

UNDERSTANDING PUBLIC VIEW PROTECTIONS



DANA
POINT

PUBLIC VS PRIVATE VIEWS

The City of Dana Point's General Plan, Local Coastal Program, Zoning Code, Town Center Plan, and Headlands Development and Conservation Plan **do not** regulate / protect private views.

The City of Dana Point does, however, protect public views. The Dana Point Zoning Code states that it is "To protect the coastal and scenic overlooks from public lands identified in the General Plan Urban Design and Conservation/Open Space Elements, a detailed view impact study which includes recommendations to avoid impacts to coastal views from public lands shall be prepared and incorporated into projects where the proposed development impacts such views." (Section 9.05.170 of the Dana Point Zoning Code)

In practice, this means projects developed in proximity to public land uses must be evaluated to ensure views from public lands identified in the General Plan are not impacted by adjacent development.

DEFINITIONS

"Public Land Uses" - shall mean land and/or facilities owned, operated and maintained by public agencies for the use and enjoyment of the general public. Typical uses would include, but not be limited to, beaches, parks and open space. (Section 9.75.270 of the Dana Point Zoning Code.)

HOME OWNERS ASSOCIATIONS

It is important to note that many Home Owners Associations (HOA) within the City have regulations that may be more restrictive than the City's land use regulations. Unlike the City's regulations, certain HOAs regulate and protect private views. The application and enforcement of an HOA's development regulations (including private view protection) is applied through each HOA's own independent architectural review process and is outside the purview of the City's land use authority.

MEASUREMENT OF BUILDING HEIGHT

The City's local Measurement of Building Height and Development Standards was designed with limitations of overall building height in order to allow all properties to develop to similar standards and to not grant special privileges to any person or property. All 14 of the City's Residential Zoning Districts carry the same Building Height Development Standards with a maximum height of 28 feet. The Measurement of Building Height Pursuant Section 9.05.110 of the Dana Point Zoning Code defines that the maximum building height allowable is determined from the lowest point of where the structure touches.