt the "conceptually proposed" corridor for Selva Road as it is delineated in Exhibit 14.</p>
<p>HOUSING</p>	<p>Dana Point's current housing supply is estimated to be about 3,500 units.</p> <p>A recent survey reveals that the Dana Point community has an abundance of affordable rental housing.</p> <p>Areas in which significant housing development is expected to occur in the future include the Central Area, Thunderbird, Northeastern, Headlands, and Lantern Bay Project Sectors.</p>	<p>The protection of existing, affordable housing in the Dana Point community should be encouraged.</p> <p>Construction of moderate-cost housing is a need that does not require special emphasis in the Dana Point community.</p>	<p>Adopt the Housing Element section of the Dana Point Specific Plan.</p> <p>Adopt the related Housing Section of the Local Coastal Program.</p> <p>Adopt the following housing policies:</p> <ul style="list-style-type: none"> • Density bonuses for the provision of affordable housing should not be available to developers in the Dana Point Study Area to the extent that sufficient affordable housing exists. • Condominium conversions in the Dana Point Study Area should not be delayed for reasons of diminishing affordable housing stock to the extent that sufficient affordable housing exists.

CHART 2

OTHER GENERAL PLAN ELEMENTS

ELEMENTS	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
			<ul style="list-style-type: none"> • Transfers of excess affordable housing credit from or to the Dana Point Study Area should not be permitted to the extent that sufficient affordable housing exists. • Community Analysis Area 66, which is the geographic area defined for purposes of evaluating affordable housing objectives, should be made coterminous with the Dana Point Specific Plan Study Area. If this is not feasible, affordable units credit should not be transferred from within the Dana Point Study Area (but outside CAA 66) to areas outside the study area.
<p>RECREATION</p>	<p>Additional local park and recreational facilities are needed in the Dana Point community.</p> <p>There are fiscal constraints hampering the ability to meet local park and recreational facilities.</p> <p>Additional bikeways are needed to connect residential neighborhoods and to connect neighborhoods with the elementary and high school serving the Dana Point community.</p>	<p>The recreation plan should consist of a series of local parks, view parks, recreation areas, and bicycle and pedestrian trails.</p> <p>Recreation proposals in the Dana Point Headlands Sector and Lantern Bay Project Sector should address both community and visitor serving needs.</p> <p>A continuous blufftop walk [to the extent feasible] should be established from the Dana Point Headlands Sector to the Lantern Bay Project Sector.</p>	<p>Adopt the recommended Recreation Plan as depicted in Exhibit 19.</p> <p>Continue to implement the Master Plan of Countywide Bikeways.</p> <p>Evaluate the feasibility of adding additional Class II (on road) bikeways in the Dana Point community when the Master Plan of Countywide Bikeways is revised or amended.</p> <p>Adopt the Dana Point Headlands Sector Land Use Policies which are listed in Section IV of the Specific Plan.</p>

CHART 2

OTHER GENERAL PLAN ELEMENTS

ELEMENTS	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
	<p>It is necessary to coordinate, wherever possible, the proposals of the Recreation Element with the Master Plan of Local Parks prepared by the Capistrano Bay Recreation and Parks District to address Coastal Act priorities for public access.</p> <p>It is undesirable to locate a State park at either the Dana Point Headlands Sector or Lantern Bay Project Sector.</p>		<p>Reserve the County-owned parcel at La Cresta Drive and Street of the Golden Lantern for a future mini-park until such time that a more suitable site is found by the Capistrano Bay Recreation and Parks District.</p> <p>In the event a local park cannot be developed at this site, then roadside beautification and/or a landscape treatment as part of a Scenic Highway should be considered.</p>
<p>SCENIC HIGHWAYS</p>	<p>Pacific Coast Highway and Street of the Golden Lantern are designated as Scenic Highways by the General Plan.</p> <p>The existing image of Pacific Coast Highway is a hodgepodge of signs, billboards, overhead utility lines and uncoordinated landscaping and streetlighting.</p> <p>The significant views from Pacific Coast Highway include panoramas and glimpses of the long view to the ocean and communities to the south.</p> <p>The Pacific Coast Highway corridor has a mixture of many architectural styles of varying ages.</p> <p>The predominant land uses within the Pacific Coast Highway corridor are community commercial and highway commercial uses. The majority of vacant land is located within the Pacific Coast Highway Island and the parcels facing Del Prado Avenue.</p>	<p>Significant efforts should be initiated to enhance the image and appearance of Pacific Coast Highway.</p> <p>A scenic corridor framework is needed to provide a basis for improving the image of Pacific Coast Highway and to achieve consistency in design objectives.</p> <p>Improvements to the Pacific Coast Highway corridor should include the following:</p> <ul style="list-style-type: none"> • Mitigate the visual impacts of the exposed cut slopes by planting ground cover on them. • Markers at major gateways to the Dana Point community. • Consistent landscape planting scheme. 	<p>Adopt the Pacific Coast Highway Design Concept as depicted by Exhibit 21 for purposes of indicating a conceptual and illustrative framework to guide future improvements along this scenic highway.</p> <p>Adopt the Pacific Coast Highway Design Concepts as depicted by Exhibit 22 for purposes of indicating a conceptual and illustrative framework to guide the development and improvement of major gateway markers, street signs, streetscape, directional signing, lighting and street furniture.</p> <p>Adopt the Pacific Coast Highway corridor recommendations and guidelines as described in Section VII of the Specific Plan.</p> <p>Implement the Scenic Highways Element through the Scenic Highways zoning regulations.</p>

CHART 2

OTHER GENERAL PLAN ELEMENTS

ELEMENTS	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
	<p>The Pacific Coast Highway corridor has about 150 separate off-street parking facilities and, with the exception of the La Plaza, no shared parking facilities are available.</p>	<ul style="list-style-type: none"> • Improvements to the design of public elements known as street furniture (e.g., planters, trash receptacles, benches, etc.). • Elimination of billboards from Del Obispo Street north to Street of the Blue Lantern should be given top priority. • Provision of improved and adequate street lighting. • Development of a lantern theme, where appropriate, along the Pacific Coast Highway corridor. • Provision of adequate and attractive parking areas. 	
<p>COMMUNITY DESIGN</p>	<p>A community design element is not a State-mandated element of a General Plan; however, it is desirable to prepare such an element for purposes of guiding the future appearance, character and beautification of the Dana Point community.</p> <p>The community's community design structure consists of the following components:</p> <ul style="list-style-type: none"> • Pacific Coast Highway/Street of the Golden Lantern. 	<p>A community design structure and guidelines should be developed for the Dana Point community. The following key components should be incorporated in the community design element:</p> <ul style="list-style-type: none"> • Street of the Golden Lantern should be developed as a community image corridor with consistent landscaping theme, signing and street furniture. • To the extent possible, there should be a continuous blufftop walk from the northwest areas of the Dana Point Headlands to the Lantern Bay Project Sector. 	<p>Adopt the community design recommendations and guidelines as listed in Section VIII of the Specific Plan for purposes of providing a conceptual framework to guide future community design improvements.</p> <p>Adopt the Golden Lantern Streetscape Concept as depicted by Exhibit 24 for purposes of guiding the improvement of this street as a community image corridor.</p>

CHART 2

OTHER GENERAL PLAN ELEMENTS

ELEMENTS	FINDINGS	CONCLUSIONS	RECOMMENDATIONS
	<ul style="list-style-type: none"> • Open space linkages and destinations. • Community entrances. • Residential neighborhoods. • La Plaza Sector. • Pacific Coast Highway/Del Prado Commercial Area. • Lantern Bay Project Sector. • Marina Sector. • Dana Point Headlands Sector. 	<ul style="list-style-type: none"> • Community entrance markers should be developed at the northern gateways to Dana Point. • Existing neighborhoods should relate to the overall community design of a consistent theme vocabulary. • There should be a New England village theme for the development of the La Plaza Center and a compatible theme on adjacent areas along Pacific Coast Highway and Del Prado Avenue. 	<p>Adopt Exhibit 25 as illustrative of the general land use concept of the New England village theme for Richard Henry Dana Centre (i.e., La Plaza Center).</p> <p>Adopt Exhibit 28 as indicative of the boundaries for the area that should have a design theme compatible with New England design.</p>

CHART 3 EXECUTIVE SUMMARY: LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
<p>SHORELINE ACCESS/ RECREATION AND VISITOR-SERVING FACILITIES</p>	<p>A Local Coastal Program must include a public access component to assure that maximum public access to the coast and public recreation areas is provided.</p> <p>Public facilities (e.g., parking and rest areas) must be distributed throughout the Coastal area to eliminate overcrowding and over-use in any one single area.</p> <p>Visitor-serving facilities are required to be located throughout the Coastal area.</p> <p>In addition, Coastal Act policies require the protection, encouragement and provision of lower cost visitor facilities; the protection of oceanfront areas for coastal recreation; and the granting of priority to projects with commercial recreational facilities over other uses.</p>	<p><u>Access</u></p> <p>Vehicular access to the coastal zone portion of Dana Point as provided principally by Pacific Coast Highway, Del Obispo Street and Cove Road. In addition, a bikeway exists from Cove Road along Del Obispo Street to Pacific Coast Highway.</p> <p><u>Recreational Facilities</u></p> <p>A "lookout" or "view" park exists at the terminus of Street of the Blue Lantern. Other unimproved viewpoints are located at the end of Street of the Amber Lantern and along the bluffs located on the Dana Point Headlands, "Old Hotel" site and Dana Point Palisades.</p> <p>Other major recreational facilities include the Doheny State Beach (62 acres, 6,500 feet of adjoining public beach) and the Dana Point Harbor (2,420 boat slips).</p>	<p><u>Access</u></p> <p>What lands are the State to purchase?</p> <p>Is an access policy needed for the Dana Point Headlands property?</p> <p>How can traffic congestion along Pacific Coast Highway be resolved?</p> <p>What is the adequacy of public transit as a means of public access?</p> <p>What are the alternative means of access to the Dana Point Harbor and Doheny State Beach?</p> <p><u>Recreational Facilities</u></p> <p>What lands are the State to purchase?</p> <p>What areas should be reserved for public use on the Dana Point Headlands?</p> <p>Should additional overnight camping facilities be provided?</p>	<p><u>General</u></p> <p>Adopt Section X of the Dana Point Specific Plan as the Local Coastal Program for this segment of the South Coast Planning Unit.</p> <p>Adopt Exhibit 13 as it pertains to the Dana Point Coastal Zone as the Land Use Plan of the Local Coastal Program.</p> <p><u>Access</u></p> <p>Access policies focus on improvements to the arterial and local circulation system, continuation and provision of a blufftop walk, provision of adequate parking and the development of turnouts for automobiles.</p> <p>The land use policies for Dana Point Headlands are incorporated by reference in the Local Coastal Program.</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
		<p><u>Visitor-Serving Facilities</u></p> <p>Four facilities are oriented to serving visitors and tourists and combined have a total of 253 rooms.</p> <p>There are 31 restaurants located in the Dana Point Coastal Zone.</p>	<p>Should the Chandler-Sherman Beach eventually become a public beach at some time in the future?</p> <p><u>Visitor-Serving Facilities</u></p> <p>What is the marketability of additional hotels and motels?</p> <p>Where should future facilities be located to avoid over-use and overcrowding?</p> <p>Where should future facilities be located to mitigate the incidence of potential adverse impacts to local residents?</p>	<p><u>Recreation Facilities</u></p> <p>The Land Use Plan (refer to Exhibit 13), Recreation Plan (refer to Exhibit 19), Dana Point Headlands Sector Land Use Plan (refer to Exhibit 14), and the Dana Point Headlands land use policies (refer to Section IV) indicate the current and planned recreation facilities within the Dana Point Coastal Zone.</p> <p><u>Visitor-Serving Facilities</u></p> <p>Locations of future visitor-serving facilities are designated by the tourist recreation/commercial land use category for the Land Use Plan (refer to Exhibit 13).</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
HOUSING	<p>Coastal Act policies require that housing opportunities for persons of low and moderate income shall be protected, encouraged and, where possible, provided.</p> <p>In addition, new housing in the Coastal Zone shall be developed in conformity with the standards, policies and goals of local housing elements (i.e., Section 65302 (c) of the Government Code).</p>	<p><u>Housing Type</u></p> <p>The majority of Dana Point's housing stock is located south of Selva Road and is of an attached, multi-family character.</p> <p><u>Existing Affordable Housing</u></p> <p>A recent survey revealed that Dana Point has an abundance of affordable rental housing (i.e., based on sample results 54% of the stock falls in the affordable range).</p> <p><u>Tenure</u></p> <p>An estimated 67% of the households residing within the Coastal Zone are renter households.</p> <p><u>Income</u></p> <p>For neighborhoods within the Coastal Zone, the median incomes range from a low of \$10,000 to a high of \$16,000 (as of September 1977). The September 1977 median income values amply demonstrate that housing within the Coastal Zone is serving the needs of moderate-income households.</p>	<p><u>Protection of Existing, Moderate-Cost Housing</u></p> <p>How can existing, moderate-cost housing be protected?</p> <p>Is there a need to expand the use of County housing programs in the Dana Point Coastal Zone in order to maintain affordability?</p> <p><u>Provision of New, Moderate-Cost Housing</u></p> <p>Given the current proportion of housing serving the needs of moderate-income households, is it necessary or desirable to encourage the provision of new, moderate-cost housing?</p> <p>What are the most appropriate means of providing new, moderate-cost housing?</p>	<p><u>General</u></p> <p>Adopt Section VI as the Housing Element of the Dana Point Community.</p> <p>Adopt Exhibit 13 as it pertains to the Dana Point Coastal Zone as the Land Use Plan of the Local Coastal Program.</p> <p>Adopt Section X of the Dana Point Specific Plan as the Local Coastal Program for this segment of the South Coast Planning Unit.</p> <p><u>Protection of Existing, Moderate-Cost Housing</u></p> <p>Designate the existing mobile home park site as medium density residential (1.3).</p> <p>Conduct an outreach program to assess the current and future use of the Section 8 Housing Assistance Payments Program.</p> <p>Control the conversion of apartments to condominiums by guidelines to be established by the County.</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
		<p>[It should be noted that the data summarized above is for that area -- i.e., generally south of Selva Road -- which was previously included in the Dana Point Coastal Zone.]</p>		<p><u>Provision of New, Moderate-Cost Housing</u></p> <p>No specific sites shall be designated and the need and use of selected housing programs shall be evaluated on a project-by-project basis.</p> <p>Periodic surveys to update price and rent distributions shall be used for purposes of determining the applicability of the County's inclusionary program.</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
<p>WATER AND MARINE RESOURCES/ENVIRONMENTALLY SENSITIVE HABITAT AREAS</p>	<p>Coastal Act policies require the maintenance, enhancement, and restoration of marine resources and coastal waters as well as the control of runoff and discharges into the ocean.</p> <p>In addition, environmentally sensitive habitat areas must be protected against any significant disruption.</p>	<p>Two of the County's seven marine life refuges are located in the Dana Point Coastal Zone: the Dana Point Marine Life Refuge and Doheny Beach Marine Life Refuge.</p> <p>San Juan Creek flows through the Coastal Zone to the ocean and its natural state has been modified for purposes of flood control and drainage.</p> <p>Dana Point has no known habitat areas of any significance.</p>	<p>How should marine resources be protected?</p> <p>What kind of development is appropriate for the floodplain?</p>	<p>Adopt Section X of the Dana Point Specific Plan as the Local Coastal Program for this segment of the South Coast Planning Unit.</p> <p><u>Water and Marine Resources</u></p> <p>With regard to water and marine resources, detailed protective measures, if necessary, shall be formulated during the course of project review and approval.</p> <p><u>Floodplain</u></p> <p>Future residential developments in the floodplain adjacent to San Juan Creek shall demonstrate how building pads will be safe from inundation from rainfall runoff which may be expected from all storms up to and including an eventual 100-year flood.</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
<p>PUBLIC WORKS/ NEW DEVELOPMENT/ VISUAL RESOURCES/ HAZARDS</p>	<p>Coastal Act policies limit the expansion of existing public works facilities and development of new facilities to those necessary to accommodate needs generated by development consistent with the Act.</p> <p>Other Coastal Act sections establish policies pertaining to the location, character and requirements of new developments.</p> <p>In addition, the scenic and visual qualities of the coastal areas shall be protected as a resource of public importance.</p> <p>Moreover, policies have been enacted which seek to control risks to life and property in areas of geologic, flood and fire hazard.</p>	<p><u>Public Works</u></p> <p>No major deficiencies are apparent given current and planned capacities. However, without major capacity expansion, the Pacific Coast Highway will experience one of the highest congestion levels in the County on weekends.</p> <p><u>New Development</u></p> <p>New development in the Coastal Zone will occur primarily in four areas: 1) infilling of vacant, commercial lots along Pacific Coast Highway and Del Prado Avenue, 2) infilling of vacant, residential lots in the Santa Clara Sector, 3) Lantern Bay Project Sector, and 4) Dana Point Headlands Sector</p> <p><u>Visual Resources</u></p> <p>Dana Point has an abundance of visual resources as well as the need to enhance the scenic quality of Pacific Coast Highway. Exhibit 8 provides an inventory of "primary" and "secondary" views while Exhibit 20 summarizes existing conditions along Pacific Coast Highway.</p>	<p>Will the intensity and character of future land use development constrain the ability of agencies to adequately service current and future public recreational uses?</p> <p>What measures can be instituted to prevent adverse effects on archeological and paleontological resources?</p> <p>What steps can be taken to enhance public views, general community scenic values, and protect the views from inland properties as new development occurs along the bluffs?</p> <p>Are additional measures necessary and/or desirable in order to control risks to life from known or suspected hazards?</p>	<p>Adoption of Section X of the Dana Point Specific Plan as the Local Coastal Program for this segment of the South Coast Planning Unit.</p> <p><u>Public Works</u></p> <p>Public works expansion and/or development are limited to roadway improvements which are deemed to be both necessary and desirable for purposes of relieving traffic congestion, providing improved accessibility to public recreational uses and enhancing the community's scenic values.</p> <p>It is concluded that new development will not impede the ability of agencies to adequately service public recreational uses, existing or planned.</p> <p><u>New Development</u></p> <p>Current County actions and practices are regarded as satisfactory means of protecting archeological and paleontological resources and of</p>

CHART 3

LOCAL COASTAL PROGRAM

GROUP	POLICIES	BACKGROUND	ISSUES	PROGRAM
		<p><u>Hazards</u></p> <p>Dana Point is susceptible to three principal natural hazards: seismic risk, landslides and potential flooding.</p>		<p>controlling new development so it is consistent with Coastal Act policies.</p> <p><u>Visual Resources</u></p> <p>Recommendations of the Specific Plan serve to protect and enhance the visual resources of the community, including: 1) Scenic Highways Element; 2) enforcement of a 28-foot height limit (with some exceptions) on the oceanward side of Pacific Coast Highway, and 3) implementation of view-park/blufftop walk proposals.</p> <p><u>Hazards</u></p> <p>The County's Building Code adequately addresses the policy provisions of the Coastal Act in regard to high geologic, flood and fire hazards.</p>

CHART 4 EXECUTIVE SUMMARY: LAND USE REGULATIONS

CATEGORY	USE AND SITE DEVELOPMENT REGULATIONS			
	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
RS, RESIDENTIAL, SINGLE FAMILY	Implement 1.3, 1.31 and 1.32 Medium Density Residential land use categories as shown in Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Single Family detached residences. • Parks, playgrounds. 	<ul style="list-style-type: none"> • Single Family attached residences. 	<p>Pursuant to the "Residential, Single-Family" District Regulations as set forth in Section 7-9-75 of the County of Orange Zoning Code, with the following exceptions:</p> <ul style="list-style-type: none"> • <u>Building site area</u>: minimum required is equal to area per unit standards associated with General Plan designations. • <u>Building height</u>: 28 feet maximum required.
RM, RESIDENTIAL MULTIPLE-FAMILY	Implement 1.4, 1.41 and 1.42 High Density Residential and 1.51 Heavy Density Residential land use categories as shown in Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Single family dwellings. • Two-family dwellings. • Multiple-family dwellings. • Parks, playgrounds. 	<ul style="list-style-type: none"> • Condominium projects. • Community apartment projects. • Cooperative apartment projects. 	<p>Pursuant to the "Group Dwellings" District Regulations, as set forth in Section 7-9-77 of the County of Orange Zoning Code, with the following exceptions:</p> <ul style="list-style-type: none"> • <u>Building site area</u>: minimum required is 5,000 square feet. • <u>Building height</u>: 28 feet maximum required. • Site Plan Review Requirement.

CHART 4

LAND USE REGULATIONS

USE AND SITE DEVELOPMENT REGULATIONS

CATEGORY

CATEGORY	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
<p>RC, RESIDENTIAL/COMMERCIAL</p>	<p>Implement the 1.41/2.2 and 1.51/2.2 High Density/Community Commercial land use categories, as shown in Exhibit 13 of the Dana Point Specific Plan.</p>	<ul style="list-style-type: none"> • Community commercial uses. • Multiple family dwellings in combinations with commercial structures (vertically or horizontally). 		<p>Compliance with the CC, Community Commercial, Use and Site Development Regulations.</p> <p>Compliance with an approved Development Plan containing appropriate development standards for residential-commercial uses.</p> <p>All other uses shall comply with an approved Site Plan.</p> <ul style="list-style-type: none"> • <u>Building site area:</u> 8,000 square feet for residential/commercial uses. • <u>Building height:</u> 28 feet; 35 feet permitted with an approved Site Plan.
<p>CL, LOCAL COMMERCIAL</p>	<p>Implement the 2.1 Local Commercial land use category as shown in Exhibit 13 of the Dana Point Specific Plan.</p>	<p><u>Richard Henry Dana Centre (CL1)</u></p> <ul style="list-style-type: none"> • Retail sale of food and food related products for off-premise consumption. • Retail sale of general merchandise. • Professional and administrative offices. • Personal services. • Civic uses. 		<p>Pursuant to the "Commercial Neighborhood" District Regulations, as set forth in Section 7-99-79 of the County of Orange Zoning Code. Some exceptions are made for each of the three local commercial sites.</p>

CHART 4

LAND USE REGULATIONS

CATEGORY	USE AND SITE DEVELOPMENT REGULATIONS			
	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
		<ul style="list-style-type: none"> • Restaurants (excluding drive-in and fast food uses). • Parking areas. • Other similar uses. <p><u>Thunderbird-Capistrano (CL2)</u></p> <ul style="list-style-type: none"> • Retail sale of food and food-related products for off-premise consumption. • Retail sale of general merchandise. • Professional and administrative offices. • Personal services. • Other similar uses. <p><u>Stonehill/Del Obispo (CL3)</u></p> <ul style="list-style-type: none"> • In compliance with the "Commercial Neighborhood" District Regulations. 		

CHART 4

LAND USE REGULATIONS

CATEGORY	USE AND SITE DEVELOPMENT REGULATIONS			
	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
CC, COMMUNITY COMMERCIAL	Implement the 2.2 Community Commercial and use category as shown in Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Retail businesses. • Service business. • Administrative business. • Institutional and governmental uses. • Parks and playgrounds. • Public utility offices. • Self-service laundry and dry cleaning facilities. 	<ul style="list-style-type: none"> • Restaurants. • Nurseries and garden supply stores. 	<p>Pursuant to the "Commercial Community" District Regulations as set forth in Section 7-9-87.7 of the County of Orange Zoning Code, with the following exceptions:</p> <p><u>Building height:</u> 28 feet; 35 feet permitted with an approved Site Plan.</p> <p><u>Landscaping:</u> consistent with the Dana Point Plant Palette.</p>
TR/C, TOURIST-RECREATION/COMMERCIAL	Implement the 5.31 Tourist Recreation/Commercial land use category as shown in Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Hotels. • Motels. • Tennis and swimming clubs. • Parks, playgrounds. • Riding and hiking trails. • Restaurants, cocktail lounges. • Retail and service businesses associated with visitor needs. 		<p>Pursuant to the TR/C "Tourist-Recreation/Commercial" District Regulations as set forth in Section 7-9-60 of the County of Orange Zoning Code, except that a maximum building height of 28 feet is required.</p>

CHART 4

LAND USE REGULATIONS

CATEGORY	USE AND SITE DEVELOPMENT REGULATIONS			
	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
		<ul style="list-style-type: none"> • Arboretums, horticultural gardens. • Parking facility concessions. 		
POP, PUBLIC AND QUASI-PUBLIC	Implement the 4.1 Public Facilities and 4.2 Quasi-Public Facilities land use categories as shown in Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Public and quasi-public facilities built, maintained and administered by a governmental entity or by a private entity. • Commercial and agricultural use types which are ancillary to the principal uses permitted. 		<p>No minimum requirements established for building site area of building site width.</p> <p>Maximum building height is 28 feet.</p>
OS, OPEN SPACE	Implement the 5.3 Recreational and 5.4 Other Open Space land use categories as shown on Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Parks, playgrounds, outdoor recreation facilities. • Riding and hiking trails. • Local and buffer greenbelts. • Archaeological sites. • Beach access. • Historical preserves. • Screening walls, fences, and vegetation. 	<ul style="list-style-type: none"> • Gazebos. • Information centers. • Restrooms. • Concession stands. • Spectator seating. • Maintenance buildings. • Greenhouses. • Required parking. 	<p>No minimum building site area required.</p> <p>Maximum building height is 28 feet.</p>

CHART 4

LAND USE REGULATIONS

CATEGORY	USE AND SITE DEVELOPMENT REGULATIONS			
	PURPOSE AND INTENT	PERMITTED USES	USE PERMIT REQUIRED	DEVELOPMENT STANDARDS
C. CONSERVATION	Implement the 5.41 Conservation land use category as shown on Exhibit 13 of the Dana Point Specific Plan.	<ul style="list-style-type: none"> • Local and buffer greenbelts. • Archeological sites. • Beach access. • Historical preserves. 		No buildings or off-street parking facilities are permitted.
	LOCALIZED REGULATIONS			
	PURPOSE AND INTENT	REQUIREMENTS		
SCENIC HIGHWAY REGULATIONS	Implement the objectives of the Dana Point Scenic Highways Element.	All uses and development within the boundaries of the designated scenic highway, as shown by Exhibit 33 -- SII District Boundaries -- shall be subject to the SII "Scenic Highway" District Regulations as set forth in section 7-9-119 of the County of Orange Zoning Code.		
SITE PLAN REVIEW REQUIREMENTS	To ensure conformance to the development standards set forth by the Dana Point Specific Plan Land Use Regulations.	All areas denoted by the site plan review requirements (e.g., Dana Point Headlands, Lantern Bay Project Sector, Central Area Sector, Residential-Commercial developments, Tourist Recreation/Commercial developments, etc.).		

SECTION II
Introduction

SECTION II
Introduction

AUTHORIZATION AND PURPOSE

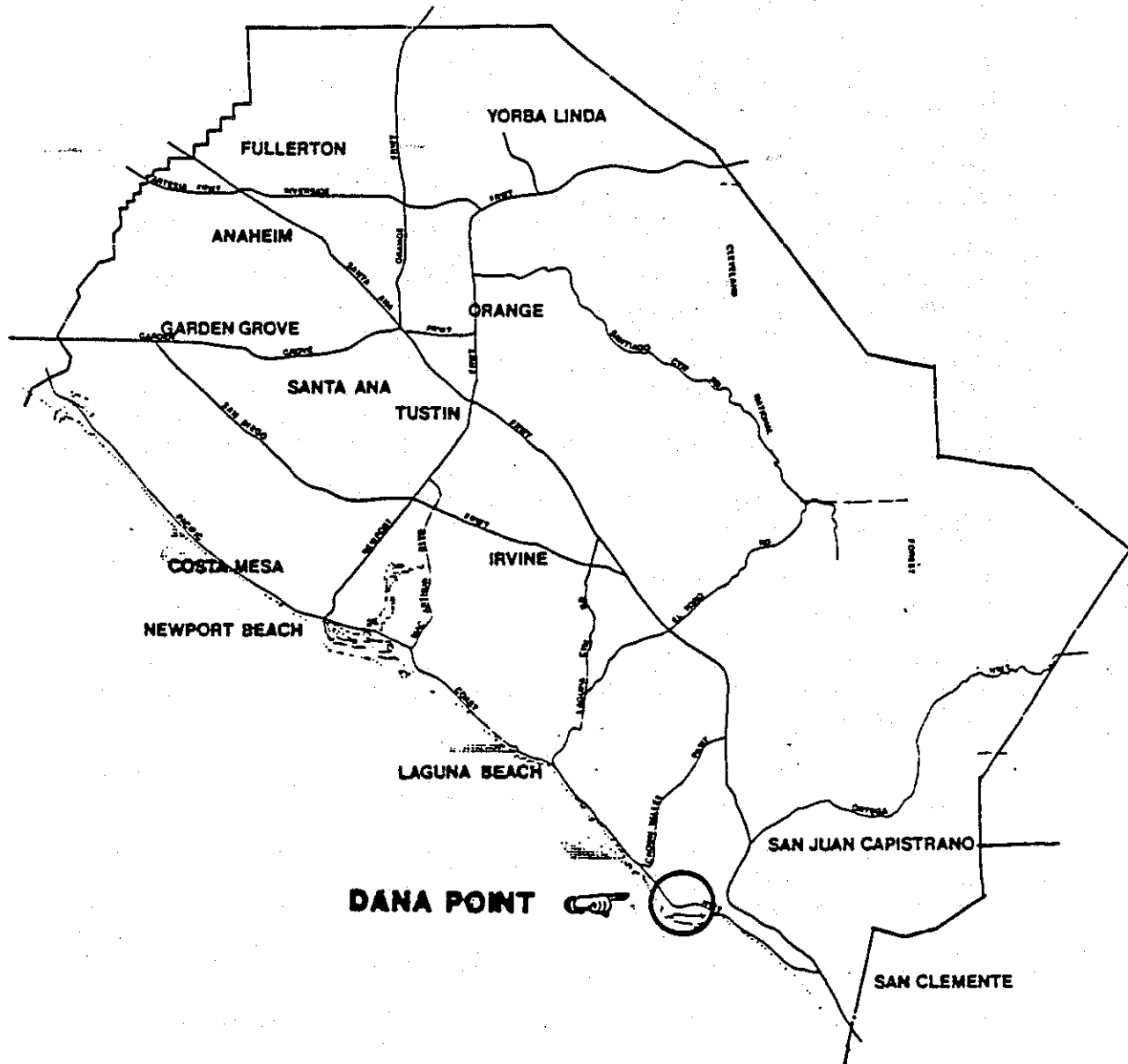
In June, 1977 the County of Orange Environmental Management Agency (EMA) completed a Dana Point Reconnaissance Study which identified several issues and problems in the community. Subsequent to the Reconnaissance Study, the County embarked on its Local Coastal Program (LCP) which requires the identification of statewide, regional and local coastal issues and the preparation of land use plans and implementing ordinances that address the policies established by the Coastal Act of 1976. In addition, the County General Plan suggests that precise planning at the local level is warranted, in that such planning can more adequately address and define public policy; serve to implement the broader goals of the General Plan; and establish administrative procedures which can more effectively deal with local conditions and problems. In recognition that additional detailed planning was both required and desirable in the Dana Point community, the Board of Supervisors, by Minute Order M373-78, dated May 3, 1978, directed the EMA to proceed with the preparation of a Specific Plan for that community.

Five objectives were established by the EMA for the Dana Point Specific Plan:

- Resolution of land use/zoning inconsistencies and circulation conflicts taking into consideration issues raised by the public and private sectors.
- Assessment of local concerns to include those of area residents, local merchants and county government.
- Assessment of a potential overlay district that could control development to include architectural treatment, materials, signing, landscaping, view protection, etc.
- Development of a methodology for plan implementation.
- Incorporation of Coastal Act Policies into the Specific Plan.

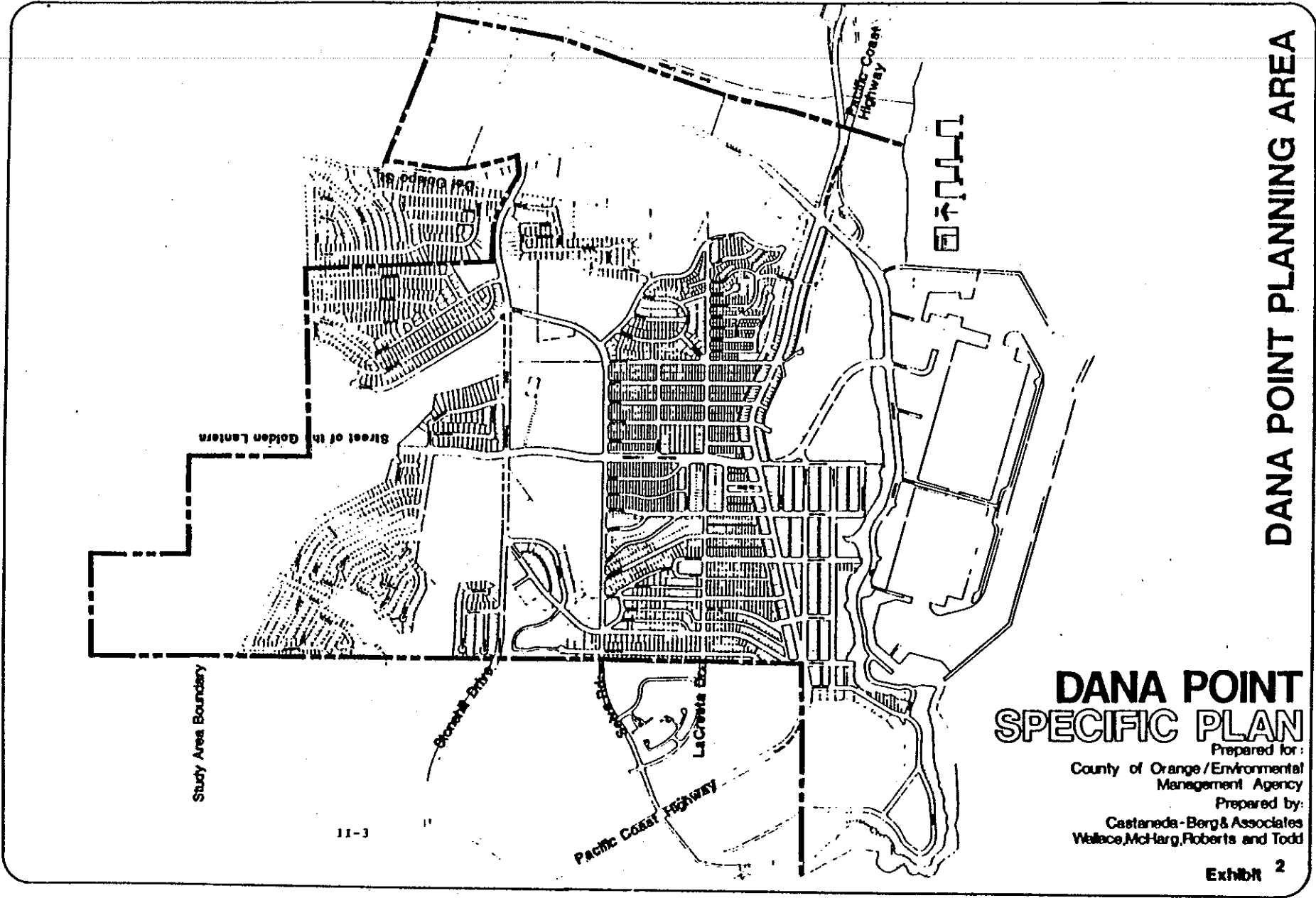
THE PLANNING AREA

Dana Point is an unincorporated, coastal community located in southern Orange County. The planning area is bounded on the north by the Bear Brand Ranch and the City of San Juan Capistrano; on the south by the Pacific Ocean, Dana Point Harbor and Doheny State Beach; on the west by Laguna Niguel; and on the east by San Juan Creek. Exhibit 1 shows the location of Dana Point within Orange County and Exhibit 2 indicates the boundaries of the Dana Point Planning Area.



LOCATION

Exhibit 1



DANA POINT PLANNING AREA

**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Study Area Boundary

Street of the Golden Lantern

Storani Drive

LaCresta Blvd

Pacific Coast Highway

Pacific Coast Highway

A portion of Dana Point also is included in the South Coast Planning Unit of the County's Local Coastal Plan. Unincorporated County territory in the south coast extends from the boundaries of the City of Laguna Beach for approximately 13 miles to the City of San Clemente. The County of Orange has identified four sub-areas within the South Coast Planning Unit, including South Laguna, Laguna Niguel, Dana Point and Capistrano Beach. The Coastal Zone boundaries within the Dana Point community are shown in Exhibit 3.

THE PLANNING PROCESS

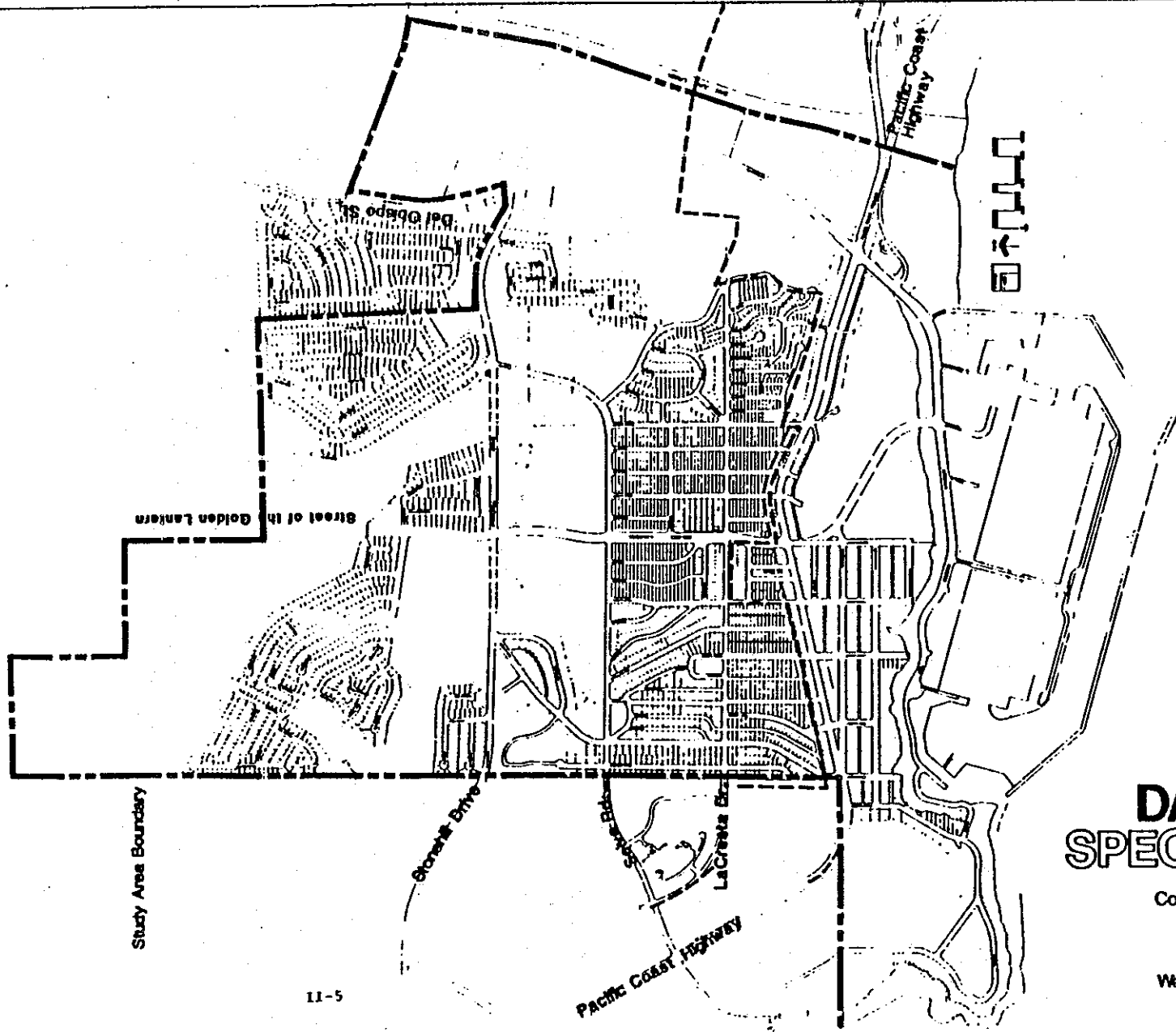
The Specific Plan is a continuation, refinement and consolidation of several planning activities which have been undertaken by the EMA, including the Dana Point Reconnaissance Study, South Coast Housing and Commercial Market Study, Local Coastal Program and Dana Point Traffic and Parking Study. In response to concerns in the community, the Orange County Planning Commission on June 13, 1978 held a "Dana Point Night," at which time community residents and property owners were able to present issues and problems of local concern to the Planning Commission and EMA staff.

Soon after "Dana Point Night," the Specific Plan effort was started. An Advisory Committee was formed, consisting of representatives of community residents, property owners, civic groups, and other interested individuals and groups. Throughout the planning process, there was extensive community participation, including regular meetings with the Specific Plan Advisory Committee; work sessions with the community-at-large; periodic meetings with civic groups, property owners and other interested parties; and a day-long open house to which the community was invited on June 2, 1979.

In addition to the community participation, the planning process involved a series of 11 sequential and, sometimes, interactive steps, as shown in Exhibit 4.

Legend

--- Coastal Zone Boundary



Study Area Boundary

11-5

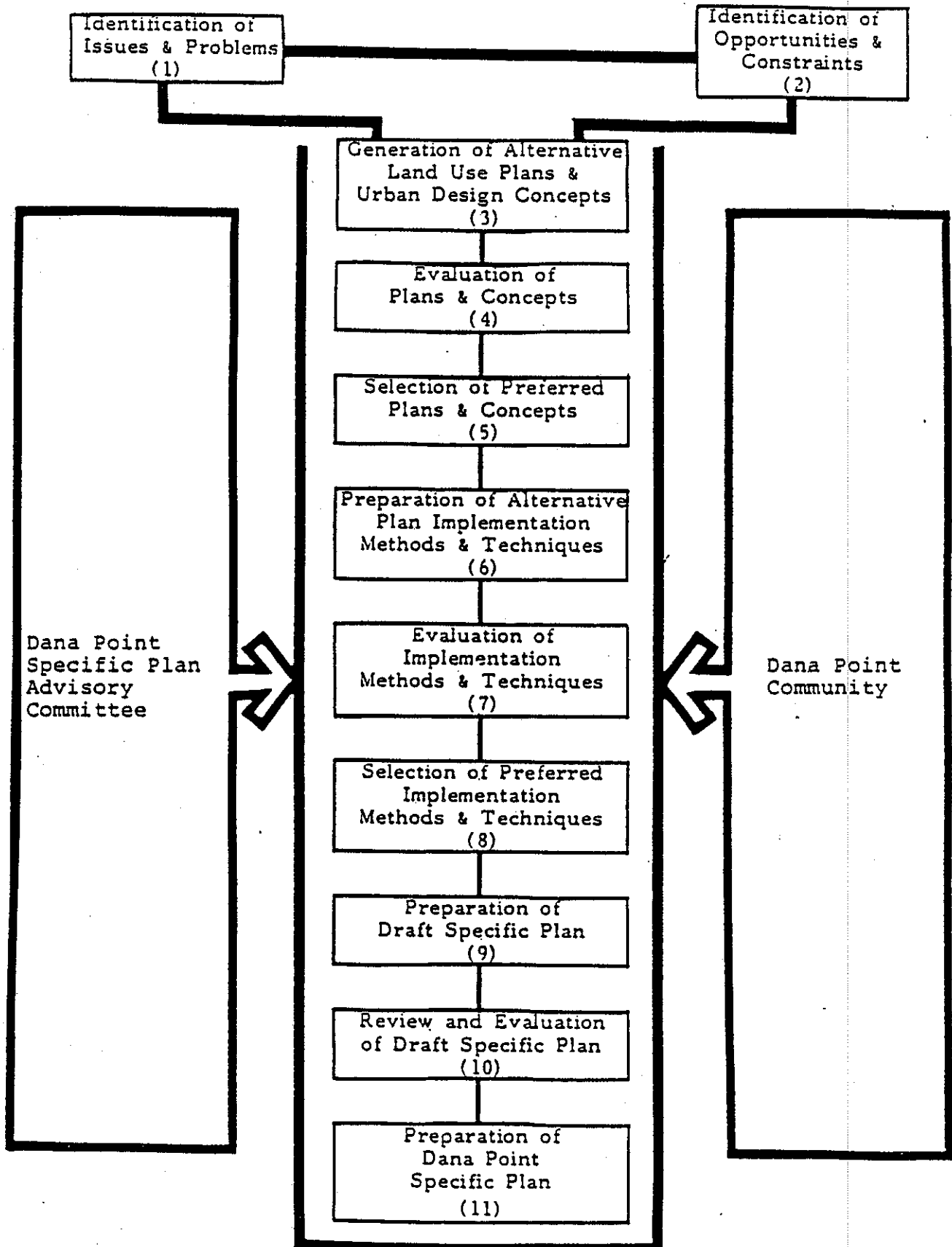
DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 3

COASTAL ZONE BOUNDARY

EXHIBIT 4 Planning Process-- Dana Point Specific Plan



SECTION III
Background

SECTION III
Background

HISTORICAL BACKGROUND

The community is named after Richard Henry Dana, Jr. As a young man of 19, Dana had "...stepped aboard the 'Pilgrim' clad in duck trousers, check shirt, and tarpaulin hat of an ordinary seaman..." to undertake "...perhaps the best-known sea-journey in American history." That was in 1834.

Dana was a Harvard undergraduate and his family was one of the oldest and most important in Cambridge. It included Edmund Trowbridge, a colonial judge; William Ellery, a signer of the Declaration of Independence; and Francis Dana, a chief justice of the Commonwealth of Massachusetts.

Since three generations of the family had graduated from Harvard and thereafter assumed law practices and political careers, a similar future was anticipated for the young Dana. But a lengthy sickness, caused by measles and inflammation of the eye membrane that accompanies measles, combined with an unhappiness at Harvard, prompted him to go to sea in search of adventure and better health. Of this particular period in his life, Dana later wrote:

My father was at this time embarrassed in his pecuniary condition, and I felt that I was a burden upon him. That consideration...added to a strong love of adventure which I had always with difficulty repressed...determined me upon making a long voyage, to relieve myself from ennui, to see new places and modes of life, and to effect if possible a cure of my eyes, which no medicine had helped, and which nothing but a change of my system seemed likely to ensure...

His voyage was not unlike hundreds of others which New England boys had taken to California by ship in quest of leather for the shoe factories of Lynn and Cambridge. Monterey, San Francisco, Santa Barbara, San Pedro and San Diego were among Dana's ports-of-call.

In 1835 he landed at what is now Dana Point and called it "...the most romantic spot on the coast". Some time later, early in 1836, Dana transferred from the "Pilgrim" to the "Alert" and bid farewell to California and was on his way home, where he arrived in September 1836. Four years later, Dana's now classic Two Years Before The Mast was published, an account of his 27-month voyage. That book, besides having significant literary value, aroused considerable interest in California before the gold rush.

Dana arrived in the planning area during the period of the ranchos which had begun in the early 1830's. Indeed, a portion

of the planning area, generally that area located between Del Obispo Street and San Juan Creek southerly to Doheny State Park, was once a part of Rancho Boca de La Playa ("Mouth of the Beach"). On May 7, 1846, Rancho Boca de La Playa was granted to Emigdio Vejar by Mexican Governor Pio Pico. At that time, Vejar was living in San Juan Capistrano. In 1860 he sold the rancho for \$6,000 to Juan Avila, who in 1864 conveyed it to his son-in-law, Pablo Pryor. In 1878 Pryor died and his heirs sold it to Marcos Forster, son of the great landowner, Juan Forster.

Commerce during the rancho period included making arrangements to place hides and tallow aboard the clipper ships that, since the end of the Spanish rule in 1821, had sailed around the Horn from Boston. Also, ships returning from the Far East would put into port at the Embarcadero of Mission San Juan Capistrano, which is today known as Dana Point. It was here that Dana and other sailors tossed hides over the side of the steep cliff to the beach below. The hides then were carried to small boats and ferried to clipper ships anchored a short distance off shore.

DEVELOPMENTAL BACKGROUND

The idea of developing Dana Point belonged to Sidney H. Woodruff, a Los Angeles developer and head of a 50-man syndicate which intended to spend \$10 million in developing Dana Point. Before Woodruff's time, a portion of the site of Dana Point had been government land and was acquired by homesteaders. Other parts were owned by the Oyhartzabel family. A syndicate consisting of a Dr. Beebe, a Mrs. Walters, and a Joe Skidmore acquired land from the Dolph sisters and John Forster in 1905 and 1906. They encountered financial troubles and the land was assumed by financiers Seamans, Lasby, and Crawford and thereafter acquired by Woodruff.

Woodruff subdivided Dana Point in 1926. His plans called for hundreds of homes, a yacht harbor, polo field, golf course, and luxurious hotel. The La Plaza was to be the community's focal point. Some development did occur, but the ambitious Dana Point Inn (on a bluff overlooking the present-day harbor between Amber Lantern and Violet Lantern), which was patterned after hotels along the cliffs of Sorrento, Italy, was never completed. Before the Inn could be completed, the Depression struck and construction came to a standstill.

Woodruff also had the idea for the street lighting which was in simulated ship lanterns to recall early trading days. Each street was to have a different colored light; thus, the colorful north-south street names such as Golden Lantern, Blue Lantern,

Violet Lantern, Green Lantern, and Amber Lantern.

In the 1930's, Dana Point was sparsely populated; a few of the Mediterranean-style homes envisioned by Woodruff had been constructed. But the aura or image of Dana Point was related to Yankee clipper days. For instance, here is how Dana Point was described in the 1939 publication California: A Guide To The Golden State:

Overlooking Dana Cove is the residential hamlet of Dana Point, 112.4 m (175 alt., 120 pop.). The cliffs rose 'twice as high as our royal masthead', observed Richard Henry Dana when the 'Pilgrim' anchored here in 1835. 'The shore is rocky, and directly exposed to the southeast, so that vessels are obliged to slip and run for their lives on the first sign of gale'. The descent down the cliffs was so perilous that when Boston hide-traders anchored here to load, the hides were thrown to the beach from above.

Land development chiefly for residential uses, has occurred periodically in Dana Point since the 1930's. However, construction of Dana Point Harbor, which began in 1966 after 20 years of study and design, is perhaps the single most significant development feature of the community. Much land remains for in-filling purposes throughout the community, including commercial and residential lots. Revitalization efforts in the future, particularly in the La Plaza area, offer an opportunity for development lending continuity with the rich historical values of the Dana Point community. Looking toward the future, the development of the Dana Point Headlands and Dana Point Palisades will offer additional opportunities for improving the community and setting forth its image and identity. Indeed, these two areas are likely to be the principal east-west anchors of the Dana Point community.

ECONOMIC BACKGROUND

EMA, together with a consortium of consultants, has prepared a market analysis for the coastal areas of south County. This analysis involved: 1) formulating small-area household forecasts; 2) forecasting future demand for hotel/motel facilities; and 3) forecasting future demand for convenience shopping goods and comparison shopping goods. Information from the market analysis has provided guidance to the evaluation of alternative land use plans for Dana Point and to the preparation of the recommended Specific Plan.

Hotel and Motel Accomodations

Dana Point's share of the demand for future hotel and motel accomodations is an important consideration in the process of determining the future land use distribution of the community. Not only does Dana Point have an existing inventory of hotel/motel accomodations, but it also has several sites that could include a hotel or motel. These include the proposed Lantern Bay Project hotel site, Dana Point Headlands and other potential sites along the Pacific Coast Highway.

The market analysis involved: 1) an inventory of existing supply; 2) an estimate of the demand generated by the business visitor, tourism and group business sectors; 3) a forecast of future demand likely to be generated by these same three sectors; 4) a forecast of future supply within the survey area; and 5) a matching of future demand and supply.

An inventory was made of all major hotels located within a geographic area extending from Huntington Beach to San Clemente. The inland boundary of the survey area was the San Diego Freeway. The inventory covered 30 hotels with a total of 3,670 rooms. It was found that the current annual average occupancy is about 68%. Relative to demand sectors, it was learned that the largest share of patronage is from the business visitor sector (43%), followed by tourism (36.6%), and then group business (20.4%).

Based on indicators of demand, a forecast was made of total room demand by sector for the years 1981 and 1986. The demand indicators included the ratio of room-nights to employees (for business room sector demand) and average annual growth rates (for tourism and groups/convention demand sectors). For 1986, total room demand is forecasted to be 5,400 rooms, or an incremental increase of 2,070 rooms between 1978 and 1986. Table 1 shows the hotel/motel demand forecasts.

Next it was necessary to compare the incremental increase in demand to the anticipated incremental increase in supply. The supply forecast involved an inventory of development under construction and hotels/motels included in either approved or proposed projects. Table 2 indicates the supply forecast within the survey area analyzed.

Based on all the known approved or proposed projects, the anticipated supply ranges from a low of 1,640 rooms to a high of 1,790 rooms. A comparison of the demand and supply forecasts indicates a deficit of 280 to 430 rooms. From these forecasts, it can be concluded that there is a market for the anticipated supply in Dana Point (i.e., 300 to 450 rooms). Moreover, some additional demand could be captured by Dana Point, assuming that no additional sites are developed in the survey area by 1986.

Table 1

South Coast Housing and Commercial Market Study
Hotel/Motel Demand Forecasts

Demand Sector	1978	1981	1978-1981 Incre- mental Increase	1986	1981-1986 Incre- mental Increase	1978-1986 Incre- mental Increase	Percentage Distribution of Demand by Sector
Business	1,430	1,720	290	2,220	500	790	38.2%
Tourism	1,220	1,520	300	2,180	660	960	46.4%
Group/ Convention	680	780	100	1,000	220	320	15.4%
	<u>3,330*</u>	<u>4,020</u>	<u>690</u>	<u>5,400</u>	<u>1,380</u>	<u>2,070</u>	<u>100.0%</u>

*Based on 75 percent occupancy. Inventory totals 3,670 rooms at 67.9 percent occupancy; 3,330 rooms represent 75 percent occupancy.

Table 2

South Coast Housing and Commercial Market Study
Hotel/Motel Supply Forecast

Project	Location	Number of Rooms
Sheraton (under construction)	Newport Beach	150
Irvine Company (5 hotels)	Irvine Coast	590
Treasure Island	South Laguna	300
AVCO Coastal Plan	Laguna Niguel	300
Pacific Coast Highway	Dana Point	100-150
Lantern Bay	Dana Point	200-300
	TOTAL:	1640-1790

Convenience Shopping Goods

EMA has completed a study to determine the economic feasibility of locating one or more neighborhood convenience shopping centers within the Dana Point community. To simplify the task, only the principal anchor of a convenience center was evaluated and thereby, the economic feasibility of a convenience center depends on expenditures for groceries and the location of competitive grocery stores. The steps involved included:

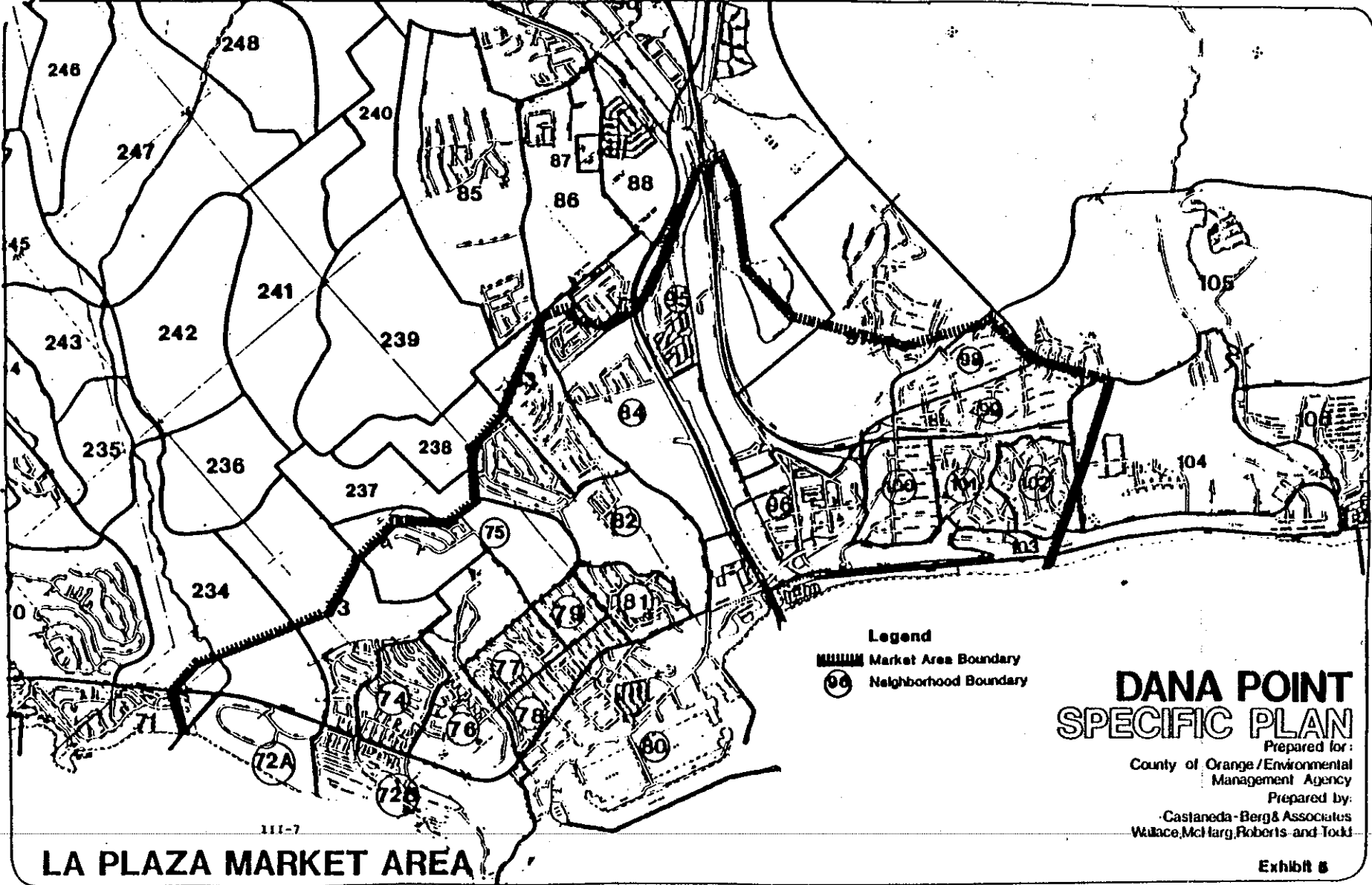
- Selecting a potential shopping center site for evaluation.
- Delimiting a market area for the potential center's anchor.
- Computing income of households within the market areas.
- Computing total potential expenditures for groceries within the market area.
- Estimating the amount of total potential expenditures that would likely be captured by the potential center's anchor.

A site within Dana Point was selected for analysis. Intuitively, it was felt that the most feasible location for a convenience center is in the vicinity of Pacific Coast Highway and Street of the Golden Lantern. For purposes of establishing the market potential of such a center, it is not necessary to be any more site-specific than this. But for convenience, the test area was called La Plaza.

The market area usually is defined as the area from which approximately 80% of a given center's total sales is derived. As part of the South Coast Housing and Commercial Market Study, nearly 250 south County residents were surveyed to determine where they had purchased a variety of retail goods. It was found that 80% of all trips for groceries took 5.28 minutes or less. On this basis, a market area boundary was constructed for the hypothetical La Plaza Center as shown in Exhibit 5.

Once the market area boundaries were defined, income for residents of the market area had to be estimated. Exhibit 5 shows the smallest geographic areas for which household income data are available for south Orange County. These data areas were developed for the South Coast Housing and Commercial Market Study and the income data for these areas were derived by computer from the 1976 Special Census.

Monthly household expenditure data were obtained from surveys conducted by the Bureau of Labor Statistics for food for home



LA PLAZA MARKET AREA

Legend
 Market Area Boundary
 Neighborhood Boundary

**DANA POINT
 SPECIFIC PLAN**

Prepared for:
 County of Orange/Environmental
 Management Agency
 Prepared by:
 Castaneda-Berg & Associates
 Wallace, McLarg, Roberts and Todd

Exhibit 8

111-7

consumption, laundry supplies, cleaning supplies and selected paper products. Thus, for a given data area or neighborhood, potential expenditures for the above goods equals the product of: 1) the number of households, and 2) the annual household expenditure value, which corresponds to estimated median household income. Total potential expenditures within the La Plaza market area amount to \$15.2 million.

The final and most difficult step in the analysis involved determining the portion of total market area expenditures likely to be captured by some hypothetical grocery store in the La Plaza area. To this end, a comparative study was undertaken to estimate current capture rates of grocery stores located in south Orange County. Capture rates of existing stores are simply quotients of total store sales over total market area expenditures. Market area expenditures for grocery stores in south County were computed in the same manner that they were for the La Plaza test site. In addition total expenditures within three-minute trip times were also estimated. Although the sales of particular stores are not available, average annual sales per square foot of gross leasable area (GLA) were obtained from regional surveys conducted by the Urban Land Institute. Subtracted from this average were sales attributable to alcohol, tobacco and selected general merchandise items not sold exclusively in grocery stores. The resulting net sales value was then multiplied by gross leasable area in each store and divided by corresponding market area expenditures to derive the capture rates.

A determination was then made of what the capture rate would have to be (23%) for a 26,000 square foot store in the La Plaza area in order to generate sales equivalent to those in existing, nearby stores. Whether such a store would indeed capture 23% of total market area expenditures largely depends on the nature and location of competitive stores. It was found that the La Plaza is comparable to some other stores studied in terms of the total number of competitive stores within market area boundaries and the number of overlapping market areas. And a review of the capture rates within a 5.28 minute threshold trip time shows that the La Plaza falls within the range of rates formed by two other stores.

It was concluded from this information that a typical grocery store in the La Plaza area (i.e., near the vicinity of Pacific Coast Highway and Street of the Golden Lantern) has the potential to capture a sufficient portion of market area expenditures. However, the La Plaza area probably could not support two grocery stores within three minutes driving time of one another. Although this conclusion is not evident from market area capture rates, and the aggregate frequency of competition within market areas, a review of capture rates within a

three-minute trip time is more revealing. Specifically, one grocery store which is located within three minutes of a competing store has a capture rate of only 24% or nearly half that required by a store located within the La Plaza area. Thus, while sales generated within a three-minute trip time are likely to be no greater than 50% of total store sales, it nevertheless seems important to have a significant portion of that potential market concentrated in adjacent areas.

PHYSICAL FACTORS BACKGROUND

Exhibits 6 through 9 illustrate and describe existing physical conditions, including topography, sections, views and generalized development pattern.

The community of Dana Point is in a unique topographic setting. It is located on a coastal terrace with elevations ranging from sea level to about 350 feet in the coastal foothills (refer to Exhibit 6). The developed portion of the community is nestled in a "bowl" formed by the foothills on the north, west and east. The southern boundary is formed by the coastal bluff which drops vertically 100 feet down to the marina area.

Prominent topographic features are presented in Exhibit 7, Topographic sections, which include:

- Dana Point Headlands
- The coastal bluff
- Small valleys east of the Thunderbird Planned Community Area
- Doheny State Beach

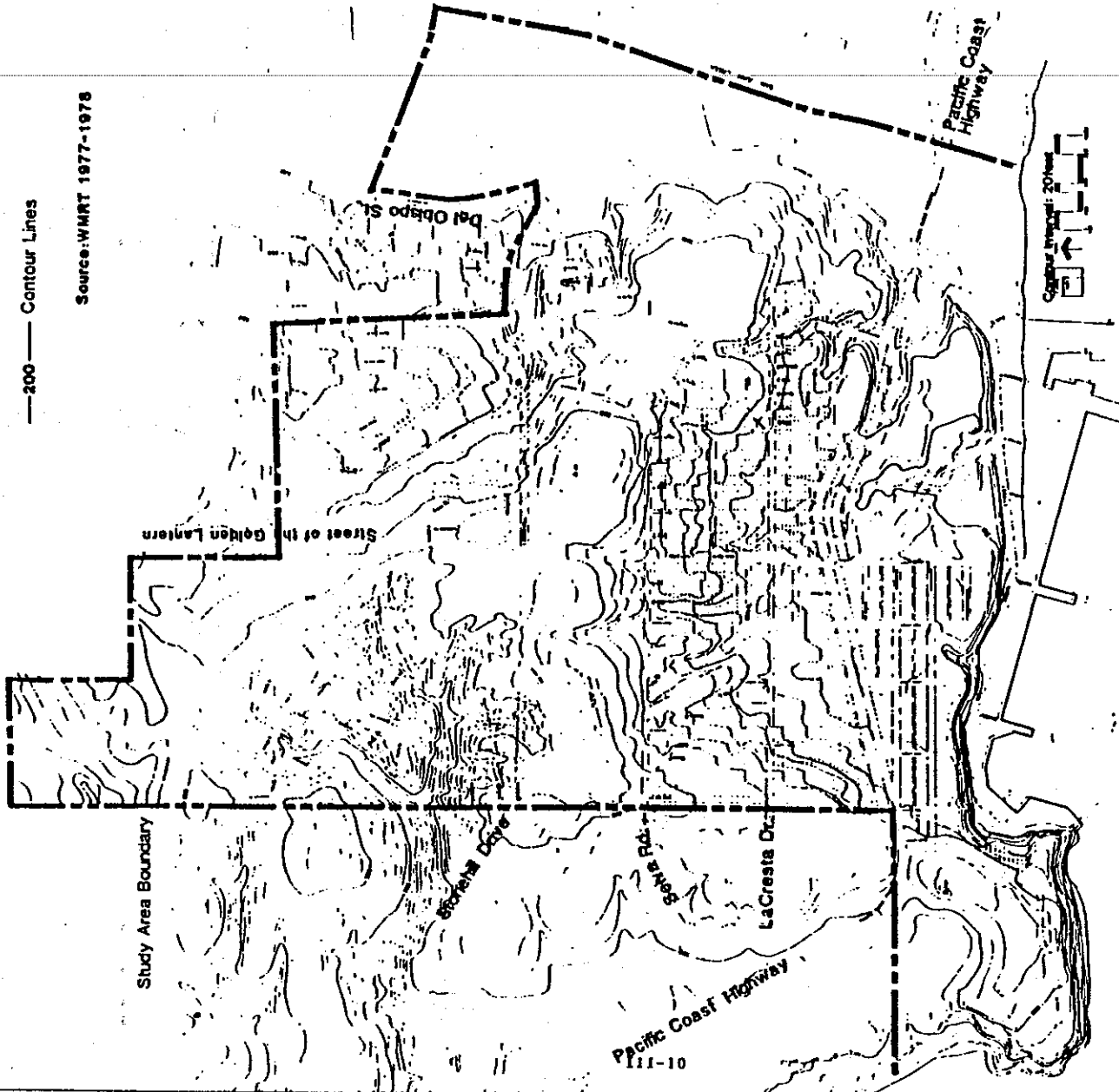
The scenic resources include vistas and panoramas of the Pacific Ocean, marina, northcoast, southcoast and inland views to the foothills and valleys. The primary and secondary views are identified in Exhibit 8. The primary viewpoints include the bluff lookout point and inland view points with views to the marina. The secondary views include inland views to prominent topographic features and partial views to the ocean horizon.

The generalized developed pattern is presented in Exhibit 9 and may be generally described as follows: the older residential area, primarily multi-family, is found between Selva Road and the Pacific Coast Highway commercial area. The most recently developed area is north of Selva Road with multi-family developments near Selva Road and Stonehill Drive, and single-family developments in the Thunderbird Capistrano planned

LEGEND

—200— Contour Lines

Source: WMRT 1977-1978

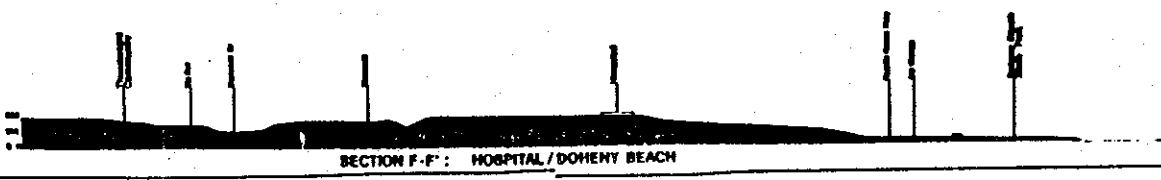
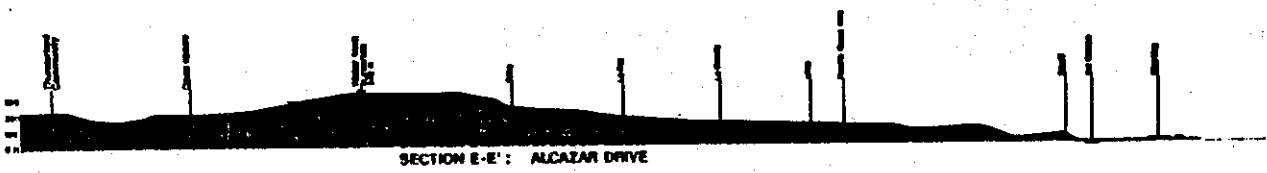
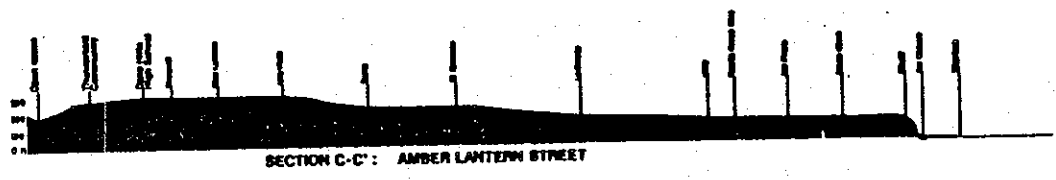
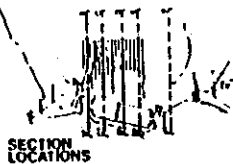


DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency
Prepared by:
Castaneda - Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 6

TOPOGRAPHY







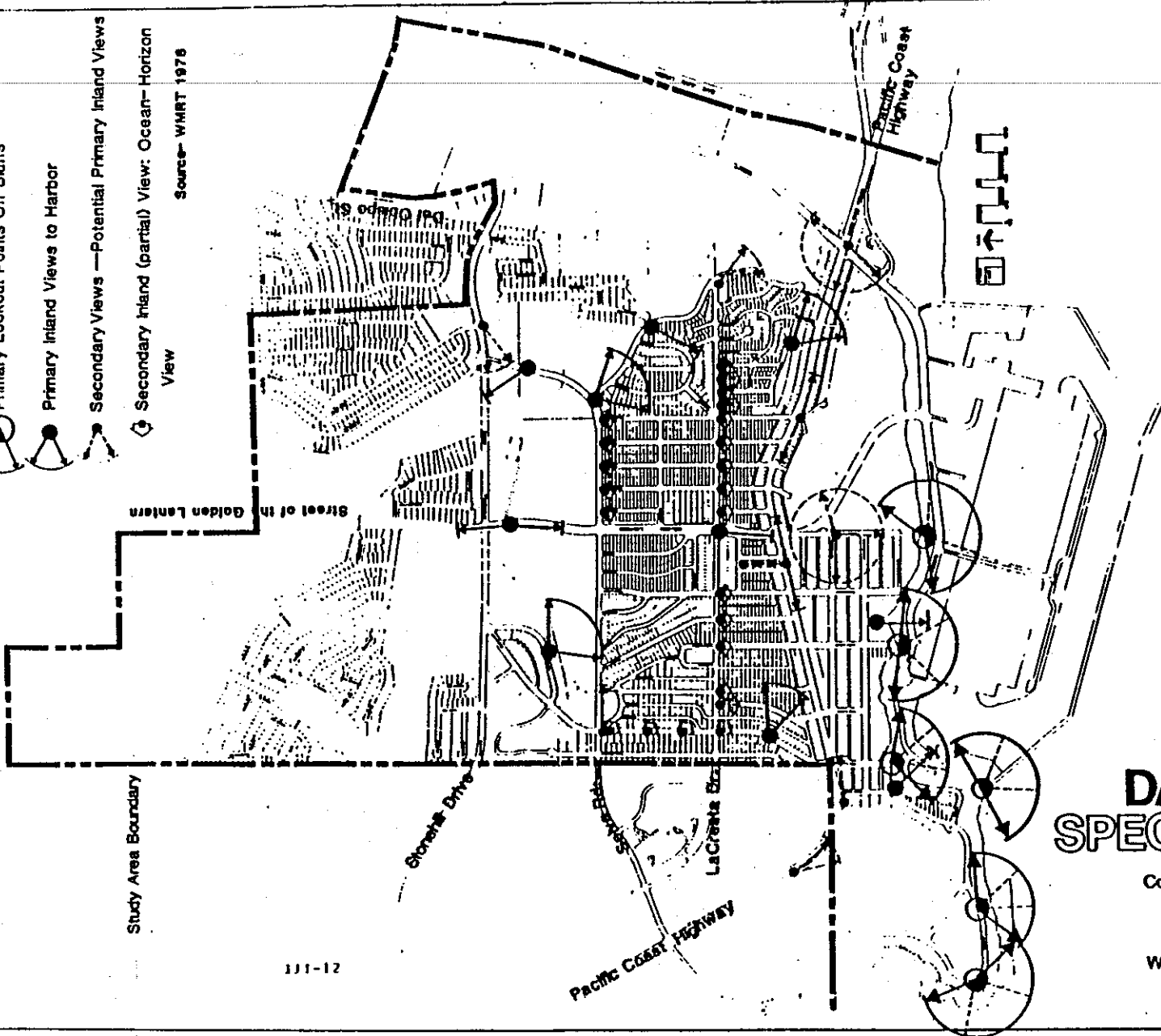
DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts, and Todd

LEGEND

-  Primary Lookout Points Off Bluffs
 -  Primary Inland Views to Harbor
 -  Secondary Views — Potential Primary Inland Views
 -  Secondary Inland (partial) View: Ocean-Horizon View
- Source- WMRT 1976



Study Area Boundary

111-12

DANA POINT SPECIFIC PLAN

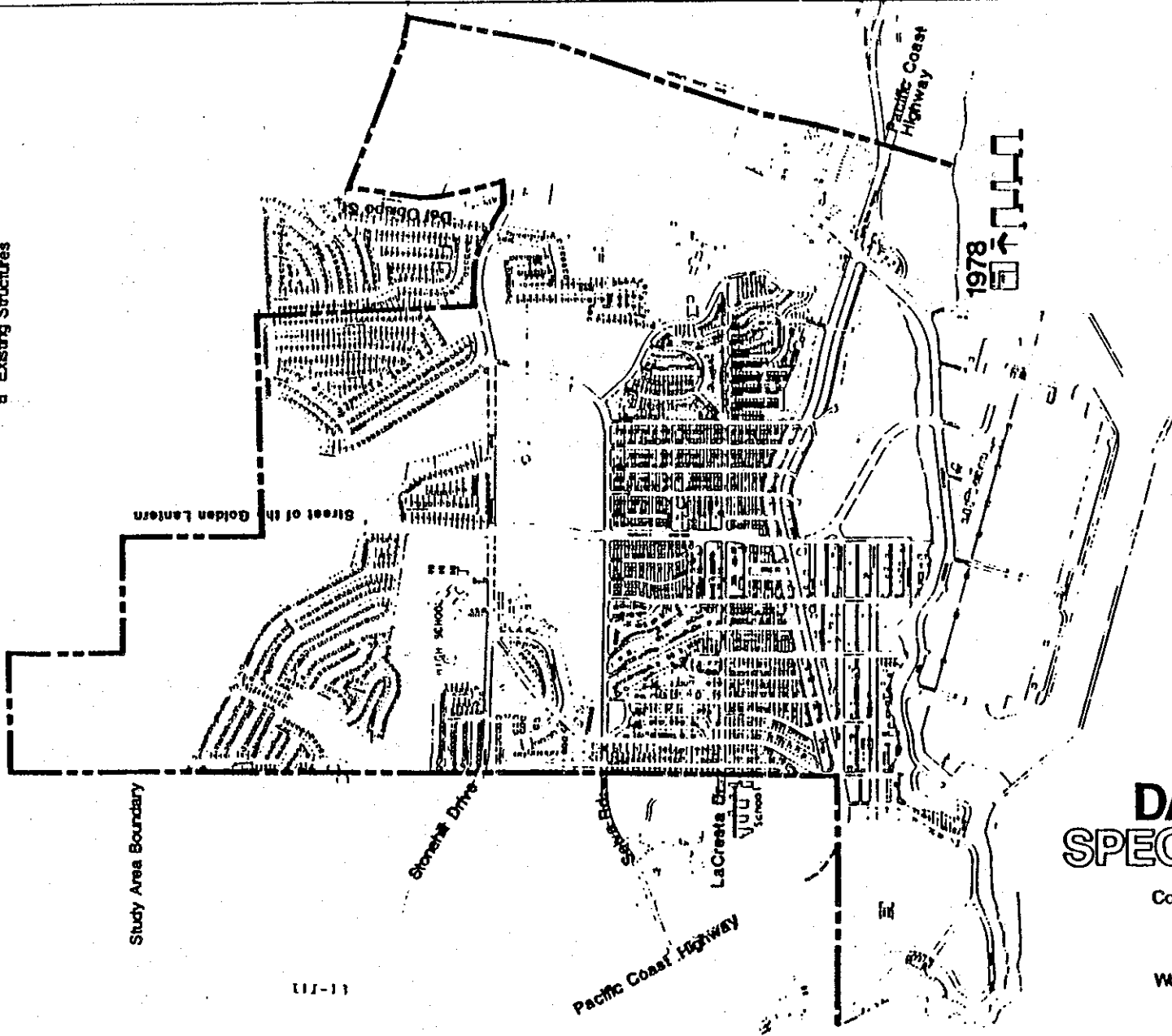
Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 8

VIEW ANALYSIS

LEGEND
a Existing Structures



Study Area Boundary

Street of the Golden Lantern

Serrano Drive

Serrano Blvd

LaCreata School

Pacific Coast Highway

1978

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda - Berg & Associates
Wallace, Mcharg, Roberts and Todd

Exhibit 9

**GENERALIZED
DEVELOPMENT PATTERN**

community development north of the high school.

The Pacific Coast Highway commercial area is a mixture of new and old low rise structures. This area and the area near Santa Clara Street have some buildings of architectural significance.

The Marina Area is primarily tourist and recreation oriented with shops and restaurants in a wood and heavy timber motif.

PLANNING BACKGROUND

Besides the Specific Plan effort, Dana Point has been the subject of other planning studies, both by the public and private sectors. Many of these studies have provided either ideas or concepts or a framework for preparation of the Dana Point Specific Plan. Of particular importance is the Orange County General Plan, especially the Land Use, Circulation, Housing, Recreation and Scenic Highways Elements. Other planning efforts which have helped to shape the recommendations of the Specific Plan include the following:

- South Coast Scenic Improvement Project (1972)
- Capistrano Valley Land Use Supplement (1974)
- Dana Point Reconnaissance Study (1977)
- South Coast Housing and Commercial Market Study (1978)
- Capistrano Valley Circulation Study (1979)
- Local Coastal Program - Issues Identification (1978)
- Dana Point Headlands Study - Sponsored by the Chandler-Sherman Corporation (1979)

Besides the above mentioned previously completed planning efforts, two other projects which were being accomplished concurrently with the Specific Plan provided valuable input. These include the Dana Point Traffic and Parking Study (an EMA project) and a revision of the Master Plan of Local Parks (a project of the Capistrano Bay Recreation and Parks District).

References

1) Material for the historical and developmental background sections is drawn from the following sources: Samuel Shapiro. "With Dana Before the Mast". American Heritage, XI:6 (October 1960): 26-37, 94-97; South Coast Scenic Improvement Project (September 1969): 7-17, prepared by Willson and Williams, Lang and Wood, and Orange County Planning Department; Doris Byron. "Depression Era Dream Left Mark on DP", The Register (October 23, 1978); W.W. Robinson. The Old Spanish and Mexican Ranchos of Orange County, published by Title Insurance and Trust Company (1953): 2, 3; C.E. and Marilyn Parker, Orange County: Indians to Industry (Santa Ana, California: First American Title Insurance and Trust Company, 1963): 15,20-21, 71-78; and Federal Writer's Project. California: A Guide to the Golden State (New York: Hastings House, 1939): 230, 274, 420, 423, 600, 631.

2) For complete details on the hotel/motel market analysis, refer to: South Coast Housing and Commercial Market Study: Component Three--Hotel/Motel Market Analysis (December 1978), 16 pp.

3) For more details on the economic analysis of convenience shopping goods, please refer to: Research Report: Dana Point Commercial Market Study--Neighborhood Convenience Centers (December 1978), 13 pp.

4) Urban Land Institute, Dollars and Cents of Shopping Centers: 1978 (Washington, D.C.), 1978.

SECTION IV
Land Use Element

GENERAL PLAN FRAMEWORK

The Land Use Element, adopted in January 1976, designates the proposed general distribution and location of the various categories of land use such as residential, commercial, industrial, open space and recreation, agriculture and government. Standards for population density and building intensity are also incorporated into the element. Goal statements covering the following four areas provide the foundation for a series of implementing policies:

- Human environment
- Physical environment
- Economic environment
- Government environment

Although most of the goals and policies are quite general in nature, they were reviewed in conjunction with the preparation of this Specific Plan.

In the case of the Dana Point community, coordination with the Land Use Element was a fundamental objective, specifically the resolution of General Plan/Zoning inconsistencies and the reevaluation of land use designations for various other parcels.

For the Dana Point community, the Land Use Element of the County's General Plan consists of 12 categories, including seven residential land use categories, one commercial land use category, one public buildings and grounds category, and three open space categories.

The residential land use categories are defined as follows:

- Medium Density Residential

1.3	3.5	-	6.5	dwellings per acre
1.31	3.5	-	5.0	dwellings per acre
1.32	5.0	-	6.5	dwellings per acre

- High Density Residential

1.4	6.5	-	18.0	dwellings per acre
1.41	6.5	-	12.5	dwellings per acre
1.42	12.5	-	18.0	dwellings per acre

● Heavy Density Residential

1.51 18.0 - 28.0 dwellings per acre

The "community commercial" (2.2) land use category provides for retail trade, convenience goods, services and professional office uses. In addition, it allows for financial, insurance, real estate and personal and professional services and for wholesale trade.

The "public facilities" (4.1) category indicates those facilities built and maintained for the public under the jurisdiction of various governmental units. Included in this category are schools, libraries, civic buildings, and fire and police facilities.

The "quasi-public facilities" (4.2) category indicates those facilities which are built for the public benefit but maintained and administered by private entities. They include, for example, churches, hospitals, and power-water facilities.

The "recreational" (5.3) land use category refers to lands primarily suitable to serve the outdoor recreational needs of the residents of an area or region. Specifically, these areas, depending on the population they serve and their acreage and location, can be classified into various types, such as community and regional parks, recreation corridors, golf courses, beaches, special purpose recreational facilities providing for such activities as boating and flying, and other recreational facilities.

The "tourist recreation/commercial" (5.31) sub-category is applicable to areas which, because of unique natural or man-made amenities on or near the site, facilitate maximum conservation of the amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Typical uses to be encouraged include public or private recreational, cultural, social, and educational facilities; gift and specialty shops; food and drink establishments; hotels and other permanent overnight accommodations; limited residential development; and required parking facilities. Camping and recreational vehicle facilities are not included in this designation but are to be provided for in the (5.3) recreation category.

The "other open space" (5.4) category indicates lands designated by the Open Space Element as being of notable scenic, natural and cultural attraction, or special ecological, wildlife or scientific study potential, and areas of topographical,

geographical and historical importance. Examples include national forest lands, greenbelts, open space corridors, and open space necessary to enhance development form and pattern.

Exhibit 10 shows the existing Land Use Element for the Dana Point community. Exhibit 11 indicates the current zoning applied to areas within Dana Point as of 1978. (Some recent zone changes have been made in the Lantern Bay Project and northeastern sectors. These sector boundaries are delineated by Exhibit 12.)

SPECIFIC PLAN FRAMEWORK AND RECOMMENDATIONS

For purposes of data collection and reporting, Dana Point was divided into community sectors (refer to Exhibit 13 for sector boundaries). Subsequently, land use alternatives were generated for sub-areas of various community sectors. Through research and analysis efforts, a finding was made that for several sector sub-areas it was unnecessary to depart from established County land use policy. In effect, the land use recommendations of the Specific Plan represent a composite of the preferred alternatives and/or established County policy for each community sector. However, the land use plan does account for inter-sector relationships such as proposed land uses, circulation networks, and economic feasibility, as well as the overall distribution and intensity of land uses in the Dana Point community.

Exhibit 13 illustrates the land use recommendations of the Dana Point Specific Plan. In the following pages, a description is given of the land use alternatives which were considered during the planning process and of the Specific Plan recommendations for various LUE designations, including residential, commercial, public and quasi-public, recreational, other open space and conservation. Because of their significant importance to future character of the Dana Point community, the Specific Plan proposals for the Dana Point Headlands and the Lantern Bay Project Sector also are described on an individual basis.

The land use recommendations of the Specific Plan represent the outcome of a process that included: 1) preparation of a Background Paper which described existing and future conditions, issues and problems, and opportunities and constraints relating to future planning; 2) two workshops with the community-at-large to discuss land use issues and alternatives; 3) an open house to describe the Draft Specific Plan to the community residents, property owners and commercial interests and to obtain their input; 4) integration of the Chandler-Sherman Corporation planning effort with the Specific Plan project and 5) frequent meetings with the Specific Plan Advisory Committee throughout the entire course of the Specific Plan Study.

- 1.3 MEDIUM DENSITY 3.5-6.5
- 1.31 MEDIUM DENSITY 3.5-6.0
- 1.32 MEDIUM DENSITY 3.0-6.5
- 1.4 HIGH DENSITY 6.5-18.0
- 1.41 HIGH DENSITY 6.5-12.5
- 1.42 HIGH DENSITY 12.5-18.0
- 1.51 HEAVY DENSITY 18.0-28.0

- 2.1 LOCAL COMMERCIAL
- 2.2 COMMUNITY COMMERCIAL

- 4.1 PUBLIC FACILITIES
- 4.2 QUASI-PUBLIC FACILITIES
- 4.3 SPECIAL CONGREGATE CARE

- 5.3 RECREATION
- 5.31 TOURIST/RECREATION COMMERCIAL
- 5.4 OTHER OPEN SPACE
- 5.41 CONSERVATION

- SPECIFIC PLAN BOUNDARY
- COASTAL ZONE BOUNDARY



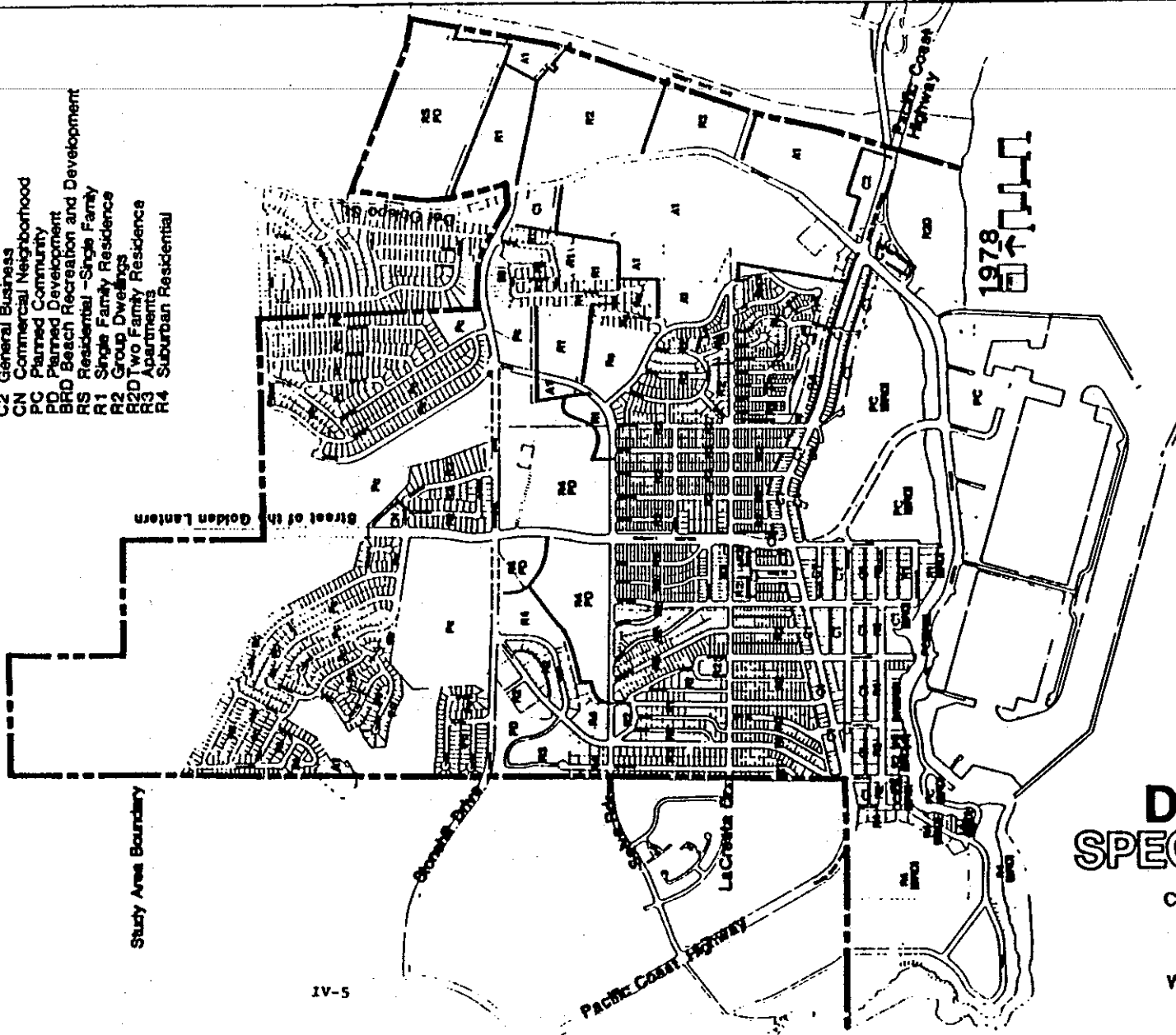
JUNE 8, 1988

DANA POINT SPECIFIC PLAN
LAND USE MAP
ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

CURRENT ZONING

LEGEND

- A1 General Agriculture
- CC Commercial Community
- C1 Local Business
- C2 General Business
- CN Commercial Neighborhood
- PC Planned Community
- PD Beach Recreation and Development
- BRD Residential - Single Family
/>
- RS Residential - Single Family
- R1 Single Family Residence
- R2 Group Dwellings
- R2D Two Family Residence
- RA Apartments
- R4 Suburban Residential



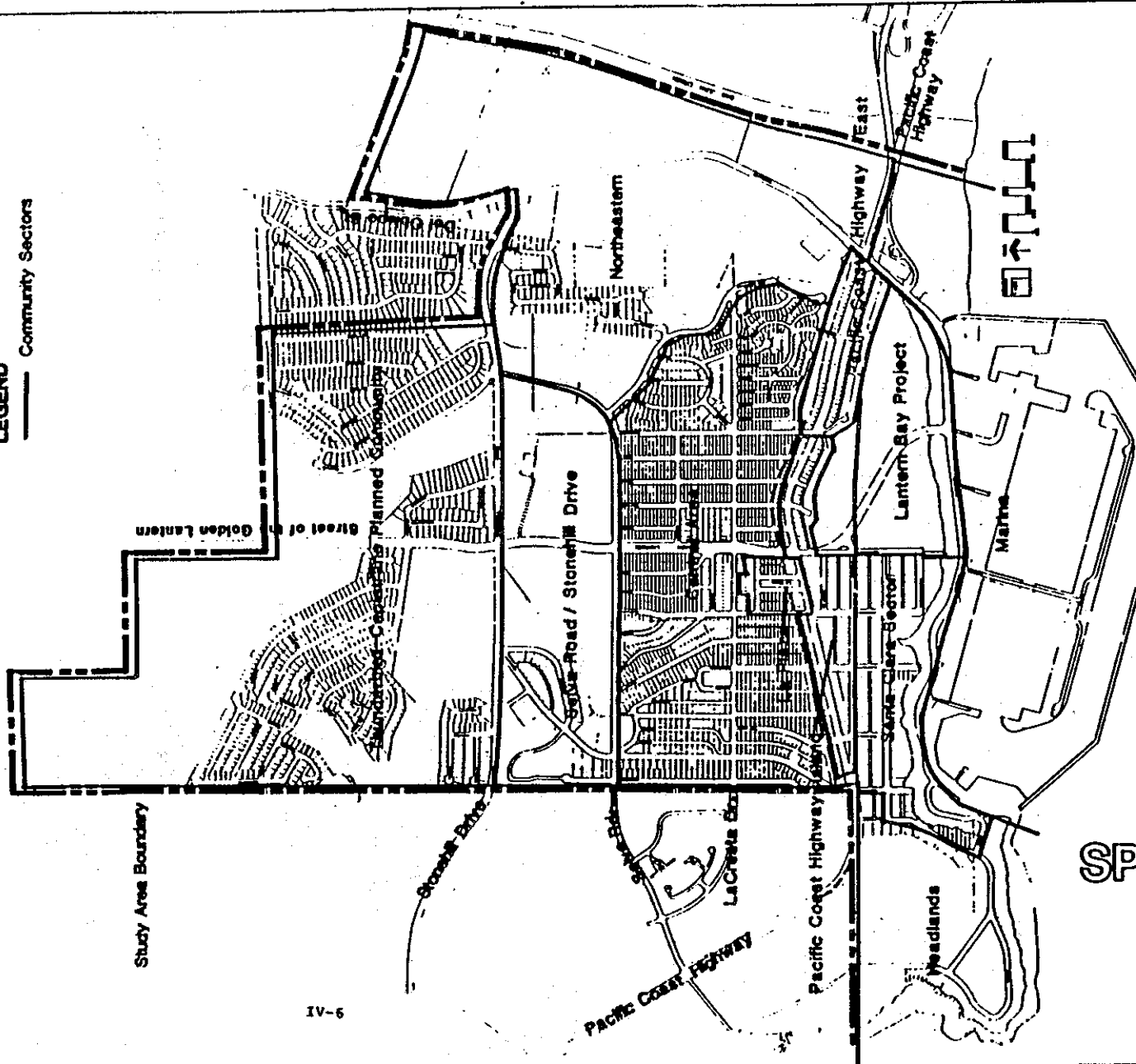
DANA POINT SPECIFIC PLAN

Prepared for:
 County of Orange / Environmental
 Management Agency
 Prepared by:
 Castaneda-Berg & Associates
 Wallace, McHarg, Roberts and Todd

Exhibit 11

IV-5

LEGEND
—— Community Sectors



Study Area Boundary

IV-6

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

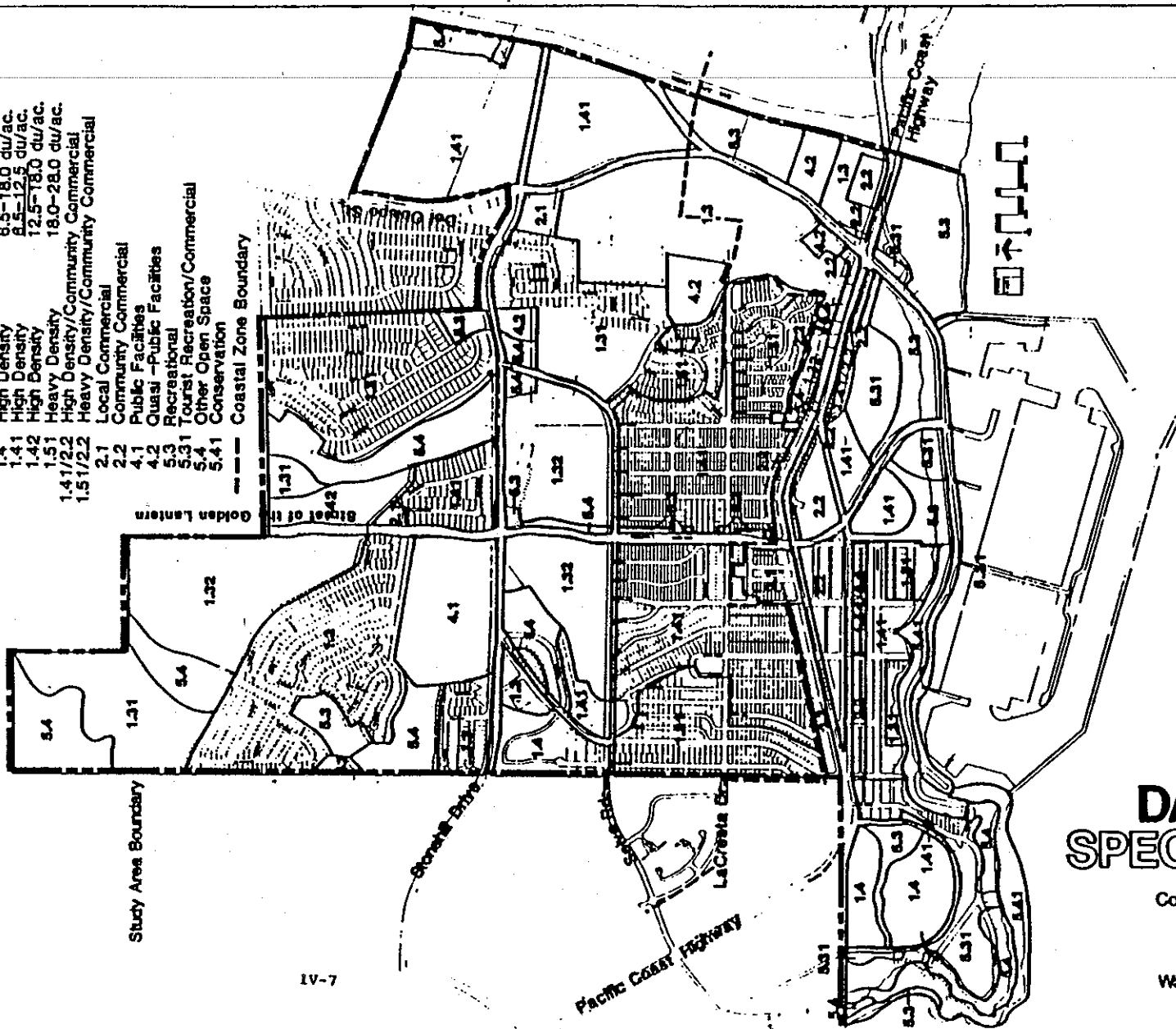
Exhibit 12

COMMUNITY SECTORS

- LEGEND**
- 1.3 Medium Density
 - 1.31 Medium Density
 - 1.32 Medium Density
 - 1.4 High Density
 - 1.41 High Density
 - 1.42 High Density
 - 1.51 Heavy Density
 - 1.41/2.2 High Density/Community Commercial
 - 1.51/2.2 Heavy Density/Community Commercial
 - 2.1 Local Commercial
 - 2.2 Community Commercial
 - 4.1 Public Facilities
 - 4.2 Quasi - Public Facilities
 - 5.3 Recreational
 - 5.31 Tourist Recreation/Commercial
 - 5.4 Other Open Space
 - 5.41 Conservation

- 3.5-6.5 du/ac.
- 3.5-5.0 du/ac.
- 5.0-6.5 du/ac.
- 6.5-18.0 du/ac.
- 8.5-12.5 du/ac.
- 12.5-18.0 du/ac.
- 18.0-28.0 du/ac.

--- Coastal Zone Boundary



IV-7

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, Mcharg, Roberts and Todd

Exhibit 13

LAND USE RECOMMENDATIONS

RESIDENTIAL

Seven residential land use categories are proposed by the Specific Plan: 1.3, 1.31, 1.32, 1.4, 1.41, 1.42 and 1.51. These categories are located in seven community sectors, including Santa Clara Avenue, Central Area, Northeastern, Selva Road/Stonehill Drive, Thunderbird Capistrano Lantern Bay and Dana Point Headlands. The residential land use recommendations for each of the community sectors are presented in this sub-section of the Specific Plan Land Use Element.

To place in perspective the residential land use plan, it must be observed that it reflects two fundamental factors: 1) concerns of the Specific Plan Advisory Committee with the existing LUE residential densities on vacant lots, particularly in the Santa Clara Avenue, Central Area and Selva Road/Stonehill Drive Sectors and 2) a decision to redesignate the Dana Point Headlands from Tourist Recreation/Commercial (5.31) to other LUE categories including residential. In light of these concerns and decisions, the Advisory Committee—during the review of general plan/zoning inconsistencies and of specific development requests--made the following changes to the Draft Land Use Plan:

- "Old Hotel" site: from 1.51 to 1.41.
- North side of Santa Clara from Blue Lantern to Golden Lantern: from 1.51 to 1.41.
- "Elevado" site: from 1.41 to 1.32.
- Portion of Thunderbird Capistrano Planned Community, south of Stonehill and west of Selva: from 1.41 to 1.32.
- Inland side of the extension of Selva Road on the Dana Point Headlands property: from 5.31 (TRC) to 1.4.
- Ocean side of the extension of Selva Road on the Dana Point Headlands property: from 5.4 (open space) to 5.31 along western segment; from 1.41 to 5.31 along eastern segment north of existing residential uses on Green Lantern.

These changes are reflected in the recommended Land Use Plan.

The Advisory Committee also endorsed a land use plan for the Dana Point Headlands which designates approximately 26.84 acres for high density (1.4) residential land use at 6.5 to 12.5 dwelling units per acre. Ultimate residential development of the Headlands is recommended to be consistent with the following land use policy which was adopted by the Advisory Committee:

"The maximum number of dwelling units permitted will be the

mid-point of the 1.4 land use designation."

Besides these proposals, the Advisory Committee's residential land use recommendations have the effect of deleting the heavy density (1.51) land use category throughout the community with the exception of two areas. These areas are located at Pequito Drive/Calle La Primavera and Street of the Blue Lantern/Santa Clara Avenue.

Santa Clara Avenue Sector (1.31, 1.41, & 1.51)

This sector is generally bounded by Street of the Blue Lantern and Street of the Golden Lantern and includes the residential lots between Santa Clara Avenue and Del Prado Avenue. Most of the area is residential in terms of the current Land Use Element (i.e., medium density and heavy density) and zoning. The two areas in question include: 1) the block facing Santa Clara Avenue and bounded by Amber Lantern and Violet Lantern and 2) the "Old Hotel" site. The block has a General Plan Land Use Element designation of "community commercial" and residential zoning. The "Old Hotel" site has a land use category of "tourist recreation/commercial" and commercial zoning.

Various land use alternatives for these two sub-areas were considered by the Advisory Committee and community-at-large. The alternatives considered for the "block" include: 1) tourist recreation/commercial; 2) combined residential-commercial; 3) residential; and 4) other. For the "Old Hotel" site, the alternatives include: 1) hotel; 2) residential; and 3) other. The participants at a community workshop held in Dana Point were asked to indicate which of the various alternatives they most preferred. The most favored (62%) alternative for the "block" was residential land use. For the "Old Hotel" site, there was no predominantly favored alternative (i.e., hotel, 42%; residential, 19%; and other, 39%).

In early 1979, a second community-wide workshop was held. A residential alternative was shown for the "block" and a "TR/C" alternative was depicted for the "Old Hotel" site. The majority of participants favored residential uses for the Santa Clara block; however, there was no consensus on whether "TR/C" uses should be encouraged for the "Old Hotel" site. Comments made on the questionnaire distributed at the community workshop, however, clearly demonstrated that most participants preferred residential uses on the "Old Hotel" site, noting that commercial uses were incompatible with the residential character of the neighborhood and the adverse traffic impacts that would result from commercial development on the site.

Residential uses on both the block facing Santa Clara and the

"Old Hotel" site are the most appropriate uses in the context of an already established residential neighborhood. The residential neighborhood surrounding these parcels is comprised of large single family homes and quality attached residential units. Non-residential (i.e., TR/C or community commercial) would be inappropriate in that this type of use would attract significant amounts of non-residential traffic that would be detrimental to the low key character of the existing neighborhood.

Consequently, the Specific Plan recommends: 1) residential land use for the Santa Clara block; 2) residential and open space uses for the "Old Hotel" site, and 3) retaining the current land use policy for the remainder of this sector. The Advisory Committee agrees with these recommendations. With regard to density, the Advisory Committee recommends that the "Old Hotel" site and the north side of Santa Clara Avenue from Blue Lantern to Golden Lantern be designated as "medium density" residential (1.41). This is a change from the current LUE designation of "heavy density" residential (1.51).

Central Area Sector (1.31, 1.32, 1.41)

Density and parking are perhaps the most critical issues in this sector. The General Plan Land Use Element designates the Central Area for "medium density" (1.31) and "heavy density" (1.51) residential land use.

Because of the density issue, a special effort was made to pinpoint areas in which it is possible to lower the number of units allowed per acre. In the two areas with a "heavy density" category, a review was made of lot sizes, vacant lots, and number of units per lot. This review was done for each block within the two "heavy density" areas and it showed that in the vast majority of cases, current housing types and densities were consistent with the R2 zoning category. There is one area where, because of current development and vacant lots, it is possible to reduce the density from a "heavy" to a "medium" category. This area includes portions of: Mariana Drive, Alicia Drive, Zarzito Drive, Pequito Drive, and Calle La Primavera. Among the community-at-large, there is almost unanimous agreement that this area should be changed from a "heavy" to a "medium" density residential category. The Specific Plan reflects this sentiment and recommends the change in land use designations.

Subsequent input from EMA has indicated the existing development in the Central Area Sector generally conforms to the intent of the "high density" residential category (1.41). Changing the areas with a "heavy density" to a "high density" category would impede efforts at consolidating lots and thereafter having development at 28 to 43 dwellings per acre. Because of these

factors, the Specific Plan recommends that the areas having a 1.51 category should be amended to reflect a 1.41 category. Only one area in this community sector retains the 1.51 LUE designation. That area, which consists of nine lots, is located at Pequito Drive and Calle La Primavera.

Within this sector the remaining residential LUE category is 1.32 and that designation is applied to the vacant "Elevado" site. The present designation is "other open space" (5.4) and had been applied in anticipation of the "Elevado" site being acquired as a local park. However, the acquisition costs of the site are beyond the means of the Parks District and, consequently, an appropriate residential land use designation is recommended.

Northeastern Sector (1.3, 1.41)

The current residential LUE designation in this community sector includes: "medium density" residential (1.3) and "high density" residential (1.41). A "recreation" (5.3) category is applied to areas which are developed as quasi-public facilities, mobile home park, and commercial uses. An alternative to the "recreation" category for these areas is to follow the existing land use pattern. One rationale for this alternative is to help preserve the existing mobile home park as moderate-cost housing and thereby serve to implement Coastal Act policies. Workshop participants agreed with the idea of designating the commercial areas as "community commercial" (2.2) and the mobile home park as "residential"; however, the participants generally preferred a "medium density" to a "high density" category for the mobile home park. Although the workshop participants recognized a need to preserve the mobile home park, they also wanted to prevent a situation where a "high density", multi-family development could be constructed on the site in the future.

The Specific Plan Advisory Committee recommends that the site of the mobile home park be designated as "medium density" residential (1.3). Within this sector the areas westerly of Del Obispo Street have a 1.3 designation while those easterly of Del Obispo Street to San Juan Creek have a 1.41 LUE category.

The property designated 1.3 located on the northwest corner of La Cresta Drive and Calle Primavera that was the subject of the Amendment 88-4P, has been conditioned to a maximum of six dwelling units.

Selva Road/Stonehill Drive Sector (1.3, 1.32, 1.4 and 1.41)

This community sector has four residential LUE designations: two "medium density" (1.3 and 1.32) and two "high density" (1.4 and 1.41) categories. Only one modification is proposed by the Advisory Committee. That modification recommends that a portion of the Thunderbird Capistrano Planned Community south of Stonehill Drive and west of Selva Road be re-designated from 1.41 to 1.32. That recommendation is rendered in recognition of the

This page reflects Amendment 88-2/Zone Change 88-4P,
adopted by Ordinance 3719 on June 8, 1988.

site's rough topographical features and the Advisory Committee's desire to reduce the residential density of the site.

Thunderbird/Capistrano Planned Community Sector (1.3, 1.31, 1.32, 1.42, 1.42)

No modifications to the present Land Use Element are proposed by the Specific Plan. Technical refinements are recommended in connection with boundaries separating the 1.42, 5.4 and 1.31 categories easterly of Street of the Green Lantern. Although only technical refinements are being recommended, several issues--such as density and design--were addressed during the course of preparing the Specific Plan.

Lantern Bay Project Sector (1.41)

Three land use alternatives were evaluated for this community sector. Two of these alternatives were based on the potential acquisition of 35.7 to 48 acres of the project site by the State Department of Parks and Recreation. Although the State is no longer actively pursuing site acquisition, the State alternatives were never favored by the Advisory Committee or community-at-large. The option most favored for The Lantern Bay Project Sector includes residential, community commercial, tourist/recreation commercial and recreation land uses. In connection with residential land use, the Specific Plan recommends that 25.4 acres be designated "high density" (1.41) residential.

The entire plans for the Lantern Bay Project Sector, as well as the Dana Point Headlands, are discussed at the conclusion of this sub-section on the Land Use Element.

RESIDENTIAL-COMMERCIAL

The intent of this land use category is to provide an opportunity for the development of a combination of residential and commercial uses on certain sites within the Dana Point community. Such combinations of uses may be developed in either of two ways: 1) vertically, or where the ground level is reserved for community commercial uses and the upper floor contains multi-family dwellings and 2) horizontally, or where residential uses are developed in conjunction with commercial uses on a site but in different buildings.

The residential-commercial land use category is to be implemented by the residential-commercial use and site development regulations which are found in Section XI -- Land Use Regulations. Those regulations specify that multi-family residential uses are permitted only when they are established in combination with commercial uses. However, property owners may develop strictly commercial uses if they do not want to establish residential uses.

Two areas within Dana Point have been designated as residential-commercial. The first area is situated on the oceanward side of Pacific Coast Highway and is adjacent to the tourist recreation/commercial site of the Lantern Bay Project Sector. That area is designated as high density/community commercial (1.41/2.2). The second area (one lot deep) is located southerly of Del Prado Avenue between Street of the Amber Lantern and Street of the Golden Lantern. That area is designated as heavy density/community commercial (1.51/2.2).

The intent of the Specific Plan is to have coordinated development between the tourist recreation/commercial site and the residential commercial site.

COMMERCIAL

Two commercial land use categories are included in the Dana Point Specific Plan: local commercial (2.1), and community commercial (2.2). The nature of these commercial land use categories as well as the sites so designated are discussed in this sub-section of the Land Use Element.

Local Commercial (2.1)

The local commercial category has yet to be applied in the Dana Point community or elsewhere in the County. However, the County's Land Use Element does provide a basis for designating local commercial facilities. That Element indicates that local commercial facilities are not considered to have countywide significance and thereby are not reflected on the Land Use Element Map. The Element text indicates that such sites can be designated through specific planning efforts.

The "local commercial" (2.1) LUE designation is defined as follows:

These areas provide for convenience facilities and goods to serve the needs of the immediate neighborhood.

This includes limited professional, retail service and commercial uses. Small food markets and laundromats and drug stores are typical examples of this category. All uses within this classification must be oriented to the immediate neighborhood and compatible with adjacent patterns of development.

The Specific Plan recommends that three sites be designated as "local commercial" (2.1): La Plaza (proposed to be renamed Richard Henry Dana Centre); Albertson's Shopping Center which is located at Stonehill Drive/Del Obispo Street; and one site within the Thunderbird Capistrano Planned Community Sector which is located at Street of the Golden Lantern and Acapulco Drive. Each of these sites because of their size, location and character are appropriately designated as "local commercial".

La Plaza (Proposed to be renamed Richard Henry Dana Centre): This sector has a General Plan Land Use Element designation of "community commercial" (2.2) and C1 (local business) zoning. The Specific Plan effort focused on the following four planning issues.

- What should be the future role or function of this center? Should it serve the needs of local residents, tourist, or highway users?
- What range of uses should be encouraged?
- Should revitalization or facelifting of the center be a priority concern of the Specific Plan?
- Should a community center be located in the La Plaza area?

Community participation efforts revealed an almost unanimous consensus that the La Plaza Center should primarily serve the needs of local residents. The most preferred uses included neighborhood retail (i.e., daily convenience goods), professional services (i.e., accountant, architect), personal service, and restaurants with outdoor seating. The majority of workshop participants indicated that the facelifting of the La Plaza was desirable and important. However, most people disagreed with the idea of having a community center located in the La Plaza. Workshop participants cited that Dana Hills High School was a suitable facility for community needs and that a community center was being planned in the Capistrano Beach area (i.e., Serra High School).

Because its intent is to create a neighborhood-serving character for the La Plaza, the Specific Plan recommends a land use category of "local commercial" (2.1). The specific nature and character of commercial development will be regulated by the Dana

Dana Point Land Use Regulations and guided by the urban design concepts suggested in the community design section of the Specific Plan.

During the course of reviewing the Land Use Element of the Dana Point Specific Plan, the Advisory Committee expressed concerns that several proposed developments focused primarily on office uses. Since such an emphasis in office space development would run counter to a "retail" focus, the Advisory Committee recommended a policy that only local-serving retail uses should be permitted on the ground floor of new, multiple-story buildings. That policy, in turn, is to be implemented by the Land Use Regulations.

Another concern of the Advisory Committee is assuring that parking is both sufficient and easily accessible. This opinion is shared by the community-at-large since the workshop participants expressed a strong sentiment that parking should be in close proximity to existing retail shops. Existing and future commercial development in the La Plaza, or Richard Henry Dana Centre, could generate a need for as many as 590 to 600 parking spaces. It is estimated that there are now 154 parking spaces; 98 in the La Plaza and 56 additional off-street parking spaces. In light of these issues and concerns, the Advisory Committee recommends that no additional commercial development should be approved until there is a comprehensive "parking plan" prepared which indicates the number and location of all existing and future parking spaces.

Albertson's Shopping Center: Recent commercial development in the Dana Point community includes an Albertson's Shopping Center which is located at the southwest corner of Stonehill Drive and Del Obispo Street. This center is approximately 52,000 square feet in size, including the supermarket. A supermarket is the typical anchor store of a neighborhood shopping center and it is logical to designate this site as "local commercial" (2.1).

Thunderbird/Capistrano Local Commercial: One site within this community sector has a zoning classification of CN which represents neighborhood commercial. This site, which is about two acres in size, is designated by the recommended land use plan as "local commercial" (2.1). The Advisory Committee discussed at length the nature and character of the land uses which should be permitted on this site. The principal concern was the traffic and circulation impacts that could be generated by particular kinds of commercial enterprises. In view of these issues the Advisory Committee gave serious consideration to land uses other than local commercial such as office and professional uses. The Committee concluded that local or neighborhood commercial was a proper land use designation if potential adverse traffic and circulation impacts could be avoided. Consequently, the Advisory

Committee chose to recommend a "local commercial" (2.1) designation for this site with the condition that future requests for development be carefully scrutinized for potential ingress/egress problems.

Community Commercial (2.2)

In general, the community commercial designation is applied to: 1) areas along both sides of Pacific Coast Highway; 2) areas along both sides of Del Prado Avenue; and 3) a vacant 5.6 acre site in the Lantern Bay Project Sector.

During the community participation process several land use alternatives were considered for various existing and future commercial areas. The purpose of those alternatives was not to necessarily deviate from previous commercial land use policy, but to establish a focus for distinct commercial sub-areas. For instance, as part of the community input process the participants were asked about the commercial focus which should be encouraged for the Pacific Coast Highway Island (i.e., the area bounded by Pacific Coast Highway, Del Prado Avenue and Street of the Golden Lantern). The choice was between a "comparison shopping" focus or a "professional, business and personal services" center. About 32% of the workshop participants favored a "comparison shopping" focus, while 46% preferred a "professional, business and personal services" center. (The remaining 12% of the participants did not indicate a preference between the two choices.) The Specific Plan recommends that this sub-area continue to be designated as "community commercial".

The thought behind giving a focus to various commercial sub-areas was to determine suitable locations for uses desired by the community-at-large and at the same time identify undesired or inappropriate land uses. It was believed that once this was done, land use regulations could be developed that would control the nature and intensity of permitted uses for each sub-area. This procedure, however, proved to be too cumbersome and, instead, an alternative was selected as means of meeting the objectives of the community participation input. That alternative was to designate areas as "community commercial" and then to prepare the land use regulations so that range of permitted uses was narrowed and to allow other uses, such as restaurants, subject to an approved use permit.

TOURIST-RECREATION/COMMERCIAL

The "tourist-recreation/commercial" (5.31) designation is applied

to several areas in the Dana Point community. The most significant areas include portions of the Dana Point Headlands, the existing Dana Point Harbor, a portion of the Lantern Bay Project Sector and the existing restaurant/motel situated southeasterly of Pacific Coast Highway and Del Obispo Street.

About 21 acres of the Dana Point Headlands Sector are proposed to be designated as "tourist-recreation/commercial". Two areas (about 18 acres) are located on the oceanward side of the conceptually proposed Selva Road corridor. Another three acres located southwesterly of Pacific Coast Highway and Street of the Blue Lantern are classified 5.31. Land use policies for these and other uses are presented when the Dana Point Headlands is discussed at the end of this Land Use Element section.

The Lantern Bay Project Sector is about 76 acres in size. The Specific Plan proposes to designate 17.1 acres as 5.31. All of the land use categories for this community sector are described at the end of this Land Use Element section.

PUBLIC AND QUASI-PUBLIC

The "public facilities" (4.1) category is applied to the Dana Hills High School site. The "quasi-public" (4.2) category is applied to the Serra Treatment facility located easterly of Del Obispo Street and to an area southeasterly of Calle la Primavera and Oldbridge Road.

RECREATIONAL

The "recreational" (5.3) land use category is applied to lands which are suitable to serve the outdoor recreational needs of the Dana Point community. This land use element category is applied to both existing and future recreational sites. Most of the 5.3 sites recommended by the Specific Plan also are included in the Master Plan of Local Parks prepared by the Capistrano Bay Recreation and Parks District.

In summary, the "recreational" (5.3) category is applied to the following: 1) Sea Canyon and Thunderbird local parks which are located in the Thunderbird Capistrano Planned Community; 2) a two acre park located southeast of the intersection of Stonehill Drive and Street of the Golden Lantern; 3) a linear strip on the eastern side of Street of Golden Lantern generally from Stonehill Drive to Pacific Coast Highway (refer to Exhibit 24 -- Golden Lantern Streetscape Concept); 4) the existing recreational facilities off Del Obispo Street plus the site of future acquisition and development; 5) the Doheny State Beach; 6) 28 acres in two sites located in the Lantern Bay Project Sector; and 7) two sites in the Dana Point Headlands Sector including a 3.6 acre site in the "bowl" area and a 2.9 acre site which consists

of the white sand beach.

OTHER OPEN SPACE

The "other open space" (5.4) category is applied to areas of notable scenic and natural qualities. Within the Dana Point community the 5.4 designation is generally applied to bluff face and bluff edge from the Dana Point Headlands to the terminus of Street of the Golden Lantern. In the Dana Point Headlands Sector approximately 18.3 acres are classified as "other open space" (refer to Sector Land Use Plan and Land Use Policies). The remaining 5.4 area consists of the bluff face from Cove Road to Street of the Golden Lantern.

CONSERVATION

This land use category has yet to be applied to lands in the Dana Point community. The "conservation" (5.41) designation is a sub-category and indicates those portions of the "other open space" lands which require preservation in a natural state on behalf of the public interest. The only lands proposed in the Specific Plan to be designated as 5.41 include the coastal bluffs and tidepool areas located in the Dana Point Headlands Sector. One aim of this designation is to preclude any alteration or development of this visually significant landform feature. Altogether about 22.3 acres are classified as "conservation" (5.41).

DANA POINT HEADLANDS SECTOR

The Dana Point Headlands is characterized by outstanding natural features and ocean views which when combined with the gently sloping terrain make it an easily developed parcel. Due to the unique topographic orientation of the Headlands, a rare opportunity exists to create a well integrated mixture of both visitor-serving facilities as well as a full-time residential community. The land use elements of the Headlands plan are intended to contribute to the already abundant supply of TRC uses in Dana Point, such as the marina, Doheny State Park, motels, and numerous restaurants. The plan envisages visitor-serving uses in the form of shops, restaurants, hotels, parks, and a bluff edge walk located in the prime view and amenity enriched portions of the site. The area designated for a year round residential community is the bowl area where a more inward and inland orientation occurs. This residential component will function as a stable element in the community providing not only quality homes but also much needed economic support to the visitor-serving facilities during the winter months when tourism typically lags.

The land use designations proposed by the Specific Plan on the

Headlands provide for an appropriate mix and intensity of activities to serve both the local community as well as the visitor population.

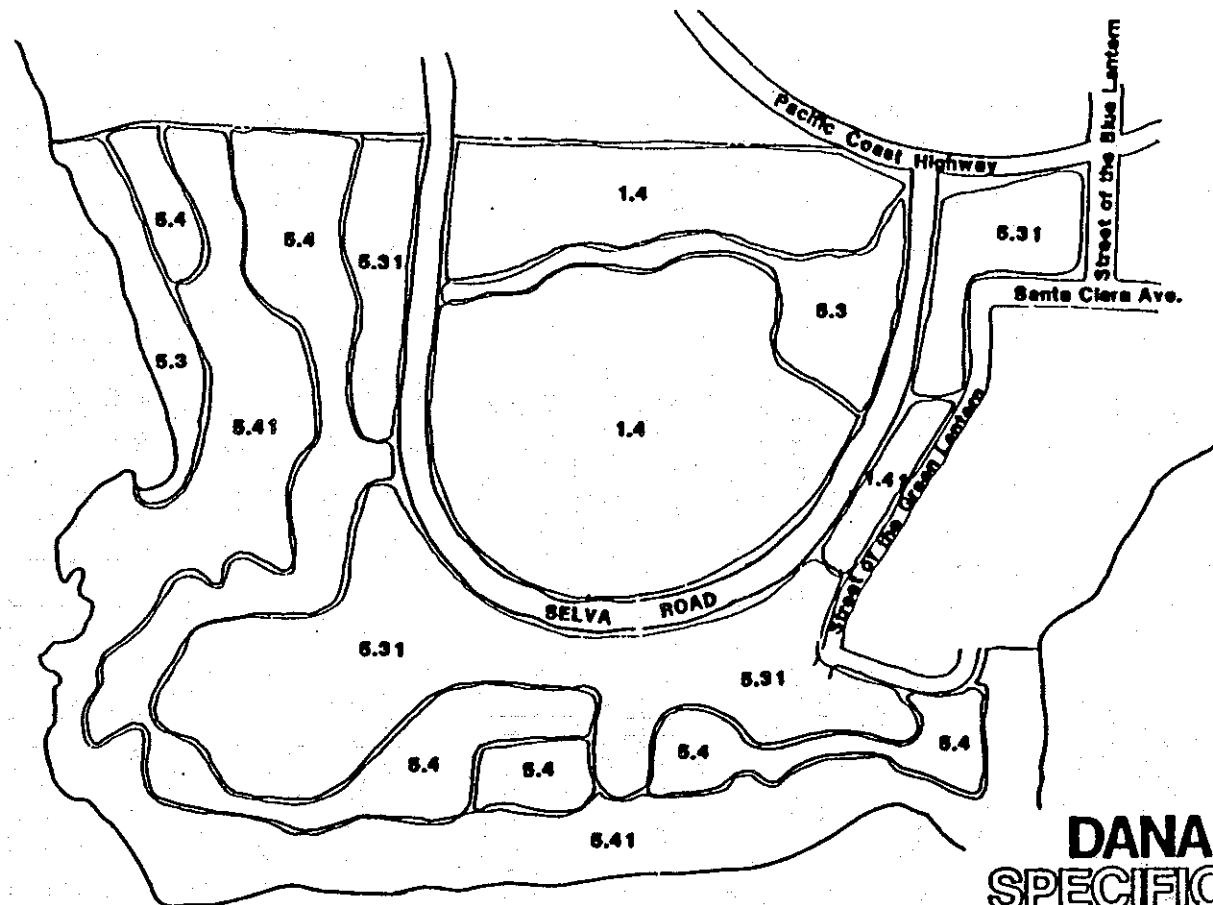
Throughout the entire Specific Plan process a primary concern was the appropriate range, mix and intensity of uses that should be encouraged in this largely undeveloped sector of the Dana Point community. This sector now has a "tourist-recreation/commercial" Land Use Element category and residential zoning (R-4). Several land use alternatives were prepared for this community sector, ranging from all TR/C uses to predominantly residential uses. These alternatives were prepared as part of the Specific Plan effort and by the private planning effort assumed by the Chandler-Sherman Corporation. The various land use alternatives were, in turn, evaluated as part of the community participation process which included the Specific Plan Advisory Committee, community-at-large, Dana Point Chamber of Commerce and other civic groups as well. During the community participation process it was found that community attitudes reflected a recognition that the entire site need not be "open space" and a general understanding of the most suitable locations for the mix of uses that could be developed in this sector.

As a result of the land use alternatives and community participation process, a composite plan was formulated which incorporated the preferred concepts of the various options that were presented to the Advisory Committee. That composite plan was endorsed in concept by the Advisory Committee and is shown in Exhibit 14 — Dana Point Headlands Sector Land Use Plan. The Advisory Committee believed that acceptability of the land use plan for the Headlands property was contingent upon the development of acceptable regulatory policies affecting density ceilings, location and design of the blufftop walk and design of walkways and bike paths along future Selva Road. In light of these concerns some preliminary policies were prepared by the Chandler Sherman Corporation. Those policies were subsequently modified in some instances by the Environmental Management Agency and Specific Plan Advisory Committee. The policies proposed by the Specific Plan are listed under the heading of Dana Point Headlands — Land Use Policies and are cross-referenced to sector sub-areas (refer to Exhibit 15).

The land use plan for the Dana Point Headlands Sector includes five Land Use Element categories: "high density residential" (1.4); "recreation" (5.3); "tourist-recreation/commercial" (5.31); "other open space" (5.4); and "conservation" (5.41). Almost 28% of the entire site is designated as 1.4. Other categories and their corresponding percentages include the following: 5.3, 8%; 5.31, 22%; 5.4, 19%; and 5.41, 23%. (The percentage figures, it should be noted, are approximations and will be refined by subsequent detailed planning studies including that for the Selva Road precise alignment.)

Legend

- 1.4 High Density
6.5-12.5 du per acre
- 5.3 Recreation
- 5.31 Tourist Recreation /
Commercial
- 5.4 Other Open Space
- 5.41 Conservation



**DANA POINT HEADLANDS SECTOR
LAND USE PLAN**

**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange/Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

**DANA POINT HEADLANDS
Land Use Policies
For Sector Sub-Areas
(refer to Exhibit 15)**

The following policies are proposed by the Specific Plan as a means of re-enforcing the purpose and intent of the Dana Point Headlands Sector Land Use Plan (refer to Exhibit 15). That land use plan is the outcome of a process which involved a series of trade-offs in order to balance development objectives with objectives of open space provisions, conservation of natural features and achieving coastal act policies.

Area A:

1. An off-road bicycle and pedestrian trail will be provided along the ocean side of Selva Road.
2. Those ocean view corridors currently available along the conceptually proposed Selva Road will be maintained.
3. Existing residential development will be permitted as a non-conforming use pursuant to the Orange County Zoning Code.
4. Development proposals will reflect full and complete investigation of potentially unstable areas. Where necessary, land uses will be restricted to assure an adequate level of safety.
5. Public access shall be provided to the white sand beach from the vicinity of the south-end of the Selva Road parking lot, to the extent that it can be done safely and with minimum impact on existing private residential uses.
6. Provisions shall be made for the white sand beach to be irrevocably offered for dedication to the County of Orange. Moreover, approval of the first residential tract is conditioned on receipt of an acceptable open space management plan which will address how the beach is to be maintained and who will maintain it for public use.

Area B:

1. The predominant use for the area designated for development will be residential, with an option for a mix of uses to permit a limited amount of tourist-recreation commercial facilities.

2. When developed, the highest elevation point along the major ridgeline will be maintained as a public vista area.

3. Development will reflect logical and compatible transitions to other adjoining development areas; particularly to the north, where the site adjoins the AVCO Coastal Properties. To this end, development types may vary, but architectural and landscaping principles will be utilized to allow protection as well as consistency of development. Open space and circulation systems will also be integrated.

4. Lower profile and detached residential development will be located in the lower portions of the "bowl" where ocean views are limited, with higher intensities stepped-up on the higher elevations of the bowl and ridgeline.

5. Residential uses can be varied and offer mixed development types, however the predominant type will be attached residential.

6. The major landform of the ridge and sloping bowl area will be respected in future development proposals by using the Orange County Hillside Development Standards and sensitive architectural forms.

7. Residential development on the Headlands will conform to the Housing Element of the Orange County General Plan.

8. The maximum number of dwelling units permitted will be established on the basis of the midpoint of the 1.4 land use designation.

Area C:

1. The design of circulation for development along Green Lantern will reflect the limited right-of-way and capacity of the street.

2. Development will be compatible with existing commercial uses along Street of the Green Lantern, and will represent a transition to development along the ridgeline and Coast Highway.

3. Any vehicular connection between Selva Road and Santa Clara Avenue will be minimized through design and other means to discourage through traffic from reaching the residential areas of Santa Clara Avenue.

4. An off-road bicycle and pedestrian trail will be provided along the ocean side of Selva Road.

Area D:

1. The primary use within this area will be a hotel/lodge facility integrated with a public open space system adjacent to the bluffs.
2. The Headlands bluff edge will be permanently available to the public as implemented by an open space management system. This system will assure permanency as well as long-term maintenance for all public spaces.
3. An adequate amount of parking will be provided, both for public and private land uses. Parking should be discouraged in designated open space areas. Public spaces will be located near Selva Road, and be connected with blufftop walks and open space areas via clearly marked trail systems.
4. Development will attempt to minimize obstruction of selected ocean view corridors. Primary consideration for maintaining viewing opportunities will be emphasized adjacent to the future alignment of Selva Road.
5. An off-road public bicycle and pedestrian trail system will be provided along the ocean side of Selva Road.
6. Open spaces provided as part of any tourist-recreation commercial use shall be integrated with any contiguous public open spaces.

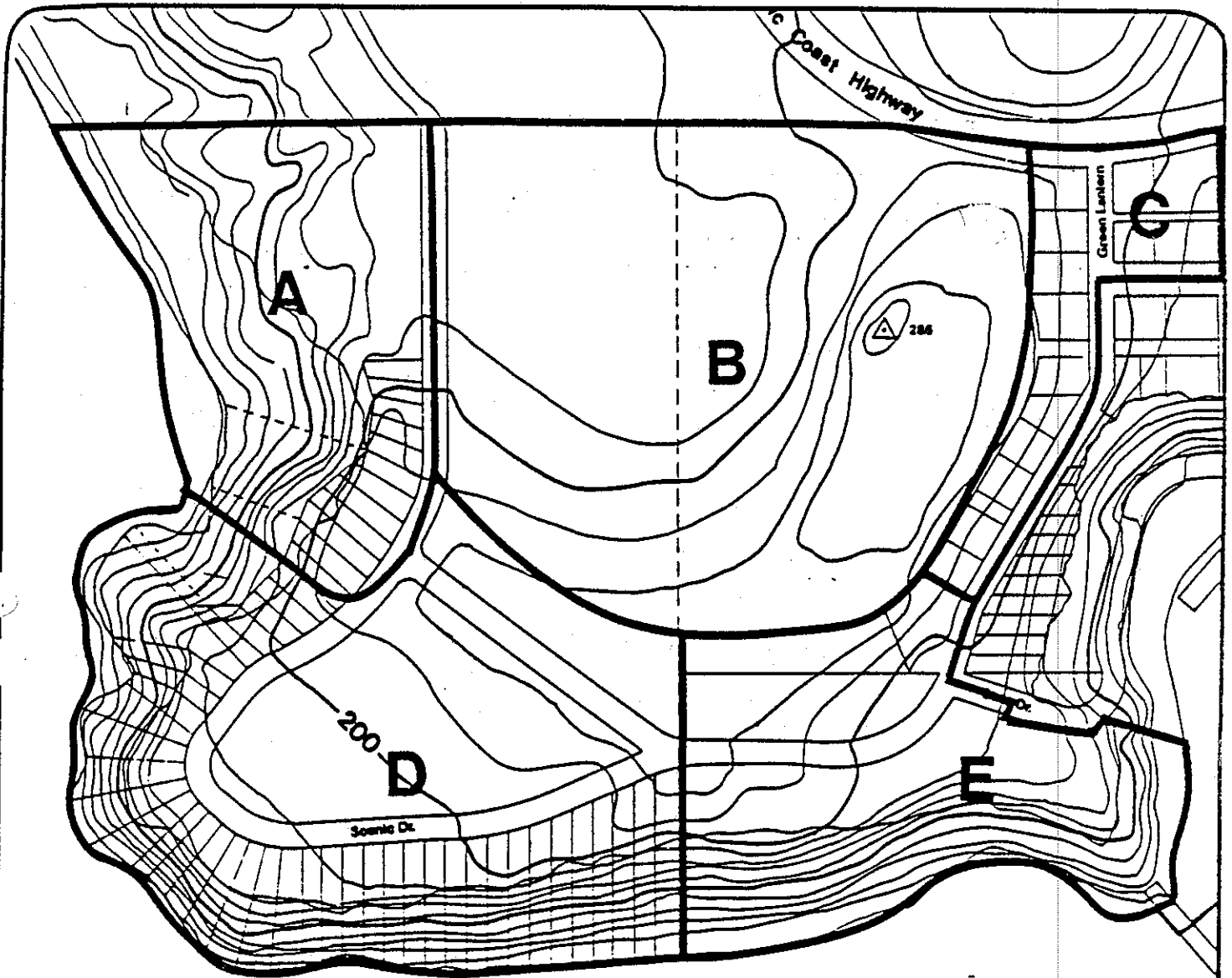
Area E:

1. Proposed uses will be oriented exclusively toward Tourist-Recreation/Commercial facilities, and include but not be limited to overnight lodging, retail shops, restaurants, and other similar facilities.
2. While most likely in private ownership, the majority of the area should be easily accessible to the public, particularly along the bluff edge.
3. A bluff top public walkway will be provided, and integrated with future land uses.
4. A point of land overlooking the harbor will be available and accessible to the public. This plaza is intended to be at the terminus of the cascading commercial uses, providing an opportunity for harbor viewing and public gathering.
5. A off-road public bicycle and pedestrian trail system will be

provided along the ocean side of Selva Road.

Circulation

1. Vehicular connections between the terminus of scenic drive and Selva Road will be analyzed at the time of development and assessed as to need for adequate and safe circulation.
2. Special design attention will be given to all entry points onto Selva Road and particular attention will be paid to those entry points at Pacific Coast Highway and the existing terminus of Selva Road. In each case, entry design will be considered as elements which are integrated with the various development areas on-site.
3. All streets will be designed to minimize land form alterations. Where feasible, vertically split sections may be utilized to maximize views and reduce grading requirements.



DANA POINT HEADLANDS SUB AREAS

IV-25

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

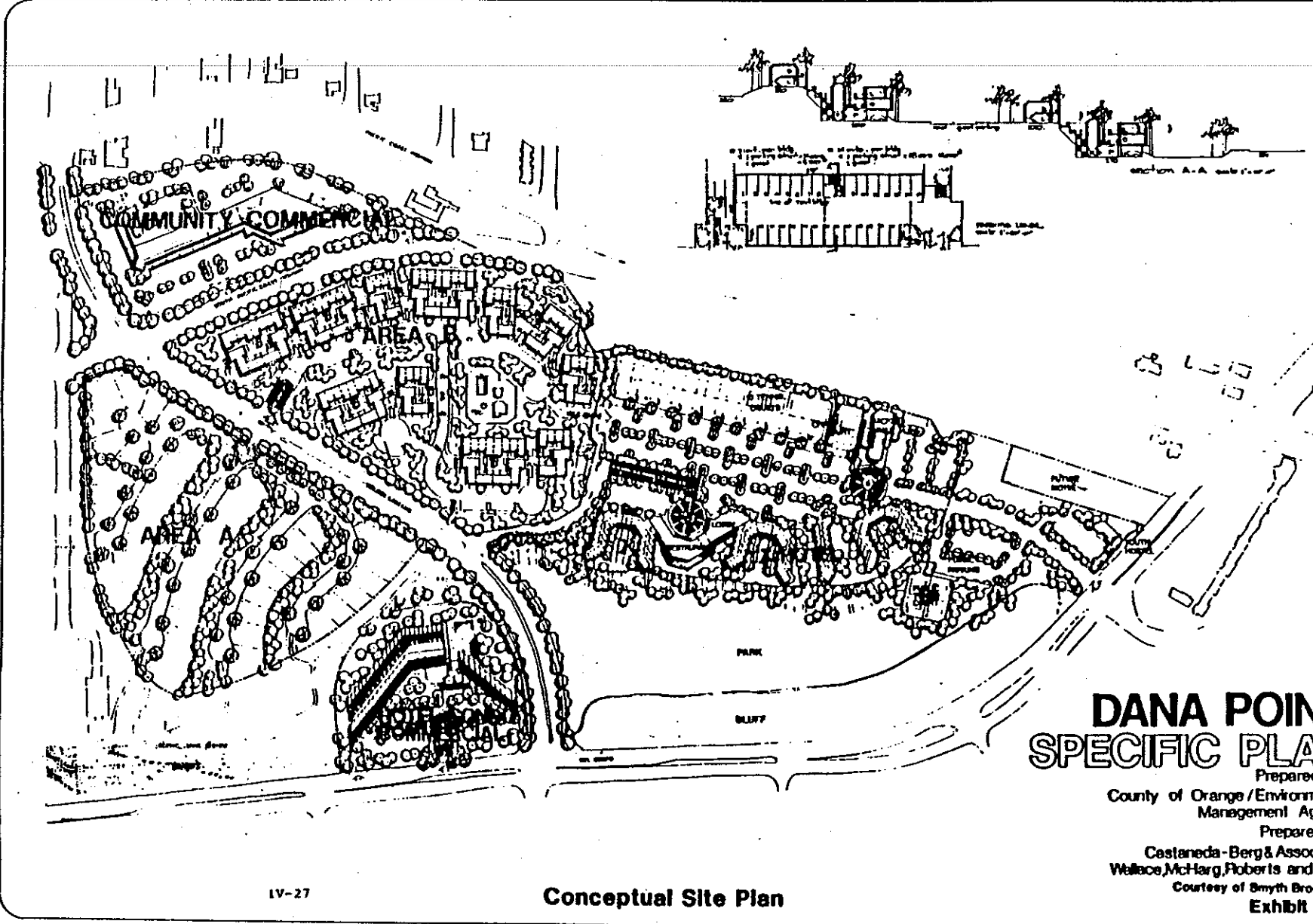
Exhibit 15

LANTERN BAY PROJECT SECTOR

This community sector is some 76 acres in size. Although the State Department of Parks and Recreation had considered acquisition of some lands in this sector, those plans are no longer a viable option. Indeed, the community input revealed serious reservations over the State acquisition plans. The Land Use Plan endorsed by the Advisory Committee for the Lantern Bay Project Sector is shown by Exhibit 13. A conceptual site plan depicting future development of this sector is shown by Exhibit 16.

Factors which were considered in connection with the preferred land use plan for the Lantern Bay Project Sector included: future sales taxes to be derived from the community commercial site; provision for a blufftop walk; provision for public open space; compatibility with the "New England" or "Seacoast Village" urban design theme; and eventual completion of Street of the Golden Lantern from Pacific Coast Highway to Del Obispo Street which will help to develop a much stronger and mutually beneficial relationship between this sector and the remainder of the Dana Point community.

The following are the Land Use Element categories and corresponding acreages for each category in the Lantern Bay Project Sector: 1.41, 25.4 acres; 2.2, 5.6 acres; 5.3, 28 acres; and 5.31, 17.1 acres.



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd
Courtesy of Smyth Bros, Inc.

Exhibit 16

IV-27

Conceptual Site Plan

SECTION V
Circulation Element

SECTION V
Circulation Element

GENERAL PLAN FRAMEWORK

Dana Point's circulation system consists of local streets and six arterial highways, including: Pacific Coast Highway, Del Obispo Street, Del Prado Avenue, Selva Road, Stonehill Drive and Street of the Golden Lantern. Average daily traffic (ADT) flows as of October, 1977 on the highways were as follows:

<u>Highway</u>	<u>ADT</u>
Pacific Coast Highway	26,000
Del Obispo Street	13,000-15,000
Del Prado Avenue	1,000
Selva Road	5,000- 6,000
Stonehill Drive	4,000- 7,000
Golden Lantern	4,000- 6,000

The Master Plan of Arterial Highways classifies these six highways as either major, primary or secondary arterials. Traffic capacities and standards for these facility types are as follows:

<u>Facility Type</u>	<u>Capacity (vehicles per day)</u>	<u>Standards</u>
Major Arterial	45,000	6-lane divided; 120 feet of right-of-way
Primary Arterial	30,000	4-lane divided; 100 feet of right-of-way
Secondary Arterial	20,000	4-lane undivided; 80 feet of right-of-way

Future conditions for these arterials, as reflected in the Master Plan of Arterial Highways and Capistrano Valley Circulation Study, are as follows: (Refer to Exhibit 17).

● Pacific Coast Highway

-Major: from Crown Valley Parkway to Street of the Blue Lantern.

-Major: from Street of the Copper Lantern through remaining portion of the study area.

-"Couplet": see discussion that follows and relationship to Del Prado Avenue.

● Del Obispo Street

-Secondary: from Camino del Avion to Stonehill Drive to meet Alipaz.

-Secondary: proposed secondary from Stonehill Drive to Alipaz Street, a proposed primary with an alignment generally adjacent to San Juan Creek.

● Alipaz Street

-Primary: proposed primary from Stonehill Drive to Pacific Coast Highway.

-Primary: primary from Pacific Coast Highway through Marina on existing Del Obispo alignment.

● Selva Road

-Secondary: from Stonehill Drive to Pacific Coast Highway.

-Secondary: extension of Selva Road as a secondary arterial loop southwest of Pacific Coast Highway is proposed by Capistrano Valley Circulation Study and adopted by Board of Supervisors on July 26, 1978.

● Stonehill Drive

-Primary: from Niguel Road to Del Obispo Street.

-Primary: proposed primary from Del Obispo Street to Alipaz Street.

-Major: proposed major from Alipaz Street to Camino Capistrano.

● Golden Lantern

-Major: within study area to Pacific Coast Highway.

-Primary: future primary along established alignment from Pacific Coast Highway to Del Obispo/Alipaz Streets.

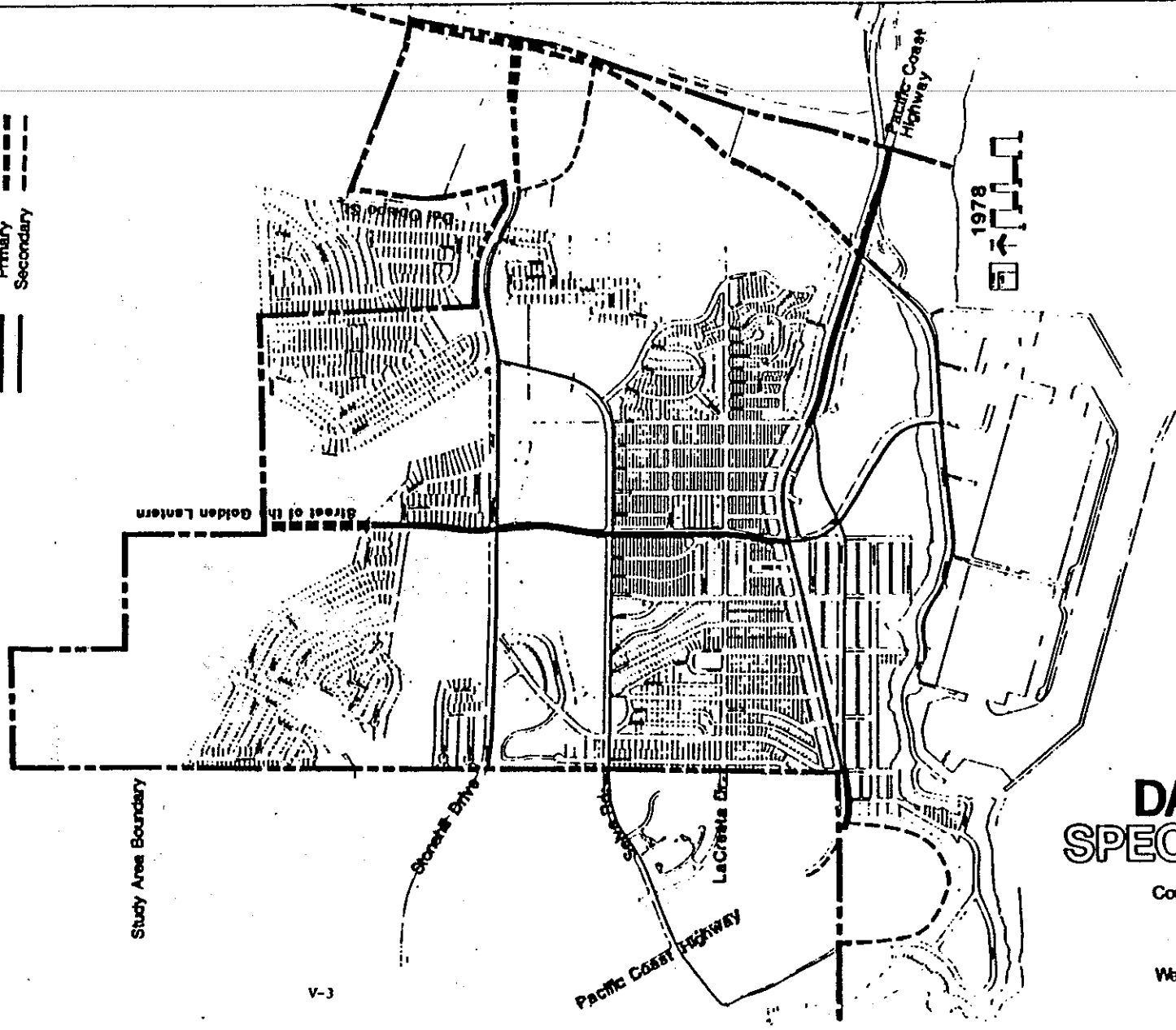
-Major: proposed major from Crown Valley Parkway to study area.

CIRCULATION ELEMENT

LEGEND

Established
 Major
 Primary
 Secondary

Proposed
 Major
 Primary
 Secondary



**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 17

SPECIFIC PLAN FRAMEWORK AND RECOMMENDATIONS

"Couplet"/Del Prado Extension

On May 9, 1979, the Board of Supervisors adopted a precise alignment for the "couplet"/Del Prado extension. That precise alignment is illustrated by Exhibit 18.

Selva Road (Secondary Extension)

Exhibit 14 which depicts the land use recommendations for the Dana Point Headlands also shows the conceptually proposed Selva Road Corridor. The Environmental Management Agency is now working on a precise plan of alignment and design. Standards for Selva Road are forthcoming.

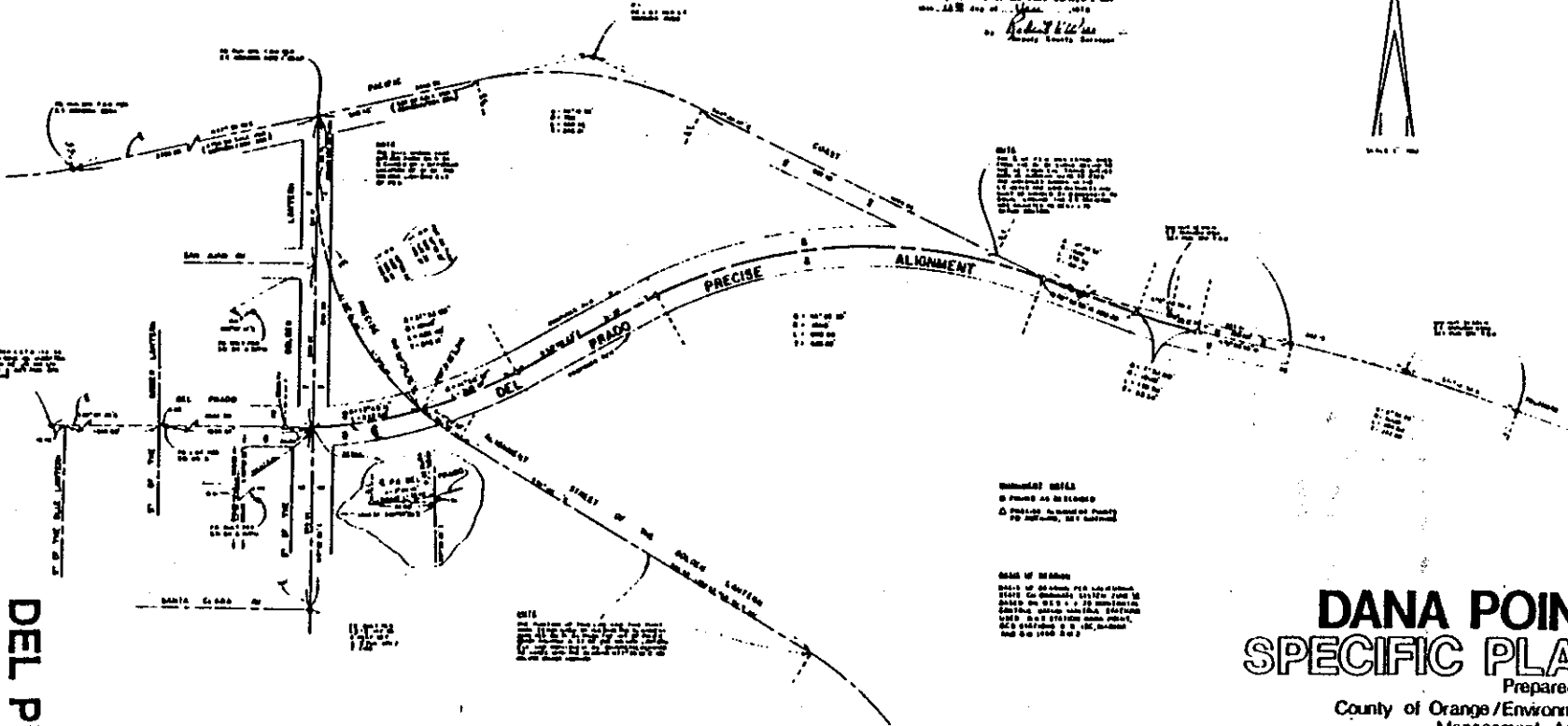
**DEL PRADO
ECISE ALIGNMENT**

This map heretofore represents a survey made by me in order
to establish in accordance with the requirements
of the Board of Surveyors and on the request of the
Orange County Engineer in March, 1975

Frank M. Roberts, S.M.

This map has been examined for compliance with the
requirements of the Board of Surveyors and
has been approved on the 11th day of May, 1975

Robert W. White
County Surveyor



UNMAPPED BILLS
 ○ POINTS AS SHOWN
 △ POINTS IN UNMAPPED POINTS
 BY SURVEYOR, SEE RECORD

DATE OF RECORD
 DATE OF RECORD FOR ALL POINTS
 SHOWN ON THIS PLAN IS
 BASED ON D.E.S. 12 RECORDS
 CONTAINING THE ORIGINAL
 DATA AND STATION DATA.
 SEE RECORDS 12-14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange/Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

SECTION VI
Housing Element

GENERAL PLAN FRAMEWORK

The Housing Element, adopted in January 1979, describes problems, needs and constraints; a comprehensive problem solving strategy; and a course of action to satisfy unmet housing need. That element was prepared pursuant to Government Code Section 65302(c) which mandates the inclusion of a housing element in the general plan of all cities and counties. According to this section of the Government Code, a housing element is to consist of : 1) standards and plans for the improvement of housing; 2) provision of adequate sites for housing; and 3) adequate provision for the housing needs of all economic segments of the community. The County of Orange Housing Element also was prepared pursuant to the basic structure of the State's Housing Element Guidelines which provide criteria against which local compliance with the mandates of Government Code Section 65302(c) can be measured and determined.

The County of Orange Housing Element includes the following adopted housing goals:

- 1) Housing Demand and Community Accessibility A choice of residential communities, within a reasonable distance of the individual's place of occupation, where the individual may develop a sense of identity and belonging, and satisfy physical, cultural, and economic needs for both existing and future residents.
- 2) Housing Supply and Affordability A supply of housing that varies sufficiently in cost, design style, tenure and type to meet the economic and social needs of every existing and future resident of the County.
- 3) Housing Opportunity Housing opportunities available to all income groups in all communities without discrimination on the basis of race, religion, ethnicity, sex, age, marital status, or household composition.
- 4) Housing Preservation Residential neighborhoods and housing units with adequate and coordinated public and private services and facilities, clean air, quiet and pleasant surroundings, reasonable assurances of safety and security, and a meaningful sense of community life.
- 5) Housing Cooperation and Coordination Countywide and regional coordination of housing, community and

economic development activities, with private sector and citizen group involvement.

To achieve these goals, the Housing Element sets forth several programs for implementation. In addition, each of these programs is intended to satisfy one or more of the State's five policy objectives, as briefly describe below:

- 1) Housing and neighborhood preservation.
- 2) Standards and plans for adequate housing sites.
- 3) Adequate provision for housing needs.
- 4) Continued availability and affordability.
- 5) Accessible housing.

SPECIFIC PLAN FRAMEWORK AND RECOMMENDATIONS

For purposes of preparing the Housing Element of the Specific Plan, a series of research endeavors were conducted. As a result of these activities some very important findings were made and conclusions reached. These findings and conclusions are summarized below.

FINDINGS AND CONCLUSIONS

The housing supply of Dana Point is now estimated to number about 3,500 housing units. A significant proportion of these dwellings are in the affordable cost bracket--that is, at monthly costs which fall in either the low/moderate, Medium I or Medium II brackets. This finding is based upon a survey conducted in mid-1979 which showed that 54% of the stock was in the affordable range. Details of this survey are contained in Table 3 which indicates the number of housing units which can be afforded by households in three income groups. Relative to the new housing stock, areas in which significant housing development is expected to occur in the future include the Central Area, Thunderbird, Northeastern, Headlands, and Lantern Bay Project Sectors.

As a result of the research findings, two fundamental conclusions were reached, as follows:

AFFORDABLE RENTAL UNITS IN DANA POINT

Bedroom Number	Low/Moderate			Medium I			Medium II		
	Monthly Rent ^a	Units	% Units Surveyed ^b	Monthly Rent ^a	Units	% Units Surveyed ^b	Monthly Rent ^a	Units	% Units Surveyed ^b
0	\$235	2	1	\$350	0	0	\$425	0	0
1	270	20	7	405	12	4	485	0	0
2	335	55	18.5	505	51	17	605	2	1
3	380	8	3	570	9	3	680	0	0
4	420	0	0	630	0	0	760	1	0

^aEffective date 7/1/79.

^bPercentages represent quotients of rental unit frequencies over 297 total units surveyed.

- The protection of existing, affordable housing in the Dana Point community should be encouraged.
- Construction of moderate-cost housing is a need that does not require special emphasis in the Dana Point community.

In addition to the foregoing conclusions, it also was found that most of the programs recommended in the Housing Element could be implemented in the Dana Point community for purposes of addressing housing needs. Some of these programs include the following: 1) financing the rehabilitation of the older housing stock by use of Community Development Block Grant funds; 2) financing of housing assistance through the Section 8 existing housing program; and 3) utilization, when available, of below-market rate mortgage financing through the issuance of tax-exempt mortgage revenue bonds.

RECOMMENDATIONS

Upon review of the research findings and conclusions, as well as other related issues, the Advisory Committee decided on the following recommendations:

- Density bonuses for the provision of affordable housing should not be available to developers in the Dana Point Study Area to the extent that sufficient affordable housing exists.
- Condominium conversions in the Dana Point Study Area should not be delayed for reasons of diminishing affordable housing stock to the extent that sufficient affordable housing exists.
- Transfers of excess affordable housing credit from or to the Dana Point Study Area should not be permitted to the extent that sufficient affordable housing exists.
- Community Analysis Area 66, which is the geographic area defined for purposes of evaluating affordable housing objectives, should be made coterminous with the Dana Point Specific Plan Study Area. If this is not feasible, affordable units credit should not be transferred from within the Dana Point Study Area (but outside CAA 66) to areas outside the study area.

SECTION VII
Recreation Element

GENERAL PLAN FRAMEWORK

Existing parks within the planning area include Thunderbird Park and the Blue Lantern Gazebo or lookout park. The Thunderbird Park, located at Ocean Hill Drive and Stonehill Drive, is a 3.74 acre facility and is maintained by the Capistrano Bay Parks and Recreation District (CBPRD). The Blue Lantern Gazebo is maintained by the Harbor, Beaches and Park District. In addition to these facilities, there is the Del Obispo Recreation Center which contains two baseball fields (maintained by the CBPRD).

A new park (Sea Canyon) is located at Santiago and Taxco Drives. This park is 6.8 acres in size and serves as a passive recreational facility comprised of open space picnic facilities, a small amphitheatre and a tot lot area.

Previously proposed parks in the Dana Point community are indicated in the Master Plan of Local Parks of the Capistrano Bay Parks and Recreation District. The Master Plan was approved on July 23, 1974. That Master Plan has been revised recently and the Specific Plan incorporates most of the proposals of the revised local parks plan prepared by the CBPRD.

Bikeways are another consideration of the Recreation Element. The present County Master Plan of Countywide Bikeways proposes bikeways along the following routes:

- Pacific Coast Highway
- Street of the Golden Lantern
- Del Obispo Street
- San Juan Creek




SPECIFIC PLAN FRAMEWORK AND RECOMMENDATIONS

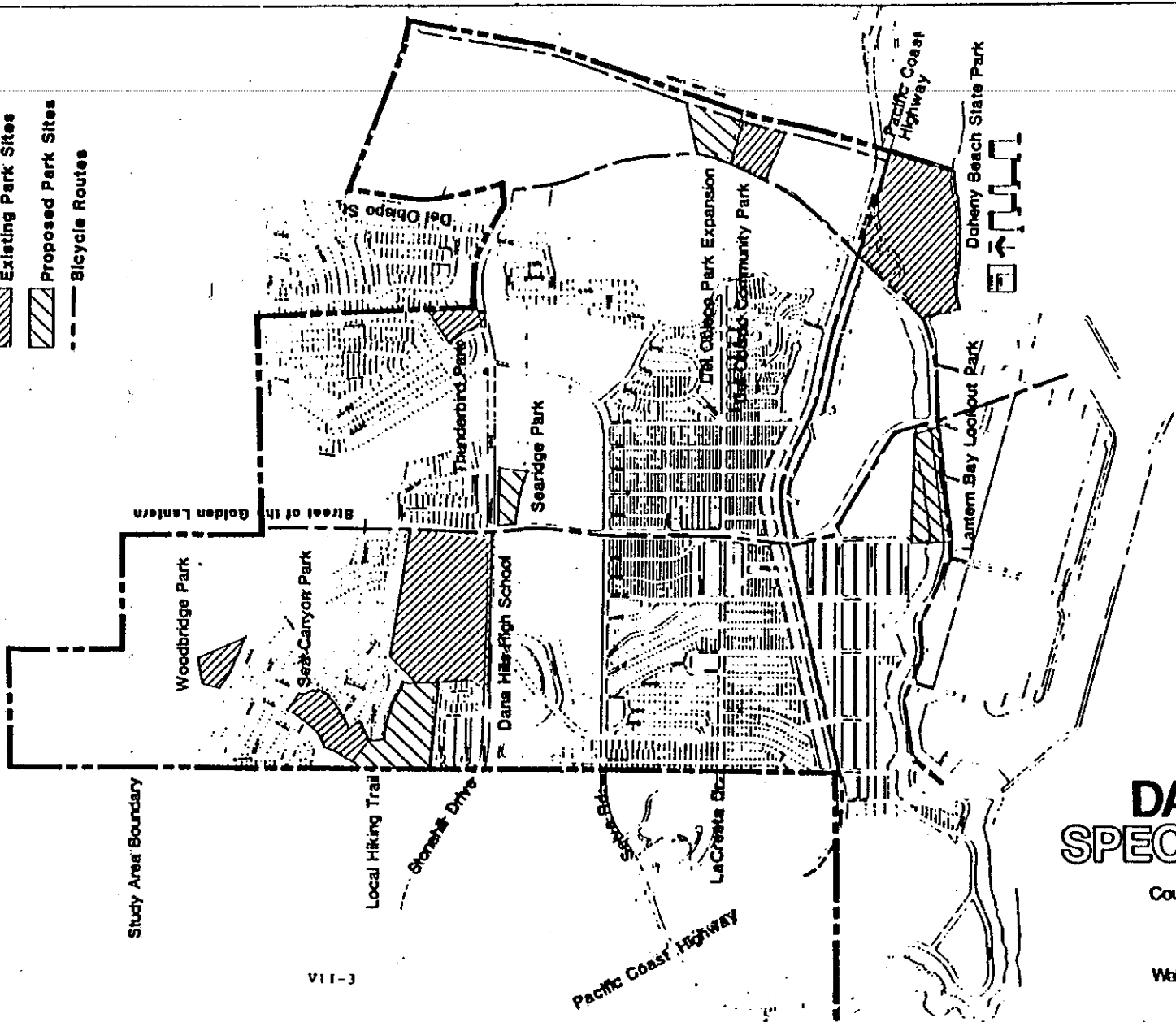
While the revised Master Plan of Local Parks was being prepared, there was a substantial change in policy emphasis due, in part, to fiscal capabilities to address local park needs (i.e., acquisition, development and maintenance) and also because of Coastal Act priorities regarding public access. The Specific Plan, which respects these alterations of policy direction, recommends a series of recreation oriented proposals which are depicted in Exhibit 19. These proposals suggest a series of local parks, view parks, recreation areas, and bicycle and pedestrian trails.

In addition to those proposals contained in Exhibit 19, the advisory committee recommends an evaluation of the feasibility of adding additional Class II (on road) bikeways in the Dana Point community when the Master Plan of Countywide Bikeways is revised or amended. Specific locations for investigation include:

- Selva Road from Chula Vista Avenue to Stonehill Drive.
- Stonehill Drive from Street of the Golden Lantern to Del Obispo Street.
- Del Obispo Street from Stonehill Drive to Pacific Coast Highway.

LEGEND

-  Existing Park Sites
-  Proposed Park Sites
-  Bicycle Routes



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 19

RECREATION PLAN

VII-3

SECTION VIII
Scenic Highways Element

GENERAL PLAN FRAMEWORK

The purpose of the Scenic Highways Element of the General Plan is identified as:

...It is the intent of this element to protect and enhance the scenic areas traversed by highways, maximize and preserve urban spatial and natural scenic resources, and serve the open space objectives of recreation, enhancement of life, and management of incompatible development of areas which should be preserved for historic, conservation or public health and safety purposes.

The Scenic Highways Element of the General Plan adopted in 1973 designates Pacific Coast Highway (PCH) as a Type Three urban scape corridor. A Type Three urban scape corridor is defined as:

A route that traverses an urban area with a defined visual corridor which offers a view of attractive and exciting urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man.

The recommendations for the Pacific Coast Highway within the Dana Point study area, if adopted, would act as a specific plan for future improvement and ongoing planning of this scenic urban scape corridor.

As a designated scenic highway, PCH must comply with the State general plan mandate, Government Code Section 65302(h) and the policies and principles stated in the general plan's Scenic Highways Element (Chapter II). The PCH scenic corridor is also governed by the open space and conservation policies contained in the Land Use Element and the Master Plan of Arterial Highways.

PCH SPECIFIC PLAN FRAMEWORK

The PCH specific plan boundaries begin at the Dana Point Headlands on the west and extend to the intersection of Del Obispo Street on the east; the northern boundary is the existing PCH with the southern boundary formed by Del Prado and its extension to PCH, forming the future PCH couplet.

A detailed inventory and analysis of the PCH existing conditions were undertaken and are depicted in Exhibit 20. The assessment of PCH included the following:

- Landscaping
- Topography
- Views
- Historical structures/architectural style
- Land use/vacant parcels
- Parking and driveway access
- Existing streets and alleys
- Future streets
- Utility poles and streetlighting
- Signing

The assessment of the existing conditions of PCH were presented to the Advisory Committee for their review and comment. Then the major issues were summarized as follows:

Landscaping

The landscaping on PCH is a hodgepodge of varying degrees which tends to fragment the urbanscape corridor image. There is no continuity of plant design or species.

Topography

The major topographic features affecting PCH are the large hills of the Dana Point Headlands and the bluffs and cut slopes between Copper Lantern and Del Obispo Street.

Views

The significant views from PCH include panoramas and glimpses of the long views to the ocean and communities to the south. Specific views include the Dana Point Headlands and portions of the Dana Point Marina Sector.

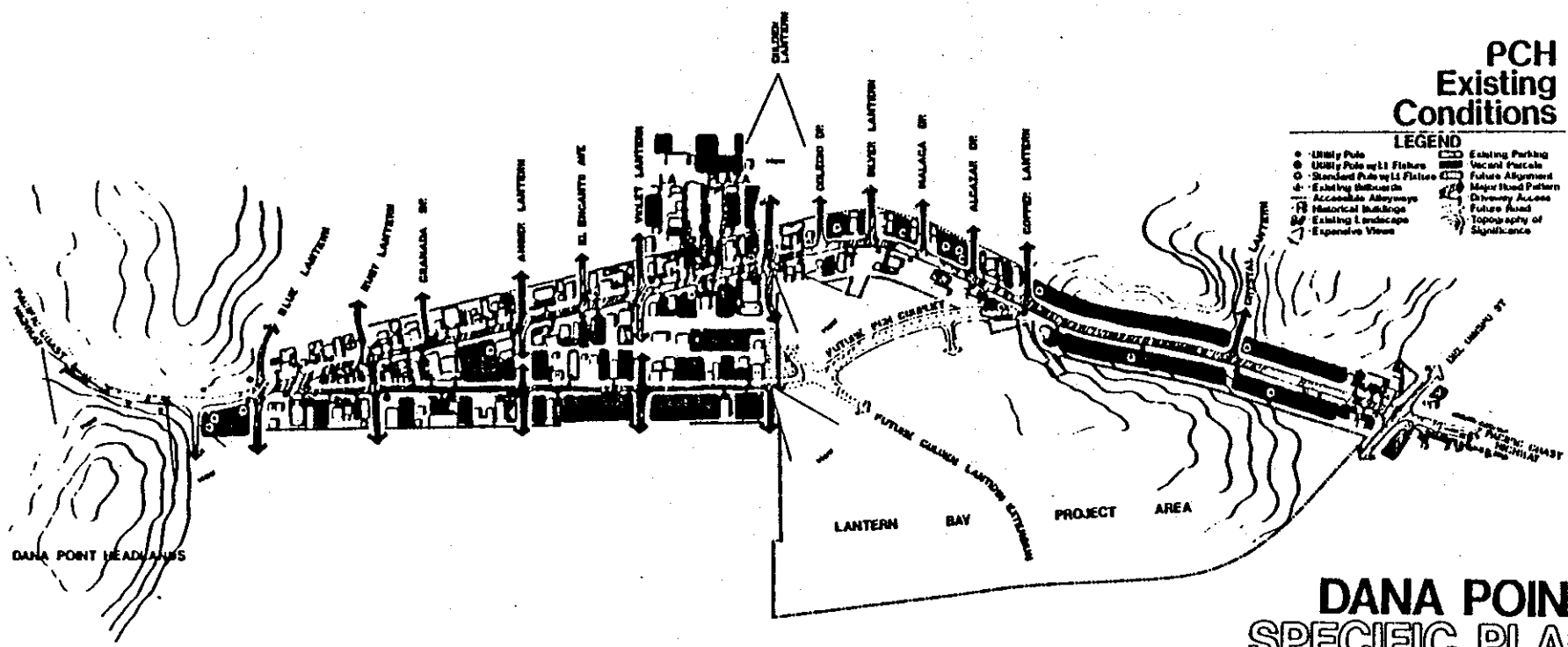
Historic Structures/Architectural Style

The seven significant historic structures within the PCH corridor were identified from previous reports. An inventory of architectural style was undertaken and categorized in various styles ranging from Spanish mission to modern (wood and glass).

PCH Existing Conditions

LEGEND

- Utility Pole
- Utility Pole w/ Li. Fixture
- Standard Pole w/ Li. Fixture
- ⊕ Existing Buildings
- Accessible Alleysways
- ⊠ Historical Buildings
- ⊡ Existing Landscape
- △ Expansive Views
- ▭ Existing Parking
- ▭ Vacant Parcel
- ▭ Future Alignment
- ⊞ Major Road Pattern
- ⊞ Driveway Access
- ⊞ Future Road
- ⊞ Topography of Significance



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

The inventory indicated that the PCH corridor was a mixture of many architectural styles of varying ages.

Land Use/Vacant Parcels

The predominant land uses within the PCH corridor are community commercial and highway commercial uses. The majority of vacant land is located within the PCH island and the parcels facing Del Prado. Many of these parcels offer potential commercial development and opportunities for shared parking facilities.

Parking and Driveway Access

The PCH corridor currently has about 50 separate off-street parking facilities; with the exception of the La Plaza, no shared parking facilities are available. An inventory of driveway accesses (curb-cuts) were taken to identify problem areas and opportunities for reducing the number of access points for safety and traffic considerations.

Existing Streets and Alleys

The analysis of the existing streets and alleys indicates that the PCH island offers some opportunities by changing some of the circulation patterns to accommodate "clustering" of commercial structures. The alleys could be secondary access ways to the commercial areas as well as act as bikeway and/or pedestrian linkages.

Future Streets

Future street alignments within the PCH corridor include the following two proposals:

- The eastern extension of Del Prado to PCH forming a one-way couplet with the existing PCH carrying the traffic west and Del Prado carrying the traffic east.
- The extension of Golden Lantern south through the Lantern Bay sector to Del Obispo in the Marina Sector as per the Master Plan of Arterial Highways.

Utility Poles and Streetlighting

The location and type of utility poles and streetlighting were analyzed. The current inventory is as follows:

- Utility poles 15
- Utility poles with a streetlight fixtures 20
- Streetlights on standard poles 8

The PCH scenic quality is diminished with the existence of the utility poles and overhead lines; the utility poles with attached streetlighting fixtures have a "tacked on" appearance and don't act as assets in forming a quality scenic corridor image.

Signs

The survey of signing within the PCH corridor included the identification and inventory of eighteen billboards. Public signs and graphics were found to be more street clutter than directional. Major gateway signs to Dana Point proper were found to be non-existent, undersized or in the wrong location.

PCH SCENIC CORRIDOR RECOMMENDATIONS

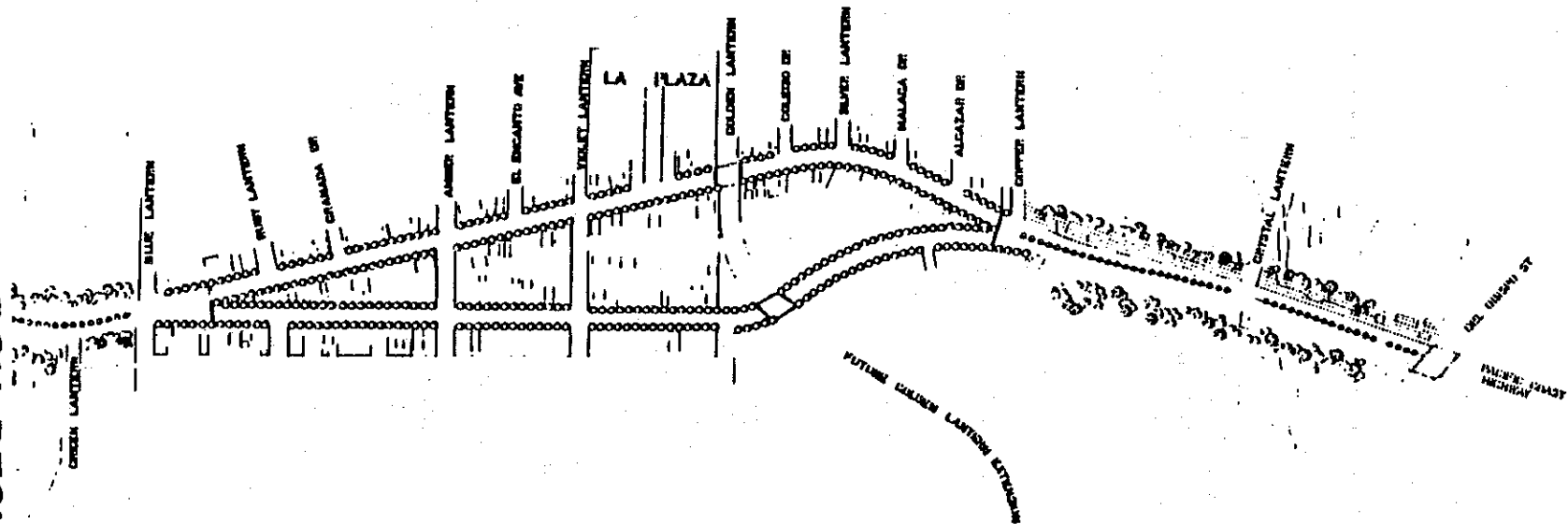
As Exhibit 21 indicates, the PCH scenic highway concept consists of design elements which make up its streetscape image. The existing image is a hodgepodge of signs, billboards, overhead utility lines and uncoordinated landscaping and streetlighting. The purpose of the PCH specific plan and the following recommendations are to develop a scenic corridor framework which provides a basis for the improvement of the PCH image and consistency in design objectives.

The PCH specific plan scenic corridor recommendations include the design concepts, guidelines and implementation techniques for the following:

- Major community entrances
- Landscape character
- Street furniture
- Streetlighting and utilities
- Parking and access
- Architectural style

The concepts depicted by Exhibit 21 as well as those shown by

PCH DESIGN CONCEPT



VIII-6

**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McIarg, Roberts and Todd

Exhibit 21

Exhibit 22 are intended to only indicate a conceptual and illustrative framework to guide future improvements along this scenic highway.

Major Community Entrances

There are two major entrances or gateways to the Dana Point community via PCH; the west gateway is the area adjacent to the Dana Point Headlands and on the east is the intersection of PCH and Del Obispo Street. Both gateways exhibit topographic relief in the form of hills or bluffs with the gateway east more urban in nature.

RECOMMENDATION:

1. Provide gateway markers identifying Dana Point at the major entrances to the community.

Guidelines:

A-1: The gateway marker should be of sufficient graphic size to be viewed from a moving vehicle.

A-2: The gateway marker should contain the words "Dana Point" and a community logo with appropriate color scheme (refer to Exhibit 22).

A-3: The gateway marker, if appropriate, should have lighting and landscaping in accordance with those subject guidelines.

Landscape Character

The landscape character of PCH consists of two characters; a loose informal planting of trees at the gateways west and east; and with an urban and formal character of tree plantings (median and parkway) from the Street of the Blue Lantern to Street of the Copper Lantern. The slopes between the Street of the Copper Lantern and Del Obispo Street would be planted to stabilize the visual impact of the exposed grading.

RECOMMENDATIONS:

1. Develop a landscape planting scheme which emphasizes the major gateways to the community and the urban character of the PCH commercial areas.
2. Mitigate the visual impacts of the exposed cut slopes by

planting ground cover on them.

3. Integrate special activity nodes such as the La Plaza sector into the PCH scenic corridor.

Guidelines:

B-1: The gateway landscaping should be of a random and loose design of rural character.

B-2: The median tree planting should consist of one flowering species of tree as per the Orange County Master Street Tree List. This flowering tree would act as a "theme" or "image" tree for Dana Point; a suggested species would be the coral tree (*Erythrina* spp.).

B-3: The parkway trees should be of a species that would not completely screen the commercial signing and advertising from the passing motorist.

B-4: The ground cover on the cut slopes should be of a low maintenance variety and whose color and texture would blend in with its surrounding environs.

B-5: The landscape planting shall be selected from the Dana Point plant palette (refer to Appendix A).

Street Furniture

One effective way of unifying a community image is the design of public elements known as street furniture. Street furniture elements usually consist of:

- Signing and graphics
- Benches, pay telephones
- Newstands/kiosks
- Bus shelters
- Planters
- Trash receptacles
- Tree collars and grates
- Paving materials

PCH DESIGN CONCEPTS

<p>PUBLIC GRAPHICS</p>	<p>BLUE LETTERS ON YELLOW BACKGROUND COMMUNITY LOGO</p>	<p>LANDSCAPING</p>		
<p>MAJOR GATEWAY MARKER</p>	<p>STREET SIGNS</p>	<p>STREETScape</p>	<p>POOLED PARKING</p>	
<p>STREET FURNITURE</p>	<p>CONSOLIDATE SIGNING AND STREET FURNITURE</p>			
<p>DIRECTIONAL SIGNING</p>	<p>BENCHES</p>	<p>PLANTING</p>	<p>PUBLIC GRAPHIC</p>	<p>LIGHTING</p>

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency
Prepared by:
Castaneda-Burg & Associates
Wallace, McClurg, Roberts and Todd
Exhibit 22

RECOMMENDATIONS:

1. The street furniture in the community should be of a consistent and coordinated design.
2. The street furniture concept should relate to the elements formed in special function areas, such as the La Plaza sector (proposed to be renamed as Richard Henry Dana Centre).
3. The community should adopt a graphic symbol or logo which identifies Dana Point. It should be consistent in color and design.
4. Billboards within the PCH corridor are not consistent with the goals and objectives of the scenic highway element. Elimination of billboards from Del Obispo Street west to Street of the Blue Lantern should be given top priority relative to all billboards located along Federal Aid Primary Highways.

Guidelines:

C-1: The signing should respond to driver perception criteria, such as distance, speed and core of vision.

C-2: The public signs, where possible, should be consolidated and organized on common sign frames (see Exhibit 22 for examples).

C-3: The community logo should appear on various public signs where appropriate (e.g., street signs, gateway markers) (see Exhibit 22 for examples).

C-4: Provision should be made for environmental graphics such as banners and flags for special events in conjunction with lighting standards and flag poles.

C-5: Traffic control devices and directional signing should be consolidated if an opportunity exists (see Exhibit 22 for examples).

C-6: Key intersections such as the PCH and Street of the Golden Lantern should have special paving indicating crosswalks.

Streetlighting and Utilities

Another unifying element is the design and placement of streetlighting which forms the community's night image. Elimination of overhead utility lines and poles also helps to organize the streetscape environment.

RECOMMENDATIONS:

1. Provide adequate streetlighting within the community in conformance with American National Standards Institute (ANSI) and the Orange County standard plans.
2. Encourage the use of energy-efficient lamps.
3. Develop a lantern theme for the PCH corridor (refer to Exhibit 22 for examples).
4. Where feasible, utility poles and lines should be underground.

Guidelines:

D-1: In the commercial sections of the PCH corridor, the spacing of the 400-watt high pressure sodium vapor lamps luminaries should be 180 feet.

D-2: The intersections should have one luminary on each corner.

D-3: The lantern theme for the public lighting of the PCH corridor should have a consistent design (refer to Exhibit 22 for example).

D-4: The lighting theme within the private sector, such as commercial areas, should be encouraged to continue the lantern theme.

Parking and Access

Since much of the PCH corridor is commercial, adequate and attractive parking areas are key elements in ensuring ongoing business activity.

Recommendations:

1. Consolidate parking, where appropriate, to eliminate the number of ingress and egress points onto PCH.
2. Landscape the parking areas to form an attractive commercial environment.

Guidelines:

E-1: Consolidate parking between different ownerships by providing vehicular access between them (refer to Exhibit 23 for examples).

E-2: Landscape the areas with shade trees to form "mini forests" within an urban setting.

E-3: Clearly mark parking areas with adequate signs and graphics.

E-4: Develop pedestrian access ways from the parking areas to the commercial establishments.

Architectural Style

The architectural style survey indicated that there is not one prevalent style within the PCH corridor. Recommendations are discussed in the Community Design section.

Land Use

The existing land use in the PCH corridor is primarily community commercial and the Dana Point Specific Plan indicates a continuation of these uses with additional open space and tourist recreational uses. The PCH specific plan is in accordance with these proposed recommendations.

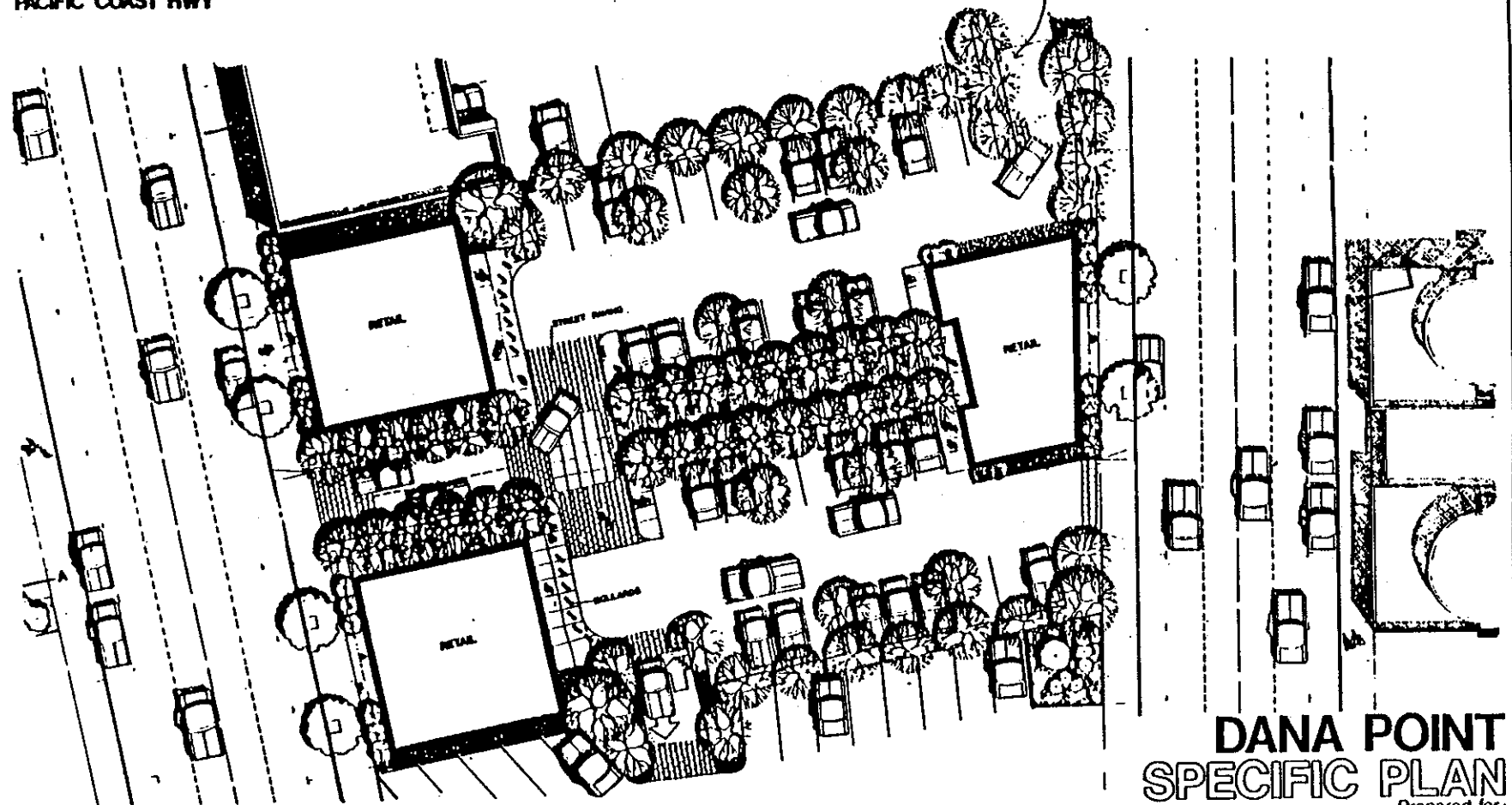
RECOMMENDATIONS:

1. Follow the land use element guidelines outlined by the Dana Point Specific Plan.
2. Maintain a two-story height limitation within the PCH corridor.

PACIFIC COAST HWY

Auto Access to Adjacent Parking

DEL PRADO AVE



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency
Prepared by:
Castaneda - Berg & Associates
Wallace, McHarg, Roberts and Todd

CONSOLIDATED PARKING CONCEPTS

VIII-13

Exhibit 23

SECTION IX
Community Design Element

GENERAL PLAN FRAMEWORK

A Community Design Element is not a state-mandated component of the General Plan; however, it may be included as an optional item to act as a guide to the future appearance, character and beautification of the Dana Point community. The purpose of the Community Design Element is to establish an overall community design structure and guidelines for key sectors in the community.

COMMUNITY DESIGN STRUCTURE

In order to develop a strong community design image for Dana Point, a design framework for public and private development should be initiated with the following key components:

- Pacific Coast Highway and Street of the Golden Lantern
- Open space linkages/destination
- Community entrances
- Residential neighborhoods
- La Plaza sector
- Pacific Coast Highway and Del Prado commercial area
- Lantern Bay Project Sector
- Marina Sector
- Dana Point Headlands Sector

PACIFIC COAST HIGHWAY AND STREET OF THE GOLDEN LANTERN

There are two major highways in the community which form strong linear "image corridors": Pacific Coast Highway (PCH) and Street of the Golden Lantern. PCH is the community's commercial corridor and is discussed in the Scenic Highway Element. The Street of the Golden Lantern is a north/south corridor which bisects Dana Point and touches all elements of the community. The County Master Plan of Arterial Highways show this arterial as a northern connection to Crown Valley Parkway and a southern connection for the Dana Point Marina Sector.

Recommendations:

1. Develop PCH corridor as per the recommendations proposed in the Specific Plan Scenic Highway Element.
2. Develop Street of the Golden Lantern as a community image corridor with consistent landscaping theme, signing and street furniture design.

OPEN SPACE LINKAGES/DESTINATIONS

Exhibit 19 indicates the existing and proposed open space areas and linkages, such as bicycle and pedestrian trails. The key proposals include:

- Bluff edge from the Dana Point Headlands to Doheny State Park
- Street of the Golden Lantern pedestrian trail and proposed mini-park

Bluff Edge from the Dana Headlands to Doheny State Park

The basic concept for the bluff edge is to have a continuous pedestrian walk from the northwest area of the Dana Point Headlands through the Santa Clara sector, the Lantern Bay sector and ending at the Doheny State Park. The bluff top trail would link to various lookout points and parks as indicated in Exhibit 19.

The existing residential and commercial development precludes a continuous bluff edge development; however, as a long-term concept, as the land is recycled over time, an area should be reserved for the bluff top walk.

Recommendations:

1. The bluff top walk should connect to the regional trail entering the Dana Point Headlands from Laguna Niguel.
2. The bluff top walk should connect to Doheny State Park, a regional recreation area.
3. The bluff top walk should link to the proposed open space proposals in the Dana Point Headlands southwest of Cove Road; the Lantern Bay lookout park; and the existing and proposed lookout points.
4. In the tourist recreational commercial areas, the bluff top

walk should be integrated into the design of the commercial complexes to assure continuous pedestrian access along the bluff.

Street of the Golden Lantern Pedestrian Trail and Mini Neighborhood Park

The concept for Street of the Golden Lantern is depicted in Exhibit 24. There are two proposals. The first is a pedestrian trail on the east side of Street of the Golden Lantern connecting the Marina Sector and the areas north of the study area. The second proposal is a .2 acre mini-park at the corner of Street of the Golden Lantern and La Cresta Drive. This location should be reserved for a mini-park until such time as a more suitable location is found by The Capistrano Bay Parks and Recreation District.

Recommendations:

1. Provide landscaping for the pedestrian trail that would be in keeping with the Street of the Golden Lantern theme (see Dana Point Plant Palette Appendix A).
2. Provide a linkage to adjacent open space uses such as the proposed mini-park on La Cresta Drive and the Lantern Bay lookout park.
3. Provide seating and play area activities within the proposed mini-park at La Cresta Drive (if a park is ultimately developed at that site).

COMMUNITY ENTRANCES

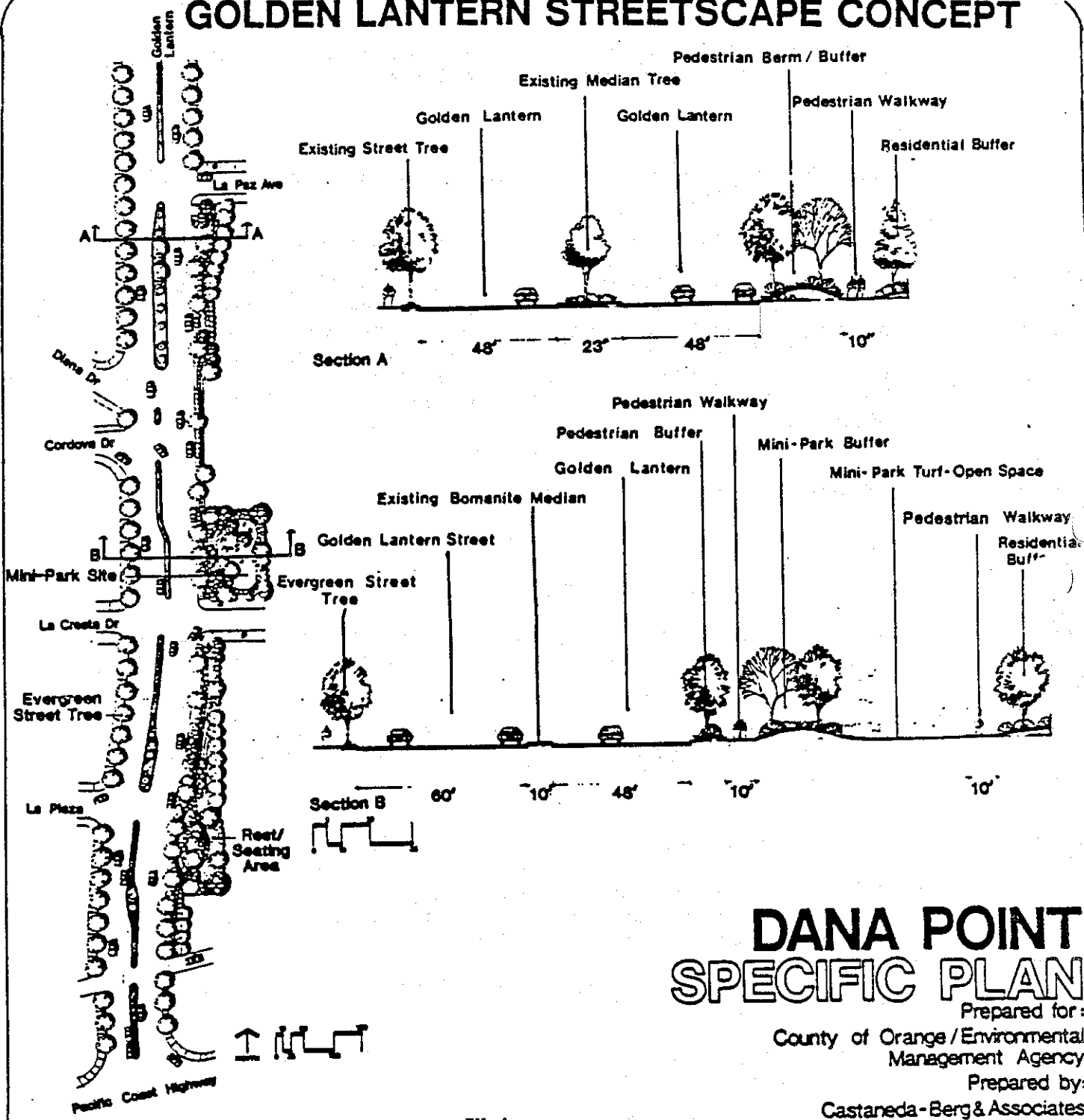
There are four community entrances or gateways into Dana Point. The east and west PCH gateways are discussed in the Scenic Highway Element, and the other two gateways are:

- Stonehill gateway (intersection of Stonehill Drive and Del Obispo Street)
- Northern gateway (at the point where Street of the Golden Lantern intersects with the study area)

Recommendation:

1. Provide community entrance markers identifying Dana Point at the Stonehill Drive gateway and the northern gateway.

GOLDEN LANTERN STREETScape CONCEPT



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 2/

RESIDENTIAL NEIGHBORHOODS

There are three general neighborhood sectors in Dana Point; they include:

- Santa Clara sector
- Central Area sector
- Recent development north of Selva Road (includes Thunderbird Capistrano planned community)

Recommendations:

The following are general and specific design recommendations for the residential neighborhoods.

1. All neighborhoods, where feasible, should relate to the overall community design of a consistent theme vocabulary to include:

- Lantern design for streetlighting (if retrofitting is practical and financially feasible)
- Street signing (where this is found to be practical and feasible)
- Community entrances (where neighborhood residents favor the idea)
- Paving and landscaping
- Street furniture such as benches, trash receptacles, planters and kiosks

2. All neighborhoods, where feasible, should have underground utility lines and continue underground utility lines in future developments.

3. The Santa Clara neighborhood sector should continue to maintain the significant architectural and historical structures.

4. Provide landscape buffers between residential and public uses such as bluff top walks, lookout parks and parking lots.

LA PLAZA SECTOR

As related previously, the La Plaza sector is to be a neighborhood-oriented center serving the Dana Point population.

Currently, the La Plaza sector exhibits a number of vacant parcels, unkempt parking areas and a general overall deterioration which creates a poor commercial and community image.

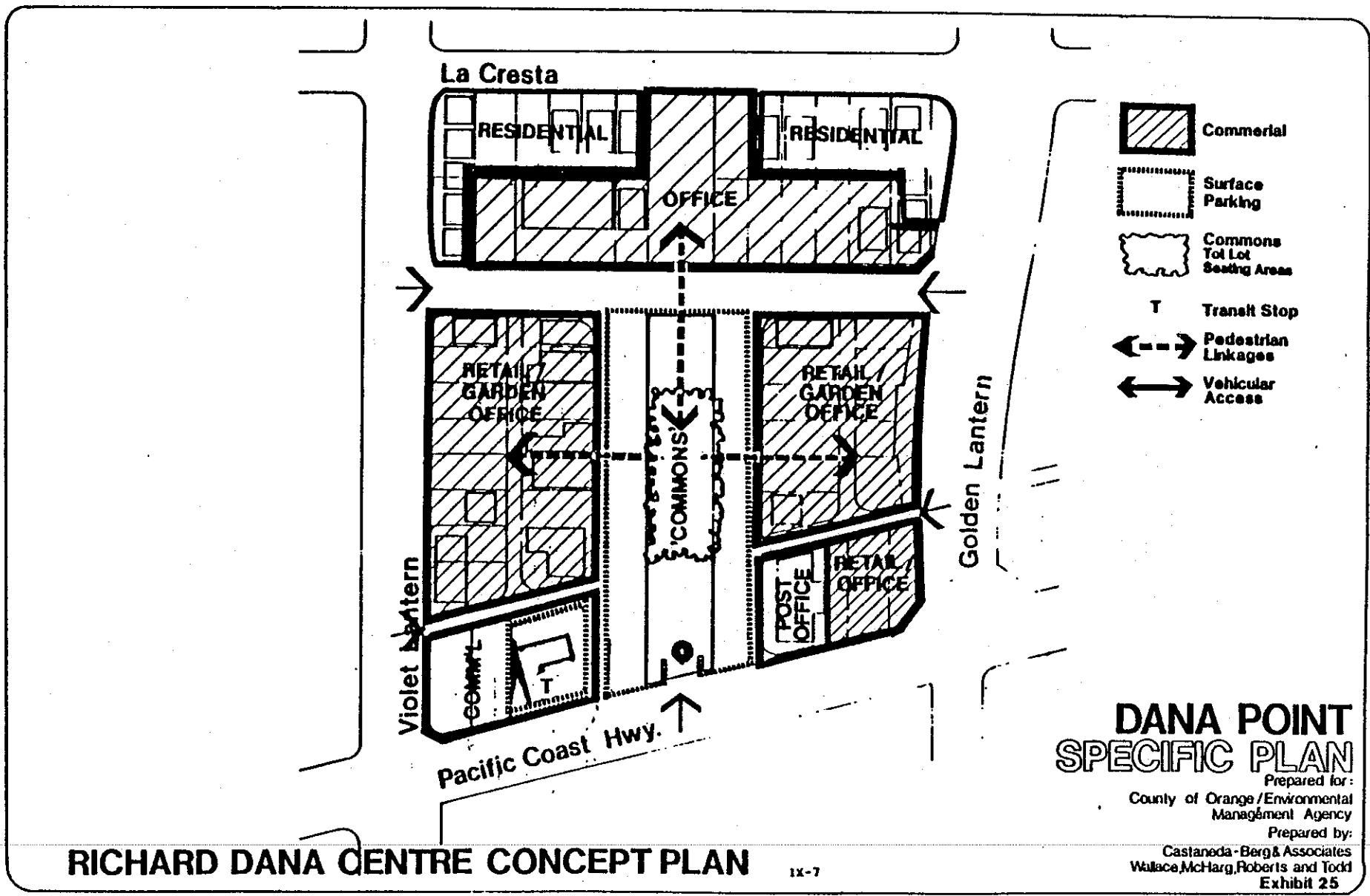
The revitalization recommendations include design guidelines for the public and private sectors.

Recommendations:

1. Develop the La Plaza sector as a neighborhood-oriented center similar to a town center or village square.
2. Rename the La Plaza to Richard Henry Dana Centre.
3. Establish a New England village theme for the development of the La Plaza.
4. Include a design vocabulary based upon the historical presence of Richard Henry Dana and his experiences and the design theme principles of a New England village.
5. Maintain existing community uses and structures; incorporate these existing uses into the design theme.
6. Provide adequate parking for the projected facilities.
7. Provide a tot lot/play area within the Richard Henry Dana Centre.
8. Provide facilities for elderly members of the population.
9. Provide outdoor eating areas and other amenities such as fountains and outdoor sculpture.

Guidelines:

1. Land Use Concept: Exhibit 25 indicates the general land use concept of the New England village. In the center is the rectangular village green with retail and commercial uses surrounding the village green. Office uses are proposed for the north end of the Centre and the parcels facing Street of the Golden Lantern and Street of the Violet Lantern. Joint uses such as retail on this ground floor and office above should be



RICHARD DANA CENTRE CONCEPT PLAN

1X-7

**DANA POINT
SPECIFIC PLAN**

Prepared for:
County of Orange/Environmental
Management Agency
Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd
Exhibit 25

encouraged.

2. Architecture and Materials:

a. Architecture: Typical late 17th and early 18th century architecture of the New England seacoast villages such as Salem, Newburyport and New Bedford.

b. Roof Lines: Steep roofs in various configurations with dormers or gables on the upper floors.

c. Materials: Wood frame construction with horizontal overlapped wood siding or shingles.

d. Porches: Porches were utilized in many of the New England commercial structures, especially eating places such as taverns. These porches may be integrated into the design theme as outside eating areas.

e. Color: The following are the recommended building and trim colors:

<u>Building Color</u>	<u>Trim Color</u>
cool gray	white or black
cool blue	white or black
cool green	white or black
lead red	white
white	black or green

f. Details:

1) Fenestration: multiple panes; however, large panes should be allowed.

2) Shutters around windows.

3. Village Commons and Courtyards: The village commons or green central is the focus of the development in the commercial complex. The commons should remain rectangular in shape and contain the following activities:

- Small tot lot/play area

- Seating areas and kiosks
- Landscaped areas
- Focal point such as a bandstand, sculpture and/or fountain
- Commercial gateway building
- Public transit stop

Courtyards should be formed between the retail and office functions with pedestrian walks connecting all the uses.

4. Pedestrian Circulation: Provide pedestrian access between buildings at specified locations to ensure proper connections between the village commons, retail and office functions, courtyards and parking areas.

5. Landscape Architecture and Materials:

a. Planting Materials: Provide similar trees and shrubs compatible with the New England village theme as designated by the Dana Point plant palette (see Appendix A). Screen and buffer the residential uses on the north from the commercial activities.

b. Paving: The public walkways should be of textured concrete to simulate brick or cobble. In addition, the private walkways could use additional paving materials such as brick, wood planks or concrete.

6. Signing and Graphics

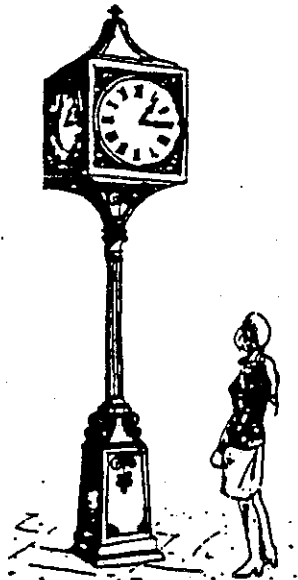
a. Entrance Sign: An entrance sign should be placed at the entrance adjacent to Pacific Coast Highway.

b. Commercial Sign/Graphics Design: The signs within the village complex should be limited in size and use the suggested type face design in Appendix B.

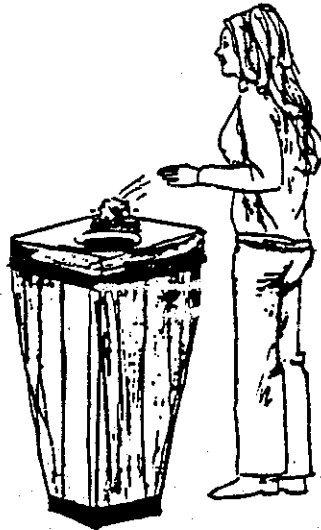
7. Lighting: The village lighting fixture should be of a distinctive lantern design as illustrated by Exhibit 26.

The character and appearance of a commercial building which is consistent with the design theme for the Centre is depicted by Exhibit 27. That building is to be constructed in The Richard Henry Dana Centre and should act as a catalyst for future development consistent with a New England design theme.

RICHARD HENRY DANA CENTRE STREET FURNITURE



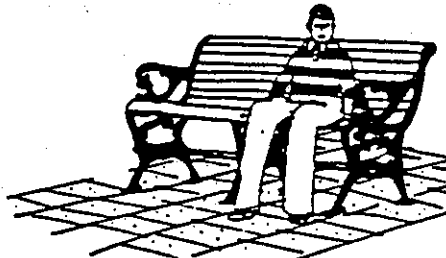
CLOCK



TRASH RECEPTACLE

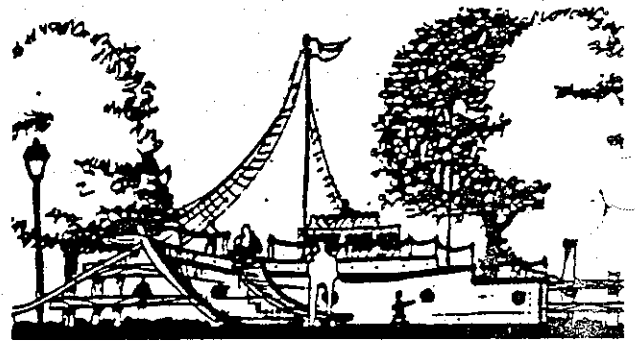


PLANTERS



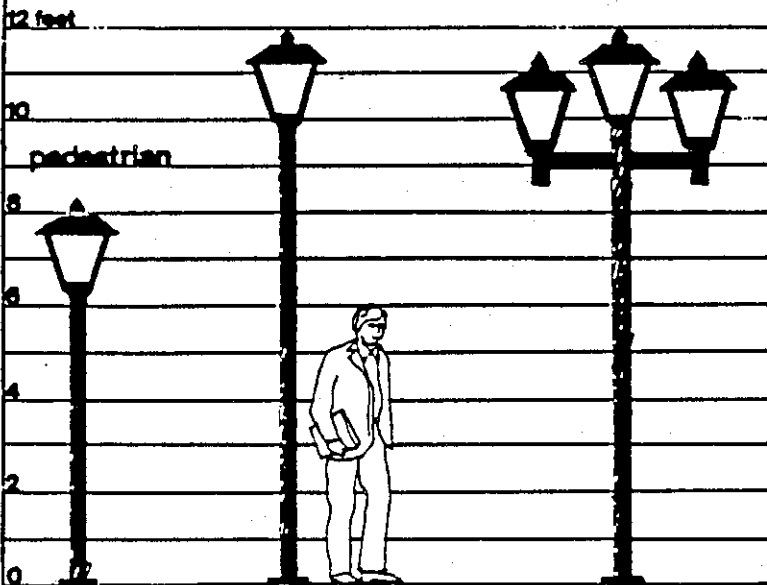
BENCH

entrances/special areas



TOT LOT

parking



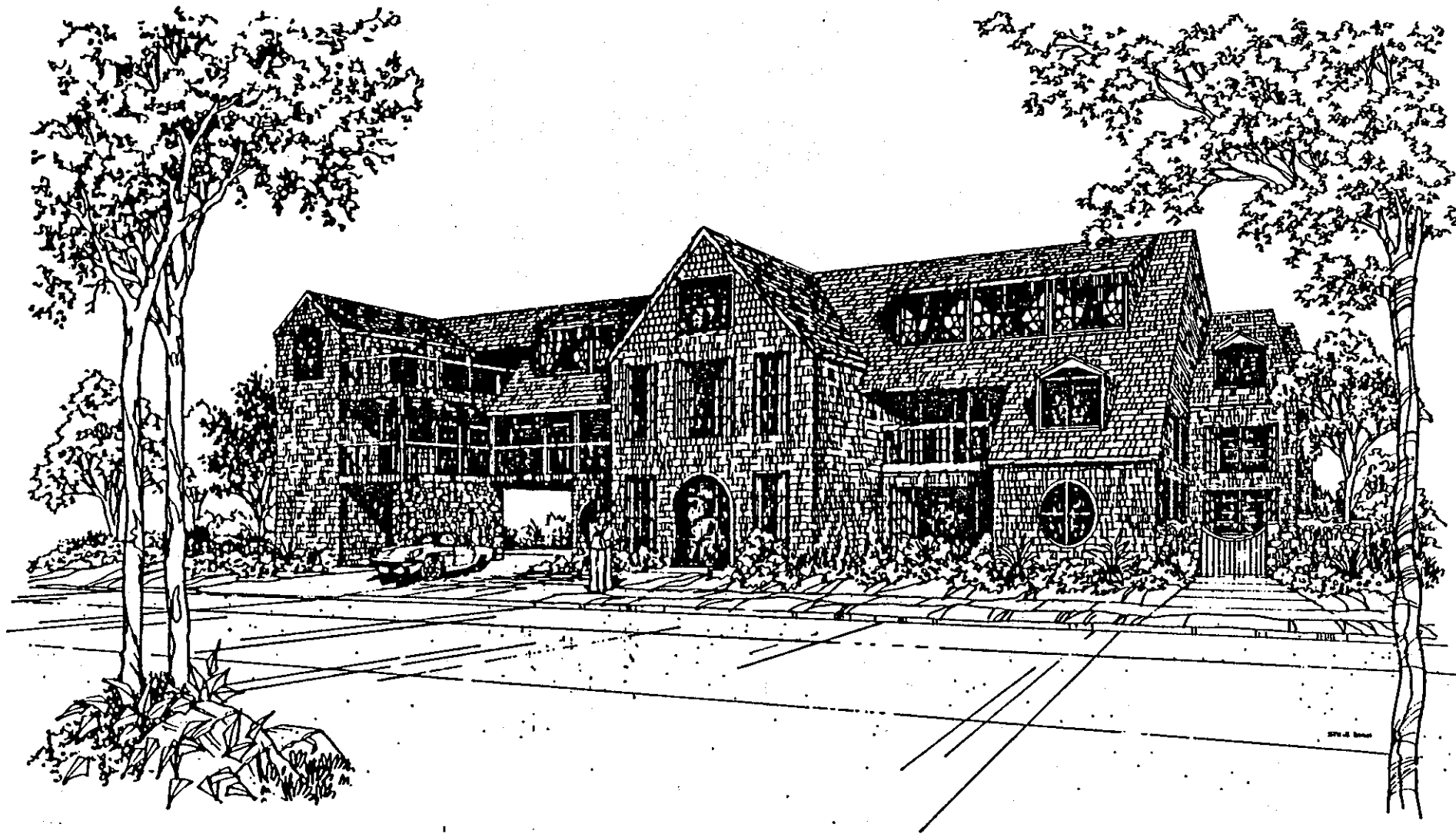
LIGHTING

IX-10

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange / Environmental
Management Agency

Prepared by:
Castaneda - Berg & Assoc.
Wallace, McHarg, Roberts and Todd



DANA POINT PROFESSIONAL CENTRE

Courtesy of ARCHI + TEKTON, INC.

IX-11

EXHIBIT 27

Portions of the commercial areas along Pacific Coast Highway and Del Prado Avenue offer opportunities to establish a community design theme which would reinforce the one selected for La Plaza (i.e., Richard Henry Dana Centre). One area, in particular, is thought to possess an opportunity for a continuation of a "New England Design Theme" or other similar theme anchored by the nautical, seacoast, fishing, or sailing images. This one area is shown in Exhibit 28 and was chosen because of its proximity to the Richard Henry Dana Centre, number and extent of vacant parcels, current development having compatible architectural styles, and the potential for a focused design in the proposed neighborhood commercial site of the Lantern Bay Project Sector.

Recommendations

1. The area depicted in Exhibit 28 should be subject to community design guidelines.
2. The community design theme for the area shown in Exhibit 28 should be "New England", as described earlier for the Richard Henry Dana Centre, or a similar and compatible design that is "nautical" in image and intent.
3. New development, within the area outlined in Exhibit 28, should conform to the design themes mentioned in item 2 above. Exhibit 29 depicts proposed development within the design theme area this is consistent and compatible with a New England or nautical image.
4. When remodeling or renovation is made to existing developments, it should conform to the design themes mentioned in item 2 above. Exhibit 30 shows the appearance of a remodeled commercial building located along Del Prado Avenue and within the design theme area.

LANTERN BAY SECTOR

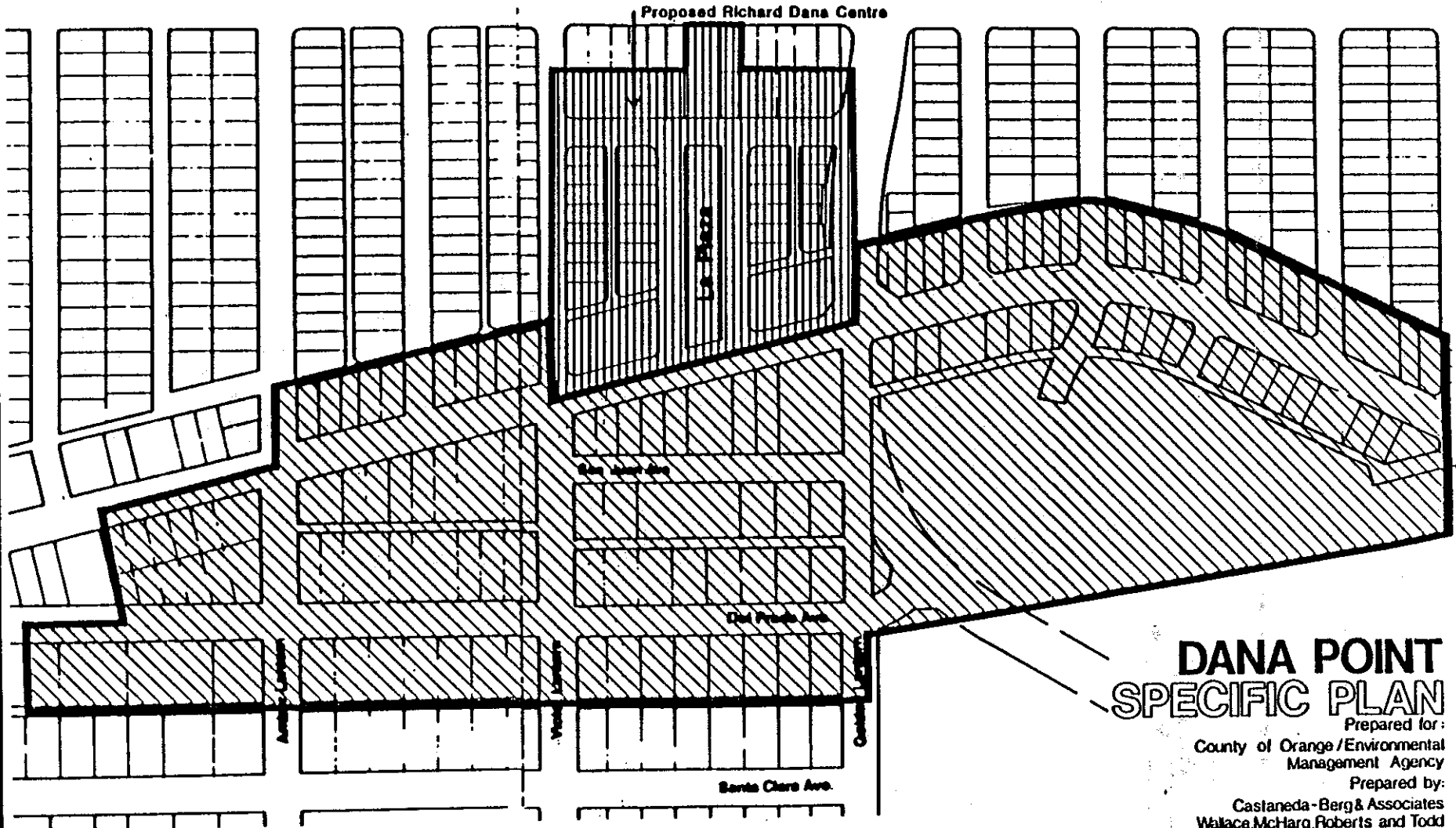
This sector is now vacant and proposed uses include residential, neighborhood commercial, tourist-recreation/commercial, open space and recreation uses. It is located between the Marina Sector and the areas proposed for a "New England" or similar design theme.

1. The design theme for this sector should be compatible with that of the Richard Henry Dana Centre.

Legend



Design Theme Area



DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

DESIGN THEME AREA

IX-13

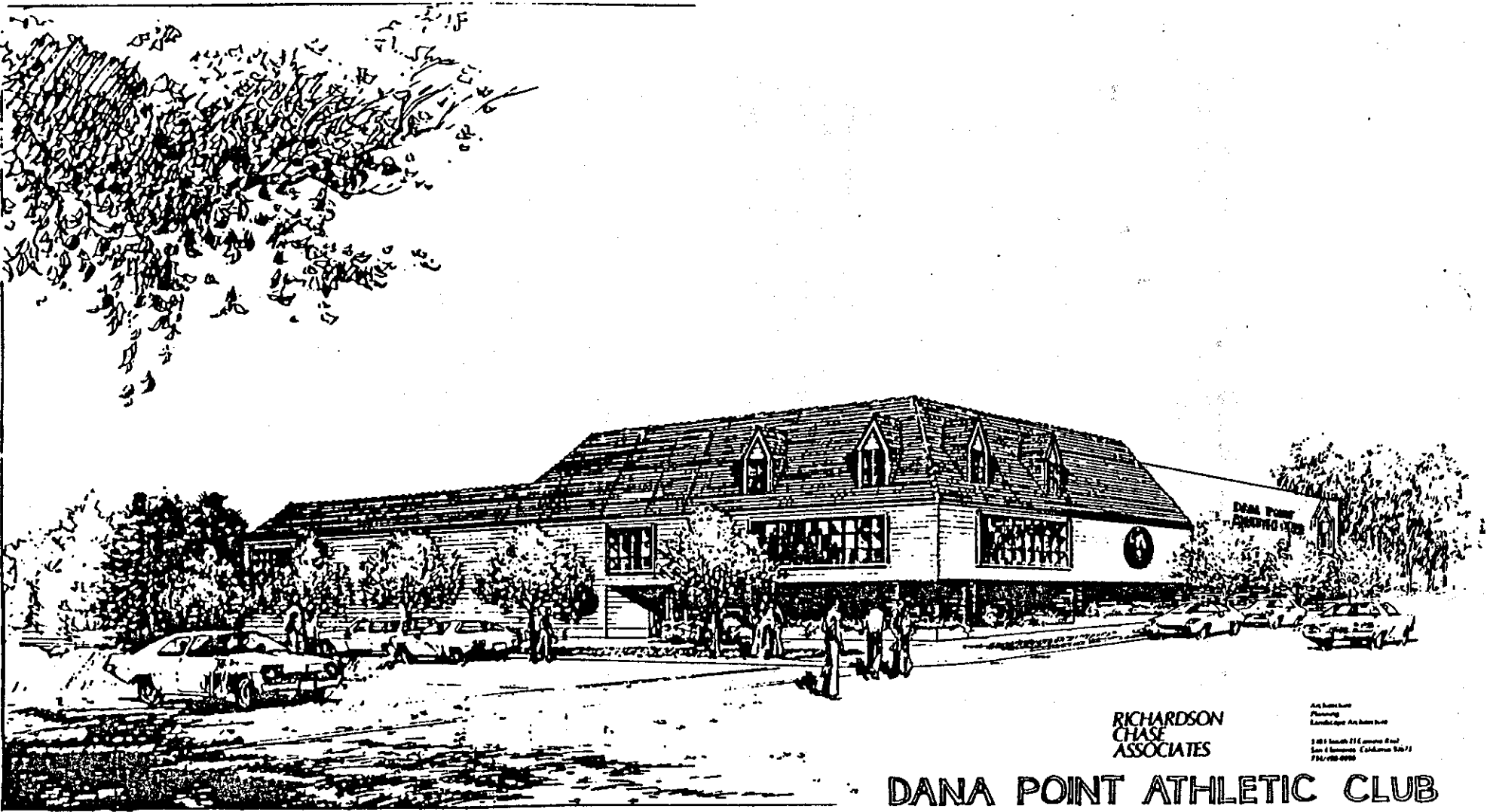
Exhibit 28



DANA POINT PACIFIC INVESTMENTS BUILDING

Courtesy of ARCHI + TEKTON, INC. IX-14

EXHIBIT 29



RICHARDSON
CHASE
ASSOCIATES

Architect
Planning
Landscape Architecture
1011 South Hill Street
Los Angeles, California 90007
213/450-0000

DANA POINT ATHLETIC CLUB

MARINA SECTOR

The marina sector has established its own design theme of the wood and glass architecture, streetlighting utilizing the lantern design and a consistent landscape palette.

Recommendations:

1. Continue the current design standards on future marina development.
2. Explore the feasibility of a pedestrian connection from the "Old Hotel" site to the Marina Sector.

DANA POINT HEADLANDS SECTORS

The design theme and specific recommendations for the Dana Point Headlands Sector will be the focus of future planning. However, there are some general public sector design recommendations which are listed in the following paragraph (and which supplement and reinforce the land use policies listed in the Land Use Element section):

Recommendations:

1. The development of the Dana Point Headlands Sector should assure preservation of significant topographic and geographic features.
2. The significant view corridors should be preserved and integrated within the development.
3. The development proposal should include provision for lookouts and a blufftop walk (as previously discussed).

SECTION X
Local Coastal Program

SHORELINE ACCESS/RECREATION AND VISITOR-SERVING FACILITIES

COASTAL ACT POLICIES

Section 30001.5(c), 30210, 30211, 30212 of the Act require that maximum access to the shoreline, conspicuously posted, shall be provided for all the public; that any development occurring within the coastal zone shall not interfere with the public's right of access to the ocean; and that any new development provide access from the nearest public roadway to the shoreline. Public agencies may also require dedicated accessway for public use. Section 30500(c) requires each local coastal program to contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

Sections 30212.5, 30213, 30220 through 30223, and 30250(c) define Act policies regarding recreation and visitor-serving facilities. In essence, these policies require the distribution of public facilities, including parking and rest areas, throughout the County's coastal area in order to eliminate crowding and overuse of any single area; the protection, encouragement and provision of lower cost visitor facilities; the protection of oceanfront areas for coastal recreation; the granting of priority to projects with commercial recreational facilities over other uses; the reservation of any upland areas necessary to support coastal recreational uses; and the location of visitor-serving facilities throughout the coastal area. Visitor-serving facilities are public and private developments that provide accommodations, food and services for tourists; commercial-recreational facilities serve recreational needs but are operated for private profits.

BACKGROUND INFORMATION

This sub-section provides an overview of existing conditions with regard to public access, recreation facilities and visitor-serving facilities.

Access

Vehicular access to the coastal zone portion of the Dana Point community is provided principally by Pacific Coast Highway and Del Obispo Street. Direct access to the Doheny State Beach and Dana Point Harbor is gained at the intersection of Pacific Coast

Highway and Del Obispo Streets. Cove Road provides another means of access to the Harbor and Beach facilities. A bikeway exists from Cove Road along Del Obispo Street to Pacific Coast Highway.

Recreation Facilities

A "lookout" or "view" park exists at the terminus of Street of the Blue Lantern. From this park, a panoramic view is obtained of the Orange County coast southerly of Dana Point. Other unimproved view points which are frequently used by the public are located at the end of Street of the Amber Lantern. In addition, there is unauthorized use by the public of the bluffs located on the Dana Point Headlands, "Old Hotel" site and Dana Point Palisades (i.e. Lantern Bay Project Sector).

A major recreational facility located in the Dana Point Coastal Zone is the Doheny State Beach. This 62-acre facility (including about 6,500 feet of adjoining public beach) provides for swimming, overnight camping, fishing, surfing and other recreational facilities. Access to the public beach is generally restricted to entrances at Doheny State Beach; however, a large number of beachgoers obtain access southerly of the park along Pacific Coast Highway. There are, at present, 110 overnight campsites at Doheny State Beach. Overnight campers who are turned away from the park are referred to the San Onofre facility located some eight miles to the south.

Attendance figures for 1976 indicate that the State Beach and nearby facilities served to accommodate an estimated 324,000 day users and 124,420 overnight campers. Listed below are the recorded turnaways for 1975 and 1976:

	<u>1975</u>	<u>1976</u>
Day Use Units	-	326
Day Use People	-	114*
Camping Units	3,693	4,477
Camping People	13,023	17,013**

*Day Use Unit equals 3.5 people

**Overnight Unit equals 3.8 people

Day use of the State Beach is most intense during the summer months of June, July and August when the total for this period exceeds the total for the other nine months. In 1976, the average monthly users during the summer was estimated to be 61,700 compared to a monthly average of 15,200 for the remaining nine months. Campers show less variation, ranging from an estimated 6,000 to 14,000 per month. During the summer months,

there are about 13,800 campers per month compared to 9,180 campers monthly during the other nine months.

Another significant recreational facility located in the Dana Point Coastal Zone is the Dana Point Harbor. The marinas provide for 2,420 boat slips. Sportfishing is provided by the Dana Wharf which offers daily, half-day and twilight trips and all-day deep sea and overnight cruises. This facility also has a stillwater beach with paddle boats and kayaks to rent, picnic shelters, and bicycle paths. From December through March, public whalewatch cruises take visitors to within viewing range of the California gray whales who migrate very close to this segment of the Orange County coastline.

Visitor-Serving Facilities

In Dana Point there are six hotels/motels; however, only four facilities are oriented to serving visitors and tourists--that is, providing overnight accommodations. These four facilities have a total of 253 rooms. During the summer, rates for a one double bed (two-person occupancy) range from \$22 to \$35 per day and rates for two double beds (two-person occupancy) range from \$27 to \$32 per day. About 37% of the rooms provide for one double bed. Room rates, even during the peak season summer months, appear to be in the affordable range.

Within the Dana Point Coastal Zone, there are 31 restaurants which range substantially in quality and consumer market served. Of the 31 restaurants, 15 are located along Pacific Coast Highway, 12 in the Marina area, 3 along Del Prado Avenue plus the Quiet Cannon Restaurant located at Santa Clara Avenue and Street of the Green Lantern.

CURRENT LAND USE POLICIES

Three elements of the Orange County General Plan are particularly related to the Coastal Act policy group of shoreline access/recreation and visitor-serving facilities. These include the Land Use, Circulation, and Recreation Elements. Exhibit 13 indicates the proposed land use categories designated for the Dana Point Coastal Zone. Of particular significance is the location and amount of land designated for tourist recreation/commercial uses which include the Dana Point Headlands, the Dana Point Palisades, and the Dana Point Harbor. Exhibit 32 shows the zoning districts applied to land within the Dana Point Coastal Zone. As noted in Section XII, there are 18 General Plan/Zoning inconsistencies in the Dana Point Community; 16 of these inconsistencies are located within the Coastal Zone.

Exhibit 17 depicts the Circulation Element for the Dana Point area. Planned, future improvements which will increase public access include: 1) extension of Street of the Golden Lantern as a primary arterial from Pacific Coast Highway to Del Obispo Street; 2) extension of Selva Road as a secondary arterial loop southwest of Pacific Coast Highway; and 3) extension of Del Prado Avenue as a secondary arterial from Street of the Golden Lantern to Pacific Coast Highway.

The Master Plan of Countywide Bikeways provides for four bikeways in the Dana Point Community. These include: 1) a route along Del Obispo Street from Cove Road to Pacific Coast Highway; 2) a route along Pacific Coast Highway from the Laguna Niguel Coast to Capistrano Beach; 3) a route along Street of the Golden Lantern from Crown Valley Parkway to Pacific Coast Highway; and 4) a route along San Juan Creek from Ortega Highway to Doheny State Beach. (In the Recreation Element, the additional recommendations of the Specific Plan Advisory Committee are described.)

ISSUE IDENTIFICATION

The County's Local Coastal Program and research efforts conducted as part of the Specific Plan study have resulted in the identification of the following issues.

Access

The beaches at the base of the Dana Point Headlands are generally rocky and are under private ownership. Due to the topography, access is difficult and often dangerous.

From the Dana Point Headlands to Capistrano Beach, beaches and shorelines are under public ownership. Dana Point Harbor and Doheny State Beach comprise all of this area. Access is through the main entrances at Del Obispo Street and Pacific Coast Highway. However, a large number of beachgoers obtain access southerly of Doheny State Beach along Pacific Coast Highway.

Issues identified include: 1) What lands are the State to purchase? and 2) Is an access policy for Dana Point Headlands property needed?

Population projections for the South Coast area indicate that parking demand will increase substantially. The lack of

sufficient parking increases congestion, particularly along the Pacific Coast Highway corridor. Furthermore, public transit may not be adequate to provide access for both visitors and residents, thereby increasing congestion problems.

Issues identified include: 1) traffic congestion along Pacific Coast Highway; 2) adequacy of public transit as a means of public access; and 3) alternate means of access to the Dana Point Harbor and Doheny State Beach.

Recreation Facilities

Present recreational demand is substantial and future demand, based upon a target population of 711,000 for Southeast Orange County alone (an increase of 340%), will require additional recreation facilities.

Dana Point has the greatest number of existing and proposed recreation facilities. In addition to the Dana Point Harbor and Doheny State Beach, the General Plan proposes TR/C uses for the Dana Point Headlands and a portion of the Dana Point Palisades.

Issues identified include: 1) What lands are the State to purchase? 2) What areas should be reserved for public use on the Dana Point Headlands? 3) Should additional overnight camping facilities be provided? and 4) Should the Chandler-Sherman Beach eventually become a public beach at some time in the future?

Visitor-Serving Facilities

There is a significant amount of visitor-serving facilities in Dana Point; indeed, there are 31 restaurants and four hotels/motels having a total of 253 rooms. Although there is variation in the quality of both the restaurants and hotels/motels, they are all generally in the affordable price bracket.

Issues identified include: 1) What is the marketability of additional hotels/motels? 2) Where should future facilities be located to avoid overuse and overcrowding? and 3) Where should future facilities be located to mitigate the incidence of potential adverse impacts to local residents?

LOCAL COASTAL PROGRAM POLICIES (LAND USE PLAN PHASE)

A brief explanation is given in the following pages of the principal LCP policies as they relate to access, recreation

facilities, and visitor-serving facilities.

Access

1. Access to coastal resources will be provided via the extensions of Selva Road and Street of the Golden Lantern.
2. Existing Cove Road will be retained as a means of access to the Doheny State Beach.
3. The planned, future extension of Del Prado Avenue (from Street of the Golden Lantern to Pacific Coast Highway) will serve to relieve existing and potential traffic congestion along the Pacific Coast Highway corridor.
4. A continuation of the Regional Bike Trails System and an establishment of a bluff topwalk.
5. The Regional Bike Trails System will continue from the Laguna Niguel Coast and generally follow the configuration of Selva Road to and down Cove Road where it then would connect to the existing bikeway route along Del Obispo Street.
6. A bikeway will follow a route along Street of the Golden Lantern from Pacific Coast Highway to Del Obispo Street (refer to Exhibit 19).
7. A bluff topwalk/bike trail will follow a route from the Dana Point Headlands to the Dana Point Palisades. (Because of the already developed property along the bluff, it is extremely difficult to establish a continuous system. However, the system will not require extensive public acquisition and, further, connects with existing and planned vista points and view parks). (Refer to Exhibit 19).
8. Adequate parking will be provided in close proximity to recreation and visitor-serving facilities.
9. Turnouts for automobiles will be provided along Scenic Drive at key vista points.
10. The land use policies for the Dana Point Headlands are hereby incorporated by reference (see section IV).

Recreation Facilities

The Land Use Plan (refer to Exhibit 13), Recreation Plan (refer to Exhibit 19), Dana Point Headlands land use plan (refer to Exhibit 14), and Dana Point Headlands land use policies (refer to

section IV) indicate the current and planned recreation facilities within the Dana Point Coastal Zone.

Visitor-Serving Facilities

Future visitor-serving facilities will be located in those areas designated as tourist recreation/commercial by the Land Use Plan. Economic demand forecasts indicate sufficient market support for the planned supply of hotel/motel accommodations.

Implementing Actions

Implementing actions include land use regulations, ongoing community participation, provision for extended levels of community services and financing of public improvements.

1) Land Use Regulations

Implementing land use regulations for each land use category included in the Coastal Zone are listed below:

- | | |
|---------------------------------|------|
| ● Medium Density Residential | RS |
| ● High Density Residential | RM |
| ● Residential-Commercial | RC |
| ● Local Commercial | CL |
| ● Community Commercial | CC |
| ● Tourist Recreation/Commercial | TR/C |
| ● Public/Quasi Public | PQP |
| ● Recreation | OS |
| ● Open Space | OS |
| ● Conservation | C |

Details of the land use regulations are described in Section XI.

2) On-going Community Participation

Implementing actions include the formation of a Specific Plan Board of Review (SPBR) and eventual establishment of a Municipal Advisory Committee (MAC).

3) Community Services and Improvement

Provision of extended levels of community services and completion of public improvements will serve to implement several Coastal Act policies. The details of these services and improvements are covered in Section XIII.

HOUSING

COASTAL ACT POLICIES

Section 30213 of the Act requires that housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where possible, provided. Moreover, new housing in the coastal zone shall be developed in conformity with the standards, policies and goals of local housing elements (i.e., Section 65302(c) of the Government Code).

BACKGROUND INFORMATION

This sub-section provides an overview of Dana Point's housing and income characteristics. The overview encompasses existing and future conditions with respect to supply, tenure and income characteristics.

Housing Supply

Dana Point's current housing supply is an estimated 3,507 housing units. Most (67%) of the community's total housing supply is located south of Selva Road. Housing south of Selva Road is predominantly attached multi-family dwellings. Indeed, an estimated 50% of the housing stock in this area is in structures containing 2 to 4 dwelling units and another 15% is in structures having 5 or more dwelling units. In summary, the majority of Dana Point's housing stock that is located south of Selva Road is of an attached, multi-family character.

Current and near-term residential construction activity in Dana Point is occurring outside of the coastal zone. However, there are some areas in which significant housing development is expected to occur in the future. These include the Central Area Sector where there are an estimated 250 vacant, residential lots; the Lantern Bay Project Sector which has a proposal for an estimated 320 housing units; and the Dana Point Headlands Sector.

SALES HOUSING

There are five projects offering new for sale housing in the Dana Point community; only one of these, though, is situated within the coastal zone boundaries. The four projects outside the coastal zone include three condominium/planned unit development projects and one single-family home development. One condominium project has 41 units under construction which will be offered at sales prices ranging from \$91,500 to \$139,500. Another condominium project has 16 units under construction which will be sold in a price bracket between \$96,000 and \$120,000. The third condominium project has eight units under construction which will be offered at sales prices ranging from \$140,000 to \$180,000. The single-family development will have units for sale at prices beginning at \$129,950. Within the coastal zone, there is a condominium project which has six units under construction for prices between \$105,500 and \$119,500.

RENTAL HOUSING

Most of Dana Point's rental housing is located south of Selva Road. A recent survey revealed that Dana Point has an abundance of affordable housing (i.e., based on sample results 54% of the stock falls in the affordable range).

Tenure

Based on information derived from the South Coast Housing and Commercial Market Study, an estimate can be made of the tenure distribution of households residing south of Selva Road. An estimated 67% of the households residing within the coastal zone are renter households. This tenure distribution, however, is likely to shift to more owner occupancy in the future as new housing units are added to the supply in the Lantern Bay and Dana Point Headlands Sectors and as demand is expressed for sales housing within the Central Area Sector.

Income

Median income of households residing within the coastal zone can be estimated from the information contained in the South Coast Housing and Commercial Market Study. This study has estimated median income values for September, 1977 and forecasted the same for April, 1981 and January, 1986. The September, 1977 median income values amply demonstrate that the housing within the coastal zone is serving the needs of moderate-income households. For neighborhoods located south of Selva Road, the median incomes range from a low of \$10,000 to a high of \$16,000. (For this same time period, the county-wide median income was estimated to be

\$14,000). Median incomes within the Central Area Sector are, of course, expected to increase; however, they are not anticipated to attain the level of the county-wide median income value. Income forecasts from the South Coast Housing and Commercial Market Study indicate that median incomes in the Central Area Sector will range between \$12,800 and \$18,000 by April, 1981 and between \$14,400 and \$20,200 by January, 1986. However, the median income for that area on the oceanward side of Pacific Coast Highway is expected to be much higher because of the anticipated type and quality of future residential construction.

CURRENT LAND USE POLICIES

Two elements of the Orange County General Plan have a significant relationship to the Coastal Act policies concerning housing. These include the Land Use Element and the Housing Element which has been revised to conform to the latest State Housing Element Guidelines and which was originally approved by the Board of Supervisors on January 23, 1979.

The current Land Use Element, as it relates to the Dana Point coastal zone, does offer a framework that facilitates the development of moderate-cost housing. For instance, much of the Central Area Sector and portions of the Santa Clara Avenue Sector have a "heavy density" and use category which allows the construction of 18 to 28 dwelling units per acre. Having such a density category offers an opportunity, but certainly no guarantee, that some moderate-cost housing would be developed. In addition, the current Land Use Element contains several goals and policies that encourage the provision of housing for households with low and moderate incomes.

The Housing Element of the General Plan is the primary policy document that pertains to the protection and provision of housing for low and moderate income households. In connection with the protection of moderate-cost housing, the Housing Element sets forth a course of action encompassing: 1) the establishment of a Section 312 substantial rehabilitation and refinance program; 2) the continuation of Community Development Block Grant Programs to preserve the existing housing stock; and 3) the implementation of Marks-Foran bonds to upgrade existing housing for low and moderate income households. With regard to the provision of the moderate-cost housing, the Housing Element sets forth a course of action including: 1) an expansion in the use of the State and Federal housing programs; 2) the issuance of Tax Exempt Revenue Bonds to provide below market rate mortgage financing; 3) the acquisition of land for the development of affordable housing; 4) the continuation and expansion of the Section 8 rental assistance program; and 5) the implementation of an "inclusionary housing program" to produce a joint and balanced commitment by developers and the County to reach affordable housing objectives.

(Detailed information concerning the above mentioned courses of action are contained in Section VI and Appendix D of the Housing Element of the General Plan).

ISSUE IDENTIFICATION

The County's Local Coastal Program and research activities carried out as part of the Specific Plan study have resulted in an identification of the following issues.

Protection of Existing, Moderate-Cost Housing

Housing within Dana Point's coastal zone now amply serves the needs of moderate-income households as demonstrated by the median income values, tenure distribution, and housing survey results which were reported earlier. Consequently, two issues are apparent: 1) How can such existing, moderate-cost housing be protected, and 2) Is there a need to expand the use of County Housing Programs within the Dana Point coastal zone in order to maintain affordability of existing housing units?

Provision of New, Moderate-Cost Housing

New housing within the coastal zone will occur principally through in-filling in the Central Area Sector and as part of residential projects within the Lantern Bay and Dana Point Headlands. Such new development is expected to yield an estimated 1,200 to 1,300 housing units. Two issues have been identified: 1) Given the current proportion of housing serving the needs of moderate-income households, is it necessary or desirable to encourage the provision of new, moderate-cost housing? and 2) What are the most appropriate means of providing new, moderate-cost housing in Dana Point's coastal zone?

LOCAL COASTAL PROGRAM POLICIES

An explanation is given below of the LCP policies as they relate to the protection and provision of moderate-cost housing.

Protection of Existing, Moderate-Cost Housing

The Dana Point Specific Plan encourages the protection of the existing mobile home park located within the coastal zone as a continuing source of moderate-cost housing. In particular, the Specific Plan shows this site as "medium density residential" (1.3) which is a change from the current Land Use Element designation of "recreation" (5.3).

Another policy is that the Orange County Housing Authority and the EMA Housing and Community Development function shall conduct

an outreach program to assess the current and future use of the Section 8 housing assistance payments program within Dana Point's coastal zone. This outreach program should focus on the needs of households who have fixed incomes and who are 80% or below the County median income.

A third policy concerns the conversion of apartments to condominiums. Such a conversion process is regarded by some community residents as a potential contribution to neighborhood beautification and as a source of moderate-cost ownership housing. Guidelines shall be developed for the conversion of apartments to condominiums.

Provision of New, Moderate-Cost Housing

Because of the income and housing type characteristics of the Dana Point coastal zone, it is recommended that new construction of moderate-cost housing is a need that does not require special emphasis. Current County policy and the Specific Plan recommendations, both of which are described in the following paragraphs, are deemed to be a suitable course of action.

The adopted General Plan Housing Element establishes the general framework by which new, moderate-cost housing could be provided. LCP policies include:

- 1) The appropriateness and practicality of selected housing programs in the coastal zone will be evaluated on a project-by-project basis. This means that no specific moderate-cost housing sites are recommended apart from those which already may be committed to such development.
- 2) The results of the recent housing survey as well as periodic surveys to update price/rent distribution shall be used for purposes of determining the applicability of the County's overall inclusionary zoning program.

Implementing Actions

- 1) Guidelines for the conversion of apartments to condominiums.
- 2) Consistency with the County Housing Element and Coastal Act policies.
- 3) Achievement of the Specific Plan Housing Element.

WATER AND MARINE RESOURCES/ENVIRONMENTALLY SENSITIVE HABITAT AREAS

COASTAL ACT POLICIES

Section 30230, 30231, and 30236 of the Act require the maintenance, enhancement, and restoration of marine resources and coastal waters, as well as the control of runoff and discharges into the ocean. The purpose of these requirements is to sustain the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes in order to maintain healthy populations of marine organisms. These sections also require the prevention of ground water depletion, interference with surface flow, the encouragement of water reclamation, and the maintenance of riparian buffers.

Section 30240 of the Act requires that environmentally sensitive habitat areas be protected against any significant disruption. Development adjacent to such habitat areas, parks, and recreation areas must be sited to prevent impacts that would downgrade the areas.

BACKGROUND INFORMATION

This sub-section summarizes existing conditions related to the coastal act policy group of water and marine resources/environmentally sensitive habitat areas.

A resource inventory included in the Orange County Conservation Element indicates that there are 10 miles of rocky tidal areas between Corona Del Mar and Dana Point which exhibit a wealth of marine organisms. In addition, the Conservation Element identified seven marine life refuges. These are described by the Conservation Element as:

Extending for approximately 10 miles along the coastline and 200 to 1,200 feet seaward of mean high tide. The State Legislature, at the behest of local agencies, has set aside state-owned tidelands for the protection of tidepool life except for game fishes, lobster and abalone. Other State regulations afford some protection to all coastal tidal areas. Proposals have been made to develop some of the refuges into underwater gardens. Enforcement through education and patrol is supplemented by local agencies.

Two of these seven marine life refuges are located in the Dana Point coastal zone: the Dana Point Marine Life Refuge and Doheny

Beach Marine Life Refuge.

The westerly edge of San Juan Creek is one of the boundaries delineating the Dana Point Study Area. This creek flows through the coastal zone to the ocean and its natural state has been modified to some extent for purposes of drainage and flood control. Moreover, San Juan Creek is designated as a standard project flood area and is the location of a sewage treatment plant.

In connection with environmentally sensitive habitat areas, the Orange County Local Coastal Program (LCP) Work Program state that Sunset Beach, Emerald Bay, Dana Point and Capistrano Beach do not have known habitat areas of any significance.

CURRENT LAND USE POLICIES

The Land Use Element and Conservation Element are particularly related to the Coastal Act policy group of water and marine resources/environmentally sensitive habitat areas. The County General Plan states as part of its top level policies section of the Land Use Element that the County

...enact and enforce regulations which will restrict development in designated flood plains, on or adjacent to rivers, creeks, streams and other riparian areas, retaining their natural features so as to protect and enhance their value to the general public.

Additional policies are incorporated in the Conservation Element, as follows:

- To prevent the elimination of fish or wildlife species due to man's activities, to ensure that fish and wildlife populations do not drop below self-perpetuating levels, to preserve for future generations representations of all animal communities and to provide for public viewing of these species.
- To protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and to preserve the quality of water in the groundwater basin, streams, estuaries and the ocean.

Besides these policies, aspects of the foregoing Coastal Act policy are addressed by the Land Use Supplement for the Capistrano Valley area. The following goals and policies for the Capistrano Valley Area are especially related to Coastal Act policies:

- To place restrictions on the development of floodplain areas,

beaches, sea cliffs, ecologically sensitive areas, and potentially hazardous areas.

- To maintain ecological balance in the area by preserving ecologically sensitive cores and corridors.
- To retain the remaining wildlife in the area, especially several larger forms that are limited in number and sensitive in nature.
- To support strict protective measures designed to maintain biological balance by protecting controlling organisms in the natural portions of the planning area.
- To prevent beach erosion by monitoring and periodically evaluating any natural changes or man-caused activities which would reduce the replenishment of sand to the beaches, particularly from the State Park southward.
- In order to preserve valuable marine life and resources, developments should not significantly degrade the quality of coastal resources.
- Development should be avoided where possible in areas with high habitat value.

ISSUE IDENTIFICATION

Based on a review of existing conditions, Coastal Act policies and present County policies, the following issues have been identified: 1) How should marine resources be protected? and 2) What kind of development is appropriate for the floodplain?

LOCAL COASTAL PROGRAM POLICIES

With regard to water and marine resources, it is recommended that detailed protective measures be formulated during the course of project review and approval. The Specific Plan Land Use Regulations establish a framework for the formulation of necessary protective measures. In connection with future development in the floodplain adjacent to San Juan Creek, the Specific Plan indicates high density residential and recreation uses on the remaining vacant land within the coastal zone. Future residential developments in this area shall demonstrate how building pads will be safe from inundation from rainfall runoff which may be expected from all storms up to and including an eventual 100-year flood.

Actions implementing the LCP's Land Use Plan phase are described

in Section IV and V of the Specific Plan.

DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

Sections 30233 and 30235 of the Act describe coastal policies. These policies are not applicable in the Dana Point coastal zone.

COMMERCIAL FISHING AND RECREATIONAL BOATING

Sections 30224, 30234 and 30255 of the Act describe coastal policies. These policies are not applicable in the Dana Point coastal zone.

AGRICULTURE

Sections 30241 and 30253 of the Act describe coastal policies. These policies are not applicable in the Dana Point coastal zone.

PUBLIC WORKS/NEW DEVELOPMENT/VISUAL RESOURCES/HAZARDS

COASTAL ACT POLICIES

Section 30254 of the Act limits expansion of existing public works facilities and development of new facilities to those necessary to accommodate needs generated by development consistent with the Act. Special districts may not be formed or expanded which would attract new development incompatible with coastal policies. Where capacity is limited, priority must be given to coastal dependent land uses, recreation and

visitor-serving facilities, and essential public services before other development.

Sections 30244, 30250, 30252, 30255 require reasonable mitigation measures where development may affect archaeological or paleontological resources; locating new development in or near existing development; limiting land divisions outside developed areas; maintaining access to the coast by providing better transit and parking opportunities; providing on-site recreational facilities to serve new development to lessen the burden on coastal recreation areas; and giving priority to coastal dependent developments over other developments.

Sections 30251 and 30253 of the Act require that the scenic and visual qualities of the coastal areas be protected as a resource of public importance. New development should be sited to protect views, to minimize alteration of natural landforms, to be visually compatible with surrounding areas, and to restore visual quality in degraded areas. In addition, any new development shall protect special communities and their unique characteristics.

Section 30253 of the Act seeks to control risks to life and property in areas of geologic, flood and fire hazard. New development must be monitored so it neither creates or contributes to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would alter natural landforms along bluffs and cliffs.

BACKGROUND INFORMATION

Public Works

In 1978, the County Administrative Office completed a "Development Monitoring Program" (DMP) that presented an analysis of the current and future capacities of public service providers located in south Orange County. The Dana Point community was one of the geographic areas analyzed. Information is given in the following paragraphs on the agencies and/or services located in Dana Point which were included in the study.

1. Water Supply: Capistrano Beach County Water District -The DMP analysis indicated that present capacity is sufficient to meet projected July, 1978 demands. Additional capacity is available in 1980 from a line to a well located in the upper reaches of San Juan Creek.

2. Waste Water: Dana Point Sanitary District -This District is a member of the South East Regional Reclamation Authority (SERRA).

SERRA is now in the process of completing the construction of a 57-inch ocean outfall to solve an existing water quality problem resulting from the old Dana Point outfall. The California Coastal Commission, in issuing Permit No A-62-76 to SERRA for this construction, imposed a number of conditions, including a limit on pumping capacity. The DMP analysis indicated that the present capacity of the District plus the additional capacity available through participation with SERRA, will serve to meet the demand generated by projected 1987 population.

3) Energy/Electricity: San Diego Gas and Electric -The DMP analysis indicated that current substation capacity is adequate and that the construction of a planned substation in 1981 would serve to increase future capacity, providing Dana Point with an anticipated excess of electrical power in future years. However, the DMP pointed out that failure to implement the planned expansion of capacity may affect the electric power supply of residential customers.

4) Energy/Natural Gas: Southern California Gas Company -The DMP found that current natural gas supply and facilities to present customers is adequate and will remain so in the future. Because of projected growth within Dana Point, beginning in 1980, natural gas will be diverted into this area from other areas.

5) Flood Control: Environmental Management Agency -Dana Point has no identified major deficiency, current or future, within its study conducted by the EMA.

Transportation Highways: Pacific Coast Highway

The DMP analysis indicated that Pacific Coast Highway is congested regularly through Dana Point where flows are above the capacity of the existing street. Without major capacity improvements, the DMP pointed out that the Pacific Coast Highway/Del Obispo Street intersection will experience one of the highest congestion levels in the County on weekends.

New Development

New development in the Dana Point coastal zone will occur primarily in five areas: 1) infilling of vacant, residential lots in the Central Area Sector; 2) infilling of vacant, commercial lots along Pacific Coast Highway and Del Prado Avenue; 3) infilling of vacant, residential lots in the Santa Clara Sector; 4) future residential, commercial and tourist recreation-commercial development in the Lantern Bay Project Sector; and 5) future residential and tourist recreation-commercial development in the Dana Point Headlands.

Sector.

An archaeological investigation of the Lantern Bay Project Sector was made in January, 1977 (Greenwood Associates, 1977) and was incorporated by reference in the Draft Environmental Impact Report prepared for the project. The investigation revealed that no archaeological remains of aboriginal origin were located on the property. Although two historic trash pits were located on the site and appear to date from the post-Depression era, no historical significance was attached to these features nor to a large concrete foundation in the southwest sector of the property. The EIR pointed out that subsurface remains may exist and may be uncovered during the course of grading and construction. In that event, it was recommended that work in the general vicinity of the remains should cease and a qualified archaeologist be called upon to make an evaluation and determination of the precise mitigation measures to be employed at that time. With respect to the Dana Point Headlands Sector, no comprehensive investigations have yet been completed of possible archaeological or paleontological resources.

Visual Resources

Visual resources have been inventoried and are shown in Exhibit 8. This exhibit indicates "primary" and "secondary views" from various locations within the Dana Point community. In addition, the compilation of existing conditions along Pacific Coast Highway, displayed in Exhibit 20, indicate views of various locales.

Hazards

The Dana Point Community is susceptible to three principal natural hazards. Two of these, seismic risk and landslides, are geologic in origin and the third hazard is potential flooding. Potential damage from these extreme events may be estimated on the basis of risk probabilities which have been outlined in the Safety Element of the Orange County General Plan and in the 1983 Land Use Plan for the Capistrano Valley.

The only major geologic fault which may affect Dana Point is the Newport-Inglewood system. It lies offshore from the study area and most observers believe that its southern end is near Laguna Beach. Smaller faults in the Newport-Inglewood system are present beneath the Dana Point Headlands property but these are regarded as inactive. Ground shaking typically accounts for more property damage and personal injury than ground rupture or any visible movement along an earthquake fault. Given the present state of earthquake prediction, it is known that Dana Point is

situated in an area of probable seismic shocks, but the extent of damage from earthquake and associated shocks will depend on the magnitude of the tremor and the distance from the epicenter.

Landslides are commonplace in the southcoast area of Orange County and could affect portions of Dana Point. Specific sites of landslide risk are along the blufftop edge and above Niguel Beach park. The principal causes of movement in these areas are high, steep slopes, coastal erosion, and the structural weakness of the underlying bedrock. Much of the bedrock consists of deeply weathered and fractured Capistrano Formation siltstone. The added presence of clay seams increase the risk of probable landslides.

The areas adjacent to San Juan Creek are potential sites for frequent property damage due to flooding. Southward from Stonehill Drive, the water table is very close to the high, averaging from 5 to 14 feet below the surface. When coupled with rapid runoff following winter rains, this ground-water table almost guarantees some flooding.

The largest recorded floods along San Juan Creek occurred in January and February, 1969. According to the Corps of Engineers, control measures (as of 1973) are inadequate should a Standard Project Flood happen in the near future.

The Safety Element also contains information on fire hazards. According to the Safety Element, the Dana Point coastal zone is a moderate fire hazard zone.

CURRENT LAND USE POLICIES

Four elements of the General Plan are especially related to this Coastal Act policy group. These include the Land Use, Circulation, Scenic Highways and Safety Element. The Land Use Element has set forth the general distribution of land uses in the Dana Point coastal zone. The Circulation Element, as discussed earlier, proposes an extension of Selva Road as a secondary arterial into the area of the Dana Point Headlands. In addition, the Circulation Element proposes extensions of Del Prado Avenue and Street of the Golden Lantern. Both of these extensions are fully described in Section V of the Specific Plan and subsequently summarized in the "Shoreline Access/Recreation and Visitor-Serving Facilities" subsection. The Scenic Highways Element proposes the Dana Point segment of Pacific Coast Highway as a Type III or Urban Corridor scenic highway. Finally, the Safety Element contains an identification of assets, problems, issues, and opportunities associated with the safety of the County. It sets forth a basic framework of goals and policies, explains the concepts of acceptable, unacceptable and avoidable

risks, and suggests an approach to the application of risk concepts in local decision-making. The Safety Element is concerned with four threats to safety: 1) geologic, 2) fire, 3) flood, and 4) crime. The information contained in the Safety Element is based upon a comprehensive Technical Report that discusses various hazards and current County actions, codes, and regulations.

ISSUE IDENTIFICATION

The County's Local Coastal Program and the Specific Plan study have resulted in the identification of the following issues.

In connection with public works facilities, will the intensity and character of future land-use development constrain the ability of agencies to adequately serve current and future public recreational uses? With respect to new development, what measures can be instituted to prevent adverse affects on archaeological and paleontological resources? With regard to visual resources, what steps can be taken to enhance public views, general community scenic values, and protect the views from inland properties as new development occurs along the bluff? Finally, are additional measures necessary and/or desirable in order to control risks to life from known or suspected hazards?

LOCAL COASTAL PROGRAM POLICIES

An explanation is given below of the LCP recommendations as they pertain to the Coastal Act policy group of public works, new development, visual resources and hazards.

Public Works

The recommended expansion and/or development of public works pertain only to roadway improvements which are deemed to be both necessary and desirable because of relieving congestion, providing improved accessibility to public recreation uses, and enhancing the community's scenic values. The character of these improvements are described in Section V and in the subsection dealing with the Coastal Act policy group of "Shoreline Access/Recreation and Visitor-Serving Facilities". Given the current and future capacities of public service agencies, it is concluded that new development will not impede their ability to adequately serve public recreational uses, existing or planned.

In Section XIII, a discussion is given on the various governmental agencies which could provide municipal level services. The Specific Plan recommends the delivery of municipal type services by the existing Capistrano Bay Recreation and Parks

District.

New Development

Current County actions and practices are regarded as satisfactory modes of protecting archaeological and paleontological resources. Such actions and practices involve the formulation and imposition of proper measures during the course of the environmental impact reporting process. Such mitigation measures as may be imposed at various planning and/or development stages, including site plans, feature plans, tentative tract, zone changes and actual project work.

Visual Resources

Several proposals of the Specific Plan are concerned with protecting and enhancing the scenic values of the Dana Point community. These proposals, in the aggregate, also constitute the LCP policies. These policies include: 1) adoption of the Specific Plan Scenic Highways Element which depicts both a rural and urban character, with appropriate median and slope landscaping, along Pacific Coast Highway corridor; 2) enforcement of a 28-foot height (with some exceptions) limitation for new development on the oceanward side of Pacific Coast Highway so that inland views are protected to the maximum extent feasible; and 3) implementation of the view park proposals of the Specific Plan.

Hazards

The County's Building Code currently regulates development construction in areas of high geologic, flood and fire hazard and adequately addresses the policy provisions of the Act; only to a limited extent can efforts be productively undertaken to further mitigate the consequences of known risk. Such measures, however, should be formulated and imposed as a part of the environmental impact reporting process and encompass site plans, feature plans, tentative tract and zone changes.

Implementing Actions

Implementing actions include the following:

- 1) Adoption of the Dana Point Specific Plan (i.e., land use, circulation, recreation, scenic highways, and community design elements).

2) Adoption and enforcement of the Dana Point Land Use Regulations.

3) Provision and financing of community services and improvement.

GOVERNMENTAL COORDINATION

For purposes of carrying out the provisions of this Land Use Plan, the following governmental agencies shall provide support and direction to the County of Orange.

In the event there are conflicts between agencies over the degree of Coastal Resource Protection, it shall be the responsibility of the California Coastal Commission to render a judgment as to applicable policy guidance.

1. State Department of Parks and Recreation -Recreation demand and carrying capacity.
2. U.S. Fish and Wildlife -Resource sensitivity, management recommendations.
3. State Department of Fish and Game -Recreation, residential, commercial and visitor serving facilities impact on Coastal Resources.
4. Office of Coastal Zone Management (NOAA) -Recreation demand and carrying capacity.
5. Department of Housing and Community Development -Housing allocation.
6. SCAG -Housing allocation.
7. Air Resources Board -Air quality.
8. State Water Quality Control Board -Water quality.
9. U.S. Army Corps of Engineers -Beach erosion and sand transport.
10. State Department of Navigation and Ocean Development -Beach erosion.
11. State Department of Mines and Geology -Geology

12. State Historic Preservation Office -Archaeological and paleontological resources.
13. State Department of Transportation (CALTRANS) -Scenic Highway standards, travel demand and highway capacity.
14. Orange County Transit District (OCTD) -Public transit system.
15. City of San Juan Capistrano -Circulation system.
16. Capistrano Unified School District -Schools.
17. Capistrano Bay Recreation and Parks District -Local Parks.
18. Capistrano Beach County Water District -Water supply.
19. Dana Point Sanitary District -Waste water.

SECTION XI
Land Use Regulations

DANA POINT SPECIFIC PLAN LAND USE REGULATIONS

TABLE OF CONTENTS

	<u>Page</u>
I. Authority, General Purpose, and Application . . . . .	. 1
II. Inland Land Use District Regulations. . . . .	. 5
A. General Provisions for Inland Areas . . . . .	. 5
B. Inland Land Use District Regulations . . . . .	. 7
1. RMD . . . . .	. 7
2. RHD . . . . .	. 11
3. MC . . . . .	. 15
4. POP . . . . .	. 21
5. R . . . . .	. 23
III. Coastal Land Use District Regulations . . . . .	. 27 ✓
A. General Purpose and Application . . . . .	. 27 ✓
B. General Provisions for Coastal Areas . . . . .	. 29
C. CD - "Coastal Development" District Regulations . . . . .	. 37 ✓
D. Coastal Land Use District Regulations . . . . .	. 61 ✓
1. C-RMD . . . . .	. 61 ✓
2. C-RHD . . . . .	. 69
3. C-RC . . . . .	. 75
4. C-MC . . . . .	. 81
5. C-CPC . . . . .	. 87
6. C-VC . . . . .	. 93
7. C-POP . . . . .	. 97
8. C-SCC . . . . .	. 99
9. C-R . . . . .	. 102
10. C-C . . . . .	. 106
D. Headlands Sector Regulations . . . . .	. 108
1. Forward . . . . .	. 108
2. General Provisions for the Headlands Sector . . . . .	. 108
3. Headlands Sector Land Use District Regulations . . . . .	. 122
a. H-C . . . . .	. 122
b. H-00S . . . . .	. 123
c. Subarea "A" . . . . .	. 125
1. H-A-CON . . . . .	. 125
2. H-A-HDR-1 . . . . .	. 126
3. H-A-HDR-2 . . . . .	. 134
4. H-A-REC . . . . .	. 135
5. H-A-TRC . . . . .	. 136

TABLE OF CONTENTS (Cc)

	<u>Page</u>
d. Subarea "B"	138
1. H-B-HDR	138
2. H-B-REC	141
e. Subarea "C"	143
1. H-C1-TRC	143
2. H-C2-HDR	144
3. H-C2-TRC	145
f. Subarea "D"	147
1. H-D-HDR	147
2. H-D-TRC	150
3. H-D1-VST	153
g. Subarea "E"	156
1. H-E-TRC	156
IV. Overlay Districts	160
A. SH Scenic Highway	160
B. FP Floodplain	161
V. Special Regulations and Information	162
A. Sign Regulations	162
B. Area Plan/Site Development Permit Regulations and Procedures	163
C. Nonconforming Uses	165

CHAPTER I: AUTHORITY, GENERAL PURPOSE, APPLICATION

These regulations are divided into several sections. Chapter I refers to, and controls, all areas within the Specific Plan. Chapter II - Inland Land Use District Regulations applies only to those areas located outside the Coastal Zone. Chapter III - Coastal Land Use District Regulations applies to all areas within the Dana Point Specific Plan that are located within the Coastal Zone. It is divided into two distinct sections. There are general provisions which apply, in addition to those in Chapter II, to all coastal areas. Coastal districts have either a "C" prefix or an "H" prefix. The latter area is a district subarea, having additional requirements and standards.

1. Authority

The authority for the preparation, adoption, and administration of specific plans by local governments is contained in the State of California Government Code in Division 1, Chapter 3, Articles 8, 9 and 10, Sections 65450 through 65553. Section 65450 permits planning agencies "...to prepare specific plans based on the general plan and drafts of such regulations, programs, and legislation as may in its judgment be required for the systematic execution of the general plan...." Section 65451 states that "...specific plans shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan listed in Section 65302..." Regulations, conditions, programs, and proposed legislation may include, but are not limited to, the following:

- a. The location of the land uses, public and private facilities, and public and private buildings;
- b. Height, bulk and setback limits for such land uses, public and private facilities, and public and private buildings;
- c. Location and extent of existing proposed streets and roads;
- d. Standards for population density and building density, including lot sizes and permissible types of construction;
- e. Standards for the conservation, development, and utilization of natural resources;
- f. Implementation of all applicable provisions of the open-space element;
- g. Such other measures as may be necessary or convenient to ensure execution of the general plan.

Section 65503 allows legislative bodies to adopt any proposed specific plan or regulation by ordinance or resolution.

The Dana Point Specific Plan Land Use Regulations are adopted by ordinance pursuant to Article 8, Authority For and Scope of Specific Plans, of the Planning and Zoning Law of the Government Code and in compliance with the provisions of Sections 65450, 65451 and 65503 of the Government Code.

2. General Purpose

The Dana Point Specific Plan Land Use Regulations are adopted for the purpose of promoting the health, safety and general welfare of the Dana Point community. Furthermore, the Dana Point Specific Plan Land Use Regulations are adopted in order to achieve the following objectives:

- a. Implement the intent and purpose of the Dana Point Specific Plan, including the Land Use, Circulation, Housing, Recreation, Scenic Highways and Community Design Elements;
- b. Implement the applicable policies of the state Coastal Act of 1976 and preserve, protect and enhance the Coastal Zone resources of particular value to the Dana Point community, County of Orange and State of California.
- c. Provide maximum opportunities for innovative community design and site planning, consistent with orderly development and protection of sensitive and natural resources, with a logical and timely sequence of community and government review and input.
- d. Improve the visual image and general aesthetics of the community.

3. Application

The interpretation and application of the Dana Point Specific Plan Land Use Regulations shall be accomplished in accordance with the following provisions:

- a. The land use regulations shall be applied only in the Dana Point community, as described in Chapter V, Section D of these regulations.
- b. The Orange County Zoning Code is auxiliary to the land use regulations of the Dana Point Specific Plan and if any item or issue is not included within the DPSP land use regulations, the regulations of the Zoning Code shall be applicable. However, the Zoning Code shall not override any provision of the DPSP. If there is any ambiguity or uncertainty as to which regulations of the Zoning Code or DPSP apply or when they apply, it will be resolved by the Director, EMA.
- c. If any portion of these regulations is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.
- d. For the purpose of carrying out the intent and purpose of these regulations, words, phrases and terms are deemed to have the meanings ascribed to them in Sec. 7-9-21 through 7-9-47 of the County of Orange Zoning Code, unless otherwise provided by these land use regulations.

DANA POINT LUE/LUP DESIGNATIONS

	1.3	1.31	1.32	1.4	1.41	1.42	1.51	2.1	2.2	4.1	4.2	4.3	5.3	5.31	5.4	5.41
INLAND																
RMD	X	X	X													
RHD				X	X	X	X									
MC								X								
PQP										X	X					
R													X		X	
COASTAL																
C-RMD	X	X	X													
C-RHD				X	X	X	X									
C-RC							X		X							
C-MC								X								
C-GPC									X							
C-VC															X	
C-PQP											X					
C-SCC							X					X				
C-R													X		X	
C-C																X
HEADLANDS																
H-C																X
H-OOS															X	
H-A-CON																X
H-A-HDR-1				X												
H-A-HDR-2					X											
H-A-REC													X			
H-A-TRC														X		
H-B-HDR				X												
H-B-REC													X			
H-C1-TRC														X		
H-C2-HDR					X											
H-C2-TRC														X		
H-D-HDR					X											
H-D-TRC														X		
H-D1-VST														X		
H-E-TRC														X		

8-372284

DPS REGULATIONS / DPLCP IAP DESIGNATIONS

Exhibit 3

87-372284

CHAPTER II: INLAND LAND USE DISTRICT REGULATIONS

GENERAL PROVISIONS FOR INLAND AREAS

1. Front setbacks shall be measured from the ultimate right-of-way line.
2. All construction and development within the Dana Point community shall comply with applicable provisions of the Uniform Building Code and other various Mechanical, Electrical, Plumbing and Housing Codes related thereto as well as the Grading Code and Sign Code. The codes shall prevail in the inland areas where there is any conflict between the said codes and the provisions in this text.
3. Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals, and other similar uses, may be permitted in any area in the Dana Point community by approval of the Director, EMA upon application for a site development permit and occupancy per Sec. 7-9-150 of the Orange County Zoning Code.
4. Any conditions, requirements, or standards, indicated graphically or in writing, that are a part of an approved area plan, site development permit, use permit, detail plan or variance permit granted by authority of these regulations shall have the same force and effect as these regulations. Any use or development not in conformance with such conditions, requirements, or standards shall be in violation of the Dana Point Specific Plan Land Use Regulations.
5. When required by these regulations, a site development permit or use permit, as appropriate, shall be submitted and approved prior to the issuance of any precise grading permit, building permit, or any change of use and occupancy permit.
6. In these land use regulations, for all land use districts, when more than one description may apply to a given use, the more specific description shall determine if a use is allowed, allowed subject to an approved use permit, allowed subject to an approved site plan, or prohibited.
7. Any amendment to these land use regulations must include an amendment to other sections of the Dana Point Specific Plan, as necessary.
8. At least twenty-one (21) calendar days prior to official action on any application for a use permit, variance permit, area plan, site development permit or specific plan amendment, the Director will forward such application to the Dana Point Specific Plan Board of Review for their review and recommendations.
9. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail of Orange County for a term not exceeding six (6) months or by both such fine and imprisonment. Such person, firm or corporation

shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided. Enforcement of these regulations shall be per Sec. 7-9-154 of the Orange County Zoning Code.

10. Applications for variances to the site development standards of these regulations shall be considered and processed in accordance with Sec. 7-9-150.1(f) of the Orange County Zoning Code.
11. If and when the Director, EMA, determines that sufficient affordable housing no longer exists within the Dana Point community, Sec. 7-9-140 of the Orange County Zoning code, Affordable Housing Incentive Use Permit, shall then become an applicable part of these land use regulations.
12. Where Sec. 7-9-136 of the Orange County Zoning Code allows temporary uses in residential areas of planned communities, such uses shall be allowed in residential areas of the Dana Point Specific Plan. Similarly, temporary uses allowed in commercial areas of planned communities shall be allowed in commercial areas of the DPSP.

INLAND LAND USE DISTRICT REGULATIONS

RMD "MEDIUM DENSITY RESIDENTIAL" DISTRICT

A. Purpose

The RMD District is established to provide for the development and maintenance of medium density single-family residential neighborhoods. Only those additional uses are permitted that are complementary to and can exist in harmony with a residential neighborhood. These regulations carry out the purpose and intent of the 1.3, 1.31 and 1.32 Medium Density Residential land use categories of the Dana Point Specific Plan.

B. Uses

1. Principal Uses Permitted

Any of the following principal uses are allowed, except as provided in other subsections herein.

- a. Single-family detached dwellings (one dwelling per building site).
- b. Parks and playgrounds, public and private, noncommercial.
- c. Horticulture, unlighted and unenclosed by buildings and structures, noncommercial.

2. Principal Uses Permitted Subject to a Site Development Permit.

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved site plan as provided in Chapter V, Section B of these land use regulations and Section 7-9-150 of the Orange County Zoning Code.

- a. Natural gas booster stations.
- b. Water pumping stations
- c. Sewage lift stations

3. Principal Uses Permitted Subject to a Use Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved use permit, as provided in Sec. 7-9-150 of the Orange County Zoning Code.

- a. Churches, temples, or other places of worship.
- b. Communication equipment buildings.
- c. Community television receiving and distribution systems.
- d. Country clubs and golf courses.

- e. Educational institutions.
 - f. Electric distribution substations.
 - g. Fire stations.
 - h. Microwave radio and television relay transmitters.
 - i. Care homes and facilities serving more than six (6) persons.
 - j. Day care centers pursuant to Section 7-9-141 of the Orange County Zoning Code.
 - k. The noncommercial keeping of more than six (6) adult pets other than dogs, cats, fish and insects. (Information: The keeping of up to three (3) dogs and three (3) cats is allowed per the definition of "kennel" in the Orange County Zoning Code. The keeping of more than this number requires an animal permit and is regulated by the Health, Sanitation, and Animal Regulation Code.)
 - l. Mobilehome subdivisions, single-family, subject to the regulations of Sec. 7-9-149 of the Orange County Zoning Code.
 - m. Residential single-family planned (unit) developments subject to the site development standards of Sec. 7-9-110.3(c) of the Orange County Zoning Code.
 - n. Any use which the Planning Commission finds consistent with the purpose and intent of the RMD District of the Dana Point Specific Plan.
4. Temporary Uses Allowed.

Temporary uses are allowed, except as provided in other subsections herein, if provided for and in compliance with Sec. 7-9-136 of the Orange County Zoning Code.

5. Accessory Uses Allowed

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in other subsections herein. The accessory use requires the same permit as that of the principal use on the property.

- a. Garages and carports, in compliance with the site development standards provided in Sec. 7-9-137.1 of the Orange County Zoning Code.
- b. Swimming pools, in compliance with the regulations provided in Sec. 7-9-137.4 of the Orange County Zoning Code.

- c. Fences and walls, in compliance with the site development standards provided in Sec. 7-9-137.5 of the Orange County Zoning Code.
- d. Home occupations, in compliance with the regulations provided in Sec. 7-9-146.6 of the Orange County Zoning Code.
- e. The keeping of pets of a type readily classifiable as being customarily incidental to a permitted principal residential use when no commercial activity is involved.
- f. Other accessory uses in compliance with the regulations provided in Sec. 7-9-137.
- g. Signs, in compliance with Chapter V, Section A.

6. Prohibited Uses.

The following uses are specifically prohibited in this area, except as provided in other subsections herein:

- a. All uses not listed as allowed under B.
- b. The keeping of horses, cows, and wild or non-domesticated animals is prohibited.
- c. Signs, unless customarily incidental to a principal residential use or provided for by an approved use permit or site plan.
- d. Kennels

C. Site Development Standards

1. Building site area

Six thousand five-hundred (6,500) square feet minimum required unless otherwise provided for by an approved area plan.

2. Building site width

No limitation

3. Building height

Twenty-eight (28) feet maximum permitted unless otherwise specified on the Land Use Regulations Map.

4. Building site coverage

No limitation

5. Building setbacks:

Front, side and rear building lines shall be established as required for the R1 District by Sec. 7-9-127 of the Orange County Zoning Code unless otherwise provided by an approved area plan.

6. Off-street parking

Parking for motor vehicles shall be provided as required by Sec. 7-9-145 of the Orange County Zoning Code.

7. Fences and walls

Per Sec. 7-9-137.5 of the Orange County Zoning Code.

RHD "HIGH DENSITY RESIDENTIAL" DISTRICT

A. Purpose

The RHD District is established to provide for the development and maintenance of residential neighborhoods which are predominately multiple-family in character. Only those additional uses are permitted that are complementary to, and can exist in harmony with, a residential neighborhood. These regulations carry out the purpose and intent of the 1.4, 1.41 and 1.42 High Density Residential and 1.51 Heavy Density Residential land use categories of the Dana Point Specific Plan.

B. Uses

1. Principal Uses Permitted

Any of the following principal uses are allowed, except as provided in other subsections herein.

- a. Single-family detached dwellings (one dwelling per building site).
- b. Duplexes
- c. Horticulture, unlighted and unenclosed by buildings and structures, noncommercial
- d. Parks and playgrounds, public and private, noncommercial

2. Principal Uses Permitted Subject to a Site Development Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved site development permit as provided in Chapter V, Section B of these land use regulations and Section 7-1-150 of the Orange County Zoning Code.

- a. Multiple-family dwellings, except condominiums, stock cooperatives, and community apartments.
- b. Fire stations
- c. Natural gas booster stations
- d. Water pumping stations
- e. Sewage lift stations

3. Principal Uses Permitted Subject to a Use Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved use permit as provided in Sec. 7-9-150 of the Orange County Zoning Code:

- a. Residential condominiums, stock cooperatives, and community apartments.
- b. Mobilehome parks and subdivisions subject to the regulations of Sec. 7-9-149 of the Orange County Zoning Code.
- c. Churches, temples, or other places of worship
- d. Educational institutions
- e. Care homes and facilities serving more than six (6) persons
- f. Country clubs and golf courses
- g. Communication equipment buildings
- h. Community television receiving and distribution systems
- i. Electric distribution substations
- j. Microwave radio and television relay transmitters
- k. Public libraries
- l. Day care centers and preschools pursuant to Section 7-9-141 of the Orange County Zoning Code
- m. The noncommercial keeping of more than six (6) adult pets other than dogs, cats, fish, and insects. (Information: The keeping of up to three (3) dogs and three (3) cats is allowed per the the definition of "kennel" in the Orange County Zoning Code. The keeping of more than this number requires an animal permit and is regulated by the Health, Sanitation, and Animal Regulation Code.)
- n. Residential planned (unit) developments subject to the site development standards of Sec. 7-9-110.3(c) of the Orange County Zoning Code.
- o. Any use which the Planning Commission finds consistent with the purpose and intent of the RHD area of the Dana Point Specific Plan.

4. Temporary Uses Allowed.

Temporary uses are allowed, except as provided in other subsections herein, if provided for and in compliance with Sec. 7-9-136 of the Orange County Zoning Code.

5. Accessory Uses Allowed

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in other subsections

herein. The accessory use requires the same permit as that of the principal use on the property.

- a. Garages and carports, in compliance with the site development standards provided in Sec. 7-9-137.1 of the Orange County Zoning Code.
 - b. Swimming pools, in compliance with the regulations provided in Sec. 7-9-137.4 of the Orange County Zoning Code.
 - c. Fences and walls, in compliance with the site development standards provided in Sec. 7-9-137.5 of the Orange County Zoning Code.
 - d. Home occupations, in compliance with the regulations provided in Sec. 7-9-146.6 of the Orange County Zoning Code.
 - e. The keeping of pets of a type readily classifiable as being customarily incidental to a permitted principal residential use when no commercial activity is involved.
 - f. Other accessory uses in compliance with the regulations provided in Sec. 7-9-137.
 - g. Signs, in compliance with Chapter V, Section A.
6. Prohibited Uses

The following uses are specifically prohibited in this district, except as provided in other subsections herein.

- a. All uses not listed as allowed under B.
- b. The keeping of horses, cows and wild or non-domesticated animals is prohibited.
- c. Kennels
- d. Signs, unless customarily incidental to a principal residential use or provided for by an approved use permit or site development permit.

C. Site Development Standards

1. Building site area

Five thousand two hundred (5,200) square feet minimum unless otherwise provided for by an approved area plan.

2. Area per unit

Two thousand six hundred (2,600) square feet area per unit unless otherwise provided for by an approved area plan or use permit.

- 3. Building site width
No limitation

- 4. Building height
Twenty-eight (28) feet maximum unless otherwise provided for by an approved area plan or use permit or unless otherwise specified on the Land Use Regulations Map.

- 5. Building site coverage
Sixty (60) percent of the building site.

- 6. Building setbacks:
Front, side and rear building lines shall be established as required for the R2 District by Sec. 7-9-127 of the Orange County Zoning Code unless otherwise provided for by an approved area plan.

- 7. Off-street parking
Parking for motor vehicles shall be provided as required by Sec. 7-9-145 of the Orange County Zoning Code.

- 8. Fences and walls
Per section 7-9-137.5 of the Orange County Zoning Code.

- 9. Building Separation
Ten (10) feet minimum unless otherwise provided for by an approved area plan or use permit.

- 10. Trash and storage areas
No requirements except as provided for by an approved use permit, site development permit or area plan.

- 11. Landscaping/Screening
Not less than fifty (50) percent of the front setback area shall be landscaped except as otherwise provided for by an approved use permit, site development permit or area plan.

MC "MINOR COMMERCIAL" DISTRICT

A. Purpose

The MC District is established to provide for the development and maintenance of commercial uses that provide convenience goods and services which serve the needs of the immediate neighborhood. Such development is to be compatible with the Community Design Element of the Dana Point Specific Plan. These regulations carry out the intent of the 2.1 Local Commercial land use category of the DPSP.

B. Uses

1. Principal Uses Permitted Subject to a Site Development Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved site development permit as provided in Chapter V, Section B of these land use regulations and Section 7-9-150 of the Orange County Zoning Code.

- a. Retail sale of food and food-related products, such as supermarkets, bakeries, delicatessens, and ice cream shops.
- b. Retail sale of general merchandise oriented to the daily needs of the immediate neighborhood, such as drug stores, book stores, stationary stores, hardware stores, sporting goods stores, hobby shops, record and tape stores, and photographic supply stores.
- c. Personal services oriented to the daily needs of the immediate neighborhood, such as beauty shops, barber shops, laundramats and dry cleaning agencies.
- d. Miscellaneous repair services oriented to the daily needs of the immediate neighborhood, such as shoe repair shops, radio and television repair shops, watch repair shops, and bicycle repair shops.
- e. Civic uses such as post offices, libraries, and community centers.
- f. Restaurants, including both indoor and outdoor eating establishments.
- g. Professional and administrative offices when only on the upper level of multiple-story buildings.
- h. Parking lots and parking structures.
- i. Banks and savings and loan association branches.
- j. Public utility payment offices.

2. Principal Uses Permitted Subject to a Use Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved use permit as provided in Sec. 7-9-150 of the Orange County Zoning Code.

- a. Any use which the Planning Commission finds consistent with the purpose and intent of the MC area of the DPSP.
- b. Commercial recreation (completely enclosed)
- c. Day care centers and pre-schools pursuant to Section 7-9-141 of the Orange County Zoning Code.
- d. Automobile service stations, subject to the additional regulations of Sec. 7-9-114 of the Orange County Zoning Code.
- e. Nurseries and garden supply stores
- f. Animal clinics, subject to the additional regulations of Sec. 7-9-146.1 of the Orange County Zoning Code.
- g. Shopping centers for only those uses allowed under B.

3. Accessory Uses Permitted

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in other subsections herein. The accessory use requires the same permit as that of the principal use on the property.

- a. Signs, in compliance with Chapter V, Section A.
- b. Other accessory uses.

4. Prohibited Uses

The following uses are specifically prohibited in this area, except as provided in other subsections herein:

- a. All uses not listed as allowed under B
- b. Automobile repair garages, fender and body repair, and paint shops
- c. Cleaning, dyeing and laundry plants
- d. Print shops
- e. Rental and sales of motor vehicles, trailers, and power equipment
- f. Tire retreading
- g. Warehouses and contractors' storage yards

- h. Welding shops
- i. Motorcycle sales and service
- j. Manufacturing, industrial or wholesale businesses
- k. Signs not provided for by an approved site development permit or use permit.

C. Site Development Standards

1. Building site area

No limitation

2. Building site width

No limitation

3. Building height

Thirty-five (35) feet maximum permitted unless otherwise specified on the Land Use Regulations Map.

4. Building site coverage

No limitation

5. Building setbacks

Front, side and rear building lines shall be established as required for the CC District by Sec. 7-9-127 of the Orange County Zoning Code.

6. Off-street parking

Parking for motor vehicles shall be provided as required by Sec. 7-9-145 of the Orange County Zoning Code except that parking facility design, Sec. 7-9-145.4(e), may be provided otherwise per an approved site development permit.

7. Loading

All loading and loading operations shall be performed on the site and loading platforms and uses shall be screened from view by a landscape or architectural feature.

8. Trash and storage areas

All storage of cartons, containers and trash shall be shielded from view by containment within a building or by a wall enclosure not less than six (6) feet in height and, if uncovered, not within forty (40) feet of any residential area.

9. Screening

An opaque screen shall be installed and maintained along all area boundaries, other than streets, where the premises abut areas zoned for residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types:

- a. Walls: A wall shall consist of concrete, stone brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
- b. Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
- c. Fences, solid: A solid fence shall be constructed of wood, masonry or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
- d. Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.
- e. Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet, within eighteen (18) months after initial installation. Except as provided in subsection (f) below, plant materials shall not be limited to a maximum height.
- f. The Director; EMA, shall require that either a, b, or c above shall be installed if, after eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
- g. Intersections: Screening along all streets and boundaries shall have a height of not less than three (3) nor more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- h. No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.

- i. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet thereof than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this area.

10. Landscaping

Landscaping consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:

- a. Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings.
- b. An additional amount, equal to at least five (5) percent of the total area of the parcel, is required and a minimum of twenty-five (25) percent of such landscaping shall be located in the area devoted to parking.
- c. Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.
- d. Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- e. Watering: Permanent watering facilities shall be provided for all landscaped areas.
- f. Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
- g. Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.

11. Business hours

No limitation unless otherwise specified in an approved site development permit or use permit.

12. Fences and walls

Per Sec. 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site development permit or use permit.

13. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

PQP "PUBLIC/QUASI-PUBLIC" DISTRICT

A. Purpose

The PQP District is established to provide for facilities operated for the public benefit which are compatible with the suburban character of the Dana Point community. These regulations carry out the purpose and intent of the 4.1 Public Facilities and 4.2 Quasi-Public Facilities land use categories of the Dana Point Specific Plan.

B. Uses

1. Principal Uses Permitted Subject to a Use Permit

Any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved use permit, as provided in Sec. 7-9-150 of the Orange County Zoning Code.

- a. Churches, temples, or other places of worship
- b. Public utility uses
- c. Fire stations
- d. Hospitals
- e. Schools
- f. Day care centers pursuant to Section 7-9-141 of the Orange County Zoning Code
- g. Civic and governmental uses.
- h. Any use which the Planning Commission finds consistent with the purpose and intent of the PQP District of the DPSP.

2. Accessory Uses Permitted

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in the subsections herein, subject to an approved use permit.

- a. Signs, in compliance with Chapter V, Section A.
- b. Other accessory uses.

3. Prohibited Uses

The following uses are specifically prohibited in this area except as provided in other subsections herein.

- a. All uses not listed as allowed under B.

b. Signs not provided for by an approved use permit.

C. Site Development Standards

1. Building site area

No limitation

2. Building height

Twenty-eight (28) feet maximum permitted unless otherwise provided for by an approved use permit.

3. Building site coverage

No limitation

4. Building setbacks

The minimum setbacks from any property line shall be equal to the height of the structure on the site but not less than twenty (20) feet unless otherwise provided for by an approved use permit.

5. Off-street parking

Per Sec. 7-9-145 of the Orange County Zoning Code

6. Trash and storage areas

All storage of cartons, containers and trash shall be shielded from view by containment within a building or by a wall enclosure not less than six (6) feet in height and, if uncovered, not within forty (40) feet of any residential area.

7. Landscaping/Screening

As required by the conditions of approval for a site plan or use permit.

8. Fences and Walls

Per Sec. 7-9-137.5 of the Orange County Zoning Code unless provided otherwise by an approved use permit.

9. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

R "RECREATIONAL SPACE" DISTRICT

A. Purpose

The R District is established to provide for uses which serve the outdoor recreational and educational needs of the Dana Point Community while protecting resources of notable scenic, natural, geological, or historical value. These regulations carry out the purpose and intent of the 5.3 Recreational and 5.4 Other Open Space categories of the Dana Point Specific Plan. It is intended that any building or structure permitted in this district shall be subordinate to that purpose and intent.

B. Uses

1. Principal Uses Permitted

Any of the following uses are allowed except as provided in other subsections herein.

- a. Parks and playgrounds
- b. Riding and hiking trails
- c. Local and buffer greenbelts
- d. Archaeological sites
- e. Beach access, public only
- f. Historical preserves
- g. Horticulture
- h. Golf courses

2. Principal Uses Permitted Subject to a Use Permit

For sites designated "5.3" in Exhibit 13 of the DPSP, any of the following principal uses are allowed, except as provided in other subsections herein, subject to the provisions of an approved use permit as provided in Sec. 7-9-150 of the Orange County Zoning Code.

- a. Any use which the Planning Commission finds consistent with the purpose and intent of the R District of the Dana Point Specific Plan.
- b. Outdoor commercial recreation
- c. Commercial stables and riding clubs
- d. Utility and government uses
- e. Camping and recreational vehicle facilities

3. Accessory Uses Allowed

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in the subsections herein, subject to an approved use permit if required by the principal use.

- a. Signs, in compliance with Chapter V, Section A.
- b. Other accessory uses.

4. Prohibited Uses

The following uses are specifically prohibited in this area, except as provided in other subsections herein:

- a. All uses not listed as allowed under B.
- b. Grading in excess of 500 cubic yards, unless otherwise provided for by an approved use permit or site development permit.
- c. Any use that restricts or limits public beach access, unless provided for by an approved use permit.
- d. Signs not provided for by an approved use permit or site development permit.

C. Site Development Standards

1. Building site area

No limitation

2. Building site width

No limitation

3. Building height

Eighteen (18) feet maximum permitted unless otherwise provided for by an approved site development permit or use permit.

4. Building site coverage

Ten (10) percent unless otherwise provided for by an approved site development permit or use permit.

5. Building setbacks

All buildings, structures, and parking facilities shall be set back a minimum of ten (10) feet from all property lines and any public or private street, unless otherwise provided for by an approved site development permit or use permit.

6. Off-street parking

Per Sec. 7-9-145 of the Orange County Zoning Code.

7. Walls and fences

Per Sec. 7-9-137.5 of the Orange County Zoning Code unless otherwise provided for by an approved site development permit or use permit.

8. Landscaping

As may be required by the conditions of approval for a site development permit or use permit.

9. Trash and storage

As may be required by the conditions of approval for a site development permit or use permit.

10. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

87-372284

CHAPTER III - COASTAL LAND USE DISTRICT REGULATIONS

GENERAL PURPOSE AND APPLICATION

This section of regulations applies to areas within the Coastal Zone. The interpretation and application of the Dana Point Specific Plan Land Use Regulations shall be accomplished in accordance with the following provisions:

- a. The land use regulations shall be applied only in the Specific Plan area.
- b. The Orange County Zoning Code is auxiliary to the land use regulations of the Dana Point Specific Plan and if any item or issue is not included within the DPSP land use regulations, the Zoning Code shall be applicable. However, the Zoning Code shall not override any provision of the DPSP. If there is any ambiguity or uncertainty as to which regulations of the Zoning Code or DPSP apply or when they apply, it will be resolved by the Director, EMA. Within the CD District, ambiguities or uncertainties shall be resolved in a manner most protective of coastal resources.
- c. If any portions of these regulations are, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted these regulations and each portion thereof, irrespective of the fact that any one or more portions be declared invalid or ineffective.
- d. For the purpose of carrying out the intent and purpose of these regulations, words, phrases and terms are deemed to have the meanings ascribed to them in Sections 7-9-21 through 7-9-47 of the County of Orange Zoning Code, unless otherwise provided by these land use regulations.

GENERAL PROVISIONS FOR COASTAL AREAS

1. Front setbacks shall be measured from the ultimate right-of-way line.
2. Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals, and other similar uses, may be permitted in any area in the Dana Point community by approval of the Director, EMA upon application for a temporary certificate of use and occupancy per Sec. 7-9-152 of the Orange County Zoning Code.
3. Any conditions, requirements, or standards, indicated graphically or in writing, that are a part of an approved area plan, use permit, detail plan, variance permit, or Coastal Development Permit granted by authority of these regulations shall have the same force and effect as these regulations. Any use or development not in conformance with such conditions, requirements, or standards shall be in violation of the Dana Point Specific Plan Land Use Regulations.
4. When required by these regulations, a Coastal Development Permit or use permit, as appropriate, shall be submitted and approved prior to the issuance of any precise grading permit, building permit, or any change of use and occupancy permit.
5. In these land use regulations, for all land use districts, when more than one description may apply to a given use, the more specific description shall determine if a use is allowed, allowed subject to an approved use permit, allowed subject to an approved site plan, or prohibited.
6. Any amendment to these land use regulations must include an amendment to other sections of the Dana Point Specific Plan, as necessary.
7. At least twenty-one (21) calendar days prior to official action on any application for a use permit, variance permit, area plan, specific plan amendment, or Coastal Development Permit, the Director will forward such application to the Dana Point Specific Plan Board of Review for their review and recommendations.
8. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail of Orange County for a term not exceeding six (6) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided. Enforcement of these regulations shall be per Sec. 7-9-154 of the Orange County Zoning Code.
9. Applications for variances to the site development standards of these regulations shall be considered and processed in accordance with Sec. 7-9-150.1(f) of the Orange County Zoning Code.

10. The Dana Point Harbor/Marina shall be governed by the Dana Point Harbor Planned Community regulations. Nothing in the Specific Plan shall be construed to modify existing tidelands trust regulations, lease agreements or other regulatory controls within Dana Point Harbor.
11. If and when the Director, EMA, determines that sufficient affordable housing no longer exists within the Dana Point community, Sec. 7-9-140 of the Orange County Zoning Code, Affordable Housing Incentive Use Permit, shall then become an applicable part of these land use regulations.
12. New development within the area indicated on Exhibit 28 of the Dana Point Specific Plan shall be compatible with the New England design theme described in the Community Design Element of the Dana Point Specific Plan.
13. Where Sec. 7-9-136 of the Orange County Zoning Code allows temporary uses in residential areas of planned communities, such uses shall be allowed in residential areas of the Dana Point Specific Plan. Similarly, temporary uses allowed in commercial areas of planned communities shall be allowed in commercial areas of the DPSP.
14. All construction and development within the Dana Point Specific Plan area shall comply with applicable provisions of the Uniform Building Code and other various Mechanical, Electrical, Plumbing and Housing Codes related thereto as well as the Grading Code and Sign Code. In case of a conflict between the specific provisions of any such code and this specific plan, the Director, EMA, shall resolve the conflict by written determination in a manner consistent with the goals and policies of this plan to protect coastal resources.
15. To minimize the erosional effects of grading operations, the erosion control provisions of Subarticle 13 of the Orange County Grading and Excavation Code shall be enforced, except that in Dana Point no grading work in excess of fifty (50) cubic yards will be allowed between October 15th and April 15th on any single grading site unless an erosion control system has been approved by the Building Official.
16. The policies of the Dana Point Local Coastal Program Land Use Plan (LCP/LUP) are hereby incorporated into these regulations. The LUP policies shall serve as additional development standards for all developments subject to these regulations.
17. Application for variances to the site development standards of these regulations in the CD District shall be considered and processed in accordance with Section 7-9-150.1(f) and 7-9-150.1(g) of the Orange County Zoning Code. A variance shall not be approved and a variance application shall not be accepted which would authorize a use or activity which is not expressly authorized by the district regulations applicable to a specific building site.

No variance shall be granted that is inconsistent with the policies and requirements of the certified land use plan.

In addition to the findings required by the provisions of Section 7-9-150.1(f) and (g) the following findings shall also be made by the approving authority prior to the approval of each variance application. If the following findings are not made, the application shall be disapproved.

- a. There are special circumstances applicable to the subject building site which, when applicable specific plan land use district regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same district regulations.
 - b. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitation placed upon other properties in the vicinity and subject to the same district regulations, when the specified conditions are complied with.
18. The prohibited uses listed in the district regulations are not exhaustive and are used to provide examples of the types of uses prohibited.
 19. These Specific Plan Land Use Regulations are intended to facilitate the location of housing for all segments of the population in the Dana Point community by implementing the Housing Element of the Orange County General Plan.
 20. All building sites shall comply with the provisions of Section 7-9-126 Building Site Requirements of the Orange County Zoning Code.
 21. The Dana Point Specific Plan may be amended. The amendment of this Plan is subject to Section 7-9-156 of the Orange County Zoning Code. In addition, amendments to the portions of the Dana Point Specific Plan within the CD District are subject to the approval of the California Coastal Commission.
 22. All parking requirements shall comply with the provisions of Section 7-9-145, Off Street Parking Regulations of the Orange County Zoning Code.
 23. Appeals of any decisions taken by the approving authority shall be in compliance with Section 7-9-150.4 of the Orange County Zoning Code.
 24. The acoustics section of EMA shall review requests for building permits to assure compliance with the Noise Element of the Orange County General Plan and other ordinances and regulations enforcing acoustical standards.
 25. A comprehensive geologic/soils report is to be presented to the Grading Section of Orange County EMA prior to any development activity in the landslide and fault hazard areas delineated on Exhibit 32.

At a minimum this report shall evaluate: geologic conditions including soil, sediment and rock types, evidence of past or potential landslide conditions and potential effects of development on landslide activities; impact of construction activity on site stability; ground and surface water conditions and variations; potential erodability; and mitigating measures.

The soils engineer and geologist must certify the suitability of a graded site prior to issuance of a coastal permit. Development projects shall incorporate all recommendations of the geology and soils reports and shall provide for the following:

- a. At a minimum any development shall be required to maintain a 50-foot structural setback from any identified active fault.
- b. New development, shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback based upon the geologic report and other applicable information.

This setback area shall be dedicated as an open space easement or deed restriction as a condition of the approval of new development.

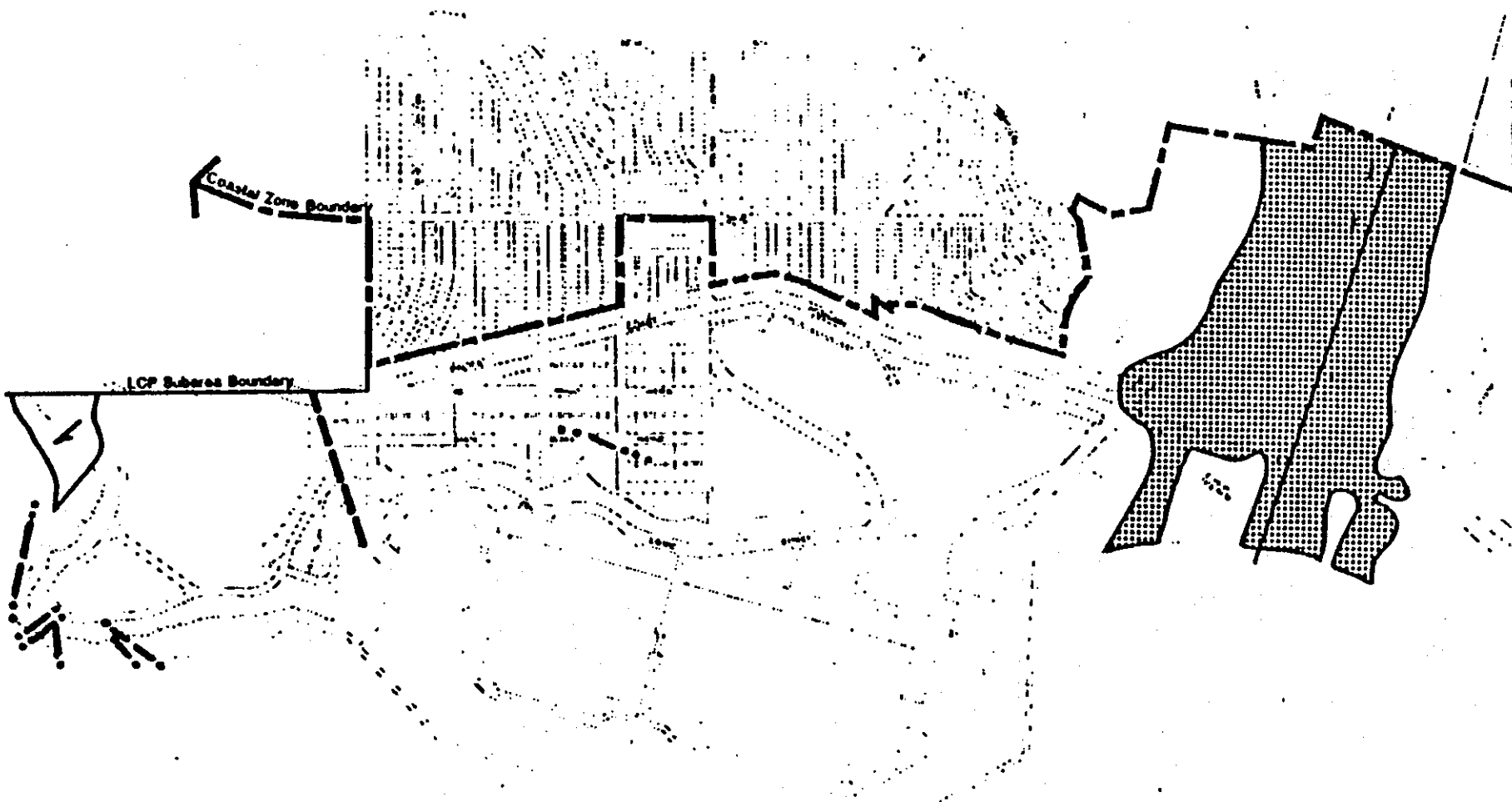
- c. Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability, may be permitted.

Development and activity of any kind beyond the required bluff top setback shall be constructed to ensure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

26. A waiver of public liability shall be a condition of new development approvals for all property located in identified hazard areas depicted in Exhibit 32.

The waiver shall be in the form of a deed restriction for recording, free of prior liens except tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Director, EMA. The deed restriction shall provide that (1) the applicant understands that the site is subject to the specified extraordinary hazard from erosion and from bluff retreat, wave hazards, etc., and that applicant assumes the liability from these hazards; (2) the applicant unconditionally waives any claim of liability on the part of the Commission or any other public agency for any damage from such hazards; and (3) the applicant understands that construction in the face of these known hazards may make him or her ineligible for public disaster funds or loans for repair, replacement or rehabilitation of the property in the event of erosion, landslides, wave damage, etc.



Floodplain



Landslide



Fault: dashed where approximately located, dotted where inferred.

HAZARDS

**DANA POINT
SPECIFIC PLAN**

Ex. 32

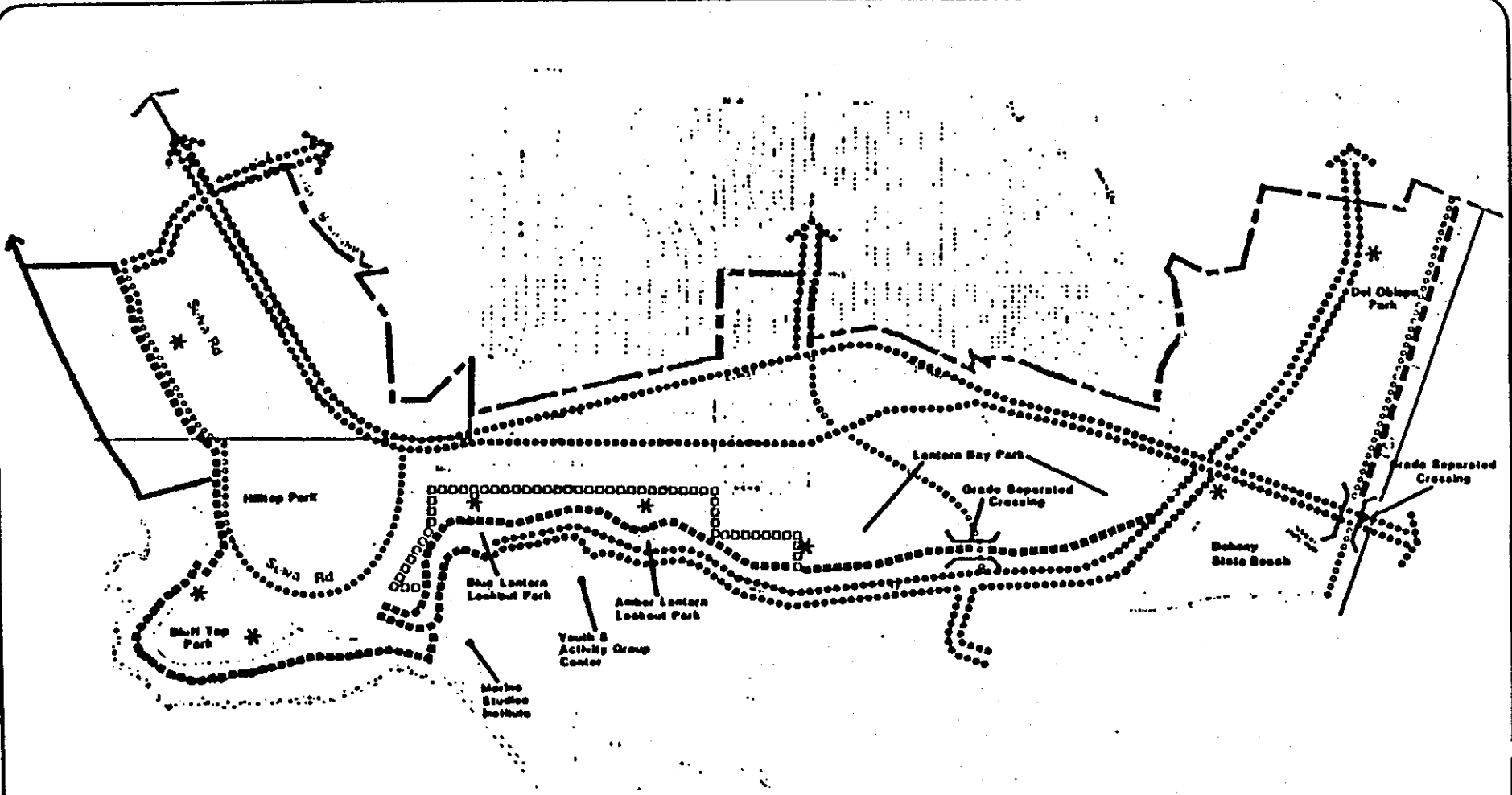
87-372284










27. Degradation of the water quality of groundwater basins, nearby streams or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.
28. Public utility transmission lines shall be subsurface in all new development projects as defined in the "CD" regulations over two acres.
29. Prior to issuance of a Coastal Development Permit for new development projects as defined in the "CD" regulations over two acres, the project shall be evaluated by the County Administrative Office to assure consistency with the Development Monitoring Program's assumptions in order to determine adequate infrastructure requirements for the project.
30. Notwithstanding the adoption of these regulations approved discretionary area plans, use permits, site plans and variances will be allowed to establish their respective uses in the manner set forth in their approving action, provided the use can be established within the time period specified in each permit. If an extension of time to establish any of these uses is requested, the subject project will then have to comply with the requirements of this ordinance. However, all new development shall have a Coastal Development Permit or be required to obtain a Coastal Development Permit if one has not been granted.
31. Residential development densities and area-per-unit standards shall be related as follows:

<u>Density Per Land Use Plan</u>	<u>Area Per Unit Standards</u>
1.3 Medium Density Residential (3.5-6.5 DU/AC)	6,500 sq. ft./unit
1.31 Medium Density Residential (3.5-5.0 DU/AC)	6,500 sq. ft./unit
1.32 Medium Density Residential (5.0-6.5 DU/AC)	5,000 sq. ft./unit
1.4 High Density Residential (6.5-18 DU/AC)	2,600 sq. ft./unit
1.41 High Density Residential (6.5-12.5 DU/AC)	2,600 sq. ft./unit
1.42 High Density Residential (12.5-18 DU/AC)	1,800 sq. ft./unit
1.51 Heavy Density Residential (18-28 DU/AC)	1,200 sq. ft./unit

32. All residential setback regulations, when applied to narrow, shallow or other irregularly shaped building sites shall be modified pursuant to the standards in Section 7-9-128 of the Orange County Zoning Code.
33. For all new development between Pacific Coast Highway and the shoreline, public access to the shoreline and the coast shall be provided in a manner which carries out the policies of the LUP including the Access Component.

As a condition of development the applicant shall cause to be duly executed and record an irrevocable offer to dedicate an easement for public access as follows:



- | | |
|--|--|
|  Sun Top Trail |  Class II (On Road) Bikeway |
|  Interim Sun Top Trail |  Park/Open Space |
|  Beach Trail |  Sandy Beach |
|  Riding/Hiking Trail |  Rocky Shore |
|  Class I (Off Road) Bikeway |  Parking |

PROPOSED ACCESS

DANA POINT

SPECIFIC PLAN Exhibit 33

87-372284

- a. For all development proposed along the shoreline bluff top, a lateral easement shall be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the bluff top trail system as shown in Exhibit 33. The easement shall be a minimum of 10 feet wide and shall be set back a sufficient distance from the bluff edge to assure safety from the threat of erosion for 50 years. A 10-foot setback from the accessway easement shall be required for any proposed structures to minimize the impacts between the accessway and adjacent residential uses.
- b. A 10-foot wide vertical easement will be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the beach trails depicted in Exhibit 33.

A 10-foot setback from the access easement shall be required for any proposed structures to minimize the impacts between the accessway and adjacent residential uses.

The easement document shall be subject to the review and approval of the Executive Director of the Coastal Commission and shall include legal descriptions of the parcel(s) to be used by the applicant and the easement area. The easement shall be recorded free of prior liens except for the tax liens and free of prior encumbrances which may affect the interest being conveyed. The offer shall run with the land and shall bind the landowner and his or her successors and assigns and shall be irrevocable for a period of 21 years from date of recording.

34. Prior to the approval of a Coastal Development Permit for development along the bluff edge, the applicant must show on the permit application how the bluff top open space features depicted in Exhibit 33 shall be developed and maintained for public use, consistent with Policies 18 and 34 of the Access Component of the LCP/LUP.
35. Prior to the issuance of any building permits, a fee of \$275 for each residential unit (no fee shall be required for an "affordable" unit which is part of the Affordable Housing Program) shall be paid into a coastal access fund. This fund shall be administered by a separate legal entity under binding agreement with the County, Coastal Conservancy and Coastal Commission specifying that the use of the funds is limited to the provision of coastal recreational transit service.
36. Prior to the issuance of a coastal development permit, a survey shall be completed to identify archaeological, paleontological or historical resources. A report consistent with the Board of Supervisors Archaeological/Paleontological Policy (Resolution Number 77-866) and the Cultural/Scientific Resources Policy Task Force Report, March 1977 shall be required. An archaeologist shall be retained to observe grading. Grading shall be temporarily deferred if resources are discovered during grading to allow for the study, salvage or other mitigation recommended by a qualified archaeologist.

"COASTAL DEVELOPMENT" DISTRICT REGULATIONS

1. Authority and Scope

This district includes the procedures and regulations necessary to implement the provisions of the Local Coastal Program applicable to the unincorporated area of Orange County known as Dana Point. This district is adopted pursuant to the Public Resources Code and constitutes the minimum standards applicable to the analysis and approval of all development projects within the Coastal Zone as required by the California Coastal Act.

2. Purpose and Intent

The purpose of this district is to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code) in accordance with the Certified Local Coastal Program of the County of Orange.

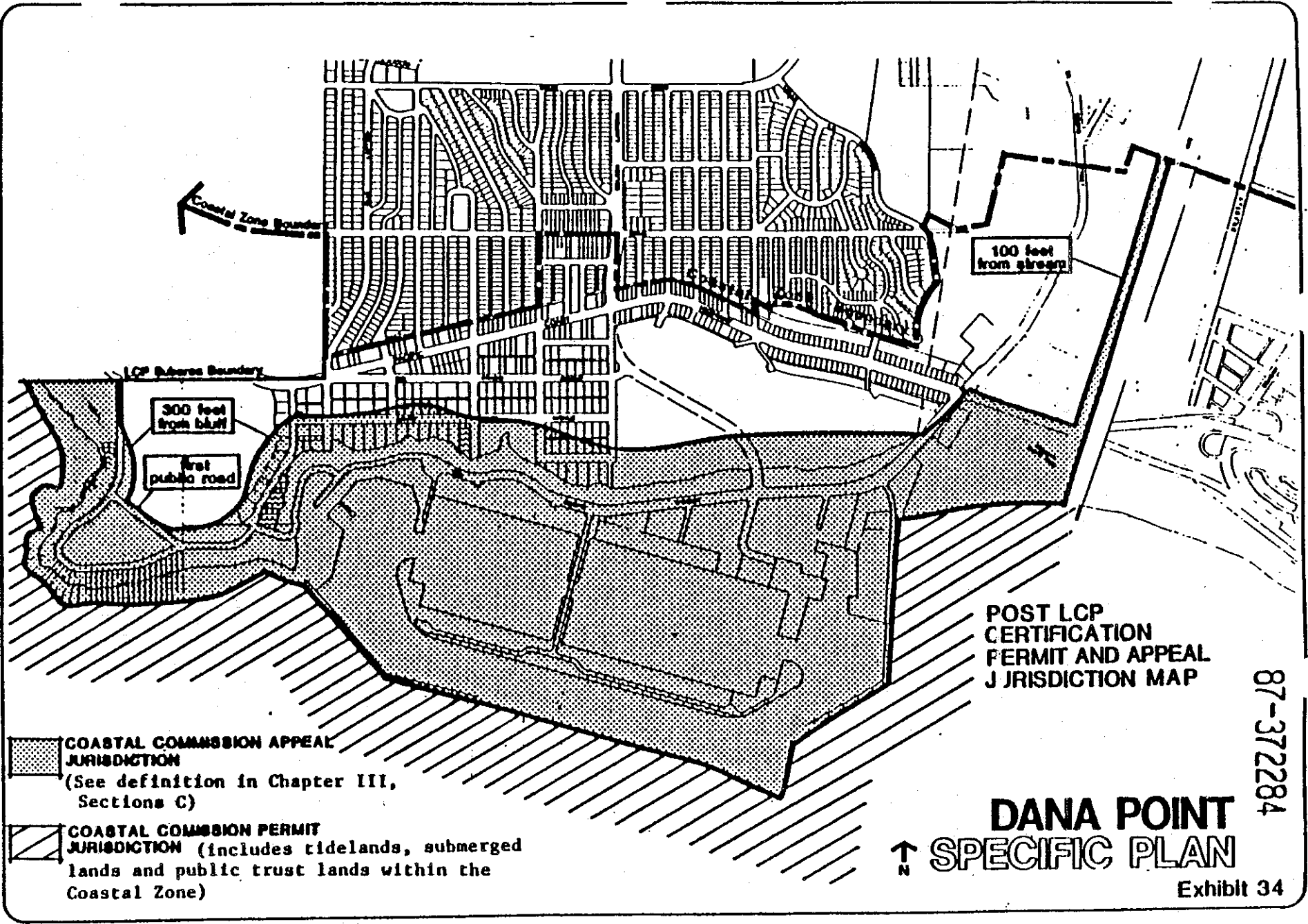
3. Area of Applicability


The provisions of this Section are applicable to all land within the "Coastal Development" District and are in addition to the provisions of Sections 7-9-20 and 7-9-49 of the Orange County Zoning Code. Where uncertainty exists as to the exact location of the Coastal Development District boundary, the following rules shall apply:


- a. When a portion of a building site lies, or appears to lie partially within the Coastal Development District and any existing or proposed development of such building site is within the Coastal Development District, the building site shall be considered to be within the Coastal Development District.
- b. When a portion of a building site lies, or appears to lie partially within the Coastal Development District and no development of such building site is within the Coastal Development District, the building site shall be considered to be not within the Coastal Development District.
- c. When a public or private street or a highway lies partially within the Coastal Development District, the entire width of that portion of such street or highway lying partially within the CD District shall be considered to be within the Coastal Development District.

4. Application

The CD District is an overlay district that is combined with any base district; however, the CD District is intended to be applied only within the area of the Coastal Zone described by the Public Resources Code and as shown on Exhibit 34. In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letters "CD," thus: (CD), the additional requirements contained in this section shall apply. The district symbol shall constitute the "base district" and the (CD) suffix shall constitute the "combining district." Whenever any provisions of the CD District and any other law or ordinance impose




COASTAL COMMISSION APPEAL JURISDICTION
 (See definition in Chapter III, Sections C)


COASTAL COMMISSION PERMIT JURISDICTION (includes tidelands, submerged lands and public trust lands within the Coastal Zone)

100 feet from stream

300 feet from bluff
first public road

**POST LCP
 CERTIFICATION
 PERMIT AND APPEAL
 JURISDICTION MAP**


**DANA POINT
 SPECIFIC PLAN**

87-372284

Exhibit 34

overlapping or contradictory regulations, and when the CD District requires procedures and discretionary actions not required by any other law or ordinance, the requirements of the CD District shall be satisfied or complied with either in combination with or in addition to those procedures required to comply with other laws and ordinances.

5. Definitions

The following definitions shall apply to all areas within the "Coastal Development" District. In case of a conflict between the definitions contained in this district and those contained in Sections 7-9-21 through 7-9-47 of the Orange County Zoning Code, the definitions contained in this district shall prevail within the "Coastal Development" District.

Except as otherwise specified below, all words, terms and phrases used in this district, all definitions and construction of words is the same as those set forth in Sections 7-9-21 through 7-9-47 of the Orange County Zoning Code.

- a. Aggrieved Person: Means any person who, in person or through a representative, appeared at a public hearing regarding a Coastal Development Permit; or who, prior to action on a Coastal Development Permit, informed the County in writing of his concerns about an application for such permit; or who for good cause was unable to do either and objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- b. Appealable Area: includes the following:
 - (1) All area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) All area within 100 feet of any wetland, estuary, or stream and all area within 300 feet, both seaward and landward, of the top of the seaward face of any coastal bluff.
- c. Appealable Development: Any coastal development permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.
- d. Approving Authority: Means any person, committee, commission or board authorized by the applicable zoning or specific plan regulations, or by the provisions of this district to approve, conditionally approve or disapprove a Coastal Development Permit or discretionary permit application or project.
- e. "Bluff Edge" or "Cliff Edge": Is defined as the upper termination of a bluff, cliff or seacliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be

defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

- f. Certified Coastal Land Use Plan: A plan for the use of property within the Coastal Zone which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code.
- g. Certified Local Coastal Program: A plan for the use of property within the Coastal Zone or Dana Point, together with the Dana Point Specific Plan, district regulations, land use regulation maps, which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code.
- h. Coastal Bluff: includes the following:
 - (1) Any bluff where the toe of the slope is now, or within the past 200 years has been, subject to marine erosion;
 - (2) Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in the Public Resources Code Section 30603 (a) (1) or (a) (2).
- i. Coastal Commission: Means the California Coastal Commission established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).
- j. Coastal Development Permit: Means a permit to perform or undertake any development in the Coastal Zone. It includes discretionary permits, plans and maps required by the applicable subdivision or district regulations and Coastal Development Permits required by any certified Local Coastal Program and by the provisions of this district.
- k. Coastal Zone: Means the unincorporated portion of the County of Orange specified on a Coastal Zone map adopted by the State Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.
- l. Development: Means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of

use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. As used in this District, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

- m. Development Project: Means any of the uses, activities or structures listed under the definition of "development" when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form, or are a component part of an integrated project.
- n. Discretionary Permit: Means any plan or permit or map required by the provisions of this Specific Plan/Local Coastal Program or the Subdivision Code. The term "discretionary permit" as used in this District includes area plans, site plans, feature plans, detail plans, site development permit, tentative tract map, tentative parcel map, coastal development permit, building permit, grading permit, demolition permit, access easement, and any other plan, permit or easement which regulates, controls or permits any construction, use or activity included in the definitions of development and development project.
- o. Energy Facility: Means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.
- p. Estuary: includes the following:

All area within the mean high tide line of any coastal water body, usually semi-enclosed by land, having open, partially obstructed or intermittent exchange with the open sea and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

- q. First Public Road Paralleling the Sea: refers to the inland right-of-way line of that street or highway nearest to the sea which is generally parallel to the sea and which is:
 - (1) lawfully open and suitable for uninterrupted use by the public;
 - (2) is maintained by a public agency;
 - (3) is an improved all-weather road open to motor vehicle traffic in at least one direction;
 - (4) is not subject to any restrictions on use by the public except during an emergency or for military purposes; and which

- (5) connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

Whenever no public road can be designated which conforms to all provisions of (a) through (e) above, and a public road does exist which conforms to all provisions of (a) through (d) above, the effect of designating the first public road paralleling the sea shall be limited to the following:

- (6) all parcels between the Pacific Ocean and such other public road;
and
- (7) those parcels immediately adjacent of the sea inland of such other public road.
- r. Inland extent of the beach: includes a back beach or dry beach and all beach area to the inland edge of the further inland beach berm, to the vegetation line if a beach berm does not exist, or to a linear feature such as a sea wall, a road, or bluff, etc.
- s. Local Coastal Program: Means the land use plans, zoning regulations, district regulations, included in this Specific Plan/LCP and implementing procedures adopted by the Board of Supervisors for the purpose of carrying out the provisions of the California Coastal Act. This Specific Plan/Local Coastal Program has been reviewed and approved, and found by the Coastal Commission to meet the requirements of and implement the provisions and policies of the California Coastal Act is a certified Local Coastal Program.
- t. Major Energy Facility: Means any energy facility exceeding \$50,000, or such minimum as may be adopted by the State of California, in actual or estimated cost of construction.
- u. Major Public Works Project: Means any public works project exceeding \$50,000, or such other minimum as may be adopted by the State of California, in actual or estimated cost of construction.
- v. Person: Means any individual, organization, partnership, or other business association or corporation, including any utility and any federal, state, local government, or special district or an agency thereof.
- w. Principal Permitted Use: Means only the permitted main use that is designated specifically in the district regulations of this Specific Plan/Local Coastal Program of this certified LCP.
- x. Public Trust Lands: Means all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes, including tidelands, submerged lands, beds of navigable

lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the public trust at any time.

y. Public Works: Means the following:

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

z. Sea: Means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

aa. Stream: A natural watercourse identified as a stream on a map adopted pursuant to a certified Local Coastal Program, or as designated by a solid line or a ____... symbol on the USGS 7.5 minute quadrangle series map. The bank of the stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. Channelized streams not having significant habitat value should not be considered.

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

cc. Submerged Lands: Means lands which lie below the line of mean low tide.

dd. Tidelands: Means lands which are located between the line of mean high tide and mean low tide.

- ee. Wetland: Means lands within the Coastal Zone which may be covered periodically or permanently with shallow water, and including salt water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud flats, and fens.

6. General Requirements

a. Coastal Development Permit Required:

A Coastal Development Permit is a permit issued by the County of Orange or the Coastal Commission which authorizes establishment, operation and maintenance of a specific use, structure or activity of any development, as defined in Definitions Section, within the Coastal Zone. Except as otherwise provided by the Exemptions, Exclusions and Exceptions Section, any person, partnership, corporation or state or local government agency proposing to undertake any development project within the CD District in Dana Point shall obtain approval of a Coastal Development Permit in compliance with the provisions of this District.

b. Combined Applications:

An application for a Coastal Development Permit may be combined with any other discretionary permit application; however, any such combined application shall be processed in compliance with the provisions of Sec. 7-9-150 of the Orange County Zoning Code and with the provisions of this District. The approving authority for any combined application shall be as specified by this District. When it is not feasible to combine a Coastal Development Permit application with one or more other discretionary permit applications, they may be processed in a concurrent manner so that the effective dates of the different actions shall occur at the proper time and in the required sequence.

c. Two Types of Approval Action:

Coastal Development Permit applications may be processed, in compliance with applicable requirements, either as an application requiring a public hearing or an application requiring administrative approval. When a public hearing is required, the application shall be heard by the Zoning Administrator or the Planning Commission at a regularly scheduled meeting. When a public hearing is not required, the approving authority shall schedule a date, time and place for action to be taken.

d. Intent:

It is the intent of these procedures to minimize the number of times a development project will be required to secure a Coastal Development Permit. Whenever a proposed development project includes more than one "development", as defined in the Definition Section of this district, it is intended that, where feasible, the "developments" be integrated into one development project and that the Coastal Development Permit application be processed at the most appropriate

stage of the project. Any such Coastal Development Permit application shall include such information and details as necessary to permit an appropriate decision to be made for all stages or phases of the development project.

7. Exemptions, Exclusions and Exceptions

Except as otherwise specified herein, developments listed in this section are exempt from the provisions of the CD "Coastal Development" District.

- a. Development projects included in a categorical exclusion list adopted pursuant to the certified Local Coastal Program and to Section 30610(e) of the Public Resources Code.
- b. Improvements to existing single-family dwellings, accessory uses and structures, and landscaping, except the following, which are not exempt.
 - (1) Improvements to any existing single-family structure located on a beach, wetland, or seaward of the mean high tide line or where the dwelling or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.
 - (2) Improvements on any existing single-family structure located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or within significant scenic resources areas as designated by the certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
 - (a) An increase of ten percent or more of the internal floor area of the existing structures on the building site;
 - (b) An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions;
 - (c) The construction on an additional story or a loft;
 - (d) The construction, placement or establishment of any detached structure.
 - (3) Any significant alteration of land form, or removal or placement of vegetation, on a beach, wetland, sand dune, within 50 feet of the edge of a coastal bluff, or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat;
 - (4) Expansion or construction of a water well or septic system;

- (5) Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, when such improvement would be a major water user not essential to residential use, including but not limited to, swimming pools and landscape irrigation systems;
 - (6) Any improvement when the coastal development permit issued for the original structure indicated that future additions would require a Coastal Development Permit.
- c. Improvements to an existing structure, including attached fixtures and landscaping, other than a single-family dwelling or a public works facility, except the following, which are not exempt:
- (1) Improvements to any structure located on a beach, wetland, stream, or seaward of the mean high tide line or where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.
 - (2) Significant alteration of land form, including removal or placement of vegetation, on a beach, wetland, sand dune, or within 100 feet of the edge of a coastal bluff or stream or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat.
 - (3) Expansion or construction of any water well or septic system.
 - (4) Improvements to any structure on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or within significant scenic resources areas as designated by this certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
 - (a) An increase of ten percent or more of the floor area of the existing structures on the building site;
 - (b) An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions;
 - (c) The construction of an additional story or loft.
 - (5) Construction of any major water using development not essential to residential use including but not limited to swimming pools and landscape irrigation systems, in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use.

- (6) Any addition to a single-family dwelling when the Coastal Development Permit issued for the original structure indicated that any future improvements would require a Coastal Development Permit.
 - (7) Improvements to any structure which would result in a change in the intensity of the uses on the building site.
 - (8) Improvements pursuant to a conversion of existing structures from a multiple unit rental use or visitor serving commercial use to a condominium, stock cooperative, or time share project.
- d. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- e. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; except the following, which are not exempt:
- (1) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves substantial alteration of the foundation, including pilings and other surface and subsurface structures.
 - (2) The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
 - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.
 - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
 - (5) Any method of routine maintenance dredging that involves the dredging of 100,000 cubic yards or more within a twelve (12) month period; or the placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or the removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
 - (6) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand

area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within 20 feet of any coastal waters or streams that include:

- (a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
 - (b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- f. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this district.
 - g. The replacement of any structure, other than a public works facility, destroyed by natural disaster, provided such replacement structure conforms to applicable current district regulations, is designed and intended for the same use as the destroyed structure, does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent, and is sited in the same location on the same building site as the destroyed structure.
 - h. Development projects on tidelands, submerged lands or on public trustlands, whether filled or unfilled, when such projects are permitted pursuant to a Coastal Development Permit issued by the Coastal Commission.
 - i. Projects normally requiring a Coastal Development Permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident; provided the Director, EMA, and the Executive Director of the Coastal Commission are notified within three days after the disaster or discovery of the danger regarding the type and location of the emergency measures to be performed. This exemption does not apply to the erection, construction or placement of any structure with an estimated cost or market value in excess of \$25,000 in a permanent location.
 - j. Ongoing routine repair and maintenance activities of local governments, state agencies and public utilities (such as railroads) involving shoreline works protecting transportation roadways, as specified in Board of Supervisors Resolution No. 82-1917, adopted on December 22, 1982.
8. Coastal Development Permit Procedures

Each Coastal Development Permit application shall be processed in compliance with the requirements of this section.

a. Applicability

Coastal Development Permits are applicable to the subject property and all rights granted by the approval of a Coastal Development Permit remain with the property when there is a change of ownership.

When a Coastal Development Permit is approved in combination with another discretionary permit, unless otherwise stated in the approval action, the period of validity for the Coastal Development Permit shall be the same as for the other discretionary permit, including any extensions granted thereto.

When a project requires no discretionary permits or approvals other than a Coastal Development Permit, unless otherwise stated in the approval action, the Coastal Development Permit shall expire two years from the date of final determination if the project has not been commenced during that time.

When a Coastal Development Permit proposes to develop a building site or sites in compliance with standards and criteria specified by the permit, the plan accompanying the application shall be a precise plan of development. Establishment, maintenance and operation of the use or uses proposed by the application shall be consistent with the information and specifications of the plan, as approved.

b. Filing Procedures

A Coastal Development Permit application may be processed and action taken in combination with any other discretionary permit application when such discretionary permit application is processed in compliance with the requirements of this District provided such discretionary permit application contains sufficient detail to permit the approving authority to make the findings required by this District. A tentative tract map shall not be approved and a building permit, grading permit or encroachment permit shall not be issued prior to the issuance of a Coastal Development Permit unless the project is categorically excluded or exempted from compliance with the provisions of this district.

In addition to the requirements of the Dana Point Specific Plan, each application for a discretionary permit in the CD District shall be accompanied by a "Coastal Development Permit Status Request." Prior to accepting the discretionary permit application, the Director, EMA shall make one of the following determinations:

- (1) The requirements of this District have been previously satisfied;
or
- (2) The applicant shall file a Coastal Development Permit application concurrently or in combination with the discretionary permit application; or
- (3) The Coastal Development Permit application shall be deferred to accompany a subsequent discretionary permit application.

c. Application Requirements

Each application for a Coastal Development Permit shall be filed in the form and number prescribed by the Director, EMA, and shall be accompanied by:

- (1) Payment of fee set by resolution of the Board of Supervisors.
- (2) A location map showing the area to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and other major landforms.
- (3) A plan, drawn to scale, in sufficient detail to indicate compliance with the certified Local Coastal Program.
- (4) Any additional information determined by the Director, EMA to be necessary for evaluation of the proposed development.

d. Referral of Application

It shall be the duty of the Director, EMA to: 1) forward applications for comment to other reviewing officials and/or agencies as may be required by the Dana Point Local Coastal Program policies, and 2) forward each application for a Coastal Development Permit, together with his recommendation thereon, to the approving authority for its action.

It shall also be the duty of the Director, EMA to mail the notice of public hearing and the notice of application, in compliance with the provisions of subsections (g) and (h) of this section.

Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the notice. Written comments shall be submitted to the Director, EMA, who shall forward them to the approving authority or to the Board of Appeals.

e. Action on Coastal Development Permit

Action to approve, conditionally approve or disapprove a Coastal Development Permit application shall be taken only by the Director, EMA, or his designee, the Zoning Administrator, the Subdivision Committee, the Planning Commission or the Board of Supervisors. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project by applicable provisions of the base district.

Action on a Coastal Development Permit shall be in accordance with the following procedures:

- (1) Where the applicable regulations of this Specific Plan requires action on a discretionary permit application to be taken by the Director, EMA or his designee, the Zoning Administrator, the Subdivision Committee, the Planning Commission or the Board of Supervisors, and a public hearing is not required by this District then that person, committee, commission or board shall also act on the Coastal Development Permit.
- (2) Where action on other permits or approvals is to be taken by a County officer or body other than those specified in paragraph (1), the Zoning Administrator shall act on the Coastal Development Permit prior to action by the appropriate officer or body on the other required permits or approvals.
- (3) When a development project is permitted by the applicable regulations of this Specific Plan with no discretionary permit or approval other than a Coastal Development Permit, the Zoning Administrator shall act on the Coastal Development Permit.
- (4) Where, in accordance with paragraphs (1) and (2) above, action on a Coastal Development Permit should be taken by the Director, EMA or his designee, but Public Hearings and Comments Section (8f) of this CD Overlay District requires a public hearing, the Zoning Administrator or Planning Commission, as specified in this district shall act in the place of the Director, EMA.
- (5) The approving authority may take any one or a combination of four different actions for each application as follows:

(a) Approval

The application is approved with no conditions or requirements other than those specified by the application. After the date of final determination, the proposed project may be established in compliance with all applicable regulations and with the provisions of the application as approved.

(b) Conditional Approval

Any application may be approved subject to the performance of, or compliance with, conditions necessary to assure conformity with the certified Local Coastal Program.

After the date of final determination, the proposed project may be established in compliance with all applicable regulations, with the provisions of the application as approved, and with the provisions and requirements of the conditions of approval.

(c) Disapproval

The approving authority shall state the reasons for such action.

(d) Withdrawal

With the concurrence of, or at the request of the applicant, any Coastal Development Permit application may be withdrawn. When the approving authority withdraws an application, such action is effective immediately and is not subject to appeal. Thereafter, such application shall be null and void, and the property shall have the same status as if no application had been filed.

f. Public Hearing and Comments

- (1) The approving authority specified in the Action on Coastal Development Permit Section (8e) shall hold a public hearing prior to any action on a Coastal Development Permit where any of the following apply:
 - (a) The applicable Specific Plan regulations require the holding of a public hearing prior to action or recommendation on other permits or approvals required for the project.
 - (b) The application is for an appealable development, as defined in the Definitions Section (Section 5).
- (2) A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project held by the approving authority specified in the Action on Coastal Development Permit Section (Section 8.e.).

g. Notice of Public Hearing(1) Provision of Notice Prior to Public Hearing:

Notice shall be mailed, by first class mail, at least ten calendar days before the public hearing on development applications to the following people and agencies:

- (a) Applicant.
- (b) All persons owning property within 300 feet from the exterior boundaries of the premises to which the application pertains.
- (c) All persons residing on a building site within 100 feet from the exterior boundaries of the premises to which the application pertains.
- (d) The Coastal Commission.
- (e) Public agencies which, in the judgment of the Director, EMA may have an interest in the project.

(f) All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self-addressed stamped envelopes.

(g) Dana Point Specific Plan Board of Review.

(2) Contents of Notice:

(a) A statement that the development is within the Coastal Zone.

(b) The date of filing of the application and the name of the applicant.

(c) The number assigned to the application.

(d) A brief description of the development and its proposed location.

(e) The date, time and place at which the application will be heard by the local approving authority.

(f) A brief description of the general procedure of the conduct of the hearing and possible actions.

(g) The system for County and Coastal Commission appeals.

(h) The fee for filing appeals.

(3) Notice of Continued Public Hearings:

If a hearing on a Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in the Notice of Public Hearing Section above.

h. Notice of Application for Projects which do not require a public hearing.

(1) Provision of Notice:

Notice of these development proposals shall be mailed, by first class mail, at least ten calendar days prior to the determination date to the following people and agencies:

(a) The applicant.

(b) All property owners and residents within 100 feet from the exterior boundaries of the premises to which the application pertains.

(c) The Coastal Commission.

(d) All persons who have submitted a written request for notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self addressed-stamped envelopes.

(e) Dana Point Specific Plan Board of Review.

(2) Contents of Notice:

(a) A statement that the development is within the Coastal Zone.

(b) The date of filing of the application and the name of the applicant.

(c) The number assigned to the application.

(d) A brief description of the development and its proposed location.

(e) The date the application will be acted upon by the approving authority.

(f) The general procedure of the approving authority concerning the submission of public comments, either in writing or orally prior to the decision.

(g) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

i. Notice of Decision:

On or before the seventh calendar day following the date of decision by the Director, EMA, Zoning Administrator, Subdivision Committee, Planning Commission, or Board of Supervisors, notice of the decision, including findings for approval and conditions (if any) and the procedures for appeal of the decision shall be mailed to the following persons:

(1) The applicant

(2) All persons who have submitted a written request for notification of action on this specific permit and who have submitted self-addressed stamped envelopes.

(3) The Coastal Commission

(4) Dana Point Specific Plan Board of Review.

j. Categorically Excluded Developments, Maintenance of Permit Records

A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review and shall include the following information for each permit: name of applicant, location of the project, and brief description of the project.

k. Failure to Act

If an application for a coastal development permit has not been approved or disapproved by the approving authority within one year after the date the application was accepted as complete, or within the time the application was extended, the application shall be deemed approved. Thereafter, the applicant shall notify the County of Orange and the Coastal Commission, in writing, of his or her claim that the development project has been approved by operation of law. When the County determines, after notice by the person claiming the right to proceed, that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired; the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to the Notice of Decision Section (8.i.) above that the time limits have expired, and that by operation of law the appeal period has started pursuant to Government Code Sections 65950-65957.1.

l. Effective Date

The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired or after the twenty-first (21st) calendar day following the final local action unless any of the following occur:

- (1) an appeal is filed in accordance Appeals (Section 11) below.
- (2) the notice of final County action does not meet the requirements of the Final Determination Section (Section 8.m.) below.
- (3) the notice of final County action is not received in the Commission office and/or distributed to interested parties in time to allow for the ten (10) working day appeal period within the 21 days after the local decision.

m. Final Determination

The County's decision on an application shall be deemed final when the decision on the application has been made and all required findings have been made in compliance with the Findings Section below, including specific factual findings supporting the conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program, and where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and, when all legal rights of appeal have been exhausted, as defined in the Appeals Section (Section 11) below.

9. Standards for Application Review

- a. Prior to accepting an application for a coastal development permit the Director, EMA, shall determine whether the development project is categorically excluded, nonappealable or appealable to the Coastal Commission. This determination shall be made on the basis of the provisions of the certified LCP and land use district and zoning regulations.

If the applicant or any other interested person does not agree with the Director, EMA's determination, he or she may challenge the determination. If such challenge is not resolved and the determination remains disputed, the County shall notify the Coastal Commission (Executive Director, South Coast District Director or their designee) by telephone, of the dispute/question and shall request an Executive Director's opinion. If the Director, EMA or any other interested person does not agree with the Executive Director's determination and wishes a further determination, the matter shall be forwarded to the Board of Supervisors for review and determination.

The Board shall schedule the request for review and determination at the earliest available regularly scheduled meeting. The Board shall determine whether the project is categorically excluded, non-appealable or appealable. If the Board of Supervisors' determination is not in accordance with the Executive Director's determination, the request shall be returned to the Executive Director who may either concur with the Board's determination or forward the request to the Coastal Commission for a final determination.

- b. The person, officer, administrator, committee, commission or board acting on a Coastal Development Permit shall review the project for compliance with all applicable plans, policies, requirements and standards of the Dana Point Specific Plan/Certified Local Coastal Program, the County General Plan, requirements of the district regulations of this Specific Plan/Local Coastal Program, and the provisions of this District. The Director, EMA shall prepare a report to the approving authority, on discretionary projects, for each Coastal Development Permit application. The report shall include a statement as to whether, in the Director's judgment, the project complies with the policies of the certified Local Coastal Program. The report shall also include a recommended action, with conditions as appropriate to ensure compliance with the certified Local Coastal Program.

10. Findings

A Coastal Development Permit application may be approved only after the approving authority has made the following findings:

- a. Local Coastal Program. That the development project proposed by the application conforms with the certified Local Coastal Program;

- b. Zoning or District Regulations. That the application is consistent with the purpose and intent as well as the other provisions of the Orange County Zoning Code or district regulations of this Specific Plan applicable to the property.
- c. California Coastal Act. That the project conforms with the public access and public recreation policies of the California Coastal Act;
- d. Variance Applications. In addition to the findings required for a variance by the applicable regulations of this Specific Plan, the following finding shall also be made. "Approval of the application will result in no modification to the requirements of the Certified Land Use Plan for Dana Point.

11. Appeals

The decision regarding any Coastal Development Permit application may be appealed in compliance with the provisions of Sec. 7-9-150.4 of the Orange County Code and with the following additional provisions.

a. Appealable Decision

A decision by the Board of Supervisors regarding an application for a Coastal Development Permit for an appealable development may be appealed to the Coastal Commission in compliance with the Coastal Commission appeal procedures.

b. Notice of Final Appeal Action

Within 7 calendar days following the date of decision on an appeal the Director, EMA, or the Clerk of the Board of Supervisors, as appropriate, shall forward by first class mail a copy of the written decision to the appellant, the applicant, Dana Point-Specific Board of Review, and the Coastal Commission, and shall make such decision available at cost to any other person desiring a copy of such decision.

c. Appeal Procedures

- (1) An appeal of a decision by the Board of Supervisors may be filed by the applicant, by an aggrieved person, or by any two members of the Coastal Commission.
- (2) An appeal of a decision by the Board of Supervisors shall be filed within 21 calendar days from the date of the Board's decision.
- (3) Any appealable development may be appealed directly to the Coastal Commission without exhausting the appeal procedures specified by this section and Sections 7-9-150.4 and 150.5 of the Orange County Zoning Code, provided such appeal complies with the adopted regulations of the Coastal Commission.

d. Appealable Developments

A decision by the Board of Supervisors regarding a Coastal Development Permit application for any of the following projects may be appealed to the Coastal Commission.

- (1) Development projects approved by the County located within any appealable area, as follows:
 - (a) All area between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;
 - (b) All area within 100 feet of any wetland, estuary, or stream and all area within 300 feet, both seaward and landward, of the top of the seaward face of any coastal bluff;
- (2) Any development project approved by the County that is not designated as the principal permitted use as defined in the Definitions Section (Section 5) of this Specific Plan/Local Coastal Program.
- (3) Any development project which constitutes a major public works project or a major energy facility.

12. Enforcement Provisions

The purpose of this section is to provide regulations and procedures which will ensure compliance with the California Coastal Act and with the requirements of this Certified Local Coastal Program and the provisions of this District.

a. Violations

Any person who violates any provision of the LCP shall be subject to a civil fine of not to exceed ten thousand dollars (\$10,000).

In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of the LCP shall be subject to a civil fine of not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000) per day for each day in which such violation occurs.

b. Revocations

Failure of any person to abide by and faithfully comply with any and all conditions that may be attached to the approval of a permit issued pursuant to the provisions of this District shall constitute grounds for the revocation of said permit by the Board of Supervisors.

The failure of any Coastal Development Permit application to be processed in compliance with the requirements and procedures of this

District shall constitute grounds for revocation by the Board of Supervisors for any permit approved resultant to such non-compliance.

13. Judicial Review

Any violation of the District Regulations of the Specific Plan/Local Coastal Program or applicable provisions of the Orange County Zoning Code within the "Coastal Development" District shall also constitute a violation of Division 20, Section 30000 et seq. of the Public Resources Code of the State of California and shall be subject to the remedies, fines and penalties provided in Division 20, Chapter 9, Section 30800 et seq. of the Public Resources Code.

14. Procedures for Open Space Easements and Public Access Documents

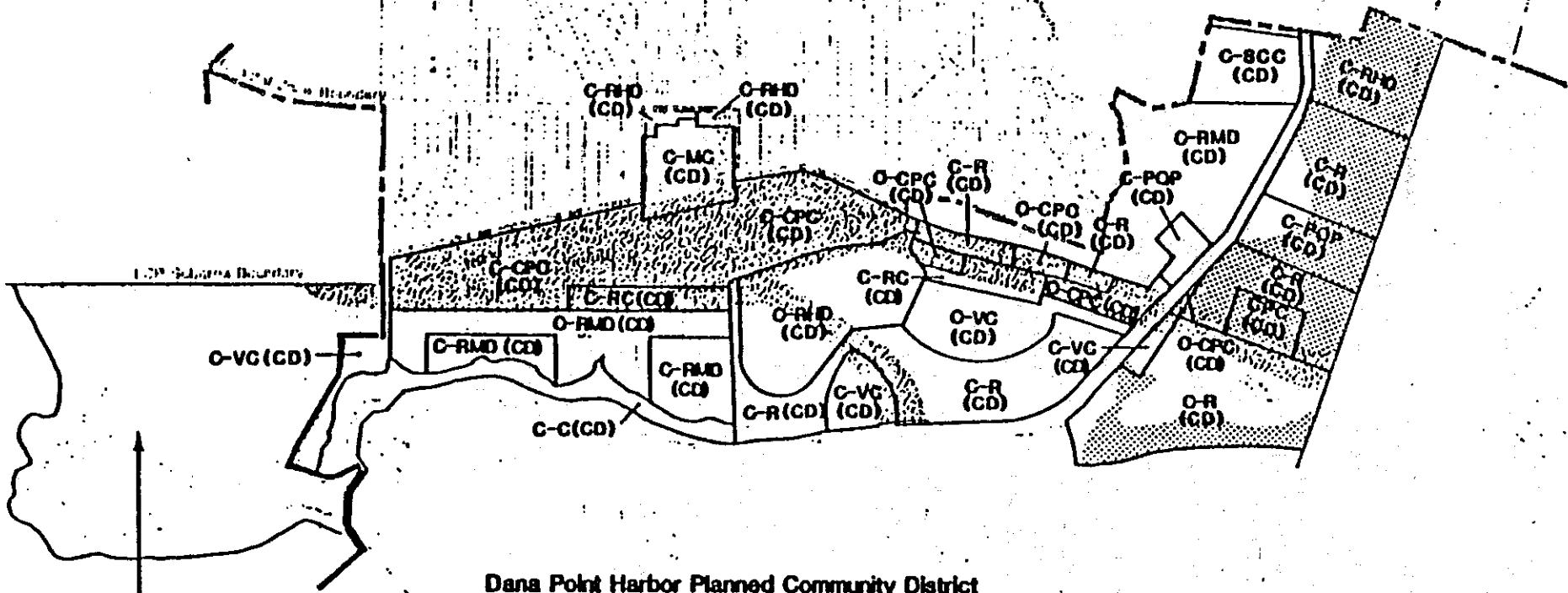
When a Coastal Development Permit requires dedication of a public access, open space or conservation easement, prior to recordation of a final tract or parcel map or prior to issuance of the Coastal Development Permit, the legal dedication document shall be approved by the Director, EMA and the Executive Director of the Coastal Commission prior to such recordation or permit issuance. The offer of dedication shall be processed in the following manner:

After the Director, EMA has approved the offer of dedication, the offer of dedication together with a copy of the Coastal Development Permit conditions and findings shall be forwarded to the Executive Director for review and approval.

The Executive Director shall, within 15 working day period after receipt of the documents, notify the Director, EMA and the applicant of any recommended changes to the dedication offer.

If the Director, EMA has not received a notice of recommended changes from the Executive Director at the end of the 15 working day period, the map may be recorded or the permit may thereafter be issued in compliance with applicable County procedures and regulations.

If the Executive Director has recommended changes in the offer of dedication the subject map shall not be recorded, nor shall the permit be issued, until the offer of dedication has been revised in a manner satisfactory to, and as approved by, the Director, EMA and the Executive Director.



For Land Use Districts in this Sector see Exhibit 38

- | | |
|--|---------------------------------------|
| C-RMD Coastal Medium Density Residential | C-SCC Coastal Special Congregate Care |
| C-RHD Coastal High Density Residential | C-R Coastal Recreation Space |
| C-RC Coastal Residential Commercial | C-C Coastal Conservation |
| C-MC Coastal Minor Commercial | (CD) Coastal Development |
| C-CPC Coastal Couplet Commercial | Headlands Sector Boundary |
| C-VC Coastal Visitor Commercial | SH Scenic Highway |
| C-PQP Coastal Public Quasi Public | FP-2 Flood Plain |

COASTAL LAND USE REGULATIONS MAP

DANA POINT SPECIFIC PLAN

Exhibit 35

87-372284

COASTAL LAND USE DISTRICT REGULATIONS

1. C-RMD

"COASTAL MEDIUM DENSITY RESIDENTIAL" DISTRICT**a. PURPOSE AND INTENT**

The C-RMD Coastal Medium Density Residential District is established to provide the regulations which will permit the development and maintenance of medium density single-family residential neighborhoods in the Coastal Zone. The C-RMD District implements the 1.3, 1.31 and 1.32 Medium Density Residential land use designations of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District Regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Single-family detached dwellings (one dwelling per building site).
 - b) Parks and playgrounds, public and private, non commercial.
- 2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Horticulture, unlighted and enclosed by buildings and structures, non commercial.
 - b) Single-family mobilehomes, mobilehome parks, mobilehome subdivision (all installed pursuant to the National Mobilehome Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., on a foundation system set forth in Section 18551 of the Health and Safety Code) per Section 7-9-149 et seq. of the Orange County Zoning Code, including any accessory or temporary uses listed under "Principal Permitted Use."
 - c) Riding and hiking trails.
 - d) Parks and playgrounds, public and private (non-commercial).
 - e) Churches, temples, and other places of worship.

- f) Educational institutions and associated athletic fields.
 - g) Communication equipment buildings.
 - h) Community television receiving and distribution system.
 - i) Utility structures and facilities.
 - j) Microwave radio and television relay transmitters.
 - k) Fire and police stations.
 - l) Public libraries.
 - m) Water reservoirs and appurtenant facilities.
 - n) Eleemosynary institutions.
 - o) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
 - p) Mobilehome residence during construction of a dwelling per Section 7-9-136.7 of the Orange County Zoning Code.
 - q) Continued use of an existing building during construction of a new building on the same building site in compliance with the provisions of Section 7-9-136.3 of the Orange County Zoning Code.
 - r) Country clubs and golf courses.
 - s) Electric distribution substations.
 - t) Care homes and facilities serving not more than six (6) persons.
 - u) Day care centers.
 - v) Residential single-family planned (unit) developments subject to the site development standards of Section 7-9-110.3(c) of the Orange County Zoning Code and with a minimum of square footage of net land area per unit as outlined under General Provision #31.
- 3) Accessory Uses Allowed

Any of the following uses and structures customarily accessory and incidental to the above permitted uses except as otherwise provided in other subsections and in compliance with the site development standards contained in Section 7-9-137 of the Orange County Zoning Code.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
 - b) Garages and carports, in compliance with the site development standards provided in Section 7-9-137.1 of the Orange County Zoning Code.
 - c) Patio covers and roofs, in compliance with the site development standards provided in Section 7-9-137.2 of the Orange County Zoning Code.
 - d) Swimming pools, in compliance with the regulations provided in Section 7-9-137.4 of the Orange County Zoning Code.
 - e) Fences and walls. (See #2 under SITE DEVELOPMENT STANDARDS.)
 - f) Non-commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits, small rodents, provided that the number of cats or dogs shall not exceed 3 of each residence.
 - g) Tennis courts, in compliance with the provisions of Section 7-9-137.6 of the Orange County Zoning Code.
 - h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.
- 4) Prohibited Uses
- a) The keeping of horses, cows, and wild or non-domesticated animals is prohibited.
 - b) Kennels.
 - c) All uses not listed in b. 1) and 2), and 3).

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations
 - a) Minimum building site area - 6,500 square feet.
 - b) Building Site Area/per unit standard: 6,500 sq. ft. except as noted in General Provision #31.
 - c) Building site width - no limitation.
 - d) Building height, maximum - 28 feet.

e) Building setbacks¹

From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Site from All Prop. Lines
Front	Side	Rear	Side	Rear	
20	5	25*	5	25*	10

*Or as required by f, j, or the General Provisions, whichever is greater.

- f) In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than 15 feet.
- g) Projection into required setbacks; eaves, chimneys, patios, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front and rear setback, and 2 feet into side setback.
- h) Attached accessory buildings shall be considered as a part of the the main building.
- i) Garage and carport placement. See Section 7-9-137.1 of the Orange County Zoning Code.
- j) In areas of new development, above ground structures and swimming pools shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for 50 years. The setback shall be determined by the County. A geologic report shall be required by the County. In no case shall the setback be less than 25 feet.

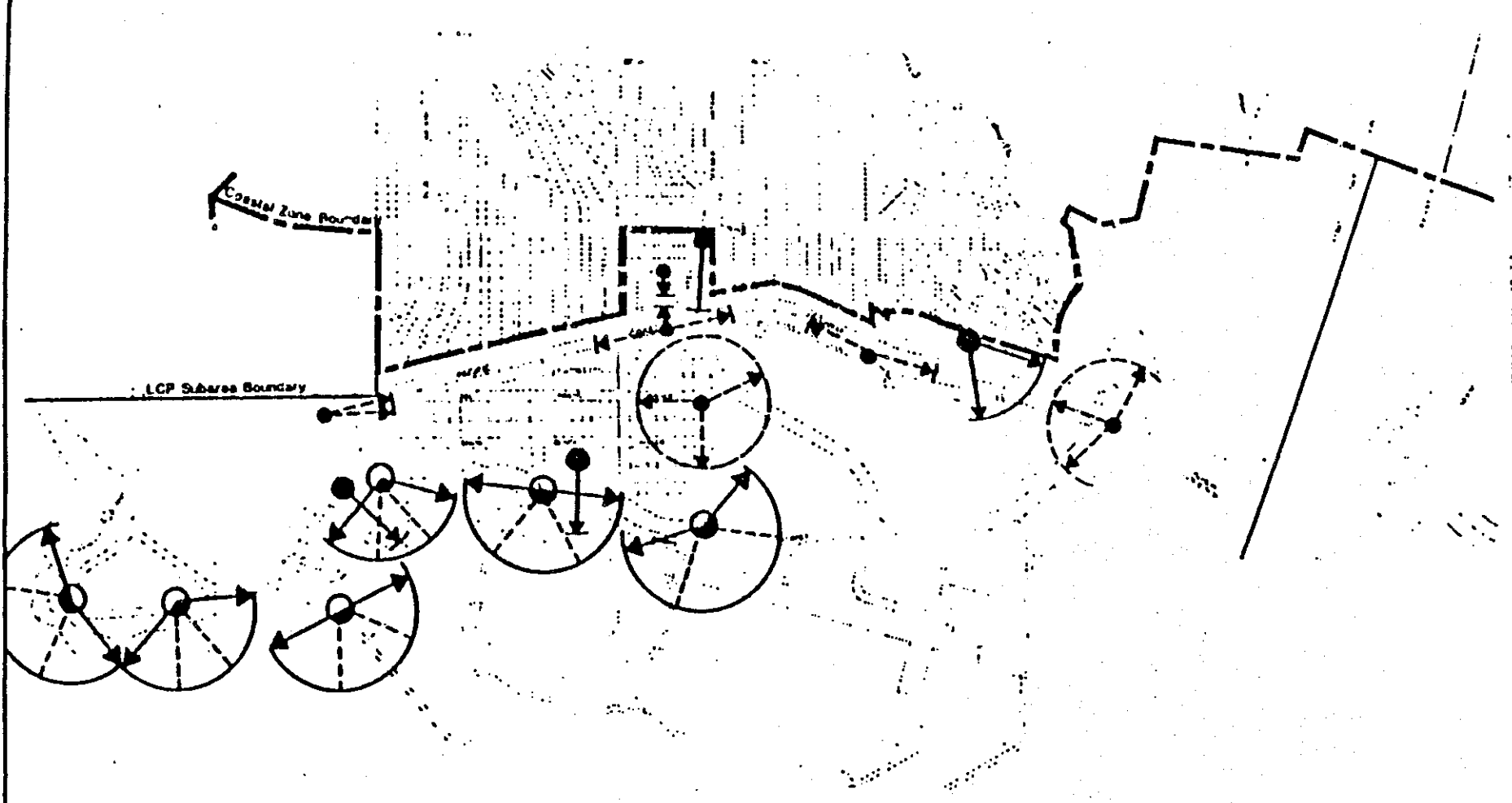
2) Fences and walls, maximum height.




- a) Within front setback area - three and one half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
- b) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.

¹See General Provision #32.

*OC Zoning
7-9-128 for reduced lot width
setbacks*

- 3) Off-street parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.
- 4) Within required blufftop setbacks, drought-tolerant vegetation will be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability, shall be permitted.
- 5) The location of the blufftop walk as depicted on Exhibit 33 shall be conceptual in nature. Precise alignment of the blufftop walk will be determined as new development plans are reviewed by the County. The interim blufftop walk as shown on Exhibit 33 of the Land Use Plan (LUP) shall be used until the permanent trail system is in place.
- 6) Development shall attempt to minimize obstruction of the ocean view corridors depicted in Exhibits 36 and 37.
- 7) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements, waivers of liability, and coastal access fund contributions.



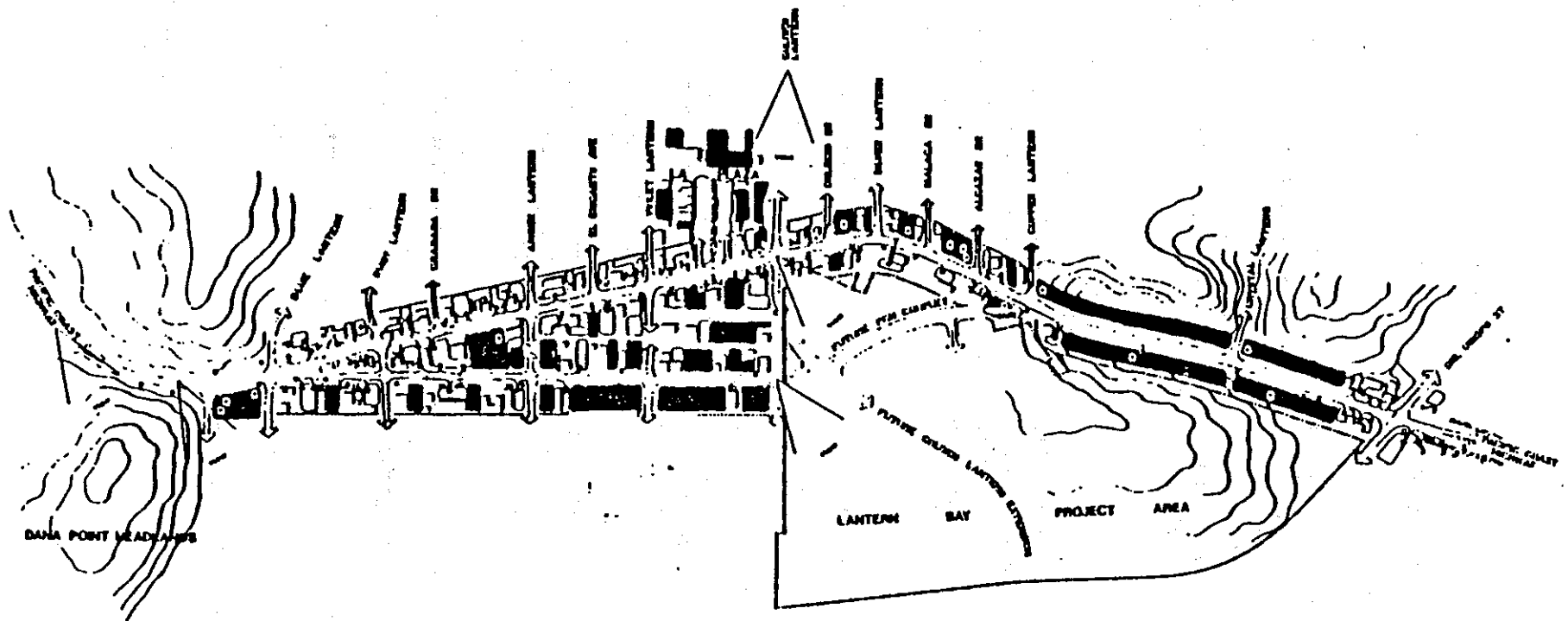
-  **Primary Lookout Points Off Bluffs**
-  **Primary Inland Views to Harbor**
-  **Secondary Views— Potential Primary Inland Views**



VIEW ANALYSIS
DANA POINT
 SPECIFIC PLAN

Exhibit 36

87-372284



LEGEND

- Utility Pole
- Lot Line or E. Easement
- Easement Pole or E. Easement
- Existing Easements
- Accessible Easements
- Historical Buildings
- Existing Easements
- Easement Width
- Existing Parking
- Future Parking
- Future Alignment
- Major Road Pattern
- Streetway Area
- Future Road
- Importance of Significance

PCH EXISTING
CONDITIONS

**DANA POINT
SPECIFIC PLAN**

E

37

#07710-10

2. C-RHD

"COASTAL HIGH DENSITY RESIDENTIAL" DISTRICT**a. PURPOSE AND INTENT**

The C-RHD Coastal High Density Residential District is established to provide the regulations which will permit the development and maintenance of high density and heavy density multiple-family residential neighborhoods. The C-RHD District implements the 1.4, 1.41 and 1.42 High Density Residential, 1.51 Heavy Density Residential land use designations of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District Regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Single-family detached dwellings (one dwelling per building site)
 - b) Duplexes
- 2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Mobilehome - parks and subdivisions per Sections 7-9-149, 7-9-149.2, 7-9-149.5 of the Orange County Zoning Code including any accessory or temporary uses listed under "Principal Permitted Uses."
 - b) Apartments, residential condominiums, stock cooperatives pursuant to the R2 and R4 zoning districts of the Orange County Zoning Code.
 - c) Parks and playgrounds, public and private non-commercial.
 - d) Churches, temples, or other places of worship.
 - e) Educational institutions and associated athletic fields.
 - f) Communication equipment buildings.
 - h) Community television receiving and distribution systems.

- i) Electric distribution substations.
- j) Horticulture, unlighted and enclosed by buildings and structures, non-commercial.
- k) Water pumping stations.
- l) Microwave radio and television relay transmitters.
- m) Sewage lift stations.
- n) Fire and Police stations.
- o) Public libraries.
- p) Water reservoirs and appurtenant facilities.
- q) Community care facilities per Section 7-9-¹⁴¹~~133.1~~ of the Orange County Zoning Code.
- r) Eleemosynary institutions.
- s) Country clubs and golf courses.
- t) Daycare centers and preschools pursuant to Section 7-9-141 of the Orange County Zoning Code.
- u) Residential Planned (unit) developments subject to the site development standards of Section 7-9-110.3(c) of the Orange County Zoning Code and with a minimum of square footage of net land area per unit as outlined under General Provision #31.
- v) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
- w) Mobilehome residence during construction of a dwelling per Section 7-9-136.7 of the Orange County Zoning Code.
- x) Riding trails.
- y) Continued use of an existing building during construction of a new building on the same building site in compliance with the provisions of Section 7-9-136.3 of the Orange County Zoning Code.

3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
- b) Garages and carports
- c) Patio covers and roofs
- d) Swimming pools
- e) Fences and walls
- f) Non-commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits, small rodents, provided that the number of cats or dogs shall not exceed 3 of each per residence.
- g) Tennis courts, in compliance with the provisions of Section 7-9-137.6 of the Orange County Zoning Code.
- h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.

4) Prohibited Uses

- a) The keeping of horses, cows, and wild or non-domesticated animals is prohibited.
- b) Kennels.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum building site area 5,200 square feet.
- b) Building Site Area/per unit standard - 2,600 square feet area per unit unless otherwise provided for in General Provision #31.
- c) Building site width - no limitation.
- d) Building height maximum - 28 feet
Building site coverage: 60% of building site

e) Building setbacks¹

From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Building Site from Any Property Line
Front	Side	Rear	Side	Rear	
20	5	25	5	25*	10

*25' or as required by f, j, or the General Provisions, whichever is greater. Setback shall be measured from the bluff edge for properties along coastal bluffs.

- f) In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than 15 feet.
- g) Projection into required setbacks; eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front and rear setback, and 2 feet into side setback.
- h) Attached accessory buildings shall be considered as a part of the main building.
- i) Garage and carport placement. (See Section 7-9-137.1 of the Orange County Zoning Code.)
- j) In areas of new development, above ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for 50 years. The setback shall be determined by the County. A geologic report shall be required by the County. In no case shall the setback be less than 25 feet.
- k) Fences and walls, maximum height.
- i) Within front setback area - three and one half (3-1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - ii) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.

¹See General Provision #32.

- l) Landscaping minimum - 50% of the front setback area, except as otherwise provided for by a residential planned development.
- m) Building separation - A ten (10) foot minimum shall be maintained between the main walls of buildings.
- 2) Off-street parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.
- 3) Within required blufftop setbacks drought-tolerant vegetation will be maintained. Grading as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability shall be permitted.
- 4) The location of the blufftop walk as depicted in Exhibit 33 shall be conceptual in nature. Precise alignment of the blufftop walk will be determined as new development plans are reviewed by the County. The interim bluff top walk as shown on Exhibit 33 shall be used until the permanent trail is in place.
- 5) Development shall attempt to minimize obstruction of the ocean view corridors depicted in Exhibits 36 and 37.
- 6) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements, waivers of liability, and coastal access fund contributions.

3. C-RC

"COASTAL RESIDENTIAL - COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The C-RC Coastal Residential-Commercial District is established to provide the regulations which will permit the development and maintenance of commercial uses which offer a wide range of goods and services and residential uses. The intent of the C-RC District is to create the feasibility and desirability of mixing residential uses with commercial uses. The C-RC District implements the 1.51 Heavy Density Residential and 2.2 Community Commercial land use designations of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District Regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Retail/service businesses, when established in conjunction with allowed residential uses.
- 2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Single-family, duplex and multi-family dwellings when established in conjunction with allowed commercial uses.
 - b) Parking lots and parking structures.
 - c) Riding trails.
 - d) Parks public and private (non-commercial).
 - e) Churches, temples, and other places of worship.
 - f) Educational institutions and associated athletic fields.
 - g) Communication equipment buildings.
 - h) Community television receiving and distribution system.
 - i) Private water pumping stations.

- j) Microwave radio and television relay transmitters.
 - k) Sewage lift stations.
 - l) Fire and Police stations.
 - m) Public libraries.
 - n) Water reservoirs and appurtenant facilities.
 - o) Community care facilities per Section 7-9-138.1 of the Orange County Zoning Code.
 - p) Eleemosynary institutions.
 - q) Administrative and professional offices when established in conjunction with allowed residential uses.
 - r) Daycare centers and preschools.
 - s) Lodge and union halls.
 - t) Athletic clubs.
 - u) Fraternities and sororities.
 - v) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
 - w) Mobilehome residence during construction of dwellings per Section 7-9-136.7 of the Orange County Zoning Code.
 - x) Continued use of existing buildings on the same building site per Section 7-9-136.3 of the Orange County Zoning Code.
 - y) Commercial recreation uses.
- 3) Accessory Uses Allowed in compliance with the site development standards contained in Section 7-9-137 of the Orange County Zoning Code.
- a) Signs in compliance with the provisions of Section 7-9-111 SR "Sign Restrictions" District of the Orange County Zoning Code.
 - b) Garages and carports, in compliance with the site development standards provided in Section 7-9-137.1 of the Orange County Zoning Code.
 - c) Patio covers and roofs in compliance with the provisions of Section 7-9-137.2 of the Orange County Zoning Code.

- d) Swimming pools, in compliance with the provisions of Section 7-9-137.4 of the Orange County Zoning Code.
 - e) Fences and walls. (See k. under Site Development Standards.)
 - f) Non-Commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits and small rodents but provided that the number of dogs and cats shall not exceed 2 of each per residence.
 - g) Tennis courts.
 - h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.
- 4) Prohibited Uses
- a) Automobile repair garages, fender and body repair and paint shops.
 - b) Cleaning, dyeing and laundry plants.
 - c) Print shops.
 - d) Rental and sales of motor vehicles and trailers and power equipment.
 - e) Tire retreading.
 - f) Warehouses and contractors storage yards.
 - g) Welding shops.
 - h) Motorcycle sales and service.
 - i) Boat or marine power craft sales and service.
 - j) Manufacturing, industrial or wholesale businesses.

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations.
 - a) Minimum building site area - no required limitation.
 - b) Building Site Area/Lot Coverage/footprint - "1.41" is 2,600 square feet area per dwelling unit, "1.51" is 1,200 square feet area per dwelling unit, "2.2" - no limitations. No lot coverage or footprint minimums.
 - c) Building site width - no limitation.

87-372284

- d) Building height maximum - Thirty five (35) feet maximum with one story maximum permitted. When a commercial use is established in conjunction with a residential use, three (3) stories are allowed.
- e) When a vertical use mix is employed, commercial uses established in conjunction with a residential use, the residential use shall be above the commercial use (2nd floor and/or third).
- f) Building setbacks.¹

From Ultimate Street R/W Line			From Alley			From Property Line Abutting Residential Districts		From Property Line Abutting Nonresidential Districts	
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- g) Projections into required setbacks; eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 3 feet into required front, rear or side setback.
- h) Attached accessory buildings shall be considered as a part of the main building.
- i) Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
- j) Garage and carport placement. (See Section 7-9-137.1 of the Orange County Zoning Code.)
- k) Fences and walls, maximum height.
 - i) With front setback area - three and one half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - ii) Within other setback areas - maximum height shall be six (6) feet, except that this minimum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.
- 2) Trash and storage - All trash and storage shall be contained entirely within a completely enclosed structure.
- 3) Loading areas - Shall not be located as to impede traffic on Del Prado or Pacific Coast Highway. Loading shall be located on the project site, whenever possible.

¹See General Provision #32.

- 4) Business hours - No limitation.
- 5) Off-Street Parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.
- 6) Each development shall also meet the requirements of the General Provisions, with particular attention to those for coastal access fund contributions for residential units.
- 7) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

4. C-MC

"COASTAL MINOR COMMERCIAL" DISTRICT**a. PURPOSE AND INTENT**

The C-MC Coastal Minor Commercial District is established to provide the regulations which will permit the development and maintenance of commercial uses that provide convenience goods and services for the immediate neighborhood. The C-MC District implements the 2.1 Local Commercial land use designation of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations.
 - a) Retail and service businesses.
- 2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Retail sale of food and food-related products, such as supermarkets, bakeries, delicatessens and ice cream shops.
 - b) Retail sale of general merchandise oriented to the daily needs of the immediate neighborhood, such as drug stores, book stores, stationary stores, hardware stores, sporting goods stores, hobby shops, record and tape stores and photographic supply stores.
 - c) Personal services oriented to the daily needs of the immediate neighborhood, beauty shops, barber shops, laundromats, and dry cleaning agencies.
 - d) Shoe repair shops, radio television repair shops, watch repair shops, and bicycle repair shops.
 - e) Civic uses such as post offices, libraries and community centers.
 - f) Restaurants, including both indoor and outdoor eating establishments.

- g) Professional and administrative offices when only on the upper level of multiple-story buildings.
- h) Parking lots and parking structures.
- i) Banks and savings and loan association branches.
- j) Day care centers and preschools pursuant to Section 7-9-141 of the Orange County Zoning Code.
- k) Automobile service stations, subject to the additional regulations of Section 7-9-114 of the Orange County Zoning Code.
- l) Nurseries and garden supply stores.
- m) Animal clinics subject to regulation of Section 7-9-146.1 of the Orange County Zoning Code.

3) Accessory Uses

Any of the following uses and structures customarily incidental to the permitted uses.

- a) Signs, in compliance with Chapter V, Section A.
- b) Other accessory uses.

4) Prohibited Uses

- a) All uses not listed as allowed under Sections 1 and 2 above.
- b) Automobile repair garages, fender and body repair and paint shops.
- c) Cleaning, dyeing and laundry plants.
- d) Print shops
- e) Rental and sales of motor vehicles, trailers and power equipment.
- f) Tire retreading.
- g) Warehouses and contractors' storage yards.
- h) Welding shops.
- i) Motorcycle sales and service.
- j) Manufacturing, industrial or wholesale businesses.

c. SITE DEVELOPMENT STANDARDS

- 1). Building Regulations

CNC

- a) Minimum lot size - No limitations
- b) Building Site Width - No limitations
- c) Building Height - 35 Feet
- d) Building site coverage - No limitation
- e) Building setbacks.

From Ultimate Street R/W Line			From Alley			From Property Line Abutting Residential Districts		From Property Line Abutting Nonresidential Districts	
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- 2) Off-street Parking - per Section 7-9-145 et seq of the Orange County Zoning Code.
- 3) Trash and storage areas - all storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
- 4) Loading - All loading and loading operations shall be performed on the site and uses shall be screened from view by a landscape or architectural feature.
- 5) Screening - An opaque screen shall be installed and maintained along all area boundaries, other than streets, where the premises abut areas zoned for residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types.
 - a) Walls: A wall shall consist of concrete, stone brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
 - b) Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
 - c) Fences, solid: A solid fence shall be constructed of wood, masonry or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
 - d) Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.

- e) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet, within eighteen (18) months after initial installation. Except as provided in subsection (f) below, plant materials shall not be limited to a maximum height.
 - f) The Director, EMA, shall require that either a, b, or c above shall be installed if, after eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - g) Intersections: Screening along all streets and boundaries shall have a height of not less than three (3) nor more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - h) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.
 - i) Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet thereof than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this area.
- 6) Landscaping: - Landscaping consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:
- a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings.
 - b) An additional amount, equal to at least five (5) percent of the total area of the parcel, is required and a minimum of twenty-five (25) percent of such landscaping shall be located in the area devoted to parking.
 - c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.

- d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
- (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
- f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
- g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 7) Business hours - No limitation unless otherwise specified in an approved site plan or use permit.
- 8) All land uses established within the Richard Henry Dana Centre (La Plaza Center) shall conform to the New England design theme per the Community Design Section of the DPSP.
- 9) Fences and walls - Per Section 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.
- 10) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

5. C-CPC

"COASTAL COUPLET COMMERCIAL" DISTRICT**a. PURPOSE AND INTENT**

The C-CPC Coastal Couplet Commercial District is established to provide the regulations which will permit the development and maintenance of a commercial area offering a wider variety of commercial uses. It is intended to provide an environment which will take advantage of the superior access of the Pacific Coast Highway and couplet area, yet not unduly limit effective use of the highway. New development is to be compatible with the Community Design Element of the Dana Point Specific Plan. The C-CPC District implements the 2.2 Community Commercial land use designation of the DPSP and LCP/LUP.

b. LAND USES

- 1) **Principal Permitted Use** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Retail businesses.
 - b) Restaurants.
- 2) **Other Permitted Uses** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Hotels, motels.
 - b) Service businesses.
 - c) Administrative and professional offices.
 - d) Educational institutions.
 - e) Medical laboratories.
 - f) Public utility and government uses.
 - g) Parking lots and parking structures.
 - h) Athletic clubs.

- i) Yacht clubs.
- j) Animal clinics, subject to the additional regulations of Sec. 7-9-146.1 of the Orange County Zoning Code.
- k) Banks, savings and loan offices, lending institutions.
- l) Bus and taxi stations.
- m) Nurseries and garden supply stores.
- n) Lodge and union halls.
- o) Automobile service stations, subject to the additional regulations of Sec. 7-9-144 of the Orange County Zoning Code.
- p) Kennels, when entirely within an enclosed building.
- q) Motor vehicle repair and painting when conducted entirely within an enclosed building.
- r) Print shops.
- s) Commercial recreation.

3) Accessory Uses Allowed

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in other subsections herein.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
- b) Other accessory uses.

4) Prohibited Uses

The following uses are specifically prohibited in this area except as provided in other subsections herein:

- a) Hospitals.
- b) Automobile wrecking.
- c) Junk and salvage yards.
- d) Manufacturing, industrial, or wholesale businesses.
- e) Warehouses and contractors' storage yards.
- f) Residential uses except hotels and motels.

g) Signs not provided for by an approved use permit or site plan.

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations
 - a) Minimum lot size - No limitations.
 - b) Building Site Width - No limitations.
 - c) Building height - 35 feet.
 - d) Building site coverage - No limitation.
 - e) Building setbacks.

C.P.C.

From Ultimate Street R/W Line			From Alley			From Property Line Abutting Residential Districts		From Property Line Abutting Nonresidential Districts	
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- 2) Off-street Parking - per Section 7-9-145 et seq of the Orange County Zoning Code.
- 3) Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
- 4) Loading - All loading and unloading operations shall be performed on the site, and loading platforms and areas shall be screened from view by a landscape or architectural feature. Loading and unloading operations shall not impede traffic on Del Prado or Pacific Coast Highway.
- 5) Screening - An opaque screen shall be installed and maintained along all area boundaries, other than streets, where the premises abut areas zoned for residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types:
 - a) Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.

- b) Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
 - c) Fences, solid: A solid fence shall be constructed of wood, masonry or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
 - d) Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.
 - e) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet, within eighteen (18) months after initial installation. Except as provided in subsection (f) below, plant materials shall not be limited to a maximum height.
 - f) The Director, EMA, shall require that either a, b, or c above shall be installed if, after eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - g) Intersections: Screening along all streets and boundaries shall have a height of no less than three (3) nor more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - h) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.
 - i) Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet thereof, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this area.
- 6) Landscaping - Landscaping, consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:
- a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings.

- b) An additional amount, equal to at least five (5) percent of the total area of the parcel, is required and a minimum of twenty-five (25) percent of such landscaping shall be located in the area devoted to parking.
 - c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.
 - d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
 - f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
 - g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 7) New development shall conform to the New England design theme per the Community Design Section and Exhibit 28 of the DPSP.
 - 8) Fences and walls - Per Sec. 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.
 - 9) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT**a. PURPOSE AND INTENT**

The intent of the C-VC Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment.

b. LAND USES

1) **Principal Permitted Use** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

a) Hotels, motels, hostels.

b) Restaurants.

2) **Other Permitted Uses** - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Cocktail lounges, bars.

b) Beach access bridges, ways or tunnels.

c) Bicycle and surfboard shops and rentals.

d) Trails for hiking and bicycling in conformance with Land Use Plan.

e) Time share projects.

f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.

g) Bus and taxi stops.

h) Convention and conference centers.

i) Retail and service businesses associated with the needs of visitors and tourists.

- j) Museums and libraries.
- k) Water sports retail establishments and rental except as provided in the prohibited uses below.
- l) Parks and playgrounds.
- m) Arboretums and horticultural gardens.
- n) Boat rentals.
- o) Bicycle rentals.
- p) Boat repair, storage, sale.
- q) Commercial recreation.
- r) Public facilities ancillary to visitors and tourists.

3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

- a) Signs, in compliance with Chapter V, Section A.
- b) Other accessory uses

4) Prohibited Uses

- a) Automobile service, repair, sales, rental and washing.
- b) Camping facilities.
- c) Adult entertainment businesses and adult bookstores.
- d) Permanent residential uses not provided under permitted uses.
- e) Kennels.
- f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.

c. SITE DEVELOPMENT STANDARDS

- 1) Development shall achieve maximum conservation of the site's amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Development shall be designed to comply with the Tourist Recreation/Commercial Guidelines of the LCP/Land Use Plan (p. 81).

87-372284

C.V.E.

- 2) Building Regulations
 - a) Minimum lot size - No limitations.
 - b) Building Site Width - No limitations.
 - c) Building height - 35 feet.
 - d) Building site coverage - No limitation.
 - e) Building setbacks - The minimum setback from any exterior property line shall be twenty (20) feet from the front, ten (10) feet from the side and ten (10) feet from the rear.
 - g) Landscaping/screening minimum -50% of the front setback area.
- 3) Off-street Parking Per Section 7-9-145 of the Orange County Zoning Code.
- 4) Trash and storage areas - All storage cartons (dumpsters) and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
- 5) Loading - All loading and unloading operations shall be performed on the site whenever possible.
- 6) Fences and walls - per Sec. 7-9-137.5 of the Orange County Zoning Code.
- 7) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it and refer to its standards.
- 8) Buildings, structures and man-made improvements shall be arranged so that any scenic aspects of the site are available for public enjoyment.
- 9) Significant natural features of the site shall be conserved through use of site alterations and grading that enhance the natural scenic and recreational features of the site. All development in which any grading occurs is required to comply with the Orange County Grading Code.
- 10) Adequate parking shall be provided in close proximity to each visitor-serving facility.
- 11) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easement and waivers of liability.
- 12) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

7. C-PQP

"COASTAL PUBLIC QUASI PUBLIC" DISTRICT**a. PURPOSE AND INTENT**

The intent of the C-PQP Coastal Public Quasi Public District is to provide the regulations which will permit the establishment and maintenance of community services in locations which will best service the uses established in Dana Point. It is intended that community facilities be compatible with the basic permitted uses of any planning area, and be located so that all areas of Dana Point may be efficiently serviced.

b. LAND USES

- 1) **Principal Permitted Use** - Any of the following uses are permitted subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations and subject to the site development standards contained in subsection "c" below. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) **Public and private educational uses.**
- 2) **Other Permitted Uses** - The following uses are permitted on each building site in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) **Public community centers.**
 - b) **Public recreation centers and facilities including but not limited to playgrounds, clubhouses and other similar uses.**
 - c) **Public utility and infrastructure uses.**
 - d) **Fire stations.**
 - e) **Day care centers.**
 - f) **Civic and governmental uses.**
 - g) **Cultural facilities.**
 - h) **Trails.**
 - i) **Churches, temples, or other places of worship.**
 - j) **Mini-storage facilities.**

k) Community care facilities.

3) Accessory Uses Allowed

The following uses and structures shall be permitted with the principal permitted use and other permitted uses.

a) Uses customarily associated with the incidental to permitted uses subject to the general provision of Section 7-9-137 of the Orange County Zoning Code.

4) Prohibited Uses

a) Automobile service stations.

b) Camping facilities.

c) Outdoor advertising structures and signs.

C-P.Q.P.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

a) Minimum lot size - No limitations.

b) Building Site Width - No limitations.

c) Building Height - 28 feet.

d) Building site coverage - No limitations.

e) Building setbacks - The minimum setbacks from any property line shall be equal to the height of the structure on the site but not less than twenty (20) feet.

f) Landscaping/screening minimum -50% of the front setback area.

2) Off-street parking

Per Section 7-9-145 of the Orange County Zoning Code.

3) Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.

4) Loading - All loading and unloading operations shall be performed on the site.

5) Fences and walls - Per Section 7-9-137.5 of the Orange County Zoning Code.

6) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

8. C-SCC
 "COASTAL SPECIAL CONGREGATE CARE" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-SCC Coastal Special Congregate Care District is to provide the regulations which will permit the establishment and maintenance of congregate care facilities. A congregate care facility is a facility, not necessarily licensed by any agency of the State, which provides accommodations, meals, and services such as housekeeping, security, transportation, and recreation to resident senior citizens who may require some assistance in the activities of daily life, but who do not require ongoing medical care. Such facilities exhibit residential, institutional and commercial characteristics. Any commercial services provided are for the exclusive use of occupants of the facility.

b. LAND USES

1) Principal Permitted Use - Any of the following uses are permitted subject to the provisions of a Coastal Development Permit (for properties located in the Coastal Zone) approved in compliance with Section D of these District Regulations and subject to the site development standards contained in subsection "c" below. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) Congregate Care Facilities and support commercial uses such as barbers, florists, beauticians, gift shops, etc.

2) Other Permitted Uses - The following uses are permitted on each building site in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (for properties located within the Coastal Zone) approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) None

3) Accessory Uses Allowed

The following uses and structures shall be permitted with the Principal Permitted Use and other permitted uses.

a) Uses customarily associated with and incidental to permitted uses subject to the general provision of Zoning Code Section 7-9-137.

b) Identification signs per Zoning Code Section 7-9-144.

4) Prohibited Uses

All uses not permitted are prohibited as are any changes in use without the approval of a Coastal Development Permit.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum lot size - No limitations
- b) Building Site Width - No limitations
- c) Building Height - 35 feet
- d) Building site coverage - No limitations
- e) Building setbacks - The minimum setbacks from any property line shall be equal to the height of the structure on the site but not less than twenty (20) feet.

2) Off-street Parking

- a) Per Section 7-9-145 of the Orange Zoning Code except that the normal parking standard for congregate care facilities shall be 1.25 spaces per unit. Alternate standards to reflect the presence of special transportation services or other unique characteristics of congregate care facilities may be considered per Section 7-9-145.7 of the Orange County Zoning Code. Alternate standards shall not be less than .67 spaces per unit.
- b) Transportation services such as shuttle buses, valet parking, and/or limousine services shall be provided in all congregate care facilities.

3) Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than six feet in height and, if uncovered, not within 40 feet of any residential area.

4) Loading - All loading and unloading operations shall be performed on the site.

5) Landscaping - Landscaping, consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:

- a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings. Boundary landscaping for a minimum depth of 20 feet is required along all property lines abutting areas that are zoned for residential uses. Pedestrian Walkways are permitted in boundary landscaping abutting residential districts.
- b) An additional amount, equal to at least five (5) percent of the total area of the parcel is required.

- c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.
- d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
- (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
- f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
- g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 6) Fences and walls - per Section 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.
- 7) All on-site lighting shall be designed and located so as to confine direct rays on the premises.
- 8) Each dwelling unit within the congregate care facility shall be subject to the requirements of General Provision Number 35, except that the fee shall be pro rated based on the comparative daily trip generation rates between the site specific congregate care facility being approved and the standard of 10.5 ADT for average residential units. The fee, (currently \$418.40, 1985) shall be adjusted annually based on the California Consumer Price Index.

9. C-R

"COASTAL RECREATION SPACE" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-R Coastal Recreation Space District is to provide the regulations which will permit the establishment and maintenance of a district to provide uses which serve the outdoor recreational and educational needs of the Dana Point community while protecting resources of notable scenic, natural, geological, or historical value. These regulations carry out the purpose and intent of the 5.3 Recreational and 5.4 Other Open Space categories of the Dana Point Specific Plan and LCP/LUP. It is intended that any building or structure permitted in this area shall be subordinate to that purpose and intent.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Riding and hiking trails.
 - b) Buffer greenbelts.
- 2) Other Permitted Uses - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Parks and playgrounds.
 - b) Scenic overlook.
 - c) Archaeological sites.
 - d) Historical preserves.
 - e) Beach access, public only.
 - f) Golf courses.
 - g) Park District offices and facilities.

- 3) Other Permitted Uses Subject to a Use Permit - The following uses are permitted in compliance with the site development standards contained in subsection "c" below, subject to the provisions of an approved use permit as provided in Section 7-9-150 of the Orange County Zoning Code, and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. These uses are subject to appeal to the Coastal Commission.
- a) Outdoor commercial recreation.
 - b) Commercial stables and riding clubs.
 - c) Camping and associated recreational vehicle facilities.
- 4) Accessory Uses Allowed

The following uses and structures shall be permitted with the principal permitted use and other permitted uses.

- a) Uses customarily associated with and incidental to permitted uses subject to the general provisions of Section 7-9-137 of the Orange County Zoning Code.
- 5) Prohibited Uses
- a) Automobile service stations.
 - b) Any use which would require mass grading (over 100 cubic yards) which in turn will jeopardize the geologic stability of the coastal bluffs.
 - c) Any use that would prohibit public beach access.
 - d) Outdoor advertising structures and signs.

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations
- a) Minimum lot size - No limitations.
 - b) Building site width - No limitations.
 - c) Building height - 18 feet.
 - d) Building site coverage - 20 percent maximum.
 - e) Front setback - 10 foot minimum for all buildings.
 - f) Side setback - 10 foot minimum for buildings and parking.

- g) Rear setback -10 foot minimum for buildings and parking.
- h) Landscaping/screening minimum - 70% of the front setback area.
- 2) Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code.
- 3) Trash and Storage Areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if covered, not within 40 feet of any residential area.
- 4) Fences and walls - Per Section 7-9-137.5 of the Orange County Zoning Code.
- 5) Construction of seawalls, cliff retaining walls, and other protective devices shall only be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to mitigate adverse impacts on local shorelines sand supply.
- 6) Adequate provisions for safe public access shall be required for each development permit along the shoreline. The amount of access required will be commensurate with the size and type of development.
- 7) A blufftop walkway will be provided, and integrated with future land uses.
- 8) Each development shall also meet the requirements of the General Provisions, including those for geologic hazard setbacks, access easements, waivers of liability and coastal access fund contributions.
- 9) All on-site lighting shall be designed and located so as to confine direct rays to the premises.

10. C-C

"COASTAL CONSERVATION" DISTRICT**a. PURPOSE AND INTENT**

The C-C Coastal Conservation District is established to provide the regulations which will protect and preserve certain bluff areas in a natural state because of unique and sensitive environmental features. These regulations carry out the purposes and intent of the 5.41 Conservation land use category of the Dana Point Specific Plan and LCP/LUP which is to protect the bluff face and immediate bluff edge.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a) Marine preserves.
- 2) Other Permitted Uses - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Local and buffer greenbelts.
 - b) Scientific study.
 - c) Viewpoints.
 - d) Vertical accessways (limited).
 - e) Stairways (limited).
 - f) Drainage facilities (limited).
- 3) Prohibited Uses
 - a) Off-street parking.
 - b) Roads, except for Cove Road, in its present alignment and width.
 - c) Any use which requires landform alteration in excess of 100 cubic yards of cut.
 - d) Residential uses.

e) Agricultural uses.

c. SITE DEVELOPMENT STANDARDS

- 1) Vertical accessway or stairways shall be located in conformance with the LCP/Land Use Plan.
- 2) Drainage devices shall be limited over the bluff. The devices if used, shall be constructed underneath a vertical accessway or stairway. The Orange County Grading Manual requires that concentrated flows of surface water be carried to the nearest approved drainageway by nonerosive devices.
- 3) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it.
- 4) Each development shall also meet the requirements of the General Provisions, including those for geologic hazard setbacks, access easements, waivers of liability and coastal access fund contributions.

DANA POINT HEADLANDS SECTOR REGULATIONS1. FORWARD

The Dana Point Headlands is a separate sector and includes a number of separate districts which implement the Local Coastal Program/Land Use Plan (LCP/LUP). The District is divided into five geographic subareas A-E as shown in Exhibit 38. These subareas are further divided for ease of planning discussion and orientation.

Several land use designations are applicable to the Headlands Sector and are accommodated within the Dana Point Headlands Districts. The regulations applicable to the Headlands Sector are solely applicable to the Headlands Sector and are preceded by the prefix "H" as well as the Subarea identification letter (e.g., H-A-TR/C, or Headlands - Subarea A - Tourist Recreational/Commercial). Standards are provided for the High Density Residential, Recreational, Tourist Recreational/Commercial, Other Open Space and Conservation districts identified in the LCP/LUP. Standards for each of these uses may vary between areas A-E. Standards are provided in graphic and text form.

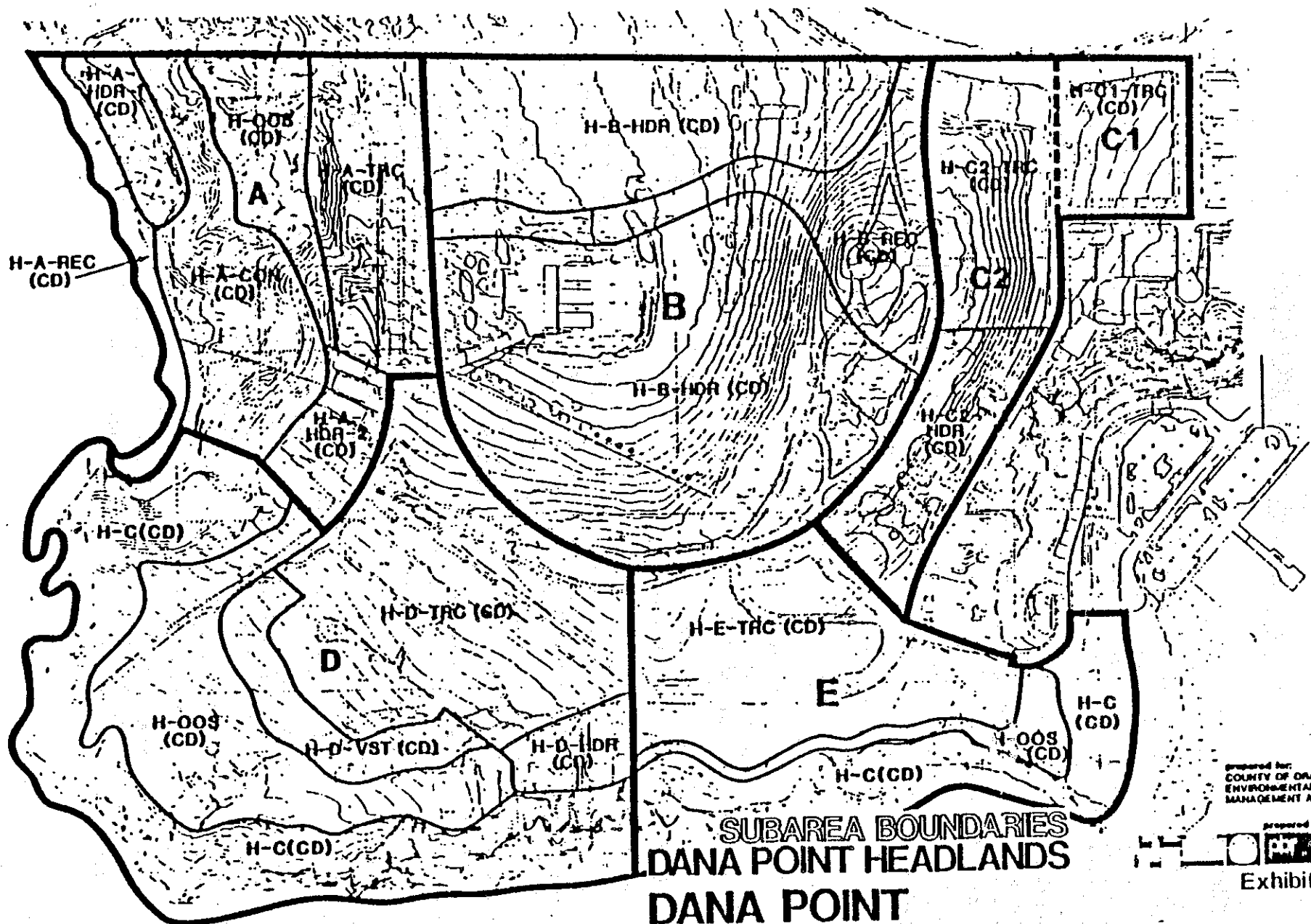
2. GENERAL PROVISIONS FOR THE HEADLANDS SECTOR

These provisions, which are in addition to the general provisions for all coastal areas, are applicable to all Headlands districts. Each development shall meet the requirements of these general provisions.

- A. Building Height: Application of building height regulations specified within each district and indicated on Exhibit 39 shall be based upon the following formula:

building height shall be measured along perpendiculars (plumb lines) from the elevation of the natural grade or finished grade (where an existing grading building pad of sufficient size for the proposed structure already exists) to the maximum height above grade specified in the development standards. These measurements shall be made consistent with the "Regional Interpretative guidelines, South Coast Region, Orange County." Exhibit 40 portrays the application of the height criteria. Elevators, mechanical space, chimneys and architectural treatments (intended to add interest and variation to roof design, yet which do not exceed 10% of the roof area, nor exceed the base height restriction by more than 12 feet) will be permitted.

- B. Trails: As a condition of a Coastal Development Permit (C.D.P.) for the first residential tract map or commercial development valued in excess of \$100,000 (except in the H-C1-TRC District) a plan, acceptable to the Director EMA and the Executive Director of the Coastal Commission for the continuous blufftop trail as identified in the Access policies of the LUP shall be prepared. The plan shall provide for the permanent location, design and implementation of the trail in the subarea(s) in which the development is proposed, and shall provide an interim trail plan for trail location design and implementation in those subareas of the Headlands sector outside that in which the development is proposed. The trail plan shall take into account the rare plant management plan required by General



**SUBAREA BOUNDARIES
 DANA POINT HEADLANDS
 DANA POINT
 SPECIFIC PLAN**

prepared for:
 COUNTY OF ORANGE
 ENVIRONMENTAL
 MANAGEMENT AGENCY


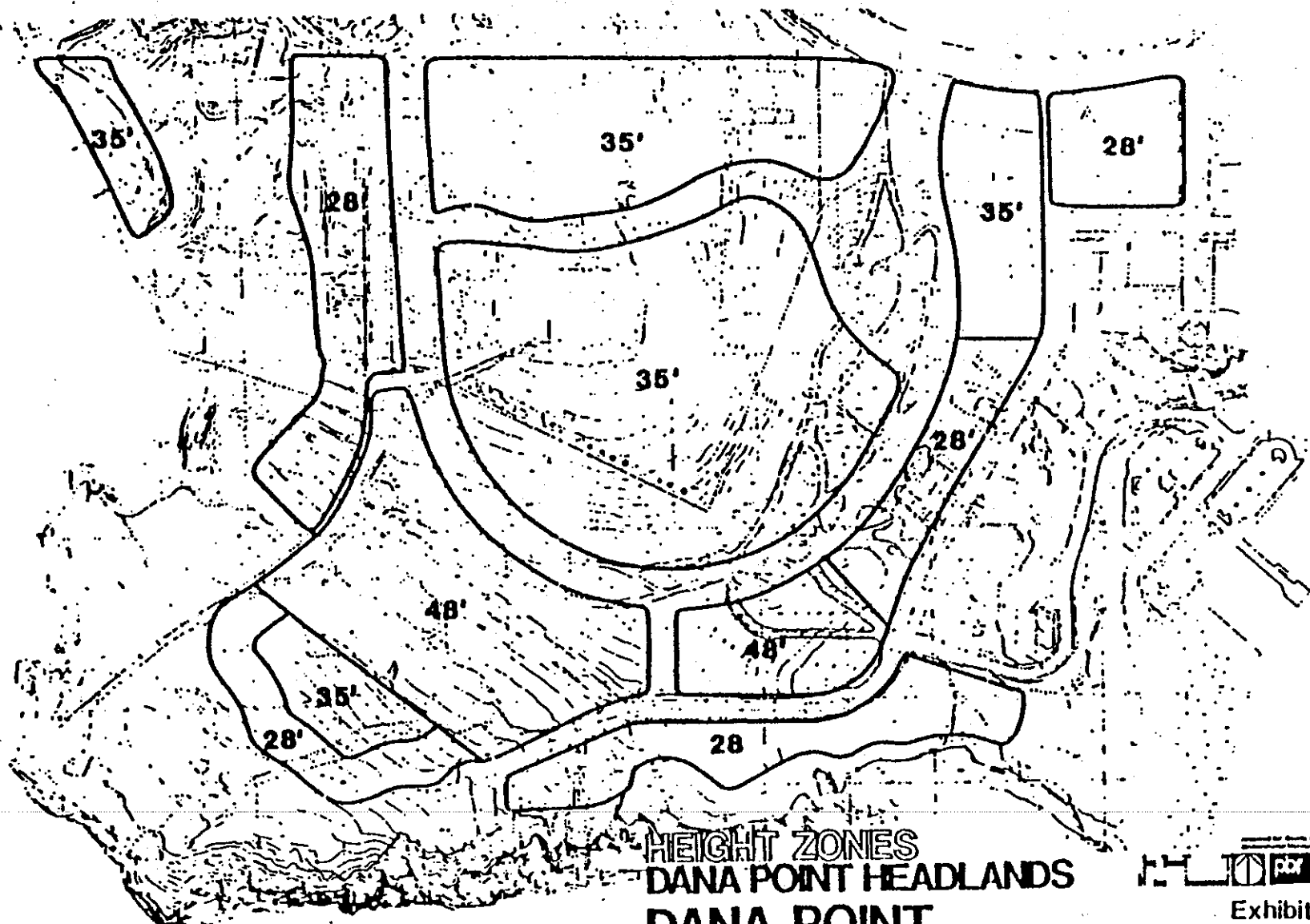
prepared by:


Exhibit 38

01-3-10



81-372284

HEIGHT ZONES
DANA POINT HEADLANDS
DANA POINT
SPECIFIC PLAN



Exhibit 39

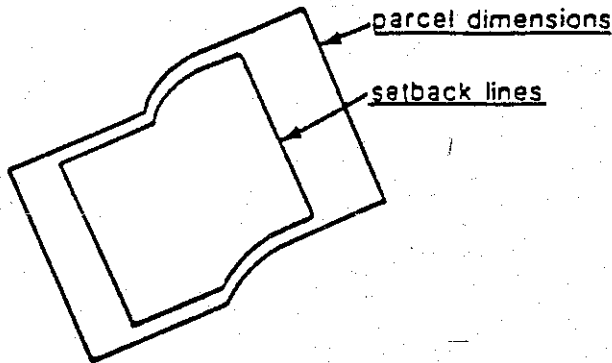


Figure 1
The sides of the envelope are established by the setback of the lot.

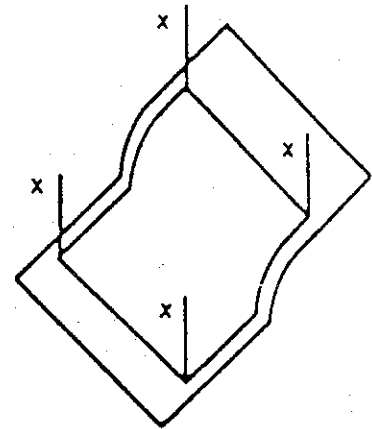


Figure 2
The elevation of any side surface is specified by the maximum guideline height. Height shall be measured along perpendiculars (plumb lines) from the grade elevation.

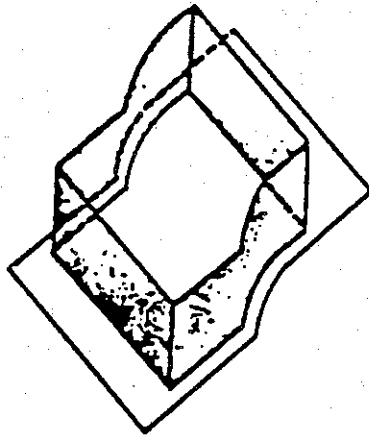


Figure 3
Side surfaces are established as the guideline height is applied to all points of each side.

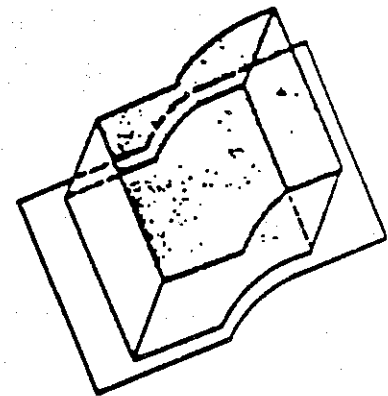


Figure 4
The upper surface of the envelope shall run parallel to the underlying grade elevation (contours) at the guideline specified height. In other words, the upper surface is that plane of points perpendicular to all points on the grade surface at the guideline specified height.

SOURCE: California Coastal Commission Regional Interpretive Guidelines, South Coast Region, Orange County.

BUILDABLE ENVELOPE
DANA POINT HEADLANDS
DANA POINT SPECIFIC PLAN

Provision "L". The interim and permanent trails shall be constructed concurrent with the development which is the subject of the CDP, and shall provide a continuous link from the north to south ends of the Headlands sector. As additional CDP's are requested, interim trails shall be replaced with permanent trails within the respective subarea concurrent with the development permitted by the CDP. The permanent trail plan shall provide for final design, location, physical safety and habitat protection measures, method for integration with public use areas, acquisition and dedication methods, and construction and management responsibilities.

The plan for interim and permanent trails shall be implemented and the trails shall be opened to public use concurrent or prior to issuance of certificates of use and/or occupancy permits of any commercial or residential structure.

For developments in Headlands subarea A, the white sand beach shall be irrevocably offered for dedication to the County of Orange. Moreover, approval of the first residential tract shall be conditioned on receipt of an acceptable open space management plan acceptable to the Director EMA and the Executive Director of the Coastal Commission. The plan shall address how the beach is to be maintained and who will maintain it for public use.

The bluff top trail will provide a continuous public pedestrian link generally following the bluff edge. The trail will be located within the H-00S (Headlands-Other Open Space) District with the exception of segments which will follow public roadways, as shown on Exhibit 33 and except where it is located in the TRC area in accordance with General Provision #15 regarding bluff top erosion. Portions of the bluff top trail which follow right of way alignments will require easement dedications. Consistent with an approved bluff top trail acquisition, construction and management plan, the bluff top trail will be improved at a width of ten (10) feet within the H-00S area and five (5) feet along roadways. Rest rooms, drinking fountains, telescopes, benches and stairways are permitted and are to be located as often as appropriate and in convenient locations. The bluff top trail will provide for access to handicapped persons at major entryways, and where topography permits. Informational or educational signing will be posted as necessary. Signs are to be no larger than six (6) square feet in face size, of natural materials and are not to exceed four (4) feet above the finished grade.





A pedestrian trail along the seaward edge of Selva Road will be dedicated as part of the first phase of development within the Headlands Sector. Consistent with an approved trail acquisition, construction and management plan, the trail will be grade separated from the road surface and will lie adjacent to the seaward edge of the Selva bike trail. The pedestrian trail will be located within the Selva Road right of way, dedicated at an eight (8) foot width and constructed at a minimum four (4) foot width.

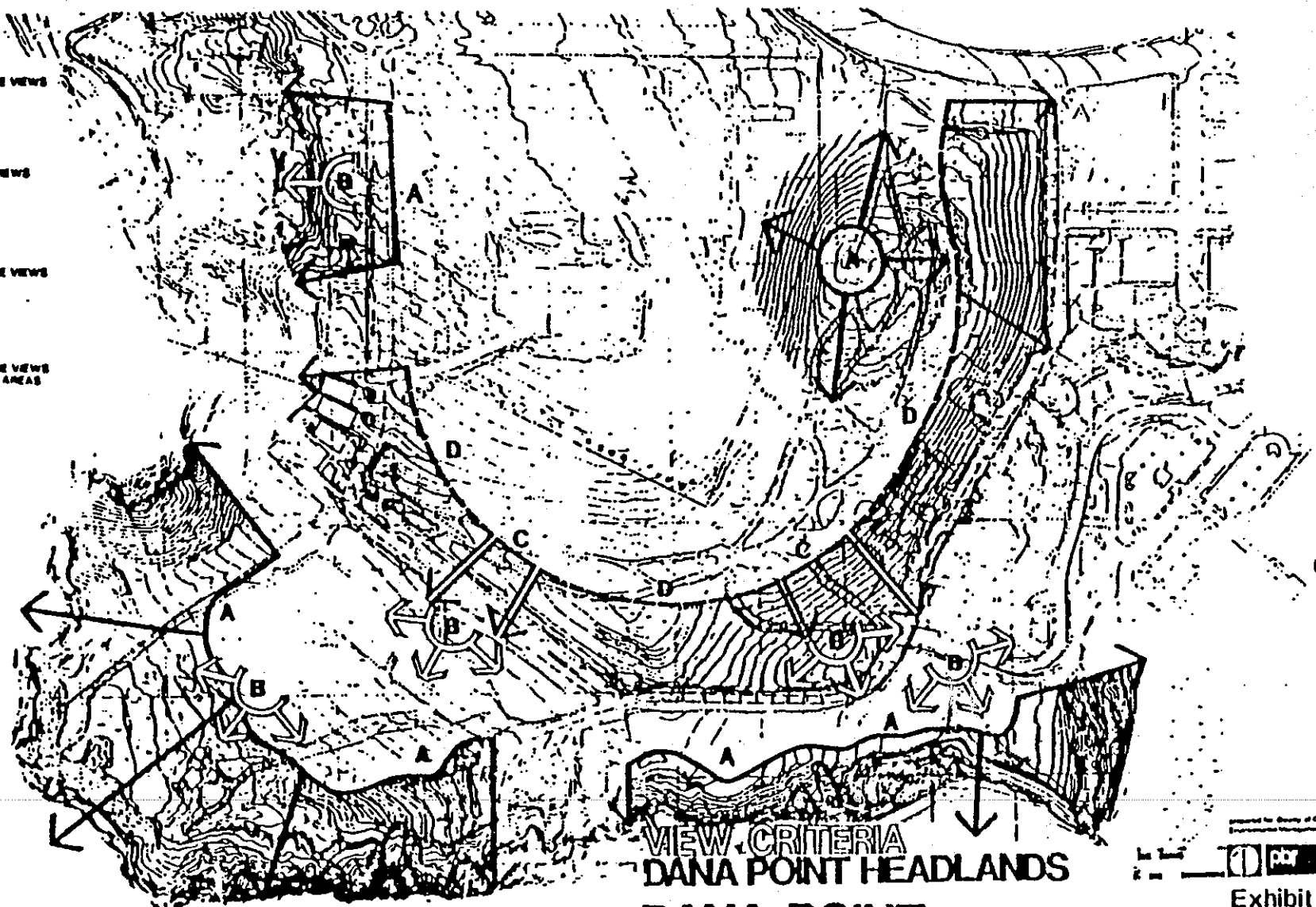
The pedestrian trailway which leads to the hilltop park in Subarea B will be dedicated at a width of six (6) feet. Consistent with an approved trail acquisition, construction and management plan, rest rooms, drinking fountains, telescopes, benches and stairways are permitted and are to be

located as often as appropriate and in convenient locations. Informational and educational signing will be posted as necessary. Signs are to be no larger than six (6) square feet in face size, of natural materials, and are not to exceed four (4) feet above grade.

- C. Bikeways: A bikeway following both the outside and inside edges of Selva Road (with travel direction consistent with traffic flow) must be constructed within the length of the Subarea coincidental with major development permitted within the same Subarea. The standards for development of the bikeway are the same as defined within the County Master Plan of Bikeways for Class One bikeways. The bikeway will be within the Selva Road right of way, yet grade separated from the road surface.
 - D. Area Plans: The Area Plan process shall be available to property owners on an optional basis. The option to pursue an Area Plan by a property owner will not eliminate the requirement for a Coastal Development Permit. A property owner may wish to pursue approval of an Area Plan in order to be aware of decision maker land use preferences prior to investing in the level of planning, design and engineering detail required by the Coastal Development Permit submittal requirements. Area Plans shall be subject to the requirements of Section 7-9-118 of the Orange County Zoning Code.
 - E. Parking: Parking within the Dana Point Headlands Sector will be consistent with Section 7-9-145 of the Orange County Zoning Code.
 - F. Views: Views, as shown on Exhibit 41 will be protected as a part of any development plan. Demonstration of compliance with the view protection requirements herein and in policies 28(c) and 29 of the LCP/LUP (p. 38) will be required as part of any Coastal Development Permit. "Ocean Coastline Views" shown in Exhibit 41 shall be defined as the ability to see the bluff edge or the beach and surf zone where there is no bluff edge. Exhibit 42 illustrates the method by which view "cones" will be defined in order to provide for "Distant Ocean Views."
- Site planning and building design within the area designated as "Intermittent Ocean Coastline Views" shall be done so as to provide broad vistas from Selva road on an intermittent basis. Views maintained with the intermittent view corridors should not be narrow corridors between buildings. Rather, the mass and height of structures should be designed so that a significant portion of the coastline as seen by viewers from along Selva Road will remain unobstructed. The objective of such design shall be to create an experience of openness where buildings are subservient to the scenic values of the area.
- G. Graphics: Graphics included within the Headlands Sector regulations are to carry the same authority and significance as the written regulations.
 - H. Setbacks: Buildings shall be setback a minimum distance of 25 feet from the bluff edge. Other building setback requirements shall be as depicted on Exhibit 43 and defined herein.

LEGEND

- A**  UNOBSTRUCTED OCEAN COASTLINE VIEWS
- C**  INSTANT OCEAN VIEWS
- D**  INTERMITTENT OCEAN COASTLINE VIEWS
- B**  OCEAN COASTLINE VIEWS FROM PUBLIC USE AREAS

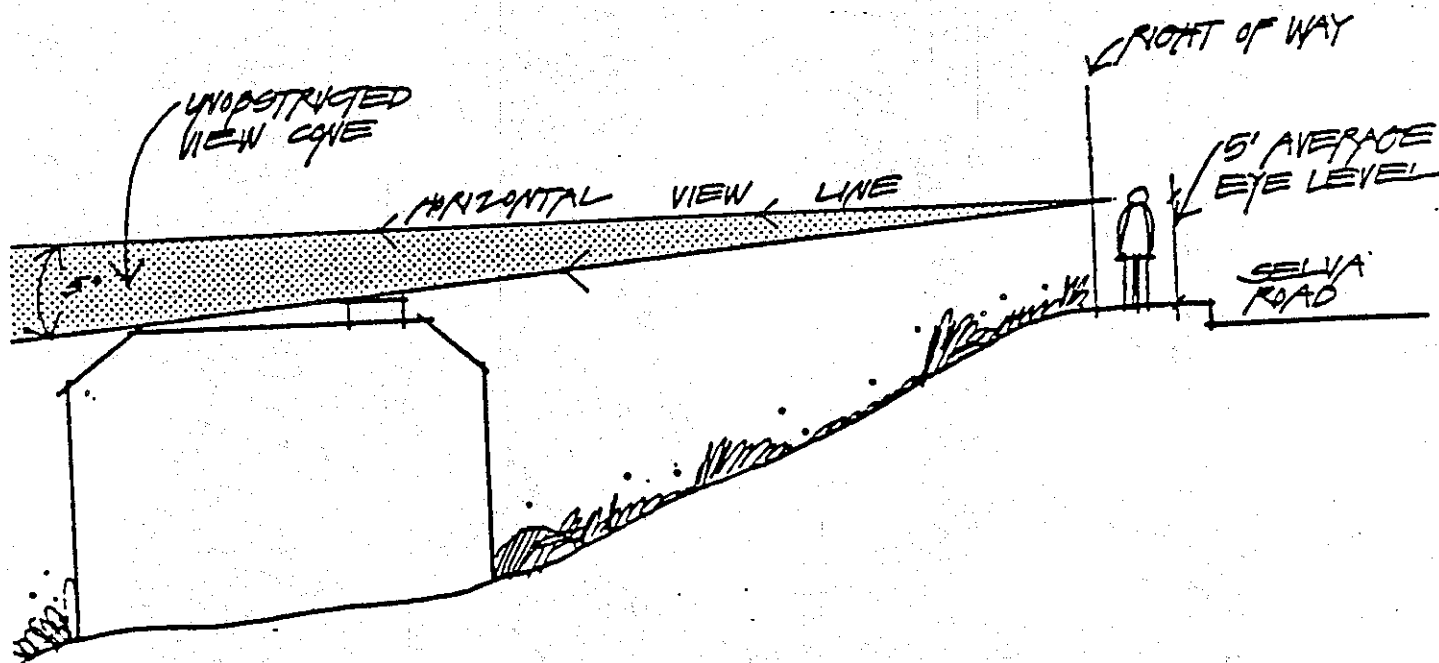


**VIEW CRITERIA
DANA POINT HEADLANDS
DANA POINT
SPECIFIC PLAN**

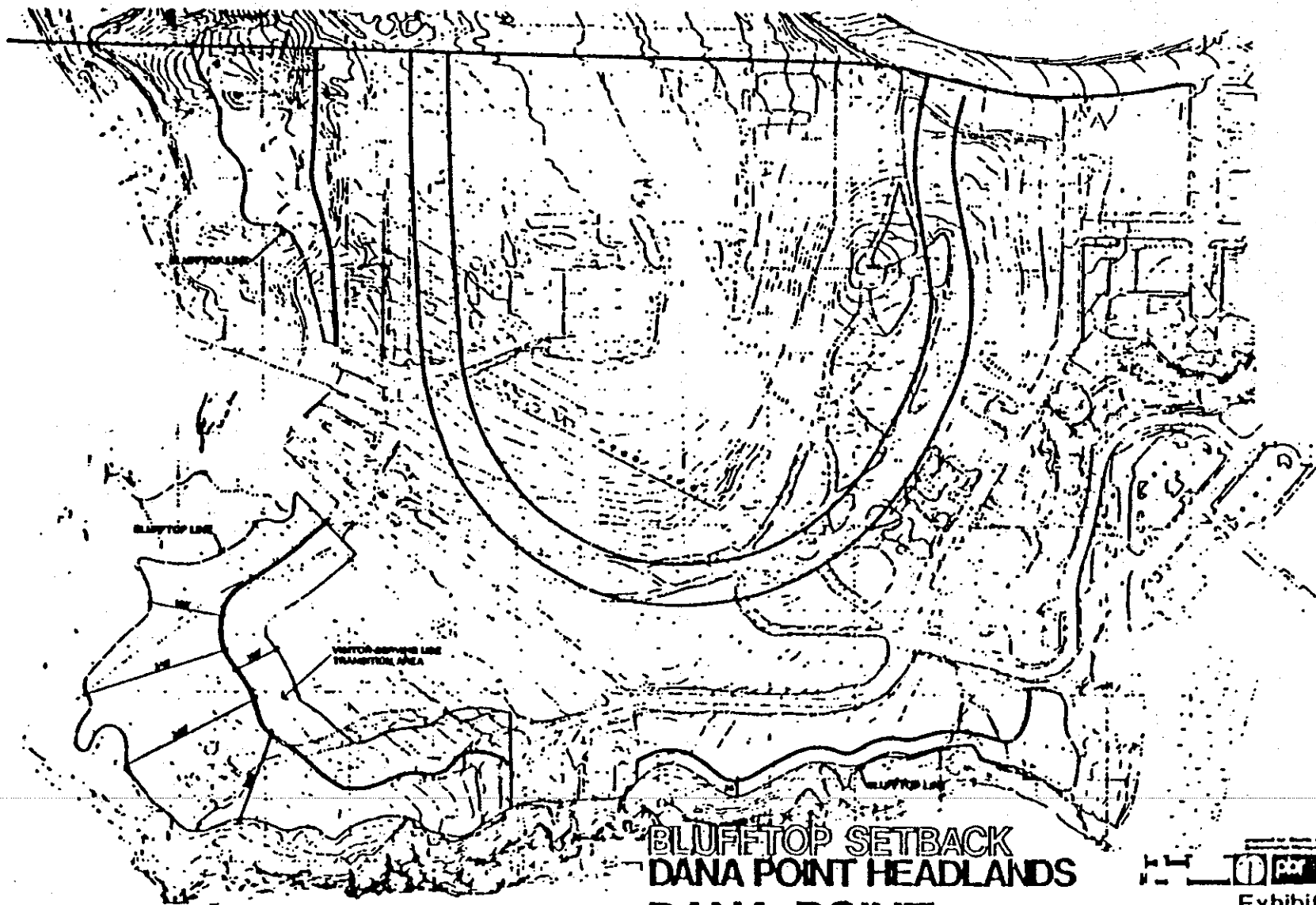


Exhibit 41

87-372284



**DANA POINT SPECIFIC PLAN
VIEW CONE IDENTIFICATION FOR
"DISTANT OCEAN VIEWS"**



**BLUFFTOP SETBACK
 DANA POINT HEADLANDS
 DANA POINT
 SPECIFIC PLAN**


 Exhibit 43

31-316204

A comprehensive geologic/soils report is to be presented to the Grading Section of Orange County EMA prior to any development activity in the landslide and fault hazard areas delineated on Exhibit 32.

At a minimum this report shall evaluate: geologic conditions including soil, sediment and rock types, evidence of past or potential landslide conditions and potential effects of development on landslide activities; impact of construction activity on site stability; ground and surface water conditions and variations; potential erodability; and mitigating measures.

The soils engineer and geologist must certify the suitability of a graded site prior to issuance of a coastal permit. Development projects shall incorporate all recommendations of the geology and soils reports and shall provide for the following:

- a. At a minimum any development shall be required to maintain a 50-foot structural setback from any identified active fault.
- b. New development shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback based upon the geologic report and other applicable information.

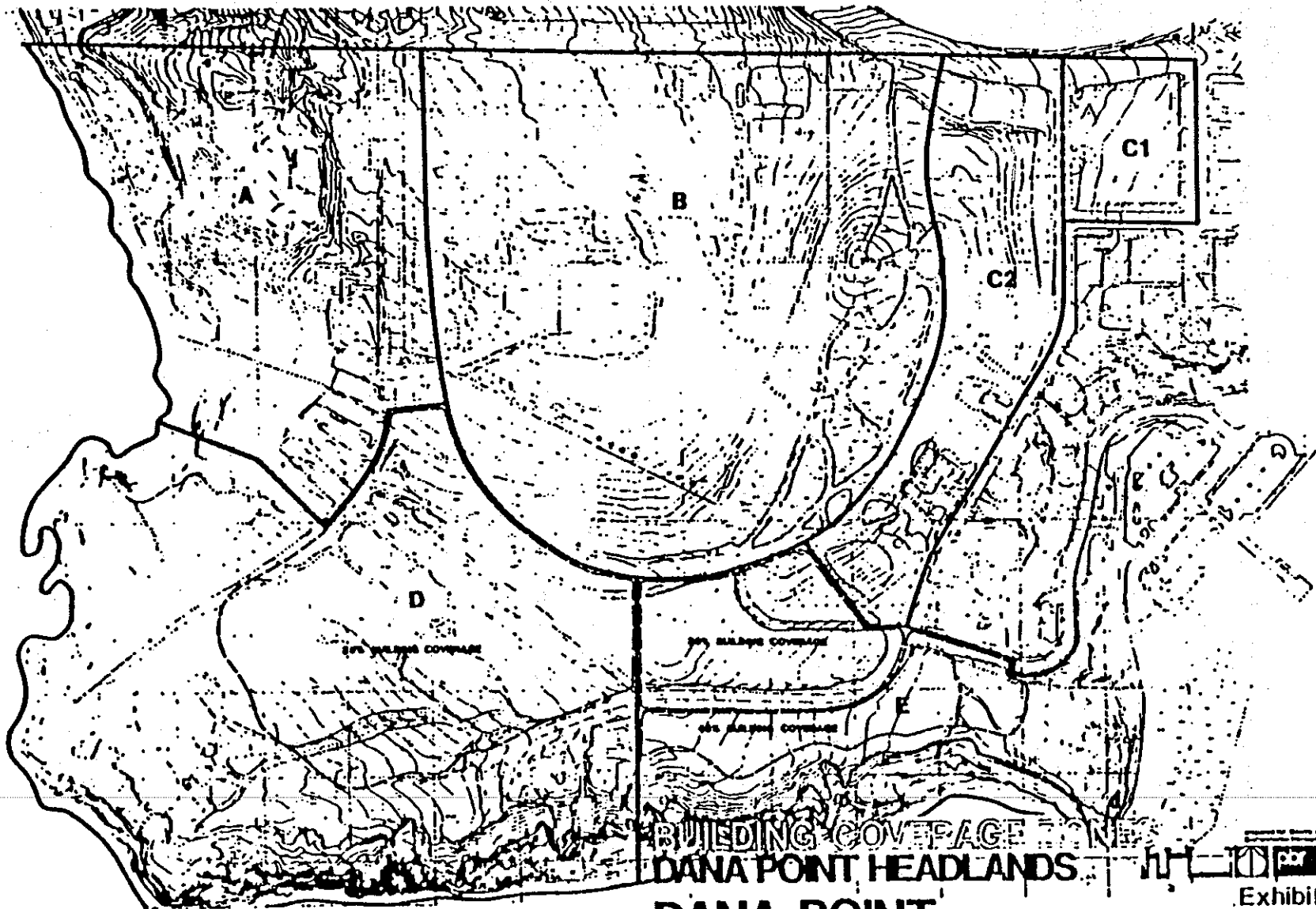
This setback area shall be dedicated as an open space easement as a condition of approval of new development.

- c. Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping and minor improvements that do not impact public views or bluff stability, may be permitted.

Development and activity of any kind beyond the required bluff top setback shall be constructed to ensure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drain pipes will be allowed only where no other less environmentally damaging drain system is feasible and the drain pipes are design and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

- I. Building Site Coverage: Exhibit 44 identifies the maximum amount of building site coverage allowable in Subareas D and E. The building site coverage percentage reflects the percent of the subarea within the 5.31 land use category which may be covered with buildings. Buildings are defined as structures having a roof, supported by columns or walls (not including the area under unenclosed eaves and unenclosed post-supported overhangs).



BUILDING COVERAGE ZONES
DANA POINT HEADLANDS
DANA POINT
SPECIFIC PLAN

Exhibit 44

87-372284

- J. Intensity of Visitor-Serving Uses: The intensity of visitor-serving uses shall be limited by not one but a combination of all of the regulations set forth in the Headlands District. Building setback lines, height limitations, view corridors, building coverage limitations and the visitor-serving use transition area requirements shall, taken together, serve to limit the intensity of visitor-serving development. In addition, the combined restrictions of these Regulations will provide development areas characterized by variations in site coverage, setback and building design. The regulations will eliminate the potential for a continuous and uniform structure along each development area perimeter. Rather, multiple buildings of varying height and location will be permitted.
- K. Regulations: Regulations set forth herein are intended to be applied to the Headlands District only. Additional regulations applicable to the Headlands include Section 7-9-118 of the Zoning Code, the Orange County Grading and Excavation Code, Subdivision Code and other regulations referenced within the text of these Regulations. Where regulations may appear to conflict, the regulations specific to this district will be deemed applicable.
- L. Site Development Permit: All development on the Dana Point Headlands requiring a Coastal Development Permit shall be subject to a site development permit, as described in Chapter V, Section B of these Regulations. Said site development permit shall demonstrate compliance with:

- (1) Policy 18 (preservation/mitigation of rare plant preservation/species)

Concurrent with the application for a Coastal Development Permit the first residential tract map or commercial development exceeding \$100,000 in value in the Dana Point Headlands Sector (except for the H-C1-TRC District), the applicant shall submit a botanical survey and management and mitigation program prepared by a qualified biologist approved by the County and the Executive Director of the California Coastal Commission. The survey shall include all portions of the Headlands area and shall precisely delineate the location of any rare endangered or especially valuable species including, but not limited to:

1. *Dudleya blochmanae*, Blochman's dudleya.
2. *Pectocarya (Harpagonella) palmeri*, Palmer's grappling hook.
3. *Chorizanthe staticoides* ssp. *chrysacantha*, Orange County Turkish Rugging.
4. *Pichondra occidentals*, western dichondra.
5. *Euphorbia misera*, cliff spurge.

The survey shall be conducted at the appropriate time(s) of year to permit identification of any such species present on site.

In consultation with the California Department of Fish and Game and the Executive Director of the California Coastal Commission the applicant shall prepare a mitigation program for the habitat area of these species

and any other environmentally sensitive habitat areas found. The survey, mitigation and management program shall specifically evaluate and provide for appropriate response to all of the following:

- (1) the significance of the Headlands habitats of these species in relation to other locations of these habitats in Orange County and California generally.
- (2) the potential for protecting these habitats through development standards or by adjusting the boundaries of the "Hilltop Park" and other open space and recreation areas of the Headlands to include the habitat areas.
- (3) specifications for a management program for the habitat areas which will assure their continuing productivity and will avoid adverse impacts on these areas from either incompatible human use of the areas or from adjacent development (including drainage changes).
- (4) evaluation of the alternative of transplanting and propagating a portion of the affected plants to an area where they would be afforded permanent protection. The evaluation shall be based on actual evidence that such transplanting would be successful.

The survey and the mitigation and management program shall be subject to the review and approval of the County and the Executive Director of the Coastal Commission prior to transmittal of the permit.

The County shall review the mitigation program and shall assure that the program will be carried out consistent with Public Resources Code Section 30240.

- (2) "Consideration for the need to set-back, buffer, and otherwise protect against incompatible relationships between existing residential and proposed tourist residential/commercial and recreation uses."

3. HEADLANDS SECTOR LAND USE DISTRICT REGULATIONS

H-C

"Headlands Conservation" DistrictA. Purpose and Intent

Refer to the C-C Coastal Conservation District of these Regulations.

B. Land Uses - Principal Permitted Use

Refer to the C-C Coastal Conservation District of these Regulations.

C. Other Permitted Uses

Refer to the C-C Coastal Conservation District of these Regulations.

D. Site Development Standards

Refer to the C-C Coastal Conservation District of these Regulations.

H-00S
"Headlands Other Open Space" District

A. Purpose and Intent

The H-00S Headlands Other Open Space District includes areas which are currently undeveloped and in a natural state, with the exception of limited areas of landscaping in Subarea "A" and a house and areas of disturbed vegetation in Subarea D. The "H-00S" component standards below apply to all subareas of the Headlands District and are intended to implement the 5.4 designation of the Dana Point Specific Plan and the Local Coastal Program/Land Use Plan.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "D" below, and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a. Local and buffer greenbelts
 - b. View points
 - c. Trails, stairways
 - d. Informational and educational signing

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in the subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Roadways
2. Off-street public parking incidental and accessory to permitted uses
3. Rest rooms
4. Weather shelters
5. Other park facilities - such as outdoor seating, maintenance buildings, gazebos, information centers
6. Screening, walls, fences
7. Drainage facilities

D. Site Development Standards

1. Maximum building height: Eighteen (18) feet.
2. Minimum building site area: No minimum.
3. Minimum building site width: No minimum.
4. Minimum building setbacks: Ten (10) feet from any and all adjoining property lines and any public or private street.
5. Off-street parking - see Section 7-9-145 of the Orange County Zoning Code.
6. Signs as per Chapter V, Section A of these Regulations.
7. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

HEADLANDS SUBAREA "A"H-A-CON
"Headlands-A-Conservation" DistrictA. Purpose and Intent

The H-A-CON district is established for the purpose of preserving lands in a natural state on behalf of the public interest. Only limited types of uses are compatible with the H-A-CON district such as passive outdoor recreational, scientific study and interpretation, and those facilities which are absolutely necessary for the public health, welfare and safety. The H-A-CON area implements the 5.41 Conservation land use category of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan within Subarea A.

B. Land Uses - Principal Permitted Use

Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Greenbelts
2. Natural or man-made landscapes
3. Scientific study
4. Viewpoints
5. Hiking trails

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Structures accessory to the principal permitted uses

D. Site Development Standards

See Headlands Sector General Provisions.

H-A-HDR-1

"Headlands-A-High Density Residential 1" District

A. Purpose and Intent

The High Density Residential "H-A-HDR-1" District within Subarea "A" includes portions of the existing Dana Strand Club, specifically, six (6) existing mobilehomes and undeveloped areas are included. The standards and regulations are intended to apply to continued use of the mobilehomes and to future redevelopment. The "H-A-HDR-1" component standards below apply to Subarea A of the Headlands District only and are intended to implement the 1.4 (s) designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below, and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a. Single-family attached dwellings (one dwelling per building site).
 - b. Two or more attached or detached clustered single-family dwellings.
 - c. Multiple-family condominiums, stock cooperatives, community apartments and apartments.
 - d. Residential planned developments as per Section 7-9-110 of the Orange County Zoning Code.
 - e. Accessory structures and uses on the same building site as a main use, which are customarily incidental or necessary to the main building or use.
 - f. Uses and structures located on a separate lot or building site, which are customarily incidental or necessary to residential uses, including but not limited to private parks and recreation areas, trails, greenbelts, sanitary facilities and common areas.

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Single-family mobilehomes, mobilehome parks, mobilehome subdivisions (all installed pursuant to the National Mobilehomes Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., on a foundation system set forth in Section 18551 of the Health and Safety Code) per Section 7-9-149,

et seq., of the Orange County Zoning Code, including any accessory or temporary uses listed under "Principal Permitted Use."

2. Manufactured housing including any accessory or temporary uses listed under "Principal Permitted Use."
3. Signs in accordance with Chapter V, Section A.
4. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
5. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
6. Guest cottages or guest houses.
7. Caretaker or manager residence.
8. Existing building during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
9. Real estate and identification signs per Section 7-9-78 and 7-9-136.4 of the Orange County Zoning Code.
10. Security access equipment, guard facilities, private community access facilities.

D. Site Development Standards

1. Building Standards

a. Detached Single-Family Dwelling - conventional subdivision.

- (1) Building site area. Three thousand (3,000) square foot minimum.
- (2) Building site width. No minimum.
- (3) Building height. Thirty-five (35) feet maximum.
- (4) Building site coverage. No maximum.
- (5) Building setbacks.
 - (a) From any front or side property line abutting a street - five (5) feet minimum.
 - (b) Interior side - ten (10) feet minimum for one side only, or ten (10) feet aggregate total for both sides.
 - (c) Rear - minimum fifteen (15) feet.
 - (d) Patios: No attached or detached covered patio shall be located closer than three (3) feet to a property line except the street-

side property line of a corner lot, in which case a minimum distance of ten (10) feet shall be maintained.

(e) Projections into required setbacks: Eaves, cornices, chimneys, balconies, exterior stairways, and other similar architectural features may project up to four (4) feet into any required front, rear or side setback. (Subject to Building Code regulations).

(f) Miscellaneous Provisions and Exceptions:

- Attached accessory buildings shall be considered as a part of the main building.

- Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.

(6) Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back of sidewalk, or if there is no sidewalk, from back of curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.

(7) Fences and walls, maximum height.

(a) Within areas where main building may be placed - same as the main building height limit.

(b) Within front setback area - three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.

(c) Within other setback areas - the maximum height shall be six (6) feet, except that this maximum may be exceeded when higher walls are required by the Director, EMA, for the purpose of noise mitigation or other health and safety measures.

(8) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.

b. Attached Single-Family Dwellings - conventional subdivision.

(1) Building site area. Three thousand (3,000) square foot minimum.

(2) Building site width. No minimum.

(3) Building height. Thirty-five (35) feet maximum.

(4) Building site coverage. No maximum.

(5) Building setbacks.

(a) From any property line abutting a street, ten (10) feet minimum.

(b) From any side or rear property line not abutting a street, no minimum.

(c) Patios: No attached or detached covered patio shall be located closer than three (3) feet to a property line except the street-side property line of a corner lot, in which case a minimum distance of ten (10) feet shall be maintained. Covered patios may be completely screened, including all exterior walls and ceilings, with fully ventilating screen.

(d) Projections into required setbacks: Eaves, cornices, chimneys, balconies, and other similar architectural features may project up to four (4) feet into any required front, rear or side setback. (Subject to Building Code regulations.)

(e) Miscellaneous Provisions and Exceptions:

- Attached accessory buildings shall be considered as a part of the main building.
- Detached accessory buildings shall be located no closer than the setback required for the main building.

(6) Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back of sidewalk, or if there is no sidewalk, from back of curb. Automatic garage door openers are required for garages set back less than twenty (20) feet to the point of vehicular entry.

(7) Fences and walls, maximum height.

(a) Within areas where main buildings may be placed - same as the main building height limit.

(b) Within front setback area - three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to garage driveway.

(c) Within other setback areas - the maximum height shall be six (6) feet, except that this maximum may be exceeded when higher walls are required by the Director, EMA, for the purpose of noise mitigation or other health and safety measures.

(8) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.

c. Cluster Subdivision, Planned Developments and Other Similar Developments

- (1) Building site requirements. Cluster subdivisions may be divided into development units by a tentative map for purposes of complying with the Building Site Requirements of the Zoning Code. Each development unit, as specified on the approved tentative tract map, shall comply with the requirements of the Zoning Code Building Site Requirements and be deemed to be a building site.
- (2) Building site area. No minimum.
- (3) Individual lots. No minimum size; however, each dwelling unit shall be located on an individual lot of record and there shall be no more than one dwelling unit on any lot.
- (4) Access. Each residential lot need not necessarily abut a street; however, the ownership of any residential lot shall include a recorded right of access to and from a street to and from the lot for pedestrians and vehicles for a minimum width of not less than twenty (20) feet.
- (5) Open space. A minimum of five percent (5%) of the net area of the project is to be reserved as convenient, accessible and useable permanent common open area adjacent to but outside the boundaries of the residential lots. The following shall not be counted in computing the common open area: streets, common to 1 incline and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.
- (6) Lot width. No minimum.
- (7) Building height. Thirty-five (35) feet maximum.
- (8) Building site coverage. Sixty (60) percent maximum for the E-A-PED-1 area and no maximum for individual lots.
- (9) Building setbacks.
 - (a) From any boundary line of the project. Ten (10) feet minimum.
 - (b) From any individual building site's property line development unit or lot. None except as may be otherwise required to comply with the Orange County Building Code.
- (10) Private street and driveway standards. Private streets and driveways shall be in accordance with the following standards:
 - (a) Driveways serving four (4) or less dwelling units, and having no parking within the travel way. Minimum paved width (12) feet for one-way traffic or twenty (20) feet for two-way traffic.
 - (b) Driveways used primarily for access to garages or carports for more than four (4) dwelling units and with no parking within the

travel way. Minimum paved width twelve (12) feet for one-way traffic or twenty-four (24) feet for two-way traffic.

(c) Streets and driveways where on-street parking will be limited to one side only. Minimum paved width twenty-eight (28) feet.

(d) Streets and driveways with on-street parking permitted on both sides. Minimum paved width thirty-six (36) feet.

(11) Garage and carport placement:

(a) Where streets and driveways serve to provide access to garages or carports and to not serve as the primary method of access to dwelling units, garages and carports shall be set back a minimum distance of five (5) feet from the street or driveway.

(b) In all other instances, the point of vehicular entry to garages and carports shall be set back a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back edge of the sidewalk or curb where there is no sidewalk. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.

(12) Fences and walls, maximum height.

(a) Along the boundary of the project. Seven and one half (7 1/2) feet except within intersecting areas where the maximum height is three and one half (3 1/2) feet.

(b) Within areas where main buildings may be placed. Same as the main building height limit.

(13) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.

2. Multiple-Family Dwellings (including, but not limited to, condominium projects, stock cooperatives, community apartment projects and apartment project(s)).

The following development standards shall apply except as otherwise established by an approved Coastal Development Permit.

a. Building site area. Two thousand (2,000) square feet minimum.

b. Building site width. No minimum.

c. Building height. Thirty-five (35) feet maximum.

d. Building site coverage. Sixty percent (60%) maximum.

e. Building setbacks. Twenty (20) feet minimum from any exterior property line. There is no setback requirement from interior property lines.

- f. Accessory building setbacks, including garages, Twenty (20) feet from the back edge of the sidewalk, or curb if there is no sidewalk.
- g. Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.
- h. Open space. A minimum of five percent (5) of the net area of the project is to be reserved as convenient, accessible and useable permanent common open area. The following shall not be counted in computing the common open area: streets, common driveways, public park area, slopes greater than 4 to 1 incline, and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.
- i. Signs. Signs shall be permitted in accordance with the provisions of Chapter V, Section A of these Regulations.
- j. Trash and storage areas. All storage, including cartons, containers or trash shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height.
- k. Screening.
 - (1) Abutting residential areas. Screening shall be installed along all building site boundaries where the premises abut areas zoned for residential uses. Except as otherwise provided below, the screening shall have a total height of not less than six (6) feet and not more than seven (7) feet.
 - (2) Notwithstanding the requirements listed above, where the finished elevation of the property at the boundary line, or within five (5) feet inside the boundary line is lower than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements of this section.
 - (3) A screen as referred to in (1) and (2) above shall consist of one or any combination of the following:
 - (a) Walls including retaining walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of six (6) inches thick.
 - (b) Berms: A berm shall be constructed of earthen materials and it shall be landscaped.
 - (c) Fences, solid: A solid fence shall be constructed of wood or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
 - (d) Landscaping: Vegetation, consisting of evergreen or deciduous trees or shrubs.

- (4) Mechanical equipment. Mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust, but not including solar collectors, shall be screened from view from any abutting street or highway and any abutting area zoned for residential or open space uses within the Laguna Niguel Community or Dana Point Headlands Sector.
1. Landscaping. Landscaping, consisting of evergreen or deciduous trees, shrubs, ground cover, or hardscape shall be installed and maintained subject to the following standards:
- (1) Boundary landscaping abutting public streets, other than arterial highways, is required to an average depth of ten (10) feet.
 - (2) Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area or in some manner be protected from vehicular damage.
 - (3) Watering. Permanent automatic watering facilities shall be provided for all landscaped areas.
 - (4) Maintenance. All landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.

H-A-HDR-2
"Headlands-A-High Density Residential-2" District

A. Purpose and Intent

The High Density Residential "H-A-HDR-2" District of Subarea "A" includes the group of 10 lots which are nearly built-out at the edge of Selva Road. The intent of these Regulations is to permit development and maintenance of these multi-family residential uses. The "H-A-HDR-2" component of the Headlands District is applicable to Subarea A only and implements the 1.41 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan.

B. Land Uses - Principal Permitted Use

Refer to the C-RHD Coastal Residential High Density District of these Regulations.

C. Other Permitted Uses

Refer to the C-RHD Coastal Residential High Density District of these Regulations.

D. Site Development Standards

Refer to the C-RHD Coastal Residential High Density District of these Regulations.

E-A-REC
"Headlands-A-Recreation" District

A. Purpose and Intent

The purpose and objectives of these Regulations is to provide for the establishment and use of beach recreation facilities within the sandy beach area of Subarea A.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.
 - a. Recreational and educational activities which do not require permanent placement of a structure.
 - b. Lifeguard structures and equipment.

C. Other Permitted Uses

1. The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a. Commercial sale and rental concessions (food and equipment).
 - b. Permanent recreational structures.
 - c. Shoreline protective works intended to protect existing development or coastal dependent uses.

D. Site Development Standards

1. Shoreline protective works - to be of minimum size and minimum distance seaward to adequately protect existing development areas or coastal dependent uses from wave erosion. All permanent shoreline protective works must be constructed according to plans prepared by a registered engineer, in compliance with these Regulations. Shoreline protective works, to the maximum extent feasible, shall be continuous, complementing the structural design of adjacent similar protective devices.
2. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

H-A-TRC
 "Headlands-A-Tourist Recreational Commercial" District

A. Purpose and Intent

The Tourist Recreational Commercial portion of Subarea "A" is located adjacent to the proposed alignment of Selva Road and comprises an undeveloped gently sloping area. The H-A-TRC District is intended to implement the 5.31 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan and applies to the Subarea "A" of the Headlands Sector only. The H-A-TRC regulations provide for uses which serve the needs of visitors to the community, including permanent overnight accommodations, recreation opportunities, social and educational facilities, food and drink and parking facilities.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

- a. Hotels
- b. Motels
- c. Recreational clubs
- d. Restaurants
- e. Cocktail lounges and bars
- f. Trails for hiking and bicycling
- g. Uses which are accessory to or typically associated with the permitted uses

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

- a. Time share condominiums
- b. Rental condominiums
- c. Retail, service and related businesses associated with the needs of visitors and tourists

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size - none
- b. Minimum size width - none
- c. Maximum building height - twenty-eight (28) feet
- d. Front setback - Twenty (20) foot minimum for all buildings and ten (10) foot minimum for parking from ultimate right-of-way
- e. Side setback - Ten (10) foot minimum for all buildings and parking
- f. Minimum blufftop setback - The bluff top setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with General Provision J of the regulations.
- g. Landscaping/screening minimum - Fifty percent (50%) of the front setback area.

2. Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code.

3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than six (6) feet in height and, if uncovered, not within forty (40) feet of any residential area.

4. Loading - All loading and unloading operations shall be performed on the site.

5. Fences and Walls - Per Section 7-9-137.5 of the Orange County Zoning Code.

6. The Orange County Grading Code and Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to them.

7. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

HEADLANDS SUBAREA "B"

H-B-HDR

"Headlands-B-High Density Residential" DistrictA. Purpose and Intent

The High Density Residential portion of Subarea B includes the majority of the "bowl" area of the Headlands Sector. The H-B-HDR District component provides regulations which permit development of high density single- and multiple-family residential uses. Applicable only to Subarea B of the Headlands Sector, the H-B-HDR District implements the 1.4 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan, and policy B-1 on page IV-21 of the Land Use Plan which provides "an option for a mix of uses to permit a limited amount of tourist recreation commercial facilities."

B. Land Uses - Principal Permitted Use

The following uses are permitted on each building site, in compliance with subsection "D" below and subject to the provision of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

- a. Detached single-family dwelling (one dwelling per building site).
- b. Two (2) or more attached or detached clustered single-family dwellings.
- c. Multiple-family condominiums, stock cooperatives, community apartments and apartments.
- d. Accessory structures and uses, on the same building site as a main use, which are customarily incidental or necessary to the main building or use, including recreational facilities.
- e. Uses and structures, located on a separate lot or building site, which are customarily incidental or necessary to residential uses, including but not limited to private parks and recreation areas and facilities, trails, greenbelts, sanitary facilities and common areas.

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Educational institutions and associated athletic fields.
2. Communication equipment buildings.
3. Community television receiving and distribution systems.

4. Electric distribution substations.
5. Horticultural uses.
6. Private water pumping stations.
7. Sewage lift stations.
8. Fire and police stations.
9. Public libraries.
10. Water reservoirs and appurtenant facilities.
11. Signs in accordance with Chapter V, Section A herein.
12. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
13. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
14. Guest cottages or guest houses.
15. Caretaker or manager residence.
16. Existing building during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
17. Real estate and identification signs per Sections 7-9-79 and 7-9-136.4 of the Orange County Zoning Code.
18. Security access equipment, guard facilities, private community access facilities.
19. Tourist Recreational/Commercial uses subject to the provisions of the H-A-TRC regulations.

D. Site Development Standards

1. Building Regulations (Residential)
 - a. Minimum building site: Three thousand (3,000) square feet
 - b. Minimum building site area per unit: Two thousand (2,000) square feet
 - c. Minimum building site width: no minimum
 - d. Maximum building height: Thirty-six (36) feet

- e. Front setback: Fifteen (15) feet for the Principal Permitted Use a; ten (10) feet for b-e.
 - f. Side setback: Five (5) feet for Principal Permitted Use a; ten (10) feet for b-e.
 - g. Rear setback: Ten (10) feet for Principal Permitted Use a; ten (10) feet for b-e.
 - h. Projections into required setbacks, eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project four (4) feet into required front and rear setback and two (2) feet into side setback.
 - i. Attached accessory buildings shall be considered as a part of the main building.
 - j. Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
 - k. Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back to the sidewalk, or if there is no sidewalk, from back to curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.
 - l. Fences and walls, maximum height: Within front setback area - three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - m. Landscaping/screening minimum - Fifty percent (50%) of the front setback area, except as otherwise provided for by a residential planned development.
2. Building Regulations (TRC - 5.31)
- Same as the H-A-TRC regulations except:
- a. Maximum building height - Thirty-six (36) feet
 - b. Rear setback - Twenty (20) feet minimum from all residential structures
3. Off-street parking - per Section 7-9-145 of the Orange County Zoning Code.

H-B-REC
 "Headlands-B-Recreational" District

A. Purpose and Intent

The "Recreational" portion of Subarea B includes a ridgeline with an opportunity for a 360° view at its maximum elevation. The H-B-REC District provides regulations which permit uses consistent with the maintenance of view and recreational opportunities along the ridgeline. Applicable only to Subarea B of the Headlands District, H-B-REC implements the 5.3 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan.

B. Land Uses - Principal Permitted Use

The following uses are permitted on each building site in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Public hiking trails
2. Buffer greenbelts
3. Public scenic overlooks

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below, subject to the provisions of an approved Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Off-street parking
2. Structures accessory to the permitted uses

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size - no limitations
- b. Building site width - no limitations
- c. Building height - 18 feet
- d. Building site coverage - 5 percent maximum
- e. Setback requirement - 20 foot minimum for all buildings and parking from land use district boundary lines or ultimate ROW lines
- f. Landscaping/screening minimum - 70% of the front setback area

2. Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code.
3. Trash and Storage Areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if covered, not within 40 feet of any residential area.
4. Fences and walls - Per Section 7-9-137.5 of the Orange County Zoning Code.
5. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

HEADLANDS SUBAREA "C"

Subarea "C" is comprised of two Land Use Plan designations, 5.31 Tourist Recreational Commercial and 1.41 High Density Residential. The majority of the Headlands District is owned by one landowner, a benefit in the effort to prepare a comprehensive and acceptable land plan. One of the properties not owned by the major property owner lies adjacent to, and east of the Street of the Green Lantern at Pacific Coast Highway. This property is identified as Subarea C1, and the remainder as Subarea C2.

H-C1-TRC

"Headlands-C1-Tourist Recreational Commercial" DistrictA. Purpose and Intent

Refer to the C-VC Coastal Visitor Commercial District of these Regulations.

B. Land Uses - Principal Permitted Use

Refer to the C-VC Coastal Visitor Commercial District of these Regulations.

C. Other Permitted Uses

Refer to the C-VC Coastal Visitor Commercial District of these Regulations.

D. Site Development Standards

Refer to the C-VC Coastal Visitor Commercial District of these Regulations.

H-C2-HDR

"Headlands-C2-High Density Residential" District

A. Purpose and Intent

The High Density Residential H-C2-HDR portion of Subarea "C" includes developed and undeveloped multi-family residential lots on the west side of Scenic Drive. The intent of these regulations is to permit for development and maintenance of such multi-family residential uses. The "H-C2-HDR" component standards and regulations apply to the Headlands District Subarea C only and are intended to implement the 1.41 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

Refer to the C-RHD High Density Residential District of these Regulations.

C. Other Permitted Uses

Refer to the C-RHD High Density Residential District of these Regulations.

D. Site Development Standards

Refer to the C-RHD High Density Residential District of these Regulations.

H-C2-TRC

"Headlands-C2-Tourist Recreational/Commercial" District

A. Purpose and Intent

The Tourist Recreational/Commercial - H-C2-TRC portion of Subarea "C" includes undeveloped properties adjacent to and immediately west of The Street of the Green Lantern at Pacific Coast Highway. The "H-C2-TRC" component of the Headlands District applies to Subarea "C" only and is intended to implement the 5.31 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan. The intent of these regulations is to permit the construction of a commercial area which will serve the needs of tourists and other visitors to the coast, including such uses as permanent overnight accommodations, recreation opportunities, social and educational facilities and food and drink establishments.

B. Land Uses - Principal Permitted Use

Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Hotels
2. Motels
3. Restaurants
4. Cocktail lounges and bars
5. Trails for biking and hiking in conformance with the Local Coastal Program/Land Use Plan.
6. Enclosed public commercial health, tennis, racquetball, swimming, boat and yacht clubs.
7. Uses which are accessory to, or typically associated with the permitted uses.

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below, subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Time share condominiums
2. Rental condominiums

3. Retail, service and rental businesses associated with the needs of visitors and tourists

4. Signs in accordance with Chapter V, Section A of these Regulations.

D. Site Development Standards

1. Building Regulations

a. Minimum lot size: none

b. Minimum building site width: none

c. Maximum building height: 36 feet

d. Minimum front setback: 20 feet minimum for all buildings; 10 feet minimum for parking

e. Minimum side setback: 10 feet minimum for all buildings and parking

f. Minimum rear setback: 10 feet minimum for all buildings and parking

g. Landscaping/screening minimum - 50% of the front setback area.

2. Off-street Parking Per Section 7-9-145 of the Orange County Zoning Code.

3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.

4. Loading - All loading and unloading operations shall be performed on the site.

5. Fences and walls - per Section 7-9-137.5 of the Orange County Zoning Code.

6. The Orange County Grading Code and Manual list the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it.

7. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

HEADLANDS SUBAREA "D"

Subarea "D" provides several land use designations and includes the promontory of the Headlands landform. Regulations which implement the 5.4 (Other Open Space) designation of the Land Use Plan for Subarea D are provided within the H-00S Headlands Other Open Space District of these Regulations. Regulations which implement the 5.41 (Conservation) designation of the Land Use Plan for Subarea D are provided within the C-C Coastal Conservation District of these Regulations.

H-D-HDR

"Headlands-D-High Density Residential" DistrictA. Purpose and Intent

The High Density Residential portion Subarea D includes a group of parcels which are developed or intended for residential uses, and owned by separate individuals. The intent of this designation is to permit for development and maintenance of these few parcels. The "H-D-HDR" District of the Headlands Sector applies to Subarea D only and implements the 1.41 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan.

B. Land Uses - Principal Permitted Use

The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Single-family detached dwellings (one per building site)
2. Two or more attached or detached clustered single-family dwellings
3. Multiple-family condominium, stock cooperatives, community apartments and apartments.
4. Residential planned developments as per Section 7-9-110 of the Orange County Zoning Code.
5. Accessory structures and uses on the same building site as a main use which are necessary to the main building or use.
6. Uses and structures located on a separate lot or building site which are customarily incidental or necessary to residential uses, including but not limited to private recreation facilities and common area.

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Signs in accordance with the C-RHD Coastal High Density Residential District.
2. Guest cottages or guest houses.
3. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
4. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
5. Caretaker or manager residence.
6. Existing buildings during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
7. Real estate and identification signs per Sections 7-9-78 and 7-9-136.4 of the Orange County Zoning Code.
8. Security access equipment, guard facilities, private community access facilities.

D. Site Development Standards

1. Building Regulations

- a. Minimum building site: 3,000 square feet
- b. Minimum building site area per unit: 2,000 square feet
- c. Minimum building site width: no minimum
- d. Maximum building height: 28 feet
- e. Front setback: 20 feet
- f. Side setback: 5 feet
- g. Rear setback: all structures shall be set back a minimum distance of 25 feet from the edge of the bluff.
- h. Projection into required setbacks, eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front setback, and two feet into side setback.
- i. Attached accessory buildings shall be considered as a part of the main building.
- j. Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
- k. Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back to sidewalk, or if there is no

sidewalk, from back to curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.

1. Fences and walls, maximum height.

(1) Within front setback area - three and one half (3-1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.

(2) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purposes of noise mitigation or health and safety measures.

n. Landscaping/screening minimum - 50% of the front setback area, except as otherwise provided for by a residential planned development.

2. Off-street parking - per Section 7-9-145 of the Orange County Zoning Code.

H-D-TRC

"Headlands-D-Tourist Recreational/Commercial" District**A. Purpose and Intent**

The Tourist Recreational/Commercial - "H-D-TRC" portion of Subarea D includes undeveloped land which adjoins the Selva Road alignment to the north and the "Other Open Space" area to the south. The "H-D-TRC" District of the Headlands Sector applies to Subarea D only and is intended to implement the 5.31 designation of the Dana Point Specific Plan and LCP/Land Use Plan. The intent of these regulations is to provide that the primary use within this area will be hotel/lodge facility integrated with an open space system adjacent to the bluffs.

B. Land Uses - Principal Permitted Use

The following uses are permitted in compliance with the site development standards in subsection "D" below, subject to the provisions of a Coastal Development Permit approved in compliance the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Hotels
2. Motels
3. Restaurants
4. Cocktail lounges, bars
5. Trails for biking and pedestrians in conformance with the Land Use Plan
6. Uses which are accessory to, or typically associated with the permitted uses (such as tennis courts, pools)
7. Viewpoints
8. Recreational facilities incidental to overnight accommodations
9. Parking area, vehicular accessways, plazas and walkways

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Timeshare rental condominiums
2. Rental condominiums
3. Retail, service and rental business ancillary to hotel and lodge uses

4. Signs
5. Fences and walls
- D. Site Development Standards
 1. Building Regulations - (Subarea D, exclusive of the Visitor Serving Transition Area)
 - a. Minimum lot size: none
 - b. Minimum building site width: none
 - c. maximum building height: 48 feet and 35 feet as shown on Exhibit 2
 - d. Maximum building site coverage: 25%
 - e. Minimum front setback: 20 feet for building; 10 feet for parking
 - f. Minimum side setback: 10 feet
 - g. Minimum rear setback: none except for compliance with the Visitor Serving Transition Area requirements
 2. Building Regulations - (Visitor Serving Transition Area Only)
 - a. Minimum lot size - none required
 - b. Minimum building site width - none required
 - c. Maximum building height - 28 feet as shown on Exhibit 2
 - d. Maximum building site coverage - 25%
 - e. Minimum distance between buildings - 10 feet
 - f. Minimum blufftop setback - The blufftop setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with General Provision J of the Regulations.
 3. Off-street Parking - (applicable to entire Subarea D) as per Section 7-9-145 of the Orange County Zoning Code.
 4. Trash and storage areas - (applicable to entire Subarea D) All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area or overnight accommodations.
 5. Loading - (applicable to entire Subarea D) All loading and unloading operations shall be performed on the site.

fire protection. Parking areas to serve uses in this zone are to be placed in close proximity to but outside of this zone.

C. Site Development Standards

1. Building Regulations

- a. Minimum lot size: none required
- b. Minimum building site width: none required
- c. Maximum building height: 28 feet
- d. Maximum building site coverage: 25%
- e. Minimum distance between buildings: 10 feet
- f. Minimum blufftop building setback: In no case shall a building be located closer than one hundred fifty (150) feet minimum from 'bluff top line' shown on Exhibit 43 (Blufftop Setback).

2. Landscape Development

On a site composed of a variety of land uses ranging from highly developed commercial complexes to open space areas, the landscape development shall function as a transitional element, visually integrating all areas into comprehensive site plan. To achieve this end, certain controls have been established to serve as guidelines for the designer. Working within these design guidelines, using materials and processes selected with the transitional zone purpose, it is intended that the landscape development of this unique district will complement and enhance the transition of this area and the overall character of the Dana Point Headlands.

A. Design Criteria and Requirements

All landscape development in the D1 subarea shall be delineated in a site plan and referred to the Harbors, Beaches and Parks Commission for their review and recommendation prior to action by the Orange County Planning Commission.

The following serve as guidelines for landscape development of this zone:

- a. The removal of existing vegetation shall be minimal and delineated in the site plan submittal
- b. Landscape varieties selected shall be native and exotic varieties presently existing in natural form on the Dana Point Headlands
- c. Trees shall be planted to reflect a random arrangement to minimize a man-made looking arrangement
- d. Sculptured tree canopies shall be discouraged

H-DI-VST
"Headlands-DI-Visitor Serving Transitional" District

A. Purpose and Intent

The Visitor Serving Transitional (VST) portion of the "DI" subarea includes land which gently slopes toward the bluff. The "H-DI-VST" District of the Headlands Sector applies to subarea "DI" only. This transition zone is intended to protect natural amenities on or near the site, while allowing a mix of visitor-serving commercial and recreational uses. The extent of and relationship among the resource conservation, recreation and commercial areas shall be established through detailed site planning.

The transition zone is located between the Blufftop Line as shown on Exhibit 43 (Blufftop Setback) and a line measured 200 feet inland from the Blufftop Line entirely within the DI subarea.

B. Land Uses

1. Principal Permitted Use

The following uses are permitted in compliance with the site development standards contained in subsection "C" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Hotels, motels
2. Restaurants, cocktail lounges and bars ancillary to restaurants
3. Trails, walkways, plazas

2. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "C" below, subject to the provision of a Coastal Development Permit approved in compliance with the Coastal Development District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Timeshare hotels, motels
2. Viewpoints
3. Recreational facilities incidental to overnight accommodations which don't require walls or fences such as tennis courts, pools, handball or squash.

3. Prohibited Uses

1. Parking areas and vehicle accessways are expressly prohibited from this transitional district except for any access areas required for

fire protection. Parking areas to serve uses in this zone are to be placed in close proximity to but outside of this zone.

C. Site Development Standards

1. Building Regulations

- a. Minimum lot size: none required
- b. Minimum building site width: none required
- c. Maximum building height: 28 feet
- d. Maximum building site coverage: 25%
- e. Minimum distance between buildings: 10 feet
- f. Minimum blufftop building setback: In no case shall a building be located closer than one hundred fifty (150) feet minimum from 'bluff top line' shown on Exhibit 43 (Blufftop Setback).

2. Landscape Development

On a site composed of a variety of land uses ranging from highly developed commercial complexes to open space areas, the landscape development shall function as a transitional element, visually integrating all areas into comprehensive site plan. To achieve this end, certain controls have been established to serve as guidelines for the designer. Working within these design guidelines, using materials and processes selected with the transitional zone purpose, it is intended that the landscape development of this unique district will complement and enhance the transition of this area and the overall character of the Dana Point Headlands:

A. Design Criteria and Requirements

All landscape development in the D1 subarea shall be delineated in a site plan and referred to the Harbors, Beaches and Parks Commission for their review and recommendation prior to action by the Orange County Planning Commission.

The following serve as guidelines for landscape development of this zone:

- a. The removal of existing vegetation shall be minimal and delineated in the site plan submittal
- b. Landscape varieties selected shall be native and exotic varieties presently existing in natural form on the Dana Point Headlands
- c. Trees shall be planted to reflect a random arrangement to minimize a man-made looking arrangement
- d. Sculptured tree canopies shall be discouraged

3. Grading

- A. All grading operations shall be limited to the extent of preparing suitable building pads or other accessways, utility trenches and fill support.
4. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

SUBAREA "E"

Subarea E includes the area seaward of Selva Road and is oriented toward the Dana Point Harbor. Land Use Plan designations include 5.31 (Tourist Recreational/Commercial), 1.41 (Residential), 5.4 (Other Open Space) and 5.41 (Conservation). The 5.4 and 5.41 designations are implemented by the C-C Coastal Conservation District and Headlands Sector General Provisions of these Regulations.

H-E-TRC

"Headlands-E-Tourist Recreational/Commercial" DistrictA. Purpose and Intent

The Tourist Recreational/Commercial - The "H-E-TRC" District of the Headlands Sector Regulations applies to Subarea E only and is intended to implement the 5.31 designation of the Dana Point Specific Plan and Local Coastal Program/Land Use Plan. The intent of these regulations is to permit visitor serving overnight accommodations, harbor view oriented restaurant facilities and retail shops as primary uses.

B. Land Uses Principal Permitted Use

The following uses are permitted on each building site, in compliance with site development standards contained in subsection "D" below and subject to the provision of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's for development located within the appeal areas depicted in Exhibit 34 are subject to appeal to the Coastal Commission.

1. Hotels
2. Motels
3. Restaurants
4. Cocktail lounges, bars
5. Trails for bicycling and hiking in conformance with the Local Coastal Program/Land Use Plan
6. Uses which are necessary to or typically associated with the permitted uses (such as tennis courts, pools)
7. View points
8. Landscaping

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Signs
 2. Fences and walls
 3. Timeshare rental condominiums
 4. Rental condominiums
 5. Retail, service and rental businesses associated with needs of visitors and tourists
- D. Site Development Standards
1. Building Regulations
 - a. Minimum lot size: none required
 - b. Minimum building site width: none required
 - c. Maximum building height: 48 feet landward of Scenic Drive; 28 feet seaward of Scenic Drive
 - d. Maximum building site coverage: 30% and 45% as indicated on Exhibit 44.
 - e. Minimum front setback: 20 feet for buildings; 10 feet for parking
 - f. Minimum side setback: 10 feet
 - g. Minimum blufftop setback - The blufftop setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with the following provision:

The final blufftop setback line will be no further seaward than a) 25' inland of the blufftop line as shown on Exhibit 43 or b) in areas of new development, above ground structures will be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback. A geologic report may be required by the County in order to make the determination (Environmental Hazards Policy 18, Dana Point LCP/Land Use Plan), whichever is the greater distance inland.
 - h. A landscaping plan shall be submitted providing for screening of structures other than main buildings and which shall integrate the "H-005" designation with open spaces which are part of the TRC uses.
 2. Off-street Parking as per Section 7-9-145 of the Orange County Zoning Code.
 3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area or overnight accommodations.

4. Loading - All loading and unloading operations shall be performed on the site.
5. Fences and walls - per Section 7-9-137-5 of the Orange County Zoning Code with the exceptions noted below.
 - a. Fences and walls shall not exceed 3 1/2 feet in height within 20' of the edge of an open space use. Fences constructed between buildings and open space areas shall be subject to an approved landscaping plan which shall be designed so as to minimize the sense of physical separation created by such fences.
6. The Orange County Grading Code and Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to them.
7. All on-site lighting shall be designed and located so as to confine direct rays to the premises.

CHAPTER IV: OVERLAY DISTRICTS

SH "SCENIC HIGHWAY" DISTRICT

a. PURPOSE AND INTENT

The Scenic Highway district is established to provide the regulations which when combined with established "base" districts, preserves and enhances the natural or man-made scenic beauty and resources within Dana Point.

b. BOUNDARIES

The Scenic Highway district shall be that area within 150 feet of the centerline of Street of the Golden Lantern, Pacific Coast Highway, and Del Prado Avenue. Additionally, it shall include all the area bound within the couplet formed by Pacific Coast Highway and Del Prado Avenue.

c. REGULATIONS

The regulations applicable to this area shall be the same as those of Section 7-9-119 of the Orange County Zoning Code.

d. ADDITIONAL COASTAL CRITERIA

- 1) Scenic Highways shall be designed in the future so they will not cross major sensitive habitat areas. (Doheny Beach Marine Life Refuge, Dana Point Marine Life Refuge.)
- 2) A master plan for the undergrounding of utilities shall be prepared and a study of the feasibility of combining utility easements to avoid disfiguring use or land initiated.
- 3) Scenic highways developed by the County shall benefit the entire County.
- 4) Plans for scenic highways shall be integrated with open space plans as they are developed.
- 5) Scenic highway corridors shall be designed to maximize the compatible multi-purpose objectives of open space planning such as recreation, conservation, public health and safety, and preservation of "scenic-aesthetic amenity.
- 6) The scenic highway shall be designed in accordance with the design policies contained in the Dana Point Specific Plan and Local Coastal Program/Land Use Plan.

FP "FLOODPLAIN" DISTRICTa. PURPOSE AND INTENT

The FP District is established to provide additional land use regulations to other established districts in the Dana Point community with which it is combined or overlaid. These regulations are intended to prevent loss of life and property caused by floods and to satisfy criteria promulgated by the Federal Insurance Administration for providing flood insurance eligibility to property owners.

b. BOUNDARIES AND REGULATIONS

The FP boundaries and applicable regulations shall be as described and enumerated in Section 7-9-113 of the Orange County Zoning Code.

CHAPTER V: SPECIAL REGULATIONS AND INFORMATION

SIGN REGULATIONS

The regulations of Section 7-9-111, SR "Sign Restrictions" District, of the Orange County Zoning Code shall apply to all areas in Dana Point, except that projecting signs are not automatically prohibited. However, all nonresidential signs are prohibited unless provided for by an approved site development permit or use permit as accessory to principal uses. Additional or more restrictive regulations may be provided by such use permits or site development permits.

AREA PLAN/SITE DEVELOPMENT PERMIT REGULATIONS AND PROCEDURESa. PURPOSE AND INTENT

The objective of the requirement for an area plan and/or site plan is to provide a logical sequence of community and governmental review and input. Approved area plans and site plans are supplements to the Dana Point land use regulations.

The purpose of an area plan is to define a proposed development concept for a community area and its relationships to surrounding uses. An area plan may also be used to establish development standards. It is the intent of an area plan to provide graphic and written project guidance, in conformance with the Dana Point Specific Plan to the subdivision map, use permit and site plan review procedures. An area plan is also intended to delineate the manner in which development will treat areas of special concern.

The purpose of the site development permit is to provide for review of the detailed final plans of a project with respect to the architectural design, materials, colors, landscaping, and relationship to surrounding uses for an entire project. A site plan may also be approved to establish development standards.

b. AREA PLANS

- 1) Unless otherwise required by the Director, EMA, an area plan shall cover at least one entire community area as delineated in Exhibit 13 of the Dana Point Specific Plan Land Use Element. It shall cover such adjacent territory and community areas as is necessary to present a sufficient study of the context to the project and its impacts. Area plans are governed by Section 7-9-150 of the Orange County Zoning Code except as otherwise provided in these regulations.
- 2) An approved area plan may include additional site development standards for uses allowed by these regulations.
- 3) If there is doubt about the need for an area plan or for an amendment to an area plan, the Director, EMA will be the determining authority.
- 4) An area plan may be combined and processed concurrently with a site development permit or tentative map(s).
- 5) The area plan shall be processed in compliance with the provisions of Section 7-9-150 of the Orange County Zoning Code.
 - a) The Planning Commission, Board of Supervisors, or a property owner may initiate preparation of an area plan or any amendment to an area plan.

- b) Prior to action, the Director shall forward the area plan to the Dana Point Specific Plan Board of Review, or such other citizens' body as is designated by the Board of Supervisors, for their review and recommendation at least twenty-one (21) calendar days prior to the public hearing.
 - c) A public hearing will be held in accordance with Section 7-9-150.2(b) of the Orange County Zoning Code.
 - d) The decision of the Planning Commission shall be final, unless appealed to the Board of Supervisors within fifteen (15) calendar days per Section 7-9-150.4 of the Orange County Zoning Code.
- 6) An area plan may be amended by the same procedure listed above.
 - 7) The option to pursue an Area Plan by a property owner will not eliminate the requirement for a Coastal Development Permit processed in accordance with the notice, hearing and other requirements of the "CD" overlay district.
- d. SITE DEVELOPMENT PERMITS
- 1) Except as otherwise provided in these regulations, site development permits are processed in compliance with the provisions of Section 7-9-150 of the Orange County Zoning Code.
 - 2) The Director, EMA, shall review and act on the permit as soon as possible after its acceptance for filing in accordance with Section 7-9-150.2(d) of the Orange County Zoning Code.
 - a) At least twenty-one (21) calendar days prior to such action, the Director shall forward the site development permit to the Dana Point Specific Plan Board of Review, or such other citizens' body as is designated by the Board of Supervisors, for their review and recommendation.
 - b) The decision of the Director shall be final unless appealed to the Planning Commission within fifteen (15) calendar days per Section 7-9-150.4 of the Orange County Zoning Code.
 - 3) A site development permit may be amended by the same procedure listed above.
 - 4) The option to pursue a Site Development Permit by a property owner will not eliminate the requirement for a Coastal Development Permit processed in accordance with the notice, hearing, and other requirements of the "CD" District.

NONCONFORMING USESa. PURPOSE

The purpose of this chapter is to provide for the regulation or abatement of lawfully established uses which do not conform with the regulations of the DPSP land use regulations. Furthermore, it is intended to provide a program for improving substandard developments to the maximum degree deemed reasonable on a case by case review in order to achieve the general purpose of the DPSP land use regulations. The regulations of Section 7-9-151 of the Orange County Zoning Code are applicable unless otherwise stated herein.

b. NONCONFORMING BUILDING SITES

All building sites which have been lawfully established prior to the adoption of these regulations are deemed to be legal building sites even though the site does not conform to the building site area, width or dimension standards set forth herein.

c. COMMERCIAL USES

All lawfully established uses and structures including accessory uses and structures shall be permitted for three (3) years following the date of adoption of these regulations (Ordinance No. 3217, September 24, 1980). However, following the adoption of these regulations, but prior to three (3) years following adoption, all commercial uses must be provided for by an approved use permit or site development permit. Lawful nonconforming uses will be allowed to continue but reasonable conditions may be provided, on a case by case review, regarding general aesthetics, off-street parking, signs, lighting, trash and storage areas, loading areas, screening, landscaping, fences and walls. The property owner or lessee may appeal any condition per Section 7-9-150.4 of the Orange County Zoning Code. Unless provided otherwise by use permit or site development permit, the conditions therein must be satisfied within one (1) year of the date the use permit or site development permit is granted.

d. RESIDENTIAL USES

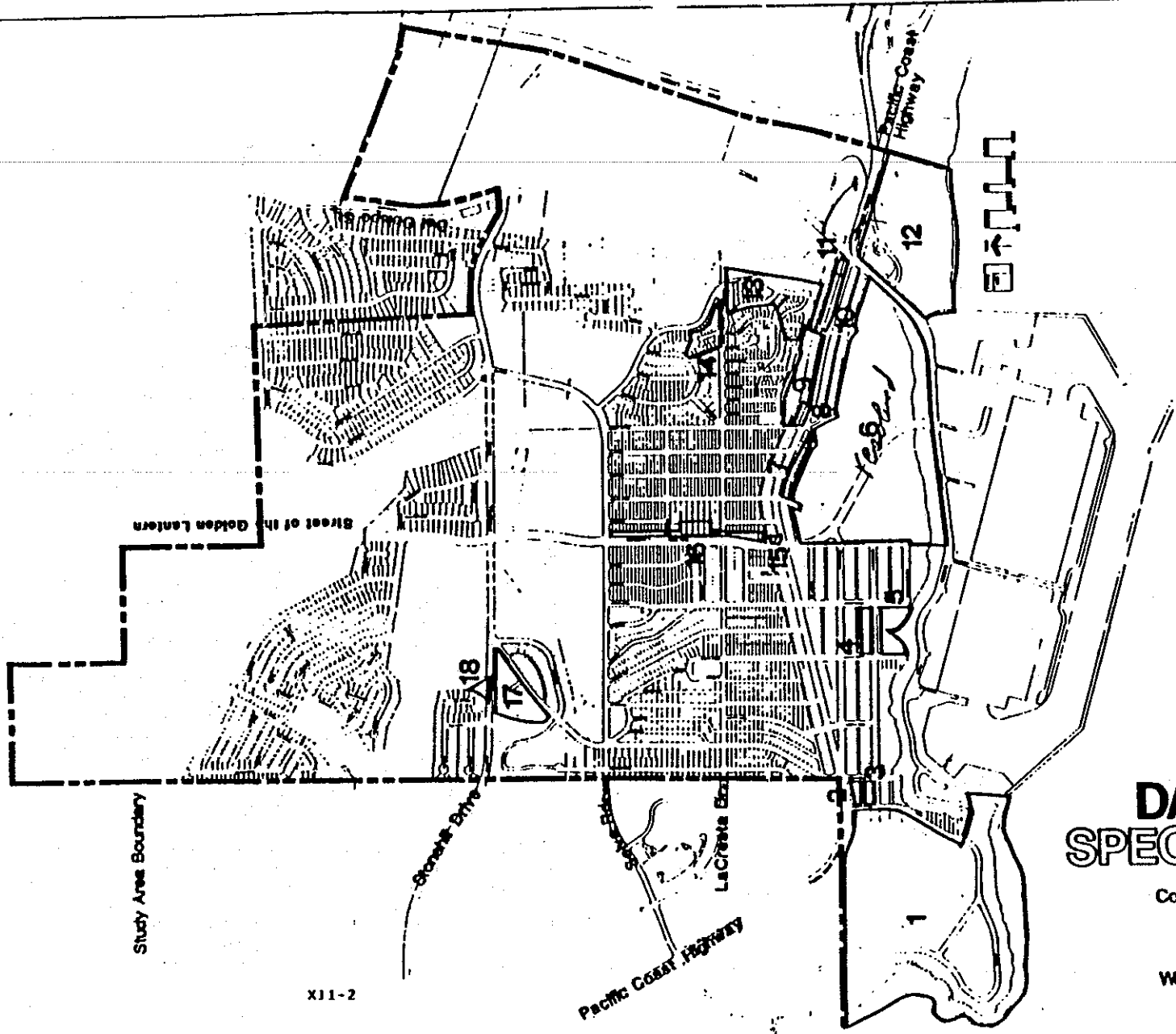
Any duplex or multiple-family dwelling that is lawfully existing at the time of adoption of these regulations may, if is destroyed by fire, flood, explosion, act of God, or act of the public enemy, be rebuilt in conformance with the zoning regulations in effect prior to the adoption of the Dana Point Specific Plan Land Use Regulations. However, such reconstruction must comply with current building and related codes.

SECTION XII
Zoning Inconsistencies

One of the community-wide issues in Dana Point is the inconsistencies that exist between the General Plan Land Use Element designations and the zoning districts on property within the study area. The resolution of these inconsistencies is important for a number of reasons, including the fact that Government Code Section 64860 requires consistency between general plans and zoning provisions. Apart from this consideration, it is extremely important to establish an appropriate future direction for Dana Point and one means of doing this is by determining the most suitable land use pattern and thereafter amending the General Plan, if necessary, and applying consistent zoning provisions.

Exhibit 34 identifies 18 areas in which there is an inconsistency between the General Plan Land Use Element designations and the zoning districts applied to the areas. During the course of preparing the Specific Plan, the Advisory Committee thoroughly considered the resolution of existing inconsistencies. The Land Use Element of the Dana Point Specific Plan reflects the resolutions recommended by the Advisory Committee. The listing below gives a description of each of the 18 areas found to be inconsistent. Each description includes the following information:

1. Land Use Element designation
2. Zoning
3. Existing or proposed developments
4. Type of inconsistency
5. Recommended resolution



Study Area Boundary

Street of the Golden Lantern

Shoreline Drive

Pacific Coast Highway

La Cresta Blvd

Pacific Coast Highway

XJ1-2

DANA POINT SPECIFIC PLAN

Prepared for:
County of Orange/Environmental
Management Agency

Prepared by:
Castaneda-Berg & Associates
Wallace, McHarg, Roberts and Todd

Exhibit 34

GENERAL PLAN ZONING INCONSISTENCIES

**Table 4
General Plan/Zoning Inconsistencies**

Area	Land Use Element	Zoning	Existing or Proposed Development	Inconsistencies	Recommendations
1	5.31 (Tourist Recreation/Commercial)	R-4 (BRD)	Substantial portion is vacant; some residential uses exist; a 3-unit condominium has been approved by the Planning Commission.	The zoning district is inconsistent because residential uses are not to predominate in a TR/C area according to the Land Use Element development guidelines.	Resolved through recommended Dana Point Specific Plan, Dana Point Headlands Land Use Plan, Dana Point Headlands Land Use Policies and consistent zoning/land use regulations.
2	5.31 (Tourist Recreation/Commercial)	C1	Vacant.	The commercial zoning is inconsistent with the intent of the intent of the 5.31 land use category.	Resolved through recommended Dana Point Specific Plan, Dana Point Headlands Land Use Plan, Dana Point Headlands Land Use Policies and consistent zoning/land use regulations. Recommendation is for a 5.31 LOE designation and TR/C zoning.
3	5.31 (Tourist Recreation/Commercial)	R2 (2000)	Mostly vacant; two dwellings.	The zoning district is inconsistent with intent of TR/C Land Use Element designation.	Resolved through Dana Point Specific Plan which recommends a 5.31 LOE designation and TR/C zoning.
4	2.2 (Community Commercial)	R2 (2000)	4-unit residential structure.	Residential zoning district is inconsistent with commercial land use designation.	Resolved through Dana Point Specific Plan which recommends a 1.41 LOE designation and consistent zoning/land use regulations.

Area	Land Use Element	Zoning	Existing or Proposed Development	Inconsistencies	Recommendations
5	5.31 (Tourist Recreation/Commercial)	C1	"Old Hotel" Site	The commercial zoning is inconsistent with the intent of the 5.31 land use category.	Resolved through Dana Point Specific Plan which recommends a 1.41 and 5.4 LUE designations and consistent zoning/land use regulations.
6	1.41 (S) (High Density) 2.2 (S) (Community Commercial) 5.3 (S) (Recreation) 5.31 (S) (Tourist Recreation/Commercial)	PC (BRD)	Vacant; zoning request to conform with LUE is being processed by EMA.	Provisions of Dana Cove PC are inconsistent with LUE categories.	Resolved through recent Planning Commission actions on the LUE and zoning.
7	5.4 (Other Open Space)	C1	Commercial uses; an estimated 8 vacant lots.	Commercial zoning district fails to implement intent of open space land use designation.	Resolved through Dana Point Specific Plan which recommends a community commercial (2.2) LUE designation and consistent zoning/land use regulations.
8	5.4 (Other Open Space)	C1	Vacant.	Commercial zoning district fails to implement intent of open space land use designation.	Resolved through Dana Point Specific Plan which recommends a residential community commercial (1.41/2.2) LUE designation and consistent zoning regulations.
9	5.4 (Other Open Space)	R-4	Vacant.	Residential zoning does not meet the purpose of the open space land use designation.	Resolved through Dana Point Specific Plan which recommends medium density (1.32), community commercial (2.2) and other open space (5.4) land use designations and consistent zoning/land use regulations.

Area	Land Use Element	Zoning	Existing or Proposed Development	Inconsistencies	Recommendations
10	5.4 (Other Open Space)	C1	Vacant.	Commercial zoning district fails to implement intent of open space land use designation.	Resolved through Dana Point Specific Plan which recommends community commercial (2.2) and other open space (5.4) land use designations and consistent zoning/land use regulations.
11	1.31 (S) (Medium Density)	C1	Commercial Development.	Commercial zoning does not meet the provisions of the medium density residential land use category. (But LUE fails to reflect existing development.)	Resolved through Dana Point Specific Plan which recommends a community commercial (2.2) land use designation and implementation by the CC, community commercial land use regulations.
12	5.3 (Recreational)	C1 R2D	Commercial Development; State Park.	Commercial and residential zoning does not meet intent of recreation land use category. (But LUE fails to reflect existing development.)	Resolved through Dana Point Specific Plan which recommends a 5.31 land use designation and implementation by the tourist recreation/commercial land use regulations.
13	1.31 (S) (Medium Density) 5.4 (Other Open Space)	R4	Single-family homes, duplexes and vacant lots.	The base zoning district is inconsistent in that allowable zoning density exceeds the land use designations.	Resolved through Dana Point Specific Plan which recommends a medium density residential (1.31) land use designation and consistent zoning/land use regulations.
14	1.3 (Medium Density)	R4	Single-family homes and vacant lots.	The base zoning district is inconsistent in that allowable zoning density exceeds the land use designations.	Resolved through Dana Point Specific Plan which recommends a medium density residential (1.31) land use designation and consistent zoning/land use regulations.

Area	Land Use Element	Zoning	Existing or Proposed Development	Inconsistencies	Recommendations
15	5.3 (Recreational)	C1	Commercial Development.	Commercial zoning does not meet the intent of the recreation land use category. (But LUE fails to reflect existing development.)	Resolved through Dana Point Specific Plan which recommends a community commercial (2.2) land use designation and consistent zoning/land use regulations.
16	5.3 (Recreational)	R2 (2000)	Residential Development, vacant lots and County owned open space strips.	Residential zoning applies to some County owned land; recreation land use category is applied to some existing residential development.	Resolved through Dana Point Specific Plan which recommends land use designations of 5.3 on County owned land and 1.4 on privately owned land and consistent zoning/land use regulations.
17	1.3 (S) (Medium Density)	R2 (3500)	Vacant.	The base zoning district is inconsistent in that allowable zoning density exceeds the land use designation.	Resolved through Dana Point Specific Plan which recommends zoning/land use regulations consistent with the 1.3 residential land use category.
18	1.3 (Medium Density)	R2 (3500)	Vacant; proposed 5-unit condominium.	The base zoning district is inconsistent in that allowable zoning density exceeds the land use designation.	Resolved through Dana Point Specific Plan which recommends zoning/land use regulations consistent with the 1.3 residential land use category.

SECTION XIII
Provision of Municipal
Level of Community Services

Some of the issues and problems raised by community residents have involved the need for an extended level of services. In addition, some features of the Specific Plan (i.e., public improvements) are likely to require extended levels of community services if they are to be adequately implemented. During the course of several meetings, the Advisory Committee reviewed and discussed the following:

- The types of services and improvements that may be necessary or desirable in Dana Point.
- The estimated costs of these services and improvements (i.e., capital, operating and maintenance costs).
- The alternative methods of financing the services and improvements.
- The governmental agency or agencies that should be responsible for providing the services and/or constructing the improvement.

In addition, a questionnaire was distributed to participants attending the community workshop conducted in early 1979. The participants were asked to indicate the services and/or improvements that they believed should be provided in Dana Point. The questionnaire listed the possible services and improvements as well as the estimated costs per property.

In Appendix C, a detailed breakdown of estimated costs is given for eight potential community services and improvements. It should be noted that not all possible services and improvements are described. Only those for which some form of multi-purpose governmental agency would be responsible are described in the following pages. Other improvements proposed by the Specific Plan, such as lookout parks, could be financed by other means such as the Dana Point Tidelands Funds, Harbors, Beaches and Parks District, etc.

TYPES OF SERVICES AND IMPROVEMENTS

Improvement costs and annual maintenance costs were estimated for the following community services and improvements:

1. Street sweeping

2. Median landscape improvement and maintenance
3. Slope landscape improvement and maintenance
4. Natural open space maintenance
5. Open space improvement and maintenance
6. Entry quadrant improvement and maintenance
7. Mini-neighborhood park improvement and maintenance
8. Pacific Coast Highway lighting improvement and maintenance

FINANCING OF COMMUNITY SERVICES AND IMPROVEMENTS

Among the options that exist for financing desired and/or necessary community services and improvements are the following: 1) an expansion of the services provided by the Capistrano Bay Recreation and Park District (CBRPD); 2) establishment of a Dana Point County Service Area; or 3) provision of selected services by the CBRPD and a CSA. Under the latter option, the park district could focus its efforts on neighborhood parks and recreation programming while the CSA could be involved in the provision of other services such as street sweeping, slope maintenance and highway lighting.

Revenues to finance the services of the CBRPD are obtained from property taxes, fees paid in-lieu of park land dedication, funding grants such as Federal Revenue Sharing, and what could be obtained through "special taxes" when approved by two-thirds of the voters. A County Service Area may obtain revenues from property taxes, user charges, and "special taxes".

Under the provisions of Article XIII A (i.e., the Jarvis-Gann initiative), the maximum amount of any property tax cannot exceed 1% of the full cash value of real property. Moreover, cities, counties and special districts are expressly prohibited from imposing special taxes that involve property taxation above the 1% limit. In effect, any taxation based on real property values is limited to 1% of the full cash value.

According to Article XIII A, the 1% of full cash value property tax is to be collected by the counties and apportioned according to law to special districts within the counties. Before Jarvis-Gann, about 14% of all property taxes collected were for the support of special district services. This is roughly the

percentage share of the 1% property taxation that special districts received in fiscal year 1978-79. Therefore, the amount of property tax revenues that would be obtained by a special district or CSA are a function of full cash value, and the percentage share of all property taxes that is apportioned to special districts.

Under the above procedures, the Capistrano Bay Recreation and Park District received about \$77,000 for fiscal year 1978-79. This amount is insufficient to support all of the services of the district and, in the future, property taxes are likely to be too meager to support the work of both a local park district and a CSA operating in the same geographic area.

If an expanded array of services are desired, it is quite probable that "special taxes" are necessary regardless of whether the services are provided by a CSA, the local parks district, or a combination of both entities. Although a CSA may impose "user charges", they are difficult to administer in an efficient and equitable manner. Except for street sweeping, the services and improvements discussed earlier are not the type for which a charge could be developed on the basis of use. Even though indirect measures of usage could be developed for services like slope maintenance and median landscaping (e.g., proximity to area), it would still be difficult to establish a fair and efficient method of charging for such services. Thus, it is believed that the parks district and/or CSA would need "special taxes" in order to support an expanded array of services.

Another financial factor which needs to be considered is the share of the property tax dollar which would be apportioned to a CSA and parks district if they both existed within the same geographic area. Apparently, both governmental agencies would have a claim on the property tax dollars that will be apportioned in the years ahead. But, if the available revenues were shared, they probably would be insufficient to support all services and would diminish the ability of an existing entity to provide basic services. However, in the post-Jarvis environment, there is no example of a new governmental entity being created within the boundaries of an existing entity and the resulting financial implications.

A part of the problem discussed in the foregoing paragraph could be alleviated from the revenues that would be generated by new construction. According to Article XIII A, for newly constructed buildings "full cash value" means the appraised value. If appraised value means or is similar to "sales price", then new construction will produce a revenue amount greater than that for existing development for the same type, size, and quality of building. What this means is that in the future, marginal (or added) revenues from new development could exceed marginal (or

added) costs from new development for some services. For example, in Dana Point the annual maintenance costs for services such as highway lighting, median landscaping, open space and slope maintenance would not increase (except for inflation) because the areas that would be serviced are relatively fixed and would not be enlarged as a function of new development. In the future, then, annual costs would remain relatively fixed, while there would be new development to help defray the costs. This would have the effect of lowering the annual costs that each property owner would have to pay in the years ahead.

An additional financial consideration is the timing of the community services and improvements, some of which will depend upon future decisions and development. In order to avoid acquisition costs, it may be preferable to require some of the improvements as a function of future development projects. For each of the services/improvements mentioned earlier, a brief description is given of some of the timing considerations.

1. Street Sweeping: This service could be started in the near-term future for the already developed areas of Dana Point. As new areas are developed they also would be serviced. From the new development there would be additional costs as well as additional revenues to defray the costs.

2. Median Landscaping: The majority of these costs relate to proposed improvements and landscaping along Pacific Coast Highway. These improvements could not and, perhaps, should not be made in the near-term future (i.e., next fiscal year) for the following reasons. First, any median strip improvements must be approved by the State Department of Transportation, Division 7, Los Angeles. It probably would be some time before a response, either positive or negative, would be forthcoming. If the proposed median caused a removal of lanes that now accommodate traffic, the State Department of Transportation would not be receptive to the idea of improvement. Second, a decision on when to make the improvements should await the construction of the Del Prado Avenue extension to Pacific Coast Highway. Once this extension is constructed, a better idea will be gained of the precise areas that could have median landscaping.

3. Slope Landscaping: This service principally concerns slope landscaping along Pacific Coast Highway and the area within Recorded Tract #3384 which is located along both sides of Street of the Golden Lantern between Selva Road and Stonehill Drive. It is unknown whether the CBRPD intends to assume the maintenance of the slope easement within Recorded Tract #3384. In the near-term future, this slope could be maintained by either the CBRPD or a newly formed CSA. It is suggested that improvement and maintenance of the slopes along Pacific Coast Highway should be

considered as a long-range endeavor. This suggestion is made because of the possibility of avoiding acquisition costs if the slopes were to be dedicated as a function of development projects sometime in the future. Thereafter, the responsible agency could make the improvements and undertake maintenance, yet not have to pay the costs of acquisition.

4. Natural Open Space Maintenance: Two sites (31.2 acres) have been discussed as potential public open space. According to the Draft EIRs, each of these sites will be retained as open space and maintained by Homeowners Associations and, because of the opportunity for a permanent regional open space system, it is suggested that consideration be given to retaining the two sites as public open space. It is believed that no acquisition costs would be involved and, therefore, annual maintenance costs could be assumed by either a CSA or the CBRPD. The service of natural open space maintenance should be considered a near-term objective.

5. Entry Quadrants: To the extent possible, entry quadrant improvements should be made a function of future development projects. This would avoid the necessity of acquisition costs. An improved entry quadrant at the eastern gateway to Dana Point along Pacific Coast Highway is possible in the near-term future. The precise location of this entry quadrant should be determined as soon as possible.

6. Mini-Neighborhood Park: The proposed park site is presently owned by the County. It may be possible to have the County retain ownership and allow a CSA or the CBRPD to make the park improvements and thereafter assume maintenance responsibilities. The County could, of course, sell the site; however, the acquisition costs (estimated to range between \$60,000 and \$100,000) could prove to be excessive for either agency. The mini-neighborhood park (improvement and maintenance) should be considered a near-term objective unless, in the meantime, a more appropriate site can be located and acquired.

7. Pacific Coast Highway Lighting: This service can be considered a near-term objective if the spacing and location of the lights are unaffected by the precise alignment of the Del Prado extension. The installation costs are amortized over a 22-year period and thereby monthly and annual costs are comparatively low and it is unnecessary to issue bonds for payment of the improvements.

GOVERNMENTAL AGENCY RESPONSIBILITIES

The foregoing material has described the nature and timing of providing community services and improvements in Dana Point as well as described some alternative methods of financing those services and improvements. It is still unclear, however, as to which governmental agency should be given the responsibility for the actual provision of the described services and improvements. Should they be provided by the CBRPD and/or a newly formed CSA or by some other governmental entity such as a community service district?

In March 1979, the Specific Plan Advisory Committee reviewed community input (which highly favored the provision of community services) as well as the recommendations of the Dana Point Chamber of Commerce. The group decided that input and guidance from the Local Agency Formation Commission (LAFCO) was necessary before the Advisory Committee could render a judgment on the agency(ies) best suited to deliver services and provide improvements. The Advisory Committee requested that LAFCO review and evaluate the following five alternatives:

1. Delivery of all desired services by the existing Capistrano Bay Recreation and Parks District.
2. Creation of a Community Services District to provide all desired community services.
3. Provision of existing services by the CBRPD and provision of new, additional services through the creation of a Community Services District.
4. Provision of existing services by the CBRPD and provision of new, additional services through the formation of a County Service Area.
5. Provision of all community services by the creation of a County Service Area.

One reason that the Advisory Committee had yet to reach conclusions on the agency(ies) best suited to deliver services is that they lacked information on what opinion, if any, LAFCO would have on the joint delivery of community services (i.e., alternative #3 and #4). Moreover, the Advisory Committee was aware that recent actions by the Board of Supervisors (i.e., Resolution No. 79-371) have addressed a number of issues relating to future delivery of services and appropriate public and private responsibilities.

RECOMMENDATION

LAFCO recommended Alternative 1 -- delivery of all desired services by the existing Capistrano Bay Recreation and Parks District. The Advisory Committee, upon review of LAFCO's report, concurred with the recommended alternatives.

SECTION XIV
Community Participation

Many residents of Dana Point have expressed the opinion that County government appears "too distant" and that more involvement by the community is necessary in those County decisions which affect the future character of the area. Besides these issues, there is a need for community participation in the long-term process of implementing the recommendations of the Specific Plan. Consequently, the Advisory Committee considered and evaluated the nature and scope of an ongoing community participating process. More specifically, the following questions were addressed by the Advisory Committee:

- Is another method needed by which to provide for community participation?
- What should be the subject areas of focus?
- What should be the boundaries of the geographic area for which on ongoing community participation group would be responsible?
- What kind of group should it be?
- What should be the nature of its responsibilities?
- What specific items should it review?
- What should be the membership criteria?
- What should be the selection criteria?

There was consensus among the Advisory Committee that an improved process is needed by which to provide for community participation on County decision-making. However, it was believed that this process need not replace current modes of community participation, but rather establish a centralized forum for expressions of ideas and opinions. Presently, community opinion is made known through a number of groups representing resident, civic and business interests. Members of the Advisory Committee stated that these various interests should be brought together into a single group. This group, then, could act as an official forum for obtaining community opinion and thereafter be responsible for transmitting recommendations to the County and other governmental agencies such as the Coastal Commission.

Some additional reasons were cited by the Advisory Committee for creating a centralized forum for community participation. For example, such a forum (i.e., committee, group) would provide an opportunity for its members to gain valuable experience on how County government works and to acquire extensive knowledge of the community itself. Moreover, a centralized forum would provide an

efficient means of communication between the County, developers, and the community. Furthermore, it was observed that some measure of accountability for rendering recommendations to the County, on behalf of the community-at-large, would be created since there would be a group formally charged with this responsibility. Finally, it was believed that a centralized forum would eventually produce a continuity in the nature and substance of recommendations as well as the method by which they were made. For instance, continuity would be produced over time by having a regular membership and the generation of a basis or framework for making recommendations.

Two community participation alternatives were considered and evaluated by the Advisory Committee: a "Specific Plan Board of Review" and a "Municipal Advisory Council". These alternatives are described in the following paragraphs.

SPECIFIC PLAN BOARD OF REVIEW

Section 65551 of the Government Code states that in connection with the administration of specific plans and regulations--"The legislative body may create administrative agencies, boards of review, appeal, and adjustment, and provide for other officials, and for funds for the compensation of such officers, employees, and agencies and for support of their work".

Given this enabling legislation, it is possible for the Board of Supervisors to create a "Board of Review" for purposes of assisting its duties in implementation of the Specific Plan. Under this alternative, the Specific Plan provides the framework for the work of the review board.

MUNICIPAL ADVISORY COUNCIL

Another method of providing for community participation is the establishment of a Municipal Advisory Council (MAC). The Board of Supervisors has adopted guidelines for the establishment of MACs. These guidelines state that MACs shall function to:

- Facilitate citizen involvement in the governmental process.
- Facilitate communication within the community.
- Become an integral part of the planning process for the

unincorporated area.

- Serve as an interim government mechanism.

A MAC is advisory to the Board of Supervisors. In the resolution establishing a MAC, the Board indicates those subject areas in which the MAC may serve in an advisory capacity.

Government Code Section 31010 allows the Board of Supervisors to establish a Municipal Advisory Council. The adopted guidelines allow a procedure whereby 10% of the registered voters in a community can petition the Board for establishment of a MAC. Each supervisor then reviews petitions for the formation of MACs within his district and thereafter makes a recommendation to the entire Board on what action, in his opinion, should be taken on each petition. If the MAC is approved, the resolution establishing the Municipal Advisory Council must provide for the following:

- The name of the Municipal Advisory Council.
- The qualification, number, and method of selection of its members, whether by election or appointment.
- Its designated powers and duties.
- The unincorporated area or areas for which the Municipal Advisory Council is established.
- Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the Municipal Advisory Council.

The adopted guidelines provide for the election of the MAC members (5 to 9) in the same manner that City Council members are elected.

Relative to costs, the MAC guidelines indicate that the petition requesting formation must provide "...a description of the method that the community will use to pay for the election and the operation and maintenance of the Municipal Advisory Council once it is formed".

RECOMMENDATION

The Advisory Committee deliberated at length the merits of the two alternative community participation methods. As a result of these deliberations and various considerations, the Advisory Committee has rendered the following recommendation:

A Specific Plan Board of Review should be established with the prime goal of implementing the Specific Plan and the secondary goals of investigating and indentifying the long range desires of the community — specifically, the signatures required to bring the question of the formation of a Municipal Advisory Council onto the 1980 election ballot.

APPENDIX A
Dana Point Plant Palette

APPENDIX A

DANA POINT PLANT PALETTE

DANA POINT PLANT PALETTE

PLANT TYPE	THEME	LOCATION	CHARACTER	REMARKS								HEIGHT	SPREAD	REMARKS
					NATURAL	NEW ENGLAND	GATEWAY	PARKWAY	MEDIAN	PRIV. PROPERTY	DANA CENTER				N. ENGL. - DISTR.
BOTANIC NAME	COMMON NAME													
TREES:														
Acer negundo	Box elder											50'-70'	70'-100'	Deciduous
Acer oblongum	Evergreen maple											30'-50'	25'-40'	Evergreen
Acer platanoides	Norway maple											25'-60'	20'-50'	Deciduous/flowers
Betula alba	European white birch											30'-40'	15'-20'	Deciduous
Betula nigra	River birch											50'-90'	40'-60'	Deciduous
Cornus florida	Flowering Dogwood											10'-30'	15'-25'	Deciduous/flowers
Cornus phaeocorymum	Coccoloba											10'-30'	15'-25'	Deciduous/flowers
Corynocarpus laevigatus	N. Zealand laurel											20'-40'	15'-20'	Evergreen
Eucalyptus citriodora	Lemon scented gum											50'-75'	10'-50'	Evergreen
Eucalyptus globulus	Blue gum											50'-100'	40'-60'	Evergreen
Eucalyptus leucomelaena	Eucalyptus leucomelaena											20'-30'	20'-25'	Evergreen
Erythrina caffra	Coral tree											20'-40'	25'-45'	Deciduous/flowers
Fraxinus velutina	Arizona ash											30'-40'	15'-30'	Deciduous/flowers
Fraxinus undulata	Evergreen ash											70'-100'	10'-50'	Evergreen
Koeberlinia bipinnata	Chinese flame tree											15'-30'	15'-30'	Deciduous/flowers
Liquidambar styraciflua	American sweet gum											50'-75'	30'-50'	Deciduous
Magnolia grandiflora	Southern magnolia											40'-60'	50'-70'	Evergreen/flowers
Metrosideros tomentosa	N. Zealand mas tree											30'-40'	35'-40'	Evergreen/flowers
Pinus radiata	Monterey pine											40'-60'	25'-35'	Evergreen
Pinus torreyana	Torrey pine											40'-60'	20'-40'	Evergreen
Platanus acerifolia	London plane tree											40'-80'	30'-40'	Deciduous
Platanus racemosa	California sycamore											50'-100'	30'-40'	Deciduous
Quercus agrifolia	Coast live oak											25'-70'	20'-70'	Evergreen
Quercus coccinea	Scarlet oak											60'-80'	25'-60'	Deciduous/flowers
Quercus ilex	Holly oak											20'-60'	15'-25'	Evergreen
Ulmus parvifolia	Chinese elm											40'-50'	50'-70'	Evergreen
SHRUBS:														
Azalea spp.	Azalea											varies	varies	Evergreen/Decid./flowers
Caryocarpus grandiflora	Hawaiian shrub											3'-6'	3'-6'	Flowers/fragrant
Coccoloba	Red cluster berry											6'-8'	3'-6'	Flowers/berries
Elaeagnus pungens	Silverberry											6'-15'	4'-15'	Evergreen
Escallonia rostrata	Escallonia											5'-10'	3'-10'	Flowers
Fuchsia hybrida	Hybrid Fuchsia											3'-12'	2'-6'	Flowers
Nerax suaveolens	Sweet naxea											10'-20'	10'-15'	Flowers/fragrant
Nerax arbutifolia	Bayon											6'-10'	6'-10'	Erosion control
Juniperus chinensis 'Armstrongii'	Armstrong juniper											2'-3'	2'-4'	Evergreen
Ligustrum lucidum	Glossy privet											10'-20'	10'	Flowers
Murraya paniculata	Orange jessamine											6'-15'	5'-10'	Flowers/fragrant
Pittosporum crassifolium	n.c.n.											6'-15'	6'-15'	Flowers/fragrant
Rosa spp.	Rose (all types)											varies	varies	Flowers/fragrant
Rapanea indica	Indian Hawthorn											4'-5'	4'-5'	Snowy flowers
Prodracendron spp.	Prodracendron											varies	varies	Evergreen/Decid./flowers
Viburnum japonicum	Viburnum											1'-20'	6'-12'	Flowers/fragrant
VINES:														
Bignonia violacea	Violet trumpet vine													Flowers
Clematis armandii	Clematis													Flowers
Cissus antarctica	Kangaroo vine													Evergreen
Ficus umbra	Creeching fig													Evergreen
Parthenocissus quinquefolia	Virginia creeper													Deciduous
Parthenocissus tricuspidata	Boston ivy													Deciduous
Trachelospermum jasminoides	Star jasmine													Flowers/fragrant
Wisteria sinensis	Chinese wisteria													Deciduous/flowers
GROUND COVERS:														
Seneciothus crispus horizontalis	Carmel creeper													Flowers
Baccharis pilularis	Dwarf coyote bush													Flattened-30"oc
Hedera canariensis 'hannii'	Hann's ivy													Flattened-30"oc
Juniperus chinensis 'San Jose'	San Jose Juniper													Flattened-30"oc
Juniperus horizontalis 'Douglasii'	Haukegan Juniper													Flattened-30"oc
Lonicera japonica 'Malliana'	Hill's honeysuckle													Flattened-30"oc
Steedspermum fruticosum	Trailing African daisy													Flattened-30"oc
Pibes viburnifolium	Evergreen currant													Flattened-18"oc/flowers
Lonicera minor	Dwarf periwinkle													Flattened-30"oc

APPENDIX B
New England Type-face Design

APPENDIX B

DANA POINT CENTRE SIGNING
NEW ENGLAND DESIGN THEME

APPENDIX C
Cost Estimates for Eight
Community Services and Improvements

APPENDIX C

COST ESTIMATES FOR EIGHT COMMUNITY
SERVICES AND IMPROVEMENTS

COSTS ESTIMATES FOR EIGHT COMMUNITY SERVICES AND IMPROVEMENTS

1) Street Sweeping. The costs of providing this service were estimated on the basis of the actual experience to date of County Service Areas. The average costs of providing street sweeping services in areas serviced by a County Service Area is \$8 per curb mile per cycle. Thus, if the frequency of service is once a month, the cost is \$8 per curb mile, or \$96 a year for each curb mile. Service at intervals of once every two weeks would increase the annual costs to \$208 per curb mile (i.e., 26 cycles at \$8 per cycle).

For purposes of estimating the street sweeping costs of Dana Point, the number of curb miles in the community was computed. The computation included streets in the already developed area as well as those located in recorded (i.e., final) tracts and approved tentative tracts. In addition, current and planned arterial highways were included in the overall curb mile total.

Private streets were excluded from the total figure, however, as were other areas which have not yet reached the stage of committed development. The estimate of curb miles for which street sweeping services would be necessary is 55 miles. Two annual cost estimates are shown below based on the frequency of service.

Curb Miles: 55

Frequency of Service: Once a month

Per Curb Mile Annual Costs: \$96

Total Annual Costs: \$5,280

Curb Miles: 55

Frequency of Service: Once every two weeks

Per Curb Mile Annual Costs: \$208

Total Annual Costs: \$11,440

2) Median Landscaping (Improvement and Maintenance). An estimate of median landscaping costs was made for areas along Pacific Coast Highway (PCH) and Street of the Golden Lantern. There is no existing median landscaping on Pacific Coast Highway; however, some does exist on Street of the Golden Lantern inland from Pacific Coast Highway to Selva Road. The estimated costs are as follows:

a) Pacific Coast Highway

Improvement Description:

raised curb median - 10 feet wide; trees, shrubs and groundcover, automatic irrigation.

Development Cost:

\$3.20/lineal foot - curb \$1.66/square foot - landscaping (average for County Service Areas).

The development costs are based on 1975 figures which were adjusted by an annual rate of increase of 10% in order to establish the current unit cost estimates.

Maintenance Cost:

\$350/acre/month (average for CSAs)

\$273-\$384/acre/month (average for CSA 9)

Maintenance requirement includes:

- Weedfree program/mowing turf
- Fertilizer and pesticide program
- Pruning, staking, guying
- Irrigation repair program

Proposed median landscaping along Pacific Coast Highway includes the following areas:

- Entry to Street of the Green Lantern:

10 feet by 800 feet for a total of 8,000 square feet

- Street of the Green Lantern to Street of the Blue Lantern:

10 feet by 230 feet for a total of 2,300 square feet

- Street of the Copper Lantern to Street of the Crystal Lantern:

10 feet by 620 feet for a total of 6,200 square feet

- Street of the Crystal Lantern to Del Obispo Avenue:

10 feet by 640 feet for a total of 6,400 square feet

The number of lineal feet is equal to: $800+230+620+640 \times 2$ plus 40 feet (i.e., median widths) or a total of 4,620 lineal feet. The number of square feet is equal to: $8,000+2,300+6,200+6,400$ or a total of 22,900 square feet.

The costs would be estimated as follows:

- Improvement/Development Costs: \$52,798

4,620 lineal feet @ \$3.20/lineal foot is equal to \$14,784

22,900 square feet @ \$1.66/square foot is equal to \$38,014

- Annual Maintenance Costs: \$2,226

22,900 square feet equals .53 acres and maintenance costs are estimated to be \$350/acre/month (County-wide average). Monthly costs, therefore, are \$185.50 ($.35 \times \350) and annual costs are \$2,226 ($12 \times \185.50).

b) Street of the Golden Lantern

The median strip along Street of the Golden Lantern runs from Pacific Coast Highway to about 600 feet north of Selva Road. The total length of the median strip is 2,300 feet, with the majority of the length consisting of left and right turn pockets. A landscaped planted area does exist which is approximately 6,000 square feet in size. The annual maintenance costs for the landscaped area are estimated to be \$588 ($.14 \text{ acres} \times \350×12). (At this time, no costs have been estimated for median landscaping along future improvements to Street of the Golden Lantern).

3) Slope Landscaping (Improvements and Maintenance). These costs pertain to the slope landscaping proposed on Pacific Coast Highway and other areas where slope easements will be dedicated to the County. Because of the financial effects of Proposition 13, it is unknown whether the County will continue to accept additional slope easements. However, a slope easement has been dedicated to the County by the developer of Recorded Tract #3384 (located along both sides of Street of the Golden Lantern between

Selva Road and Stonehill Drive).

Slope landscaping costs depend upon the steepness of the slope, types of improvements, the area involved and whether grading or site preparation is required. The estimated costs for the improvement and maintenance of slopes are based upon the experience of CSA 9 for slopes 2:1 or steeper that are adjacent to arterial highways or parks. For CSA 9, the following are the average cost figures for this service:

Landscaping Improvements:

- Automatic irrigation
- Shrubs, trees, and erosion control groundcover

Improvement Costs: \$15,972/acre (based on 1975 average costs adjusted at an annual rate of increase of 10%)

Maintenance Requirements:

- Weedfree program
- Fertilizer and pesticide program
- Pruning, staking, guying
- Irrigation repair program

Maintenance Costs: \$137/acre/month (based on 1975 average costs adjusted at an annual rate of increase of 10%)

a) Pacific Coast Highway

Slope landscaping along Pacific Coast Highway involves two areas: inland side of Pacific Coast Highway from Street of the Copper Lantern to Street of the Crystal Lantern and from Street of the Crystal Lantern to Del Obispo Street. At this time, only a rough estimate can be made of the amount of land that would be subject to slope landscaping for the above two areas. In addition, it is uncertain whether acquisition costs would be incurred. If they

were, however, the acquisition costs probably would far exceed all other costs.

- Street of the Copper Lantern to Street of the Crystal Lantern

Not all of the area between these two streets would be subject to slope landscaping improvement and maintenance. About five lots would be reserved for future commercial development at the corners of Pacific Coast Highway and Street of the Copper Lantern and Pacific Coast Highway and Street of the Crystal Lantern. The rest of the area would have an irregular shape depending on the topography and property ownership. It is estimated that 44,000 square feet, or 1.01 acres, would be subject to slope landscaping. Thus, the estimated landscape improvement costs would be about \$15,000 and the annual maintenance costs would be \$1,644 (i.e., 12 x \$137). The estimated improvement costs would be greater if acquisition is required and if grading is done. In Dana Point, commercial land is presently selling for between \$10 and \$16 a square foot. The land in question is not really suitable for commercial development and would command a far lesser price. Under a minimum grading scheme, approximately 1,566 cubic yards would need to be cut. The grading costs are estimated to be \$7,078 (\$4.52 per cubic yard x 1,566 cubic yards).

- Street of the Crystal Lantern to Del Obispo Street

The area involved here is approximately 31,500 square feet, or .72 acres. Once again, not all of the area between these two streets would be subject to slope landscaping, and acquisition and grading costs may be necessary. Not counting these costs, landscape improvements would be about \$11,500 (i.e., .72 x \$15,972), and maintenance would cost \$1,184 per year (i.e., \$137 x .72 x 12).

In summary, the Pacific Coast Highway slope landscaping improvement costs would be \$27,500 (excluding acquisition and grading costs), and the annual maintenance costs are estimated at approximately \$2,828.

- b) Recorded Tract #3384

This tract has dedicated a slope easement of 1.5 acres to the County of Orange. The conditions imposed on this tract by the Planning Commission indicate that the slope must be improved with landscaping and an irrigation system by the developer. Thus, only annual maintenance costs are of concern and these are estimated to be \$2,466 (\$137 x 1.5 x 12).

- 4) Natural Open Space Maintenance. This cost category involves

two sites that potentially could be maintained as public open space. The location and characteristics of the sites are described below.

One site is located within the boundaries of Tentative Tract #10086 which is a part of the Thunderbird-Capistrano Planned Community. The site is north of the proposed extension of Stonehill Drive and easterly of Sea Bright Drive and is 27.8 acres in size. The project sponsor proposes to retain this site as natural open space. According to the Draft Environmental Impact Report (EIR) on this tentative tract, the project sponsor intends to dedicate the natural open space site to the County in lieu of local park fees. However, as reported in the Draft EIR, neither the County nor local park district has expressed an interest in assuming maintenance responsibilities. Therefore, the project applicant has indicated that a Homeowners Association will continue to own and to maintain the natural open space site. However, the Draft EIR points out that consideration should be given to eventual public ownership and maintenance of the open space as part of a regional open space system.

The second site is bordered by Sea Bright Drive and existing single-family homes to the east and is part of Tentative Tract #10031. The southern and eastern tentative tract boundaries are adjacent to the open space system of Tentative Tract #10086. Therefore, it may be possible to continue a regional open space system within the boundaries of Tentative Tract #10031.

Maintenance costs for unimproved natural open space are comparatively low. No landscaping improvements are necessary except for fire fuel harvesting as required by the Fire Marshall, and maintenance requirements involve periodic clearing of fire fuel and litter and periodic trail clearing.

The County-wide average maintenance costs for unimproved open space are \$25/acre/year. The two sites mentioned above are about 31.2 acres in size and therefore the annual maintenance costs would be \$9,360 (i.e., $31.2 \times \$25 \times 12$).

5) Open Space Improvement and Maintenance. This category pertains to the improvements and associated maintenance costs for the open space strip along Street of the Golden Lantern from the alley inland of Pacific Coast Highway to Selva Road. The open space strip is presently under the ownership of the County of Orange and is an estimated 45,827 square feet in size and approximately 1,262 feet long.

The proposed improvements include a pedestrian trail and landscaping consisting of trees, shrubs and groundcover. The pedestrian trail would be about 12,620 square feet in size (10

feet by 1,262 feet). The remaining portion of the open space strip, 33,207 square feet, would be landscaped under the plan concept. The estimated costs are shown below.

- Pedestrian Trail Costs: \$7,000

Costs for grading, paving, signing, and striping at \$.55 x 12,620 equals \$7,000

- Landscaping Costs: \$55,124

Unit costs are based upon those for median landscaping or \$1.66 per square foot. Thus, \$1.66 x 33,207 equals \$55,124.

The total improvement costs for the open space strip park are \$62,124.

The annual maintenance costs are based upon those required for arterial medians (\$350/acre/month) and are applied only to that area (33,207 square feet, or .76 acres) suggested for landscaping. Thus, the annual maintenance costs are estimated to be \$3,192 (i.e., \$350 x .76 x 12).

6) Entry Quadrants (Improvements and Maintenance). Entry quadrants refer to those improvements that provide a gateway to the community and include items such as entry block walls identifying the community, landscaping, and automatic irrigation.

The costs of such improvements are approximately \$35,000/acre, while the ongoing maintenance costs are estimated to be \$310/acre/month.

Four entry quadrants are suggested for the Dana Point Community: at the western and eastern gateways to Dana Point on Pacific Coast Highway; on Street of the Golden Lantern at the northerly entrance to the community; and near the vicinity of the intersection of Stonehill Drive and Del Obispo Street. It may be possible that the entry quadrants at the western and northern gateways as well as the one near Stonehill Drive and Del Obispo Street could be a function of development proposals. Thus, no acquisition costs would be incurred. Each of these entry quadrants is estimated to be 2,500 square feet in size (50 feet by 50 feet).

The fourth entry quadrant at the eastern gateway to Dana Point along Pacific Coast Highway would be somewhat smaller in size because of limited land availability. For cost estimating purposes, it is suggested that the entry quadrant would be 900 square feet (30 feet by 30 feet). Thus, the total land area

would be 8,400 square feet, or about .193 acres. (Presently, an entry quadrant exists at Pacific Coast Highway and Del Obispo street. This one could remain and/or a new one created easterly of Del Obispo Street along Pacific Coast Highway.)

On the basis of the above, the estimated improvement costs are \$6,755 (.193 acres @ \$35,000/acre). The annual maintenance costs would be approximately \$718 (i.e., \$310 x .193 x 12).

7) Mini-Neighborhood Park (Improvement and Maintenance). The proposed mini-neighborhood park is located at the northeastern intersection of Street of the Golden Lantern and La Cresta Drive. The site is about 8,450 square feet (.194 acres) and is currently owned by the County of Orange. Typically, the improvement costs for neighborhood parks range from \$25,000 to \$35,000 per acre, depending on the uses and amenities. Usually the improvements include automatic irrigation and landscaping such as shrubs, trees, groundcover and turf. The average maintenance costs are \$220/acre/month (based on the CSA 9 experience). Thus, the improvement and maintenance costs for the mini-neighborhood park are estimated below.

- Improvement Costs: \$5,820 (i.e., .194 x \$30,000)
- Annual Maintenance Costs: \$512 (i.e., .194 x \$220 x 12)

8) Pacific Coast Highway Lighting (Improvement and Maintenance): This community service category concerns improvements to lighting along Pacific Coast Highway and Del Prado Avenue. Existing conditions along Pacific Coast Highway include 16 utility poles, 18 utility poles with a light fixture, and 8 standard poles with a light fixture. The latter are located at the intersection of Pacific Coast Highway and Street of the Golden Lantern and at the intersection of Pacific Coast Highway and Del Obispo Street.

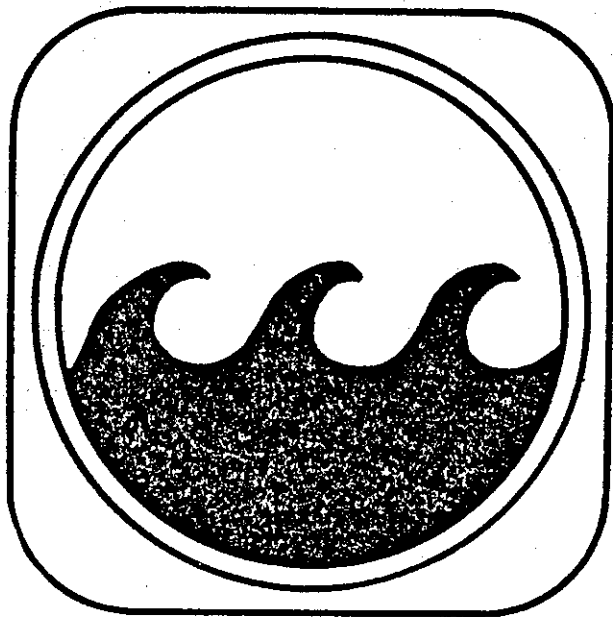
The Specific Plan for Pacific Coast Highway proposes 66 street lights (one light on a standard pole) and 17 median lights (two lights on a standard pole). Thus, there would be a total of 83 poles and 100 lights. Improvement costs include the capital costs of trenching and filling and the pole and light costs.

Current practice is for these capital costs to be amortized over a 22-year period and for the capital costs to be combined with monthly operating costs (the vast majority of which are related to energy charges).

For purposes of estimating the highway lighting costs, an average figure of \$15/pole/month has been used. This would account for all costs and, perhaps, for a light design different from the

cobra head or mission bell designs. The total annual costs are estimated to be \$14,940 (i.e., \$15 x 83 x 12).

As noted earlier, the foregoing cost estimates were based on the actual financial experience of County Service Areas. Those costs may not be identical to those which could be incurred by the Capistrano Bay Parks and Recreation District if that district were to assume responsibility for implementing the suggested services and improvements.



**LOCAL
COASTAL
PROGRAM**



**LAND USE PLAN /
IMPLEMENTING ACTIONS PROGRAM
SOUTH COAST PLANNING UNIT
DANA POINT / VOLUME 3**

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

DECEMBER 10, 1986

MODIFICATIONS TO THE DANA POINT/LOCAL COASTAL PROGRAM (DP/LCP) TO FACILITATE CERTIFICATION BY CALIFORNIA COASTAL COMMISSION:

1. In the event that this document controls or regulates territory beyond the boundaries of the City of Dana Point, only that portion of the document and accompanying regulations which control and regulate territory within the City boundaries is modified.
2. References to County decisionmakers and other bodies are replaced by appropriate City of Dana Point officials. Accordingly, the following modifications are made to the DP/LCP.
 - a) Unless the context otherwise clearly indicates, whenever "Board of Supervisors" or "Board" is used, it shall mean the Dana Point City Council.
 - b) Whenever "County" is used, it shall mean the geographical limits of the City of Dana Point unless a different geographical area is clearly indicated by the context.
 - c) Whenever "County", "County of Orange" or "unincorporated territory of the County of Orange" is used, it shall mean the City of Dana Point unless a different geographical area is clearly indicated by the context.
 - d) Whenever "Planning Commission" is used, it shall mean the Planning Commission of the City of Dana Point.
 - e) Whenever "Subdivision Committee" or "Committee" is used, it shall mean the Dana Point Planning Commission.
 - f) Whenever "Director, Environmental Management Agency" or "Director" is used, it shall mean the Dana Point Planning Director.
 - g) Whenever "Zoning Administrator" is used, it shall mean the Dana Point Planning Director.
 - h) Whenever "Dana Point Specific Plan Board of Review" is used, it shall mean whichever community review body has been officially established by the City council. During those times when no such group is in existence, the Dana Point Planning Commission shall assume that responsibility, in addition to and at the same time as it fulfills its decision-making role.
 - i) Whenever the DP/LCP refers to any other officer, office, official title, or other designation, the reference shall be interpreted to mean that similar office, title, or designation in the governmental structure of the City, as determined by the City Manager, or if there is no equivalent office, title or designation, then the City Manager may delegate the responsibility to the official or employee of his choosing.
3. In all cases in the Coastal Land Use District Regulations, Section

E, and the Dana Point Headlands, Section G, the following language:

Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

shall be replaced by:

Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained below and subject to the provisions of a Coastal Development Permit approved in compliance with Section 118 of the Zoning Code. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

4. The following General Provision is added to the Coastal Land Use District Regulations, Section E, in order to further clarify appeal provisions.

33. Appeals of approved Coastal Development Permits may be made to to the California Coastal Commission for development located within the appeal areas depicted on Figure 12. Except for major public works projects or major energy facilities, approved Coastal Development Permits for development located outside these areas are not appealable.

5. The text of Section D, "Coastal Development" District Regulations, found on pages 97-120, is deleted and replaced by the following:

CD Coastal Development

See Section 7-9-118 of the Dana Point Zoning Code

Figure 12 (following page 98) remains in the DP/LCP and is unchanged.

6. No such modifications are required in the Dana Point Harbor Planned Community because it lies in either the original or appeal jurisdiction of the California Coastal Commission.

**ORANGE COUNTY
BOARD OF SUPERVISORS**

Ralph B. Clark, Chairman	Fourth District
Roger B. Stanton	First District
Harriet M. Weider	Second District
Bruce Nestande	Third District
Thomas F. Riley	Fifth District

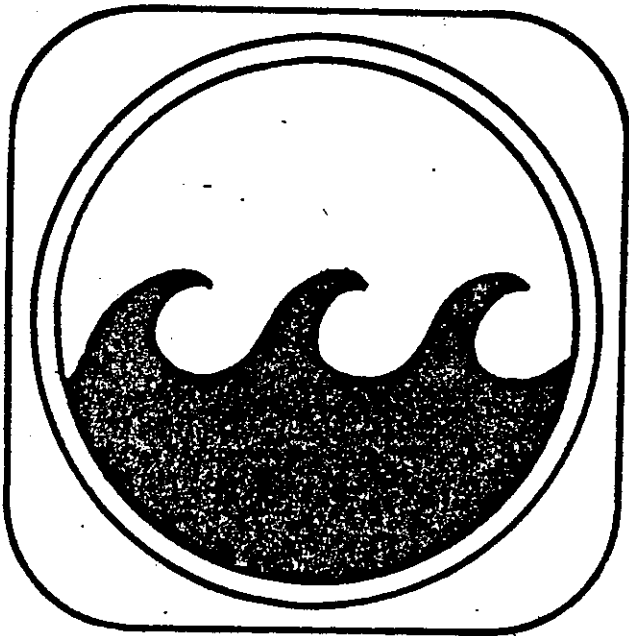
**ORANGE COUNTY
PLANNING COMMISSION**

C. Douglas Leavenworth, Chairman	Fourth District
A. Earl Wooden	First District
Alvin Coen	Second District
H.G. Osborne	Third District
Tom Moody	Fifth District

**ORANGE COUNTY
ENVIRONMENTAL MANAGEMENT AGENCY**

M. Storm	Director
Robert G. Fisher	Director of Planning
Robert L. Rende	Manager, Project Planning Division
Kenneth C. Winter	Manager, Urban and Environmental Planning

EMA PLANNING FUNCTION
PROJECT PLANNING DIVISION
URBAN AND ENVIRONMENTAL PLANNING



LOCAL COASTAL PROGRAM



SOUTH COAST PLANNING UNIT DANA POINT / VOLUME 3

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY
ORIGINALLY PUBLISHED FEBRUARY 1983

REVISED DECEMBER 1986 Revisions approved by the Orange County Planning Commission on October 28, 1986, by the Orange County Board of Supervisors on December 10, 1986, and by the California Coastal Commission on April 23, 1987

"This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972."

TABLE OF CONTENTS

	<u>Page</u>
LIST OF FIGURES, EXHIBITS AND TABLES	iii
I. INTRODUCTION	1
II. LAND USE PLAN	
A. Introduction	2
B. Resource Component	3
1. Introduction	3
2. Environmentally Sensitive Habitat Areas	5
3. Watershed Management	9
4. Environmental Hazards	12
5. Scenic Resources	22
6. Cultural/Scientific Resources	40
C. Transportation Component	42
1. Introduction	42
2. Highway Circulation	44
3. Parking	47
D. Access Component	49
1. Introduction	49
2. Relevant Legislation	53
3. Orange County Recreational Needs and Regional Parks Study	55
4. Definitions	55
5. Inventory	56
6. Issue Analysis	60
7. Policies	66
E. New Development Component	77
1. Introduction	77
2. Population Density/Development Siting/Building Intensity Standards	79
3. Infrastructure	87
III. IMPLEMENTATION	
A. Forward	89
B. General Purpose and Application	89
C. General Provisions	90
D. Coastal Development District Regulations	97
1. Authority and Scope	97
2. Purpose and Intent	97
3. Area of Applicability	97
4. Application	97
5. Definitions	98
6. General Requirements	103
7. Exemptions, Exclusions and Exceptions	104
8. Coastal Development Permit Procedures	108
9. Standards for Application Review	116
10. Findings	117
11. Appeals	117
12. Enforcement Provisions	119
13. Judicial Review	120
14. Procedures for Open Space Easements and Public Access Documents	120

TABLE OF CONTENTS (CONT.)

	<u>Page</u>
E. Coastal Land Use District Regulations	121
1. C-RMD	121
2. C-RHD	126
3. C-RC	131
4. C-MC	136
5. C-CPC	141
6. C-VC	146
7. C-POP	149
8. C-SCC	150a
9. C-R	151
10. C-C	154
11. SH Scenic Highway District	156
12. FP Floodplain District Overlay	157
13. SR Sign Regulations District	158
14. AREA PLAN/SITE DEVELOPMENT PERMIT REGULATIONS AND PROCEDURES	159
15. NONCONFORMING USES	161
F. Dana Point Harbor	162
1. Planned Community Regulations	162
2. Lease Restrictions	164
G. Dana Point Headlands	166
1. Foreword	166
2. General Notes	166
3. H-C	171
4. H-OOS	172
5. Headlands Subarea "A"	173
H-A-CON	173
H-A-HRD-1	174
H-A-HDR-2	181
H-A-REC	182
H-A-TRC	182
6. Headlands Subarea "B"	184
H-B-HDR	184
H-B-REC	187
7. Headlands Subarea "C"	188
H-C1-TRC	189
H-C2-HDR	189
H-C2-TRC	189
8. Headlands Subarea "D"	191
H-D-HDR	191
H-D-TRC	193
H-D1-VST	196
9. Headlands Subarea "E"	198
H-E-TRC	198

LIST OF FIGURES

	<u>Following Page</u>
1 Biotic Resources	4
2 Hazards	14
3 View Analysis	22
4 PCH Existing Conditions	22
5a Sections	22
5b Sections	22
6 Master Plan of Arterial Highways	44
7 Existing Access	58
8 Proposed Access	60
9 Grant to the County of Orange	62
10 Land Use Element	82
11 Land Use Element - Dana Point Headlands	82
12 Post LCP Certification Permit and Appeal Jurisdiction Map	98
13 Coastal Land Use Regulations Map	120
14 General Parcel Map - Dana Point Harbor	164

LIST OF EXHIBITS

1 Subarea Boundaries	166
2 Height Zones	166
3 Buildable Envelope	166
4 View Criteria	168
5 View Cone Identification for "Distant Ocean Views"	168
6 Blufftop Setback	168
7 Building Coverage Zones	168

LIST OF TABLES

1 Recreation Facility Deficiency Profile	56
--	----

I. INTRODUCTION

This document represents the Local Coastal Program (LCP) including Land Use Plan and Implementation phase for the Dana Point segment of the South Coast Planning Unit in southeast Orange County. Volume one of the South Coast Planning Unit contains a discussion of regional issues common to all segments such as transportation, housing and recreation. This volume should be reviewed as a portion of this document and is hereby incorporated by reference.

The Board of Supervisors has deemed by Resolution Number 80-1129 the Dana Point Specific Plan as the LCP Land Use Plan for that portion of the Dana Point area within the coastal zone. In addition, the Board of Supervisors will approve land use regulations and district maps associated with the Dana Point Specific Plan as the LCP implementation phase during October 1980.-

The Dana Point Local Coastal Program is being submitted for review by the public, Planning Commission, and Board of Supervisors for several reasons. First, this document reorganizes information and policies contained within the Dana Point Specific Plan into the organization of the South Coast Planning Unit LCP to facilitate the evaluation of the specific plan in light of Coastal Act of 1976 requirements. Furthermore, this report provides supplemental information and policies to ensure the conformance of the specific plan and other county policies and programs with Coastal Act Policies.

The Dana Point segment LCP has been organized into four components as specified in the County's work program: Resources, Transportation, Access, and New Development. Within each component, a listing of relevant Coastal Act policies and work program issues is given to establish a framework for the evaluation of the subarea. Following this inventory, the component provides a description of existing condition, an issue analysis, and existing and proposed policies of each subcategory. The LCP concludes with the inclusion of the implementation phase (i.e. Dana Point Specific Plan Land Use Regulations and District maps) and the public participation program.

II. LAND USE PLAN

A. Introduction

The policies established by the Coastal Act focus on the protection of coastal resources and the regulation of development in the coastal zone. The emphasis of the Coastal Act development policies is on encouraging well-planned and orderly development which is compatible with resource protection and conservation.

The text and the policies set forth in this chapter are the core of the land use plan. They establish the parameters for evaluating future development projects within the County's coastal zone, and set forth the measures that the County should take to achieve the degree of resource protection required by the Coastal Act. Furthermore, these local policies will serve as the foundation for developing the ordinances that will implement the land use plan.

The chapter is organized into major topics which reflect the principal coastal resource protection and development issues in Orange County. Each section is prefaced with pertinent policies from the Coastal Act and is followed by a discussion of local issues and problems related to the topic. Each topic area is concluded with existing and recommended policies to bring the County into conformity with the Coastal Act. After certification, all new development in the County's coastal zone will have to meet the standards set forth in these policies.

The following general policies will provide the framework for the land use plan:

1. The County will adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.
2. Where policies within the land use plan overlap, the policy which is the most protective of coastal resources will take precedence.
3. Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's General Plan or existing ordinances, the policies of the coastal land use plan will take precedence.
4. Prior to the issuance of a coastal development permit, the County will make the finding that the development meets the standards set forth in all applicable land use plan policies.

B. Resource Component

1. Introduction

a. Coastal Act Policies

Section 30230. Marine resources shall be maintained, enhanced and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240.

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

Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

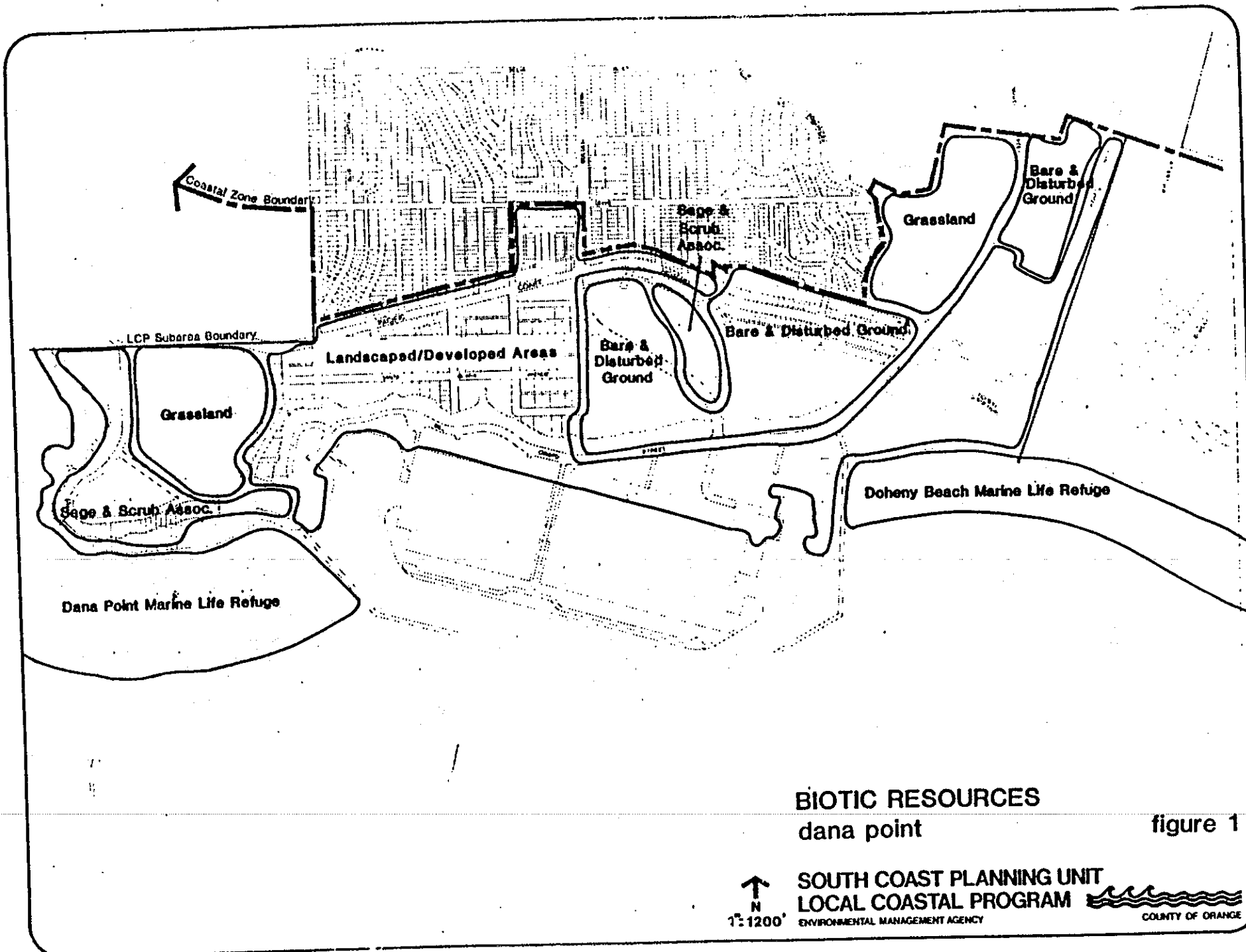
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253. New development shall:

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

b. Work Program Issues

1. Permanent protection of environmentally sensitive habitat areas.
2. Identification of buffer areas adjacent to sensitive habitats areas and parks.
3. Maintenance and enhancement of marine resources and ocean water quality.
4. Maintenance of coastal streams, wetlands and groundwater quality.
5. Provisions under which channelizations, dams or other substantial stream alteration methods are permitted.
6. Mitigation measures required for development that would adversely affect archaeological and paleontological resources.
7. Development restrictions and/or prohibitions in geological, flood and fire hazard areas.



BIOTIC RESOURCES
dana point

figure 1



SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE

8. Protection and enhancement of views to and along the ocean and other scenic coastal views.
9. New development to be visually compatible with surrounding areas and to minimize the alteration of natural landforms.

2. Environmentally Sensitive Habitat Areas

a. Existing Conditions

Although most undeveloped areas of the coastal zone, as well as many isolated pockets of open space within urban areas, provide a "habitat" for many species of animals and plants, the intent of the Coastal Act is preservation of significant habitat resources. Environmentally sensitive habitat areas are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Coastal Act, Section 30107.5).

At the time this Local Coastal Program was originally prepared no officially recognized rare, endangered, or threatened plant or animal were known or expected to exist within the entire Dana Point area. However, in mid May 1983, several rare plant species were identified on the Dana Point Headlands by the California Native Plant Society. The plant species included Blochman's dudleya, Palmer's grappling hook, western dichondra and cliff spurge. A resource inventory included in the Orange County Conservation Element identifies two marine life refuges within the Dana Point area, the Doheny Beach Marine Life Refuge and the Dana Point Marine Life Refuge (Figure 1). The rocky shore of the Dana Point Headlands is an important intertidal area within the marine life refuges. The adjacent area, which encompasses the steep bluffs of the Headlands, provides a buffer to the rocky shore area. Both areas are designated 5.41 (Conservation). The Doheny Beach Marine Life Refuge is adjoined by the Doheny State Beach Park which has a land use designation of 5.3 (Recreational).

The California Regional Water Quality Control Board has established the concept of "areas of special biological significance" (ASBS) which designates areas requiring protection of species of biological communities to the extent that alteration of natural water quality is undesirable. The ASBS designation gives recognition to the fact that certain biological communities because of their value or fragility deserve very special protection consisting of preservation and maintenance of natural water quality conditions to the extent practicable. Neither of the above marine life refuges have been granted ASBS status.

The Dana Point area contains a mix of native and introduced biotic communities including riparian, coastal sage scrub, and

ruderal communities which do not fit into the Coastal Act definition of environmentally sensitive habitat areas.

The westerly edge of San Juan Creek is one of the boundaries delineating the Dana Point area. This creek flows through the coastal zone to the ocean and its natural state (which included the presence of riparian vegetation) has been modified to some extent for purposes of drainage and flood control.

Within the undeveloped Lantern Bay Project Sector are remnants of a coastal sage scrub community. Although the majority of this area has been affected by urbanization, a north-south trending steep walled canyon bisecting this sector is host to the diminished coastal sage scrub community. Coastal chaparral thrives in the canyon bottom and on shady slopes, merging to coastal sage scrub on higher, dryer canyon walls. This community is very diverse in native species, and to-date has received only minor disturbances. Toyon and Lemonade-berry dominate the coastal chaparral element, while California sagebrush and California backwheat dominate the coastal sage scrub element. Wildlife in the canyon includes amphibians and assorted mammals. Because of the limited size of the canyon and its proximity to urbanization, many of the usual larger chaparral inhabitants have already vanished.

Many birds are attracted to the canyon because of its diverse flora, which provides cover, nesting sites and roosts.

The Headlands Sector also contains some remnants of a coastal sage scrub community, and vegetative and wildlife species similar to those found in the aforementioned canyon can be anticipated. Several coastal sage scrub species appear to be stunted due to prevailing wind and salt conditions. In addition, several coastal strand species are found in areas of exposed sand. The regional significance of both of these species is questionable.

Ruderal ecosystems, made up of invasive weedy species, and annual grasses and herbs that grow where the vegetational cover has been disturbed, is predominant in areas of the Lantern Bay Project Sector (excluding the canyon) resulting from its use as a borrow site for the Dana Point Harbor. Habitat diversity and productivity have been greatly reduced, so consequently the diversity and abundance of animals is very limited.

b. Issue Analysis

Issues associated with the protection of marine life refuges are discussed in Section 3, Watershed Management.

The major impact to other biotic resources in the Dana Point area from new development would occur within the Lantern Bay

Project Sector. Development of the Lantern Bay Project Sector according to land use designations in the Dana Point Specific Plan would require filling the entire on-site canyon system and the diversity and general integrity of the canyon would thus be affected. However, even if the canyon were designated 5.4 (Other Open Space) or 5.41 (Conservation), the presence of humans, animals, noise, and litter from future adjacent development would disrupt wildlife populations and degrade the habitat.

Other biotic resources will not be altered by land use designations specified within the Dana Point Specific Plan. For example, the Headlands Sector designates 18.3 acres of land as 5.4 (Other Open Space) and 22.3 acres as 5.41 (Conservation) to ensure protection of remaining biotic communities.

c. Policies

Policies associated with the protection of marine life refuges are discussed in Section 3, Watershed Management. However, policies related to the protection of other habitat areas are listed below.

1. To identify fish, wildlife and vegetation habitats throughout the County; to require proposed development plans to identify affected habitats; to accept habitat dedications; and to preserve the fish, wildlife and vegetation species of the County. (Conservation Element, page III-3)
2. To prevent the elimination of fish or wildlife species due to man's activities, to ensure that fish and wildlife populations not drop below self-perpetuating levels, to preserve for future generations representations of all animal communities and to provide for public viewing of these species. (Conservation Element, page III-3)
3. To prevent the elimination of native county vegetation due to man's activities by providing designated areas where these species may be preserved for observation and for future generations. (Conservation Element, page III-3)
4. To identify and protect chaparral and coastal sage scrub vegetation as a natural resource of the County warranting conservation measures based upon: (1) the uniqueness of the vegetation and plant species present; (2) the value of the vegetation as a habitat type for wildlife, (3) the value of the vegetation as a watershed cover, (4) the scenic value of the vegetation and (5) the adaptation of the vegetation to fire. (Conservation Element, Page III-3)

5. To support strict protective measures designed to maintain biological balance by protecting controlling organisms in the natural portions of the planning area. (Capistrano Valley Area Land Use Element Supplement, page 5)
6. To preserve riparian areas as sources of shelter and water for wildlife. (Capistrano Valley Area Land Use Element Supplement, page 5)
7. Development adjacent to significant and sensitive natural areas should be designed to minimize human encroachment. (Capistrano Valley Area Land Use Element Supplement, page 3)
8. To maintain ecological balance in the area by preserving ecologically sensitive areas. (Capistrano Valley Area Land Use Element Supplement, page 4)
9. To maintain the continuity of natural areas within the planning area with similar areas adjacent to, but outside of the planning area. (Capistrano Valley Area Land Use Element Supplement, page 4)
10. To place strict controls on domestic animals in developments adjacent to natural areas in order to prevent potential damage to wildlife, their habitats and their food sources. (Capistrano Valley Area Land Use Element Supplement, page 4)
11. To retain the remaining wildlife in area, especially several forms that are limited in number and sensitive in nature. (Capistrano Valley Area Land Use Element Supplement, page 4)
12. To ensure that insect or rodent control programs that may be necessary for Health and safety reasons are aimed at controlling population levels (not complete eradication) in order to maintain natural food supplies for the limited diversity. (Capistrano Valley Area Land Use Element Supplement, page 4)
13. Development shall be prohibited in areas with high habitat value, except for uses dependent on such resources and shall not significantly disrupt habitat values of such areas. This policy applies only to areas designated as 5.41 (Conservation).
14. In planning for specific developments, open space should be included which is sufficiently large and properly located so as to retain wildlife habitat and allow room for wildlife thus be most severe in sensitive slide areas along the coast activities. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 2, page 5)

15. The open space network of cores and corridors must be continuous to function ecologically. Encroachment into a part of this system influences the whole. (Capistrano Valley Area Land Use Element Supplement Open Space and Conservation Development Guideline Number 2, page 5)
16. The Dana Point Specific Plan Land Use Element designates the rocky shore and steep bluff areas (i.e. buffer area) of the Headlands 5.41 (conservation) to ensure preservation of the rocky shore area in its natural state.
17. Development within the bluff area of the Headlands will be regulated as provided in Policy Number 21, Geologic Hazards.
18. Prior to application for a Coastal Development Permit for any construction in the Dana Point Headlands Sector (except for the "outholding" areas shown as H-A-HDR-1(CD), H-A-HDR-2(CD), H-D-HDR(CD), H-C2-HDR(CD), and H-C1-TRC(CD) in Exhibit 1) any rare, endangered, threatened or especially valuable species and their habitats shall be identified and a mitigation and management program shall be prepared and implemented to protect against any significant disruption of these habitat values, and to prevent impacts from adjacent areas which would significantly degrade such areas.

3. Watershed Management

a. Existing Conditions

The quality of surface runoff collected in drainage courses within the Dana Point area during heavy rains is currently being incrementally degraded by nitrates, agricultural chemicals, petrochemicals, and other urban pollutants from existing development.

The general quality of water in the Dana Point Harbor is considered good. However, the harbor is affected somewhat by the accumulation of sediment and silt during peak storm flow periods. Silt accumulates in the Dana Point Harbor area due to the build-up of sediment at the mouth of San Juan Creek between the opening of the channel and the marina, build-up caused by runoff and erosion over the bluff in the vicinity of the future Lantern Bay Project, and buildup from runoff expelled directly from existing storm drains into the harbor itself.

The Dana Point area is located in the Dana Point Sanitary District, which is a member of the South East Regional Reclamation Authority (SERRA).

b. Issue Analysis

New development will affect water quality within the Dana Point area in several respects. First, the grading of areas for development will allow water to flow across eroded surfaces and thus increase the amount of sediment in runoff. Siltation and sedimentation in the Dana Point Harbor will then increase. Second, new development will change natural drainage patterns and they change the rate and/or amount of surface runoff. Construction of impervious surfaces in connection with proposed land uses and roadways will reduce the amount of percolation and increase surface runoff quantities in San Juan Creek and neighboring watersheds. Runoff along San Juan Creek may carry sediment into the flood control channel and contribute to siltation in the beach and harbor areas. Large quantities of runoff in the bluff area could possibly advance erosion of the bluffs. Furthermore, due to contamination of runoff with urban pollutants such as petrochemicals, hydrocarbons, fertilizers, pesticides, and other residues from urban areas, the quality of runoff will decrease.

The deterioration of water quality due to new development not only impacts the Dana Point Harbor, but also may affect the marine life refuges located in the Dana Point area. Since the refuges are important habitat areas, the mitigation of the impact of new development upon water quality is necessary.

c. Policies

1. To protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and to preserve the quality of water in the groundwater basin, streams estuaries and the ocean. (Conservation Element, page III-5)
2. To maintain in as near a natural state as is consistent with public safety, the stream courses, estuaries and other water bodies of the County. (Land Use Element, page 18 Conservation Element, page III-4)
3. The governing agency should remain aware of upstream changes in land use as the changes relate to potential flood hazards and water quality. (Capistrano Valley Area Land Use Element Supplement, page 7)
4. In order to preserve valuable marine life and resources, developments should not significantly degrade the quality of coastal waters. (Capistrano Valley Area Land Use Element Supplement Open Space and Conservation Development Guideline Number 5, page 5)
5. In areas to be developed, consideration should be given to the use of native plant species for landscaping to

minimize water consumption, fertilization and chemical application, and to visually relate development to existing natural landscape. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 4, page 5)

6. A watershed protection program will be implemented that prevents excessive erosion and sedimentation and emphasizes the prevention of siltation in the Dana Point and Doheny Beach Marine Life Refuges.
7. All construction will be conducted with provisions for the control of sediment transport, and debris originating at the construction site as follows:
 - a. For necessary grading operations, the smallest practical area of land will be exposed at any one time during development, and the length of exposure will be kept to the shortest practical amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.
 - b. Sediment basins (including debris basins, desilting basins, or silt traps) will be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.
 - c. Temporary vegetation, seeding, mulching, or other suitable stabilization method will be used to protect soil subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.
 - d. Provisions will be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development.
8. A source control program will be developed to manage runoff of pesticides, and herbicides within limits established by the San Juan Capistrano Resources Conservation District.
9. The utilization of urban pollutant control devices such as street sweeping, litter removal, irrigation, fertilizer and insecticide control, and landscape debris removal will be encouraged.

10. Landscape materials which impede erosion on sloped surfaces will be required where necessary.
11. Natural drainage channels and open space areas will be utilized as mechanisms to minimize erosion through percolation.
12. Limitations on the nature and quantity of materials discharged in the drainage channels and coastal waters will be developed in cooperation with the San Diego Water Quality Control Board (SDWQCB).
13. Wastewater reclamation procedures, where feasible, will be implemented in coordination with the Dana Point Sanitary District.
14. Completion of the storm drain system in prospective development areas should be completed to mitigate siltation problems. In particular, the storm drain located in the Street of the Golden Lantern should be extended through the Lantern Bay Project to control runoff over the bluffs and the resulting siltation.
15. Drainage facilities will be constructed in conjunction with Master Plan of Drainage to direct runoff from imperious surfaces in proposed development areas.
16. The number of crossings of major watercourses should be minimized. It will be necessary to design specific road alignments to ensure that water runoff will be properly directed towards planned drainage and flood control facilities.
17. The potential for bluff erosion will be mitigated through proper grading and streetflow drainage within the required building setback from the bluff.

4. Environmental Hazards

a. Geologic Hazards

Existing Conditions

Several geologic units exist in Dana Point. The region is near the middle of the Peninsular Range Province, a major northwest trending block of the earth's crust that has been deformed and uplifted along several major fault zones. Marine sedimentary bedrock of the Upper Miocene - Lower Pliocene Capistrano Formation underlies most of the subject area. Minor outcrops of the Middle Miocene San Onofre Breccia are present in the western portion.

The Capistrano Formation is a predominantly clayey siltstone with lesser sandy siltstone that is well known for its inherent weakness and susceptibility to slope failure and

accelerated erosion. The San Onofre Breccia is predominantly a sedimentary breccia and conglomerate unit composed of sandstone and siltstone.

Mapped surficial deposits include undifferentiated marine and non-marine terrace deposits, consisting of interbedded gravels, sands and silts; landslide debris; and undifferentiated alluvium, older alluvium, and colluvium. Alluvium and older alluvium sediments are recently deposited in stream channels and in the San Juan Creek floodplain. Colluvium is unusually thick soil which has accumulated to at least a four to five foot thickness through weathering and slope wash.

Areas have a consistent direction of shallow bedding dip. A significant proportion of the bedrock observed is not fractured and lacks structure. Overall, the predominant Capistrano Formation exhibited more bedding surfaces than is common in the general Orange County area; however, bedding is still "poorly developed." The second most pervasive structural feature of the site is jointing. These tensional cracks, developed during uplift and erosion, dip at consistently steep angles.

Numerous slides and possible slide areas have been identified along the steep coastal bluffs and areas extending from Laugna Niguel to San Juan Creek (Figure 2). The principal reasons for movement in these areas are the expansive qualities of local soils and high potential for erosion along steep, degraded slopes. General construction activities and continual downcutting has removed support in these areas. The structural weakness of the underlying, deeply weathered and fractured Capistrano Formation siltstone and the presence of clay seams, bedding planes parallel to the angle of slope, and joints or fractures in the rock increase the risk of landslides. In addition, conditions may be aggravated by ground-shaking from local earthquakes or water saturation.

Dana Point contains relatively thick clayey cohesive soil underlying more erodible sands. Soils consist primarily of clayey silts, sandy silts, silty sands, and gravels. These materials are potentially collapsible/compressible and frequently require removal and recompaction to provide satisfactory foundation material. Alluvial soils are locally collapsible/compressible requiring special foundation considerations.

According to the Soil Survey of Orange County and Western Part of Riverside County, California, Dana Point soils may also be classified in the following three categories:

Myford Association: Nearly level to moderately steep, moderately well-drained sandy loams that have a strongly developed subsoil, on coastal terraces: somewhat excessively drained and well-drained, strongly sloping to very steep soils

of coastal foothills, The Myford Association is characterized by severe slope, shrink-swell potential and low strength for building and road construction.

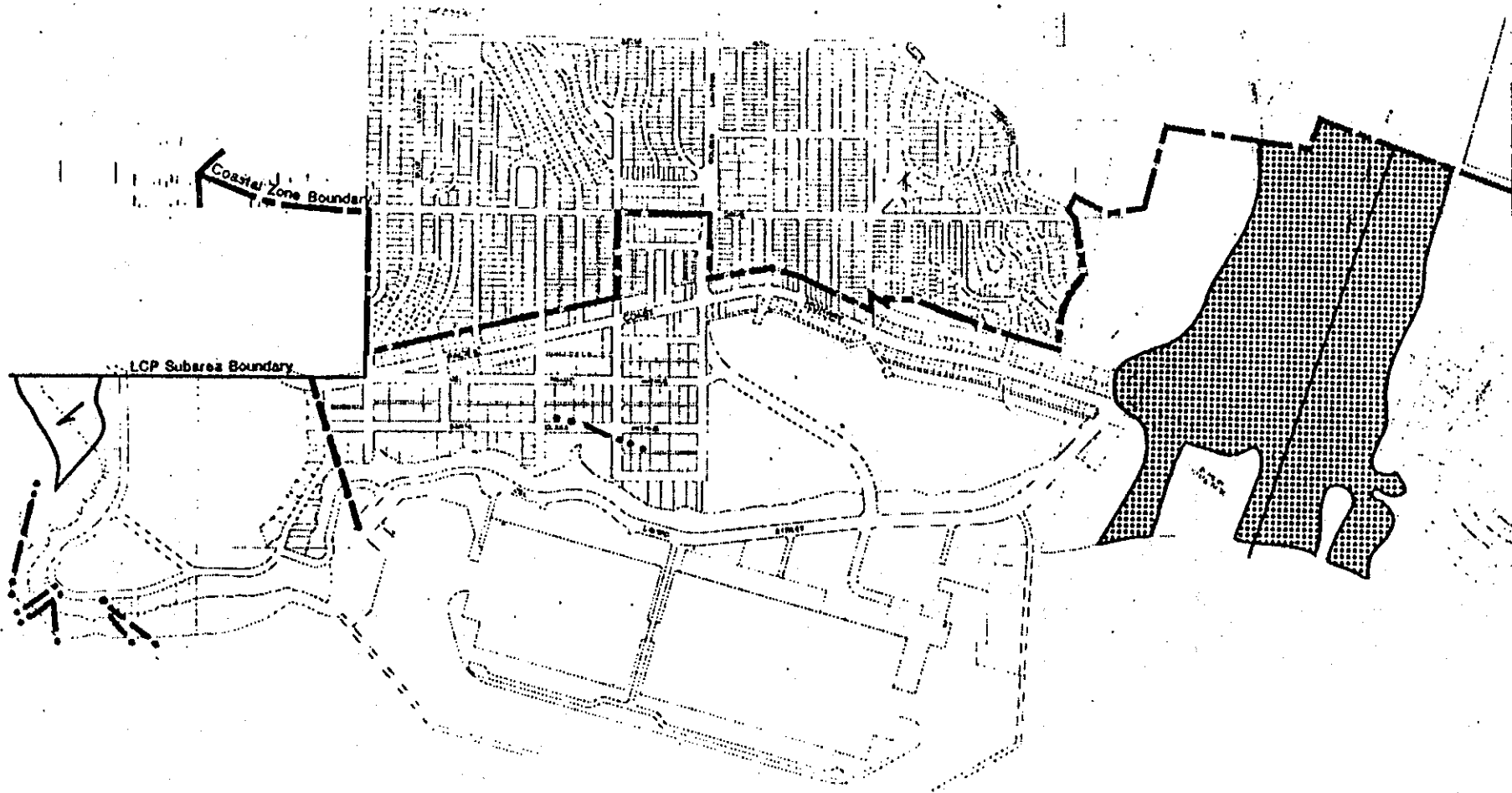
Metz-San Emigdio Association: Nearly level, somewhat excessively drained and well-drained, calcareous loamy sands and fine sandy loams on alluvial fans and floodplains. The Metz San Emigdio Association is generally considered suitable for building and road construction.




Alo-Bosanko Association: Strongly sloping to steep, well-drained clays on coastal foothills. The Alo-Bosanko Association shows severe shrink-swell potential, low strength and slope for building and road construction.

The study area is vulnerable to seismic activity along faults in the Newport-Inglewood Fault Zone, which runs offshore in Dana Point to the southern edge of the Santa Monica Mountains in Los Angeles County. A concealed fault from this system stretches from the Dana Point Harbor area northwest across the Headlands into Laguna Niguel (Figure 2). The fault juxtaposes the Capistrano and San Onofre Breccia Formations and consists of a zone of highly deformed and sheared rock about 250 feet wide. Although the weak sheared rock does present slope stability problems, the fault itself is considered inactive since it does not offset the terrace deposits. Numerous inactive splinter faults have been identified in the vicinity. It is believed that these faults were formed in response to the general uplift and movement of the land along the major boundary fault systems.

The Newport-Inglewood Fault Zone produced the Long Beach earthquake in 1933, which registered a magnitude of 6.3 on the Richter Scale. In the past 50 years, shocks along this zone have ranged from 3.0 to 5.0 magnitude. It is believed that the zone is capable of generating a 7.0+ magnitude earthquake within the next 50-100 years.

Ground-shaking typically accounts for more property damage and personal injury than ground rupture or any visible movement along an earthquake fault. The shaking would be greatest in the most recent unconsolidated deposits, where depth to groundwater is less than 50 feet. Saturated alluvium can be expected to exhibit the potential for liquefaction during or immediately following groundshaking. The potential is expected to be relatively high in the alluvial area of Lower San Juan Creek. Seismic activity could cause slope failure in areas of unstable soils, including landslides in vulnerable bluff and slope areas. The extent of damage from earthquakes and associated shocks will depend on the magnitude of the tremor and distance from the epicenter of the earthquake. An earthquake could also cause a tsunami (tidal wave), damaging shoreline developments. However, the Dana Point beaches are protected from tsunamis in that they are situated at an oblique angle from offshore faults. Offshore islands provide further protection from this hazard.



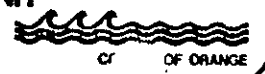
-  Floodplain
-  Landslides
-  Faults: dashed where approximately located, dotted where inferred.

HAZARDS
 data point

figure 2



SOUTH COAST PLANNING UNIT
 LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



Issue Analysis

New development within the Dana Point area will be affected by or affect the exposure of individuals and/or property to geologic hazards in the following manner:

1. Soils within the alluvium colluvium and older alluvium, which are potentially collapsible/compressible, may subject fills placed upon the soils to differential settlement. Roadbed surfaced, faced, curbs, gutters, and subsurface utilities could be damaged.
2. On and off-site erosion on bluff tops and slopes will be increased by new development due to the increase in urban runoff and changing erosion patterns.
3. New development may be exposed to seismic activity along regional fault system. The area is susceptible to earthquake hazards such as liquefaction, flow landslidings, seismically-induced settlement, and ground lurching or cracking due to the potentially for relatively high intensities of ground shaking and the presence of loose sandy soils or alluvial deposits and shallow ground water conditions. However, the potential for these events to occur is considered low since intense ground shaking is not anticipated and insignificant qualities of alluvial deposits and groundwater.

Policies

1. To protect irreplaceable beaches and coastal bluffs from development and natural erosional processes, to provide for the replenishment of beach sands, and to strive for increased public control and access to the beaches and the coastline. (Conservation Element, page III-4)
2. To enact and enforce regulations which will restrict development in areas subject to substantial hazards to persons and property due to seismic activity and surface soil hazards. (Land Use Element, page 12)
3. To ensure the health and safety of County residents by identifying, planning for and managing/regulating open space areas, including, but not limited to, areas which require special consideration because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection and enhancement of air quality. (Open Space Element, page VI-9)
4. Slope-density regulations are necessary to relate the intensity of development to the steepness of terrain in

- order to minimize grading, removal of vegetation, runoff, erosion, geologic hazards, fire hazards, and to help ensure utilization of land in balance with its natural capabilities to support development. (Conservation Element Hillside Development Management Guideline Number 1a, page VI-2)
5. Grading for pads and roadways needs to be contoured to maintain the appearance of natural hillsides. (Conservation Element Hillside Development Management Guideline Number 1b, page VI-2)
 6. Limits need to be established for the vertical and horizontal extent of cuts and fills allowed without a special review process. (Conservation Element Hillside Development Management Guideline Number 1c, page VI-8)
 7. Plans for erosion and sediment control measures, including landscaping and provisions for maintenance responsibilities need to be established as a requirement of the approval processes. (Conservation Element Hillside Development Management Guideline Number 1d, page VI-8)
 8. Evidence of fault inactivity notwithstanding, prudent planning and construction practices dictate that permanent structures not be located over fault lines. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 10, page 7)
 9. Development concepts which minimize the amount of graded slope area and thus reduce the probability of hillside erosion problems would be favored because of the grading factor. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 12, page 7)
 10. The more unstable areas should be left essentially upgraded and undeveloped with consideration given to their potential for greenbelt or other open space uses. (Capistrano Valley Area Land Use Element Supplement, Public and Safety Development Guideline Number 13, page 7)
 11. Some specific existing slide areas, without extensive corrective measures, may be feasible for development of relatively low unit densities or less intensive uses such as mobile home developments, or cluster type development incorporating open space and greenbelt areas. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 14, page 8)
 12. Each site with a liquefaction potential needs to be evaluated individually. (Capistrano Valley Area Land Use

Element Supplement, Public Health and Safety Development
Guideline Number 15, page 8)

13. A ground stability analysis should be required as part of obtaining a permit for proposed developments primarily located within the floodplain of San Juan Creek or in areas where shallow groundwater (20 feet or less) underlain by alluvium or terrace deposits is encountered. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 16, page 8)
14. Private geotechnical consultants should be employed to evaluate expansive clay soil conditions and make appropriate design recommendations for individual structures on a site-by-site basis in order to prevent the serious damage that such soils can cause to lightly loaded structures, pavements, driveways, sidewalks, and flood control channels. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 17, page 8)
15. Development proposals will reflect full and complete investigation of potentially unstable areas. Where necessary, land uses will be restricted to assure an adequate level of safety. (Dana Point Specific Plan Headlands Land Use Policy, Area A, page IV-21)
16. Applications for grading and building permits, and applications for subdivision will be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures will be required where necessary.
17. Major structures will be sited a minimum of 50 feet from a potentially active, historically active, or active fault. Greater setbacks may be required if local geologic conditions warrant.
18. In areas of new development, above-ground structures will be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback. A geologic report shall be required by the County in order to make this determination.
19. The setback area mentioned in Policy 18 will be dedicated as an open space easement as a condition of the approval

of new development. Further setback requirements are specified in the Access Component.

20. Within the required bluff top setback, drought-tolerant vegetation will be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability, may be permitted.
21. Development and activity of any kind beyond the required bluff top setback will be constructed to insure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.
22. No development will be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.
23. A waiver of public liability shall be a condition of new development approvals for all property located in identified hazard areas (e.g., geologic, flood, fire, etc.).

b. Flood Hazards

Existing Conditions

San Juan Creek at its confluence with the Pacific Ocean is located at the eastern boundary of the Dana Point area (Figure 2). The creek drains a large basin and has been channelized between concrete-lined flood control embankments for most of its length in the subarea. Existing flood control facilities, however, are inadequate to prevent widespread damage during unusually wet years.

Areas adjacent to the San Juan Creek in the 100-year floodplain are susceptible to flooding in heavy rains. The average annual surface flow from the San Juan-Trabuco drainage basin to the ocean is estimated by the Army Corps of Engineers to be 10,500 acre-feet. (Danielian, Moon Sempieri and ILg (DMSI), Land Use Plan Study, Orange County General Plan, Capistrano Valley Area, 1973.) Rapid runoff following winter rains heightens the groundwater table, causing additional flooding.

San Juan Creek is designated as a Standard Project Flood area. The largest recorded floods along San Juan Creek occurred in January and February, 1969. In 1969, San Juan Creek flooded, although it was not considered a 100-year flood. A large buildup of sediment occurred in the lower creek. The slope lining in the channel failed about 1/2 mile outside of Dana Point. The mobile home park at the corner of Del Obispo and Pacific Coast Highway is located at a low elevation, and according to County of Orange staff, several mobile homes were lost in 1969. Although the neighboring SERRA plant was not flooded out at that time, the plant did flood in the winter of 1980.

The Army Corps of Engineers has defined a Standard Project Flood as one occurring every 200 to 500 years. In 1973, the Corps of Engineers determined that control measures were inadequate should a Standard Project Flood happen in the future.

According to the Orange County Master Plan of Drainage, numerous flood control facilities are planned including:

1. San Juan Creek (L01), Pacific Ocean to upper limits of study area.
2. Del Obispo Storm Channel (L01S01), San Juan Creek to vicinity of Del Obispo Street and Blue Fin Drive.
3. Capistrano Beach Storm Channel (L01S01), San Juan Creek to San Diego Freeway.
4. Facility L01S04, San Juan Creek to vicinity of Del Obispo Street and Stonehill Drive.
5. Trabuco Creek (L02), San Juan Creek to upper limits of study area.
6. Oso Creek (L03), Trabuco Creek to upper limits of study area.

Issue Analysis

The Dana Point Specific Plan provides the following designation for property within the San Juan Creek floodplain: Recreation (5.3) Community Commercial (2.2) and Quasi-Public Facilities (4.2). The Recreation designation applies to Doheny State Beach, a mobile home park, and Del Obispo Community Park. The Community Commercial and Quasi-Public Facilities designations provide confirmation of existing land use within the floodplain which includes a commercial area along Pacific Coast Highway and a Southeast Regional Reclamation Authority (SERRA) treatment plant, respectively.

The San Juan Creek floodplain is within the Floodplain (FP-2) District which requires that all new residential, commercial, industrial, or agricultural structures proposed for development be subject to issuance of a use permit and must satisfy a number of conditions specified in the zoning code. For example, the first floor of a structure must be above the standard project flood elevation.

Policies

1. To enact and enforce regulations which restrict development in designated floodplains, on or adjacent to rivers, creeks, streams and other riparian areas, retaining their natural feature so as to protect and enhance their value to the general public. (Land Use Element, page 17, Conservation Element, page III-6)
2. To permanently preserve significant watershed and groundwater recharge land as a means of maintaining the present capacity for local natural water recharge and reducing the County's dependence upon imported water; of providing a natural form of flood protection; and, of maximizing the multi-use potential of these lands for other open space purposes. (Land Use Element, page 19, Conservation Element, page III-5)
3. Non-structural alternatives, including more compatible land use planning adjacent to watercourses, for flood control purposes. (Land Use Element, page 19, Conservation Element Watercourse/Floodplain Management Guideline Number 3c, page VI-8)
4. Enhancement of the appearance of channel slopes, fencing, bridging, etc., needs to be encouraged through increased sensitivity of design and landscaping. (Conservation Element Watercourse/Floodplain Management Guideline Number 3c, page VI-8)
5. Floodplain zoning needs to be applied, utilizing the definitive studies of the U.S. Corps of Engineers and the Flood Control District, to all areas reasonably endangered of life and property. (Conservation Element Watercourse/Floodplain Number 3d, page 8)
6. Each proposal to develop building sites within designated flood hazard areas must be individually evaluated prior to approval. (Capistrano Valley Area Land Use Element Supplement, Land Use and Community Design Development Guideline, Number 5, page 2)
7. Since flooding is identified as the chief geotechnical constraint within the valley portion of the Capistrano Valley planning area, development in areas where flood

hazards presently exist should be subjected to critical review. (Capistrano Valley Area Land Use Element Supplement, Land Use and County Design Development Guideline, Number 5, page 2)

8. Proposed developments should be individually evaluated to determine if it is geotechnically feasible to develop building sites within the designated flood hazard areas if the sites are adequately elevated and protected from runoff damage. (Capistrano Valley Area Use Element Supplement, Public Health and Safety Development Guideline Number 9, page 7)
9. Future residential developments in the floodplain adjacent to San Juan Creek will demonstrate how building pads will be safe from inundation from rainfall runoff which may be expected from all storms up to and including an eventual 100-year flood (Dana Point Specific Plan Local Coastal Program, Hazards, page X-15)

c. Beach Erosion

Existing Conditions

A cooperative study on beach erosion control by the U.S. Army Corps of Engineers in 1959 determined that severe erosion and wave action at the portion of Doheny State Beach within the Capistrano Beach Segment LCP has caused loss of land, installations and parking areas.

Issue Analysis

The Capistrano Beach LCP evaluates the beach hazard at Doheny State Park.

Policies

1. Construction of seawalls, cliff retaining walls, and other protective devices shall only be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to mitigate adverse impacts on local shoreline and supply.
2. Construction in coastal waters need to be evaluated relative to their affects on recreational uses. (Conservation Element Shoreline Management Guideline Number 2c, page IV-8)
3. Research into the protection and broadening of existing beaches should be encouraged. (Conservation Element Shoreline Management Guideline Number 2d, page VI-8)

4. Floodplain policies and proposals which promote rather than inhibit sand replenishment of the shoreline should be supported. (Conservation Element Shoreline Management Guideline Number 2e, page VI-8)
5. To prevent beach erosion by monitoring and periodically evaluating any natural changes or man caused activities which would reduce the replenishment of sand to the beaches, particularly from the state park southward. (Capistrano Valley Area Land Use Element Supplement, page 5)
6. The County will cooperate with the U.S. Army Corps of Engineers on a beach erosion study of Doheny State Beach.

d. Fire Hazards

Existing Conditions

The Orange County Safety Element identifies the Dana Point area as a moderate fire hazard zone.

Issue Analysis

Significant issues with regard to fire hazard do not exist for the Dana Point area.

Policies

1. Development should minimize exposure to fire hazards presented by flammable natural vegetation. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 18, page 8)

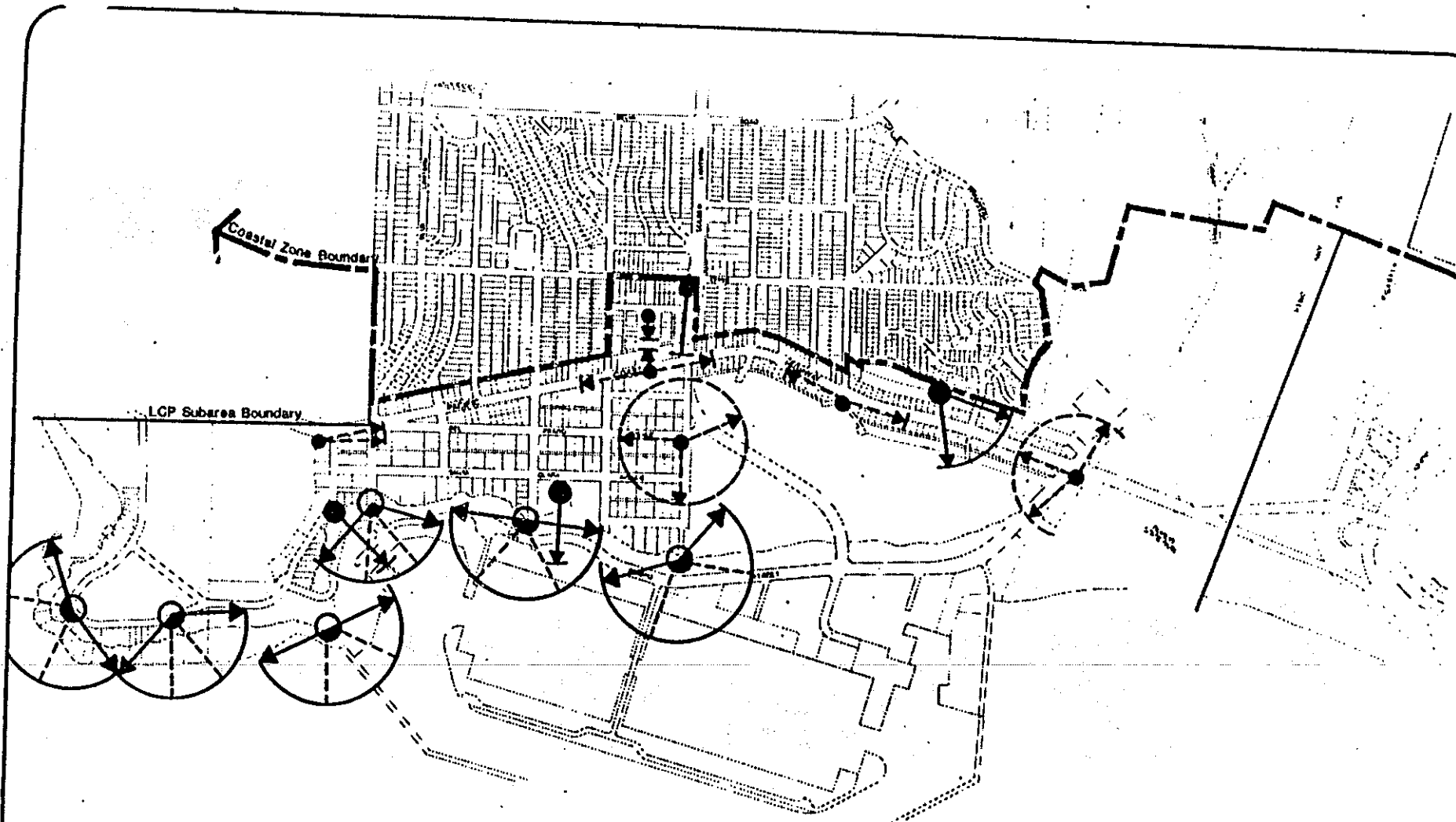
5. Scenic Resources




a. Existing Conditions

Scenic Vistas

Scenic resources of Dana Point include vistas and panoramas of the Pacific Ocean, the Dana Point Harbor, distant views as far as the Palos Verdes Peninsula to the north, La Jolla to the south and Catalina Island to the west, and inland views to the foothills and valleys.

Primary and secondary views are identified in Figure 3. The primary viewpoints include the bluff lookout point and inland viewpoints with views to the Dana Point Harbor while secondary views include inland views to prominent topographic features.

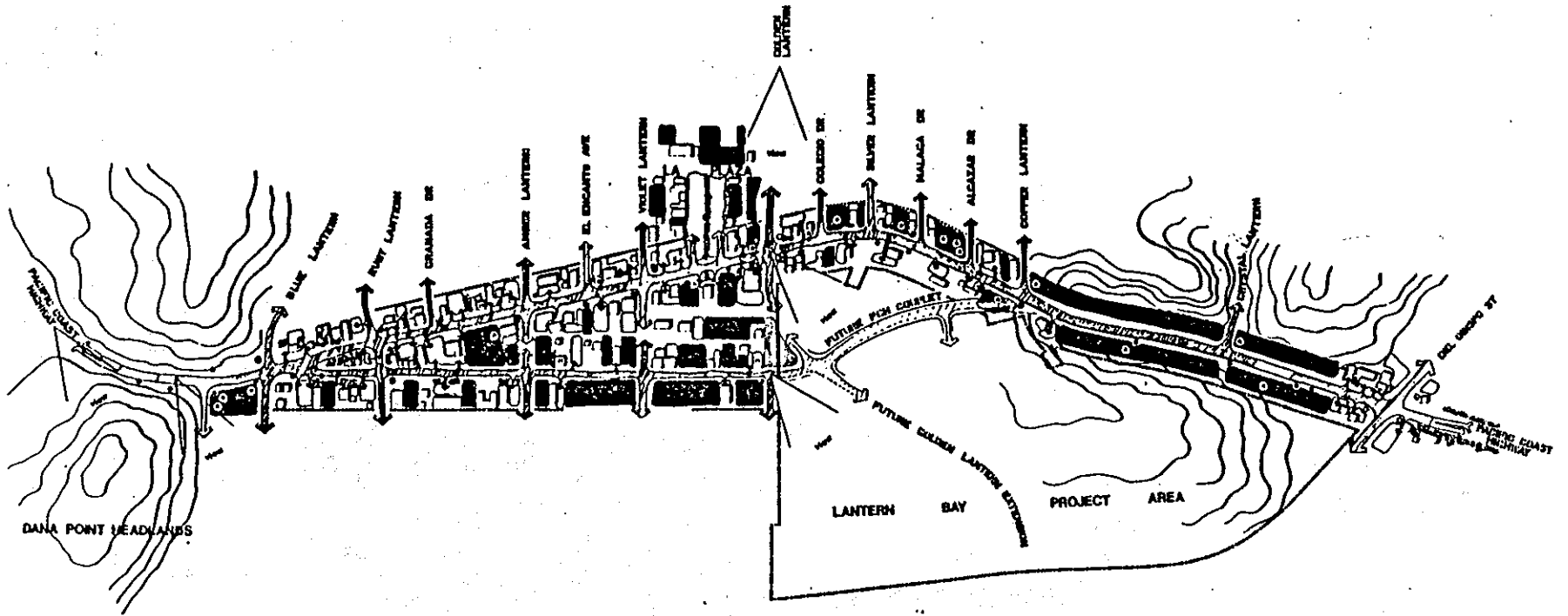


-  Primary Lookout Points Off Bluffs
-  Primary Inland Views to Harbor
-  Secondary Views— Potential Primary Inland Views

VIEW ANALYSIS
dana point

figure 3

 **SOUTH COAST PLANNING UNIT**
LOCAL COASTAL PROGRAM
 1" = 1200' ENVIRONMENTAL MANAGEMENT AGENCY 
 COUNTY OF ORANGE



LEGEND

- - Utility Pole
- - Utility Pole w/ LI Fixture
- - Standard Pole w/ LI Fixture
- ⊙ - Existing Balconies
- - Accessible Alleyways
- ⊠ - Historical Buildings
- ⊞ - Existing Landscape
- ↖ - Expansive Views
- ▭ - Existing Parking
- ▭ - Vacant Parcels
- ▭ - Future Alignment
- ▭ - Major Road Pattern
- ▭ - Driveway Access
- ▭ - Future Road
- ⊞ - Topography of Significance

PCH EXISTING CONDITIONS figure 4

SOUTH COAST PLANNING UNIT
 LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



APPENDIX C
Cost Estimates for Eight
Community Services and Improvements

APPENDIX C

COST ESTIMATES FOR EIGHT COMMUNITY
SERVICES AND IMPROVEMENTS

COSTS ESTIMATES FOR EIGHT COMMUNITY SERVICES AND IMPROVEMENTS

1) Street Sweeping. The costs of providing this service were estimated on the basis of the actual experience to date of County Service Areas. The average costs of providing street sweeping services in areas serviced by a County Service Area is \$8 per curb mile per cycle. Thus, if the frequency of service is once a month, the cost is \$8 per curb mile, or \$96 a year for each curb mile. Service at intervals of once every two weeks would increase the annual costs to \$208 per curb mile (i.e., 26 cycles at \$8 per cycle).

For purposes of estimating the street sweeping costs of Dana Point, the number of curb miles in the community was computed. The computation included streets in the already developed area as well as those located in recorded (i.e., final) tracts and approved tentative tracts. In addition, current and planned arterial highways were included in the overall curb mile total.

Private streets were excluded from the total figure, however, as were other areas which have not yet reached the stage of committed development. The estimate of curb miles for which street sweeping services would be necessary is 55 miles. Two annual cost estimates are shown below based on the frequency of service.

Curb Miles: 55

Frequency of Service: Once a month

Per Curb Mile Annual Costs: \$96

Total Annual Costs: \$5,280

Curb Miles: 55

Frequency of Service: Once every two weeks

Per Curb Mile Annual Costs: \$208

Total Annual Costs: \$11,440

2) Median Landscaping (Improvement and Maintenance). An estimate of median landscaping costs was made for areas along Pacific Coast Highway (PCH) and Street of the Golden Lantern. There is no existing median landscaping on Pacific Coast Highway; however, some does exist on Street of the Golden Lantern inland from Pacific Coast Highway to Selva Road. The estimated costs are as follows:

a) Pacific Coast Highway

Improvement Description:

raised curb median - 10 feet wide; trees, shrubs and groundcover, automatic irrigation.

Development Cost:

\$3.20/lineal foot - curb \$1.66/square foot - landscaping (average for County Service Areas).

The development costs are based on 1975 figures which were adjusted by an annual rate of increase of 10% in order to establish the current unit cost estimates.

Maintenance Cost:

\$350/acre/month (average for CSAs)

\$273-\$384/acre/month (average for CSA 9)

Maintenance requirement includes:

- Weedfree program/mowing turf
- Fertilizer and pesticide program
- Pruning, staking, guying
- Irrigation repair program

Proposed median landscaping along Pacific Coast Highway includes the following areas:

- Entry to Street of the Green Lantern:

10 feet by 800 feet for a total of 8,000 square feet

- Street of the Green Lantern to Street of the Blue Lantern:

10 feet by 230 feet for a total of 2,300 square feet

- Street of the Copper Lantern to Street of the Crystal Lantern:

10 feet by 620 feet for a total of 6,200 square feet

- Street of the Crystal Lantern to Del Obispo Avenue:

10 feet by 640 feet for a total of 6,400 square feet

The number of lineal feet is equal to: $800+230+620+640 \times 2$ plus 40 feet (i.e., median widths) or a total of 4,620 lineal feet. The number of square feet is equal to: $8,000+2,300+6,200+6,400$ or a total of 22,900 square feet.

The costs would be estimated as follows:

- Improvement/Development Costs: \$52,798

4,620 lineal feet @ \$3.20/lineal foot is equal to \$14,784

22,900 square feet @ \$1.66/square foot is equal to \$38,014

- Annual Maintenance Costs: \$2,226

22,900 square feet equals .53 acres and maintenance costs are estimated to be \$350/acre/month (County-wide average). Monthly costs, therefore, are \$185.50 ($.35 \times \350) and annual costs are \$2,226 ($12 \times \185.50).

b) Street of the Golden Lantern

The median strip along Street of the Golden Lantern runs from Pacific Coast Highway to about 600 feet north of Selva Road. The total length of the median strip is 2,300 feet, with the majority of the length consisting of left and right turn pockets. A landscaped planted area does exist which is approximately 6,000 square feet in size. The annual maintenance costs for the landscaped area are estimated to be \$588 ($.14 \text{ acres} \times \350×12). (At this time, no costs have been estimated for median landscaping along future improvements to Street of the Golden Lantern).

3) Slope Landscaping (Improvements and Maintenance). These costs pertain to the slope landscaping proposed on Pacific Coast Highway and other areas where slope easements will be dedicated to the County. Because of the financial effects of Proposition 13, it is unknown whether the County will continue to accept additional slope easements. However, a slope easement has been dedicated to the County by the developer of Recorded Tract #3384 (located along both sides of Street of the Golden Lantern between

Selva Road and Stonehill Drive).

Slope landscaping costs depend upon the steepness of the slope, types of improvements, the area involved and whether grading or site preparation is required. The estimated costs for the improvement and maintenance of slopes are based upon the experience of CSA 9 for slopes 2:1 or steeper that are adjacent to arterial highways or parks. For CSA 9, the following are the average cost figures for this service:

Landscaping Improvements:

- Automatic irrigation
- Shrubs, trees, and erosion control groundcover

Improvement Costs: \$15,972/acre (based on 1975 average costs adjusted at an annual rate of increase of 10%)

Maintenance Requirements:

- Weedfree program
- Fertilizer and pesticide program
- Pruning, staking, guying
- Irrigation repair program

Maintenance Costs: \$137/acre/month (based on 1975 average costs adjusted at an annual rate of increase of 10%)

a) Pacific Coast Highway

Slope landscaping along Pacific Coast Highway involves two areas: inland side of Pacific Coast Highway from Street of the Copper Lantern to Street of the Crystal Lantern and from Street of the Crystal Lantern to Del Obispo Street. At this time, only a rough estimate can be made of the amount of land that would be subject to slope landscaping for the above two areas. In addition, it is uncertain whether acquisition costs would be incurred. If they

were, however, the acquisition costs probably would far exceed all other costs.

- Street of the Copper Lantern to Street of the Crystal Lantern

Not all of the area between these two streets would be subject to slope landscaping improvement and maintenance. About five lots would be reserved for future commercial development at the corners of Pacific Coast Highway and Street of the Copper Lantern and Pacific Coast Highway and Street of the Crystal Lantern. The rest of the area would have an irregular shape depending on the topography and property ownership. It is estimated that 44,000 square feet, or 1.01 acres, would be subject to slope landscaping. Thus, the estimated landscape improvement costs would be about \$15,000 and the annual maintenance costs would be \$1,644 (i.e., 12 x \$137). The estimated improvement costs would be greater if acquisition is required and if grading is done. In Dana Point, commercial land is presently selling for between \$10 and \$16 a square foot. The land in question is not really suitable for commercial development and would command a far lesser price. Under a minimum grading scheme, approximately 1,566 cubic yards would need to be cut. The grading costs are estimated to be \$7,078 (\$4.52 per cubic yard x 1,566 cubic yards).

- Street of the Crystal Lantern to Del Obispo Street

The area involved here is approximately 31,500 square feet, or .72 acres. Once again, not all of the area between these two streets would be subject to slope landscaping, and acquisition and grading costs may be necessary. Not counting these costs, landscape improvements would be about \$11,500 (i.e., .72 x \$15,972), and maintenance would cost \$1,184 per year (i.e., \$137 x .72 x 12).

In summary, the Pacific Coast Highway slope landscaping improvement costs would be \$27,500 (excluding acquisition and grading costs), and the annual maintenance costs are estimated at approximately \$2,828.

- b) Recorded Tract #3384

This tract has dedicated a slope easement of 1.5 acres to the County of Orange. The conditions imposed on this tract by the Planning Commission indicate that the slope must be improved with landscaping and an irrigation system by the developer. Thus, only annual maintenance costs are of concern and these are estimated to be \$2,466 ($\$137 \times 1.5 \times 12$).

- 4) Natural Open Space Maintenance. This cost category involves

two sites that potentially could be maintained as public open space. The location and characteristics of the sites are described below.

One site is located within the boundaries of Tentative Tract #10086 which is a part of the Thunderbird-Capistrano Planned Community. The site is north of the proposed extension of Stonehill Drive and easterly of Sea Bright Drive and is 27.8 acres in size. The project sponsor proposes to retain this site as natural open space. According to the Draft Environmental Impact Report (EIR) on this tentative tract, the project sponsor intends to dedicate the natural open space site to the County in lieu of local park fees. However, as reported in the Draft EIR, neither the County nor local park district has expressed an interest in assuming maintenance responsibilities. Therefore, the project applicant has indicated that a Homeowners Association will continue to own and to maintain the natural open space site. However, the Draft EIR points out that consideration should be given to eventual public ownership and maintenance of the open space as part of a regional open space system.

The second site is bordered by Sea Bright Drive and existing single-family homes to the east and is part of Tentative Tract #10031. The southern and eastern tentative tract boundaries are adjacent to the open space system of Tentative Tract #10086. Therefore, it may be possible to continue a regional open space system within the boundaries of Tentative Tract #10031.

Maintenance costs for unimproved natural open space are comparatively low. No landscaping improvements are necessary except for fire fuel harvesting as required by the Fire Marshall, and maintenance requirements involve periodic clearing of fire fuel and litter and periodic trail clearing.

The County-wide average maintenance costs for unimproved open space are \$25/acre/year. The two sites mentioned above are about 31.2 acres in size and therefore the annual maintenance costs would be \$9,360 (i.e., $31.2 \times \$25 \times 12$).

5) Open Space Improvement and Maintenance. This category pertains to the improvements and associated maintenance costs for the open space strip along Street of the Golden Lantern from the alley inland of Pacific Coast Highway to Selva Road. The open space strip is presently under the ownership of the County of Orange and is an estimated 45,827 square feet in size and approximately 1,262 feet long.

The proposed improvements include a pedestrian trail and landscaping consisting of trees, shrubs and groundcover. The pedestrian trail would be about 12,620 square feet in size (10

feet by 1,262 feet). The remaining portion of the open space strip, 33,207 square feet, would be landscaped under the plan concept. The estimated costs are shown below.

- Pedestrian Trail Costs: \$7,000

Costs for grading, paving, signing, and striping at \$.55 x 12,620 equals \$7,000

- Landscaping Costs: \$55,124

Unit costs are based upon those for median landscaping or \$1.66 per square foot. Thus, \$1.66 x 33,207 equals \$55,124.

The total improvement costs for the open space strip park are \$62,124.

The annual maintenance costs are based upon those required for arterial medians (\$350/acre/month) and are applied only to that area (33,207 square feet, or .76 acres) suggested for landscaping. Thus, the annual maintenance costs are estimated to be \$3,192 (i.e., \$350 x .76 x 12).

6) Entry Quadrants (Improvements and Maintenance). Entry quadrants refer to those improvements that provide a gateway to the community and include items such as entry block walls identifying the community, landscaping, and automatic irrigation.

The costs of such improvements are approximately \$35,000/acre, while the ongoing maintenance costs are estimated to be \$310/acre/month.

Four entry quadrants are suggested for the Dana Point Community: at the western and eastern gateways to Dana Point on Pacific Coast Highway; on Street of the Golden Lantern at the northerly entrance to the community; and near the vicinity of the intersection of Stonehill Drive and Del Obispo Street. It may be possible that the entry quadrants at the western and northern gateways as well as the one near Stonehill Drive and Del Obispo Street could be a function of development proposals. Thus, no acquisition costs would be incurred. Each of these entry quadrants is estimated to be 2,500 square feet in size (50 feet by 50 feet).

The fourth entry quadrant at the eastern gateway to Dana Point along Pacific Coast Highway would be somewhat smaller in size because of limited land availability. For cost estimating purposes, it is suggested that the entry quadrant would be 900 square feet (30 feet by 30 feet). Thus, the total land area

would be 8,400 square feet, or about .193 acres. (Presently, an entry quadrant exists at Pacific Coast Highway and Del Obispo street. This one could remain and/or a new one created easterly of Del Obispo Street along Pacific Coast Highway.)

On the basis of the above, the estimated improvement costs are \$6,755 (.193 acres @ \$35,000/acre). The annual maintenance costs would be approximately \$718 (i.e., \$310 x .193 x 12).

7) Mini-Neighborhood Park (Improvement and Maintenance). The proposed mini-neighborhood park is located at the northeastern intersection of Street of the Golden Lantern and La Cresta Drive. The site is about 8,450 square feet (.194 acres) and is currently owned by the County of Orange. Typically, the improvement costs for neighborhood parks range from \$25,000 to \$35,000 per acre, depending on the uses and amenities. Usually the improvements include automatic irrigation and landscaping such as shrubs, trees, groundcover and turf. The average maintenance costs are \$220/acre/month (based on the CSA 9 experience). Thus, the improvement and maintenance costs for the mini-neighborhood park are estimated below.

- Improvement Costs: \$5,820 (i.e., .194 x \$30,000)
- Annual Maintenance Costs: \$512 (i.e., .194 x \$220 x 12)

8) Pacific Coast Highway Lighting (Improvement and Maintenance): This community service category concerns improvements to lighting along Pacific Coast Highway and Del Prado Avenue. Existing conditions along Pacific Coast Highway include 16 utility poles, 18 utility poles with a light fixture, and 8 standard poles with a light fixture. The latter are located at the intersection of Pacific Coast Highway and Street of the Golden Lantern and at the intersection of Pacific Coast Highway and Del Obispo Street.

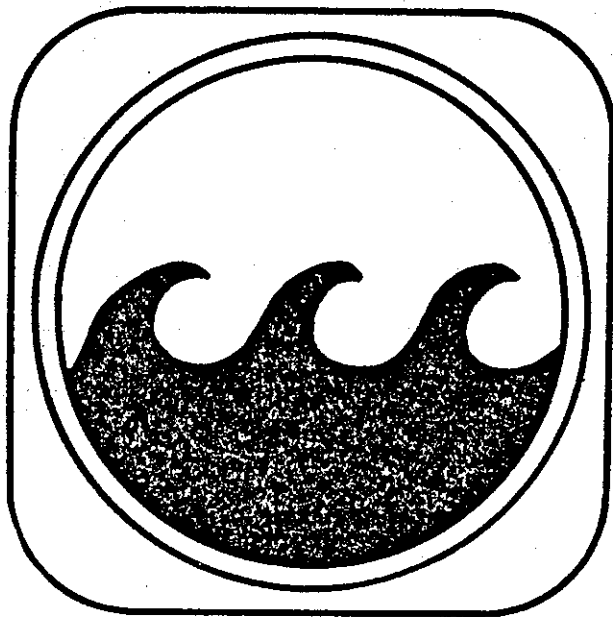
The Specific Plan for Pacific Coast Highway proposes 66 street lights (one light on a standard pole) and 17 median lights (two lights on a standard pole). Thus, there would be a total of 83 poles and 100 lights. Improvement costs include the capital costs of trenching and filling and the pole and light costs.

Current practice is for these capital costs to be amortized over a 22-year period and for the capital costs to be combined with monthly operating costs (the vast majority of which are related to energy charges).

For purposes of estimating the highway lighting costs, an average figure of \$15/pole/month has been used. This would account for all costs and, perhaps, for a light design different from the

cobra head or mission bell designs. The total annual costs are estimated to be \$14,940 (i.e., \$15 x 83 x 12).

As noted earlier, the foregoing cost estimates were based on the actual financial experience of County Service Areas. Those costs may not be identical to those which could be incurred by the Capistrano Bay Parks and Recreation District if that district were to assume responsibility for implementing the suggested services and improvements.



**LOCAL
COASTAL
PROGRAM**



**LAND USE PLAN /
IMPLEMENTING ACTIONS PROGRAM
SOUTH COAST PLANNING UNIT
DANA POINT / VOLUME 3**

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

DECEMBER 10, 1986

MODIFICATIONS TO THE DANA POINT/LOCAL COASTAL PROGRAM (DP/LCP) TO FACILITATE CERTIFICATION BY CALIFORNIA COASTAL COMMISSION:

1. In the event that this document controls or regulates territory beyond the boundaries of the City of Dana Point, only that portion of the document and accompanying regulations which control and regulate territory within the City boundaries is modified.
2. References to County decisionmakers and other bodies are replaced by appropriate City of Dana Point officials. Accordingly, the following modifications are made to the DP/LCP.
 - a) Unless the context otherwise clearly indicates, whenever "Board of Supervisors" or "Board" is used, it shall mean the Dana Point City Council.
 - b) Whenever "County" is used, it shall mean the geographical limits of the City of Dana Point unless a different geographical area is clearly indicated by the context.
 - c) Whenever "County", "County of Orange" or "unincorporated territory of the County of Orange" is used, it shall mean the City of Dana Point unless a different geographical area is clearly indicated by the context.
 - d) Whenever "Planning Commission" is used, it shall mean the Planning Commission of the City of Dana Point.
 - e) Whenever "Subdivision Committee" or "Committee" is used, it shall mean the Dana Point Planning Commission.
 - f) Whenever "Director, Environmental Management Agency" or "Director" is used, it shall mean the Dana Point Planning Director.
 - g) Whenever "Zoning Administrator" is used, it shall mean the Dana Point Planning Director.
 - h) Whenever "Dana Point Specific Plan Board of Review" is used, it shall mean whichever community review body has been officially established by the City council. During those times when no such group is in existence, the Dana Point Planning Commission shall assume that responsibility, in addition to and at the same time as it fulfills its decision-making role.
 - i) Whenever the DP/LCP refers to any other officer, office, official title, or other designation, the reference shall be interpreted to mean that similar office, title, or designation in the governmental structure of the City, as determined by the City Manager, or if there is no equivalent office, title or designation, then the City Manager may delegate the responsibility to the official or employee of his choosing.
3. In all cases in the Coastal Land Use District Regulations, Section

E, and the Dana Point Headlands, Section G, the following language:

Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

shall be replaced by:

Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained below and subject to the provisions of a Coastal Development Permit approved in compliance with Section 118 of the Zoning Code. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

4. The following General Provision is added to the Coastal Land Use District Regulations, Section E, in order to further clarify appeal provisions.

33. Appeals of approved Coastal Development Permits may be made to to the California Coastal Commission for development located within the appeal areas depicted on Figure 12. Except for major public works projects or major energy facilities, approved Coastal Development Permits for development located outside these areas are not appealable.

5. The text of Section D, "Coastal Development" District Regulations, found on pages 97-120, is deleted and replaced by the following:

CD Coastal Development

See Section 7-9-118 of the Dana Point Zoning Code

Figure 12 (following page 98) remains in the DP/LCP and is unchanged.

6. No such modifications are required in the Dana Point Harbor Planned Community because it lies in either the original or appeal jurisdiction of the California Coastal Commission.

**ORANGE COUNTY
BOARD OF SUPERVISORS**

Ralph B. Clark, Chairman	Fourth District
Roger B. Stanton	First District
Harriet M. Weider	Second District
Bruce Nestande	Third District
Thomas F. Riley	Fifth District

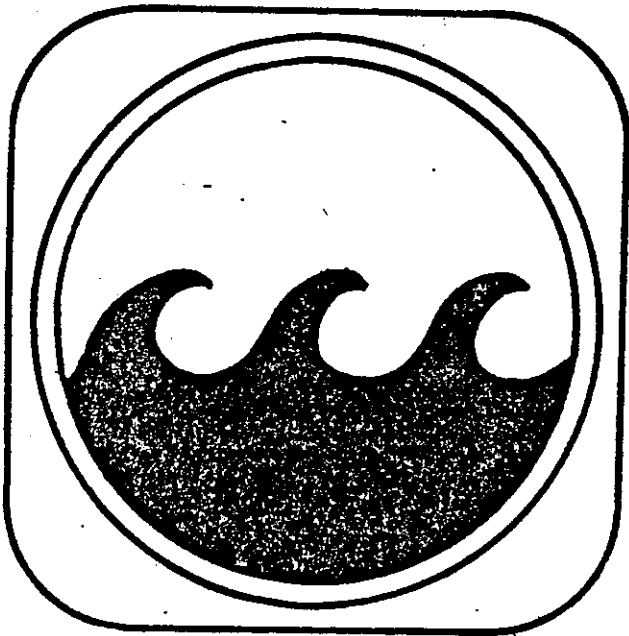
**ORANGE COUNTY
PLANNING COMMISSION**

C. Douglas Leavenworth, Chairman	Fourth District
A. Earl Wooden	First District
Alvin Coen	Second District
H.G. Osborne	Third District
Tom Moody	Fifth District

**ORANGE COUNTY
ENVIRONMENTAL MANAGEMENT AGENCY**

M. Storm	Director
Robert G. Fisher	Director of Planning
Robert L. Rende	Manager, Project Planning Division
Kenneth C. Winter	Manager, Urban and Environmental Planning

EMA PLANNING FUNCTION
PROJECT PLANNING DIVISION
URBAN AND ENVIRONMENTAL PLANNING



LOCAL COASTAL PROGRAM



SOUTH COAST PLANNING UNIT DANA POINT / VOLUME 3

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY
ORIGINALLY PUBLISHED FEBRUARY 1983

REVISED DECEMBER 1986 Revisions approved by the Orange County Planning Commission on October 28, 1986, by the Orange County Board of Supervisors on December 10, 1986, and by the California Coastal Commission on April 23, 1987

"This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972."

TABLE OF CONTENTS

	<u>Page</u>
LIST OF FIGURES, EXHIBITS AND TABLES	iii
I. INTRODUCTION	1
II. LAND USE PLAN	
A. Introduction	2
B. Resource Component	3
1. Introduction	3
2. Environmentally Sensitive Habitat Areas	5
3. Watershed Management	9
4. Environmental Hazards	12
5. Scenic Resources	22
6. Cultural/Scientific Resources	40
C. Transportation Component	42
1. Introduction	42
2. Highway Circulation	44
3. Parking	47
D. Access Component	49
1. Introduction	49
2. Relevant Legislation	53
3. Orange County Recreational Needs and Regional Parks Study	55
4. Definitions	55
5. Inventory	56
6. Issue Analysis	60
7. Policies	66
E. New Development Component	77
1. Introduction	77
2. Population Density/Development Siting/Building Intensity Standards	79
3. Infrastructure	87
III. IMPLEMENTATION	
A. Forward	89
B. General Purpose and Application	89
C. General Provisions	90
D. Coastal Development District Regulations	97
1. Authority and Scope	97
2. Purpose and Intent	97
3. Area of Applicability	97
4. Application	97
5. Definitions	98
6. General Requirements	103
7. Exemptions, Exclusions and Exceptions	104
8. Coastal Development Permit Procedures	108
9. Standards for Application Review	116
10. Findings	117
11. Appeals	117
12. Enforcement Provisions	119
13. Judicial Review	120
14. Procedures for Open Space Easements and Public Access Documents	120

TABLE OF CONTENTS (CONT.)

	<u>Page</u>
E. Coastal Land Use District Regulations	121
1. C-RMD	121
2. C-RHD	126
3. C-RC	131
4. C-MC	136
5. C-CPC	141
6. C-VC	146
7. C-POP	149
8. C-SCC	150a
9. C-R	151
10. C-C	154
11. SH Scenic Highway District	156
12. FP Floodplain District Overlay	157
13. SR Sign Regulations District	158
14. AREA PLAN/SITE DEVELOPMENT PERMIT REGULATIONS AND PROCEDURES	159
15. NONCONFORMING USES	161
F. Dana Point Harbor	162
1. Planned Community Regulations	162
2. Lease Restrictions	164
G. Dana Point Headlands	166
1. Foreword	166
2. General Notes	166
3. H-C	171
4. H-OOS	172
5. Headlands Subarea "A"	173
H-A-CON	173
H-A-HRD-1	174
H-A-HDR-2	181
H-A-REC	182
H-A-TRC	182
6. Headlands Subarea "B"	184
H-B-HDR	184
H-B-REC	187
7. Headlands Subarea "C"	188
H-C1-TRC	189
H-C2-HDR	189
H-C2-TRC	189
8. Headlands Subarea "D"	191
H-D-HDR	191
H-D-TRC	193
H-D1-VST	196
9. Headlands Subarea "E"	198
H-E-TRC	198

LIST OF FIGURES

	<u>Following Page</u>
1 Biotic Resources	4
2 Hazards	14
3 View Analysis	22
4 PCH Existing Conditions	22
5a Sections	22
5b Sections	22
6 Master Plan of Arterial Highways	44
7 Existing Access	58
8 Proposed Access	60
9 Grant to the County of Orange	62
10 Land Use Element	82
11 Land Use Element - Dana Point Headlands	82
12 Post LCP Certification Permit and Appeal Jurisdiction Map	98
13 Coastal Land Use Regulations Map	120
14 General Parcel Map - Dana Point Harbor	164

LIST OF EXHIBITS

1 Subarea Boundaries	166
2 Height Zones	166
3 Buildable Envelope	166
4 View Criteria	168
5 View Cone Identification for "Distant Ocean Views"	168
6 Blufftop Setback	168
7 Building Coverage Zones	168

LIST OF TABLES

1 Recreation Facility Deficiency Profile	56
--	----

I. INTRODUCTION

This document represents the Local Coastal Program (LCP) including Land Use Plan and Implementation phase for the Dana Point segment of the South Coast Planning Unit in southeast Orange County. Volume one of the South Coast Planning Unit contains a discussion of regional issues common to all segments such as transportation, housing and recreation. This volume should be reviewed as a portion of this document and is hereby incorporated by reference.

The Board of Supervisors has deemed by Resolution Number 80-1129 the Dana Point Specific Plan as the LCP Land Use Plan for that portion of the Dana Point area within the coastal zone. In addition, the Board of Supervisors will approve land use regulations and district maps associated with the Dana Point Specific Plan as the LCP implementation phase during October 1980.-

The Dana Point Local Coastal Program is being submitted for review by the public, Planning Commission, and Board of Supervisors for several reasons. First, this document reorganizes information and policies contained within the Dana Point Specific Plan into the organization of the South Coast Planning Unit LCP to facilitate the evaluation of the specific plan in light of Coastal Act of 1976 requirements. Furthermore, this report provides supplemental information and policies to ensure the conformance of the specific plan and other county policies and programs with Coastal Act Policies.

The Dana Point segment LCP has been organized into four components as specified in the County's work program: Resources, Transportation, Access, and New Development. Within each component, a listing of relevant Coastal Act policies and work program issues is given to establish a framework for the evaluation of the subarea. Following this inventory, the component provides a description of existing condition, an issue analysis, and existing and proposed policies of each subcategory. The LCP concludes with the inclusion of the implementation phase (i.e. Dana Point Specific Plan Land Use Regulations and District maps) and the public participation program.

II. LAND USE PLAN

A. Introduction

The policies established by the Coastal Act focus on the protection of coastal resources and the regulation of development in the coastal zone. The emphasis of the Coastal Act development policies is on encouraging well-planned and orderly development which is compatible with resource protection and conservation.

The text and the policies set forth in this chapter are the core of the land use plan. They establish the parameters for evaluating future development projects within the County's coastal zone, and set forth the measures that the County should take to achieve the degree of resource protection required by the Coastal Act. Furthermore, these local policies will serve as the foundation for developing the ordinances that will implement the land use plan.

The chapter is organized into major topics which reflect the principal coastal resource protection and development issues in Orange County. Each section is prefaced with pertinent policies from the Coastal Act and is followed by a discussion of local issues and problems related to the topic. Each topic area is concluded with existing and recommended policies to bring the County into conformity with the Coastal Act. After certification, all new development in the County's coastal zone will have to meet the standards set forth in these policies.

The following general policies will provide the framework for the land use plan:

1. The County will adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.
2. Where policies within the land use plan overlap, the policy which is the most protective of coastal resources will take precedence.
3. Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's General Plan or existing ordinances, the policies of the coastal land use plan will take precedence.
4. Prior to the issuance of a coastal development permit, the County will make the finding that the development meets the standards set forth in all applicable land use plan policies.

B. Resource Component

1. Introduction

a. Coastal Act Policies

Section 30230. Marine resources shall be maintained, enhanced and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240.

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

Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

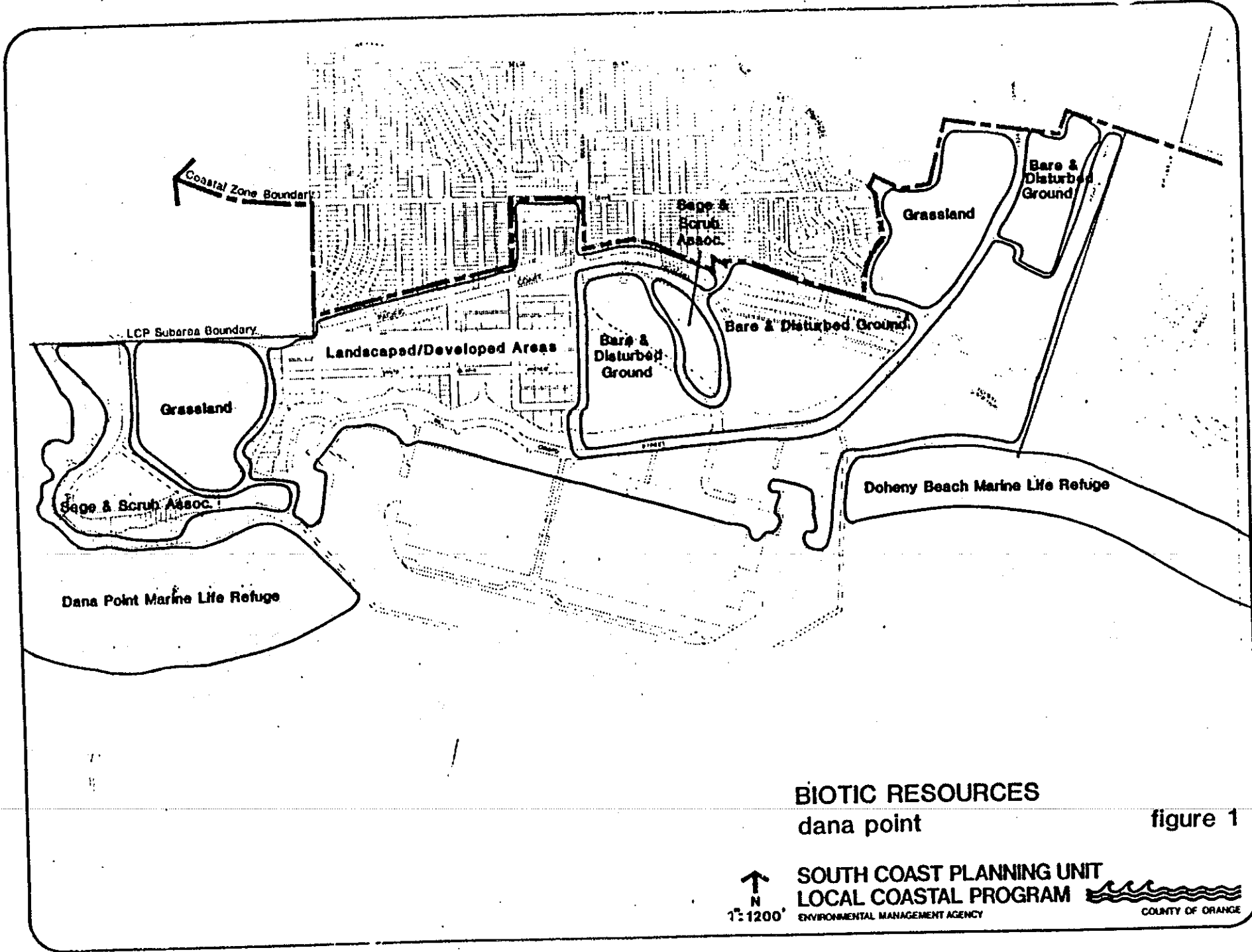
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253. New development shall:

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

b. Work Program Issues

1. Permanent protection of environmentally sensitive habitat areas.
2. Identification of buffer areas adjacent to sensitive habitats areas and parks.
3. Maintenance and enhancement of marine resources and ocean water quality.
4. Maintenance of coastal streams, wetlands and groundwater quality.
5. Provisions under which channelizations, dams or other substantial stream alteration methods are permitted.
6. Mitigation measures required for development that would adversely affect archaeological and paleontological resources.
7. Development restrictions and/or prohibitions in geological, flood and fire hazard areas.



BIOTIC RESOURCES
dana point

figure 1



SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE

8. Protection and enhancement of views to and along the ocean and other scenic coastal views.
9. New development to be visually compatible with surrounding areas and to minimize the alteration of natural landforms.

2. Environmentally Sensitive Habitat Areas

a. Existing Conditions

Although most undeveloped areas of the coastal zone, as well as many isolated pockets of open space within urban areas, provide a "habitat" for many species of animals and plants, the intent of the Coastal Act is preservation of significant habitat resources. Environmentally sensitive habitat areas are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Coastal Act, Section 30107.5).

At the time this Local Coastal Program was originally prepared no officially recognized rare, endangered, or threatened plant or animal were known or expected to exist within the entire Dana Point area. However, in mid May 1983, several rare plant species were identified on the Dana Point Headlands by the California Native Plant Society. The plant species included Blochman's dudleya, Palmer's grappling hook, western dichondra and cliff spurge. A resource inventory included in the Orange County Conservation Element identifies two marine life refuges within the Dana Point area, the Doheny Beach Marine Life Refuge and the Dana Point Marine Life Refuge (Figure 1). The rocky shore of the Dana Point Headlands is an important intertidal area within the marine life refuges. The adjacent area, which encompasses the steep bluffs of the Headlands, provides a buffer to the rocky shore area. Both areas are designated 5.41 (Conservation). The Doheny Beach Marine Life Refuge is adjoined by the Doheny State Beach Park which has a land use designation of 5.3 (Recreational).

The California Regional Water Quality Control Board has established the concept of "areas of special biological significance" (ASBS) which designates areas requiring protection of species of biological communities to the extent that alteration of natural water quality is undesirable. The ASBS designation gives recognition to the fact that certain biological communities because of their value or fragility deserve very special protection consisting of preservation and maintenance of natural water quality conditions to the extent practicable. Neither of the above marine life refuges have been granted ASBS status.

The Dana Point area contains a mix of native and introduced biotic communities including riparian, coastal sage scrub, and

ruderal communities which do not fit into the Coastal Act definition of environmentally sensitive habitat areas.

The westerly edge of San Juan Creek is one of the boundaries delineating the Dana Point area. This creek flows through the coastal zone to the ocean and its natural state (which included the presence of riparian vegetation) has been modified to some extent for purposes of drainage and flood control.

Within the undeveloped Lantern Bay Project Sector are remnants of a coastal sage scrub community. Although the majority of this area has been affected by urbanization, a north-south trending steep walled canyon bisecting this sector is host to the diminished coastal sage scrub community. Coastal chaparral thrives in the canyon bottom and on shady slopes, merging to coastal sage scrub on higher, dryer canyon walls. This community is very diverse in native species, and to-date has received only minor disturbances. Toyon and Lemonade-berry dominate the coastal chaparral element, while California sagebrush and California backwheat dominate the coastal sage scrub element. Wildlife in the canyon includes amphibians and assorted mammals. Because of the limited size of the canyon and its proximity to urbanization, many of the usual larger chaparral inhabitants have already vanished.

Many birds are attracted to the canyon because of its diverse flora, which provides cover, nesting sites and roosts.

The Headlands Sector also contains some remnants of a coastal sage scrub community, and vegetative and wildlife species similar to those found in the aforementioned canyon can be anticipated. Several coastal sage scrub species appear to be stunted due to prevailing wind and salt conditions. In addition, several coastal strand species are found in areas of exposed sand. The regional significance of both of these species is questionable.

Ruderal ecosystems, made up of invasive weedy species, and annual grasses and herbs that grow where the vegetational cover has been disturbed, is predominant in areas of the Lantern Bay Project Sector (excluding the canyon) resulting from its use as a borrow site for the Dana Point Harbor. Habitat diversity and productivity have been greatly reduced, so consequently the diversity and abundance of animals is very limited.

b. Issue Analysis

Issues associated with the protection of marine life refuges are discussed in Section 3, Watershed Management.

The major impact to other biotic resources in the Dana Point area from new development would occur within the Lantern Bay

Project Sector. Development of the Lantern Bay Project Sector according to land use designations in the Dana Point Specific Plan would require filling the entire on-site canyon system and the diversity and general integrity of the canyon would thus be affected. However, even if the canyon were designated 5.4 (Other Open Space) or 5.41 (Conservation), the presence of humans, animals, noise, and litter from future adjacent development would disrupt wildlife populations and degrade the habitat.

Other biotic resources will not be altered by land use designations specified within the Dana Point Specific Plan. For example, the Headlands Sector designates 18.3 acres of land as 5.4 (Other Open Space) and 22.3 acres as 5.41 (Conservation) to ensure protection of remaining biotic communities.

c. Policies

Policies associated with the protection of marine life refuges are discussed in Section 3, Watershed Management. However, policies related to the protection of other habitat areas are listed below.

1. To identify fish, wildlife and vegetation habitats throughout the County; to require proposed development plans to identify affected habitats; to accept habitat dedications; and to preserve the fish, wildlife and vegetation species of the County. (Conservation Element, page III-3)
2. To prevent the elimination of fish or wildlife species due to man's activities, to ensure that fish and wildlife populations not drop below self-perpetuating levels, to preserve for future generations representations of all animal communities and to provide for public viewing of these species. (Conservation Element, page III-3)
3. To prevent the elimination of native county vegetation due to man's activities by providing designated areas where these species may be preserved for observation and for future generations. (Conservation Element, page III-3)
4. To identify and protect chaparral and coastal sage scrub vegetation as a natural resource of the County warranting conservation measures based upon: (1) the uniqueness of the vegetation and plant species present; (2) the value of the vegetation as a habitat type for wildlife, (3) the value of the vegetation as a watershed cover, (4) the scenic value of the vegetation and (5) the adaptation of the vegetation to fire. (Conservation Element, Page III-3)

5. To support strict protective measures designed to maintain biological balance by protecting controlling organisms in the natural portions of the planning area. (Capistrano Valley Area Land Use Element Supplement, page 5)
6. To preserve riparian areas as sources of shelter and water for wildlife. (Capistrano Valley Area Land Use Element Supplement, page 5)
7. Development adjacent to significant and sensitive natural areas should be designed to minimize human encroachment. (Capistrano Valley Area Land Use Element Supplement, page 3)
8. To maintain ecological balance in the area by preserving ecologically sensitive areas. (Capistrano Valley Area Land Use Element Supplement, page 4)
9. To maintain the continuity of natural areas within the planning area with similar areas adjacent to, but outside of the planning area. (Capistrano Valley Area Land Use Element Supplement, page 4)
10. To place strict controls on domestic animals in developments adjacent to natural areas in order to prevent potential damage to wildlife, their habitats and their food sources. (Capistrano Valley Area Land Use Element Supplement, page 4)
11. To retain the remaining wildlife in area, especially several forms that are limited in number and sensitive in nature. (Capistrano Valley Area Land Use Element Supplement, page 4)
12. To ensure that insect or rodent control programs that may be necessary for Health and safety reasons are aimed at controlling population levels (not complete eradication) in order to maintain natural food supplies for the limited diversity. (Capistrano Valley Area Land Use Element Supplement, page 4)
13. Development shall be prohibited in areas with high habitat value, except for uses dependent on such resources and shall not significantly disrupt habitat values of such areas. This policy applies only to areas designated as 5.41 (Conservation).
14. In planning for specific developments, open space should be included which is sufficiently large and properly located so as to retain wildlife habitat and allow room for wildlife thus be most severe in sensitive slide areas along the coast activities. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 2, page 5)

15. The open space network of cores and corridors must be continuous to function ecologically. Encroachment into a part of this system influences the whole. (Capistrano Valley Area Land Use Element Supplement Open Space and Conservation Development Guideline Number 2, page 5)
16. The Dana Point Specific Plan Land Use Element designates the rocky shore and steep bluff areas (i.e. buffer area) of the Headlands 5.41 (conservation) to ensure preservation of the rocky shore area in its natural state.
17. Development within the bluff area of the Headlands will be regulated as provided in Policy Number 21, Geologic Hazards.
18. Prior to application for a Coastal Development Permit for any construction in the Dana Point Headlands Sector (except for the "outholding" areas shown as H-A-HDR-1(CD), H-A-HDR-2(CD), H-D-HDR(CD), H-C2-HDR(CD), and H-C1-TRC(CD) in Exhibit 1) any rare, endangered, threatened or especially valuable species and their habitats shall be identified and a mitigation and management program shall be prepared and implemented to protect against any significant disruption of these habitat values, and to prevent impacts from adjacent areas which would significantly degrade such areas.

3. Watershed Management

a. Existing Conditions

The quality of surface runoff collected in drainage courses within the Dana Point area during heavy rains is currently being incrementally degraded by nitrates, agricultural chemicals, petrochemicals, and other urban pollutants from existing development.

The general quality of water in the Dana Point Harbor is considered good. However, the harbor is affected somewhat by the accumulation of sediment and silt during peak storm flow periods. Silt accumulates in the Dana Point Harbor area due to the build-up of sediment at the mouth of San Juan Creek between the opening of the channel and the marina, build-up caused by runoff and erosion over the bluff in the vicinity of the future Lantern Bay Project, and buildup from runoff expelled directly from existing storm drains into the harbor itself.

The Dana Point area is located in the Dana Point Sanitary District, which is a member of the South East Regional Reclamation Authority (SERRA).

b. Issue Analysis

New development will affect water quality within the Dana Point area in several respects. First, the grading of areas for development will allow water to flow across eroded surfaces and thus increase the amount of sediment in runoff. Siltation and sedimentation in the Dana Point Harbor will then increase. Second, new development will change natural drainage patterns and they change the rate and/or amount of surface runoff. Construction of impervious surfaces in connection with proposed land uses and roadways will reduce the amount of percolation and increase surface runoff quantities in San Juan Creek and neighboring watersheds. Runoff along San Juan Creek may carry sediment into the flood control channel and contribute to siltation in the beach and harbor areas. Large quantities of runoff in the bluff area could possibly advance erosion of the bluffs. Furthermore, due to contamination of runoff with urban pollutants such as petrochemicals, hydrocarbons, fertilizers, pesticides, and other residues from urban areas, the quality of runoff will decrease.

The deterioration of water quality due to new development not only impacts the Dana Point Harbor, but also may affect the marine life refuges located in the Dana Point area. Since the refuges are important habitat areas, the mitigation of the impact of new development upon water quality is necessary.

c. Policies

1. To protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and to preserve the quality of water in the groundwater basin, streams estuaries and the ocean. (Conservation Element, page III-5)
2. To maintain in as near a natural state as is consistent with public safety, the stream courses, estuaries and other water bodies of the County. (Land Use Element, page 18 Conservation Element, page III-4)
3. The governing agency should remain aware of upstream changes in land use as the changes relate to potential flood hazards and water quality. (Capistrano Valley Area Land Use Element Supplement, page 7)
4. In order to preserve valuable marine life and resources, developments should not significantly degrade the quality of coastal waters. (Capistrano Valley Area Land Use Element Supplement Open Space and Conservation Development Guideline Number 5, page 5)
5. In areas to be developed, consideration should be given to the use of native plant species for landscaping to

minimize water consumption, fertilization and chemical application, and to visually relate development to existing natural landscape. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 4, page 5)

6. A watershed protection program will be implemented that prevents excessive erosion and sedimentation and emphasizes the prevention of siltation in the Dana Point and Doheny Beach Marine Life Refuges.
7. All construction will be conducted with provisions for the control of sediment transport, and debris originating at the construction site as follows:
 - a. For necessary grading operations, the smallest practical area of land will be exposed at any one time during development, and the length of exposure will be kept to the shortest practical amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.
 - b. Sediment basins (including debris basins, desilting basins, or silt traps) will be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.
 - c. Temporary vegetation, seeding, mulching, or other suitable stabilization method will be used to protect soil subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.
 - d. Provisions will be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development.
8. A source control program will be developed to manage runoff of pesticides, and herbicides within limits established by the San Juan Capistrano Resources Conservation District.
9. The utilization of urban pollutant control devices such as street sweeping, litter removal, irrigation, fertilizer and insecticide control, and landscape debris removal will be encouraged.

10. Landscape materials which impede erosion on sloped surfaces will be required where necessary.
11. Natural drainage channels and open space areas will be utilized as mechanisms to minimize erosion through percolation.
12. Limitations on the nature and quantity of materials discharged in the drainage channels and coastal waters will be developed in cooperation with the San Diego Water Quality Control Board (SDWQCB).
13. Wastewater reclamation procedures, where feasible, will be implemented in coordination with the Dana Point Sanitary District.
14. Completion of the storm drain system in prospective development areas should be completed to mitigate siltation problems. In particular, the storm drain located in the Street of the Golden Lantern should be extended through the Lantern Bay Project to control runoff over the bluffs and the resulting siltation.
15. Drainage facilities will be constructed in conjunction with Master Plan of Drainage to direct runoff from imperious surfaces in proposed development areas.
16. The number of crossings of major watercourses should be minimized. It will be necessary to design specific road alignments to ensure that water runoff will be properly directed towards planned drainage and flood control facilities.
17. The potential for bluff erosion will be mitigated through proper grading and streetflow drainage within the required building setback from the bluff.

4. Environmental Hazards

a. Geologic Hazards

Existing Conditions

Several geologic units exist in Dana Point. The region is near the middle of the Peninsular Range Province, a major northwest trending block of the earth's crust that has been deformed and uplifted along several major fault zones. Marine sedimentary bedrock of the Upper Miocene - Lower Pliocene Capistrano Formation underlies most of the subject area. Minor outcrops of the Middle Miocene San Onofre Breccia are present in the western portion.

The Capistrano Formation is a predominantly clayey siltstone with lesser sandy siltstone that is well known for its inherent weakness and susceptibility to slope failure and

accelerated erosion. The San Onofre Breccia is predominantly a sedimentary breccia and conglomerate unit composed of sandstone and siltstone.

Mapped surficial deposits include undifferentiated marine and non-marine terrace deposits, consisting of interbedded gravels, sands and silts; landslide debris; and undifferentiated alluvium, older alluvium, and colluvium. Alluvium and older alluvium sediments are recently deposited in stream channels and in the San Juan Creek floodplain. Colluvium is unusually thick soil which has accumulated to at least a four to five foot thickness through weathering and slope wash.

Areas have a consistent direction of shallow bedding dip. A significant proportion of the bedrock observed is not fractured and lacks structure. Overall, the predominant Capistrano Formation exhibited more bedding surfaces than is common in the general Orange County area; however, bedding is still "poorly developed." The second most pervasive structural feature of the site is jointing. These tensional cracks, developed during uplift and erosion, dip at consistently steep angles.

Numerous slides and possible slide areas have been identified along the steep coastal bluffs and areas extending from Laugna Niguel to San Juan Creek (Figure 2). The principal reasons for movement in these areas are the expansive qualities of local soils and high potential for erosion along steep, degraded slopes. General construction activities and continual downcutting has removed support in these areas. The structural weakness of the underlying, deeply weathered and fractured Capistrano Formation siltstone and the presence of clay seams, bedding planes parallel to the angle of slope, and joints or fractures in the rock increase the risk of landslides. In addition, conditions may be aggravated by ground-shaking from local earthquakes or water saturation.

Dana Point contains relatively thick clayey cohesive soil underlying more erodible sands. Soils consist primarily of clayey silts, sandy silts, silty sands, and gravels. These materials are potentially collapsible/compressible and frequently require removal and recompaction to provide satisfactory foundation material. Alluvial soils are locally collapsible/compressible requiring special foundation considerations.

According to the Soil Survey of Orange County and Western Part of Riverside County, California, Dana Point soils may also be classified in the following three categories:

Myford Association: Nearly level to moderately steep, moderately well-drained sandy loams that have a strongly developed subsoil, on coastal terraces: somewhat excessively drained and well-drained, strongly sloping to very steep soils

of coastal foothills, The Myford Association is characterized by severe slope, shrink-swell potential and low strength for building and road construction.

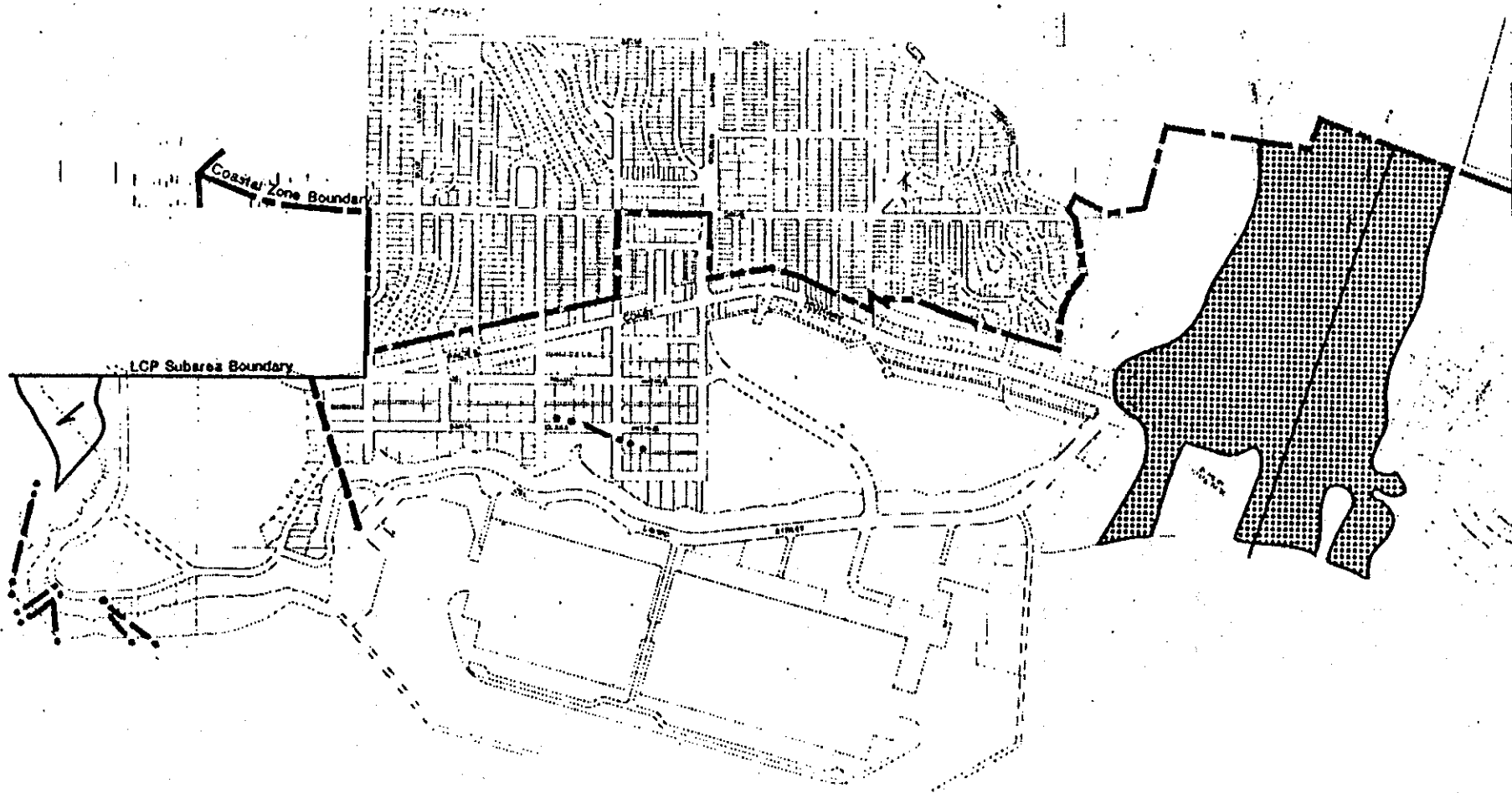
Metz-San Emigdio Association: Nearly level, somewhat excessively drained and well-drained, calcareous loamy sands and fine sandy loams on alluvial fans and floodplains. The Metz San Emigdio Association is generally considered suitable for building and road construction.




Alo-Bosanko Association: Strongly sloping to steep, well-drained clays on coastal foothills. The Alo-Bosanko Association shows severe shrink-swell potential, low strength and slope for building and road construction.

The study area is vulnerable to seismic activity along faults in the Newport-Inglewood Fault Zone, which runs offshore in Dana Point to the southern edge of the Santa Monica Mountains in Los Angeles County. A concealed fault from this system stretches from the Dana Point Harbor area northwest across the Headlands into Laguna Niguel (Figure 2). The fault juxtaposes the Capistrano and San Onofre Breccia Formations and consists of a zone of highly deformed and sheared rock about 250 feet wide. Although the weak sheared rock does present slope stability problems, the fault itself is considered inactive since it does not offset the terrace deposits. Numerous inactive splinter faults have been identified in the vicinity. It is believed that these faults were formed in response to the general uplift and movement of the land along the major boundary fault systems.

The Newport-Inglewood Fault Zone produced the Long Beach earthquake in 1933, which registered a magnitude of 6.3 on the Richter Scale. In the past 50 years, shocks along this zone have ranged from 3.0 to 5.0 magnitude. It is believed that the zone is capable of generating a 7.0+ magnitude earthquake within the next 50-100 years.

Ground-shaking typically accounts for more property damage and personal injury than ground rupture or any visible movement along an earthquake fault. The shaking would be greatest in the most recent unconsolidated deposits, where depth to groundwater is less than 50 feet. Saturated alluvium can be expected to exhibit the potential for liquefaction during or immediately following groundshaking. The potential is expected to be relatively high in the alluvial area of Lower San Juan Creek. Seismic activity could cause slope failure in areas of unstable soils, including landslides in vulnerable bluff and slope areas. The extent of damage from earthquakes and associated shocks will depend on the magnitude of the tremor and distance from the epicenter of the earthquake. An earthquake could also cause a tsunami (tidal wave), damaging shoreline developments. However, the Dana Point beaches are protected from tsunamis in that they are situated at an oblique angle from offshore faults. Offshore islands provide further protection from this hazard.



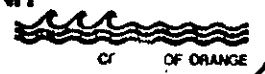
-  Floodplain
-  Landslides
-  Faults: dashed where approximately located, dotted where inferred.

HAZARDS
 data point

figure 2



SOUTH COAST PLANNING UNIT
 LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



CL OF ORANGE

Issue Analysis

New development within the Dana Point area will be affected by or affect the exposure of individuals and/or property to geologic hazards in the following manner:

1. Soils within the alluvium colluvium and older alluvium, which are potentially collapsible/compressible, may subject fills placed upon the soils to differential settlement. Roadbed surfaced, faced, curbs, gutters, and subsurface utilities could be damaged.
2. On and off-site erosion on bluff tops and slopes will be increased by new development due to the increase in urban runoff and changing erosion patterns.
3. New development may be exposed to seismic activity along regional fault system. The area is susceptible to earthquake hazards such as liquefaction, flow landslidings, seismically-induced settlement, and ground lurching or cracking due to the potentially for relatively high intensities of ground shaking and the presence of loose sandy soils or alluvial deposits and shallow ground water conditions. However, the potential for these events to occur is considered low since intense ground shaking is not anticipated and insignificant qualities of alluvial deposits and groundwater.

Policies

1. To protect irreplaceable beaches and coastal bluffs from development and natural erosional processes, to provide for the replenishment of beach sands, and to strive for increased public control and access to the beaches and the coastline. (Conservation Element, page III-4)
2. To enact and enforce regulations which will restrict development in areas subject to substantial hazards to persons and property due to seismic activity and surface soil hazards. (Land Use Element, page 12)
3. To ensure the health and safety of County residents by identifying, planning for and managing/regulating open space areas, including, but not limited to, areas which require special consideration because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection and enhancement of air quality. (Open Space Element, page VI-9)
4. Slope-density regulations are necessary to relate the intensity of development to the steepness of terrain in

- order to minimize grading, removal of vegetation, runoff, erosion, geologic hazards, fire hazards, and to help ensure utilization of land in balance with its natural capabilities to support development. (Conservation Element Hillside Development Management Guideline Number 1a, page VI-2)
5. Grading for pads and roadways needs to be contoured to maintain the appearance of natural hillsides. (Conservation Element Hillside Development Management Guideline Number 1b, page VI-2)
 6. Limits need to be established for the vertical and horizontal extent of cuts and fills allowed without a special review process. (Conservation Element Hillside Development Management Guideline Number 1c, page VI-8)
 7. Plans for erosion and sediment control measures, including landscaping and provisions for maintenance responsibilities need to be established as a requirement of the approval processes. (Conservation Element Hillside Development Management Guideline Number 1d, page VI-8)
 8. Evidence of fault inactivity notwithstanding, prudent planning and construction practices dictate that permanent structures not be located over fault lines. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 10, page 7)
 9. Development concepts which minimize the amount of graded slope area and thus reduce the probability of hillside erosion problems would be favored because of the grading factor. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 12, page 7)
 10. The more unstable areas should be left essentially upgraded and undeveloped with consideration given to their potential for greenbelt or other open space uses. (Capistrano Valley Area Land Use Element Supplement, Public and Safety Development Guideline Number 13, page 7)
 11. Some specific existing slide areas, without extensive corrective measures, may be feasible for development of relatively low unit densities or less intensive uses such as mobile home developments, or cluster type development incorporating open space and greenbelt areas. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 14, page 8)
 12. Each site with a liquefaction potential needs to be evaluated individually. (Capistrano Valley Area Land Use

Element Supplement, Public Health and Safety Development
Guideline Number 15, page 8)

13. A ground stability analysis should be required as part of obtaining a permit for proposed developments primarily located within the floodplain of San Juan Creek or in areas where shallow groundwater (20 feet or less) underlain by alluvium or terrace deposits is encountered. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 16, page 8)
14. Private geotechnical consultants should be employed to evaluate expansive clay soil conditions and make appropriate design recommendations for individual structures on a site-by-site basis in order to prevent the serious damage that such soils can cause to lightly loaded structures, pavements, driveways, sidewalks, and flood control channels. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 17, page 8)
15. Development proposals will reflect full and complete investigation of potentially unstable areas. Where necessary, land uses will be restricted to assure an adequate level of safety. (Dana Point Specific Plan Headlands Land Use Policy, Area A, page IV-21)
16. Applications for grading and building permits, and applications for subdivision will be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures will be required where necessary.
17. Major structures will be sited a minimum of 50 feet from a potentially active, historically active, or active fault. Greater setbacks may be required if local geologic conditions warrant.
18. In areas of new development, above-ground structures will be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback. A geologic report shall be required by the County in order to make this determination.
19. The setback area mentioned in Policy 18 will be dedicated as an open space easement as a condition of the approval

of new development. Further setback requirements are specified in the Access Component.

20. Within the required bluff top setback, drought-tolerant vegetation will be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability, may be permitted.
21. Development and activity of any kind beyond the required bluff top setback will be constructed to insure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.
22. No development will be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.
23. A waiver of public liability shall be a condition of new development approvals for all property located in identified hazard areas (e.g., geologic, flood, fire, etc.).

b. Flood Hazards

Existing Conditions

San Juan Creek at its confluence with the Pacific Ocean is located at the eastern boundary of the Dana Point area (Figure 2). The creek drains a large basin and has been channelized between concrete-lined flood control embankments for most of its length in the subarea. Existing flood control facilities, however, are inadequate to prevent widespread damage during unusually wet years.

Areas adjacent to the San Juan Creek in the 100-year floodplain are susceptible to flooding in heavy rains. The average annual surface flow from the San Juan-Trabuco drainage basin to the ocean is estimated by the Army Corps of Engineers to be 10,500 acre-feet. (Danielian, Moon Sempieri and ILg (DMSI), Land Use Plan Study, Orange County General Plan, Capistrano Valley Area, 1973.) Rapid runoff following winter rains heightens the groundwater table, causing additional flooding.

San Juan Creek is designated as a Standard Project Flood area. The largest recorded floods along San Juan Creek occurred in January and February, 1969. In 1969, San Juan Creek flooded, although it was not considered a 100-year flood. A large buildup of sediment occurred in the lower creek. The slope lining in the channel failed about 1/2 mile outside of Dana Point. The mobile home park at the corner of Del Obispo and Pacific Coast Highway is located at a low elevation, and according to County of Orange staff, several mobile homes were lost in 1969. Although the neighboring SERRA plant was not flooded out at that time, the plant did flood in the winter of 1980.

The Army Corps of Engineers has defined a Standard Project Flood as one occurring every 200 to 500 years. In 1973, the Corps of Engineers determined that control measures were inadequate should a Standard Project Flood happen in the future.

According to the Orange County Master Plan of Drainage, numerous flood control facilities are planned including:

1. San Juan Creek (L01), Pacific Ocean to upper limits of study area.
2. Del Obispo Storm Channel (L01S01), San Juan Creek to vicinity of Del Obispo Street and Blue Fin Drive.
3. Capistrano Beach Storm Channel (L01S01), San Juan Creek to San Diego Freeway.
4. Facility L01S04, San Juan Creek to vicinity of Del Obispo Street and Stonehill Drive.
5. Trabuco Creek (L02), San Juan Creek to upper limits of study area.
6. Oso Creek (L03), Trabuco Creek to upper limits of study area.

Issue Analysis

The Dana Point Specific Plan provides the following designation for property within the San Juan Creek floodplain: Recreation (5.3) Community Commercial (2.2) and Quasi-Public Facilities (4.2). The Recreation designation applies to Doheny State Beach, a mobile home park, and Del Obispo Community Park. The Community Commercial and Quasi-Public Facilities designations provide confirmation of existing land use within the floodplain which includes a commercial area along Pacific Coast Highway and a Southeast Regional Reclamation Authority (SERRA) treatment plant, respectively.

The San Juan Creek floodplain is within the Floodplain (FP-2) District which requires that all new residential, commercial, industrial, or agricultural structures proposed for development be subject to issuance of a use permit and must satisfy a number of conditions specified in the zoning code. For example, the first floor of a structure must be above the standard project flood elevation.

Policies

1. To enact and enforce regulations which restrict development in designated floodplains, on or adjacent to rivers, creeks, streams and other riparian areas, retaining their natural feature so as to protect and enhance their value to the general public. (Land Use Element, page 17, Conservation Element, page III-6)
2. To permanently preserve significant watershed and groundwater recharge land as a means of maintaining the present capacity for local natural water recharge and reducing the County's dependence upon imported water; of providing a natural form of flood protection; and, of maximizing the multi-use potential of these lands for other open space purposes. (Land Use Element, page 19, Conservation Element, page III-5)
3. Non-structural alternatives, including more compatible land use planning adjacent to watercourses, for flood control purposes. (Land Use Element, page 19, Conservation Element Watercourse/Floodplain Management Guideline Number 3c, page VI-8)
4. Enhancement of the appearance of channel slopes, fencing, bridging, etc., needs to be encouraged through increased sensitivity of design and landscaping. (Conservation Element Watercourse/Floodplain Management Guideline Number 3c, page VI-8)
5. Floodplain zoning needs to be applied, utilizing the definitive studies of the U.S. Corps of Engineers and the Flood Control District, to all areas reasonably endangered of life and property. (Conservation Element Watercourse/Floodplain Number 3d, page 8)
6. Each proposal to develop building sites within designated flood hazard areas must be individually evaluated prior to approval. (Capistrano Valley Area Land Use Element Supplement, Land Use and Community Design Development Guideline, Number 5, page 2)
7. Since flooding is identified as the chief geotechnical constraint within the valley portion of the Capistrano Valley planning area, development in areas where flood

hazards presently exist should be subjected to critical review. (Capistrano Valley Area Land Use Element Supplement, Land Use and County Design Development Guideline, Number 5, page 2)

8. Proposed developments should be individually evaluated to determine if it is geotechnically feasible to develop building sites within the designated flood hazard areas if the sites are adequately elevated and protected from runoff damage. (Capistrano Valley Area Use Element Supplement, Public Health and Safety Development Guideline Number 9, page 7)
9. Future residential developments in the floodplain adjacent to San Juan Creek will demonstrate how building pads will be safe from inundation from rainfall runoff which may be expected from all storms up to and including an eventual 100-year flood (Dana Point Specific Plan Local Coastal Program, Hazards, page X-15)

c. Beach Erosion

Existing Conditions

A cooperative study on beach erosion control by the U.S. Army Corps of Engineers in 1959 determined that severe erosion and wave action at the portion of Doheny State Beach within the Capistrano Beach Segment LCP has caused loss of land, installations and parking areas.

Issue Analysis

The Capistrano Beach LCP evaluates the beach hazard at Doheny State Park.

Policies

1. Construction of seawalls, cliff retaining walls, and other protective devices shall only be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to mitigate adverse impacts on local shoreline and supply.
2. Construction in coastal waters need to be evaluated relative to their affects on recreational uses. (Conservation Element Shoreline Management Guideline Number 2c, page IV-8)
3. Research into the protection and broadening of existing beaches should be encouraged. (Conservation Element Shoreline Management Guideline Number 2d, page VI-8)

4. Floodplain policies and proposals which promote rather than inhibit sand replenishment of the shoreline should be supported. (Conservation Element Shoreline Management Guideline Number 2e, page VI-8)
5. To prevent beach erosion by monitoring and periodically evaluating any natural changes or man caused activities which would reduce the replenishment of sand to the beaches, particularly from the state park southward. (Capistrano Valley Area Land Use Element Supplement, page 5)
6. The County will cooperate with the U.S. Army Corps of Engineers on a beach erosion study of Doheny State Beach.

d. Fire Hazards

Existing Conditions

The Orange County Safety Element identifies the Dana Point area as a moderate fire hazard zone.

Issue Analysis

Significant issues with regard to fire hazard do not exist for the Dana Point area.

Policies

1. Development should minimize exposure to fire hazards presented by flammable natural vegetation. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 18, page 8)

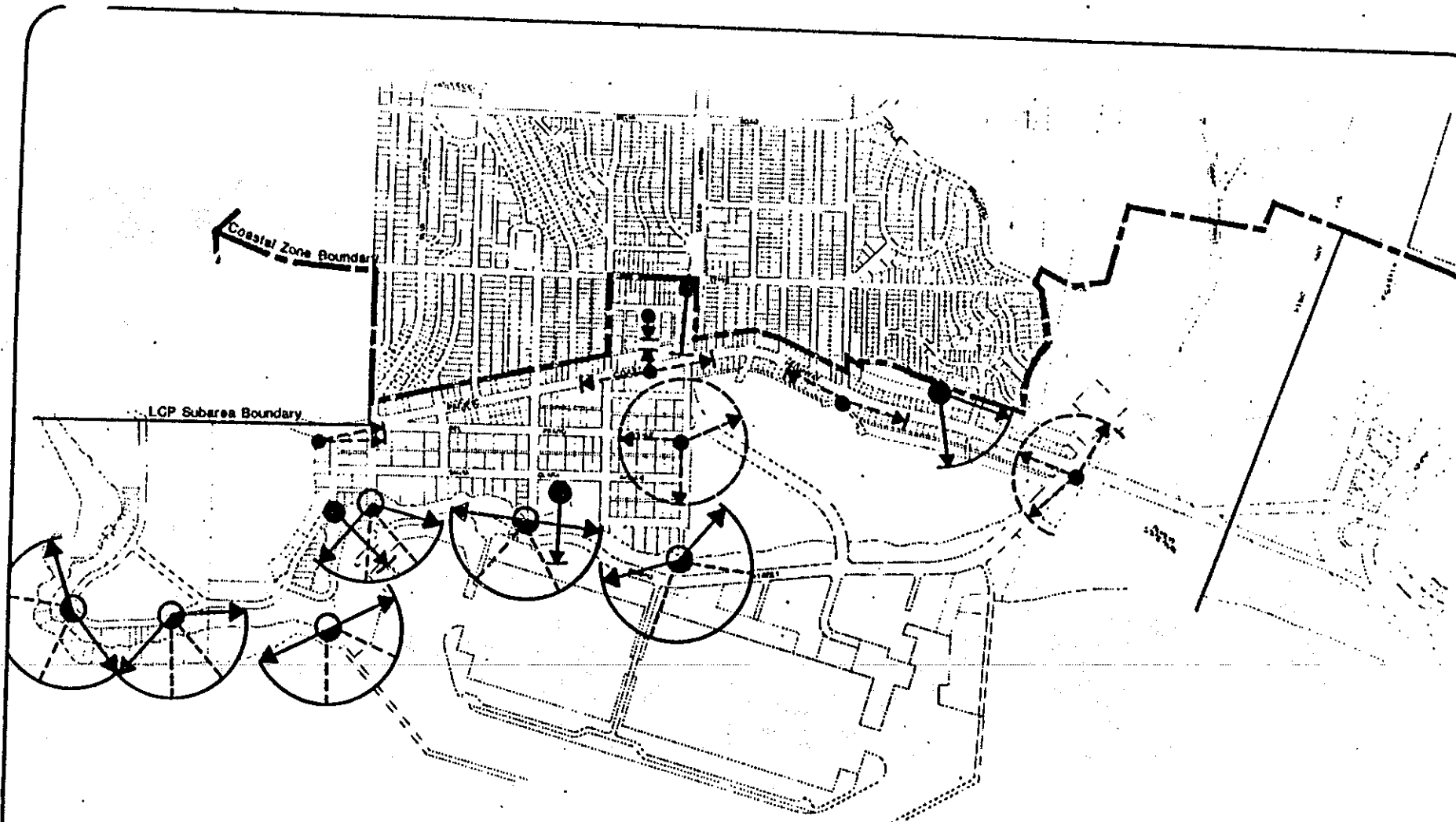
5. Scenic Resources

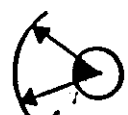


a. Existing Conditions

Scenic Vistas

Scenic resources of Dana Point include vistas and panoramas of the Pacific Ocean, the Dana Point Harbor, distant views as far as the Palos Verdes Peninsula to the north, La Jolla to the south and Catalina Island to the west, and inland views to the foothills and valleys.

Primary and secondary views are identified in Figure 3. The primary viewpoints include the bluff lookout point and inland viewpoints with views to the Dana Point Harbor while secondary views include inland views to prominent topographic features.



-  Primary Lookout Points Off Bluffs
-  Primary Inland Views to Harbor
-  Secondary Views— Potential Primary Inland Views

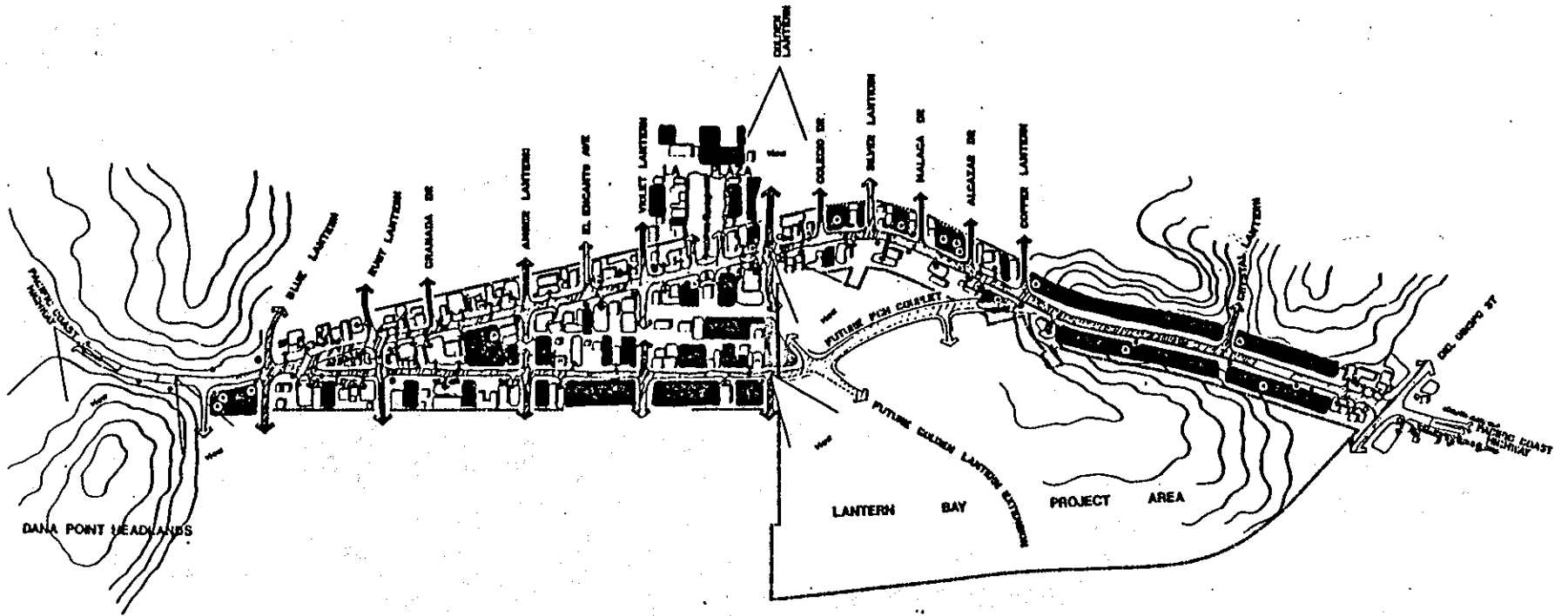
VIEW ANALYSIS
dana point

figure 3

 N
 1" = 1200'
SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE



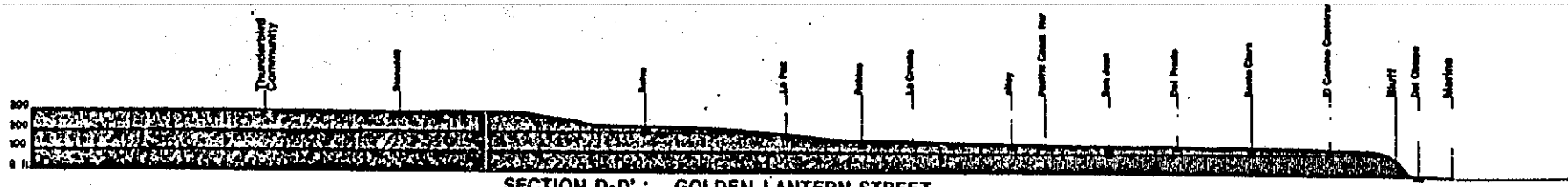
LEGEND

- - Utility Pole
- - Utility Pole w/LL Fixture
- - Standard Pole w/LL Fixture
- ⊙ - Existing Balconies
- - Accessible Alleyways
- ▣ - Historical Buildings
- ⊕ - Existing Landscape
- ↖ - Expansive Views
- ▨ - Existing Parking
- ▩ - Vacant Parcels
- - Future Alignment
- - Major Road Pattern
- - Driveway Access
- - Future Road
- ⊕ - Topography of Significance

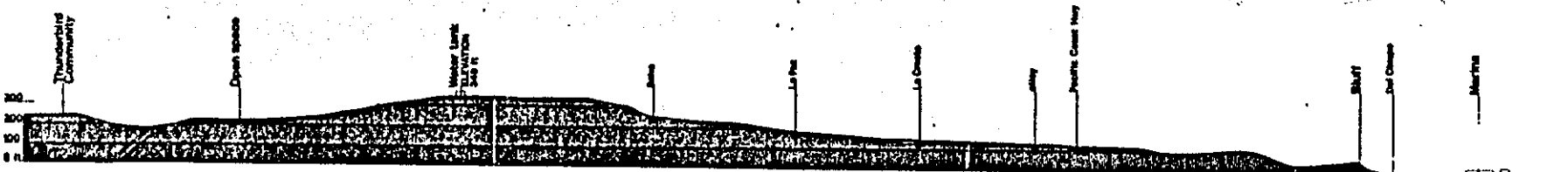
PCH EXISTING CONDITIONS figure 4

SOUTH COAST PLANNING UNIT
 LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY

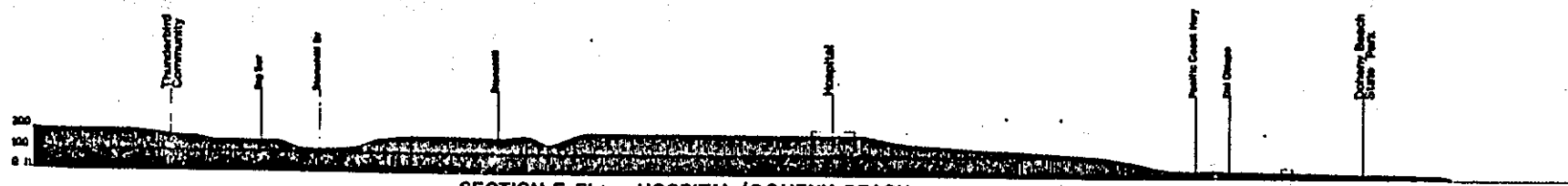




SECTION D-D' : GOLDEN LANTERN STREET



SECTION E-E' : ALCAZAR DRIVE



SECTION F-F' : HOSPITAL /DOHENY BEACH

SECTIONS figure 5b
 SOUTH COAST PLANNING UNIT
 LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY CITY OF ORANGE

Scenic Corridors

The Scenic Highways Element of the Orange County General Plan designates Pacific Coast Highway and Street of the Golden Lantern as Type Three urban landscape corridors which are defined in the Element as:

A route that traverses an urban area with a defined visual corridor which offers a view of attractive and exciting urban scenes, and which has a recreational value for its visual relief as a result of nature or the designed efforts of man.

As designated scenic highways, Pacific Coast Highway and Street of the Golden Lantern must comply with the State General Plan mandate, Government Code Section 65302 (h), and the policies and principles stated in the Orange County General Plan's Scenic Highways Element. The scenic highways are also governed by the open space and conservation policies contained in the Land Use Element and the Master Plan of Arterial Highways.

A detailed inventory and analysis of existing conditions (Figure 4) on Pacific Coast Highway from the Dana Point Headlands on the west to Del Obispo Street on the east was completed during preparation of the Dana Point Specific Plan. The assessment of existing conditions included:

- o Landscaping
- o Topography
- o Views
- o Historical structures/architectural style
- o Land use/vacant parcels
- o Parking and driveway access
- o Existing streets and alleys
- o Future streets
- o Utility poles and street lighting
- o Signing

The assessment of the existing conditions of Pacific Coast Highway were presented to the Dana Point Specific Plan Committee for their review and comment. The major issues were then summarized as follows:

Landscaping - The landscaping on Pacific Coast Highway is a hodge-podge of varying degrees which tends to fragment the urban landscape corridor image. There is no continuity of plant design or species.

Topography - The major topographic features affecting Pacific Coast Highway are the large hills of the Dana Point Headlands at the western entrance to Dana Point and the bluffs and cut slopes between Copper Lantern and Del Obispo Street, the eastern entrance to Dana Point.

Views - The significant views from Pacific Coast Highway include panoramas and glimpses of the long views to the ocean and communities to the south. Specific views include the Dana Point Headlands and portions of the Dana Point Marina Section.

Historic Structures/Architectural Style - The seven significant historic structures within the Pacific Coast Highway corridor were identified from previous reports. An inventory of architectural style was undertaken and categorized in various styles ranging from Spanish mission to modern (wood and glass). The inventory indicated that the Pacific Coast Highway corridor was a mixture of many architectural styles of varying ages.

Land Use/Vacant Parcels - The predominant land uses within the Pacific Coast Highway corridor are community commercial and highway commercial uses. The majority of vacant land is located within the Pacific Coast Highway island and the parcels facing Del Prado. Many of these parcels offer potential commercial development and opportunities for shared parking facilities.

Parking and Driveway Access - The Pacific Coast Highway corridor currently has about 50 separate offstreet parking facilities. With the exception of the La Plaza, no shared parking facilities are available. An inventory of driveway accesses (curb-cuts) was taken to identify problem areas and opportunities for reducing the number of access points for safety and traffic considerations.

Existing Streets and Alleys - The analysis of the existing streets and alleys indicates that the Pacific Coast Highway island offers some opportunities by changing some of the circulation patterns to accommodate "clustering" of commercial structures. The alleys could be secondary access ways to the commercial areas as well as act as bikeway and/or pedestrian linkages.

Future Streets - The future street alignment within the Pacific Coast Highway corridor includes the following two proposals:

- o The eastern extension of Del Prado to Pacific Coast Highway forming a one-way couplet with the existing Pacific Coast Highway carrying the traffic west and Del Prado carrying the traffic east.
- o The extension of Golden Lantern south through the Lantern Bay sector to Del Obispo in the Marina Sector as per the Master Plan of Arterial Highways.

Utility Poles and Streetlighting - The location and type of utility poles and streetlighting were analyzed. The current inventory is as follows:

- o Utility pole 15
- o Utility pole with a streetlight fixture 20
- o Streetlight on a standard pole 8

The Pacific Coast Highway scenic quality is diminished with the existence of the utility poles and overhead lines. The utility poles with attached streetlighting fixtures have a "tacked on" appearance and do not act as assets in forming a quality scenic corridor image.

Signage - The signage evaluation of the Pacific Coast Highway corridor included the identification and inventory of 18 billboards.

Public signs and graphics were found to be more street clutter than directional. Major gateway signs to Dana Point proper were found to be nonexistent, undersized or in the wrong location.

Unique Landform

Prominent topographic features of the Dana Point subarea includes the Dana Point Headlands, the coastal bluffs and Doheny Beach (Figure 5). The coastal bluffs which extend easterly from the Dana Point Headlands drop vertically 100 feet and separate the Dana Point Community to the marina area. The bluffs have been visually marred by past grading activity in the area easterly of the Street of the Golden Lantern.

Architectural Character

The Pacific Coast Highway commercial area is characterized by a mixture of newer and older low rise structures. New development is generally well-designed but lacks unifying thematic elements. Some buildings of architectural significance are located in the Pacific Coast Highway commercial area and also in the area near Santa Clara Street.

The Dana Point Harbor area is oriented toward tourism and recreation with shops and restaurants in a wood and heavy timber motif.

The urban design of the area is oriented toward the automobile. Pacific Coast Highway and the Dana Point Harbor parking facilities contrast with the pedestrian-scale produced by some of the individual tourist, recreational and commercial facilities. The area lacks repetition of detail which could provide a more pedestrian or human oriented scale.

Landscape Character

The landscape character of Dana Point is composed primarily of the dominant elements of landform, primarily the steep bluffs and headlands, and the Harbor and coastline. Developed areas in Dana Point lack repetition of both vegetation and architectural detail which could enhance community identity. The low rise development contrasts with the coastal sage covered undeveloped areas, but is harmonious with and dominated by the unique landform and coastline of the area and by the large marina facilities.

b. Issue Analysis

Major issues raised by Section 30251 of the Coastal Act include: the protection of ocean and scenic coastal views and, where feasible, the restoration and enhancement of visual quality in degraded areas; visual compatibility of development with the character of surrounding areas; and the minimization of landform alteration. The recommendations of the Dana Point Specific Plan address the overall character and appearance of the Dana Point community and thus implement this section of the Coastal Act.

With regard to the protection of scenic coastal views, the specific plan calls for a continuous bluff top walk and lookouts, ensuring coastal views from the Headlands to Lantern Bay. In addition, the Dana Point Specific Plan contains a policy which includes the enforcement of a 28-foot height limit (with some exceptions) for new development on the oceanward side of Pacific Coast Highway to protect coastal views from Pacific Coast Highway.

The specific plan will restore visually degraded areas such as the unkempt parking lots in the La Plaza sector, the billboards and vacant parcels along Pacific Coast Highway, and the lack of unifying aesthetic features throughout the Dana Point area by the implementation of the Scenic Highways and Community Design Elements of plan.

Residential neighborhoods will have several unifying features including paving, lantern-type street lighting, and other street furniture. The major commercial districts will have a New England/nautical design theme. Furthermore, the Capistrano Valley Land Use Element Supplement, the Dana Point Specific Plan (Headlands Sector Policies), and the Orange County Subdivision Code (hillside design guidelines) contain policies or standards designed to ensure the compatibility of new development with the character of the natural and built environment. A copy of the relevant portion of the Orange County Subdivision Code is included in the appendix for reference purposes.

c. Policies

1. To ensure land uses within designated scenic highway corridors are compatible with scenic enhancement and preservation. (Land Use Element, page 18)
2. To protect the County's visual amenities and historical values through the permanent preservation of scenic areas as open spaces. (Conservation Element, page III-4)
3. Public ownership of notable landmarks, geologic features and vista sites should be achieved through the selection of park sites, institutional grounds, etc., whenever possible. (Conservation Element- Scenic Area Management Guideline Number 4b, page VI-9)
4. Development of new design standards for roads in hillside areas, including bridge and tunnel alternatives to cut and fill, and the elimination of harsh geometric lines in alignment and terrain modification needs to be undertaken. (Conservation Element Scenic Area Management Guideline Number 4c, page VI-9)
5. A master plan for the undergrounding of utilities should be prepared and a study of the feasibility of combining utility easements to avoid disfiguring use of land initiated. (Conservation Element Scenic Area Management Guideline Number 4d, page VI-9)
6. Use of the Land Conservation Act, scenic easements or open space easements should be pursued to preserve scenic areas or vista sites. (Conservation Element Scenic Area Management Guideline Number 4e, page VI-9)
7. To determine requirements; plan or assist in the planning for, and assume management responsibility when appropriate for open space areas used for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, greenbelts, banks of rivers and streams, trails and scenic highway corridors. (Scenic Highways Element, page VI-8)
8. Scenic highways developed by the County shall benefit the entire County. (Scenic Highways Element, page 31)
9. Plans for scenic highways shall be integrated with open space plans as they are developed. (Scenic Highways Element, page 31)

10. Scenic highway corridors shall be designed to maximize the compatible multi-purpose objectives of open space planning such as recreation, conservation, public health and safety, and preservation of scenic-aesthetic amenity. (Scenic Highways Element, page 31)
11. The scenic highway should traverse areas of relatively high aesthetic, recreational or cultural value which may include such features as: lakes, streams, creeks, rivers, wetlands and other bodies of water; unusual geologic formations; outstanding scenic vistas; exceptional pastoral views or mountain scenes; notable urban scenes; and cultural and historical features offering enjoyment and edification for the motorist. (Scenic Highways Element, page 31)
12. The scenic corridor plan should not provide impetus for other forms of development detrimental to the values of the scenic highway corridor. (Scenic Highways Element, page 31)
13. Construction of the scenic highways should be subordinate to the scenery; in rural areas, scenic vistas and views should be protected; in urban areas, man-made landscapes should be created as well as protecting sites with distinct urban vistas. (Scenic Highways Element, page 31)
14. The scenic highway should be linked, when possible, to regional parks, trails, wildlife areas and historical sites, greenbelts and other recreation-open space areas without being detrimental to them. (Scenic Highways Element, page 31)
15. Where possible, scenic highways should be connected to State Scenic Highways and other scenic highways to form a linked system. (Scenic Highways Element, page 31)
16. In urban, or urbanizing areas, consideration should be given the design of the scenic highway and its corridor as a buffer between communities and as an open space link between other open space and recreation areas. (Scenic Highways Element, page 31)
17. To preserve and enhance the skylines of the area and blend development into the topography. (Capistrano Valley Area Land Use Element Supplement, page 1)
18. To avoid mass grading on the ridges. (Capistrano Valley Area Land Use Element Supplement, page 2)
19. To encourage cluster-type housing in areas planned for hillside development. (Capistrano Valley Area Land Use Element Supplement, page 2)

20. To develop an ordinance or regulation which would allow developers increased densities and/or more flexible development standards in exchange for additional permanent open space. (Capistrano Valley Area Land Use Element Supplement, page 4)
21. To recognize that the County shall not be favorably inclined toward consideration of applications for variances of parking requirements, setbacks, hillside design criteria or signs in the Dana Point headland area designated as Tourist Recreation/Commercial. (Capistrano Valley Area Land Use Element Supplement, page 9)
22. To require that any zoning, site plan or any land use project subject to a conditional use permit shall consider the unique historical nature of the area, the visual prominence of the property and the concerns of existing residents and property owners in the Dana Point headland area designated as Tourist Recreation/Commercial. (Capistrano Valley Area Land Use Element Supplement, page 9)
23. Residential communities are encouraged to consider high net densities that will provide large expanses of open space. (Capistrano Valley Area Land Use Element Supplement, Land Use and Community Design Development Guideline Number 1, page 2)
24. Architectural solutions that work in harmony with nature and/or conserve energy are encouraged and where alternatives are available trade-offs should be identified. (Capistrano Valley Area Land Use Element Supplement, Land Use and Community Design Development Guideline Number 3, page 2)
25. Development on hillside areas should be limited to areas of lesser visibility in order to retain the visual relief afforded by natural vegetation. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 3, page 5)
26. Where development is planned in areas having severe terrain, individual site constraints should be recognized and specific design treatment utilized. (Capistrano Valley Area Land Use Element Supplement, Public Health and Safety Development Guideline Number 11, page 7)
27. Dana Point Specific Plan Scenic Highways Element (pages VIII-1 to VIII-12). Refer to Exhibits 22 and 23 and Appendix A of the Dana Point Specific Plan.

a. Major Community Entrances

1. Provide gateway markers identifying Dana Point at the major entrances to the community.
2. Development Guidelines:
 - A-1: The gateway marker should be of sufficient graphic size to be viewed from a moving vehicle.
 - A-2: The gateway marker should contain the words "Dana Point" and a community logo with appropriate color scheme.
 - A-3: The gateway marker, if appropriate, should have lighting and landscaping in accordance with those subject guidelines.

b. Landscape Character

1. Develop a landscape planting scheme which emphasizes the major gateways to the community and the urban character of the Pacific Coast Highway commercial areas.
2. Mitigate the visual impacts of the exposed cut slopes by planting ground cover on them.
3. Integrate special activity nodes such as the La Plaza sector into the Pacific Coast Highway scenic corridor.
4. Development Guidelines:
 - B-1: The gateway landscaping should be of a random and loose design of rural character.
 - B-2: The median tree planting should consist of one flowering species of tree as per the Orange County Master Street Tree List." This flowering tree would act as a "theme" or "image" tree for Dana Point; a suggested species would be the coral tree (Erythrina spp.).
 - B-3: The parkway trees should be of a species that would not completely screen the commercial signing and advertising from the passing motorist.
 - B-4: The ground cover on the cut slopes should be of a low maintenance variety and whose color and texture would blend in with its surrounding environs.

B-5: The landscape planting shall be selected from the Dana Point plant palette (refer to Appendix A of the Dana Point Specific Plan).

c. Street Furniture

1. The street furniture in the community should be of a consistent and coordinated design.
2. The street furniture concept should relate to the elements formed in special function areas, such as the La Plaza sector (proposed to be renamed as Richard Henry Dana Centre).
3. The community should adopt a graphic symbol or logo which identifies Dana Point. It should be consistent in color and design.
4. Billboards within the Pacific Coast Highway corridor are not consistent with the goals and objectives of the scenic highway element. Elimination of billboards from Del Obispo Street west to Street of the Blue Lantern should be given top priority relative to all billboards located along Federal Aid Primary Highways.

5. Development Guidelines:

- C-1: The signing should respond to driver perception criteria, such as distance, speed and core of vision.
- C-2: The public signs, where possible, should be consolidated and organized on common sign frames.
- C-3: The community logo should appear on various public signs where appropriate (e.g., street signs, gateway markers).
- C-4: Provision should be made for environmental graphics such as banners and flags for special events in conjunction with lighting standards and flagpoles.
- C-5: Traffic control devices and directional signing should be consolidated if an opportunity exists.
- C-6: Key intersections such as the Pacific Coast Highway and Street of the Golden Lantern should have special paving indicating crosswalks.

d. Streetlighting and Utilities

1. Provide adequate streetlighting within the community in conformance with American National Standards Institute (ANSI) and the Orange County standard plans.
2. Encourage the use of energy-efficient lamps.
3. Develop a lantern theme for the Pacific Coast Highway corridor.
4. Where feasible, utility poles and lines should be underground.
5. Development Guidelines:
 - D-1: In the commercial sections of the Pacific Coast Highway corridor, the spacing of the 400-watt high pressure sodium vapor lamps luminaries should be 180 feet.
 - D-2: The intersections should have one luminary on each corner.
 - D-3: The lantern theme for the public lighting of the Pacific Coast Highway corridor should have a consistent design.
 - D-4: The lighting theme within the private sector, such as commercial areas, should be encouraged to continue the lantern theme.

e. Parking and Access

1. Consolidate parking, where appropriate, to eliminate the number of ingress and egress points onto Pacific Coast Highway.
2. Landscape the parking areas to form an attractive commercial environment.
3. Development Guidelines:
 - E-1: Consolidate parking between different ownerships by providing vehicular access between them.
 - E-2: Landscape the areas with shade trees to form "mini forests" within an urban setting.
 - E-3: Clearly mark parking areas with adequate signs and graphics.

E-4: Develop pedestrian access ways from the parking areas to the commercial establishments.

f. Land Use

1. Follow the land use element guidelines outlined by the Dana Point Specific Plan.
2. Maintain a two-story height limitation (with some exceptions) within the Pacific Coast Highway corridor.

28. Dana Point Specific Plan Community Design Element (pages IX-1 to IX-6). Note: Refer to Exhibits 25 to 30 and Appendices A and B of the Dana Point Specific Plan.

a. Pacific Coast Highway and Street of the Golden Lantern

1. Develop Pacific Coast Highway corridor as per the recommendations proposed in the Specific Plan Scenic Highway Element.
2. Develop Street of the Golden Lantern as a community image corridor with consistent landscaping theme, signing and street furniture design.

b. Bluff Edge from the Dana Point Headlands to Doheny State Beach

1. The bluff top walk should connect to the regional trail entering the Dana Point Headlands from Laguna Niguel.
2. The bluff top walk should connect to Doheny State Park, a regional recreation area.
3. The bluff top walk should link to the proposed open space proposals in the Dana Point Headlands southwest of Cove Road; the Lantern Bay lookout park; and the existing and proposed lookout points.
4. In the tourist recreational commercial areas, the bluff top walk should be integrated into the design of the commercial complexes to assure continuous pedestrian access along the bluff.

c. Street of the Golden Lantern Pedestrian Trail

1. Provide landscaping for the pedestrian trail that would be in keeping with the Street of the Golden Lantern theme.
2. Provide a linkage to adjacent open space uses such as the proposed minipark on La Cresta Drive and the Lantern Bay lookout park.

d. Community Entrances

1. Provide community entrance markers identifying Dana Point at the Stonehill Drive gateway and the northern gateway.

e. Residential Neighborhoods

1. All neighborhoods, where feasible, should relate to the overall community design of a consistent theme vocabulary to include:
 - o Lantern design for streetlighting (if retrofitting is practical and financially feasible)
 - o Street signing (where this is found to be practical and feasible)
 - o Paving and landscaping
 - o Street furniture such as benches, trash receptacles, planters and kiosks
2. All neighborhoods, where feasible, should have underground utility lines and continue underground utility lines in future developments.
3. The Santa Clara neighborhood sector should continue to maintain the significant architectural and historical structures.
4. Provide landscape buffers between residential and public uses such as bluff top walks, lookout parks and parking lots.

La Plaza Sector

1. Develop the La Plaza sector as a neighborhood-oriented center similar to a town center or village square.
2. Rename the La Plaza to Richard Henry Dana Centre.

3. Establish a New England Village theme for the development of the La Plaza.
4. Include a design vocabulary based upon the historical presence of Richard Henry Dana and his experiences and the design theme principles of a New England village.
5. Maintain existing community uses and structures; incorporate these existing uses into the design theme.
6. Provide adequate parking for the projected facilities.
7. Provide a tot lot/play area within the Richard Henry Dana Centre.
8. Provide facilities for elderly members of the population.
9. Provide outdoor eating areas and other amenities such as fountains and outdoor sculpture.
10. Development Guidelines:
 - o Land Use Concept: Exhibit 25 of the Dana Point Specific Plan indicates the general land use concept of the New England village. In the center is the rectangular village green with retail and commercial uses surrounding the village green. Office uses are proposed for the north end of the Centre and the parcels facing Street of the Golden Lantern and Street of the Violet Lantern. Joint uses such as retail on this ground floor and office above should be encouraged.
 - o Architecture and Materials:
 - Architecture: Typical late 17th and early 18th century architecture of the New England seacoast villages such as Salem, Newburyport and New Bedford.
 - Roof Lines: Steep roofs in various configurations with dormers or gables on the upper floors.
 - Materials: Wood frame construction with horizontal overlapped wood siding or shingles.

- Porches: Porches were utilized in many of the New England commercial structures, especially eating places such as taverns. These porches may be integrated into the design theme as outside eating areas.
- Color: The following are the recommended building and trim colors:

<u>Building Color</u>	<u>Trim Color</u>
cool gray	white or black
cool blue	white or black
cool green	white or black
lead red	white
white	black or green

- Details: 1) Fenestration: multiple panes; however, large panes should be allowed. 2) Shutters around windows.
- o Village Commons and Courtyards: The village commons or green central is the focus of the development in the commercial complex. The commons should remain rectangular in shape and contain the following activities:
 - Small tot lot/play area
 - Landscaped areas
 - Focal point such as a bandstand, sculpture and/or fountain
 - Commercial gateway building
 - Public transit stop

Courtyards should be formed between the retail and office functions with pedestrian walks connecting all the uses.

- o Pedestrian Circulation: Provide pedestrian access between buildings at specified locations to ensure proper connections between the village commons, retail and office functions, courtyards and parking areas.
- o Landscape Architecture and Materials:
 - Planting Materials: Provide similar trees and shrubs compatible with the New England village theme as designated by the Dana Point plant palette. Screen and buffer the

residential uses on the north from the commercial activities.

- Paving: The public walkways should be of textured concrete to simulate brick or cobble. In addition, the private walkways could use additional paving materials such as brick, wood planks or concrete.

- o Signing and Graphics

- Entrance Sign: An entrance sign should be placed at the entrance adjacent to Pacific Coast Highway.
- Commercial Sign/Graphics Design: The signs within the village complex should be limited in size and use the suggested type face design in Appendix B of the Dana Point Specific Plan.

- o Lighting: The village lighting fixture should be of a distinctive lantern design.

- g. The character and appearance of a commercial building which is consistent with the design theme for the Centre is depicted by Exhibit 27 of the Dana Point Specific Plan. That building is to be constructed in the Richard Henry Dana Centre and should act as a catalyst for future development consistent with a New England design theme.
- h. Avenue offer opportunities to establish a community design theme which would reinforce the one selected for La Plaza (i.e., Richard Henry Dana Centre). One area, in particular, is thought to possess an opportunity for a continuation of a "New England Design Theme" or other similar theme anchored by the nautical, seacoast, fishing, or sailing images. This one area is shown in Exhibit 28 and was chosen because of its proximity to the Richard Henry Dana Centre, number and extent of vacant parcels, current development having compatible architectural styles, and the potential for a focused design in the proposed neighborhood commercial site of the Lantern Bay Project Sector.
 1. The area depicted in Exhibit 28 should be subject to community design guidelines.
 2. The community design theme for the area shown in Exhibit 28 should be "New England", as described earlier for the Richard Henry Dana Centre, or a

similar and compatible design that is "nautical" in image and intent.

3. New development, within the area outlined in Exhibit 28, should conform to the design themes mentioned in item 2 above. Exhibit 29 depicts proposed development within the design theme area this is consistent and compatible with a New England or nautical image.
4. When remodeling or renovation is made to existing developments, it should conform to the design themes mentioned in item 2 above. Exhibit 30 shows the appearance of a remodeled commercial building located along Del Prado Avenue and within the design theme area.

i. Lantern Bay Sector

1. The design theme of the community commercial use in the Lantern Bay sector should be compatible with that of the Richard Henry Dana Centre.

j. Marina Sector

1. Continue the current design standards on future marina development.
2. Explore the feasibility of a pedestrian connection from the Old Hotel site to the Marina Sector.

k. Dana Point Headlands Sector

1. The development of the Dana Point Headlands Sector should assure preservation of significant topographic and geographic features.
2. The significant view corridors shall be preserved and integrated within the development.
3. The development proposal shall include provision for lookouts and a bluff top walk (as previously discussed).

29. Dana Point Specific Plan Headlands Land Use Policies
(Pages IV-21 to IV-24)

- a. Those ocean view corridors currently available along the conceptually proposed Selva Road will be maintained. (Area A, page IV-21)

- b. When developed, the highest elevation point along the major ridgeline will be maintained as a public vista area. (Area B, page IV-22)
 - c. Development will reflect logical and compatible transitions to other adjoining development areas; particularly to the north, where the site adjoins the AVCO Coastal Properties. To this end, development types may vary, but architectural and landscaping principles will be utilized to allow protection as well as consistency of development. Open space and circulation systems will also be integrated. (Area B, page IV-22 Policy 3)
 - d. Lower profile and detached residential development will be located in the lower portions of the "bowl" where ocean views are limited, with higher intensities stepped-up on the higher elevations of the bowl and ridgeline. (Area B, page IV-22)
 - e. The major landform of the ridge and sloping bowl area will be respected in future development proposals by using the Orange County Hillside Development Standards and sensitive architectural forms. (Area B, page IV-22)
 - f. A point of land overlooking the harbor will be available and accessible to the public. This plaza is intended to be at the terminus of the cascading commercial uses, providing an opportunity for harbor viewing and public gathering. (Area E, page IV-23)
 - g. Development will attempt to minimize obstruction of selected ocean view corridors. Primary consideration for maintaining viewing opportunities will be emphasized adjacent to the future alignment of Selva Road. (Area D, page IV-23)
30. Dana Point Specific Plan Local Coastal Program Policies
- a. Turnouts for automobiles will be provided along Scenic Drive at key vista points. (Access, page V-6)
 - b. All streets will be designed to minimize landform alterations. Where feasible, vertically split sections may be utilized to maximize views and reduce grading requirements.
 - c. A 35-foot height limit on the oceanward side of Pacific Coast Highway in the Dana Point LCP segment will be imposed, with the exception of Subareas D and E of the Headlands Sector, as depicted in Exhibit 2.

6. Cultural/Scientific Resources

a. Existing Conditions

Archaeology

Much of the area has been surveyed for archaeological resources, and numerous sites have been located and recorded. However, most of Dana Point has been developed or the ground surface disturbed. Downtown Dana Point, for instance, may have been a major prehistoric use area at one time, but is now severely disturbed. There are still segments of the area which have not been surveyed by a qualified archaeologist and new sites may be discovered by future surveys.

A review of County cultural resource files indicates that an archaeological site in the project area might include semi-permanent camps where such activities as cooking, eating, sleeping, equipment repair, food storage and food processing were performed, or task camps, where raw materials were available for collection and production. Sites tend to occur on large, relatively flat areas, usually on high ground, and near permanent sources of water.

The Capistrano Valley Circulation Study EIR (No. 050) indicated a number of potentially sensitive archaeological within the Dana Point and Capistrano Beach subareas. The level of significance of each site has not been determined. Consequently, each site should be considered significant until individual surveys and site investigations are conducted. The EIR further states that Indian burial grounds may exist adjacent to San Juan Creek. However, the precise location is not presently known.

Paleontology

The Capistrano Formation, which underlies the study area, is potentially paleontologically sensitive, while the valley alluvium has been found to be less fossil bearing. Probable paleontologic features are marine mammal deposits (sharks' teeth, whale bones, etc.). Some fossils have been found in the study area, but fossils comparable in uniqueness or volume on other areas of south Orange County have not been found.

Historical Resources

Historic sites and features as well as historic architectural styles can be found in Dana Point. Some of the buildings are important in the community in that they reflect the "period revival" architecture popular between the two World Wars, when development of Dana Point got underway.

A very small number of the buildings originally planned for Dana Point were built before the 1929 financial crash delayed all development. Of those that were built, a considerable portion are in the vicinity of Pacific Coast Highway. Two sales pavillions were built, one of which still exists at the northwest corner of Del Prado and Street of the Golden Lantern. The structure itself has not been altered since the 1920's. The winery located at the point where Pacific Coast Highway and Del Prado meet at the south end of town was originally the real estate office of S. H. Woodruff, Dana Point's "founder."

Although an addition has been built to the rear of the structure, the original section is essentially as it was built. The Quiet Woman restaurant on the north side of Pacific Coast Highway between Street of the Amber Lantern and Serena was one of the first commercial/apartment structures built in Dana Point. Although the ground floor facade has been altered, the balconies from which men hailed the completion of Coast Highway still remain. Other structures from this period (1929) include the Strout Realty, on the north side of Coast Highway at Street of the Blue Lantern, Captain's Anchorage (1928), on the north side of Del Prado between Streets of the Amber and Violet Lanterns, the marine supply building (prior to 1928) on the south side of Coast Highway, just east of Street of the Blue Lantern; and an antique shop building (1930) located on the south side of Coast Highway, between Street of the Golden Lantern and Colegio Drive. It should be noted that the list is only a representative portion of historic structures in Dana Point and includes some structures that have been altered in such a way that their historic value is diminished.

Other historical features in Dana Point include the "Old Hotel" site in the Santa Clara sector, and a state landmark plaque/park above the marina at the north end of town acknowledging Richard Henry Dana's stay here.

b. Issue Analysis

Implementation of the Dana Point Specific Plan would have no direct impact on cultural/scientific resources in the area. Development proposals resulting from the land use designations would still be subject to Orange County Board of Supervisors Resolution No. 77866, Archaeology/Paleontology Policy. This policy stipulates that "all reasonable and property steps shall be taken to achieve the preservation of archaeological and paleontological remains, or in the alternative, their recovery, identification and analysis, so that their scientific and historical values are preserved." This ensures that both recorded archaeological and paleontological sites and sites discovered in the future will be appropriately investigated and protected.

Historical features within the Specific Plan study should be more definitively identified by a comprehensive historic and architectural survey, which may be undertaken as part of a proposed County Historic Properties Survey.

c. Policies

The Archaeology/Paleontology Policy is implemented through the County's environmental review process. The policy requires that the identification and protection of archaeological and paleontological resources involve one or more of the following methods: a) literature and records search, b) surface surveys, c) subsurface tests to determine significance and extent, d) observation by professional archaeologists or paleontologists during grading, and e) preservation by maintaining in an undisturbed condition, or excavation and salvage in a scientific manner.

Other existing policies related to Cultural Scientific Resources are identified below:

1. To identify and protect selected areas where the natural and managed resources of the County may be available for scientific and educational research. (Conservation Element, page III-4)
2. To protect the County's visual amenities and historical values through the permanent preservation of scenic areas as open space. (Conservation Element, page III-4)
3. Include geological, paleontological, archaeological and historical sites in local and regional parks when it is mutually advantageous to do so. (Conservation Element, Scientific and Educational Resource Area Management Guideline No. 7, page VII-7)
4. To consider the preservation of the area's cultural heritage and history when reviewing and approving area goals and specific developments. (Capistrano Valley Area Land Use Element Supplement, page 2)
5. Thorough archaeological surveys by competent scientists should be completed before project lands are finally planned or developed. (Capistrano Valley Area Land Use Element Supplement, Open Space and Conservation Development Guideline Number 7, page 5)

C. Transportation Component

1. Introduction

a. Coastal Act Policies

Coastal Act policies relating to transportation are found in both the public access and development sections.

Public Access

Section 30212.5. 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.

Development

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253. New development shall minimize energy consumption and vehicle miles traveled.

b. Work Program Issues

1. Maximum access to be provided.
2. Distribute public facilities to mitigate overcrowding or overuse.
3. Adequacy of public transportation system for recreational use.
4. Extent to which public works facilities can accommodate new development.
5. Allocation priority for existing and planned capacity of public works to coastal-dependent and visitor-serving commercial-recreational land uses.
6. Patterns of development necessary to minimize air pollution and vehicle miles traveled.

Many of the above issues are addressed in Volume One of this Local Coastal Program document. Discussion of regional transportation and air quality are included in a Section II, Regional Issues. A broadbased transportation/circulation plan is proposed in Volume 1 which includes the following general transportation/circulation policies.

1. Implement the arterial highway system as defined by the Orange County Master Plan of Arterial Highways.
2. Encourage utilization of public transit.
3. Increase opportunities for pedestrians and bicyclists.
4. Encourage new development which facilitates transit service, provides for nonautomobile circulation and minimizes vehicle miles traveled.

Also included is a proposal for an extensive recreational transit system for the South Coast Planning Area. All of the proposals and policies in Volume One are incorporated by reference into this component.

The Dana Point subarea of the South Coast Planning Unit includes numerous visitor-serving facilities and recreational opportunities. Dana Point harbor has 2,420 slips and the marina area offers hotels, motels, restaurants and shops. Commercial development is concentrated within the Pacific Coast Highway corridor. Some residential development is located seaward of Pacific Coast Highway as are several large undeveloped parcels.

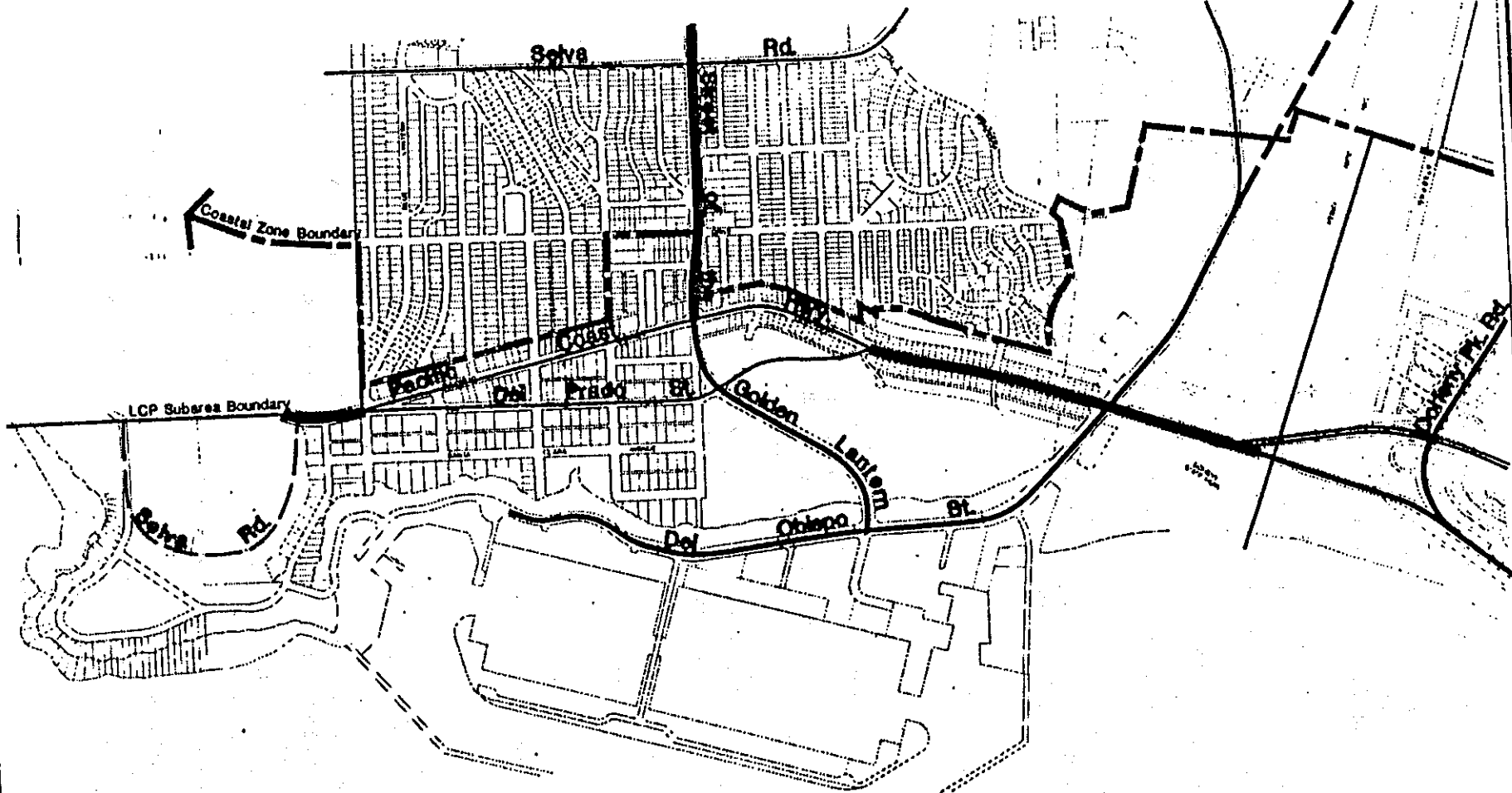
Highway circulation and parking will be addressed in this component as they relate specifically to the Dana Point subarea.

Other facets of transportation, such as transit and trails, are covered in either the regional issues section of Volume One or the access component of this volume.

2. Highway Circulation

Several arterial highways serve the Dana Point subarea. These include Pacific Coast Highway, Del Prado Avenue, Street of the Golden Lantern, Del Obispo Street and Selva Road (Figure 6). A key policy of the regional transportation/circulation plan involves the implementation of arterial highways designated on the Orange County Master Plan of Arterial Highways. This general policy is essential to the Dana Point subarea; more specific policies relating to arterial highway implementation within the subarea are included in this component.

Pacific Coast Highway is presently a major arterial from Street of the Green Lantern west to the end of the study area and from



ARTERIAL HIGHWAYS
ESTABLISHED CONCEPTUALLY

	Alignment	Proposed
Major		
Primary		
Secondary		

STATE FREEWAYS
 Constructed

MASTER PLAN OF ARTERIAL HIGHWAYS
 dana point
 figure 6

↑
 N
 1" = 1200'

SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY

COUNTY OF ORANGE

Street of the Copper Lantern southeast through the remainder of the study area.

Between Streets of the Green Lantern and Copper Lantern, Pacific Coast Highway currently exists as a secondary arterial roadway. On May 9, 1979, the Orange County Board of Supervisors approved the alignment for a "two-way couplet" with an extension of Del Prado Avenue in accordance with the current MPAH. Pacific Coast Highway between Street of the Blue Lantern to approximately Street of the Copper Lantern is to form the ultimate northbound lanes of the couplet. An extension of Del Prado Avenue easterly from Street of the Golden Lantern is to provide the route for the southbound lane within these same units. This planned extension of Del Prado Avenue is also to be constructed as a secondary roadway. The resultant couplet will be composed of two secondary roadways which will provide a level of service comparable or superior to a major arterial.

Because of the regional impact of Pacific Coast Highway, a policy relating to the implementation of the couplet is included in the Volume One regional issues section of this LCP.

Street of the Golden Lantern is presently a major arterial from Pacific Coast Highway through the study area to just north of Acapulco Drive. An extension of Golden Lantern to Crown Valley Parkway in Laguna Niguel is proposed as a major arterial highway. Street of the Golden Lantern also has a future primary designation along an established alignment south from Pacific Coast Highway to Del Obispo Street.

The northerly extension of Street of the Golden Lantern is outside the coastal zone, but its implementation as a through route paralleling the San Diego Freeway will serve as an important alternative route between Dana Point and the north. The southerly extension of Golden Lantern within the coastal zone will provide additional direct access to the marina area from the north and west, thereby lessening the heavy recreation demand placed upon the Pacific Coast Highway/Del Obispo Street intersection.

Selva Road serves as a secondary arterial roadway from Stonehill Drive to Pacific Coast Highway. An extension of Selva Road as a secondary arterial loop southwest of Pacific Coast Highway was recommended by the Capistrano Valley Circulation Study and was added to the Master Plan of Arterial Highways by the Orange County Board of Supervisors on July 6, 1978. This extension is intended to serve future development in the Headlands area as well as providing a scenic route and convenient access to coastal resources within the area.

Local Streets within the subarea will continue to link land uses taking access to them with the arterial highway system. None are intended to be developed into arterial highways or through routes.

3. Policies

Two general policies related to arterial highways are included in the regional issues section of Volume One:

- a. As new development and redevelopment occurs, all arterial highways designated on the Master Plan of Arterial Highways shall be implemented. Design and construction shall be based upon approved County Standards.
- b. In order to improve both regional and local circulation in the South Coast Planning Unit, the planned Pacific Coast Highway couplet in Dana Point shall be expedited.

Specific policies related to highway circulation within the Dana Point subarea include:

- a. In order to provide increased public access to coastal resources, both the extension of Street of the Golden Lantern from Pacific Coast Highway to Del Obispo Street and the extension of Selva Road as a loop in the Headlands area shall be implemented.
- b. All highways shall be designed to minimize landform alterations.
- c. The ultimate precise alignment for Selva Road shall involve the least amount of earthwork feasible, while attempting to maximize view potential from the roadway.
- d. Special design attention shall be given to all entry points onto Selva Road and particular attention will be paid to those entry points at Pacific Coast Highway and the existing terminus of Selva Road. In each case, entry design will be considered as elements which are integrated with the various development areas on-site.
- e. Existing Cove Road will be retained as a means of access to Dana Point Harbor and Doheny State Beach.
- f. Any vehicular connection between Selva Road and Santa Clara Avenue will be minimized through design and other means to discourage through traffic from reaching the residential areas of Santa Clara Avenue.
- g. The design of circulation for development along Street of the Green Lantern will reflect the limited right-of-way and capacity of the street.
- h. Development will be compatible with existing commercial uses along Street of the Green Lantern, and will represent a transition to development along the ridgeline and Coast Highway.

- i. Certain arterial highways shall be identified as transit routes; high density development should be concentrated along these routes; a convenient pedestrian access should be provided to transit stops.
- j. Turnouts, benches and shelters shall be provided, as appropriate, at bus stops in order to maximize the safety, comfort and convenience of transit passengers.

3. Parking

The Dana Point Parking and Traffic Study, completed in December, 1978, encompassed an area bounded by Selva Road on the north, Calle La Primavera on the east, Pacific Coast Highway on the south and Laguna Niguel on the west. Originally most of the study area was within the coastal zone. However, since its completion, all but the area immediately adjacent to Pacific Coast Highway and within La Plaza were deleted from the coastal zone limits of the Dana Point subarea. Nonetheless, many of the study's conclusions remain relevant to this LCP. They include:

a. Residential Parking Supply & Demand

The defined parking shortages in parts of the study area were created by inadequate zoning codes which have since been corrected.

Increased enforcement of on-street parking regulations will help increase the availability of needed on-street spaces.

b. Commercial Parking

Adequate parking for existing commercial uses is available.

c. Land Use Regulations

The current County regulations are generally adequate and will ensure that future development will provide sufficient onsite parking. Therefore, no major zoning amendments are warranted.

Increased code enforcement efforts would reduce the number of garages being used illegally for storage. However, this type of enforcement is difficult and time consuming, and the results may not justify the expenditure of time or money.

d. Development

New development in the study area, based on existing zoning regulations, should not adversely impact the existing parking or traffic movement situation.

The study's conclusion that current County zoning regulations should prove adequate to ensure sufficient on-site parking for

new development is relevant beyond the study area, at least as it affects similar land uses, especially residential, within the Dana Point subarea. However, since the coastal zone includes much more extensive commercial, tourist-recreation commercial and open space land uses, additional emphasis needs to be placed upon parking facilities for these uses.

Commercial development within the Dana Point Community designed to serve both residents and visitor, is concentrated along the Pacific Coast Highway corridor. Parking problems in this area tend to impact traffic flow on the highway. It is, therefore, essential to provide both adequate onsite parking facilities and facilities which minimize the number of access points to the highway. Parking at recreation and open space areas needs to be designed to accommodate a reasonable level of demand while, at the same time, minimizing the impact upon the activity or site itself. Unlimited parking opportunities cannot be provided adjacent to coastal resources so as to satisfy peak demand. Facilities will be provided based upon approved County standards. Unmet demand will be served not by additional parking facilities but through the provision of alternative access opportunities: via transit, bikeways or hiking trails.

Policies

Two general policies related to parking are included in the regional issues section of Volume I. They are:

1. Adequate parking shall be provided in close proximity to each recreation and visitor-serving facility.
2. All new development and redevelopment projects shall meet all off-street parking requirements of the Orange County Zoning Code.

Specific policies related to the Dana Point segment include:

1. Parking facilities within commercial areas that front Pacific Coast Highway and Del Prado Avenue extension shall be clustered so as to minimize highway access points. Parking areas shall be landscaped with shade trees, provide adequate signing and identification and include pedestrian accessways from parking areas to destination points.
2. No additional commercial development shall be approved in the La Plaza commercial area until prospective project developers submit to the County a comprehensive parking plan designed to meet all approved County standards.
3. Within the Dana Point Headlands, parking shall be provided adjacent to Selva Road and connected with bluff top walks and

open space areas via clearly marked trail systems. Parking shall be discouraged in designated open space areas.

4. Turnouts for motor vehicles will be provided at key vista points along the scenic drive portion of Selva Road.
5. All parking facilities shall be designed to include safe and secure parking for bicycles.
6. Transit service and pedestrian/bicycle trails shall be encouraged (through policies provided in the component and in Section II of Volume I) in order to reduce the demand for parking.
7. Development within the Dana Point Segment that requires a Coastal Development Permit shall be responsible for improvements to Pacific Coast Highway necessary to mitigate the impacts of any incremental increase in traffic on Pacific Coast Highway generated by such development. Such improvements may include intersection improvements, construction of off-street community parking facilities, signal interconnect systems, grade separated crossings for vehicles and pedestrians, restriping of lanes or increased transit opportunities. Improvements may be required along any portion of Pacific Coast Highway between Laguna Beach and San Clemente and may include improvements on intersecting arterials in the vicinity of Pacific Coast Highway. The mechanism to implement this policy may include conditioning permits to require improvements, payment of in-lieu fees, special assessment district or any other method deemed appropriate by the Director of the Environmental Management Agency and the Board of Supervisors. In the development of implementing mechanisms, affected project proponents shall be consulted.

D. Access Component

1. Introduction

Historically the shoreline has been recognized as a valuable resource to be shared by all people. The doctrine that tidelands are held in public trust is embodied in the Commerce Clause of the United States Constitution and has been interpreted by the Courts as giving the public the right to use the Nation's navigable waters. In California, the Constitution guarantees the public right to coastal access. Article 10, Section 4 of the California Constitution states that:

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right-of-way to such water whenever it is required for any public purpose, nor to destroy or

obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

a. Coastal Act of 1976

The Coastal Act of 1976 declares that one of the basic goals of the State for the coastal zone is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners (Section 30001.5)". The Coastal Act contains policies which require that the existing legal rights of public access to the coast be enforced, and that reasonable requirements for public access be established in new developments along the coast. Furthermore, the Coastal Act requires that recreational use of the oceanfront be protected and that support services for recreational visitors be protected and provided, including lower cost services. The purpose of this component is to implement the Coastal Act policies related to shoreline access and visitor-serving and commercial-recreational facilities by applying them to the particular characteristics and needs of the Orange County coastline.

The Coastal Act policies related to shoreline access and visitor-serving and commercial-recreational facilities include the following:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution; maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquire through use, or Legislative authorization, including but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private

association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212(b). For purposes of this section, "new development" does not include:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the the floor area, height, or bulk of the structure by more than 10 percent and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or encroach by the structure.
- (4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such activity will have an adverse impact on Lateral public access along the beach.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

Section 30212 (c). Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution. (Amended by Cal. Stats. 1979, Ch. 919.)

Section 30212.5. 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.

Section 30213. Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with

the requirements of subdivision (c) of Section 65302 of Government Code.

Section 30214(a). The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
 - (2) The capacity of the site to sustain use and at what level of intensity.
 - (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and aproximity of the access area to adjacent residential uses.
 - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the the aesthetic values of the area by providing for the collection of litter.
- (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balance the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment there to shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.
- (c) In carrying out the pulic access policies of this article, the commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs. (Added by Stats. 1979, Ch. 919)

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

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

Section 30222. The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial developments, but not over agriculture or coastal-dependent industry.

Section 30223. Upland areas necessary to support coastal recreational uses shall be preserved for such uses, where feasible.

Section 30250(c). Visitors-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors (amended by Cal. Stats. 1979, Ch. 1090).

b. Work Program Issues

1. Maximum access to be provided.
2. Conspicuous posting of access sites.
3. Vertical and Lateral access to shoreline.
4. Access policing and maintenance.
5. Level of access permissible to protect environmentally sensitive habitats.
6. Recreational opportunities to be provided.
7. Distribute public facilities to mitigate overcrowding or overuse.
8. Identification of ocean front land suitable for recreational use.
9. Identification of upland areas necessary to support coastal recreation.
10. Identification of visitor-servings and commercial recreational facilities.
11. Adequacy of public transportation system for recreational use.

2. Relevant Legislation

a. Coastal Conservancy Act

The California legislation passed the Coastal Conservancy Act in 1976--thereby establishing the State Coastal Conservancy.

The Conservancy was given a principal role in implementing a system of public accessways to and along the State shareline, chiefly through provision of funds to acquire and develop public coastal accessways.

b. Federal Coastal Zone Management Legislation

Federal coastal management legislation places a national priority on improving access to the coastline. Federal Funds have supported the Coastal Commission and local government planning work and will be used to improve accessways through the Conservancy Success Grant Program.

c. Coastal Access Program

Provision of new public accessway is a complicated process that involves many agencies whose responsibilities are fragmented or unclear. Different and often conflicting statutes may apply. Funding is a constraint despite Conservancy efforts. Furthermore, over 1,000 new accessways resulting from Coastal Commission permit actions cannot be opened for public use until an agency or private association assumes responsibility for maintenance and liability.

Legislation adopted in 1979 (AB 989-Kapiloff) transfers responsibility for preparation of a comprehensive access program from the State Department of Parks and Recreation to the Coastal Commission and the Coastal Conservancy. This program requires coordination among local, State and federal agencies responsible for purchase, development and maintenance of public coastal accessways, and calls for maximum public access opportunities. The new coastal access program legislation also mandates preparation of an inventory of all existing coastal access points, a list of access dedications not yet accepted by public agencies, provision of information and whether access is currently available and what action is necessary to accomplish actual public use. In addition, both the Commission and Conservancy are directed to prepare standards for accessway location and development.

The Coastal Commission issued its first edition of the inventory on June 30, 1980. The inventory consisted of computerized listings of accessways and accompanying maps to be kept current and to be made available at all Commission offices.

The Commission must identify public agencies best suited to accept and manage accessways and must suggest innovative methods for financing their operation and maintenance. The legislation authorizes designated agencies (such as cities and

countries) to apply for Coastal Conservancy grants for developing the sites.

Bill SB 751-Keene (1979) directs the Coastal Commission to prepare a coastal accessway guide that lists public access locations, rules for using accessways and measures to prevent trespassing onto and damage to adjacent private property. Also, the guide is to include historical and natural resources information. This access guide (or atlas) will be published in Summer, 1981.

3. Orange County Recreational Needs and Regional Parks Study

As discussed in Volume I, the Orange County Recreational Needs and Regional Parks study was undertaken to determine recreational needs throughout Orange County. This study specifically estimated demands for particular recreational activities and public facilities available at three particular times (1977, 1985, 1995) to satisfy such demand. Degree of surplus as deficiency of public facilities was projected based upon this information. Specific definitions for the scale used in the analysis are as follows:

Major Surplus - 200+ percent of the demand allocated can be accommodated.

Moderate Surplus - Between 110 percent and 199 percent of the demand allocated can be accommodated.

Approximate Balance - Between 90 percent and 109 percent of the demand allocated can be allocated.

Moderate Deficiency - Between 50 percent and 89 percent of the demand allocated can be allocated.

Major Deficiency - Less than 50 percent of the demand allocated can be accommodated.

The Dana Point subarea is located within the Community Analysis Area 66 of the Orange County Recreation and Regional Parks Study. Information pertaining to the supply-demand ratio for the 22 identified recreational activities is shown on Table 1.

4. Definitions

- a. Lateral Accessway: Lateral accessways represent areas of land that provide public access along the water's edge.
- b. Vertical Accessways: Vertical accessways represent areas of land that provide a connection between the first public trail or use area nearest the sea, and publicly owned tidelands or established lateral accessways.

- c. Upland Trails: Upland trails represent areas of land that provide public access along a shoreline bluff or along the coast inland from the shoreline. An upland trail also can provide access from first public road nearest the sea to a scenic overlook or to another upland trail paralleling the shoreline.
- d. Upland Recreation Areas: Upland recreation areas represent areas of land which provide recreational opportunities along a shoreline bluff or along the coast inland from the shoreline.
- e. Shoreline Recreation Areas: Shoreline recreation areas represent areas of land or tidelands that provide recreational opportunities along the shoreline.
- f. Scenic Overlooks: Scenic overlooks represent areas of land that provide the public a unique or unusual view of the coast.
- g. Coastal Bikeways: A coastal bikeway is a facility specifically designated to provide access to and along the coast by bicycle trails as classified in Section 2373 of the Streets and Highways Code. A Class I Bikeway (Bike Path or Bike Trail) provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized. A Class II Bikeway (Bike Lane) provides a restricted right-of-way in the established paved area of highways designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but motor vehicles parking and cross-flows by pedestrians and motorists permitted. A Class III Bikeway (Bike Route) provides a right-of-way designated by signs or permanent markings and shared with pedestrians or motorists used primarily to provide a continuous link between Class I and Class II Bikeways.
- h. Support Facilities: Support facilities are those facilities that provide ease of public use and maintenance of coastal access ways. Such facilities include signs, trash receptacles, public, telephone, rest rooms, showers, and parking area.
- j. Visitor-Serving Facilities: Visitor-serving facilities are public and private developments that provide accommodations, food, and services for tourists.
- k. Commercial-Recreational Facilities: Commercial-recreational facilities serve recreational needs and are operated for private profit.

5. Inventory

- a. Upland Recreation Areas

BASE YEAR

CAA 66: DANA POINT

RECREATION FACILITY DEFICIENCY PROFILE

<u>Activity</u>	<u>1977</u>	<u>1985</u>	<u>1995</u>
Powerboating			
Sailing			
Ocean/Lake/River Swimming			
Surfboarding/Scuba			
Waterskiing			
Fishing			
Pool Swimming			
Tent Camping			
R. V. Camping			
Off Road/All Terrain Vehicle Driving/Riding (Dedicated Area)			
Hiking/Mountaineering			
Golfing			
Horseback Riding (Dedicated Trails)			
Bicycling (Dedicated Trails)			
Tennis			
Racquetball/Handball			
Jogging (Dedicated Trails)			
Skateboarding (Dedicated Trails)			
Picnicking			
Playing Outdoor Games			
Beach Visitation (General)			
Park Visitation (General)			

Supply/Demand Ratio

- Major Surplus
- Moderate Surplus
- Approximate Balance
- Moderate Deficiency
- Major Deficiency

As shown on Figure 7, the Dana Point area presently contains a number of upland recreation areas. A description of each upland recreation area park is presented below.

Del Obispo Park

Del Obispo Park is located between Del Obispo Road and San Juan Creek, north of Pacific Coast Highway. Three baseball diamonds equipped with bleachers and backstops are available at the park as well as rest rooms and 60 parking spaces. Del Obispo Park is maintained by the Capistrano Bay Parks and Recreation District.

Blue Lantern Lookout Park

Blue Lantern Lookout Park is located at the southerly terminus of Street of the Blue Lantern, above the bluffs of Dana Point. The park contains a gazebo, benches, rest room facilities, and parking spaces. The park provides a panoramic view of the marina, Cove Road and the Orange County coastline southerly of Dana Point.

Blue Lantern Lookout Park is maintained by the County of Orange Harbors, Beaches, and Parks District.

b. Shoreline Recreation Areas

Dana Point Harbor

Dana Point Harbor is located south of Del Obispo Street, between Ensenada Place and Embarcadero Place. Dana Point is a primary harbor area for the county, with 453 acres open to the public.

Included in this site is a small county beach area, relatively undeveloped, used for sunbathing and fishing. The marine area includes 650 county-controlled parking spaces, 1,800 other spaces in association with boat-slip usage, and additional parking near the retail shops and restaurants. The harbor has slips for 2,500 boats, a boat hoist, and fifteen launching ramps. Facilities are available for boat repairs and boat rental, and fishing equipment can also be rented. Fishing is permitted along the 5,000 feet of breakwaters, along 1.3 miles of shoreline, and off-shore. Other facilities and services include lifeguards, showers, and fifty picnic tables, some with shelters and barbeques.

Doheny State Beach

Doheny State Beach is located at the corner of Pacific Coast Highway and Del Obispo.

The State Beach has a beach one and one-half miles long with an area of 64 acres. There are 1108 parking spaces at which 698 are paved and 410 are unpaved. A large number of facilities and services are available at this beach. Altogether, there are 102 overnight campsites in an area of approximately 12 acres. The large (20 acre) picnic area has 99 tables and includes a group site of one acre with a capacity of 500 persons. Additional facilities include one volleyball/badminton court, bicycle and raft rentals, fire pits/barbeque pits, changing rooms, showers, a snack bar, lifeguards, rangers, and instructional programs. Primary activities at this site include surfing, fishing (both off and on shore), swimming, scuba diving, picnicking and camping.

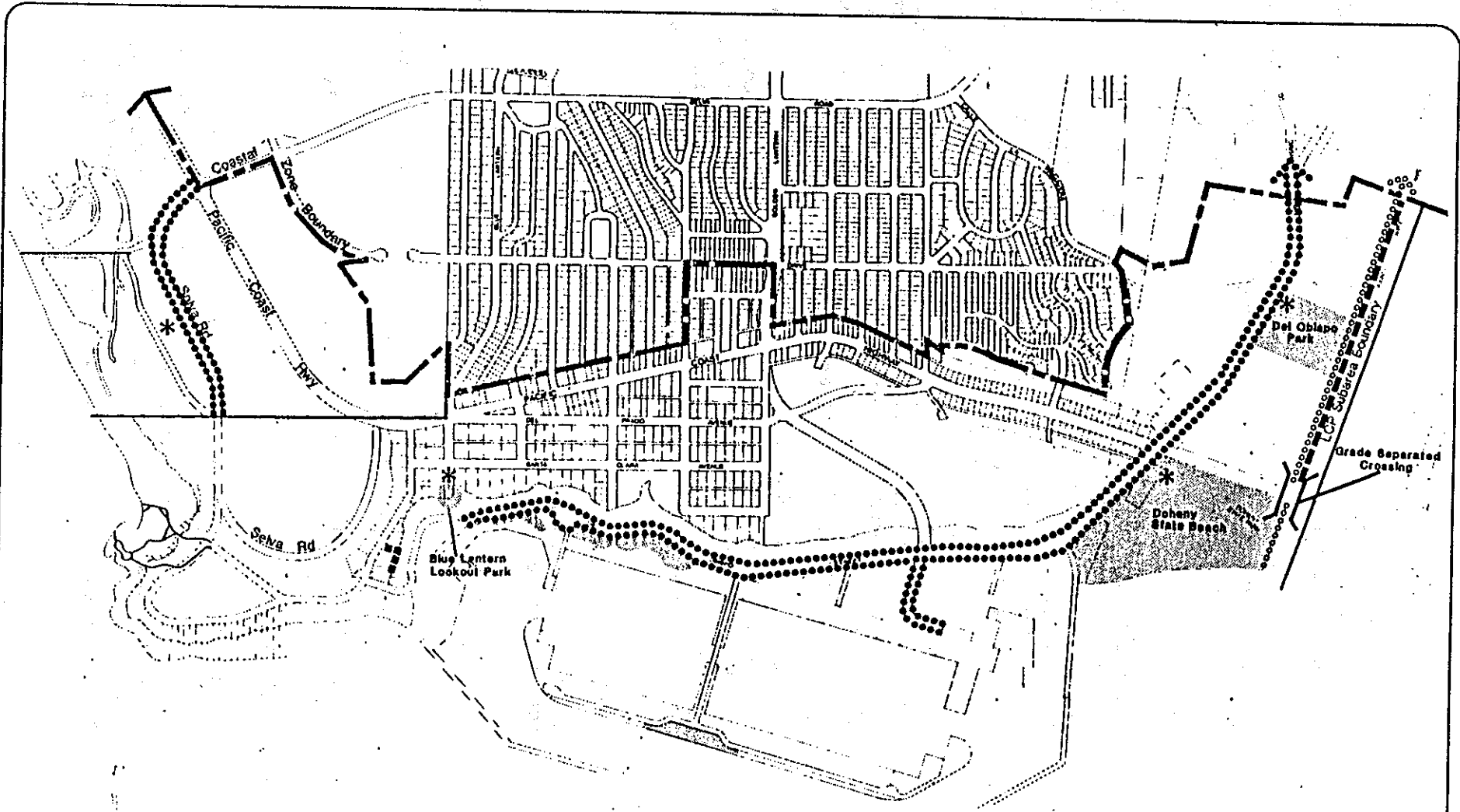
Doheny State Beach is maintained by the State of California.

c. Upland Trails

A riding and hiking trail presently exists on the westerly side of San Juan Creek, extending from Pacific Coast Highway to the northern boundary of the study area.

The Chart House restaurant, located on the easterly side of Street of the Green Lantern, south of Santa Clara Avenue, received development permit approval from the County of Orange Board of Supervisors subject to the following conditions:

1. A five foot wide access easement and an eight foot wide bluff top easement shall be offered for dedication, improved, and maintained.
2. The five foot wide access easement (with stairway) along the northerly boundary of the property shall provide pedestrian access from Street of the Green Lantern to the bluff top walkway.
3. Public access shall be provided from the bluff top walkway to the bell tower and observation point.
4. The irrevocable offer of dedication shall be properly executed and accompanied by evidence satisfactory to the County Counsel that the easements offered for dedication are free and clear of any interests which may interfere with the easements. The required access easements have been provided as shown on Figure 7 and are presently used by the public. The offer of dedication which was approved by the County Counsel stipulates that the five foot easement was offered for dedication because no alternate way for the public to gain access to the eight foot bluff top easement was available. The offer of dedication also stipulates that when the bluff top walkway is implemented on adjacent properties and allows public access to the bluff top walkway on the restaurant's property, the County



- | | | | |
|--|----------------------------|--|----------------------------|
| | Bluff Top Trail | | Class II (On Road) Bikeway |
| | Beach Trail | | Park/Open Space |
| | Riding/Hiking Trail | | Parking |
| | Class I (Off Road) Bikeway | | |

EXISTING ACCESS
dana point

figure 7



of Orange shall initiate proceedings to consider abandoning the five foot easement or terminating the offer of dedication for this easement.

The Lantern Bay and Headlands properties contain several unimproved trails presently utilized by individuals to obtain a bluff top view of the Orange County Coastline.

d. Beach Trails

Several trails are used by the public to gain access to Dana Strand beach from the Headlands area (Figure 7). The trails begin near Marguerita Avenue and Dana Strand Road and wind down the side of the bluff to the beach. The area is fully enclosed with a chain link fence and posted with no trespassing signs. However, a hole in the fence allowing access to the trail has been made by the public. The Recreational Beach Access Study (1975) described the beach trail as easy to traverse although the topography is rough. A visual inspection of the trail in August, 1980, though, disclosed that the occurrence of several slides in the area has made the trail difficult to use. The trail is generally used by fishermen, shell collectors, observers and surfers.

Access to the trail is obtained from Dana Strand Road which is only paved for one-third of its length from Pacific Coast Highway or from Street of the Green Lantern to Marguerite Avenue. Scenic Drive is not generally used by the public since it is primarily unpaved, covered with brush, and thus difficult to use.

e. Coastal Bikeways

The following bikeways are present within the Dana Point coastal zone area:

Selva Road from Pacific Coast Highway to Dana Strand Road.
(Class 2 Bikeway)

Del Obispo Road from Cove Road to the northern boundary of the study area. (Class 2 Bikeway)

San Juan Creek from Doheny State Beach to the northern boundary of the study area. (Class 1 Bikeway)

f. Visitor-Serving and Commercial Recreation Facilities

In the general vicinity of Dana Point, there are six hotels/motels. However, only four facilities are oriented to serving visitors and tourists-by providing overnight accommodations. These four facilities have a total of 253 rooms. During the summer, rates for a one double bed (two-person occupancy) range from \$22 to \$35 per day and rates for

two double beds (two-person occupancy) range from \$27 to \$32 per day. About 37% of the rooms provide for one double bed. Room rates, even during the peak season summer months, appear to be in the affordable range.

Within the Dana Point coastal area, there are 31 restaurants which range substantially in quality and consumer market served. Of the 31 restaurants, 15 are located along Pacific Coast Highway, 12 in the Marina area, 3 along Del Prado Avenue plus the Quiet Cannon Restaurant located at Santa Clara Avenue and Street of the Green Lantern.

Recreation facilities have been previously discussed.

6. Issue Analysis

The intent of the access program is to ensure linkage of local and regional recreational facilities as well as implementation of Coastal Act policies. Presently, the Dana Point Specific Plan, Capistrano Bay Park and Recreation District Master Plan of Parks and Recreation, and other documents propose the addition of recreation areas, trails, and bikeways for the Dana Point area. However, in order to assure attainment of the above mentioned goals, this Local Coastal Program proposes additional recreational areas, trails, and bikeways facilities, defines the nature of facilities in some detail, and/or imposes guidelines upon the development of facilities.

The resulting access program is provided below with the graphic depiction of all proposed recreational facilities presented on Figure 8.

a. Upland Recreation Areas

Del Obispo Park

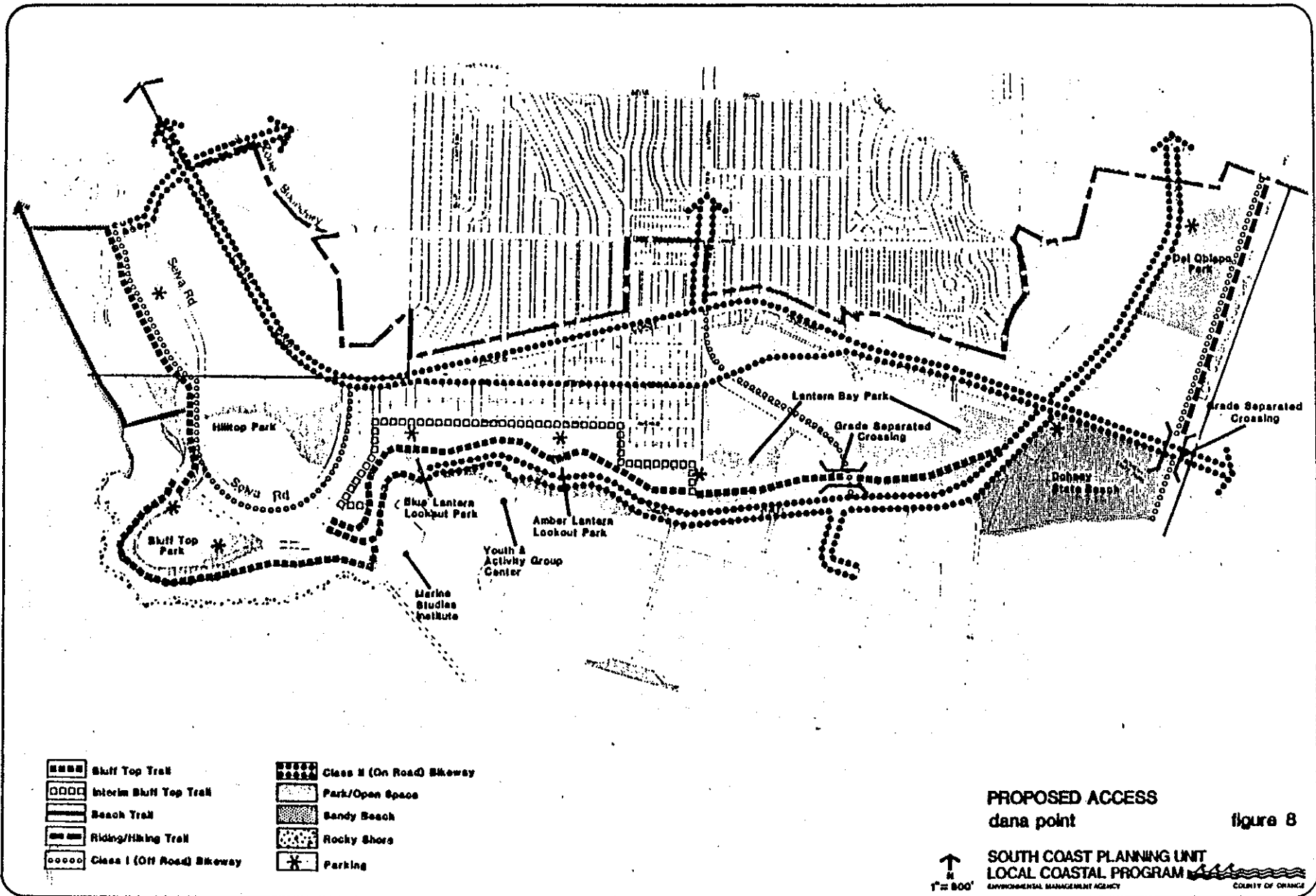
Del Obispo Park is planned for expansion to the north to allow the conversion of the existing facility into a major sports facility. Three baseball diamonds/soccer field combinations, 100 parking spaces, field lighting, a rest room/concession building, and a commercial recreation use are proposed for the facility.

The Dana Point Specific Plan designates the proposed expansion area as 5.3 (Recreation).

Source: Capistrano Bay Park and Recreation District Master Plan of Parks and Recreation.

Lantern Bay Park

Lantern Bay Park is planned for the southwest and southeasterly portion of the Lantern Bay property for passive



PROPOSED ACCESS
dana point

figure 8

recreational use. The Lantern Bay Project Site, Area and Landscape Plans will address the specific features of the park.

The Dana Point Specific Plan designates the proposed site as 5.3 (Recreation).

Source: Capistrano Bay Parks and Recreation District Master Plan of Parks and Recreation, General Plan Amendment 77-1 (Item 1), Master Plan of Local Parks, and Dana Point Local Coastal Program.

Amber Lantern Lookout Park

Amber Lantern Lookout Park is proposed as a small scenic vista park at the southerly terminus of Street of the Amber Lantern. The improvement and dedication of this park may help satisfy the local park requirement for the Lantern Bay development as based upon the Quimby Act formula for park dedication.

Source: Master Plan of Local Parks (Draft-September, 1973) and to telecon with Robert Wingard, Manager, Open Space/Recreation Programs and Dana Point Local Coastal Program.

Bluff Top Park

A bluff top park is proposed for the northwest and southwest portion of the Headlands. The park will be used for passive recreation use, coastal viewing, and for pedestrian access. A bluff top walk will extend throughout the entire bluff top park.

The Dana Point Specific Plan designates the proposed park area as 5.4 (Other Open Space).

Source: Dana Point Specific Plan and Dana Point Local Coastal Program

Hill Top Park

A hill top park is planned for the highest elevation point along the ridgeline of the Headlands. The park will be used for passive recreation use, coastal viewing, and for pedestrian access.

The Dana Point Specific Plan designates the planned park site as 5.3 (Recreation).

Source: Dana Point Specific Plan and Dana Point Local Coastal Program

b. Shoreline Recreation Areas

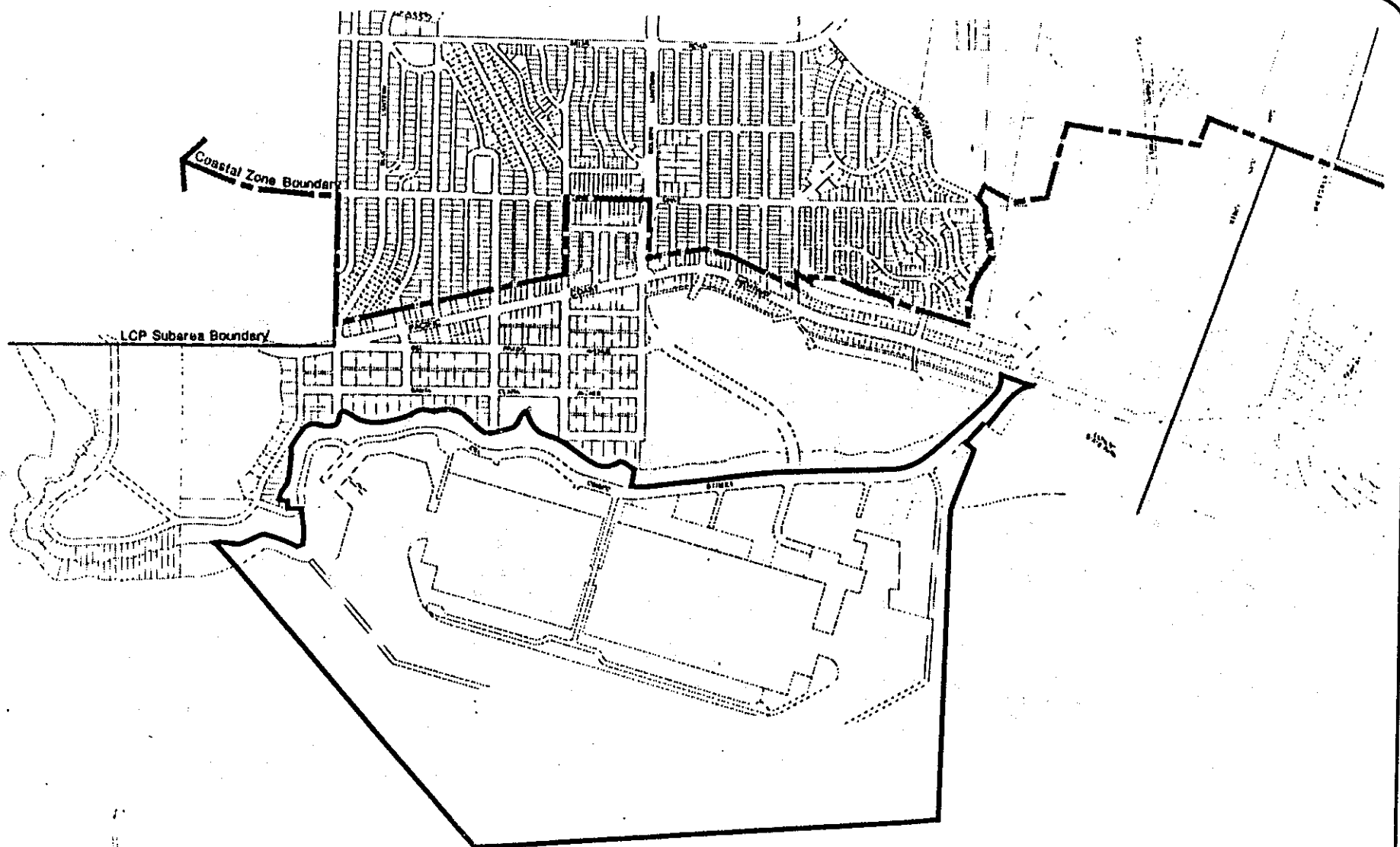
Dana Point Harbor

Tidelands and Submerged Lands Acquisition

Chapter 321 of the Statutes of 1961 was an act of the state legislature which granted certain tidelands and submerged land of the State of California (including the harbor area) to the County of Orange.

The State Lands Commission in February 1962 prepared a map delineating the area conveyed by the legislative grant (Figure 9.) The conveyance was granted subject to the following trusts and conditions.

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



GRANT TO THE COUNTY OF ORANGE
 CHAPTER 321, STATUTES OF 1961
 dana point figure 9

↑
 N
 1"=1200'

SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE

- (d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.
- (e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.
- (f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.
- (g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all rights, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

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

On July 22, 1969, the Orange County Board of Supervisors approved the Dana Point Harbor Planned Community. This zoning ordinance provides the basis for land uses within the Planned Community. A list of the permitted uses is presented in Section III, Implementation.

The County of Orange General Services Agency (GSA) further controls land use within the Planned Community by way of leasing agreements entered into with the tenants of the Harbor. A parcel use summary is presented in Section III, Implementation.

c. Upland Trails

Bluff Top Trail

The Dana Point Specific Plan proposes the development of a bluff top walk to provide linkage between the regional pedestrian trail entering the Dana Point area from Laguna Niguel to Doheny State Beach and between upland recreational uses proposed along the coastal bluffs. The specific use of the bluff top walks will be to provide pedestrian access and coastal viewing.

As depicted on Figure 8, two bluff top walks are proposed for adoption. The permanent or planned trail is generally located adjacent to the bluff edge within the entire Dana Point coastal area. In contrast, the interim trail is located away from the bluff edge from the Street of the Green Lantern to Street of the Golden Lantern.

The provision of this interim trail is essential to the successful implementation of a bluff top trail system within the near future. The dedication of a easement from a property owner for the trail system is exacted at the time of development or redevelopment of his property. Consequently, in areas which are developed and unlikely to redevelop in the near term, the provision of a bluff top trail system in the immediate future is unlikely. The interim trail, however, will skirt those properties and thus facilitate the timely implementation of the trail system.

It should be noted that the exact location of the trail is conceptual. To ensure the protection of the trail from potential bluff instability and to permit some flexibility in the site design of property, the precise location of the trail will be determined as development plans are reviewed by the County.

Source: Dana Point Specific Plan and Dana Point Local Coastal Program

d. Beach Trails

As previously discussed, several trails have been used by the public to gain access from the Headlands to Dana Strand Beach. However, the hazardous condition of these trails warrant their permanent closure in the near future. An access trail from the bluff top trail to the beach is proposed as a replacement for such trails (Figure 8). The trail will not only ensure access to the beach from the Headlands but link up with the pedestrian trail along Dana Strand Beach in Laguna Niguel.

Please note that the beach trails shown on Figure 8 are conceptual. A precise alignment will be determined as Headland development plans are reviewed by the County.

Access to the rocky shore and tidepool areas is available from Dana Strand Beach. California Fish and Game Code Section 10664 protects tidepool life by placing restrictions on the removal of animals, rocks and shells from the marine life refuge. When it is determined that the area is not adequately policed, to ensure enforcement of these restrictions, the possibility of restricting access to the area will be considered.

Source: Dana Point Specific Plan and Dana Point Local Coastal Program

e. Coastal Bikeways

The following bikeways are proposed as additions to the existing bikeway system to assist in the implementation of a regional coastal bikeway system:

Street of the Golden Lantern from the northerly border of the study area to Pacific Coast Highway (Class 2 Bikeway)

Street of the Golden Lantern (easterly side) from Pacific Coast Highway to Del Obispo (Class 1 Bikeway)

Selva Road (ocean side) from the northerly border of the study area to Pacific Coast Highway (Class 1 Bikeway)

Pacific Coast Highway Two-way Couplet

Pacific Coast Highway from the westerly border of the study area to Street of the Blue Lantern and from Street of the Copper Lantern to the easterly border of the study area for southbound lanes (Class 2 Bikeway) - Del Prado Avenue from Street of the Blue Lantern to Street of the Copper Lantern for southbound lanes (Class 2 Bikeways) - Pacific Coast Highway within the entire Dana Point area for northbound lanes (Class 2 Bikeway)

A two-way couplet for Pacific Coast Highway is proposed in the Master Plan of Arterial Highways (Figure 6). Generally, Pacific Coast Highway from Street of the Blue Lantern to Street of the Copper Lantern will form northbound lanes of the couplet while the extension of Del Prado easterly from Street of the Golden Lantern will provide southbound lanes. The proposed bikeway system will conform to this couplet concept by following these alignments. However, until the couplet is completed, Pacific Coast Highway will be used for southbound bikeway lanes.

Source: Master Plan of Countywide Bikeways, Dana Point Specific Plan, and Dana Point Local Coastal Program

f. Visitor-Serving and Commercial - Recreation Facilities

As mentioned earlier, the Dana Point area has a significant amount of visitor-serving facilities (i.e. restaurants and hotels/motels). Although there is variation in the quality of both restaurants and hotels/motels, they are generally in the affordable price bracket.

The Dana Point Specific Plan designates areas as 5.31 (Tourist Recreation/Commercial) where future visitor-serving facilities will be provided.

7. Policies

a. General Access Policies

1. To preserve natural resources by protecting fish, wildlife and vegetation habitats; by retaining the natural character of waterways, shoreline features, scenic land features; by safeguarding areas for scientific and educational research; by respecting the limitations of our air and water resources to absorb pollution; and by encouraging legislation that will assist in preserving these resources... (Land Use Element, page 18 and Open Space Element, page VI-7)
2. To protect irreplaceable beaches and coastal bluffs from development and natural erosional processes, to provide for the replenishment of beach sands, and to strive for increased public control and access to the beaches and the coastline... (Conservation Element, page III-4)
3. Setbacks from the coastal bluff face and beach sands and access points, need to be established to protect the public interest in the shoreline as a unique recreational and scenic resource... (Conservation Element, Shoreline Management Guideline Number 2b, page VI-8)
4. Research into the protection and broadening of existing beaches in face of use demands should be encouraged... (Conservation Element, Shoreline Management Guideline Number 2d, page VI-8)
5. Use of the Land Conservation Act, scenic easements, or open space easements should be pursued to preserve scenic areas or vista sites... (Conservation Element, Scenic Area Management Guideline Number 4e, page VI-9)
6. To determine requirements; plan or assist in planning for, and assume management responsibility when appropriate for open space areas used for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; area particularly suited for park and

recreation purposes, including access to Lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, greenbelts, banks of rivers and streams, trails and scenic highway corridors...(Page VI-8)

7. The County will take all necessary steps to protect the public's constitutionally guaranteed rights of access to and along the shoreline.
8. The County will be actively involved in the provision of access, identifying high priority access trails and shoreline and upland recreation areas, contributing minor acquisition funds, and conditioning development permits to provide access.
9. In implementing all proposals made in this plan for expanding opportunities for coastal access and recreation, purchase in fee (simple) will be used only after all other less costly alternatives have been studied and rejected as unfeasible. Other alternatives may include purchase of easements and mandatory offers of dedication in connection with new development.
10. Adequate provision for safe public access will be required for each development permit along the shoreline. The amount of access required will be commensurate with the size and type of development.
11. The Dana Point Specific Plan designates the following as 5.3 (Recreation): the existing recreational facilities off Del Obispo Street plus the site of future acquisition and development; the Dohney Beach; 28 acres in two sites located in the Lantern Bay Project Sector; and two sites in the Dana Point Headlands Sector including a 3.6 acre site in the "bowl" area and a 2.9 acre site which consists of the white sand beach.
12. The Dana Point Specific Plan generally applies the 5.4 (Other Open Space) designation to the bluff face and bluff edge from the Dana Point Headlands to the terminus of Street of the Golden Lantern. In the Dana Point Headlands Sector approximately 18.3 acres are classified as 5.4 (refer to Sector Land Use Plan and Land Use Policies). The remaining 5.4 area consists of the bluff face from Cove Road to Street of the Golden Lantern.
13. The Dana Point Specific Plan designates the coastal bluffs and tidepool areas, approximately 27.3 acres, located in the Dana Point Headlands Sector as 5.41 (Conservation).

b. Recreation Policies

14. To preserve a substantial percentage of the County as permanent open space to provide ample outdoor recreation opportunities... (Land Use Element, page 1 and Open Space Element, page VI-7)
15. To set aside land with slopes lower than 10% for active recreation... (Capistrano Valley Area Land Use Element Supplement, page 6)
16. When developed, the highest elevation point along the major ridgeline will be maintained as a public vista area. (Dana Point Specific Plan Headlands Land Use Policy, Area B, page IV-22)
17. A point of land overlooking the harbor will be available and accessible to the public. This plaza is intended to be at the terminus of the cascading commercial uses, providing an opportunity for harbor viewing and public gathering. (Dana Point Specific Plan Headlands Land Use Policy, Area E, page IV-23)
18. The Headlands bluff edge of the Headlands, Lantern Bay Sector, and other properties in the Dana Point area will be permanently available to the public as implemented by an open space management system. This system will assure permanency as well as long-term maintenance for all public systems. (Modification of Dana Point Specific Plan Headlands Land Use Policy Area D, page IV-23)
19. Scenic lookout parks (bluff top, hilltop, and various other lookout parks proposed for the Dana Point Area) will be limited to use for pedestrian access, passive recreational use, and coastal viewing purposes.
20. Provisions shall be made for the white sand beach to be irrevocably offered for dedication to the County of Orange. Moreover, approval of the first residential tract is conditioned on receipt of an acceptable open space management plan which will address how the beach is to be maintained and who will maintain it for public use. (Dana Point Specific Plan Headlands Land Use Policy, Area A, page IV-21)
21. Public facilities (e.g., parking facilities, rest rooms and bicycle trails) will not be located directly on the dry sandy beach. Necessary facilities (eg. lifeguard towers and volleyball nets) are excluded from this restriction.

c. Trail Policies

General Policies

22. When publicly owned rights-of-way exist the feasibility of using them for pedestrian access should be explored... (Capistrano Valley Area Land Use Element Supplement Recreation Development Guideline, page 6)

Bluff Top Trail

23. The bluff top walk should connect to the regional trail entering the Dana Point from Laguna Niguel. (Dana Point Specific Plan Community Design Element, page IX-2)
24. The bluff top walk should connect to Doheny State Beach, a regional recreation center. (Dana Point Specific Plan Community Design Element, page IX-2)
25. The bluff top walk should link the proposed open space areas of the Dana Point Headlands southwest of Cove Road, the Lantern Bay lookout park, and the existing and proposed lookout points. (Dana Point Specific Plan Community Design Element, page IX-2)
26. In the tourist recreational commercial areas, the bluff top walk should be integrated into the design of the commercial complexes to assure the continuous pedestrian access along the bluff. (Dana Point Specific Plan Community Design Element, page IX-2)
27. Provide a linkage to adjacent open space uses such as the proposed minipark on La Cresta Drive and the Lantern Bay lookout park. (Dana Point Specific Plan Community Design Element, page IX-3)
28. A continuation of the Regional Bike Trails System and an establishment of a bluff top walk (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
29. A bluff topwalk/bike trail will follow a route from the Dana Point Headlands to the Dana Point Palisades. (Because of the already developed property along the bluff, it is extremely difficult to establish a continuous system. However, the system will not require extensive public acquisition and, further, connects with existing and planned vista points and view parks). (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
30. An off-road public bicycle and pedestrian trail system will be provided along the ocean side of Selva Road. (Dana Point Specific Headlands Land Use Policy. Areas A,C,D,E, page IV-21)

31. While most likely in private ownership, the majority of the area should be easily accessible to the public, particularly along the bluff edge. (Dana Point Specific Plan Headlands Use Policy, Area E, page IV-23)
32. A bluff top public walkway will be provided, and integrated with future land uses. (Dana Point Specific Plan Community Headlands Land Use Policy, Area E, page IV-23)
33. The use of the bluff top walk will be limited to pedestrian access and coastal viewing.
34. The bluff top walk on the Headlands, Lantern Bay Sectors and other properties within the Dana Point area will be permanently available to the public as implemented by an open space management system. This system will assure permanency as well as long-term maintenance for all public systems.
35. The location of the bluff top walk as depicted on Figure 8 is conceptual in nature. Precise alignment of the bluff top walk will be determined as new development plans are reviewed by the County.
36. Unless deemed unfeasible by the Director of EMA, The bluff top walk design will incorporate a grade separated crossing where the trail crosses Street of the Golden Lantern to ensure the protection of the public from safety hazards.
37. An interim bluff top walk as shown on Figure 8 will be used until the completion of the permanent trail system.
38. The bluff top walk will provide adequate lighting to accommodate evening use, utilize path materials and finishes compatible with expected uses, provide seating areas along the walk, and provide a minimum width of eight feet.

Beach Trail

39. Attempts will be made by the County to gain the public right to access in the general vicinity where prescriptive rights exist through permit conditioning.
40. Access will not be closed off to the public by adjacent property owners nor will development adversely affect or encroach on access trails where prescriptive rights are thought to exist.
41. Public access will be provided to the white sand beach from the vicinity of the south end of the Selva Road parking lot.

42. The location of the beach trail as depicted on Figure 8 is conceptual in nature. Precise alignment of the beach trail will be determined as new development plans are reviewed by the County.
43. The trail providing access to the beach from the bluff top walk will provide lighting to accommodate evening use.

Trail Design Guidelines and Dedication Requirements

44. Improved, public access will be provided in conjunction with private and public development along the shoreline bluff.
45. New or improved access will be an integral part of site planning for development.
46. Adequate improvements will be designed and built to provide public access and protect public safety in hazardous areas. These improvements will include, but are not limited to staircases down steep bluffs, fences along the edge of narrow bluffs and handrails and steps on steep trails.
47. Where improvements for safe public access have not yet been provided or cannot be built because of the physical limitations of the site, existing access trails will be resited if they are extremely hazardous. However, no development shall be allowed on the site which would adversely affect the future provision of improved access.
48. Access to shoreline and upland recreation areas and bluff areas will be located within residential areas in the least disruptive manner.
49. Adequate separation between access and adjacent residential uses will be provided to protect the privacy and security of the residences and the public nature and use of the shoreline and upland areas.
50. Setbacks will be required for residential lots adjacent to existing or proposed accessways to prevent encroachment into access areas.
51. For all proposed development which lies between Pacific Coast Highway and the shoreline, public access to the shoreline and the coast will be provided.
 - a. For all development proposed along the shoreline bluff top, a lateral easement will be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the bluff top trail system. The

trail will be set back a sufficient distance from the bluff edge to assure safety from the threat of erosion for 50 years. A 10-foot buffer area between the accessway and proposed structures will be required to minimize the impacts associated with the accessway upon adjacent residential uses.

- b. A 10-foot vertical easement will be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the beach trails depicted in Figure 8.

A 10-foot buffer area between the access way and proposed structures shall be required to minimize the impacts associated with the accessway upon adjacent residential uses.

52. Riding and Hiking Trails will have a minimum width of 6 feet.

Access to Environmentally Important Habitats Policies

53. To support strict protective measures designed to maintain biological balance by protecting controlling organisms in the natural portions of the planning area ... (Capistrano Valley Area Land Use Element Supplement, page 5)
54. Protect the species within their natural habitat from harassment and molestation by controlling access, by regulations and enforcement... (Conservation Element, Wildlife and Vegetation Management Guideline Number 6, page V-10)
55. Establish rules on access, collection, and other activities to ensure the historical, ecological or environmental values of sites are not adversely affected... (Conservation element, Scientific and Educational Resource Area Management Guideline 2, page VII-7)
56. Public access will continue to be provided to marine life refuges.
57. Existing access trails will be managed for controlled access if use is excessive and contributing to the deterioration of highly sensitive habitat areas. Management mechanisms shall be developed in conjunction with the State Department of Fish and Game.

Coastal Bikeways Policies

58. To provide a county wide transportation network of bikeways to recreation areas and other destination points of significance throught the County... (Master Plan of Countywide Bikeways, page 9)
59. To develop recreationally pleasant bikeways to the beaches adjacent to the cities of Seal Beach, Huntington Beach, Newport Beach, Laguna Beach and San Clemente... (Master Plan of Countywide Bikeways, page 9)
60. To provide a countywide recreation-oriented network of bikeways that would link and traverse recreation and open space areas... (Master Plan of Countywide Bikeways, page 9)
61. A continuation of the Regional Bike Trails System and an establishment of a bluff topwalk. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
62. The Regional Bike Trails System will continue from the Laguna Niguel Coast and generally follow the configuration of Selva Road to and down Cove Road where it then would connect to the existing bikeway route along Del Obispo Street. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
63. A bikeway will follow a route along Street of the Golden Lantern from Pacific Coast Highway to Del Obispo Street. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
64. An off-road bicycle and pedestrian trail will be provided along the ocean side of Selva Road. (Area A, Policy 1) (Dana Point Specific Plan Headlands Land, Use Policy, Areas A,C,D,E, page IV-21)
65. The bikeway proposed along the Street of the Golden Lantern between Pacific Coast Highway and Del Obispo will be located along the easterly side of the Street of the Golden Lantern.
66. A transition between Class 1 and 2 bikeways will be designed to provide for the safety of bicyclists.
67. Pacific Coast Highway will be used for all southbound bikeway lanes until the two-way couplet is completed.
68. The following standards will apply to bikeways in the Dana Point area:

The minimum pavement width of a two-way Class I Bikeway, also referred to as a bike path, will be 10 feet. Where a

10-foot wide or wider paved section is provided, a minimum 2-foot wide graded area shall be provided adjacent, and flush with the surface of, the pavement on each side. 16 feet of width should be considered for bikeways over 1000 A.D.T. in order to comfortably accommodate the diverse kinds of bike trail use. Up to 12 feet should be considered for other heavily used bikeways. On side slopes greater than 4:1, downslope side shoulders should be 4 feet wide minimum.

Where a two-way bike path lies adjacent to a highway, a raised island, a fence, a row of trees, a grade separation or sufficient automobile lateral travel recovery distance (e.g. 30 feet on freeways) should be maintained for the safety of bicycle riders. Freestanding curbs alone are undesirable and should be avoided unless there are no alternatives.

Class II Bikeways, also referred to as bike lanes, shall conform to the following minimum standards for the appropriate road type:

Urban type curbed street parking permitted in striped stalls:

- o Bike lanes will be located between parking lanes and motor vehicle lanes, with a 6 inch solid white line separating the bike lane from motor vehicle lanes.
- o An optional stripe may separate the bike lane from the parking area.
- o Minimum widths for the bike lane and parking stalls will be 5 feet and 8 feet, respectively.

Urban type curbed street parking permitted, no striped stalls:

- o A 6 inch solid white line will separate the bike lane from motor vehicle lanes.
- o The minimum distance from the curb to the nearest motor vehicle lane will be 11 feet.

Urban type curbed street parking prohibited:

- o A 6 inch solid white line will separate the bike lane from motor vehicle lanes.
- o The bike lane will have a minimum width of 4 feet.

- o If vertical displacements at transverse or longitudinal gutter joints exist, additional width or remedial treatments (will) should be considered.
- o Adequate off-street parking should be a prerequisite for this type of bike lane.

Support Facilities Policies

69. Adequate parking will be provided in close proximity to recreation and visitor-serving facilities. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
70. Support facilities for parks and the bluff top walk such as automobile turnouts, parking spaces, rest rooms, trash receptacles, and gazebos will be provided.
71. Wheelchair accessible walkways and ramps will be provided at all parksites and bluff top walk entrances where the topography permits. Parking spaces reserved for the physically disabled will be provided in offstreet parking areas adjacent to parks and at major entrances to the bluff top walk.

Signage Policies

72. New or improved public access will be well posted. The County will implement a coordinated access signing system to facilitate regional access from Interstate 5 and Pacific Coast Highway.
73. Signs indicating the location of parks, bluff top walk entrances, and support facilities will be posted from Pacific Coast Highway and at the point of entry. In addition, trails will be signed every 1/2 mile to maintain the continuity of the trail in difficult terrain and to warn trail users about their responsibility to respect privacy and avoid trespassing on adjacent properties.

Scenic Highways Policies

74. The scenic highway should be linked, when possible, to regional parks, trails, wildlife areas and historical sites, greenbelts and other recreation-open space areas without being detrimental to them... (Scenic Highways Element, page 31)
75. Turnouts for automobiles will be provided along Scenic Drive at key vista points. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)

76. Those ocean view corridors currently available along the conceptually proposed Selva Road will be maintained. (Dana Point Specific Plan Headlands Land Use, Policy B, Area A, page IV-21)
77. Development will attempt to minimize obstruction of selected ocean view corridors. Primary consideration for maintaining viewing opportunities will be emphasized adjacent to the future alignment of Selva Road. (Dana Point Specific Plan & Land Use Policy, Area D, page IV-23)

Circulation Policies

78. To provide side walks and bikeways so that people can reach the beach and local shopping areas without undue hazard from motor traffic... (Capistrano Valley Area Land Use Element Supplement, page 3)
79. The maintenance and enhancement of public non-vehicular access to the shoreline will be of primary importance when evaluating future improvements in the coastal zone, both public and private.
80. Access to coastal resources will be provided via the extensions of Selva Road and Street of the Golden Lantern. Existing Cove Road will be retained as a means of access to the Doheny State Beach. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
81. The planned, future extension of Del Prado Avenue (from Street of the Golden Lantern to Pacific Coast Highway) will serve to relieve existing and potential traffic congestion along the Pacific Coast Highway corridor. (Dana Point Specific Plan Local Coastal Program Policy, page X-6)

Visitor-Serving and Commercial Recreation Facilities Policies

82. Encourage the development of interpretive centers in regional parks and marine life refuges for the benefit of the general public as well as opportunities for viewing without disrupting selected wildlife areas... (Conservation Element, Scientific and Educational Resource Area Management Guideline 7, page VII-7)
83. Adequate parking will be provided in close proximity to recreation and visitor-serving facilities (Dana Point Specific Plan Local Coastal Program Policy, page X-6)
84. Future visitor-serving facilities will be located in those areas designated as tourist recreation/commercial by the Land Use Plan. (Dana Point Specific Plan Local Coastal Program Policy, page X-7)

85. The primary use within this area will be a hotel/lodge facility integrated with a public open space system adjacent to the bluffs. (Dana Point Specific Plan Headlands Land Use Policy, Area D, page IV-23)
86. Proposed uses will be oriented exclusively toward Tourist-Recreation/Commercial facilities, and include but not be limited to overnight lodging, retail shops, restaurants, and other similar facilities. (Dana Point Specific Plan Headlands Land Use Policy, Area E, page IV-23)
87. Open spaces provided as part of any Tourist-Recreation/Commercial use shall be integrated with any contiguous public open spaces. (Dana Point Specific Plan Headlands Use Policy, Area D, page IV-23)

E. New Development Component

1. Introduction

a. Coastal Act Policies

Section 30250

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

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253. New development shall:

Minimize risks to life and property in areas of high geologic, flood and fire hazard;

Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs;

Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the legislature that the State Highway Route in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline, Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal dependent uses they support.

b. Work Program Issues.

1. Extent to which public works facilities can accommodate new development.
2. Allocation priority for existing or planned capacity of public works to coastal-dependent & visitor-serving commercial recreational land uses.
3. Priority for coastal-dependent development.
4. Patterns of development necessary to minimize air pollution and vehicle miles traveled.
5. Extent to which access is maintained by new development.
6. Impacts of buildout under current level use regulations.
7. Appropriate locations for concentrated areas of development.
8. Infilling and new development adjacent to developed areas.

2. Population Density/Development Siting/Building Intensity Standards

a. Land Use Categories

For the Dana Point coastal area, the Land Use Element of the County's General Plan consists of 14 categories, including seven residential land use categories, two commercial land use categories, one public buildings and grounds category, and four open space categories.

1. Residential

<u>Medium</u>	<u>Density</u>	<u>Residential*</u>
1.3	3.5	6.5 dwellings per acre
1.31	3.5	5.0 dwellings per acre
1.32	5.0	6.5 dwellings per acre

*Provides for single family detached dwellings units on standard sized lots and possible some townhouse or cluster arrangements.

<u>High</u>	<u>Density</u>	<u>Residential*</u>
1.4	6.5	18.0 dwellings per acre
1.41	6.5	12.5 dwellings per acre
1.42	12.5	18.0 dwellings per acre

*Provides for townhouses and condominiums, duplexes, and triplex units with some small lot single family units.

<u>Heavy</u>	<u>Density</u>	<u>Residential*</u>
1.51	18.0	28.0 dwellings per acre

*Provides for apartments and small lot duplexes, triplexes, and fourplexes.

Residential-Commercial

The "Residential-Commercial" category is intended to provide an opportunity for the development of a combination of residential and commercial uses on certain sites within the Dana Point community. Such combinations of uses may be developed in either of two ways: (1) vertically, or where the ground level is reserved for community commercial uses and the upper floor contains multi-family dwellings and (2) horizontally, or where residential uses are developed in conjunction with commercial uses on a site but in different buildings. Multifamily residential uses will be allowed only when they are established in combination with commercial uses. However, property owners may develop strictly commercial uses if they do not want to establish residential uses.

Two areas within Dana Point have been designated as residential-commercial. The first area is situated on the oceanward side of Pacific Coast Highway and is adjacent to the tourist recreation/commercial site of the Lantern Bay Project Sector. That area is designated as high density/community commercial (1.42/2.2). The second area (one lot deep) is located southerly of Del Prado Avenue between Street of the Amber Lantern and Street of the Golden Lantern. That area is designated as heavy density/community commercial (2.51/2.2).

2. Commercial

The "local commercial" (2.1) land use category provides for convenience facilities and goods to serve the needs of immediate neighborhood. Principal permitted uses include professional, retail service and commercial uses. Small food markets, laundromats and drug stores are typical examples of this category. All uses within this classification must be oriented to the immediate neighborhood and compatible with adjacent patterns of development.

The "community commercial" (2.2) land use category provides for retail trade, convenience goods, services and professional office uses. In addition, it allows for financial, insurance, real estate and personal and professional services and for wholesale trade.

3. Public Buildings and Grounds

The "public facilities" (4.1) category indicates those facilities built and maintained for the public under the jurisdiction of various

governmental units. Included in this category are schools, libraries, civic buildings, and fire and police facilities.

The "quasi-public facilities" (4.2) category indicates those facilities which are built for the public benefit but maintained and administered by private entities. They include, for example, churches, hospitals, and power-water facilities.

The "special congregate care facilities" (1.51/4.3) category provides for congregate care facilities.

4. Recreation

The "recreational" (5.3) land use category refers to lands primarily suitable to serve the outdoor recreational needs of the residents of an area or region. Public facilities provisions at Doheny State Beach shall reflect those which presently exist at the time of the printing of this document.

The "tourist recreation/commercial" (5.31) subcategory is applicable to areas which, because of unique natural man-made amenities on or near the site, facilitate maximum conservation of the amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Typical uses to be encouraged include public or private recreational, cultural, social, and educational facilities; gift and specialty shops; food and drink establishments; hotels and other permanent overnight accommodations; limited residential development; and required parking facilities. Camping and recreational vehicle facilities are not included in this designation but are to be provided for in the (5.3) recreation category.

Tourist Recreation/Commercial Guidelines

- o To encourage multi-use developments combining the above uses and any others which achieve the intent of this designation.
- o To provide for a mix of uses which will facilitate both seasonal and year-round activities.
- o To vary the uses from site to site so as to capitalize on the particular location, size and uniqueness of each area.
- o To require (1) an adopted community (specific) plan and (2) a features plan for the parcel(s) in question, as input to mandatory site plan review for any zoning to implement this designation.
- o To provide for maximum public access to the amenities afforded by the site.
- o To arrange buildings, structures and man-made improvements so that scenic aspects of the site are available for public enjoyment.

- o To conserve natural features of the site through use of site alterations and grading that enhance the natural scenic and recreational features of the site.
- o To consider the nature and significance of the natural amenity, as well as the feasibility of tourist recreation development, in determining the proportion of open space to man-made improvements.
- o To require that facilities accommodating overnight tourists be permanent structures.
- o To limit residential uses to timeshare condominiums, timeshare stock cooperatives, timeshare community apartments, and ancillary residential uses (i.e., units occupied by the owner or employee of a TRC use).

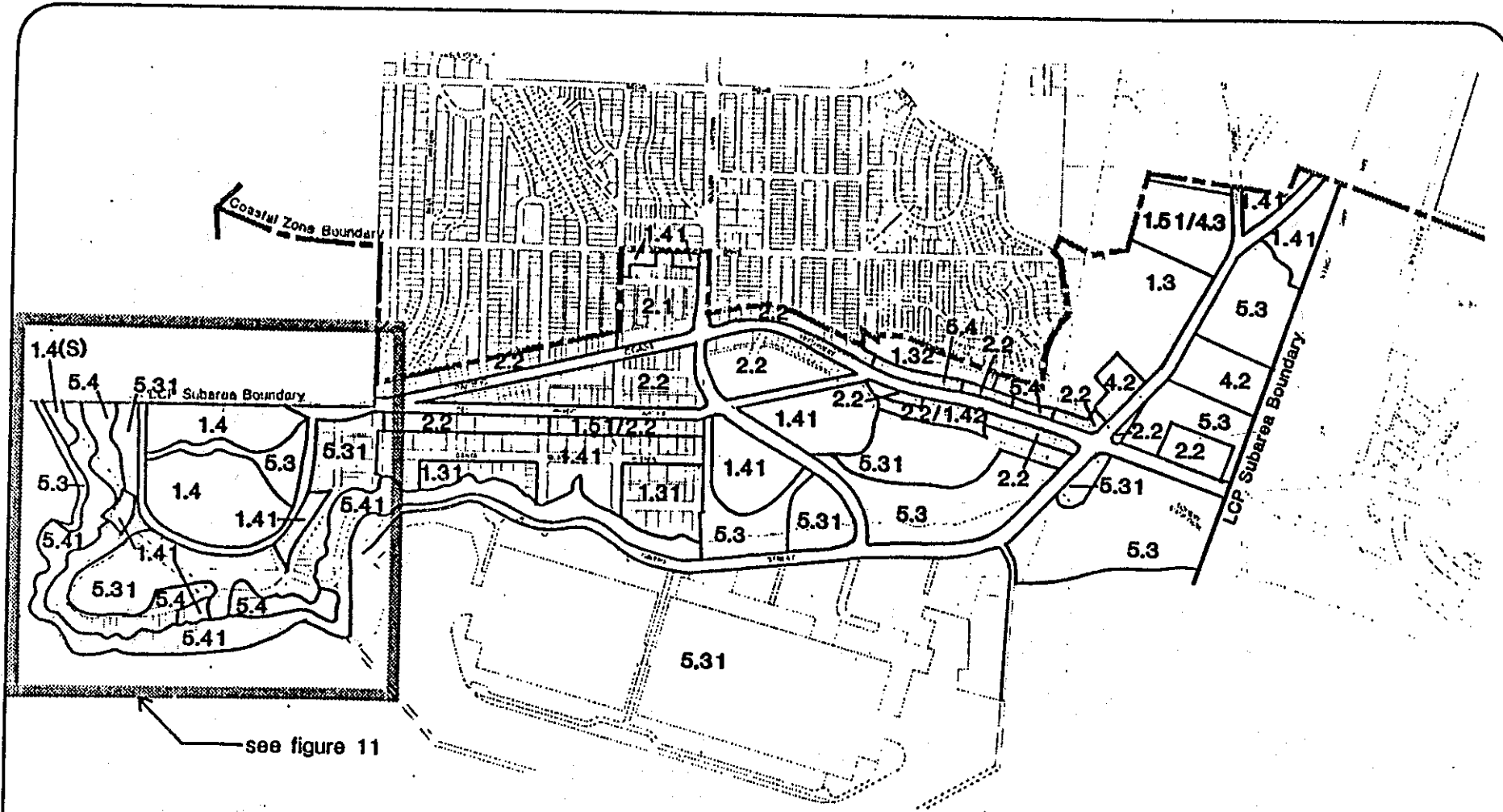
5. Open Space/Conservation

The "other open space" (5.4) category indicates lands designated by the Open Space Element as being of notable scenic, natural and cultural attraction, or special ecological, wildlife or scientific study potential, and areas of topographical, geographical and historical importance. Principal permitted uses specifically include pedestrian access, passive recreation, coastal viewing, and parking to support such uses (not to exceed 5% of the gross area designated as 5.4).

The Conservation subcategory (5.41) indicates those portions of "Other Open Space" lands which require preservation in a natural state on behalf of the public interest. It is the intent of this subcategory that only those which are of a passive recreational nature (such as viewpoints); of limited active recreational nature (such as hiking and equestrian trails); required for scientific study and interpretation; or those public service, facility and utility uses absolutely required for public safety, health and welfare are to be considered compatible.

6. Special Congregate Care Facilities.

The "special congregate care facilities" (1.51/4.3) land use category is intended to provide for a special use sharing characteristics with other land use categories, yet unique. A congregate care facility is a facility which provides accommodations, meals, and services such as housekeeping, security, transportation, and recreation to resident ambulatory senior citizens who may require some assistance in the activities of daily life, but who do not require ongoing medical care. It is not necessarily licensed by any agency of the State. Such facilities exhibit primarily residential characteristics, but also have similarities to commercial and institutional land use. Because of their higher densities, congregate care facilities should be located in or adjacent to areas designated for commercial or high density residential.



- | | | | |
|----------|------------------------------------|------|---------------------------------|
| 1.3 | Medium Density | 5.3 | Recreational |
| 1.31 | Medium Density | 5.31 | Tourist Recreational/Commercial |
| 1.32 | Medium Density | 5.4 | Other Open Space |
| 1.4 | High Density | 5.41 | Conservation |
| 1.41 | High Density | (S) | Site Plan |
| 1.42 | High Density | | |
| 1.51/2.2 | Heavy Density/Community Commercial | | |
| 1.51/4.3 | Heavy Density/Congregate Care | | |
| 2.1 | Local Commercial | | |
| 2.2 | Community Commercial | | |
| 4.2 | Quasi- Public Facilities | | |

LAND USE ELEMENT
data point

figure 10

↑
N
1" = 1200'

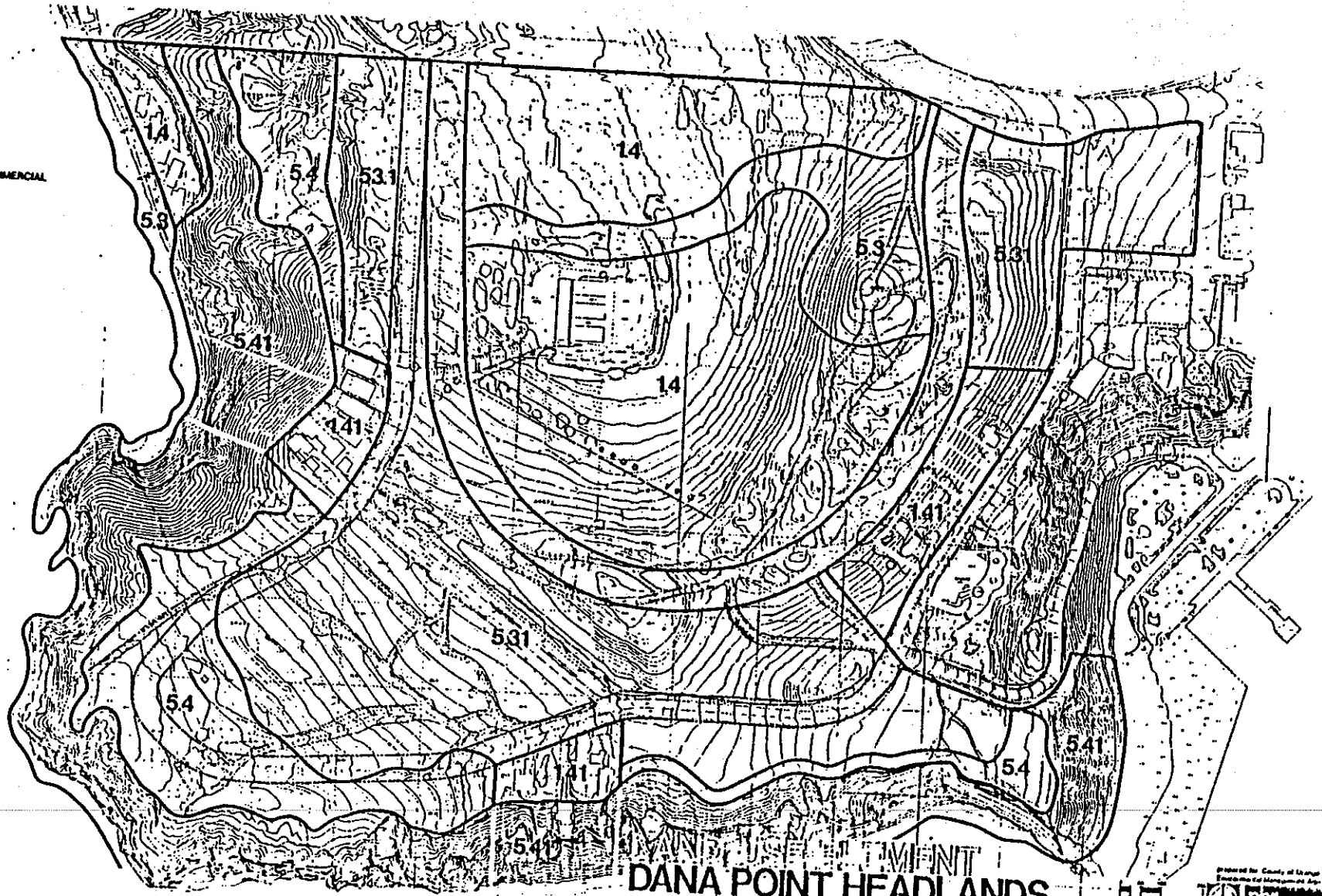
SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE

LAND USES

- 14 HIGH DENSITY RESIDENTIAL
- 141 HIGH DENSITY RESIDENTIAL
- 5.3 RECREATIONAL
- 5.31 TOURIST RECREATIONAL/COMMERCIAL
- 5.4 OTHER OPEN SPACE
- 5.41 CONSERVATION



DANA POINT HEADLANDS

prepared by County of Orange
Department of Planning and Administration

figure 11

This land use category allows congregate care facilities as defined above, and support commercial uses as the principal permitted uses. Support commercial uses such as barber shops, beauty salons, gift shops and flower shops, etc., are allowed as a part of the facility and are intended for the exclusive use of the residents of the facility. No other uses are permitted in this land use category.

Congregate Care Facility Guidelines:

Facilities should be sited and designed to be visually compatible with the surrounding areas regarding maximum building height, density and bulk of the building(s). The use of special forms of transportation such as shuttle buses, valet parking, and limousine services to serve the residents shall be incorporated in all development proposals to help reduce burdens on traffic and parking.

B. Existing Conditions

Development of Dana Point since the 1930's has occurred on a sporadic basis, especially for residential use. The older, established residential areas in Dana Point are situated within the Central Sector, bounded by Pacific Coast Highway, Selva Road and Calle La Primavera, just north of the coastal zone boundary. While development of this area has generally occurred on a single lot basis, densities within this sector range from 3.5 to 18 dwelling units per acre. Dwelling units include single-family dwellings, duplex, triplex and four-plex units, as well as larger apartment and condominium structures.

Residential land uses south of Pacific Coast Highway are concentrated within the Santa Clara Avenue Sector, and invoke a mix of single family and multiple family dwellings. While densities on certain lots may range as high as 12.5 units per acre, the nature of development in this sector is indicative of its location adjacent to the ocean. Units are typically built on large single or combined lots geared toward upper income purchasers.

Immediately northeast of the intersection of Del Obispo Street and Pacific Coast Highway is the Del Obispo Mobile Home Park.

The Dana Strand Beach and Tennis Club, a private facility consisting of 89 mobile homes and recreational facilities, is located in the Laguna Niguel and Dana Point subareas. The club contains mobile homes which are privately owned and are used for a maximum of 200 days per year by the majority of residents. Two tennis courts and a clubhouse are located on the bluff top (south of Selva Road) with mobile homes terraced down the bluffs to the beach. The portion of the club located in the Dana Point area includes seven mobile homes within this group and a beach which are designated as 5.4 (Other Open Space) and 5.3 (Recreational) on the Dana Point Specific Plan Land Use Element, respectively.

Commercial uses within the Dana Point Coastal area are generally oriented around Pacific Coast Highway or the Dana Point Harbor. Along Coast Highway, a wide range of facilities are offered, including retail trade, restaurants, convenience goods and professional office services. A similar mix of local or resident-oriented commercial services is offered within the existing La Plaza, located at Pacific Coast Highway and Street of the Violet Lantern. Commercial uses with the Dana Point Harbor area are more tourist-oriented and provide several restaurants, a motel, commercial shops and a wide range of services related to operations of a major small craft harbor. Overlooking the harbor are two operating restaurants situated on the east side of the Street of the Green Lantern. Most of the existing vacant commercial parcels within the coastal area occur within the Pacific Coast Highway Island Sector. This area therefore offers the greatest potential for coordinated and large scale commercial facilities.

Public and quasi-public uses within the Dana Point coastal area include the following facilities: Del Obispo Park and the SERRA treatment facilities (east side of Del Obispo Street) and the Southern California Gas Company substation site (west side of Del Obispo Street).

The major undeveloped parcels within the Area are the Dana Point Headlands and the Lantern Bay Project Site.

c. Issue Analysis

The Dana Point Specific Plan constitutes a refinement of current land use policies governing Dana Point while also providing a series of land use regulations intended to direct the nature of ultimate development in the community.

This Local Coastal Program reaffirms the Dana Point Specific Plan Land Use Element as the land use plan for the LCP with one minor modification. During analyses associated with the development of the Dana Point Specific Plan Land Use Element, it was concluded that any amendment of such element for the area containing the six mobile homes of the Dana Strand Beach and Tennis Club within the Dana Point subarea should be considered concurrently with amendments for the remainder of the club. The Dana Point Specific Plan thus designated this area of 5.4 (Other Open Space) as an interim measure to allow analyses of the entire club as part of the Laguna Niguel subarea LCP. The recently completed Laguna Niguel subarea LCP proposes the amendment of the Land Use Element for the club area to ensure consistency of the existing use with the element and to ensure preservation of the bluff area in future development of the area. These proposed Land Use Element changes are presented below.

Mobile home areas from 5.31 (Tourist Recreation/Commercial) to 1.4S (High Density Residential - Site Plan Review), beach areas from 5.31 (Tourist Recreation/Commercial) to 5.3

(Recreational), bluff areas from 5.31 (Tourist Recreation/Commercial) to 5.41 (Conservation).

During analysis associated with the development of the Dana Point Specific Land Plan Use Element, it is concluded that any amendment of such element for the area containing the seven mobile homes of the Dana Point Strand Beach and Tennis Club within the Dana Point subarea should be considered concurrently with amendments for the remainder of the club.

Ultimate use impacts associated with the implementation of the changes in the Land Use Element as provided by the Dana Point Specific Plan are addressed below on a sector by sector basis.

Santa Clara Avenue Sector - The Land Use Element changes adopted by the Specific Plan include a redesignation from Community Commercial and Tourist Recreation/Commercial to High Density Residential. (This latter change pertains to the "Old Hotel" site.) Additional area was proposed for a reduction in allowed density from Heavy Density to High Density. However, this transition results in an increase in the number of maximum dwelling units allowed in this sector from 50 to 120. From a general land use perspective, these proposed Land Use Element designation changes affirm and expand the residential land use in this sector. Ultimate development within the Santa Clara Avenue Sector will likely follow the land use trend currently established herein, namely single and multiple family dwellings on larger single or consolidated lots.

These adopted residential land use designations resolve the previous Land Use Element/zoning inconsistencies within this sector. High Density, Residential Land Use Element designations replaced Commercial designations in order to conform with the residential zoning within this sector.

The adopted redesignation of the bluff area to Conservation from Other Open Space serves to insure preservation of existing open space and recreation areas in their natural state on the behalf of the public interest.

Lantern Bay Project Sector - The previous Land Use Element contained a mix of High Density Residential, Community Commercial, Recreation and Tourist/Recreation Commercial designations for this sector. The Specific Plan did not significantly change these designations.

The Lantern Bay Project Sector was considered at one time for acquisition by the State Department of Parks and Recreation. As mentioned in the access component, these plans are no longer being pursued. By not proposing any designation changes, the Specific Plan reinforced those land uses designated by the Land Use Element and disregarded any potential State Park acquisition.

Headlands Sector - The adopted Specific Plan contains a Land Use Element displaying High Density, Residential development inland of the proposed extension of Selva Road interspersed with a recreation designation. The areas outside the Selva Road loop are designated for a combination of Tourist Recreation/Commercial Recreation, Open Space, and Conservation. The adopted residential land use designations would result in a decrease in the maximum number of allowable dwelling units from 460 to 310.

This land use pattern is a consequence of the extensive private planning and public review efforts devoted to the Headlands area. These land uses are intended to maximize public access opportunities (commercial, recreation, etc.) and preserve bluff top resources in areas closest to the Pacific Ocean. In return, the property owner has been allowed opportunity to develop inland areas of this sector. The High Density Residential designation generally conforms to the existing residential development in this sector (west side of Street of the Green Lantern and Dana Strand Road). The Tourist Recreation/Commercial designation represents an extension of this land use established on the east side of Street of the Green Lantern. The two existing restaurants (Quiet Cannon and Chart House) provide a basis for an extension of tourist-oriented commercial activities in this sector. Residential development within areas designated for Tourist Recreation/Commercial use within the Headlands sector is not permitted with the exception of time sharing units and accessory uses as part of caretaker services.

These proposed Land Use Element designations, in combination with associated regulator policies and Specific Plan Land Use Regulations provide detailed guidance to this largely undeveloped sector. The regulatory policies formulated for this sector address such development and design issues as density ceilings, location and design of bluff top walks, walkway and bike path design, etc.

Marina Sector - The Specific Plan retained and extended the Tourist Recreation/Commercial Land Use Element designations within this sector. This extension involved application of the Tourist Recreation/Commercial use to the existing motel and restaurant facilities at the intersection of Del Obispo and Pacific Coast Highway. The Recreational Land Use Element designation applied to Doheny State Beach was also retained. The Specific Plan recommendations therefore retain the Marina sector as a destination for visitors to the tourist-oriented recreation use associated with the Dana Point Harbor and Doheny State Beach Park.

The adopted Tourist Recreation/Commercial Land Use Element designation resolved the current inconsistency regarding residential and commercial uses within an area currently designated for recreation use.

La Plaza Sector - The Specific Plan redesignation of the La Plaza Sector (to be renamed Richard Henry Dana Centre) to a Local Commercial Land Use Element designation. Such a change will have little effect upon the fundamental use within this sector; however, it is the intent of the Specific Plan to shift the commercial orientation of uses in this sector to serve local needs.

Pacific Coast Highway Island Sector - Previously designated by the Land Use Element for primarily Community Commercial use, the Specific Plan redesignated those limited areas designated Open Space to conform to the Community Commercial designation. The Specific Plan, therefore, promotes the creation of a center for "professional, business or personal services." This center would also possess shared parking facilities.

This redesignation also resolves the inconsistency of commercial zoning within an area previously designated for Open Space use by the Land Use Element. In addition, the Specific Plan proposed that the south side of Del Prado Avenue between Streets of the Amber Lantern and Golden Lantern be designated for a combination of Heavy Density Residential and Community Commercial use instead of the current Community Commercial designation.

Pacific Coast Highway East Sector - Open Space Land Use Element designations in this sector were changed to Community Commercial. In addition, a portion of the Pacific Coast Highway frontage is designated for a combination of High Density Residential and Community Commercial use. These designations will, to a large part, provide an extension of a professional business or personal services" established in the Pacific Coast Highway Island Sector. These designations also resolve the current Land Use Element/Zoning District inconsistencies relative to commercial and residential zoning within an area previously designated for Open Space Use.

As indicated in these sector-by sector discussions, several of the Land Use Element designations within the Specific Plan resulted in the change in the maximum number of dwelling units allowed on remaining vacant parcels. Within Dana Point's coastal zone, the maximum allowable units decreased by approximately eighty.

d. Policies

1. Policies relating to the provision of new development which are listed in previous components of this Dana Point LCP are hereby incorporated by reference into the New Development Component.
2. Development will be located in a manner allowing access to the scenic resources and other coastal amenities associated with the coastal bluffs.

3. Public use open space land, such as trails and local parks, will be provided within the residential and commercial areas of Dana Point.
4. Day use facilities shall be maximized within the sandy beach areas. Sandy beach areas shall be protected from being paved.

3. Infrastructure

a. Existing Conditions

The Dana Point area lies within the service district of the following public utility agencies:

<u>Service</u>	<u>Agency</u>
Water	Capistrano Beach County Water District
Sewer	Dana Point Sanitary District
Electricity	San Diego Gas and Electric
Natural Gas	Southern California Gas Company
Telephone	Pacific Telephone Company

Given the urbanized nature of Dana Point, service mains and pipelines run throughout the study area.

b. Issue Analysis

The residential land use designation changes contained in the Dana Point Specific Plan result in the reduction of the maximum number of allowed dwelling units. As such, an incremental reduction of growth of demand upon those services and utilities serving Dana Point can be anticipated. Other aspects of the Specific Plan have the potential for specific demands upon these services and utilities as discussed below.

Areas proposed for a "coordinated" landscaping planting program (see Section II., D., Specific Plan Recommendations, Scenic Highways and Community Design Elements) will necessitate consumption of water supplies for irrigation purposes. Proposed streetlighting programs within the Scenic Highways and Community Design Elements will consume a minor amount of electrical energy.

Analysis of future availability of public utilities has been conducted by the County of Orange Development Monitoring Program. These analyses are felt to be directly applicable to any assessment of impacts associated with the proposed Specific Plan. The results of the DMP analyses are summarized below:

The Dana Point Sanitary District, as a member agency of the South East Regional Reclamation Authority (SERRA), is in the process of completing construction of a 57-inch ocean outfall. This facility is intended to solve existing water quality difficulties associated with existing outfall facilities. Present wastewater

treatment capacity in combination with additional capacity available through participation with SERRA will serve to meet wastewater treatment demands from Dana Point through 1987. The San Diego Gas and Electric Company possesses current substation capacity to adequately serve present needs. Construction of a planned substation at the northern boundary of the Thunderbird Capistrano Planned Community Sector will provide adequate future capacity. The Southern California Gas Company has indicated that current natural gas supplies and facilities are adequate to serve future demands. Pacific Telephone's facility network throughout the study area will provide adequate service to Dana Point as urbanization continues.

c. Policies

1. Orange County's Development Monitoring Program will be responsible for monitoring the availability of services required to serve planned and projected development projects.
2. Undergrounding of utilities will be required for all new development.
3. Reclaimed water will be used for landscape irrigation wherever feasible.

III. IMPLEMENTING ACTIONS PROGRAM

A. FORWARD

The following Land Use Regulations implement the Dana Point Local Coastal Program and apply to that portion of the Dana Point Community within the Coastal Zone.

The regulations are adopted by ordinance pursuant to Article 8, Authority for and Scope of Specific Plans of the Planning and Zoning Law of the Government Code and in compliance with the provisions of Sections 65450 and 65503 of the Government Code, Section 7-9-156 of the Codified Ordinances of Orange County, and Division 20 of the Public Resources Code.

B. GENERAL PURPOSE AND APPLICATION

1. General Purpose

The Dana Point Specific Plan Regulations are adopted for the purpose of promoting the health, safety and general welfare of the Dana Point Community, Orange County and the future residents of this South County Community. More specifically these regulations are intended to provide the standards, criteria and procedures necessary to achieve the following objectives:

- a. Implement the intent and purpose of the Dana Point Local Coastal Program, including the Land Use, Resource, Transportation, Access, and New Development Components.
- b. Implement the applicable policies of the California Coastal Act and preserve, protect and enhance the Coastal Zone resources of particular value to the Dana Point Community, County of Orange, and State of California.
- c. Provide maximum opportunities for innovative community design and site planning, consistent with orderly development and protection of sensitive and natural resources, with a logical and timely sequence of community and government review and input.
- d. Improve the visual image and general aesthetics of Dana Point.

2. Application

The interpretation and application of the Dana Point Specific Plan Land Use Regulations shall be accomplished in accordance with the following provisions:

- a. The land use regulations shall be applied only in the Specific Plan area.
- b. The Orange County Zoning Code is auxiliary to the land use regulations of the Dana Point Specific Plan and if any item or issue is not included within the DPSP land use regulations, the Zoning Code shall be applicable. However, the Zoning Code shall not override any provision of the DPSP. If there is any ambiguity or uncertainty as to which regulations of the Zoning Code or DPSP apply or when they apply, it will be resolved by the Director, EMA. Within the CD District, ambiguities or uncertainties shall be resolved in a manner most protective of coastal resources.
- c. If any portions of these regulations are, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted these regulations and each portion thereof, irrespective of the fact that any one or more portions be declared invalid or ineffective.
- d. For the purpose of carrying out the intent and purpose of these regulations, words, phrases and terms are deemed to have the meanings ascribed to them in Sections 7-9-21 through 7-9-47 of the County of Orange Zoning Code, unless otherwise provided by these land use regulations.

C. GENERAL PROVISIONS

The following general provisions shall apply in all Districts.

1. Front setbacks shall be measured from the ultimate right-of-way line.
2. All construction and development within the Dana Point Specific Plan area shall comply with applicable provisions of the Uniform Building Code and other various Mechanical, Electrical, Plumbing and Housing Codes related thereto as well as the Grading Code and Sign Code. In case of a conflict between the specific provisions of any such code and this specific plan, the Director, EMA, shall resolve the conflict by written determination in a manner consistent with the goals and policies of this plan.
3. To minimize the erosional effects of grading operations, the erosion control provisions of Subarticle 13 of the Orange County Grading and Excavation Code shall be enforced, except that in Dana Point no grading work in excess of fifty (50) cubic yards will be allowed between October 15th and April 15th on any single grading site unless an erosion control system has been approved by the Building Official.

4. The policies of the Dana Point Land Use Plan (LUP) are hereby incorporated into these regulations. The LUP policies shall serve as additional development standards for all developments subject to these regulations.
5. Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals, and other similar uses, may be permitted in any area in the Dana Point community by approval of the Director, EMA, upon application for a certificate of use and occupancy per Section 7-9-152 of the Orange County Zoning Code.
6. Any conditions, requirements, or standards, indicated graphically or in writing, that are a part of an approved area plan, site development permit, use permit, detail plan, or Coastal Development Permit approved in compliance with these regulations shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit or plan but not in compliance with all approved conditions shall be in violation of the Dana Point Specific Plan Land Use Regulations.
7. All on-site lighting shall be designed and located so as to confine direct rays to the premises.
8. At least twenty-one (21) calendar days prior to official action on any application for a use permit, variance permit, area plan or site plan permit, the Director of Planning, EMA will forward such application to the Dana Point Specific Board of Review for their review and recommendations.
9. Unless located in the Coastal Development District the following enforcement shall apply. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the County Jail of Orange County for a term not exceeding six (6) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided. Enforcement of these regulations shall be per Section 7-9-154 of the Orange County Zoning Code.
10. Application for variances to the site development standards of these regulations in the CD District shall be considered and processed in accordance with Section 7-9-150.1(f) and 7-9-150.1(8) of the Orange County Zoning Code. A variance shall not be approved and a variance application shall not be accepted which would authorize a use or activity which is not expressly

authorized by the district regulations applicable to a specific building site.

No variance shall be granted that is inconsistent with the policies and requirements of the certified land use plan.

In addition to the findings required by the provisions of Section 7-9-150.1(f) and (g) the following findings shall also be made by the approving authority prior to the approval of each variance application. If the following findings are not made, the application shall be disapproved.

- a. There are special circumstances applicable to the subject building site which, when applicable specific plan land use district regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
 - b. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitation placed upon other properties in the vicinity and subject to the same district regulations, when the specified conditions are complied with.
11. The listed prohibited uses in the district regulations only give some examples.
 12. These Specific Plan Land Use Regulations are intended to facilitate the location of housing for all segments of the population in the Dana Point community by implementing the inclusionary housing provisions of the Housing Element of the Orange County General Plan.
 13. All building sites shall comply with the provisions of Section 7-9-126 Building Site Requirements of the Orange County Zoning Code.
 14. The Dana Point Specific Plan may be amended. The amendment of this Plan is subject to Section 7-9-156 of the Orange County Zoning Code. In addition, amendments to the portions of the Dana Point Specific Plan within the CD District are subject to the approval of the California Coastal Commission.
 15. All parking requirements shall comply with the provisions of Section 7-9-145, Off Street Parking Regulations of the Orange County Zoning Code.
 16. Appeals of any decisions taken by the approving authority shall be in compliance with Section 7-9-150.4 of the Orange County Zoning Code.

17. The acoustics section of the Environmental Analysis Division shall review requests for building permits to assure compliance with the Noise Element of the Orange County General Plan and other ordinances and regulations enforcing acoustical standards.
18. A comprehensive geologic/soils report is to be presented to the Grading Section of Orange County EMA prior to any development activity in the landslide and fault hazard areas delineated on figure 2 HAZARDS, of the certified LCP.

At a minimum this report shall evaluate: geologic conditions including soil, sediment and rock types, evidence of past or potential landslide conditions and potential effects of development on landslide activities; impact of construction activity on site stability; ground and surface water conditions and variations; potential erodability; and mitigating measures.

The soils engineer and geologist must certify the suitability of a graded site prior to issuance of a coastal permit. Development projects shall incorporate all recommendations of the geology and soils reports and shall provide for the following:

- a. At a minimum any development shall be required to maintain a 50-foot structural setback from any identified active fault.
- b. New development shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback based upon the geologic report and other applicable information.

This setback area shall be dedicated as an open space easement or deed restriction as a condition of the approval of new development.

- c. Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability, may be permitted.

Development and activity of any kind beyond the required bluff top setback shall be constructed to ensure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

19. A waiver of public liability shall be a condition of new development approvals for all property located in identified hazard areas depicted in Figure 2.

The waiver shall be in the form of a deed restriction for recording, free of prior liens except tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Director, EMA. The deed restriction shall provide that (1) the applicant understands that the site is subject to the specified extraordinary hazard from erosion and from bluff retreat, wave hazards, etc.) and that applicant assumes the liability from these hazards; (2) the applicants unconditionally waive any claim of liability on the part of the Commission or any other public agency for any damage from such hazards; and (3) the applicant understands that construction in the face of these known hazards may make him or her ineligible for public disaster funds or loans for repair, replacement or rehabilitation of the property in the event of erosion, landslides, wave damage, etc.

20. The Dana Point Harbor/Marina shall be governed by the Dana Point Harbor Planned Community regulations. Nothing in the Specific Plan shall be construed to modify existing tidelands trust regulations, lease agreements or other regulatory controls within Dana Point Harbor.
21. New development within the area indicated on Exhibit 28 of the Dana Point Specific Plan shall be compatible with the New England design theme described in the Community Design Element of the Dana Point Specific Plan.
22. Where Sec. 7-9-136 of the Orange County Zoning Code allows temporary uses in residential areas of planned communities such uses shall be allowed in residential areas of the Dana Point Specific Plan. Similarly, temporary uses allowed in commercial areas of planned communities shall be allowed in commercial areas of the DPSP.
23. Degradation of the water quality of groundwater basins, nearby streams or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.
24. Public utility transmission lines shall be subsurface in all new development projects as defined in the "CD" regulations over two acres.
25. Prior to issuance of a Coastal Development Permit for new development projects as defined in the "CD" regulations over two acres, the project shall be evaluated by the County Administrative Office to assure consistency with the Development Monitoring

Program's assumptions in order to determine adequate infrastructure requirements for the project.

26. Notwithstanding the adoption of these regulations approved discretionary area plans, use permits, site development permits and variances will be allowed to establish their respective uses in the manner set forth in their approving action, provided the use can be established within the time period specified in each permit. If an extension of time to establish any of these uses is requested, the subject project will then have to comply with the requirements of this ordinance. However, all new development shall have a Coastal Development Permit or be required to obtain a Coastal Development Permit if one has not been granted.
27. Residential development densities and area-per-unit standards shall be related as follows:

<u>Density Per Land Use Plan</u>	<u>Area Per Unit Standards</u>
1.3	6,500 sq. ft./unit
1.31	6,500 sq. ft./unit
1.32	5,000 sq. ft./unit
1.4	2,600 sq. ft./unit
1.41	2,600 sq. ft./unit
1.42	1,800 sq. ft./unit
1.51	1,200 sq. ft./unit

28. All residential setback regulations, when applied to narrow, shallow or other irregularly shaped building sites shall be modified pursuant to the standards in Section 7-9-128 of the Orange County Zoning Code.
29. For all new development between Pacific Coast Highway and the shoreline, public access to the shoreline and the coast shall be provided in a manner which carries out the policies of the LUP including the Access Component.

As a condition of development the applicant shall cause to be duly executed and record an irrevocable offer to dedicate an easement for public access as follows:

- a. For all development proposed along the shoreline bluff top, a lateral easement shall be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the bluff top trail system as shown in Figure 8 of the LUP. The easement shall be a minimum of 10 feet wide and shall be set back a sufficient distance from the bluff edge to assure safety from the threat of erosion for 50 years. A 10-foot setback from the accessway easement shall be required for any proposed structures to

minimize the impacts between the accessway and adjacent residential uses.

- b. A 10-foot wide vertical easement will be irrevocably offered for dedication to a public agency or private association approved by the County to ensure implementation of the beach trails depicted in Figure 8.

A 10-foot setback from the access easement shall be required for any proposed structures to minimize the impacts between the accessway and adjacent residential uses.

The easement document shall be subject to the review and approval of the Executive Director of the Coastal Commission and shall include legal descriptions of the Parcel(s) to be used by the applicant and the easement area. The easement shall be recorded free of prior liens except for the tax liens and free of prior encumbrances which may affect the interest being conveyed. The offer shall run with the land and shall bind the landowner and his or her successors and assigns and shall be irrevocable for a period of 21 years from date of recording.

30. Prior to the approval of a Coastal Development Permit for development along the bluff edge, the applicant must show on the permit application how the bluff top open space features depicted in Figure 8 of the LUP shall be developed and maintained for public use, consistent with Policies 18 and 34 of the Access Component.
31. Prior to the issuance of any building permits, a fee of \$275 for each conventionally financed residential unit (no fee shall be required for an "affordable" unit which is part of the Affordable Housing Program) shall be paid into a coastal access fund. This fund shall be administered by a separate legal entity under binding agreement with the County, Coastal Conservancy and Coastal Commission specifying that the use of the funds is limited to the provision of coastal recreational transit service. (See LNPC.)
32. Prior to the issuance of a coastal permit, a survey shall be completed to identify archaeological, paleontological or historical resources. A report consistent with the Board of Supervisors Archaeological/Paleontological Policy (Resolution Number 77-866) and the Cultural/Scientific Resources Policy Task Force Report, March 1977 shall be required. An archaeologist shall be retained to observe grading. Grading shall be temporarily deferred if resources are discovered during grading to allow for the study, salvage or other mitigation recommended by a qualified archaeologist.

D. "COASTAL DEVELOPMENT" DISTRICT REGULATIONS

1. Authority and Scope

This district includes the procedures and regulations necessary to implement the provisions of the Local Coastal Program applicable to the unincorporated area of Orange County known as Dana Point. This district is adopted pursuant to the Public Resources Code and constitutes the minimum standards applicable to the analysis and approval of all development projects within the Coastal Zone as required by the California Coastal Act.

2. Purpose and Intent

The purpose of this district is to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code) in accordance with the Certified Local Coastal Program of the County of Orange.

3. Area of Applicability

The provisions of this Section are applicable to all land within the "Coastal Development" District and are in addition to the provisions of Sections 7-9-20 and 7-9-49 of the Orange County Zoning Code. Where uncertainty exists as to the exact location of the Coastal Development District boundary, the following rules shall apply:

- a. When a portion of a building site lies, or appears to lie partially within the Coastal Development District and any existing or proposed development of such building site is within the Coastal Development District, the building site shall be considered to be within the Coastal Development District.
- b. When a portion of a building site lies, or appears to lie partially within the Coastal Development District and no development of such building site is within the Coastal Development District, the building site shall be considered to be not within the Coastal Development District.
- c. When a public or private street or a highway lies partially within the Coastal Development District, the entire width of that portion of such street or highway lying partially within the CD District shall be considered to be within the Coastal Development District.

4. Application

The CD District is an overlay district that is combined with any base district; however, the CD District is intended to be applied only within the area of the Coastal Zone described by the Public Resources Code and as shown on Fig. 12. In any district where the

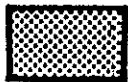
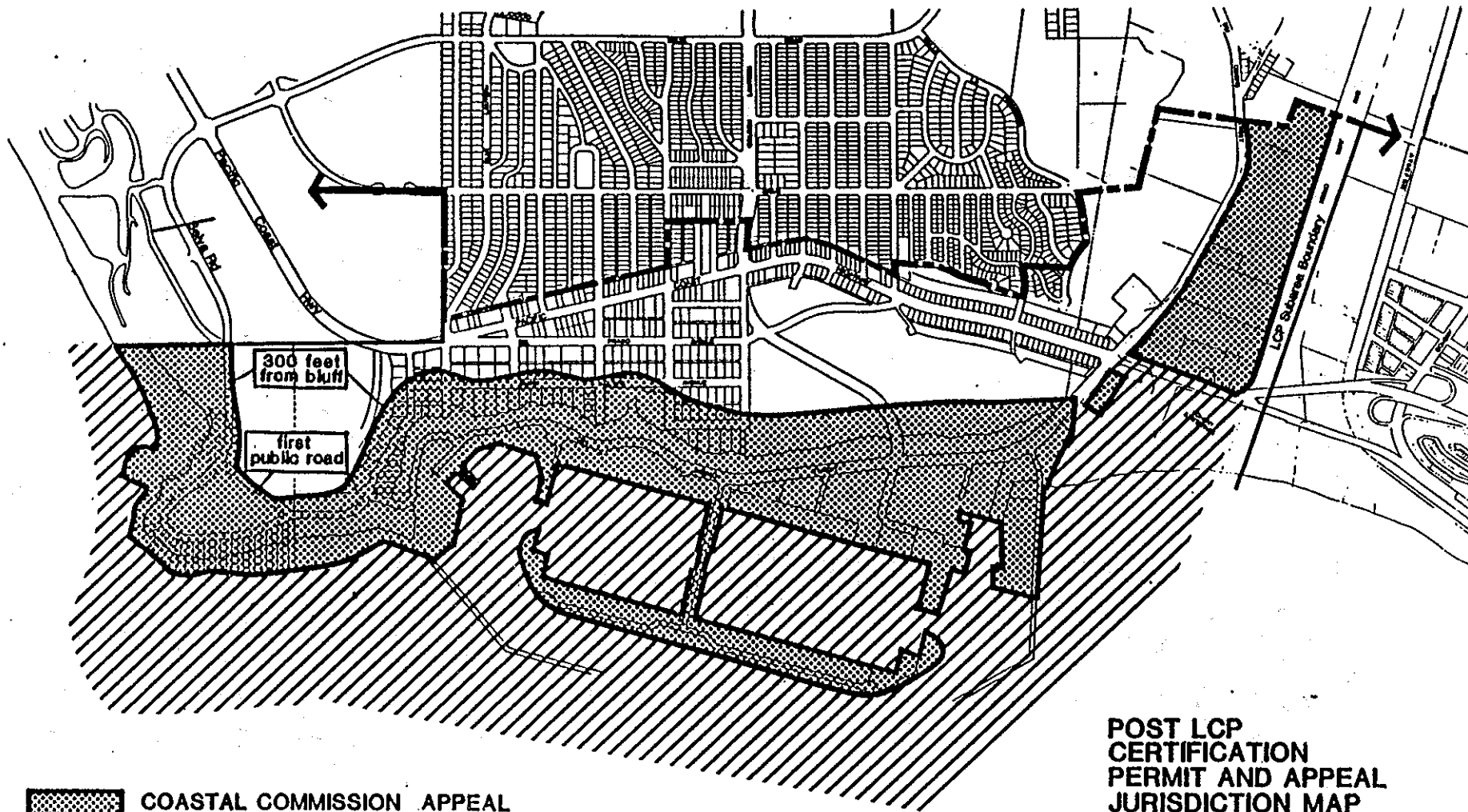
district symbol is followed by, as a part of such symbol, parenthetically enclosed letters "CD," thus: (CD), the additional requirements contained in this section shall apply. The district symbol shall constitute the "base district" and the (CD) suffix shall constitute the "combining district." Whenever any provisions of the CD District and any other law or ordinance impose overlapping or contradictory regulations, and when the CD District requires procedures and discretionary actions not required by any other law or ordinance, the requirements of the CD District shall be satisfied or complied with either in combination with or in addition to those procedures required to comply with other laws and ordinances.

5. Definitions

The following definitions shall apply to all areas within the "Coastal Development" District. In case of a conflict between the definitions contained in this district and those contained in Sections 7-9-21 through 7-9-47 of the Orange County Zoning Code, the definitions contained in this district shall prevail within the "Coastal Development" District.

Except as otherwise specified below, all words, terms and phrases used in this district, all definitions and construction of words is the same as those set forth in Sections 7-9-21 through 7-9-47 of the Orange County Zoning Code.

- a. Aggrieved Person: Means any person who, in person or through a representative, appeared at a public hearing regarding a Coastal Development Permit; or who, prior to action on a Coastal Development Permit, informed the County in writing of his concerns about an application for such permit; or who for good cause was unable to do either and objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- b. Appealable Area: includes the following:
 - (1) All area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) All area within 100 feet of any wetland, estuary, or stream and all area within 300 feet, both seaward and landward, of the top of the seaward face of any coastal bluff.
- c. Appealable Development: Any coastal development permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.

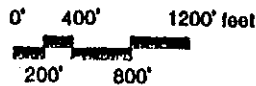


COASTAL COMMISSION APPEAL JURISDICTION (see definition in Section XI-D)



COASTAL COMMISSION PERMIT JURISDICTION (includes tidelands, submerged lands and public trust lands within the Coastal Zone)

SCALE:



POST LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION MAP

dana point

figure 12



SOUTH COAST PLANNING UNIT LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



- d. Approving Authority: Means any person, committee, commission or board authorized by the applicable zoning or specific plan regulations, or by the provisions of this district to approve, conditionally approve or disapprove a Coastal Development Permit or discretionary permit application or project.
- e. "Bluff Edge" or "Cliff Edge": Is defined as the upper termination of a bluff, cliff or seacliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.
- f. Certified Coastal Land Use Plan: A plan for the use of property within the Coastal Zone which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code.
- g. Certified Local Coastal Program: A plan for the use of property within the Coastal Zone of Dana Point, together with the Dana Point Specific Plan, district regulations, land use regulation maps, which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code.
- h. Coastal Bluff: includes the following:
 - (1) Any bluff where the toe of the slope is now, or within the past 200 years has been, subject to marine erosion;
 - (2) Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in the Public Resources Code Section 30603 (a) (1) or (a) (2).
- i. Coastal Commission: Means the California Coastal Commission established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).
- j. Coastal Development Permit: Means a permit to perform or undertake any development in the Coastal Zone. It includes discretionary permits, plans and maps required by the applicable subdivision or district regulations and Coastal Development Permits required by any certified Local Coastal Program and by the provisions of this district.
- k. Coastal Zone: Means the unincorporated portion of the County of Orange specified on a Coastal Zone map adopted by the State

Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.

- l. Development: Means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting. As used in this District, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- m. Development Project: Means any of the uses, activities or structures listed under the definition of "development" when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form, or are a component part of an integrated project.
- n. Discretionary Permit: Means any plan or permit or map required by the provisions of this Specific Plan/Local Coastal Program or the Subdivision Code. The term "discretionary permit" as used in this District includes area plans, site plans, feature plans, detail plans, site development permit, tentative tract map, tentative parcel map, coastal development permit, building permit, grading permit, demolition permit, access easement, and any other plan, permit or easement which regulates, controls or permits any construction, use or activity included in the definitions of development and development project.
- o. Energy Facility: Means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.
- p. Estuary: includes the following:

All area within the mean high tide line of any coastal water body, usually semi-enclosed by land, having open, partially obstructed or intermittent exchange with the open sea and in

which ocean water is at least occasionally diluted by fresh water runoff from the land.

- q. First Public Road Paralleling the Sea: refers to the inland right-of-way line of that street or highway nearest to the sea which is generally parallel to the sea and which is:
- (1) lawfully open and suitable for uninterrupted use by the public;
 - (2) is maintained by a public agency;
 - (3) is an improved all-weather road open to motor vehicle traffic in at least one direction;
 - (4) is not subject to any restrictions on use by the public except during an emergency or for military purposes; and which
 - (5) connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

Whenever no public road can be designated which conforms to all provisions of (a) through (e) above, and a public road does exist which conforms to all provisions of (a) through (d) above, the effect of designating the first public road paralleling the sea shall be limited to the following:

- (6) all parcels between the Pacific Ocean and such other public road; and
 - (7) those parcels immediately adjacent of the sea inland of such other public road.
- r. Inland extent of the beach: includes a back beach or dry beach and all beach area to the inland edge of the further inland beach berm, to the vegetation line if a beach berm does not exist, or to a linear feature such as a sea wall, a road, or bluff, etc.
- s. Local Coastal Program: Means the land use plans, zoning regulations, district regulations, included in this Specific Plan/LCP and implementing procedures adopted by the Board of Supervisors for the purpose of carrying out the provisions of the California Coastal Act. This Specific Plan/Local Coastal Program has been reviewed and approved, and found by the Coastal Commission to meet the requirements of and implement the provisions and policies of the California Coastal Act is a certified Local Coastal Program.

- t. Major Energy Facility: Means any energy facility exceeding \$50,000, or such minimum as may be adopted by the State of California, in actual or estimated cost of construction.
- u. Major Public Works Project: Means any public works project exceeding \$50,000, or such other minimum as may be adopted by the State of California, in actual or estimated cost of construction.
- v. Person: Means any individual, organization, partnership, or other business association or corporation, including any utility and any federal, state, local government, or special district or an agency thereof.
- w. Principal Permitted Use: Means only the permitted main use that is designated specifically in the district regulations of this Specific Plan/Local Coastal Program of this certified LCP.
- x. Public Trust Lands: Means all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes, including tidelands, submerged lands, beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the public trust at any time.
- y. Public Works: Means the following:
 - (1) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
 - (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
 - (3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
 - (4) All community college facilities.
- z. Sea: Means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

- aa. Stream: A natural watercourse identified as a stream on a map adopted pursuant to a certified Local Coastal Program, or as designated by a solid line or a _____ symbol on the USGS 7.5 minute quadrangle series map. The bank of the stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. Channelized streams not having significant habitat value should not be considered.
- bb. Structure: Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- cc. Submerged Lands: Means lands which lie below the line of mean low tide.
- dd. Tidelands: Means lands which are located between the line of mean high tide and mean low tide.
- ee. Wetland: Means lands within the Coastal Zone which may be covered periodically or permanently with shallow water, and including salt water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud flats, and fens.

6. General Requirements

a. Coastal Development Permit Required:

A Coastal Development Permit is a permit issued by the County of Orange or the Coastal Commission which authorizes establishment, operation and maintenance of a specific use, structure or activity of any development, as defined in Definitions Section, within the Coastal Zone. Except as otherwise provided by the Exemptions, Exclusions and Exceptions Section, any person, partnership, corporation or state or local government agency proposing to undertake any development project within the CD District in Dana Point shall obtain approval of a Coastal Development Permit in compliance with the provisions of this District.

b. Combined Applications:

An application for a Coastal Development Permit may be combined with any other discretionary permit application; however, any such combined application shall be processed in compliance with the provisions of Sec. 7-9-150 of the Orange County Zoning Code and with the provisions of this District. The approving authority for any combined application shall be

as specified by this District. When it is not feasible to combine a Coastal Development Permit application with one or more other discretionary permit applications, they may be processed in a concurrent manner so that the effective dates of the different actions shall occur at the proper time and in the required sequence.

c. Two Types of Approval Action:

Coastal Development Permit applications may be processed, in compliance with applicable requirements, either as an application requiring a public hearing or an application requiring administrative approval. When a public hearing is required, the application shall be heard by the Zoning Administrator or the Planning Commission at a regularly scheduled meeting. When a public hearing is not required, the approving authority shall schedule a date, time and place for action to be taken.

d. Intent:

It is the intent of these procedures to minimize the number of times a development project will be required to secure a Coastal Development Permit. Whenever a proposed development project includes more than one "development", as defined in the Definition Section of this district, it is intended that, where feasible, the "developments" be integrated into one development project and that the Coastal Development Permit application be processed at the most appropriate stage of the project. Any such Coastal Development Permit application shall include such information and details as necessary to permit an appropriate decision to be made for all stages or phases of the development project.

7. Exemptions, Exclusions and Exceptions

Except as otherwise specified herein, developments listed in this section are exempt from the provisions of the CD "Coastal Development" District.

- a. Development projects included in a categorical exclusion list adopted pursuant to the certified Local Coastal Program and to Section 30610(e) of the Public Resources Code.
- b. Improvements to existing single-family dwellings, accessory uses and structures, and landscaping, except the following, which are not exempt.
 - (1) Improvements to any existing single-family structure located on a beach, wetland, or seaward of the mean high tide line or where the dwelling or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.

- (2) Improvements on any existing single-family structure located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or within significant scenic resources areas as designated by the certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
 - (a) An increase of ten percent or more of the internal floor area of the existing structures on the building site;
 - (b) An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions;
 - (c) The construction on an additional story or a loft;
 - (d) The construction, placement or establishment of any detached structure.
 - (3) Any significant alteration of land form, or removal or placement of vegetation, on a beach, wetland, sand dune, within 50 feet of the edge of a coastal bluff, or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat;
 - (4) Expansion or construction of a water well or septic system;
 - (5) Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, when such improvement would be a major water user not essential to residential use, including but not limited to, swimming pools and landscape irrigation systems;
 - (6) Any improvement when the coastal development permit issued for the original structure indicated that future additions would require a Coastal Development Permit.
- c. Improvements to an existing structure, including attached fixtures and landscaping, other than a single-family dwelling or a public works facility, except the following, which are not exempt:
- (1) Improvements to any structure located on a beach, wetland, stream, or seaward of the mean high tide line or where the structure or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.

- (2) Significant alteration of land form, including removal or placement of vegetation, on a beach, wetland, sand dune, or within 100 feet of the edge of a coastal bluff or stream or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat.
 - (3) Expansion or construction of any water well or septic system.
 - (4) Improvements to any structure on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or within significant scenic resources areas as designated by this certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
 - (a) An increase of ten percent or more of the floor area of the existing structures on the building site;
 - (b) An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions;
 - (c) The construction of an additional story or loft.
 - (5) Construction of any major water using development not essential to residential use including but not limited to swimming pools and landscape irrigation systems, in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use.
 - (6) Any addition to a single-family dwelling when the Coastal Development Permit issued for the original structure indicated that any future improvements would require a Coastal Development Permit.
 - (7) Improvements to any structure which would result in a change in the intensity of the uses on the building site.
 - (8) Improvements pursuant to a conversion of existing structures from a multiple unit rental use or visitor serving commercial use to a condominium, stock cooperative, or time share project.
- d. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

- e. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; except the following, which are not exempt:
- (1) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves substantial alteration of the foundation, including pilings and other surface and subsurface structures.
 - (2) The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
 - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.
 - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
 - (5) Any method of routine maintenance dredging that involves the dredging of 100,000 cubic yards or more within a twelve (12) month period; or the placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or the removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
 - (6) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within 20 feet of any coastal waters or streams that include:
 - (a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
 - (b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

- f. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this district.
- g. The replacement of any structure, other than a public works facility, destroyed by natural disaster, provided such replacement structure conforms to applicable current district regulations, is designed and intended for the same use as the destroyed structure, does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent, and is sited in the same location on the same building site as the destroyed structure.
- h. Development projects on tidelands, submerged lands or on public trustlands, whether filled or unfilled, when such projects are permitted pursuant to a Coastal Development Permit issued by the Coastal Commission.
- i. Projects normally requiring a Coastal Development Permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident; provided the Director, EMA, and the Executive Director of the Coastal Commission are notified within three days after the disaster or discovery of the danger regarding the type and location of the emergency measures to be performed. This exemption does not apply to the erection, construction or placement of any structure with an estimated cost or market value in excess of \$25,000 in a permanent location.
- j. Ongoing routine repair and maintenance activities of local governments, state agencies and public utilities (such as railroads) involving shoreline works protecting transportation roadways, as specified in Board of Supervisors Resolution No. 82-1917, adopted on December 22, 1982.

8. Coastal Development Permit Procedures

Each Coastal Development Permit application shall be processed in compliance with the requirements of this section.

a. Applicability

Coastal Development Permits are applicable to the subject property and all rights granted by the approval of a Coastal Development Permit remain with the property when there is a change of ownership.

When a Coastal Development Permit is approved in combination with another discretionary permit, unless otherwise stated in

the approval action, the period of validity for the Coastal Development Permit shall be the same as for the other discretionary permit, including any extensions granted thereto.

When a project requires no discretionary permits or approvals other than a Coastal Development Permit, unless otherwise stated in the approval action, the Coastal Development Permit shall expire two years from the date of final determination if the project has not been commenced during that time.

When a Coastal Development Permit proposes to develop a building site or sites in compliance with standards and criteria specified by the permit, the plan accompanying the application shall be a precise plan of development. Establishment, maintenance and operation of the use or uses proposed by the application shall be consistent with the information and specifications of the plan, as approved.

b. Filing Procedures

A Coastal Development Permit application may be processed and action taken in combination with any other discretionary permit application when such discretionary permit application is processed in compliance with the requirements of this District provided such discretionary permit application contains sufficient detail to permit the approving authority to make the findings required by this District. A tentative tract map shall not be approved and a building permit, grading permit or encroachment permit shall not be issued prior to the issuance of a Coastal Development Permit unless the project is categorically excluded or exempted from compliance with the provisions of this district.

In addition to the requirements of the Dana Point Specific Plan, each application for a discretionary permit in the CD District shall be accompanied by a "Coastal Development Permit Status Request." Prior to accepting the discretionary permit application, the Director, EMA shall make one of the following determinations:

- (1) The requirements of this District have been previously satisfied; or
- (2) The applicant shall file a Coastal Development Permit application concurrently or in combination with the discretionary permit application; or
- (3) The Coastal Development Permit application shall be deferred to accompany a subsequent discretionary permit application.

c. Application Requirements

Each application for a Coastal Development Permit shall be filed in the form and number prescribed by the Director, EMA, and shall be accompanied by:

- (1) Payment of fee set by resolution of the Board of Supervisors.
- (2) A location map showing the area to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and other major landforms.
- (3) A plan, drawn to scale, in sufficient detail to indicate compliance with the certified Local Coastal Program.
- (4) Any additional information determined by the Director, EMA to be necessary for evaluation of the proposed development.

d. Referral of Application

It shall be the duty of the Director, EMA to: 1) forward applications for comment to other reviewing officials and/or agencies as may be required by the Dana Point Local Coastal Program policies, and 2) forward each application for a Coastal Development Permit, together with his recommendation thereon, to the approving authority for its action.

It shall also be the duty of the Director, EMA to mail the notice of public hearing and the notice of application, in compliance with the provisions of subsections (g) and (h) of this section.

Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the notice. Written comments shall be submitted to the Director, EMA, who shall forward them to the approving authority or to the Board of Appeals.

e. Action on Coastal Development Permit

Action to approve, conditionally approve or disapprove a Coastal Development Permit application shall be taken only by the Director, EMA, or his designee, the Zoning Administrator, the Subdivision Committee, the Planning Commission or the Board of Supervisors. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with

action on other permits or approvals required for the project by applicable provisions of the base district.

Action on a Coastal Development Permit shall be in accordance with the following procedures:

- (1) Where the applicable regulations of this Specific Plan requires action on a discretionary permit application to be taken by the Director, EMA or his designee, the Zoning Administrator, the Subdivision Committee, the Planning Commission or the Board of Supervisors, and a public hearing is not required by this District then that person, committee, commission or board shall also act on the Coastal Development Permit.
- (2) Where action on other permits or approvals is to be taken by a County officer or body other than those specified in paragraph (1), the Zoning Administrator shall act on the Coastal Development Permit prior to action by the appropriate officer or body on the other required permits or approvals.
- (3) When a development project is permitted by the applicable regulations of this Specific Plan with no discretionary permit or approval other than a Coastal Development Permit, the Zoning Administrator shall act on the Coastal Development Permit.
- (4) Where, in accordance with paragraphs (1) and (2) above, action on a Coastal Development Permit should be taken by the Director, EMA or his designee, but Public Hearings and Comments Section (8f) of this CD Overlay District requires a public hearing, the Zoning Administrator or Planning Commission, as specified in this district shall act in the place of the Director, EMA.
- (5) The approving authority may take any one or a combination of four different actions for each application as follows:

(a) Approval

The application is approved with no conditions or requirements other than those specified by the application. After the date of final determination, the proposed project may be established in compliance with all applicable regulations and with the provisions of the application as approved.

(b) Conditional Approval

Any application may be approved subject to the performance of, or compliance with, conditions

necessary to assure conformity with the certified Local Coastal Program.

After the date of final determination, the proposed project may be established in compliance with all applicable regulations, with the provisions of the application as approved, and with the provisions and requirements of the conditions of approval.

(c) Disapproval

The approving authority shall state the reasons for such action.

(d) Withdrawal

With the concurrence of, or at the request of the applicant, any Coastal Development Permit application may be withdrawn. When the approving authority withdraws an application, such action is effective immediately and is not subject to appeal. Thereafter, such application shall be null and void, and the property shall have the same status as if no application had been filed.

f. Public Hearing and Comments

- (1) The approving authority specified in the Action on Coastal Development Permit Section (8e) shall hold a public hearing prior to any action on a Coastal Development Permit where any of the following apply:
 - (a) The applicable Specific Plan regulations require the holding of a public hearing prior to action or recommendation on other permits or approvals required for the project.
 - (b) The application is for an appealable development, as defined in the Definitions Section (Section 5).
- (2) A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project held by the approving authority specified in the Action on Coastal Development Permit Section (Section 8.e.).

g. Notice of Public Hearing

- (1) Provision of Notice Prior to Public Hearing:

Notice shall be mailed, by first class mail, at least ten calendar days before the public hearing on development applications to the following people and agencies:

- (a) Applicant.
- (b) All persons owning property within 300 feet from the exterior boundaries of the premises to which the application pertains.
- (c) All persons residing on a building site within 100 feet from the exterior boundaries of the premises to which the application pertains.
- (d) The Coastal Commission.
- (e) Public agencies which, in the judgment of the Director, EMA may have an interest in the project.
- (f) All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self-addressed stamped envelopes.
- (g) Dana Point Specific Plan Board of Review.

(2) Contents of Notice:

- (a) A statement that the development is within the Coastal Zone.
- (b) The date of filing of the application and the name of the applicant.
- (c) The number assigned to the application.
- (d) A brief description of the development and its proposed location.
- (e) The date, time and place at which the application will be heard by the local approving authority.
- (f) A brief description of the general procedure of the conduct of the hearing and possible actions.
- (g) The system for County and Coastal Commission appeals.
- (h) The fee for filing appeals.

(3) Notice of Continued Public Hearings:

If a hearing on a Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing

shall be provided in the same manner and within the same time limits as required in the Notice of Public Hearing Section above.

h. Notice of Application for Projects which do not require a public hearing.

(1) Provision of Notice:

Notice of these development proposals shall be mailed, by first class mail, at least ten calendar days prior to the determination date to the following people and agencies:

- (a) The applicant.
- (b) All property owners and residents within 100 feet from the exterior boundaries of the premises to which the application pertains.
- (c) The Coastal Commission.
- (d) All persons who have submitted a written request for notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self addressed-stamped envelopes.
- (e) Dana Point Specific Plan Board of Review.

(2) Contents of Notice:

- (a) A statement that the development is within the Coastal Zone.
- (b) The date of filing of the application and the name of the applicant.
- (c) The number assigned to the application.
- (d) A brief description of the development and its proposed location.
- (e) The date the application will be acted upon by the approving authority.
- (f) The general procedure of the approving authority concerning the submission of public comments, either in writing or orally prior to the decision.
- (g) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

i. Notice of Decision:

On or before the seventh calendar day following the date of decision by the Director, EMA, Zoning Administrator, Subdivision Committee, Planning Commission, or Board of Supervisors, notice of the decision, including findings for approval and conditions (if any) and the procedures for appeal of the decision shall be mailed to the following persons:

- (1) The applicant
- (2) All persons who have submitted a written request for notification of action on this specific permit and who have submitted self-addressed stamped envelopes.
- (3) The Coastal Commission
- (4) Dana Point Specific Plan Board of Review.

j. Categorically Excluded Developments, Maintenance of Permit Records

A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review and shall include the following information for each permit: name of applicant, location of the project, and brief description of the project.

k. Failure to Act

If an application for a coastal development permit has not been approved or disapproved by the approving authority within one year after the date the application was accepted as complete, or within the time the application was extended, the application shall be deemed approved. Thereafter, the applicant shall notify the County of Orange and the Coastal Commission, in writing, of his or her claim that the development project has been approved by operation of law. When the County determines, after notice by the person claiming the right to proceed, that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired; the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to the Notice of Decision Section (8.i.) above that the time limits have expired, and that by operation of law the appeal period has started pursuant to Government Code Sections 65950-65957.1.

l. Effective Date

The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired

or after the twenty-first (21st) calendar day following the final local action unless any of the following occur:

- (1) an appeal is filed in accordance Appeals (Section 11) below.
- (2) the notice of final County action does not meet the requirements of the Final Determination Section (Section 8.m.) below.
- (3) the notice of final County action is not received in the Commission office and/or distributed to interested parties in time to allow for the ten (10) working day appeal period within the 21 days after the local decision.

m. Final Determination

The County's decision on an application shall be deemed final when the decision on the application has been made and all required findings have been made in compliance with the Findings Section below, including specific factual findings supporting the conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program, and where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and, when all legal rights of appeal have been exhausted, as defined in the Appeals Section (Section 11) below.

9. Standards for Application Review

- a. Prior to accepting an application for a coastal development permit the Director, EMA, shall determine whether the development project is categorically excluded, nonappealable or appealable to the Coastal Commission. This determination shall be made on the basis of the provisions of the certified LCP and land use district and zoning regulations.

If the applicant or any other interested person does not agree with the Director, EMA's determination, he or she may challenge the determination. If such challenge is not resolved and the determination remains disputed, the County shall notify the Coastal Commission (Executive Director, South Coast District Director or their designee) by telephone, of the dispute/question and shall request an Executive Director's opinion. If the Director, EMA or any other interested person does not agree with the Executive Director's determination and wishes a further determination, the matter shall be forwarded to the Board of Supervisors for review and determination.

The Board shall schedule the request for review and determination at the earliest available regularly scheduled

meeting. The Board shall determine whether the project is categorically excluded, non-appealable or appealable. If the Board of Supervisors' determination is not in accordance with the Executive Director's determination, the request shall be returned to the Executive Director who may either concur with the Board's determination or forward the request to the Coastal Commission for a final determination.

- b. The person, officer, administrator, committee, commission or board acting on a Coastal Development Permit shall review the project for compliance with all applicable plans, policies, requirements and standards of the Dana Point Specific Plan/Certified Local Coastal Program, the County General Plan, requirements of the district regulations of this Specific Plan/Local Coastal Program, and the provisions of this District. The Director, EMA shall prepare a report to the approving authority, on discretionary projects, for each Coastal Development Permit application. The report shall include a statement as to whether, in the Director's judgment, the project complies with the policies of the certified Local Coastal Program. The report shall also include a recommended action, with conditions as appropriate to ensure compliance with the certified Local Coastal Program.

10. Findings

A Coastal Development Permit application may be approved only after the approving authority has made the following findings:

- a. Local Coastal Program. That the development project proposed by the application conforms with the certified Local Coastal Program;
- b. Zoning or District Regulations. That the application is consistent with the purpose and intent as well as the other provisions of the Orange County Zoning Code or district regulations of this Specific Plan applicable to the property.
- c. California Coastal Act. That the project conforms with the public access and public recreation policies of the California Coastal Act;
- d. Variance Applications. In addition to the findings required for a variance by the applicable regulations of this Specific Plan, the following finding shall also be made. "Approval of the application will result in no modification to the requirements of the Certified Land Use Plan for Dana Point.

11. Appeals

The decision regarding any Coastal Development Permit application may be appealed in compliance with the provisions of Sec. 7-9-

150.4 of the Orange County Code and with the following additional provisions.

a. Appealable Decision

A decision by the Board of Supervisors regarding an application for a Coastal Development Permit for an appealable development may be appealed to the Coastal Commission in compliance with the Coastal Commission appeal procedures.

b. Notice of Final Appeal Action

Within 7 calendar days following the date of decision on an appeal the Director, EMA, or the Clerk of the Board of Supervisors, as appropriate, shall forward by first class mail a copy of the written decision to the appellant, the applicant, Dana Point Specific Board of Review, and the Coastal Commission, and shall make such decision available at cost to any other person desiring a copy of such decision.

c. Appeal Procedures

- (1) An appeal of a decision by the Board of Supervisors may be filed by the applicant, by an aggrieved person, or by any two members of the Coastal Commission.
- (2) An appeal of a decision by the Board of Supervisors shall be filed within 21 calendar days from the date of the Board's decision.
- (3) Any appealable development may be appealed directly to the Coastal Commission without exhausting the appeal procedures specified by this section and Sections 7-9-150.4 and 150.5 of the Orange County Zoning Code, provided such appeal complies with the adopted regulations of the Coastal Commission.

d. Appealable Developments

A decision by the Board of Supervisors regarding a Coastal Development Permit application for any of the following projects may be appealed to the Coastal Commission.

- (1) Development projects approved by the County located within any appealable area, as follows:
 - (a) All area between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;

- (b) All area within 100 feet of any wetland, estuary, or stream and all area within 300 feet, both seaward and landward, of the top of the seaward face of any coastal bluff;
- (2) Any development project approved by the County that is not designated as the principal permitted use as defined in the Definitions Section (Section 5) of this Specific Plan/Local Coastal Program.
- (3) Any development project which constitutes a major public works project or a major energy facility.

12. Enforcement Provisions

The purpose of this section is to provide regulations and procedures which will ensure compliance with the California Coastal Act and with the requirements of this Certified Local Coastal Program and the provisions of this District.

a. Violations

Any person who violates any provision of the LCP shall be subject to a civil fine of not to exceed ten thousand dollars \$10,000.

In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of the LCP shall be subject to a civil fine of not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000) per day for each day in which such violation occurs.

b. Revocations

Failure of any person to abide by and faithfully comply with any and all conditions that may be attached to the approval of a permit issued pursuant to the provisions of this District shall constitute grounds for the revocation of said permit by the Board of Supervisors.

The failure of any Coastal Development Permit application to be processed in compliance with the requirements and procedures of this District shall constitute grounds for revocation by the Board of Supervisors for any permit approved resultant to such non-compliance.

13. Judicial Review

Any violation of the District Regulations of the Specific Plan/Local Coastal Program or applicable provisions of the Orange County Zoning Code within the "Coastal Development" District shall also constitute a violation of Division 20, Section 30000 et seq. of the Public Resources Code of the State of California and shall be subject to the remedies, fines and penalties provided in Division 20, Chapter 9, Section 30800 et seq. of the Public Resources Code.

14. Procedures for Open Space Easements and Public Access Documents

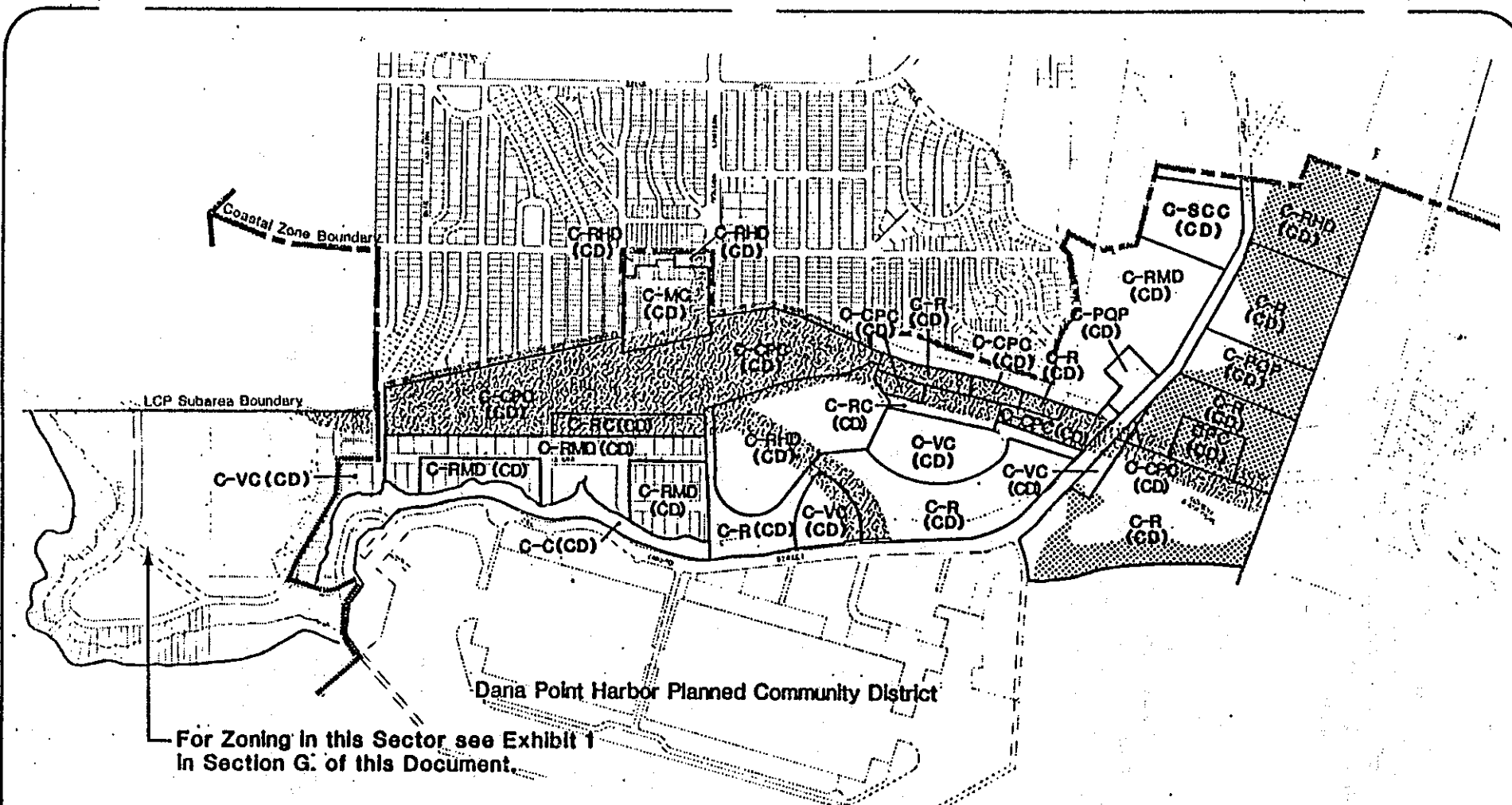
When a Coastal Development Permit requires dedication of a public access, open space or conservation easement, prior to recordation of a final tract or parcel map or prior to issuance of the Coastal Development Permit, the legal dedication document shall be approved by the Director, EMA and the Executive Director of the Coastal Commission prior to such recordation or permit issuance. The offer of dedication shall be processed in the following manner:

After the Director, EMA has approved the offer of dedication, the offer of dedication together with a copy of the Coastal Development Permit conditions and findings shall be forwarded to the Executive Director for review and approval.

The Executive Director shall, within 15 working day period after receipt of the documents, notify the Director, EMA and the applicant of any recommended changes to the dedication offer.

If the Director, EMA has not received a notice of recommended changes from the Executive Director at the end of the 15 working day period, the map may be recorded or the permit may thereafter be issued in compliance with applicable County procedures and regulations.

If the Executive Director has recommended changes in the offer of dedication the subject map shall not be recorded, nor shall the permit be issued, until the offer of dedication has been revised in a manner satisfactory to, and as approved by, the Director, EMA and the Executive Director.



For Zoning in this Sector see Exhibit 1 in Section G. of this Document.

- | | | | |
|-------|------------------------------------|-------|---------------------------------|
| C-RMD | Coastal Medium Density Residential | C-SCC | Coastal Special Congregate Care |
| C-RHD | Coastal High Density Residential | C-R | Coastal Recreation Space |
| C-RC | Coastal Residential Commercial | C-C | Coastal Conservation |
| C-MC | Coastal Minor Commercial | (CD) | Coastal Development |
| C-CPC | Coastal Couplet Commercial | | Headlands Sector Boundary |
| C-VC | Coastal Visitor Commercial | SH | Scenic Highway |
| C-PQP | Coastal Public Quasi Public | FP-2 | Flood Plain |

COASTAL LAND USE REGULATIONS MAP

dana point

figure 13



SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



E. DISTRICT REGULATIONS

1. C-RMD

"COASTAL MEDIUM DENSITY RESIDENTIAL" DISTRICT

a. PURPOSE AND INTENT

The C-RMD District is established to provide the regulations which will permit the development and maintenance of medium density single-family residential neighborhoods. The C-RMD area implements the 1.3, 1.31 and 1.32 Medium Density Residential Land Use designations of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.
 - a) Single-family detached dwellings (one dwelling per building site).
 - b) Parks and playgrounds, public and private, non commercial.
- 2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Horticulture, unlighted and enclosed by buildings and structures, non commercial.
 - b) Single-family mobilehomes, mobilehome parks, mobilehome subdivision (all installed pursuant to the National Mobilehome Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., on a foundation system set forth in Section 18551 of the Health and Safety Code) per Section 7-9-149 et seq. of the Orange County Zoning Code, including any accessory or temporary uses listed under "Principal Permitted Use."
 - c) Riding and hiking trails.
 - d) Parks and playgrounds, public and private (non-commercial).
 - e) Churches, temples, and other places of worship.

- f) Educational institutions and associated athletic fields.
 - g) Communication equipment buildings.
 - h) Community television receiving and distribution system.
 - i) Public utility structures and facilities.
 - j) Microwave radio and television relay transmitters.
 - k) Fire and police stations.
 - l) Public libraries.
 - m) Water reservoirs and appurtenant facilities.
 - n) Eleemosynary institutions.
 - o) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
 - p) Mobilehome residence during construction of a dwelling per Section 7-9-136.7 of the Orange County Zoning Code.
 - q) Continued use of an existing building during construction of a new building on the same building site in compliance with the provisions of Section 7-9-136.3 of the Orange County Zoning Code.
 - r) Country clubs and golf courses.
 - s) Electric distribution substations.
 - t) Care homes and facilities serving not more than six (6) persons.
 - u) Day care centers.
 - v) Residential single-family planned (unit) developments subject to the site development standards of Section 7-9-110.3(c) of the Orange County Zoning Code and with a minimum of square footage of net land area per unit as outlined under General Provisions (C. #27).
- 3) Accessory Uses Allowed

Any of the following uses and structures customarily accessory and incidental to the above permitted uses except as otherwise provided in other subsections and in compliance with the site development

standards contained in Section 7-9-137 of the Orange County Zoning Code.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
- b) Garages and carports, in compliance with the site development standards provided in Section 7-9-137.1 of the Orange County Zoning Code.
- c) Patio covers and roofs, in compliance with the site development standards provided in Section 7-9-137.2 of the Orange County Zoning Code.
- d) Swimming pools, in compliance with the regulations provided in Section 7-9-137.4 of the Orange County Zoning Code.
- e) Fences and walls. (See #2 under SITE DEVELOPMENT STANDARDS.)
- f) Non-commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits, small rodents, provided that the number of cats or dogs shall not exceed 3 of each residence.
- g) Tennis courts, in compliance with the provisions of Section 7-9-137.6 of the Orange County Zoning Code.
- h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.

4) Prohibited Uses

- a) The keeping of horses, cows, and wild or non-domesticated animals is prohibited.
- b) Kennels.
- c) All uses not listed in b. 1) and 2), and 3).

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum building site area - 6,500 square feet.
- b) Building Site Area/per unit standard: 6,500 sq. ft. except as noted in General Provision #27.
- c) Building site width - no limitation.
- d) Building height, maximum - 28 feet.
- e) Building setbacks¹

¹See General Provision #28.

From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Site from All Prop. Lines
Front	Side	Rear	Side	Rear	
20	5	25*	5	25*	10

*or as required by f, j, or the General Provisions, whichever is greater.

- f) In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than 15 feet.
- g) Projection into required setbacks; eaves, chimneys, patios, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front and rear setback, and 2 feet into side setback.
- h) Attached accessory buildings shall be considered as a part of the the main building.
- i) Garage and carport placement. See Section 7-9-137.1 of the Orange County Zoning Code.
- j) In areas of new development, above ground structures and swimming pools shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for 50 years. The setback shall be determined by the County. A geologic report shall be required by the County. In no case shall the setback be less than 25 feet.
- 2) Fences and walls, maximum height.
- a) Within front setback area - three and one half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
- b) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.
- 3) Off-street parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.
- 4) Within required blufftop setbacks, drought-tolerant vegetation will be maintained. Grading, as may be required to establish proper drainage

or to install landscaping, and minor improvements that do not impact public views or bluff stability, shall be permitted.

- 5) The location of the blufftop walk as depicted on Figure 8 of the LUP shall be conceptual in nature. Precise alignment of the blufftop walk will be determined as new development plans are reviewed by the County. The interim blufftop walk as shown on Figure 8 of the Land Use Plan (LUP) shall be used until the permanent trail system is in place.
- 6) Development shall attempt to minimize obstruction of the ocean view corridors depicted in Figures 3 and 4.
- 7) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements, waivers of liability, and coastal access fund contributions.

2. C-RHD

"COASTAL HIGH DENSITY RESIDENTIAL" DISTRICT

a. PURPOSE AND INTENT

The C-RHD district is established to provide the regulations which will permit the development and maintenance of high density and heavy density multiple-family residential neighborhoods. The C-RHD district implements the 1.4, 1.41 and 1.42 HIGH DENSITY RESIDENTIAL, 1.51 HEAVY DENSITY RESIDENTIAL land use designation of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) single-family detached dwellings (one dwelling per building site)

b) duplexes

2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Mobilehome - parks and subdivisions per Sections 7-9-149, 7-9-149.2, 7-9-149.5 of the Orange County Zoning Code including any accessory or temporary uses listed under "Principal Permitted Uses."

b) Apartments, residential condominiums, stock cooperatives pursuant to the R2 and R4 Zoning Districts of the Orange County Zoning Code.

c) Parks and Playgrounds, Public and Private non-commercial.

d) Churches, temples, or other places of worship.

e) Educational institutions and associated athletic fields.

f) Communication equipment buildings.

h) Community television receiving and distribution systems.

- i) Electric distribution substations.
- j) Horticulture, unlighted and enclosed by buildings and structures, non-commercial.
- k) Water pumping stations
- l) Microwave radio and television relay transmitters.
- m) Sewage lift stations.
- n) Fire and Police stations.
- o) Public libraries.
- p) Water reservoirs and appurtenant facilities.
- q) Community care facilities per Section 7-9-138.1 of the Orange County Zoning Code.
- r) Eleemosynary institutions.
- s) Country clubs and golf courses
- t) Daycare centers and preschools.
- u) Residential Planned (unit) developments subject to the site development standards of Section 7-9-110.3(c) of the Orange County Zoning Code and with a minimum of square footage of net land area per unit as outlined under General Provision (C. #27).
- v) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
- w) Mobilehome residence during construction of a dwelling per Section 7-9-136.7 of the Orange County Zoning Code.
- x) Riding trails.
- y) Continued use of an existing building during construction of a new building on the same building site in compliance with the provisions of Section 7-9-136.3 of the Orange County Zoning Code.

3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
- b) Garages and carports
- c) Patio covers and roofs
- d) Swimming pools
- e) - Fences and walls
- f) Non-commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits, small rodents, provided that the number of cats or dogs shall not exceed 3 of each per residence.
- g) Tennis courts, in compliance with the provisions of Section 7-9-137.6 of the Orange County Zoning Code.
- h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.

4) Prohibited Uses

- a) The keeping of horses, cows, and wild or non-domesticated animals is prohibited.
- b) Kennels.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum building site area 5,200 square feet.
- b) Building Site Area/per unit standard - 2,600 square feet area per unit unless otherwise provided for in General Provision #27.
- c) Building site width - no limitation.
- d) Building height maximum - 28 feet
Building site coverage: 60% of building site
- e) Building setbacks¹

¹See General Provision #28.

From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Building Site from Any Property Line
Front	Side	Rear	Side	Rear	
20	5	25	5	25*	10

*25' or as required by f, j, or the General Provisions, whichever is greater. Setback shall be measured from the bluff edge for properties along coastal bluffs.

- f) In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than 15 feet.
- g) Projection into required setbacks; eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front & rear setback, and 2 feet into side setback.
- h) Attached accessory buildings shall be considered as a part of the main building.
- i) Garage and carport placement. (See Section 7-9-137.1 of the Orange County Zoning Code.)
- j) In areas of new development, above ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for 50 years. The setback shall be determined by the County. A geologic report shall be required by the County. In no case shall the setback be less than 25 feet.
- k) Fences and walls, maximum height.
 - i) With front setback area -three and one half (3-1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - ii) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.
- l) Landscaping minimum - 50% of the front setback area, except as otherwise provided for by a residential planned development.

- m) Building separation - A ten (10) foot minimum shall be maintained between the main walls of buildings.
- 2) Off-street parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.
- 3) Within required blufftop setbacks drought-tolerant vegetation will be maintained. Grading as may be required to establish proper drainage or to install landscaping, and minor improvements that do not impact public views or bluff stability shall be permitted.
- 4) The location of the blufftop walk as depicted in Figure 8 of the LUP shall be conceptual in nature. Precise alignment of the blufftop walk will be determined as new development plans are reviewed by the County. The interim bluff top walk as shown on Figure 8 shall be used until the permanent trail is in place.
- 5) Development shall attempt to minimize obstruction of the ocean view corridors depicted in Figures 3 and 4.
- 6) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements, waivers of liability, and coastal access fund contributions.

3. C-RC

"COASTAL RESIDENTIAL - COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The C-RC area is established to provide the regulations which will permit the development and maintenance of commercial uses which offer a wide range of goods and services and residential uses. The intent of the RC district is to create the feasibility and desirability of mixing residential uses with commercial uses. The C-RC area implements the 1.51 Heavy Density Residential 2.2 Community Commercial Land Use designations of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and provided a Coastal Development Permit is approved in compliance with Section D of these Specific Plan Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) retail/service businesses, when established in conjunction with allowed residential uses.

2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) single-family, duplex and multi-family dwellings when established in conjunction with allowed commercial uses.

b) Parking lots and parking structures.

c) Riding trails.

d) Parks public and private (non-commercial).

e) Churches, temples, and other places of worship.

f) Educational institutions and associated athletic fields.

g) Communication equipment buildings.

h) Community television receiving and distribution system.

i) Private water pumping stations.

j) Microwave radio and television relay transmitters.

- k) Sewage lift stations.
 - l) Fire and Police stations.
 - m) Public libraries.
 - n) Water reservoirs and appurtenant facilities.
 - o) Community care facilities per Section 7-9-138.1 of the Orange County Zoning Code.
 - p) Eleemosynary institutions.
 - q) Administrative and professional offices when established in conjunction with allowed residential uses.
 - r) Daycare centers and preschools.
 - s) Lodge and union halls.
 - t) Athletic clubs.
 - u) Fraternities and sororities.
 - v) Model houses and temporary real estate offices in compliance with the provisions of Section 7-9-136.1 of the Orange County Zoning Code.
 - w) Mobilehome residence during construction of dwellings per Section 7-9-136.7 of the Orange County Zoning Code.
 - x) Continued use of existing buildings on the same building site per Section 7-9-136.3 of the Orange County Zoning Code.
 - y) Commercial Recreation uses.
- 3) Accessory Uses Allowed in compliance with the site development standards contained in Section 7-9-137 of the Orange County Zoning Code.
- a) Signs in compliance with the provisions of Section 7-9-111 SR "Sign Restrictions" District of the Orange County Zoning Code.
 - b) Garages and carports, in compliance with the site development standards provided in Section 7-9-137.1 of the Orange County Zoning Code.
 - c) Patio covers and roofs in compliance with the provisions of Section 7-9-137.2 of the Orange County Zoning Code.
 - d) Swimming pools, in compliance with the provisions of Section 7-9-137.4 of the Orange County Zoning Code.

- e) Fences and walls. (See k. under Site Development Standards.)
 - f) Non-Commercial keeping of pets without any known dangerous propensity limited to dogs, cats, fish, birds, small reptiles, rabbits and small rodents but provided that the number of dogs and cats shall not exceed 2 of each per residence.
 - g) Tennis courts.
 - h) Home occupation per Section 7-9-146.6 of the Orange County Zoning Code.
- 4) Prohibited Uses
- a) Automobile repair garages, fender and body repair and paint shops.
 - b) Cleaning, dyeing and laundry plants.
 - c) Print shops.
 - d) Rental and sales of motor vehicles and trailers and power equipment.
 - e) Tire retreading.
 - f) Warehouses and contractors storage yards.
 - g) Welding shops.
 - h) Motorcycle sales and service.
 - i) Boat or marine power craft sales and service.
 - j) Manufacturing, industrial or wholesale businesses.

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations.
 - a) Minimum building site area - no required limitation.
 - b) Building Site Area/Lot Coverage/footprint - "1.41" is 2,600 square feet area per dwelling unit, "1.51" is 1,200 square feet area per dwelling unit, "2.2" - no limitations. No lot coverage or footprint minimums.
 - c) Building site width - no limitation.
 - d) Building height maximum - Thirty five (35) feet maximum with one story maximum permitted. When a commercial use is established in conjunction with a residential use, three (3) stories are allowed.

- e) When a vertical use mix is employed, commercial uses established in conjunction with a residential use, the residential use shall be above the commercial use (2nd floor and/or third).
- f) Building setbacks.¹

From Ultimate Street R/W Line			From Alley			From Property Line Abutting Residential Districts		From Property Line Abutting Nonresidential Districts	
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- g) Projections into required setbacks; eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 2 feet into required front, rear or side setback.
- h) Attached accessory buildings shall be considered as a part of the main building.
- i) Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
- j) Garage and carport placement. (See Section 7-9-137.1 of the Orange County Zoning Code.)
- k) Fences and walls, maximum height.
 - i) With front setback area - three and one half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - ii) Within other setback areas - maximum height shall be six (6) feet, except that this minimum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purpose of noise mitigation or health and safety measures.

2) Trash and storage

All trash and storage shall be contained entirely within a completely enclosed structure.

3) Loading

Shall not be located as to impede traffic on Del Prado or Pacific Coast Highway. Loading shall be located on the project site, whenever possible.

¹See General Provision #28.

4) Business hours.

No limitation.

5) Off-Street Parking - per Section 7-9-145 et seq. of the Orange County Zoning Code.

6) Each development shall also meet the requirements of the General Provisions, with particular attention to those for coastal access fund contributions for residential units.

4. C-MC

"COASTAL MINOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The C-MC district is established to provide the regulations which will permit the development and maintenance of commercial uses that provide convenience goods and services for the immediate neighborhood. The C-MC district implements the 2.1 Local Commercial Land Use designation of the Dana Point Specific Plan and LCP/LUP.

b. LAND USES

1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit and approved in compliance with Section D of these District Regulations.

a) Retail and service businesses.

2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Retail sale of food and food - related products, such as supermarkets, bakeries, delicatessens and ice cream shops.

b) Retail sale of general merchandise oriented to the daily needs of the immediate neighborhood, such as drug stores, book stores, stationary stores, hard ware stores, sporting goods stores, hobby shops, record and tape stores and photographic supply stores.

c) Personal services oriented to the daily needs of the immediate neighborhood, beauty shops, barber shops, laundromats, and dry cleaning agencies.

d) Shoe repair shops, radio television repair shops, watch repair shops, and bicycle repair shops.

e) Civic uses such as post offices, libraries and community centers.

f) Restaurants, including both indoor and outdoor eating establishments.

- g) Professional and administrative offices when only on the upper level of multiple-story buildings.
- h) Parking lots and parking structures.
- i) Banks and savings and loan association branches.
- j) Day care centers and preschools.
- k) Automobile service stations, subject to the additional regulations of Section 7-9-114 of the Orange County Zoning Code.
- l) Nurseries and garden supply stores.
- m) Animal clinics subject to regulation of Section 7-9-146.1 of the Orange County Zoning Code.

3) Accessory Uses

Any of the following uses and structures customarily incidental to the permitted uses.

- a) Signs, in compliance with Section E.13.
- b) Other accessory uses.

4) Prohibited Uses

- a) All uses not listed as allowed under Sections 1 and 2 above.
- b) Automobile repair garages, fender and body repair and paint shops.
- c) Cleaning, dyeing and laundry plants.
- d) Print shops
- e) Rental and sales of motor vehicles, trailers and power equipment.
- f) Tire retreading.
- g) Warehouses and contractors' storage yards.
- h) Welding shops.
- i) Motorcycle sales and service.
- j) Manufacturing, industrial or wholesale businesses.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum lot size - No limitations

- b) Building Site Width - No limitations
- c) Building Height - 35 Feet
- d) Building site coverage - No limitation
- e) Building setbacks.

From Ultimate Street R/W Line			From Alley			From Property Line Abutting A, R or E Residential Districts		From Property Line Abutting Nonresidential Districts	
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- 2) Off-street Parking - per Section 7-9-145 et seq of the Orange County Zoning Code.
- 3) Trash and storage areas - all storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
- 4) Loading - All loading and loading operations shall be performed on the site and uses shall be screened from view by a landscape or architectural feature.
- 5) Screening - An opaque screen shall be installed and maintained along all area boundaries, other than streets, where the premises abut areas zoned for residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types.
 - a) Walls: A wall shall consist of concrete, stone brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
 - b) Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
 - c) Fences, solid: A solid fence shall be constructed of wood, masonry or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
 - d) Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.

- e) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet, within eighteen (18) months after initial installation. Except as provided in subsection (f) below, plant materials shall not be limited to a maximum height.
 - f) The Director, EMA, shall require that either a, b, or c above shall be installed if, after eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - g) Intersections: Screening along all streets and boundaries shall have a height of not less than three (3) nor more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - h) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.
 - i) Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet thereof than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this area.
- 6) Landscaping - Landscaping consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:
- a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings.
 - b) An additional amount, equal to at least five (5) percent of the total area of the parcel, is required and a minimum of twenty-five (25) percent of such landscaping shall be located in the area devoted to parking.
 - c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.

- d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
 - f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
 - g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 7) Business hours - No limitation unless otherwise specified in an approved site plan or use permit.
 - 8) All land uses established within the Richard Henry Dana Centre (La Plaza Center) shall conform to the New England design theme per the Community Design Section of the DPSP.
 - 9) Fences and walls - Per Section 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.

5. C-CPC

"COASTAL COUplet COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The C-CPC district is established to provide the regulations which will permit the development and maintenance of a commercial area offering a wider variety of commercial uses. It is intended to provide an environment which will take advantage of the superior access of the Pacific Coast Highway and couplet area, yet not unduly limit effective use of the highway. New development is to be compatible with the Community Design Element of the Dana Point Specific Plan. The C-CPC district implements the 2.2 Community Commercial Land Use designations of the DPSP and LCP/LUP.

b. LAND USES

1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) Retail businesses.

b) Restaurants

2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Hotels, motels.

b) Service businesses.

c) Administrative and professional offices.

d) Educational institutions.

e) Medical laboratories.

f) Public utility and government uses.

g) Parking lots and parking structures.

h) Athletic clubs.

- i) Yacht clubs.
- j) Animal clinics, subject to the additional regulations of Sec. 7-9-146.1 of the Orange County Zoning Code.
- k) Banks, savings and loan offices, lending institutions.
- l) Bus and taxi stations.
- m) Nurseries and garden supply stores.
- n) Lodge and union halls.
- o) Automobile service stations, subject to the additional regulations of Sec. 7-9-144 of the Orange County Zoning Code.
- p) Kennels, when entirely within an enclosed building.
- q) Motor vehicle repair and painting when conducted entirely within an enclosed building.
- r) Print shops.
- s) Commercial recreation.

3) Accessory Uses Allowed

Any of the following uses and structures customarily accessory to principal uses are allowed, except as provided in other subsections herein.

- a) Signs, in compliance with the provisions of Section 7-9-111, SR "Sign Restrictions" District of the Orange County Zoning Code.
- b) Other accessory uses.

4) Prohibited Uses

The following uses are specifically prohibited in this area except as provided in other subsections herein:

- a) Hospitals.
- b) Automobile wrecking.
- c) Junk and salvage yards.
- d) Manufacturing, industrial, or wholesale businesses.
- e) Warehouses and contractors' storage yards.
- f) Residential uses except hotels and motels.

g) Signs not provided for by an approved use permit or site plan.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum lot size - No limitations
- b) Building Site Width - No limitations
- c) Building height - 35 feet
- d) Building site coverage - No limitation
- e) Building setbacks.

From Ultimate Street			From Property Line Abutting Residential Districts			From Property Line Abutting Non-residential Districts			
R/W Line			From Alley			Side	Rear	Side	Rear
Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear
5	5	5	5	5	5	20	20	0	0

- 2) Off-street Parking - per Section 7-9-145 et seq of the Orange County Zoning Code.
- 3) Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
- 4) Loading - All loading and unloading operations shall be performed on the site, and loading platforms and areas shall be screened from view by a landscape or architectural feature. Loading and unloading operations shall not impede traffic on Del Prado or Pacific Coast Highway.
- 5) Screening - An opaque screen shall be installed and maintained along all area boundaries, other than streets, where the premises abut areas zoned for residential uses. Except as otherwise provided, it shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types:
 - a) Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.

- b) Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
 - c) Fences, solid: A solid fence shall be constructed of wood, masonry or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.
 - d) Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.
 - e) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet, within eighteen (18) months after initial installation. Except as provided in subsection (f) below, plant materials shall not be limited to a maximum height.
 - f) The Director, EMA, shall require that either, a, b, or c above shall be installed if, after eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - g) Intersections: Screening along all streets and boundaries shall have a height of no less than three (3) nor more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
 - h) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.
 - i) Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five (5) feet thereof, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this area.
- 6) Landscaping - Landscaping, consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:
- a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings.

- b) An additional amount, equal to at least five (5) percent of the total area of the parcel, is required and a minimum of twenty-five (25) percent of such landscaping shall be located in the area devoted to parking.
- c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.
- d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
- f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
- g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 7) New development shall conform to the New England design theme per the Community Design Section and Exhibit 28 of the DPSP.
- 8) Fences and walls - Per Sec. 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-CV Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment.

b. LAND USES

1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) Hotels, motels, hostels

b) Restaurants

2) Other Permitted Uses - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Cocktail lounges, bars.

b) Beach access bridges, ways or tunnels.

c) Bicycle and surfboard shops and rentals.

d) Trails for hiking and bicycling in conformance with Land Use Plan.

e) Time share projects.

f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.

g) Bus and taxi stops.

h) Convention and conference centers.

i) Retail and service businesses associated with the needs of visitors and tourists.

j) Museums and libraries.

- k) Water sports retail establishments and rental except as provided in the prohibited uses below.
 - l) Parks and playgrounds.
 - m) Arboretums and horticultural gardens.
 - n) Boat rentals.
 - o) Bicycle rentals.
 - p) Boat repair, storage, sale.
 - q) Commercial recreation.
 - r) Public facilities ancillary to visitors and tourists.
- 3) Accessory Uses Allowed
- Any of the following uses and structures customarily incidental to the above permitted uses.
- a) Signs, in compliance with Section E.13
 - b) Other accessory uses
- 4) Prohibited Uses
- a) Automobile service, repair, sales, rental and washing.
 - b) Camping facilities.
 - c) Adult entertainment businesses and adult bookstores.
 - d) Permanent residential uses not provided under permitted uses.
 - e) Kennels.
 - f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.

c. SITE DEVELOPMENT STANDARDS

- 1) Development shall achieve maximum conservation of the site's amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Development shall be designed to comply with the Tourist Recreation/Commercial Guidelines of the Land Use Plan (p. 81).
- 2) Building Regulations
 - a) Minimum lot size - No limitations

- b) Building Site Width - No limitations
 - c) Building height - 35 feet
 - d) Building site coverage - No limitation
 - e) Building setbacks - The minimum setback from any exterior property line shall be twenty (20) feet from the front, ten (10) feet from the side and ten (10) feet from the rear.
 - g) Landscaping/screening minimum -50% of the front setback area
- 3) Off-street Parking Per Section 7-9-145 of the Orange County Zoning Code.
 - 4) Trash and storage areas - A-1 storage cartons (dumpsters) and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
 - 5) Loading - All loading and unloading operations shall be performed on the site whenever possible.
 - 6) Fences and Walls - per Sec. 7-9-137.5 of the Orange County Zoning Code.
 - 7) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it and refer to its standards.
 - 8) Buildings, structures and man-made improvements shall be arranged so that any scenic aspects of the site are available for public enjoyment.
 - 9) Significant natural features of the site shall be conserved through use of site alterations and grading that enhance the natural scenic and recreational features of the site. All development in which any grading occurs is required to comply with the Orange County Grading Code.
 - 10) Adequate parking shall be provided in close proximity to each visitor-serving facility.
 - 11) Each development shall also meet the requirements of the General Provisions, with particular attention to those for geologic hazard setbacks, access easements and waivers of liability.

7. C-PQP

"COASTAL PUBLIC QUASI PUBLIC" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-PQP Coastal Public Quasi Public District is to provide the regulations which will permit the establishment and maintenance of community services in locations which will best service the uses established in Dana Point. It is intended that community facilities be compatible with the basic permitted uses of any planning area, and be located so that all areas of Dana Point may be efficiently serviced.

b. LAND USES

1) Principal Permitted Use - Any of the following uses are permitted subject to the provisions of a Coastal Development Permit (for properties located in the Coastal Zone) approved in compliance with Section D of these District Regulations and subject to the site development standards contained in subsection "c" below. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) Public and private educational uses.

2) Other Permitted Uses - The following uses are permitted on each building site in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (for properties located within the Coastal Zone) approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

a) Public Community Centers

b) Public recreation centers and facilities including but not limited to playgrounds, clubhouses and other similar uses

c) Public utility and infrastructure uses

d) Fire stations

e) Day care centers

f) Civic and governmental uses

g) Cultural facilities

h) Trails

i) Churches, temples, or other places of worship.

3) Accessory Uses Allowed

The following uses and structures shall be permitted with the Principal Permitted Use and other permitted uses.

a) Uses customarily associated with the incidental to permitted uses subject to the general provision of Section 7-9-137 of the Orange County Zoning Code.

4) Prohibited Uses

- a) Automobile service stations
- b) Camping facilities
- c) Outdoor advertising structures and signs.

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum lot size - No limitations
- b) Building Site Width - No limitations
- c) Building Height - 28 feet
- d) Building site coverage - No limitations
- e) Building setbacks - The minimum setbacks from any property line shall be equal to the height of the structure on the site but not less than twenty (20) feet.
- f) Landscaping/screening minimum -50% of the front set back area

2) Off-street parking

Per Section 7-9-145 of the Orange County Zoning Code.

3) Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.

4) Loading - All loading and unloading operations shall be performed on the site.

5) Fences and Walls - Per Section 7-9-137.5 of the Orange County Zoning Code.

8. C-SCC
"COASTAL SPECIAL CONGREGATE CARE" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-SCC Coastal Special Congregate Care District is to provide the regulations which will permit the establishment and maintenance of congregate care facilities. A congregate Care facility is a facility, not necessarily licensed by any agency of the State, which provides accommodations, meals, and services such as housekeeping, security, transportation, and recreation to resident senior citizens who may require some assistance in the activities of daily life, but who do not require ongoing medical care. Such facilities exhibit residential, institutional and commercial characteristics. Any commercial services provided are for the exclusive use of occupants of the facility.

b. LAND USES

1) Principal Permitted Use - Any of the following uses are permitted subject to the provisions of a Coastal Development Permit (for properties located in the Coastal Zone) approved in compliance with Section D of these District Regulations and subject to the site development standards contained in subsection "c" below. Approved CDPs for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

a) Congregate Care Facilities and support commercial uses such as barbers, florists, beauticians, gift shops, etc.

2) Other Permitted Uses - The following uses are permitted on each building site in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (for properties located within the Coastal Zone) approved in compliance with Section D of these District Regulations. Approved CDPs dare subject to appeal to the Coastal Commission.

a) None

3) Accessory Uses Allowed

The following uses and structures shall be permitted with the Principal Permitted Use and other permitted uses.

a) Uses customarily associated with and incidental to permitted uses subject to the general provision of Zoning Code Section 7-9-137.

b) Identification signs per Zoning Code Section 7-9-144.

4) Prohibited Uses

All uses not permitted are prohibited as are any changes in use without the approval of a Coastal Development Permit.

c. SITE DEVELOPMENT STANDARDS

- 1) Building Regulations
 - a) Minimum lot size - No limitations
 - b) Building Site Width - No limitations
 - c) Building Height - 35 feet
 - d) Building site coverage - No limitations
 - e) Building setbacks - The minimum setbacks from any property line shall be equal to the height of the structure on the site but not less than twenty (20) feet.
- 2) Off-street Parking
 - a) Per Section 7-9-145 of the Orange County Zoning Code except that the normal parking standard for congregate care facilities shall be 1.25 spaces per unit. Alternate standards that reflect the presence of special transportation services or other unique characteristics of congregate care facilities may be considered per Section 7-9-145.7 of the Orange County Zoning Code. Alternate standards shall not be less than .67 spaces per unit.
 - b) Transportation services such as shuttle buses, valet parking, and/or limousine services shall be provided in all congregate care facilities.
- 3) Trash and storage areas - All Storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than six feet in height and, if uncovered, not within 40 feet of any residential area.
- 4) Loading - All loading and unloading operations shall be performed on the site.
- 5) Landscaping - Landscaping, consisting of evergreen trees, shrubs, vines, ground cover, or any combination thereof, shall be installed and maintained subject to the following standards:
 - a) Boundary landscaping is required for a minimum depth of five (5) feet along all property lines abutting streets except for the area required for street openings and the area within ten (10) feet on either side of street openings. Boundary landscaping for a minimum depth of 20 feet is required along all property lines abutting areas that are zoned for residential uses. Pedestrian Walkways are permitted in boundary landscaping abutting residential districts.
 - b) An additional amount, equal to at least five (5) percent of the total area of the parcel is required.

- c) Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.
- d) Intersections: Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3-1/2) feet within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street;
 - (2) A vehicular accessway or driveway and a sidewalk; and
 - (3) Two (2) or more vehicular accessways, driveways or streets.
- e) Watering: Permanent watering facilities shall be provided for all landscaped areas.
- f) Signs: No signs except those specified in the off-street parking regulations shall be permitted within any required boundary landscaping.
- g) Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
- 6) Fences and walls - per Section 7-9-137.5 of the Orange County Zoning Code, unless provided otherwise by an approved site plan or use permit.
- 7) All on-site lighting shall be designed and located so as to confine direct rays on the premises.
- 8) Each dwelling unit within the congregate care facility shall be subject to the requirements of General Provision Number 31, except that the fee shall be prorated based on the comparative daily trip generation rates between the site specific congregate care facility being approved and the standard of 10.5 ADT for average residential units. The fee, (currently \$418.40, 1985) shall be adjusted annually based on the California Consumer Price Index.

9. C-R

"COASTAL RECREATION SPACE" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-R Coastal Recreation Space District is to provide the regulations which will permit the establishment and maintenance of a district to provide uses which serve the outdoor recreational and educational needs of the Dana Point Community while protecting resources of notable scenic, natural, geological, or historical value. These regulations carry out the purpose and intent of the 5.3 Recreational and 5.4 Other Open Space categories of the Dana Point Specific Plan. It is intended that any building or structure permitted in this area shall be subordinate to that purpose and intent.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (for properties located within the Coastal Zone) approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.
 - a) Riding and hiking trails.
 - b) Buffer greenbelts.
- 2) Other Permitted Uses - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit (for properties located in the Coastal Zone) approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Parks and playgrounds
 - b) Scenic overlook.
 - c) Archaeological sites
 - d) Historical preserves
 - e) Beach access, public only
 - f) Golf courses
 - g) Park District offices and facilities.
- 3) Other Permitted Uses Subject to a Use Permit - The following uses are

permitted in compliance with the site development standards contained in subsection "c" below, subject to the provisions of an approved use permit as provided in Section 7-9-150 of the Orange County Zoning Code, subject to the provisions of a Coastal Development Permit (for properties located in the Coastal Zone) approved in compliance with Section D of these District Regulations. These uses are subject to appeal to the Coastal Commission.

- a) Outdoor commercial recreation
- b) Commercial stables and riding clubs
- c) Camping and associated recreational vehicle facilities

4) Accessory Uses Allowed

The following uses and structures shall be permitted with the Principal Permitted Use and other permitted uses.

- a) Uses customarily associated with and incidental to permitted uses subject to the general provisions of Section 7-9-137 of the Orange County Zoning Code

5) Prohibited Uses

- a) Automobile service stations
- b) Any use which would require mass grading (over 100 cubic yards) which in turn will jeopardize the geologic stability of the Coastal bluffs
- c) Any use that would prohibit public beach access
- d) Outdoor advertising structures and signs

c. SITE DEVELOPMENT STANDARDS

1) Building Regulations

- a) Minimum lot size - No limitations
- b) Building site width - No limitations
- c) Building height - 18 feet
- d) Building site coverage - 20 percent maximum
- e) Front setback - 10 foot minimum for all buildings
- f) Side setback - 10 foot minimum for buildings and parking
- g) Rear setback - 10 foot minimum for buildings and parking

- h) Landscaping/screening minimum - 70% of the front setback area
- 2) Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code
 - 3) Trash and Storage Areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if covered, not within 40 feet of any residential area.
 - 4) Walls and fences - Per Section 7-9-137.5 of the Orange County Zoning Code.
 - 5) Construction of seawalls, cliff retaining walls, and other protective devices shall only be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to mitigate adverse impacts on local shorelines sand supply.
 - 6) Adequate provisions for safe public access shall be required for each development permit along the shoreline. The amount of access required will be commensurate with the size and type of development.
 - 7) A blufftop walkway will be provided, and integrated with future land uses.
 - 8) Each development shall also meet the requirements of the General Provisions, including those for geologic hazard setbacks, access easements, waivers of liability and coastal access fund contributions.

10. C-C

"COASTAL CONSERVATION" DISTRICT

a. PURPOSE AND INTENT

The C-C Coastal Conservation District is established to provide the regulations which will protect and preserve certain bluff areas in a natural state because of unique and sensitive environmental features. These regulations carry out the purposes and intent of the 5.41 Conservation land use category of the Dana Point Specific Plan which is to protect the bluff face and immediate bluff edge.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.
 - a) Marine preserves.
- 2) Other Permitted Uses - The following uses are permitted in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these District Regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Local and buffer greenbelts.
 - b) Scientific study.
 - c) Viewpoints.
 - d) Vertical Accessways (limited).
 - e) Stairways (limited).
 - f) Drainage facilities (limited).
- 3) Prohibited Uses
 - a) Off-street parking.
 - b) Roads, except for Cove Road, in its present alignment and width.
 - c) Any use which requires land form alteration in excess of 100 cubic yards of cut.
 - d) Residential uses.

e) Agricultural uses.

c. SITE DEVELOPMENT STANDARDS

- 1) Vertical Accessway or stairways shall be located in conformance with the Land Use Plan (LUP).
- 2) Drainage devices shall be limited over the bluff. The devices if used, shall be constructed underneath a vertical accessway or stairway. The Orange County Grading Manual requires that concentrated flows of surface water be carried to the nearest approved drainageway by nonerosive devices.
- 3) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it.
- 4) Each development shall also meet the requirements of the General Provisions, including those for geologic hazard setbacks, access easements, waivers of liability and coastal access fund contributions.

11. SH

"SCENIC HIGHWAY" DISTRICT

a. PURPOSE AND INTENT

The Scenic Highway district is established to provide the regulations which when combined with established "base" districts, preserves and enhances the natural or man-made scenic beauty and resources within Dana Point.

b. BOUNDARIES

The Scenic Highway district shall be that area within 150 feet of the centerline of Street of the Golden Lantern, Pacific Coast Highway, and Del Prado Avenue, respectively. Additionally, it shall include all the area bound within the couplet formed by Pacific Coast Highway and Del Prado Avenue.

c. REGULATIONS

The regulations applicable to this area shall be the same as those of Section 7-9-119 of the Orange County Zoning Code.

d. ADDITIONAL COASTAL CRITERIA

- 1) Scenic Highways shall be designed in the future so they will not cross major sensitive habitat areas. (Doheny Beach Marine Life Refuge, Dana Point Marine Life Refuge.)
- 2) A master plan for the undergrounding of utilities shall be prepared and a study of the feasibility of combining utility easements to avoid disfiguring use of land initiated.
- 3) Scenic highways developed by the County shall benefit the entire County.
- 4) Plans for scenic highways shall be integrated with open space plans as they are developed.
- 5) Scenic highway corridors shall be designed to maximize the compatible multi-purpose objectives of open space planning such as recreation, conservation, public health and safety, and preservation of "scenic-aesthetic amenity.
- 6) The scenic highway shall be designed in accordance with the design policies contained in the Land Use Plan of this LCP.

12. FP

"FLOODPLAIN" DISTRICT OVERLAY

a. PURPOSE AND INTENT

The FP District is established to provide additional land use regulations to other established districts in the Dana Point community with which it is combined or overlaid. These regulations are intended to prevent loss of life and property caused by floods and to satisfy criteria promulgated by the Federal Insurance Administration for providing flood insurance eligibility to property owners.

b. BOUNDARIES AND REGULATIONS

The FP boundaries and applicable regulations shall be as described and enumerated in Section 7-9-113 of the Orange County Zoning Code.

13. SR

"SIGN REGULATIONS" DISTRICT

The regulations of Section 7-9-111, SR "Sign Restrictions" District, of the Orange County Zoning Code shall apply to all community areas in Dana Point, except that projecting signs are not automatically prohibited. However, all nonresidential signs are prohibited unless provided for by an approved site plan or use permit as accessory to principal uses. Additional or more restrictive regulations may be provided by such use permits or site plans.

AREA PLAN/SITE DEVELOPMENT PERMIT REGULATIONS AND PROCEDURES

a. PURPOSE AND INTENT

The objective of the requirement for an area plan and/or site development permit plan is to provide a logical sequence of community and governmental review and input. Approved area development permits and site plans are supplements to the Dana Point land use regulations.

The purpose of an area plan is to define a proposed development concept for a community area and its relationships to surrounding uses. An area plan may also be used to establish development standards. It is the intent of an area plan to provide graphic and written project guidance, in conformance with the Dana Point Specific Plan to the subdivision map, use permit and site plan review procedures. An area plan is also intended to delineate the manner in which development will treat areas of special concern.

The purpose of the site development permit is to provide for review of the detailed final plans of a project with respect to the architectural design, materials, colors, landscaping, and relationship to surrounding uses for an entire project. A site development permit may also be approved to establish development standards.

b. AREA PLANS

- 1) Unless otherwise required by the Director, EMA, an area plan shall cover at least one entire community area as delineated in Exhibit 13 of the Dana Point Specific Plan Land Use Element. It shall cover such adjacent territory and community areas as is necessary to present a sufficient study of the context to the project and its impacts. Area plans are governed by Section 7-9-150 of the Orange County Zoning Code except as otherwise provided in these regulations.
- 2) An approved area plan may include additional site development standards for uses allowed by these regulations.
- 3) If there is doubt about the need for an area plan or for an amendment to an area plan, the Director, EMA will be the determining authority.
- 4) An area plan may be combined and processed concurrently with a site development permit or tentative map(s).
- 5) The area plan shall be processed in compliance with the provisions of Section 7-9-150 of the Orange County Zoning Code.
 - a) The Planning Commission, Board of Supervisors, or a property owner may initiate preparation of an area plan or any amendment to an area plan.

- b) Prior to action, the Director shall forward the area plan to the Dana Point Specific Plan Board of Review, or such other citizens' body as is designated by the Board of Supervisors, for their review and recommendation at least twenty-one (21) calendar days prior to the public hearing.
 - c) A public hearing will be held in accordance with Section 7-9-150.2(b) of the Orange County Zoning Code.
 - d) The decision of the Planning Commission shall be final, unless appealed to the Board of Supervisors within fifteen (15) calendar days per Section 7-9-150.4 of the Orange County Zoning Code.
- 6) An area plan may be amended by the same procedure listed above.
 - 7) The option to pursue an Area Plan by a property owner will not eliminate the requirement for a Coastal Development Permit processed in accordance with the notice, hearing and other requirements of the "CD" overlay district.

d. SITE DEVELOPMENT PERMITS

- 1) Except as otherwise provided in these regulations, site development permits are processed in compliance with the provisions of Section 7-9-150 of the Orange County Zoning Code.
- 2) The Director, EMA, shall review and act on the site development permit as soon as possible after its acceptance for filing in accordance with Section 7-9-150.2(d) of the Orange County Zoning Code.
 - a) At least twenty-one (21) calendar days prior to such action, the Director shall forward the site plan to the Dana Point Specific Plan Board of Review, or such other citizens' body as is designated by the Board of Supervisors, for their review and recommendation.
 - b) The decision of the Director shall be final unless appealed to the Planning Commission within fifteen (15) calendar days per Section 7-9-150.4 of the Orange County Zoning Code
- 3) A site development permit may be amended by the same procedure listed above.
- 4) The option to pursue a Site Development Permit by a property owner will not eliminate the requirement for a Coastal Development Permit processed in accordance with the notice, hearing, and other requirements of the "CD" overlay district.

NONCONFORMING USES

a. PURPOSE

The purpose of this chapter is to provide for the regulation or abatement of lawfully established uses which do not conform with the regulations of the DPSP land use regulations. Furthermore, it is intended to provide a program for improving substandard developments to the maximum degree deemed reasonable on a case by case review in order to achieve the general purpose of the DPSP land use regulations. The regulations of Section 7-9-151 of the Orange County Zoning Code are applicable unless otherwise stated herein.

b. NONCONFORMING BUILDING SITES

All building sites which have been lawfully established prior to the adoption of these regulations are deemed to be legal building sites even though the site does not conform to the building site area, width or dimension standards set forth herein.

c. COMMERCIAL USES

All lawfully established uses and structures including accessory uses and structures shall be permitted for three (3) years following the date of adoption of these regulations (Ordinance No. 3217, September 24, 1980). However, following the adoption of these regulations, but prior to three (3) years following adoption, all commercial uses must be provided for by an approved use permit or site plan. Lawful nonconforming uses will be allowed to continue but reasonable conditions may be provided, on a case by case review, regarding general aesthetics, off-street parking, signs, lighting, trash and storage areas, loading areas, screening, landscaping, fences and walls. The property owner or lessee may appeal any condition per Section 7-9-150.4 of the Orange County Zoning Code. Unless provided otherwise by use permit or site plan, the conditions therein must be satisfied within one (1) year of the date the use permit or site plan is granted.

d. RESIDENTIAL USES

Any duplex or multiple-family dwelling that is lawfully existing at the time of adoption of these regulations may, if is destroyed by fire, flood, explosion, act of God, or act of the public enemy, be rebuilt in conformance with the zoning regulations in effect prior to the adoption of the Dana Point Specific Plan Land Use Regulations. However, such reconstruction must comply with current building and related codes.

F. DANA POINT HARBOR

1. PLANNED COMMUNITY REGULATIONS

- a. Except as expressly stated on this plan for Dana Point Harbor, all applicable provisions of the County of Orange Zoning Code shall apply.
- b. Regardless of the provisions of this supplemental text, no construction shall be allowed within the boundaries of the planned community of Dana Point Harbor, except that which complies with all provisions of the Orange County Uniform Building Code and the various mechanical codes related thereto.

The provisions of this text may not conform with those of the Uniform Building Code and related mechanical codes, enforced by the Department of Building and Safety. Note that the requirements of the Uniform Building Code and said related codes take precedence over the provisions of this text. It is the sole responsibility of the developer together with his architects and engineers to consult with the staff of the Department of Building and Safety to resolve any conflicts between this text and the aforementioned codes.

- c. All construction within this Planned Community District shall be in accordance with the "Design Criteria and Minimum Specifications for construction by lessees at Dana Point Harbor, the "General Development and

Landscape Plans for Dana Point Harbor" and the "Harbor District Improvement Plan" subject to approval by the Director of Harbors, Beaches and Parks, the Harbor Review Board and the Harbor Commission prior to the issuance of a building permit.

d. LAND USES:

- 1) Principal Permitted Use - the following use is permitted in compliance with the Design Criteria and Minimum Specification for construction by lessees at Dana Point Harbor and all other related Codes. This use is subject to a Coastal Development Permit in compliance with Section D of these District Regulations. Approved CDP's for appealable developments are subject to appeal to the Coastal Commission.
 - a) Boat slips and the maintenance and operation of a dry boat storage facility including convenient launching and docking facilities for the boats stored and slipped.
- 2) Other Permitted Uses - Approved CDP's are subject to appeal to the California Coastal Commission. These uses shall be in compliance with the Design Criteria and Minimum Specifications for construction by lessees at Dana Point Harbor and all other related Codes.

- a) The maintenance and operation of a complete fueling facility for auto mobiles and pleasure boats both afloat and on trailers.
- b) The maintenance and operation of a boat repair yard limited to the alteration, maintenance and repair of the hulls, rigging, sales, engines and accessories of small craft.
- c) The operation of a ship's chandlery including the sale and supply of all items normally provided in a ship's chandlery.
- d) The operation of a boat launching ramp in a manner so as to provide the optimum public use.
- e) A sports-fishing, charter boat concession with necessary office, ticketing and dockage space.
- f) A bait and tackle shop.
- g) Public room or rooms for meetings, conferences, etc.
- h) Facilities to accommodate various other merchandising or service businesses for sportsmen, retail provisioning, skin diving sales and services, confectionary, etc.
- i) Bait receivers.
- j) Boat slips including utilities, adequate dock lockers, and facilities for the dry storage of dinghys.
- k) Automobile parking, restroom and shower facilities for boat owners.
- l) The maintenance and operation of a boat and boat supply sales facility.
- m) Merchandising and service establishments such as a coffee shop, carry-out beverage, food facilities, ice cream shop and snack bar, book store with cards and novelty gifts, hobby shop, jewelry store, sports cloths store, art gallery, flower shop, delicatessen, barber shop, beauty shop, laundromat and cleaning store, smoke shop, etc.
- n) Motels.
- o) Restaurants and cocktail lounges.
- p) Boat sales and rentals.
- q) Boat clubs.

- r) Marine life refuge.
- s) Marine science laboratory.
- t) Signs.
- u) Public uses: Administration offices, shops, storage facilities, piers, anchorages, aides to navigation, public and quasi-public utilities, and beaches.
- v) Accessory uses. Services and uses which are ancillary and compatible with the permitted services and uses and which are not in conflict with permitted services and use established for other parcels.

2. LEASE RESTRICTIONS

The County of Orange General Services Agency (GSA) further controls land use within the Planned Community by way of leasing agreements entered into with tenants of the Harbor. Lease parcels are shown on Figure 13. The following is a parcel use summary as of August 1980.

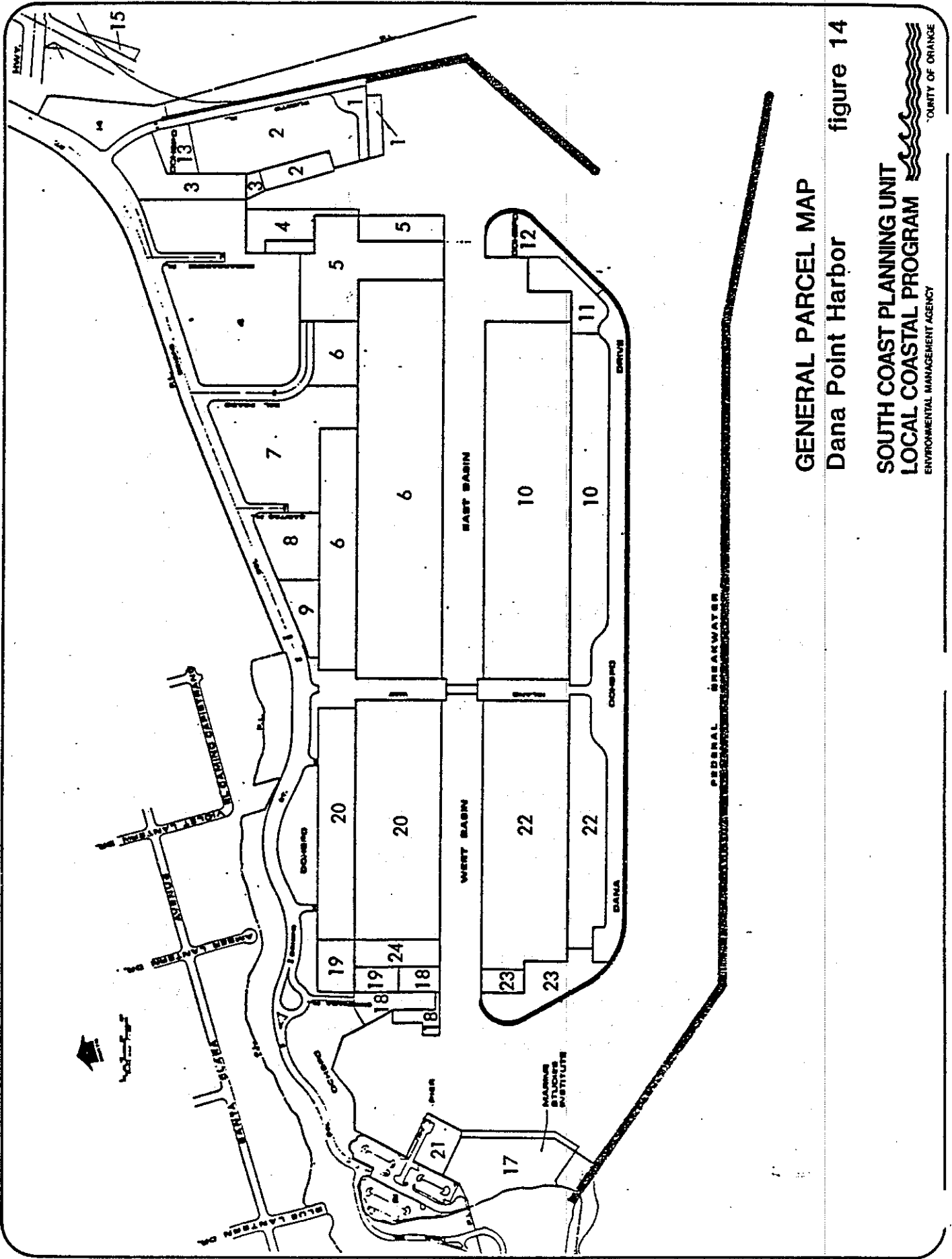
<u>Parcel No.</u>	<u>Lease Uses</u>	<u>Lease Ancillary Uses</u>
1	Marine fueling facility	Fish weighing station
2	Boat repair facilities and services (interim)	
3,4	Dry boat storage yard Boat launching facility Convenience docking	Boat brokerage Office rental
5	Sport fishing-charter boat landing Boat and tackle sales Coffee shop Dinner restaurant-lounge Public meeting rooms	Merchandising and Service businesses
6,10	Complete boat berthing facility (1,000+ slips) Transient boat berthing	Boat brokerage Marine insurance
7	Retail shopping complex with slips chandlery	New recreational boat sales Office rental
8,9	Motel (100 units)	Coffee shop
11	Dinner restaurant & cocktail lounge	--
12	Harbor Patrol offices, dock	--

13	Harbor Patrol maintenance area	--
14	Public parking	--

<u>Parcel No.</u>	<u>Lease Uses</u>	<u>Lease Ancillary Uses</u>
15	Not developed	---
16	Harbor entry sign	--
17	Marine Studies Institute (Proposed)	--
18	Youth and Groups (Proposed)	--
19,24	Guest slips, parking (42 slips)	---
20,22	Complete boat berthing facility (960+ slips) Transient boat berthing	
21	Public pier, parking	
23	Dinner restaurant, cocktail lounge and conference facility Guest boat slips (Proposed)	Floating cocktail lounge or eating establishment, overnight accom- modations Hourly slip rental

Non-conflicting ancillary and
compatible uses and services

Facilities existing unless
otherwise noted.



GENERAL PARCEL MAP

Dana Point Harbor

figure 14

SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
 ENVIRONMENTAL MANAGEMENT AGENCY



G. DANA POINT HEADLANDS SECTOR

1. FORWARD

The Dana Point Headlands is a separate sector and includes a number of separate districts which implement the Land Use Plan (LUP). The District is divided into five geographic subareas A-E as shown in Exhibit 1. Subarea C is further divided for ease of planning discussion and orientation.

Several land use designations are applicable to the Headlands Sector and are accommodated within the Dana Point Headlands Districts. The regulations applicable to the Headlands Sector are solely applicable to the Headlands Sector and are preceded by the prefix "H" as well the Subarea identification letter (e.g., H-A-TRC, or Headlands - Subarea A - Tourist Recreational/Commercial). Standards are provided for the High Density Residential, Recreational, Tourist Recreation/Commercial, Other Open Space and Conservation districts identified in the LUP. Standards for each of these uses may vary between areas A-E. Standards are provided in graphic and text form.

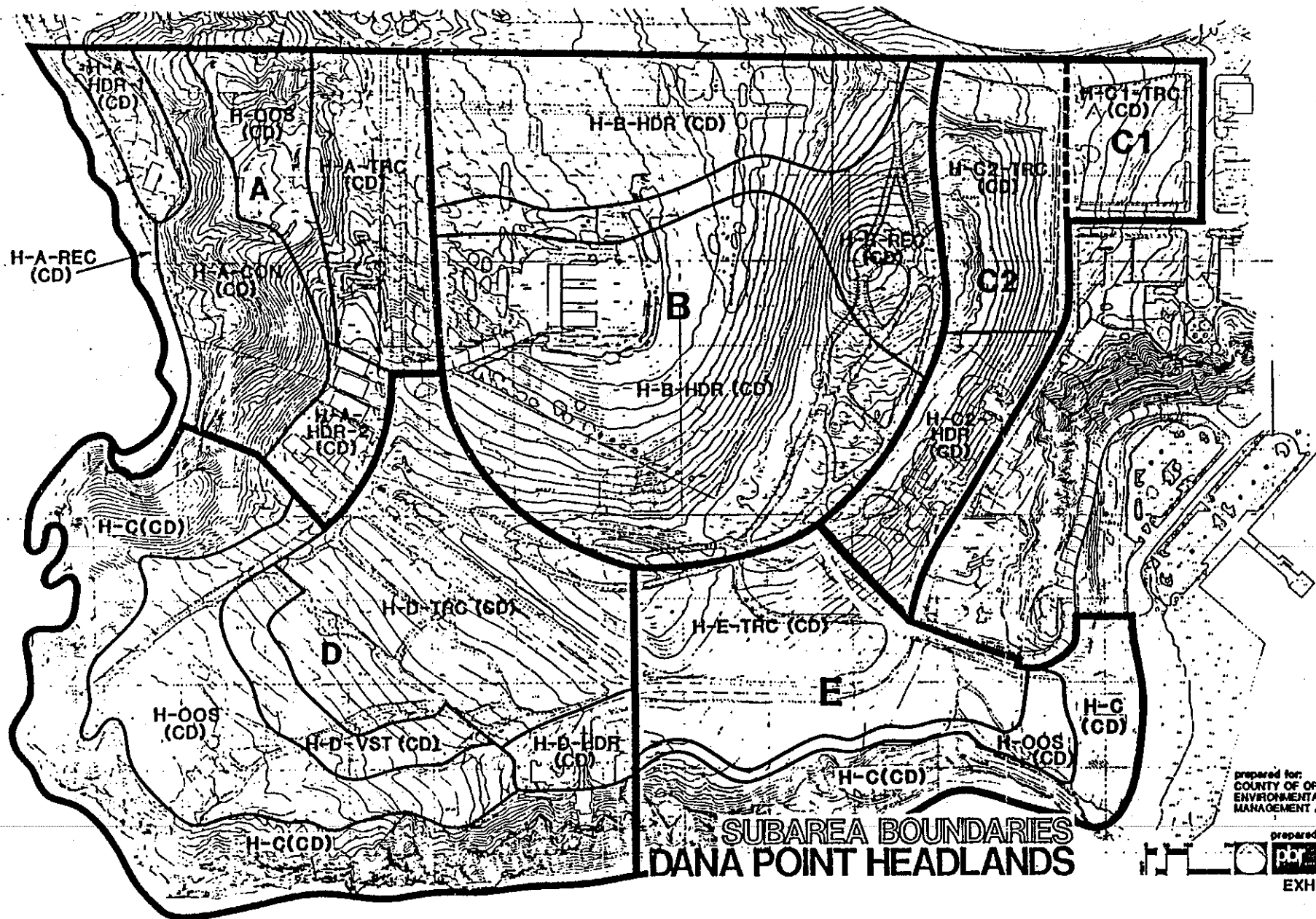
2. GENERAL NOTES - APPLICABLE TO THE DANA POINT HEADLANDS DISTRICT ONLY

Each development shall meet the requirements of these General Provisions.

- A. Building Height: Application of building height regulations specified within each district and indicated on Exhibit 2 shall be based upon the following formula:

Building height shall be measured along vertical lines (plumb lines) from the elevation of the natural grade or finished grade (where an existing graded building pad of sufficient size for the proposed structure already exists) to the maximum height above grade specified in the development standards. These measurements shall be made consistent with the "Regional Interpretative Guidelines, South Coast Region, Orange County." Exhibit 3 portrays the application of the height criteria. Elevators, mechanical space, chimneys and architectural treatments (intended to add interest and variation to roof design, yet which do not exceed 10% of the roof area, nor exceed the base height restriction by more than 12 feet) will be permitted.

- B. Trails: As a condition of a Coastal Development Permit (C.D.P.) for the first residential tract map or commercial development valued in excess of \$100,000 (except in the H-C1-TRC Zone) a plan, acceptable to the Director EMA and the Executive Director of the Coastal Commission for the continuous blufftop trail as identified in the Access policies of the LUP shall be prepared. The plan shall provide for the permanent location, design and implementation of the trail in the subarea(s) in which the development is proposed, and shall provide an interim trail plan for trail location design and implementation in those subareas of the Headlands sector outside that in which the development is proposed. The trail plan shall take into account



**SUBAREA BOUNDARIES
DANA POINT HEADLANDS**

prepared for:
COUNTY OF ORANGE
ENVIRONMENTAL
MANAGEMENT AGENCY



prepared by:

EXHIBIT 1

the rare plant management plan required by General Note "L". The interim and permanent trails shall be constructed concurrent with the development which is the subject of the CDP, and shall provide a continuous link from the north to south ends of the Headlands sector. As additional CDP's are requested, interim trails shall be replaced with permanent trails within the respective subarea concurrent with the development permitted by the CDP. The permanent trail plan shall provide for final design, location, physical safety and habitat protection measures, method for integration with public use areas, acquisition and dedication methods, and construction and management responsibilities.

The plan for interim and permanent trails shall be implemented and the trails shall be opened to public use concurrent or prior to issuance of certificates of use and/or occupancy permits of any commercial or residential structure.

For developments in Headlands subarea A, the white sand beach shall be irrevocably offered for dedication to the County of Orange. Moreover, approval of the first residential tract shall be conditioned on receipt of an acceptable open space management plan acceptable to the Director EMA and the Executive Director of the Coastal Commission. The plan shall address how the beach is to be maintained and who will maintain it for public use. The bluff top trail will provide a continuous public pedestrian link generally following the bluff edge. The trail will be located within the H-00S (Headlands-Other Open Space) area with the exception of segments which will follow public roadways, as shown on the "Proposed Access" Exhibit of the Land Use Plan and except where it is located in the TR/C area in accordance with the bluff top erosion policy of Section D1.g. of these Regulations. Portions of the bluff top trail which follow right of way alignments will require easement dedications. Consistent with an approved bluff top trail acquisition, construction and management plan, the bluff top trail will be improved at a width of ten (10) feet within the H-00S area and five (5) feet along roadways. Rest rooms, drinking fountains, telescopes, benches and stairways are permitted and are to be located as often as appropriate and in convenient locations. The bluff top trail will provide for access to handicapped persons at major entryways, and where topography permits. Informational or educational signing will be posted as necessary. Signs are to be no larger than six (6) square feet in face size, of natural materials and are not to exceed four (4) feet above the finished grade.

A pedestrian trail along the seaward edge of Selva Road will be dedicated as part of the first phase of development within the headlands sector. Consistent with an approved trail acquisition, construction and management plan, the trail will be grade separated from the road surface and will lie adjacent to the seaward edge of the Selva bike trail. The pedestrian trail will be located within the Selva Road right of way, dedicated at an eight (8) foot width and constructed at a minimum four (4) foot width.

The pedestrian trailway which leads to the hilltop park in Subarea B will be dedicated at a width of six (6) feet. Consistent with an approved trail acquisition, construction and management plan, rest rooms, drinking fountains, telescopes, benches and stairways are permitted and are to be located as often as appropriate and in convenient locations. Informational

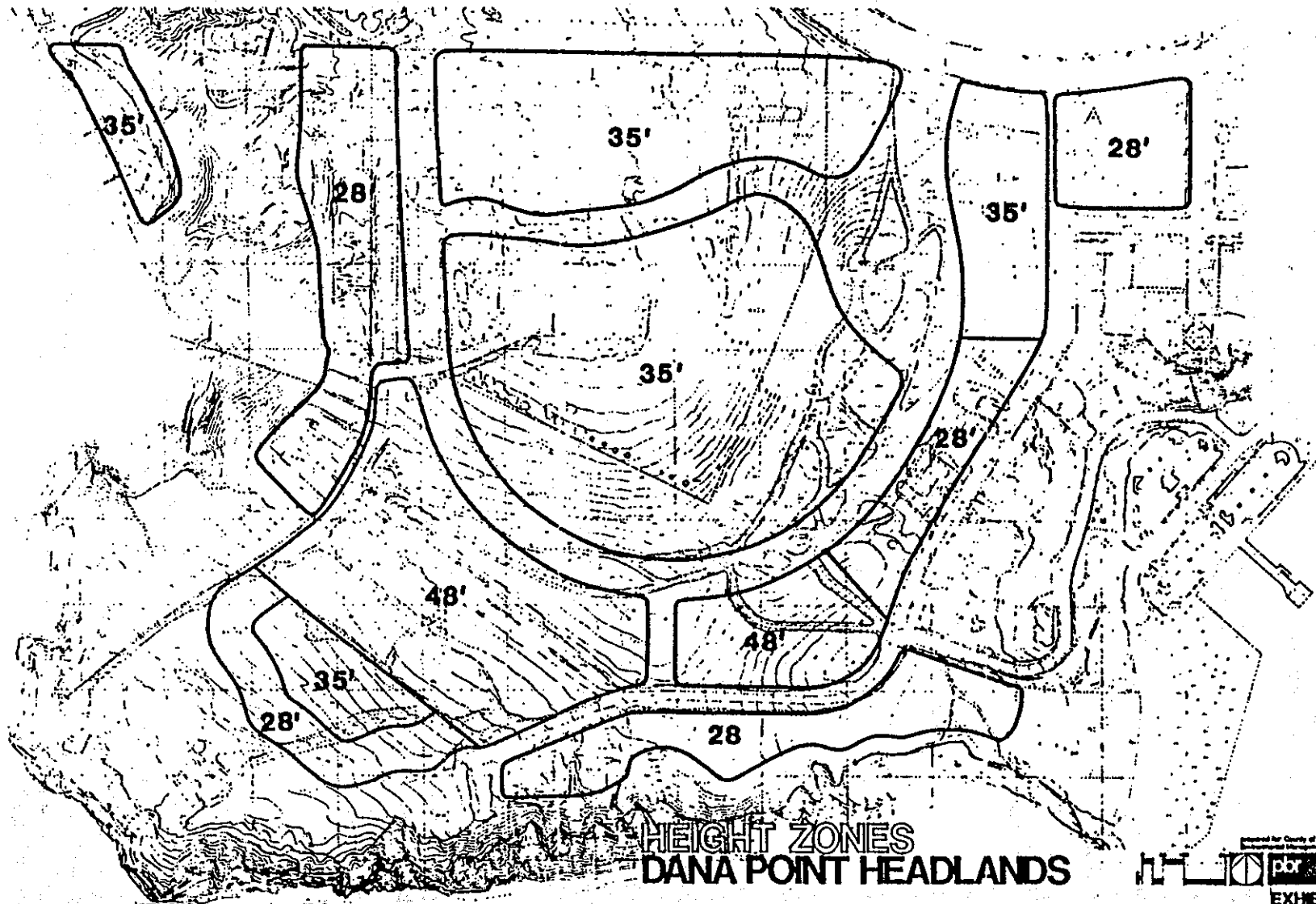
and educational signing will be posted as necessary. Signs are to be no larger than six (6) square feet in face size, of natural materials, and are not to exceed four (4) feet above grade.

- C. Bikeways: A bikeway following both the outside and inside edges of Selva Road (with travel direction consistent with traffic flow) must be constructed within the length of the Subarea coincidental with major development permitted within the same Subarea. The standards for development of the bikeway are the same as defined within the County Master Plan of Bikeways for Class One bikeways. The bikeway will be within the Selva Road right of way, yet grade separated from the road surface.
- D. Area Plans: The Area Plan process shall be available to property owners on an optional basis. The option to pursue an Area Plan by a property owner will not eliminate the requirement for a Coastal Development Permit. A property owner may wish to pursue approval of an Area Plan in order to be aware of decision maker land use preferences prior to investing in the level of planning, design and engineering detail required by the Coastal Development Permit submittal requirements. Area Plans shall be subject to the requirements of Section 7-9-118 of the Orange County Zoning Code.
- E. Parking: Parking within the Dana Point Headlands Sector will be consistent with Section 7-9-145 of the Orange County Zoning Code.
- F. Views: Views as shown on Exhibit 4 will be protected as a part of any development plan. Demonstration of compliance with the view protection requirements herein and in policies 28(c) and 29 of the LUP (p. 38) will be required as part of any Coastal Development Permit. "Ocean Coastline Views" shown in Exhibit 4 shall be defined as the ability to see the bluff edge or the beach and surf zone where there is no bluff edge. Exhibit 5 illustrates the method by which view "cones" will be defined in order to provide for "District Ocean Views."

Site planning and building design within the area designated as "Intermittent Ocean Coastline Views" shall be done so as to provide broad vistas from Selva road on an intermittent basis. Views maintained with the intermittent view corridors should not be narrow corridors between buildings. Rather, the mass and height of structures should be designed so that a significant portion of the coastline as seen by viewers from along Selva Road will remain unobstructed. The objective of such design shall be to create an experience of openness where buildings are subservient to the scenic values of the area.

- G. Graphics: Graphics included within Section III. G. of these regulations are to carry the same authority and significance as the written regulations.
- H. Setbacks: Buildings shall be setback a minimum distance of 25 feet from the bluff edge. Other building setback requirements shall be as defined herein.

A comprehensive geologic/soils report is to be presented to the Grading Section of Orange County EMA prior to any development activity in the landslide and fault hazard areas delineated on figure 2 HAZARDS, of the certified LCP.



**HEIGHT ZONES
DANA POINT HEADLANDS**

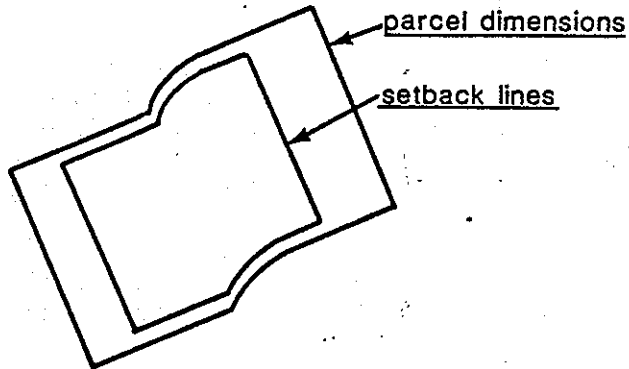


Figure 1

The sides of the envelope are established by the setback of the lot.

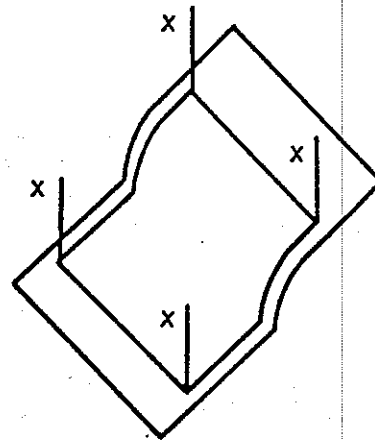


Figure 2

The elevation of any side surface is specified by the maximum guideline height. Height shall be measured along perpendiculars (plumb lines) from the grade elevation.

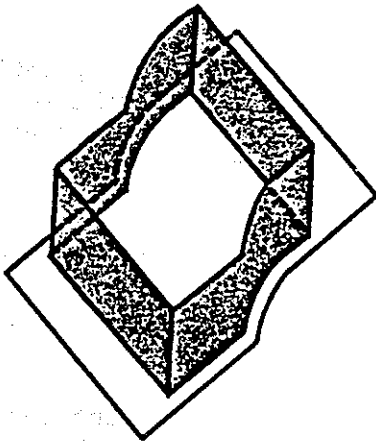


Figure 3

Side surfaces are established as the guideline height is applied to all points of each side.

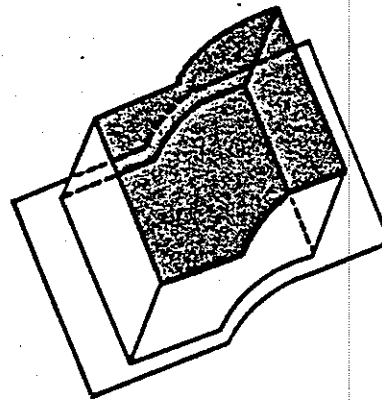


Figure 4

The upper surface of the envelope shall run parallel to the underlying grade elevation (contours) at the guideline specified height. In other words, the upper surface is that plane of points perpendicular to all points on the grade surface at the guideline specified height.

SOURCE: California Coastal Commission Regional Interpretive Guidelines, South Coast Region, Orange County.

BUILDABLE ENVELOPE DANA POINT HEADLANDS

At a minimum this report shall evaluate: geologic conditions including soil, sediment and rock types, evidence of past or potential landslide conditions and potential effects of development on landslide activities; impact of construction activity on site stability; ground and surface water conditions and variations; potential erodability; and mitigating measures.

The soils engineer and geologist must certify the suitability of a graded site prior to issuance of a coastal development permit. Projects shall incorporate all recommendations of the geology and soils reports and shall provide for the following:

- a. At a minimum any development shall be required to maintain a 50-foot structural setback from any identified active fault.
- b. New development shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback based upon the geologic report and other applicable information.

This setback area shall be dedicated as an open space easement as a condition of approval of new development.





- c. Within the required bluff top setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping and minor improvements that do not impact public views or bluff stability, may be permitted.

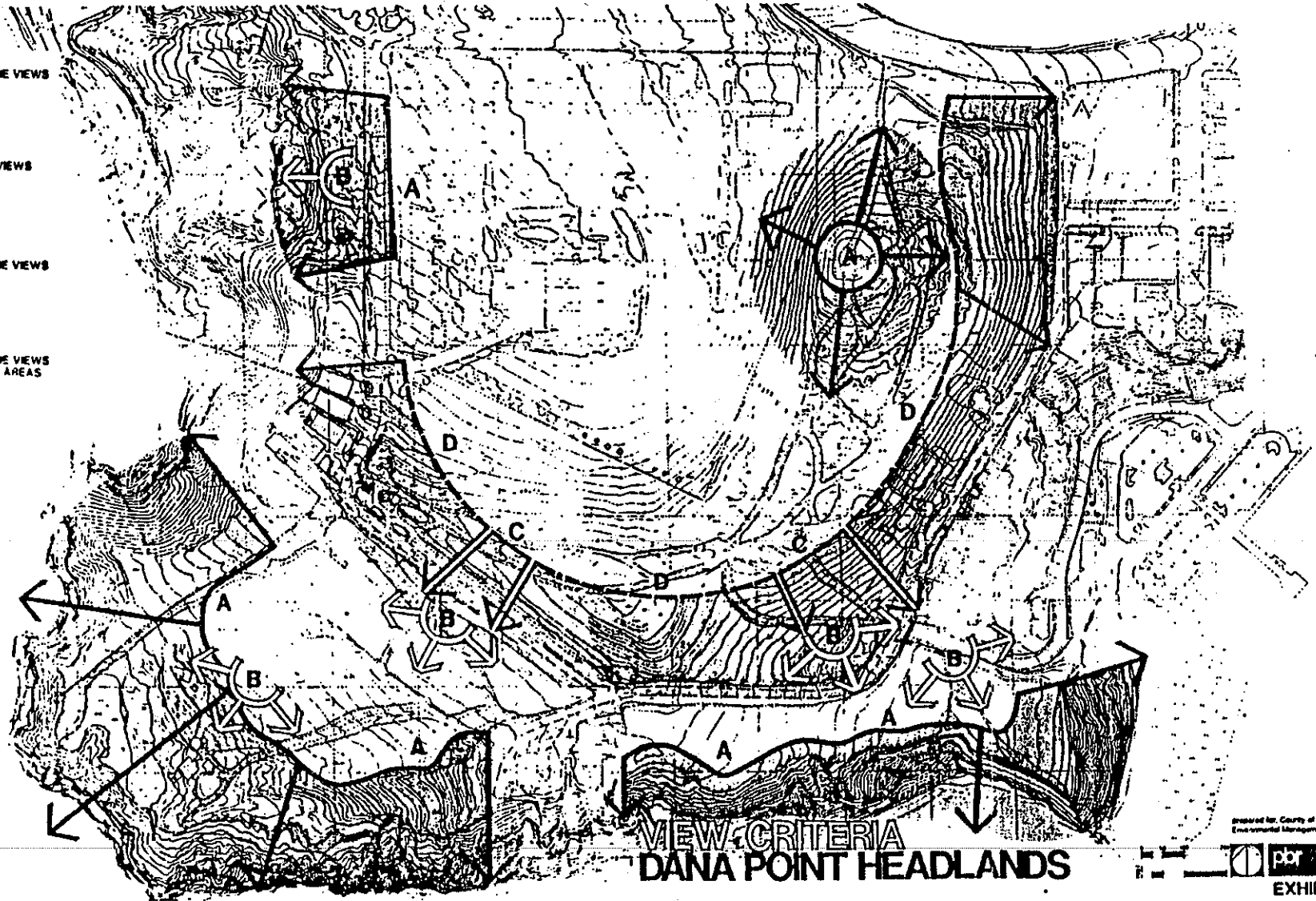
Development and activity of any kind beyond the required bluff top setback shall be constructed to ensure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drain pipes will be allowed only where no other less environmentally damaging drain system is feasible and the drain pipes are design and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face will not be permitted if the property can be drained away from the bluff face.

- I. Building Site Coverage: Exhibit 7 identifies the maximum amount of building site coverage allowable in Subareas D and E. The building site coverage percentage reflects the percent of the subarea within the 5.31 land use category which may be covered with buildings. Buildings are defined as structures having a roof, supported by columns or walls (not including the area under unenclosed eaves and unenclosed post-supported overhangs).
- J. Intensity of Visitor-Serving Uses: The intensity of visitor-serving uses shall be limited by not one but a combination of all of the regulations set forth in the Headlands District. Building setback lines, height limitations, view corridors, building coverage limitations and the visitor-serving use transition area requirements shall, taken together, serve to

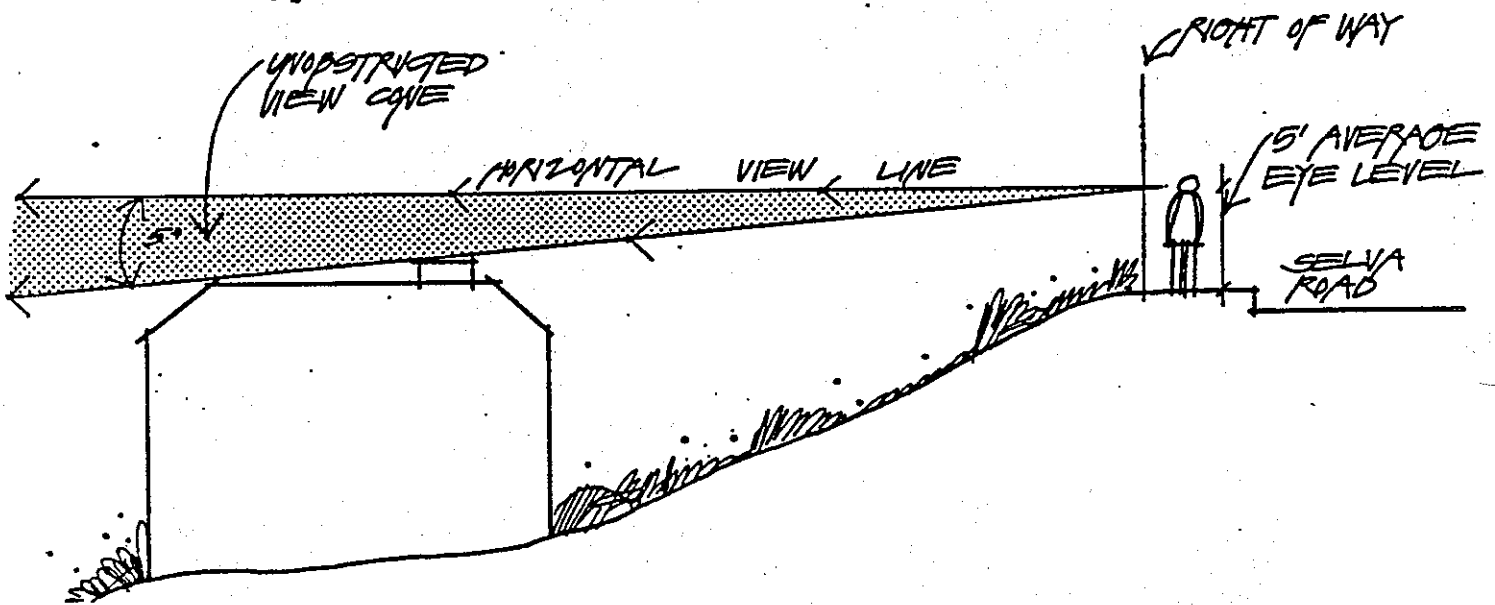
LEGEND

- A**  UNOBSTRUCTED OCEAN COASTLINE VIEWS
- C**  DISTANT OCEAN VIEWS
- D**  INTERMITTENT OCEAN COASTLINE VIEWS
- B**  OCEAN COASTLINE VIEWS FROM PUBLIC USE AREAS

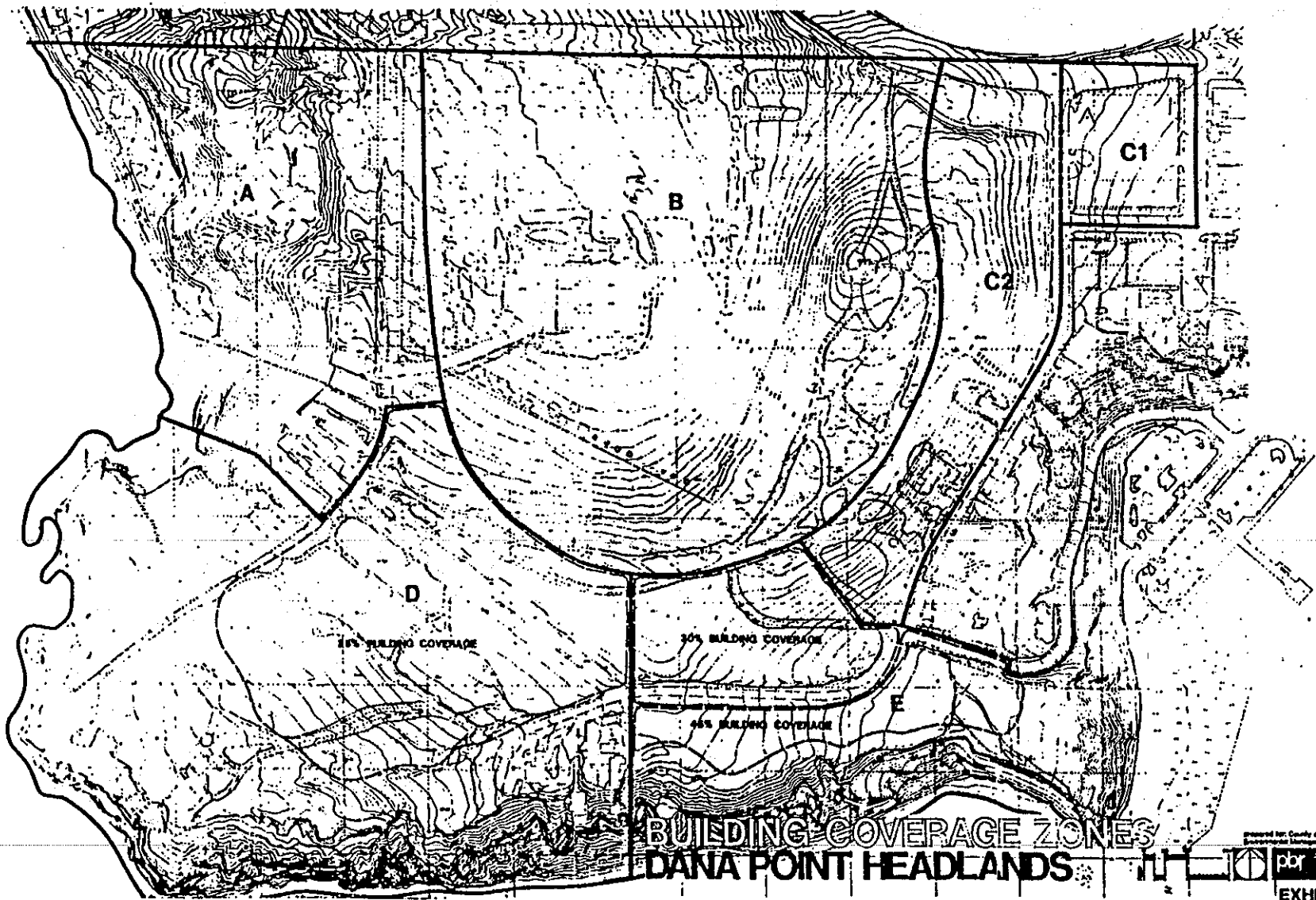


**VIEW CRITERIA
DANA POINT HEADLANDS**

Prepared for: County of Orange
Environmental Management Agency



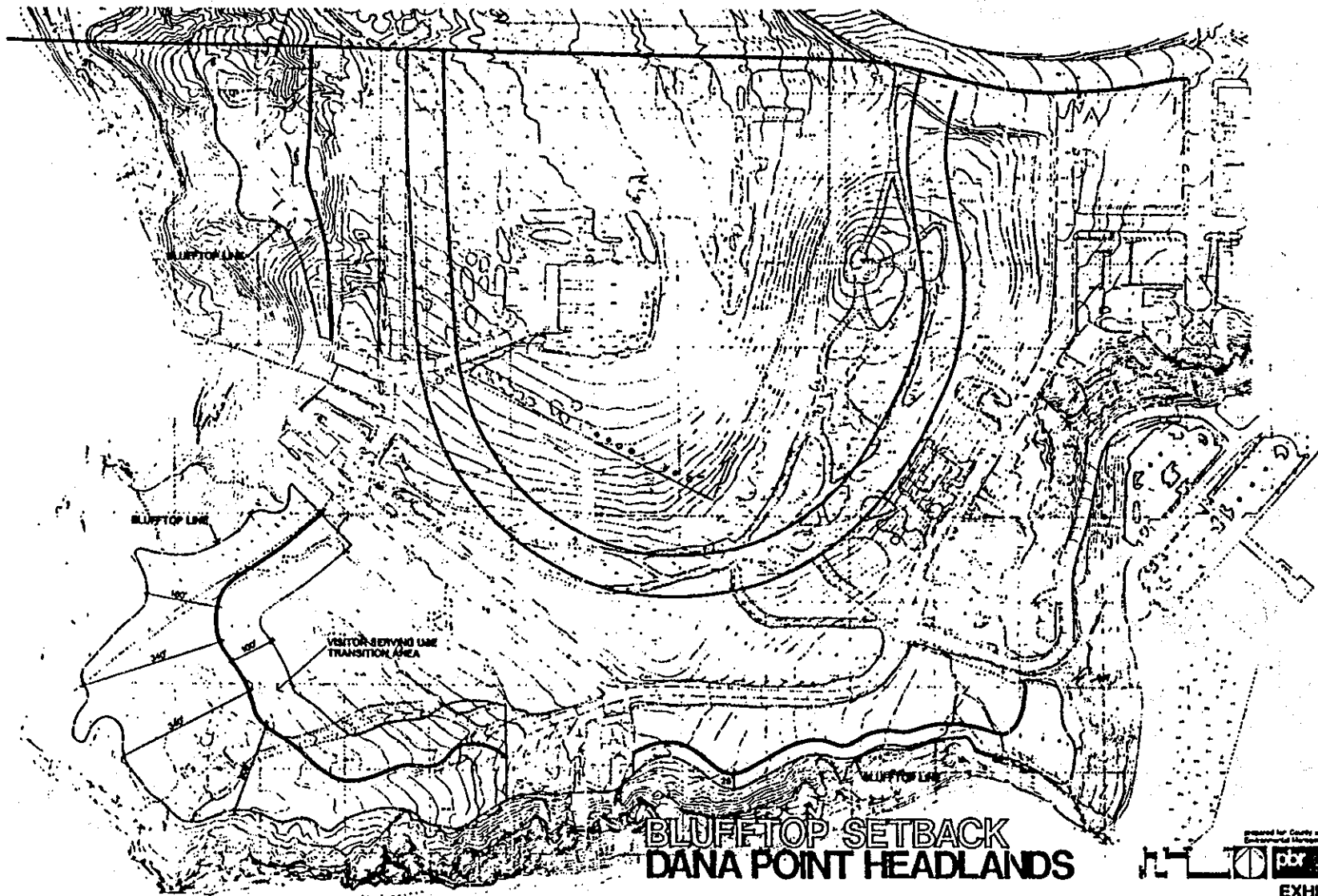
**VIEW CONE IDENTIFICATION FOR
"DISTANT OCEAN VIEWS"**



BUILDING COVERAGE ZONES
DANA POINT HEADLANDS

Prepared for County of Orange
 Department of Planning & Community Development





**BLUFFTOP SETBACK
DANA POINT HEADLANDS**

Prepared for County of Orange
Environmental Department of Planning

EXHIBIT 6

limit the intensity of visitor-serving development. In addition, the combined restrictions of these Regulations will provide development areas characterized by variations in site coverage, setback and building design. The regulations will eliminate the potential for a continuous and uniform structure along each development area perimeter. Rather, multiple buildings of varying height and location will be permitted.

K. Regulations: Regulations set forth herein are intended to be applied to the Headlands District only. Additional regulations applicable to the Headlands include Section 7-9-118 of the Zoning Code, the Orange County Grading and Excavation Code, Subdivision Code and other regulations referenced within the text of these Regulations. Where regulations may appear to conflict, the regulations specific to this district will be deemed applicable.

L. Site Development Permit: All development on the Dana Point Headlands requiring a Coastal Development Permit shall be subject to a site development permit, as described in Section E. 13. of these Regulations. Said site development permit shall demonstrate compliance with:

(1) Policy 18 (preservation/mitigation of rare plant preservation/species)

Concurrent with the application for a Coastal Development Permit the first residential tract map or commercial development exceeding \$100,000 in value in the Dana Point Headlands Sector (except for the H-C1-TRC Zone), the applicant shall submit a botanical survey and management and mitigation program prepared by a qualified biologist approved by the County and the Executive Director of the California Coastal Commission. The survey shall include all portions of the Headlands area and shall precisely delineate the location of any rare endangered or especially valuable species including, but not limited to:

1. *Dudleya blochmanae*, Blochman's dudleya.
2. *Pectocarya (Harpagonella) palmeri*, Palmer's grappling hook.
3. *Chorizanthe staticoides* ssp. *chrysacantha*, Orange County Turkish rugging.
4. *Pichondra occidentals*, western dichondra.
5. *Euphorbia misera*, cliff spurge.

The survey shall be conducted at the appropriate time(s) of year to permit identification of any such species present on site.

In consultation with the California Department of Fish and Game and the Executive Director of the California Coastal Commission the applicant shall prepare a mitigation program for the habitat area of these species and any other environmentally sensitive habitat areas found. The survey, mitigation and management program shall specifically evaluate and provide for appropriate response to all of the following:

- (1) the significance of the Headlands habitats of these species in relation to other locations of these habitats in Orange County and California generally.
- (2) the potential for protecting these habitats through development standards or by adjusting the boundaries of the "Hilltop Park" and other open space and recreation areas of the Headlands to include the habitat areas.
- (3) specifications for a management program for the habitat areas which will assure their continuing productivity and will avoid adverse impacts on these areas from either incompatible human use of the areas or from adjacent development (including drainage changes).
- (4) evaluation of the alternative of transplanting and propagating a portion of the affected plants to an area where they would be afforded permanent protection. The evaluation shall be based on actual evidence that such transplanting would be successful.

The survey and the mitigation and management program shall be subject to the review and approval of the County and the Executive Director of the Coastal Commission prior to transmittal of the permit.

The County shall review the mitigation program and shall assure that the program will be carried out consistent with PRC Section 30240.

- (2) "Consideration for the need to set-back, buffer, and otherwise protect against incompatible relationships between existing residential and proposed tourist residential/commercial and recreation uses."

3. CONSERVATION - "H-C"

A. Purpose and Intent

Refer to Section III.E.9. of these Regulations.

B. Land Users - Principal Permitted Use

Refer to Section III.E.9 of these Regulations.

C. Other Permitted Uses

Refer to Section III.E.9. of these Regulations.

D. Site Development Standards

Refer to Section III.E.9. of these Regulations.

4. HEADLANDS OTHER OPEN SPACE - "H-OOS"

A. Purpose and Intent

The H-OOS Headlands Other Open-Space district includes areas which are currently undeveloped and in a natural state, with the exception of limited areas of landscaping in Subarea "A" and a house and areas of disturbed vegetation in Subarea D. The "H-OOS" component standards below apply to all subareas of the Headlands District and are intended to implement the 5.4 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below, and subject to the provisions of a Coastal Development Permit approved in compliance with Section III. D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

- a. Local and buffer greenbelts
- b. View points
- c. Trails, stairways
- d. Informational and educational signing

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in the subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission:

1. Roadways
2. Off-street public parking incidental and accessory to permitted uses
3. Rest rooms
4. Weather shelters
5. Other park facilities - such as outdoor seating, maintenance buildings, gazebos, information centers
6. Screening, walls, fences
7. Drainage facilities

D. Site Development Standards

1. Maximum building height: Eighteen (18) feet.
 2. Minimum building site area: No minimum.
 3. Minimum building site width: No minimum.
 4. Minimum building setbacks: Ten (10) feet from any and all adjoining property lines and any public or private street.
 5. Off-street parking - see Section 7-9-145 of the Orange County Zoning Code.
 6. Signs as per Section III.E.12. of these Regulations.
5. HEADLANDS SUBAREA "A"

HEADLANDS-A-CONSERVATION - "H-A-CON"

A. Purpose and Intent

The H-A-CON district is established for the purpose of preserving lands in a natural state on behalf of the public interest. Only limited types of uses are compatible with the H-A-CON district such as passive outdoor recreational, scientific study and interpretation, and those facilities which are absolutely necessary for the public health, welfare and safety. The H-A-CON area implements the 5.41 Conservation land use category within Subarea A.

B. Land Uses - Principal Permitted Use

Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Greenbelts
2. Natural or man-made landscapes
3. Scientific study
4. Viewpoints
5. Hiking trails

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CPD's are subject to appeal to the Coastal Commission.

1. Structures accessory to the principal permitted uses

D. Site Development Standards

See III.G.2. - Headlands Sector General Notes.

HEADLANDS-A-HIGH DENSITY RESIDENTIAL - "H-A-HDR-1"

A. Purpose and Intent

The Headlands-A High Density Residential - "H-A-HDR-1" District within Subarea "A" includes portions of the existing Dana Strand Club, specifically, six (6) existing mobilehomes and undeveloped areas are included. The standards and regulations are intended to apply to continued use of the mobilehomes and to future redevelopment. The "H-A-HDR-1" component standards below apply to Subarea A of the Headlands District only and are intended to implement the 1.4 (s) designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below, and subject to the provisions of a Coastal Development Permit in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

- a. Single-family attached dwellings (one dwelling per building site).
- b. Two or more attached or detached clustered single-family dwellings.
- c. Multiple-family condominiums, stock cooperatives, community apartments and apartments.
- d. Residential planned developments as per Section 7-9-110 of the Orange County Zoning Code.
- e. Accessory structures and uses on the same building site as a main use, which are customarily incidental or necessary to the main building or use.
- f. Uses and structures located on a separate lot or building site, which are customarily incidental or necessary to residential uses, including but not limited to private parks and recreation areas, trails, greenbelts, sanitary facilities and common areas.

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Single-family mobilehomes, mobilehome parks, mobilehome subdivisions (all installed pursuant to the National Mobilehomes Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., on a foundation system set forth in Section 18551 of the Health and Safety Code) per Section 7-9-149, et seq., of the Orange County Zoning Code, including any accessory or temporary uses listed under "Principal Permitted Use."
2. Manufactured housing including any accessory or temporary uses listed under "Principal Permitted Use."
3. Signs in accordance with Section III.E.12.
4. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
5. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
6. Guest cottages or guest houses.
7. Caretaker or manager residence.
8. Existing building during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
9. Real estate and identification signs per Section 7-9-78 and 7-9-136.4 of the Orange County Zoning Code.
10. Security access equipment, guard facilities, private community access facilities.

D. Site Development Standards

1. Building Standards

a. Detached Single-Family Dwelling - conventional subdivision

(1) Building site area. Three thousand (3,000) square foot minimum.

(2) Building site width. No minimum.

(3) Building height. Thirty-five (35) feet maximum.

(4) Building site coverage. No maximum.

(5) Building setbacks.

(a) From any front or side property line abutting a street -- five (5) feet minimum.

(b) Interior side -- ten (10) feet minimum for one side only, or ten (10) feet aggregate total for both sides.

- (c) Rear -- minimum fifteen (15) feet.
 - (d) Patios: No attached or detached covered patio shall be located closer than three (3) feet to a property line except the streetside property line of a corner lot, in which case a minimum distance of ten (10) feet shall be maintained.
 - (e) Projections into required setbacks: Eaves, cornices, chimneys, balconies, exterior stairways, and other similar architectural features may project up to four (4) feet into any required front, rear or side setback. (Subject to Building Code regulations).
 - (f) Miscellaneous Provisions and Exceptions:
 - Attached accessory buildings shall be considered as a part of the main building.
 - Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
 - (6) Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back of sidewalk, or if there is no sidewalk, from back of curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.
 - (7) Fences and walls, maximum height.
 - (a) Within areas where main building may be placed -- same as the main building height limit.
 - (b) Within front setback area -- three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - (c) Within other setback areas -- the maximum height shall be six (6) feet, except that this maximum may be exceeded when higher walls are required by the Director, EMA, for the purpose of noise mitigation or other health and safety measures.
 - (8) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.
- b. Attached Single-Family Dwellings - conventional subdivision.
- (1) Building site area. Three thousand (3,000) square foot minimum.
 - (2) Building site width. No minimum.

- (3) Building height. Thirty-five (35) feet maximum.
- (4) Building site coverage. No maximum.
- (5) Building setbacks.
 - (a) From any property line abutting a street, ten (10) feet minimum.
 - (b) From any side or rear property line not abutting a street, no minimum.
 - (c) Patios: No attached or detached covered patio shall be located closer than three (3) feet to a property line except the streetside property line of a corner lot, in which case a minimum distance of ten (10) feet shall be maintained. Covered patios may be completed screened, including all exterior walls and ceilings, with fully ventilating screen.
 - (d) Projections into required setbacks: Eaves, cornices, chimneys, balconies, and other similar architectural features may project up to four (4) feet into any required front, rear or side setback. (Subject to Building Code regulations.)
 - (e) Miscellaneous Provisions and Exceptions:
 - Attached accessory buildings shall be considered as a part of the main building.
 - Detached accessory buildings shall be located no closer than the setback required for the main building.
- (6) Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back of sidewalk, or if there is no sidewalk, from back of curb. Automatic garage door openers are required for garages set back less than twenty (20) feet to the point of vehicular entry.
- (7) Fences and walls, maximum height.
 - (a) Within areas where main buildings may be placed -- same as the main building height limit.
 - (b) Within front setback area -- three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to garage driveway.
 - (c) Within other setback areas -- the maximum height shall be six (6) feet, except that this maximum may be exceeded when higher walls are required by the Director, EMA, for the purpose of noise mitigation or other health and safety measures.

- (8) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.

c. Cluster Subdivision, Planned Developments and Other Similar Developments

- (1) Building site requirements. Cluster subdivisions may be divided into development units by a tentative map for purposes of complying with the Building Site Requirements of the Zoning Code. Each development unit, as specified on the approved tentative tract map, shall comply with the requirements of the Zoning Code Building Site Requirements and be deemed to be a building site.
- (2) Building site area. No minimum.
- (3) Individual lots. No minimum size; however, each dwelling unit shall be located on an individual lot of record and there shall be no more than one dwelling unit on any lot.
- (4) Access. Each residential lot need not necessarily abut a street; however, the ownership of any residential lot shall include a recorded right of access to and from a street to and from the lot for pedestrians and vehicles for a minimum width of not less than twenty (20) feet.
- (5) Open space. A minimum of five percent (5%) of the net area of the project is to be reserved as convenient, accessible and useable permanent common open area adjacent to but outside the boundaries of the residential lots. The following shall not be counted in computing the common open area: streets, common to 1 incline and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.
- (6) Lot width. No minimum.
- (7) Building height. Thirty-five (35) feet maximum.
- (8) Building site coverage. Sixty (60) percent maximum for the D-A-RHD-1 area and no maximum for individual lots.
- (9) Building setbacks.
- (a) From any boundary line of the project. Ten (10) feet minimum.
- (b) From any individual building site's property line development unit or lot. None except as may be otherwise required to comply with the Orange County Building Code.
- (10) Private street and driveway standards. Private streets and driveways shall be in accordance with the following standards:
- (a) Driveways serving four (4) or less dwelling units, and having no parking within the travel way. Minimum paved width (12) feet for one-way traffic or twenty (20) feet for two-way traffic.

- (b) Driveways used primarily for access to garages or carports for more than four (4) dwelling units and with no parking within the travel way. Minimum paved width twelve (12) feet for one-way traffic or twenty-four (24) feet for two-way traffic.
 - (c) Streets and driveways where on-street parking will be limited to one side only. Minimum paved width twenty-eight (28) feet.
 - (d) Streets and driveways with on-street parking permitted on both sides. Minimum paved width thirty-six (36) feet.
- (11) Garage and carport placement:
- (a) Where streets and driveways serve to provide access to garages or carports and to not serve as the primary method of access to dwelling units, garages and carports shall be set back a minimum distance of five (5) feet from the street or driveway.
 - (b) In all other instances, the point of vehicular entry to garages and carports shall be set back a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back edge of the sidewalk or curb where there is no sidewalk. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.
- (12) Fences and walls, maximum height.
- (a) Along the boundary of the project. Seven and one half (7 1/2) feet except within intersecting areas where the maximum height is three and one half (3 1/2) feet.
 - (b) Within areas where main buildings may be placed. Same as the main building height limit.
- (13) Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.
2. Multiple-Family Dwellings (including, but not limited to, condominium projects, stock cooperatives, community apartment projects and apartment project(s)).

The following development standards shall apply except as otherwise established by an approved Coastal Development Permit.

- a. Building site area. Two thousand (2,000) square feet minimum.
- b. Building site width. No minimum.
- c. Building height. Thirty-five (35) feet maximum.
- d. Building site coverage. Sixty percent (60%) maximum.

- e. Building setbacks. Twenty (20) feet minimum from any exterior property line. There is no setback requirement from interior property lines.
- f. Accessory building setbacks, including garages, Twenty (20) feet from the back edge of the sidewalk, or curb if there is no sidewalk.
- g. Off-street parking. Off-street parking shall be provided as required by the provisions of Section 7-9-145 of the Zoning Code.
- h. Open space. A minimum of five percent (5) of the net area of the project is to be reserved as convenient, accessible and useable permanent common open area. The following shall not be counted in computing the common open area: streets, common driveways, public park area, slopes greater than 4 to 1 incline, and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.
- i. Signs. Signs shall be permitted in accordance with the provisions of Section III.E.12 of these Regulations.
- j. Trash and storage areas. All storage, including cartons, containers or trash shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height.
- k. Screening.
 - (1) Abutting residential areas. Screening shall be installed along all building site boundaries where the premises abut areas zoned for residential uses. Except as otherwise provided below, the screening shall have a total height of not less than six (6) feet and not more than seven (7) feet.
 - (2) Notwithstanding the requirements listed above, where the finished elevation of the property at the boundary line, or within five (5) feet inside the boundary line is lower than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements of this section.
 - (3) A screen as referred to in (1), (2) and (3) above shall consist of one or any combination of the following:
 - (a) Walls including retaining walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of six (6) inches thick.
 - (b) Berms: A berm shall be constructed of earthen materials and it shall be landscaped.
 - (c) Fences, solid: A solid fence shall be constructed of wood or other materials a minimum nominal thickness of two (2) inches and it shall form an opaque screen.

(d) Landscaping: Vegetation, consisting of evergreen or deciduous trees or shrubs.

(4) Mechanical equipment. Mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust, but not including solar collectors, shall be screened from view from any abutting street or highway and any abutting area zoned for residential or open space uses within the Laguna Niguel Community or Dana Point Headlands Sector.

1. Landscaping. Landscaping, consisting of evergreen or deciduous trees, shrubs, ground cover, or hardscape shall be installed and maintained subject to the following standards:

(1) Boundary landscaping abutting public streets, other than arterial highways, is required to an average depth of ten (10) feet.

(2) Separation. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area or in some manner be protected from vehicular damage.

(3) Watering. Permanent automatic watering facilities shall be provided for all landscaped areas.

(4) Maintenance. All landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.

HEADLANDS-A-HIGH DENSITY RESIDENTIAL "H-A-HDR-2"

A. Purpose and Intent

The Headlands-A-High Density Residential "H-A-HDR-2" District of Subarea "A" includes the group of 10 lots which are nearly built-out at the edge of Selva Road. The intent of these Regulations is to permit development and maintenance of these multi-family residential uses. The "H-A-HDR-2" component of the Headlands District is applicable to Subarea A only and implements the 1.41 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

Refer to Section III.E.2. of these Regulations.

C. Other Permitted Uses

Refer to Section III.E.2. of these Regulations.

D. Site Development Standards

Refer to Section III.E.2. of these Regulations.

HEADLANDS-A-RECREATIONAL - "H-A-REC"

A. Purpose and Intent

The purpose and objectives of these Regulations is to provide for the establishment and use of beach recreation facilities within the sandy beach area of Subarea A.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with Subsection "D" below and subject to the provisions of a Coastal Development Permit in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

- a. Recreational and educational activities which do not require permanent placement of a structure.
- b. Lifeguard structures and equipment.

C. Other Permitted Uses

1. The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission:

- a. Commercial sale and rental concessions (food and equipment).
- b. Permanent recreational structures.
- c. Shoreline protective works intended to protect existing development or coastal dependent uses.

D. Site Development Standards

1. Shoreline protective works - to be of minimum size and minimum distance seaward to adequately protect existing development areas or coastal dependent uses from wave erosion. All permanent shoreline protective works must be constructed according to plans prepared by a registered engineer, in compliance with these Regulations. Shoreline protective works, to the maximum extent feasible, shall be continuous, complementing the structural design of adjacent similar protective devices.

HEADLANDS-A-TOURIST RECREATIONAL/COMMERCIAL - "H-A-TRC"

A. Purpose and Intent

The Tourist Recreational/Commercial portion of Subarea "A" is located adjacent to the proposed alignment of Selva Road and comprises an undeveloped gently sloping area. The H-A-TRC District is intended to implement the 5.31.

designation of the Land Use Plan and applies to the Subarea "A" of the Headlands Sector only. The H-A-TRC regulations provide for uses which serve the needs of visitors to the community, including permanent overnight accommodations, recreation opportunities, social and educational facilities, food and drink and parking facilities.

B. Land Uses - Principal Permitted Use

1. Principal Permitted Use - The following uses are permitted in compliance with subsection "D" below and subject to the provisions of a Coastal Development Permit in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

- a. Hotels
- b. Motels
- c. Recreational clubs
- d. Restaurants
- e. Cocktail lounges and bars
- f. Trails for hiking and bicycling
- g. Uses which are accessory to or typically associated with the permitted uses

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

- a. Time share condominiums
- b. Rental condominiums
- c. Retail, service and related businesses associated with the needs of visitors and tourists.

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size - none
- b. Minimum size width - none
- c. Maximum building height - twenty-eight (28) feet
- d. Front setback - Twenty (20) foot minimum for all buildings and ten (10) foot minimum for parking from ultimate right-of-way
- e. Side setback - Ten (10) foot minimum for all buildings and parking
- f. Minimum blufftop setback - The bluff top setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with General Note J. of the regulations.
- g. Landscaping/screening minimum - Fifty percent (50%) of the front setback area.

2. Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code.

3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than six (6) feet in height and, if uncovered, not within forty (40) feet of any residential area.

4. Loading - All loading and unloading operations shall be performed on the site.

5. Fences and Walls - Per Section 7-9-137.5 of the Orange County Zoning Code.

6. The Orange County Grading Code and Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to them.

HEADLANDS SUBAREA "B"

HEADLANDS-B-HIGH DENSITY RESIDENTIAL - "H-B-HDR"

A. Purpose and Intent

The High Density Residential portion of Subarea B includes the majority of the "bowl" area of the Headlands Sector. The H-B-HDR District component provides regulations which permit development of high density single- and multiple-family residential uses. Applicable only to Subarea B of the Headlands Sector, the H-B-HDR District implements the 1.4 designation of the Land Use Plan, and policy B-1 on page IV-21 of the Land Use Plan which provides "an option for a mix of uses to permit a limited amount of tourist recreation commercial facilities."

B. Land Uses - Principal Permitted Use

The following uses are permitted on each building site, in compliance with subsection "D" below and subject to the provision of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

- a. Detached single-family dwelling (one dwelling per building site).
- b. Two (2) or more attached or detached clustered single-family dwellings.
- c. Multiple-family condominiums, stock cooperatives, community apartments and apartments.
- d. Accessory structures and uses, on the same building site as a main use, which are customarily incidental or necessary to the main building or use, including recreational facilities.
- e. Uses and structures, located on a separate lot or building site, which are customarily incidental or necessary to residential uses, including but not limited to private parks and recreation areas and facilities, trails, greenbelts, sanitary facilities and common areas:

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Educational institutions and associated athletic fields.
2. Communication equipment buildings.
3. Community television receiving and distribution systems.
4. Electric distribution substations.
5. Horticultural uses.
6. Private water pumping stations.
7. Sewage left stations.
8. Fire and police stations.
9. Public libraries.
10. Water reservoirs and appurtenant facilities.
11. Signs in accordance with Section III.E.12. herein.

12. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
13. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
14. Guest cottages or guest houses.
15. Caretaker or manager residence.
16. Existing building during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
17. Real estate and identification signs per Sections 7-9-79 and 7-9-136.4 of the Orange County Zoning Code.
18. Security access equipment, guard facilities, private community access facilities.
19. Tourist Recreational/Commercial uses subject to the provisions of Section III.G.4. (H-A-TRC) of these Regulations.

D. Site Development Standards

1. Building Regulations (Residential)

- a. Minimum building site: Three thousand (3,000) square feet
- b. Minimum building site area per unit: Two thousand (2,000) square feet
- c. Minimum building site width: no minimum
- d. Maximum building height: Thirty-six (36) feet
- e. Front setback: Fifteen (15) feet for the Principal Permitted Use a; ten (10) feet for b-e.
- f. Side setback: Five (5) feet for Principal Permitted Use a; ten (10) feet for b-e.
- g. Rear setback: Ten (10) feet for Principal Permitted Use a; ten (10) feet for b-e.
- h. Projections into required setbacks, eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project four (4) feet into required front and rear setback and two (2) feet into side setback.
- i. Attached accessory buildings shall be considered as a part of the main building.
- j. Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.

- k. Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back to the sidewalk, or if there is no sidewalk, from back to curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.
 - l. Fences and walls, maximum height: Within front setback area - three and one-half (3 1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - m. Landscaping/screening minimum - Fifty percent (50%) of the front setback area, except as otherwise provided for by a residential planned development.
2. Building Regulations (TRC - 5.31)
Same as Section III.G.4. (H-A-TRC) of these Regulations except:
 - a. Maximum building height - Thirty-six (36) feet
 - b. Rear setback - Twenty (20) feet minimum from all residential structures
 3. Off-street parking - per Section 7-9-145 of the Orange County Zoning Code.

HEADLANDS-B-RECREATIONAL - "H-B-REC"

A. Purpose and Intent

The "Recreational" portion of Subarea B includes a ridgeline with an opportunity for a 360° view at its maximum elevation. The H-B-REC District provides regulations which permit uses consistent with the maintenance of view and recreational opportunities along the ridgeline. Applicable only to Subarea B of the Headlands District, H-B-REC implements the 5.3 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

The following uses are permitted on each building site in compliance with the subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Public hiking trails
2. Buffer greenbelts
3. Public scenic overlooks

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below, subject to the provision of an approved Coastal Development permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Off-street parking
2. Structures accessory to the permitted uses

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size - no limitations
- b. Building site width - no limitations
- c. Building height - 18 feet
- d. Building site coverage - 5 percent maximum
- e. Setback requirement - 20 foot minimum for all buildings and parking from land use district boundary lines or ultimate ROW lines
- f. Landscaping/screening minimum - 70% of the front setback area

2. Off-street Parking - Per Section 7-9-145 of the Orange County Zoning Code.

3. Trash and Storage Areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if covered, not within 40 feet of any residential area.

4. Walls and Fences - Per Section 7-9-137.5 of the Orange County Zoning Code.

7. HEADLANDS SUBAREA "C"

Subarea "C" is comprised of two Land Use Plan designations, 5.31 Tourist Recreational Commercial and 1.41 High Density Residential. The majority of the Headlands District is owned by one landowner, a benefit in the effort to prepare a comprehensive and acceptable land plan. One of the properties not owned by the major property owner lies adjacent to, and east of the Street of the Green Lantern at Pacific Coast Highway. This property is identified as Subarea C1, and the remainder as Subarea C2.

HEADLANDS-C1-TOURIST RECREATIONAL/COMMERCIAL "H-C1-TRC"

A. Purpose and Intent

Refer to Section III.E.6. of these Regulations.

B. Land Uses - Principal Permitted Use

Refer to Section III.E.6. of these Regulations.

C. Other Permitted Uses

Refer to Section III.E.6. of these Regulations

D. Site Development Standards

Refer to Section III.E.6. of these Regulations.

HEADLANDS-C2-HIGH DENSITY RESIDENTIAL - "H-C2-HDR"

A. Purpose and Intent

The High Density Residential H-C2-HDR portion of Subarea "C" includes developed and undeveloped multi-family residential lots on the west side of Scenic Drive. The intent of these regulations is to permit for development and maintenance of such multi-family residential uses. The "H-C2-HDR" component standards and regulations apply to the Headlands District Subarea C only and are intended to implement the 1.41 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use, Other Permitted Uses and Site Development Standards

Refer to Section III.E.2. b and c of these Regulations.

HEADLANDS-C2-TOURIST RECREATIONAL/COMMERCIAL - "H-C2-TRC"

A. Purpose and Intent

The Tourist Recreational/Commercial - H-C2-TRC portion of Subarea "C" includes undeveloped properties adjacent to and immediately west of The Street of the Green Lantern at Pacific Coast Highway. The "H-C2-TRC" component of the Headlands District applies to Subarea "C" only and is intended to implement the 5.31 designation of the Land Use Plan. The intent of these regulations is to permit the construction of a commercial area which will serve the needs of tourists and other visitors to the coast, including such uses as permanent overnight accommodations, recreation opportunities, social and educational facilities and food and drink establishments.

B. Land Uses - Principal Permitted Use

Principal Permitted Use - The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Hotels

2. Motels
3. Restaurants
4. Cocktail lounges and bars
5. Trails for biking and hiking in conformance with the Land Use Plan.
6. Enclosed public commercial health, tennis, racquetball, swimming, boat and yacht clubs.
7. Uses which are accessory to, or typically associated with the permitted uses.

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below, subject to the provisions of a Coastal Development Permit approved in compliance with Section III.D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Time share condominiums
2. Rental condominiums
3. Retail, service and rental businesses associated with the needs of visitors and tourists
4. Signs in accordance with Section III.E.12. of the Regulations

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size: none
- b. Minimum building site width: none
- c. Maximum building height: 36 feet
- d. Minimum front setback: 20 feet minimum for all buildings; 10 feet minimum for parking
- e. Minimum side setback: 10 feet minimum for all buildings and parking
- f. Minimum rear setback: 10 feet minimum for all buildings and parking
- g. Landscaping/screening minimum - 50% of the front setback area.

2. Off-street Parking Per Section 7-9-145 of the Orange County Zoning Code.
3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area.
4. Loading - All loading and unloading operations shall be performed on the site.
5. Fences and walls - per Section 7-9-137.5 of the Orange County Zoning Code.
6. The Orange County Grading Code and Manual list the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it.

8. HEADLANDS SUBAREA "D"

Subarea "D" provides several land use designations and includes the promontory of the Headlands landform. Regulations which implement the 5.4 (Other Open Space) designation of the Land Use Plan for Subarea D are provided within Section III.G.3., "H-OOS" District, of these Regulations. Regulations which implement the 5.41 (Conservation) designation of the Land Use Plan for Subarea D are provided within Section III.E.9., "Coastal Conservation" District, of these Regulations.

HEADLANDS-D-HIGH DENSITY RESIDENTIAL - "H-D-HDR"

A. Purpose and Intent

The High Density Residential portion Subarea D includes a group of parcels which are developed or intended for residential uses, and owned by separate individuals. The intent of this designation is to permit for development and maintenance of these few parcels. The "H-D-HDR" District of the Headlands Sector applies to Subarea D only and implements the 1.41 designation of the Land Use Plan.

B. Land Uses - Principal Permitted Use

The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section III-D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Single-family detached dwellings (one per building site)
2. Two or more attached or detached clustered single-family dwellings
3. Multiple-family condominium, stock cooperatives, community apartments and apartments.

4. Residential planned developments as per Section 7-9-110 of the Orange County Zoning Code.
5. Accessory structures and uses on the same building site as a main use which are necessary to the main building or use.
6. Uses and structures located on a separate lot or building site which are customarily incidental or necessary to residential uses, including but not limited to private recreation facilities and common area.

C. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "D" below, subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Signs in accordance with Section III.E.2. herein.
2. Guest cottages or guest houses.
3. Model houses and real estate offices per Section 7-9-136 of the Orange County Zoning Code.
4. Mobilehome residence during construction per Section 7-9-136 of the Orange County Zoning Code.
5. Caretaker or manager residence.
6. Existing buildings during construction of a new building on the same building site per Section 7-9-136 of the Orange County Zoning Code.
7. Real Estate and identification signs per Sections 7-9-78 and 7-9-136.4 of the Orange County Zoning Code.
8. Security access equipment, guard facilities, private community access facilities.

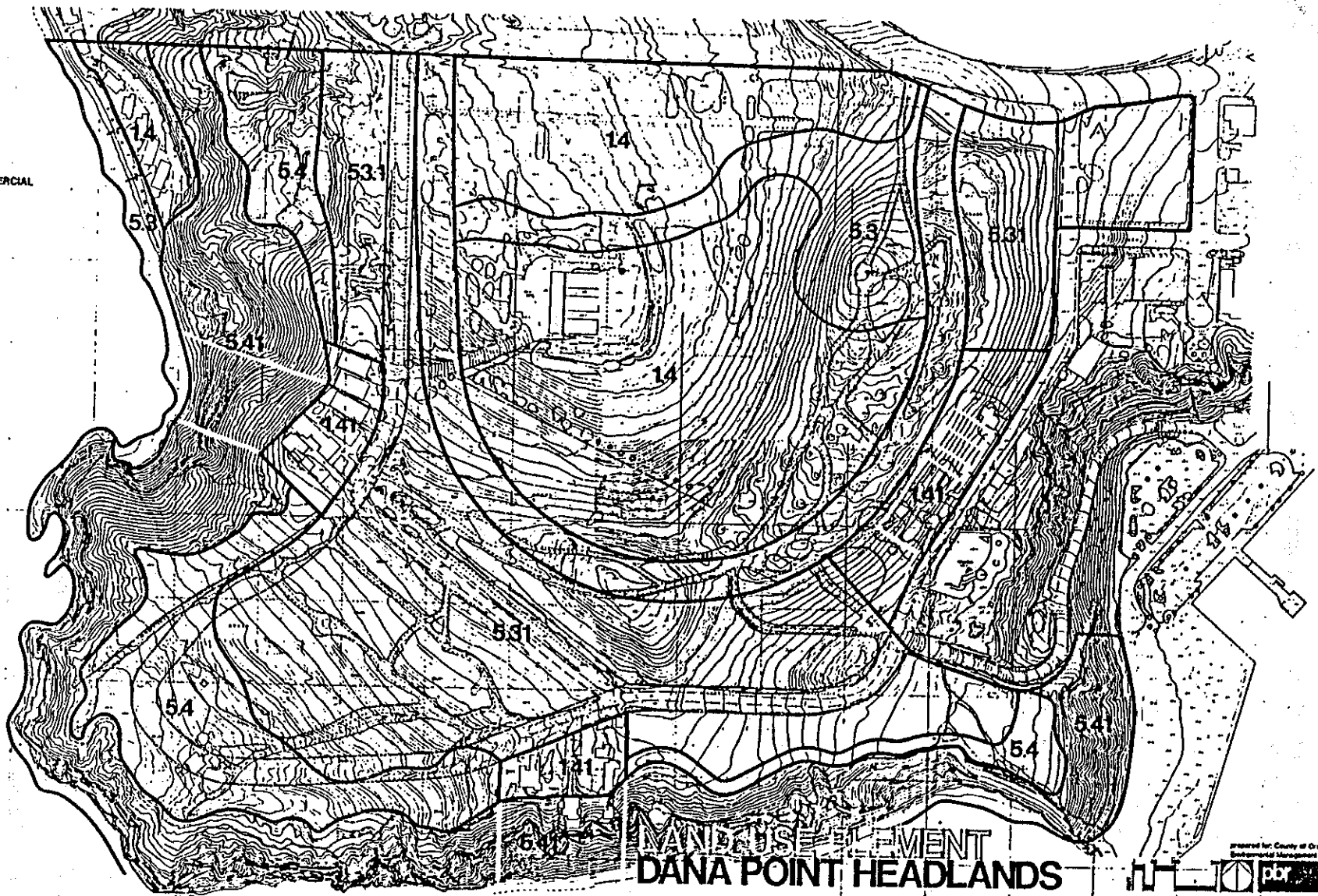
D. Site Development Standards

1. Building Regulations

- a. Minimum building site: 3,000 square feet
- b. Minimum building site area per unit: 2,000 square feet
- c. Minimum building site width: no minimum
- d. Maximum building height: 28 feet
- e. Front setback: 20 feet
- f. Side setback: 5 feet

LAND USES

- 14 HIGH DENSITY RESIDENTIAL
- 141 HIGH DENSITY RESIDENTIAL
- 5.3 RECREATIONAL
- 5.31 TOURIST RECREATIONAL/COMMERCIAL
- 5.4 OTHER OPEN SPACE
- 5.41 CONSERVATION



LAND USE ELEMENT
DANA POINT HEADLANDS

- g. Rear setback: all structures shall be set back a minimum distance of 25 feet from the edge of the bluff.
 - h. Projection into required setbacks, eaves, chimneys, patio, balconies, exterior stairways, and other similar architectural features may project 4 feet into required front setback, and two feet into side setback.
 - i. Attached accessory buildings shall be considered as a part of the main building.
 - j. Detached accessory buildings shall be located no closer to the property line than the setback permitted for the main building.
 - k. Garage and carport placement. The point of vehicular entry to a garage or carport shall be a minimum distance of five (5) feet or less, or twenty (20) feet or more from the back to sidewalk, or if there is no sidewalk, from back to curb. Garages set back less than twenty (20) feet to the point of vehicular entry shall be equipped with automatic door openers.
 - l. Fences and walls, maximum height.
 - (1) Within front setback area - three and one half (3-1/2) feet maximum, except on key lots where the maximum height may be six (6) feet within that portion of the front setback area abutting the area where a six (6) foot high fence is permitted on the abutting lot when not adjacent to the garage driveway.
 - (2) Within other setback areas - the maximum height shall be six (6) feet, except that this minimum may be exceeded when higher walls are required by the Director, EMA for the purposes of noise mitigation or health and safety measures.
 - m. Landscaping/screening minimum - 50% of the front setback area, except as otherwise provided for by a residential planned development.
2. Off-street parking - per Section 7-9-145 of the Orange County Zoning Code.

HEADLANDS-D-TOURIST RECREATION/COMMERCIAL - "H-D-TRC"

A. Purpose and Intent

The Headlands-D-Tourist Recreational/Commercial - "H-D-TRC" portion of Subarea D includes undeveloped land which adjoins the Selva Road alignment to the north and the "Other Open Space" area to the south. The "H-D-TRC" District of the Headlands Sector applies to Subarea D only and is intended to implement the 5.31 designation of the Land Use Plan. The intent of these regulations is to provide that the primary use within this area will be hotel/lodge facility integrated with an open space system adjacent to the bluffs.

B. Land Uses - Principal Permitted Use

The following uses are permitted in compliance with the site development standards in subsection "D" below, subject to the provisions of a Coastal Development Permit approved in compliance with Section III-D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Hotels
2. Motels
3. Restaurants
4. Cocktail lounges, bars
5. Trails for biking and pedestrians in conformance with the Land Use Plan
6. Uses which are accessory to or typically associated with the permitted uses (such as tennis courts, pools)
7. Viewpoints
8. Recreational facilities incidental to overnight accommodations
9. Parking area, vehicular accessways, plazas and walkways

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit, approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the California Coastal Commission.

1. Timeshare rental condominiums
2. Rental condominiums
3. Retail, service and rental business ancillary to hotel and lodge uses
4. Signs
5. Fences and walls

D. Site Development Standards

1. Building Regulations - (Subarea D, exclusive of the Visitor Serving Transition Area)
 - a. Minimum lot size: none
 - b. Minimum building site width: none
 - c. Maximum building height: 48 feet and 35 feet as shown on Exhibit 2

- d. Maximum building site coverage: 25%
 - e. Minimum front setback: 20 feet for building; 10 feet for parking
 - f. Minimum side setback: 10 feet
 - g. Minimum rear setback: none except for compliance with the Visitor Serving Transition Area requirements
2. Building Regulations - (Visitor Serving Transition Area Only)
- a. Minimum lot size - none required
 - b. Minimum building site width - none required
 - c. Maximum building height - 28 feet as shown on Exhibit 2
 - d. Maximum building site coverage - 25%
 - e. Minimum distance between buildings - 10 feet
 - f. Minimum blufftop setback - The blufftop setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with General Note J. of the Regulations.
3. Off-street Parking - (applicable to entire Subarea D) as per Section 7-9-145 of the Orange County Zoning Code.
4. Trash and storage areas - (applicable to entire Subarea D) All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area or overnight accommodations.
5. Loading - (applicable to entire Subarea D) All loading and unloading operations shall be performed on the site.
6. Fences and walls - (applicable to entire Subarea D) per Section 7-9-137.5 of the Orange County Zoning Code with the exceptions noted below.
- a. Fences and walls shall not exceed 3 1/2 feet in height within 20' of the edge of an open space use. Fences constructed between buildings and open space areas shall be subject to an approved landscaping plan which shall be designed so as to minimize the sense of physical separation created by such fences.
7. Signs - (applicable to entire Subarea D) as per Section III.E.12 of these Regulations.
8. Grading - (applicable to entire Subarea D) The Orange County Grading Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to it.

9. Open space shall be provided as part of any permitted use and shall be integrated with any contiguous public open space.

HEADLANDS-D1-VISITOR SERVING TRANSITIONAL - "H-D1-VST"

A. Purpose and Intent

The Visitor Serving Transitional (VST) portion of the "D1" subarea includes land which gently slopes toward the bluff. The "H-D1-VST" component of the Headlands District applies to subarea "D1" only. This transition zone is intended to protect natural amenities on or near the site, while allowing a mix of visitor-serving commercial and recreational uses. The extent of and relationship among the resource conservation, recreation and commercial areas shall be established through detailed site planning.

The transition zone is located between the Blufftop Line as shown on Exhibit 6, Blufftop Setback) and a line measured 200 feet inland from the Blufftop Line entirely within the D1 subarea.

B. Land Uses

1. Principal Permitted Use

The following uses are permitted in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit (CDP) approved in compliance with Section D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Hotels, motels
2. Restaurants, cocktail lounges and bars ancillary to restaurants
3. Trails, walkways, plazas

2. Other Permitted Uses

The following uses are permitted in compliance with the site development standards contained in subsection "C" below, subject to the provision of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Timeshare hotels, motels
2. Viewpoints
3. Recreational facilities incidental to overnight accommodations which don't require walls or fences such as tennis courts, pools, handball or squash.

3. Uses Prohibited

1. Parking areas and vehicle accessways are expressly prohibited from this transitional district except for any access areas required for fire protection. Parking areas to serve uses in this zone are to be

placed in close proximity to but outside of this zone.

C. Site Development Standards

1. Building Regulations

- a. Minimum lot size: none required
- b. Minimum building site width: none required
- c. Maximum building height: 28 feet
- d. Maximum building site coverage: 25%
- e. Minimum distance between buildings: 10 feet
- f. Minimum blufftop building setback: In no case shall a building be located closer than one hundred fifty (150) feet minimum from 'bluff top line' shown on Exhibit 6, Blufftop Setback.

2. Landscape Development

On a site composed of a variety of land uses ranging from highly developed commercial complexes to open space areas, the landscape development shall function as a transitional element, visually integrating all areas into comprehensive site plan. To achieve this end, certain controls have been established to serve as guidelines for the designer. Working within these design guidelines, using materials and processes selected with the transitional zone purpose, it is intended that the landscape development of this unique district will complement and enhance the transition of this area and the overall character of the Dana Point Headlands.

A. Design Criteria and Requirements

All landscape development in the D1 area shall be delineated in a site plan and referred to the Harbors, Beaches and Parks Commission for their review and recommendation prior to action by the Orange County Planning Commission.

The following serve as guidelines for landscape development of this zone:

- a. The removal of existing vegetation shall be minimal and delineated in the site plan submittal
- b. Landscape varieties selected shall be native and exotic varieties presently existing in natural form on the Dana Point Headlands
- c. Trees shall be planted to reflect a random arrangement to minimize a man-made looking arrangement
- d. Sculptured tree canopies shall be discouraged

3. Grading

- A. All grading operations shall be limited to the extent of preparing suitable building pads or other accessways, utility trenches and fill support.

9. HEADLANDS SUBAREA "E"

Subarea E includes the area seaward of Selva Road and is oriented toward the Dana Point Harbor. Land Use Plan designations include 5.31 (Tourist Recreational/Commercial), 1.41 (Residential), 5.4 (Other Open Space) and 5.41 (Conservation). The 5.4 and 5.41 designations are implemented by Section III.E.9., "Coastal Conservation" District, and III.G.2., Headlands Sector General Notes, of these Regulations.

HEADLANDS-E-TOURIST RECREATIONAL/COMMERCIAL - "H-E-TRC"

A. Purpose and Intent

The Headlands-E-Tourist Recreational/Commercial - "H-E-TRC" District of the Headlands Sector Regulations applies to Subarea E only and is intended to implement the 5.31 designation of the Land Use Plan. The intent of these regulations is to permit visitor serving overnight accommodations, harbor view oriented restaurant facilities and retail shops as primary uses.

B. Land Uses Principal Permitted Use

The following uses are permitted on each building site, in compliance with site development standards contained in subsection "D" below and subject to the provision of a Coastal Development Permit approved in compliance with Section III.D. of these Regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.

1. Hotels
2. Motels
3. Restaurants
4. Cocktail lounges, bars
5. Trails for bicycling and hiking in conformance with the Land Use Plan
6. Uses which are necessary to or typically associated with the permitted uses (such as tennis courts, pools)
7. View points
8. Landscaping

C. Other Permitted Uses

The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "D" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D. of these Regulations. Approved CDP's are subject to appeal to the Coastal Commission.

1. Signs
2. Fences and walls
3. Timeshare rental condominiums
4. Rental condominiums
5. Retail, service and rental businesses associated with the needs of visitors and tourists.

D. Site Development Standards

1. Building Regulations

- a. Minimum lot size: none required
- b. Minimum building site width: none required
- c. Maximum building height: 48 feet landward of Scenic Drive; 28 feet seaward of Scenic Drive
- d. Maximum building site coverage: 30% and 45% as indicated on Exhibit 7 of these regulations
- e. Minimum front setback: 20 feet for buildings; 10 feet for parking
- f. Minimum side setback: 10 feet
- g. Minimum blufftop setback - The blufftop setback line will be determined as part of the detailed site plan to be approved by the Planning Commission in accordance with the following provision:

The final blufftop setback line will be no further seaward that a) 25' inland of the blufftop line as shown on Exhibit 6, or b) in areas of new development above ground structures will be set back a sufficient distance from the bluffedge to be safe from the threat of bluff erosion for a minimum of 50 years. The County will determine the required setback. A geologic report may be required by the County in order to make the determination (Environmental Hazards Policy 18, Dana Point LCP-Land Use Plan), whichever is the greater distance inland.

- h. A landscaping plan shall be submitted providing for screening of structures other than main buildings and which shall integrate the

"H-00S" designations with open spaces which are part of the TR/C uses.

2. Off-street Parking as per Section 7-9-145 of the Orange County Zoning Code.
3. Trash and storage areas - All storage cartons and trash shall be shielded from view by containment within a building or within an area enclosed by a wall not less than 6 feet in height and, if uncovered, not within 40 feet of any residential area or overnight accommodations.
4. Loading - All loading and unloading operations shall be performed on the site.
5. Fences and walls - per Section 7-9-137-5 of the Orange County Zoning Code with the exceptions noted below.
 - a. Fences and walls shall not exceed 3 1/2 feet in height within 20' of the edge of an open space use. Fences constructed between buildings and open space areas shall be subject to an approved landscaping plan which shall be designed so as to minimize the snese of physical separation created by such fences.
6. The Orange County Grading Code and Manual lists the specific rules and procedures for grading operations and drainage solutions. Any development on or about the coastal bluffs shall refer to them.