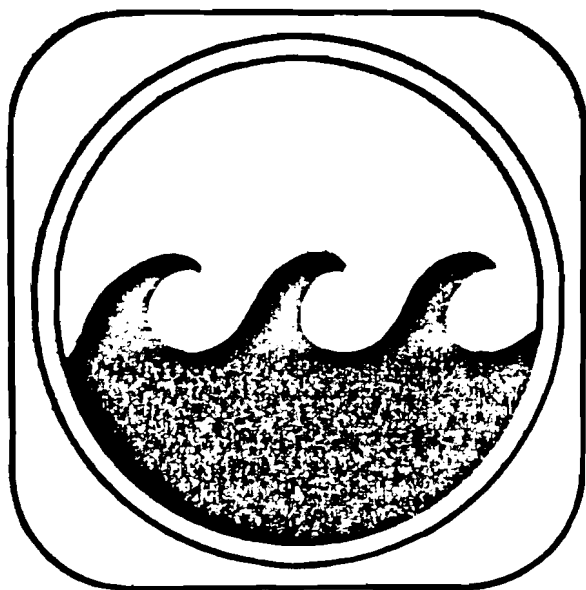


EMA PLANNING FUNCTION
PROJECT PLANNING DIVISION
URBAN AND ENVIRONMENTAL PLANNING

1986

LCP

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LOCAL COASTAL PROGRAM



SOUTH COAST PLANNING UNIT DANA POINT / VOLUME 3

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

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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.

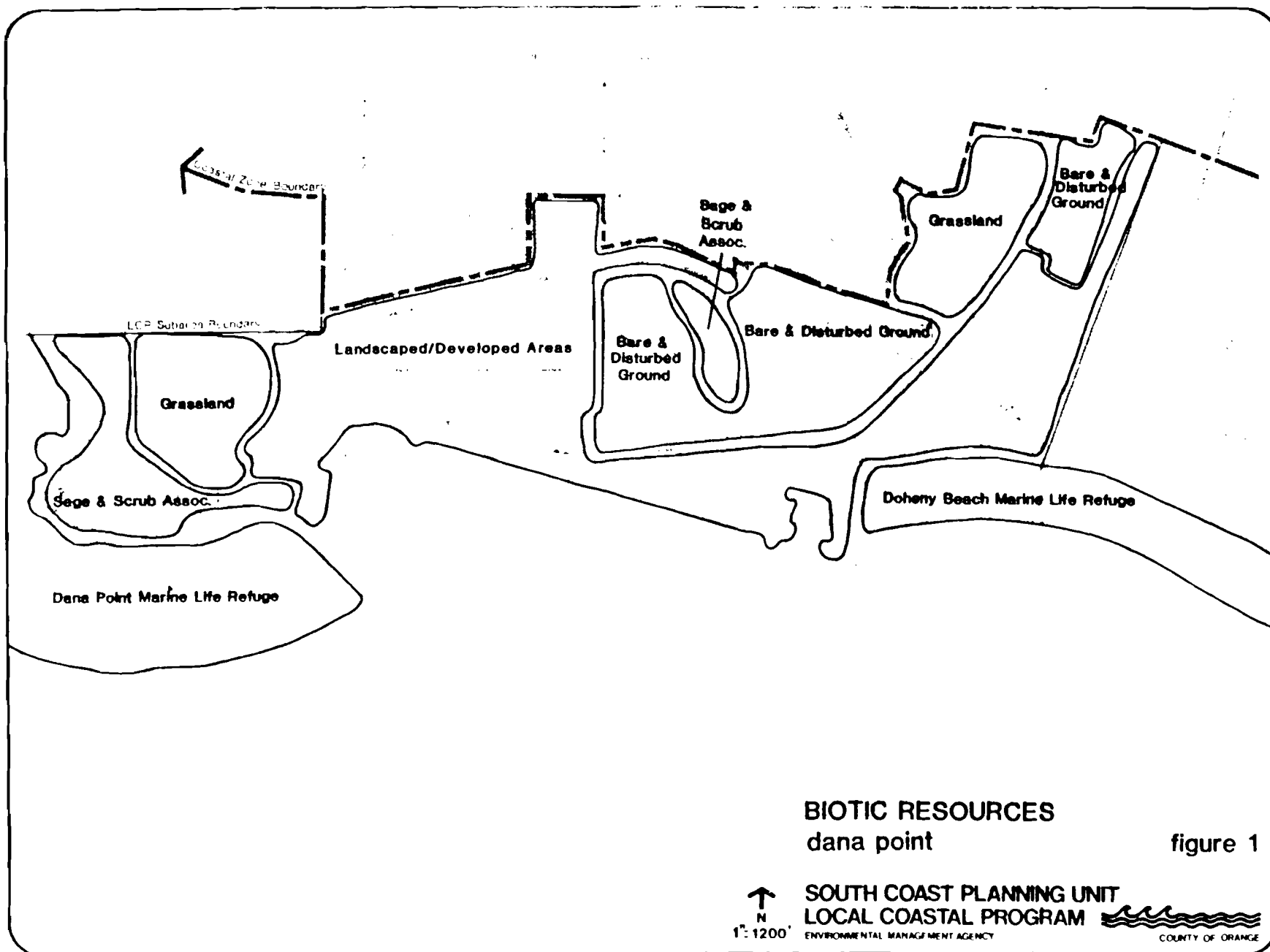
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to 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.



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

ct 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 3.41 (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 emphasises 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 impervious 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 Laguna 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.

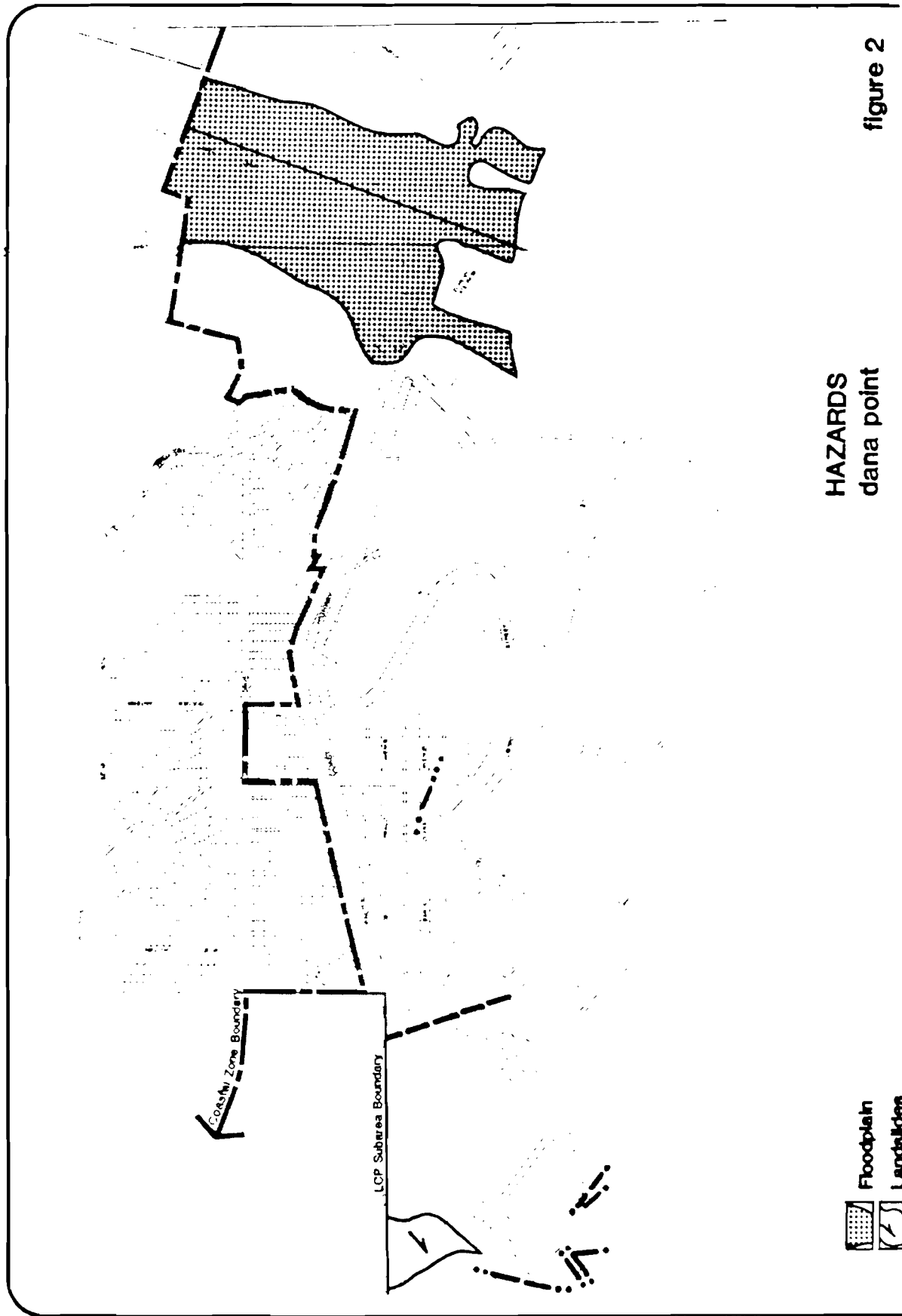
Metz-San Emigdio Association: Nearly level, somewhat excessively drained and well-drained, calcareous loamy sands and fine sandy loams on alluvial fans and floodplains. The Metz San Emigdio Association is generally considered suitable for building and road construction.

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.



HAZARDS
dana point

figure 2

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)

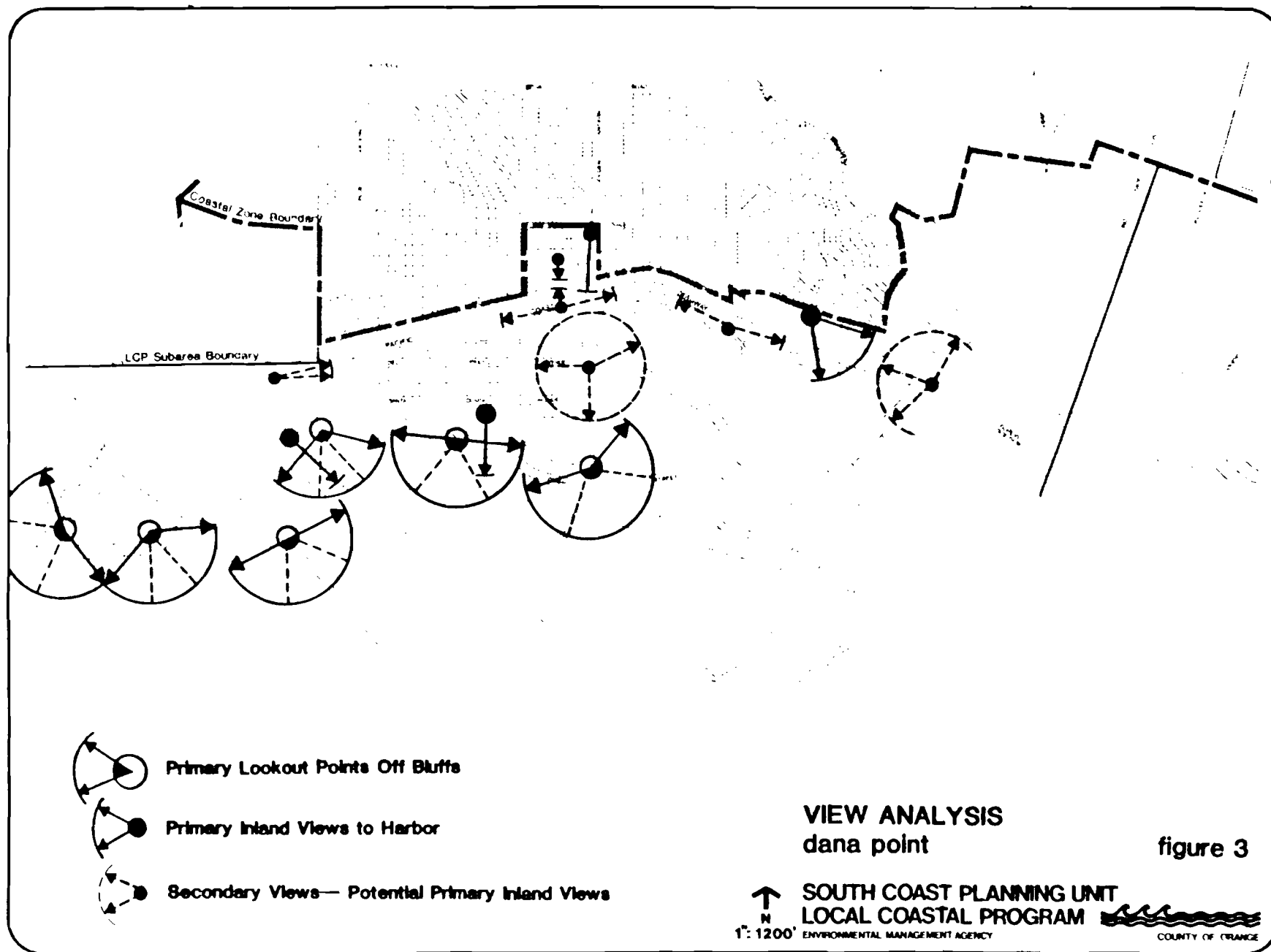
5. Scenic Resources

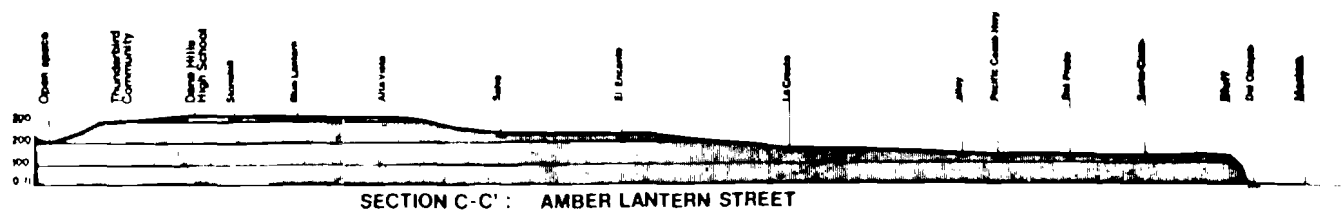
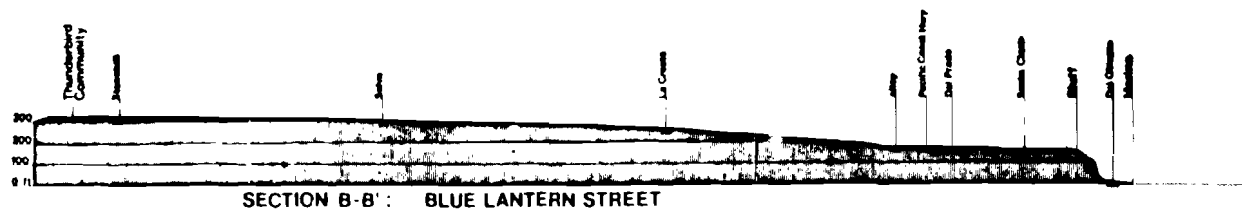
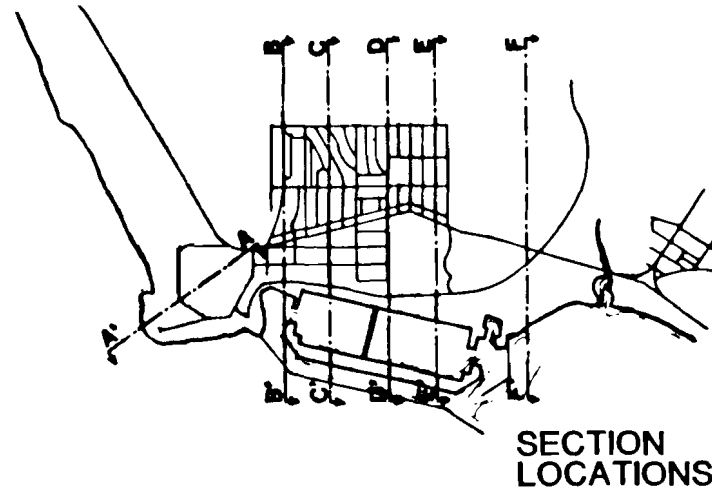
a. Existing Conditions

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.





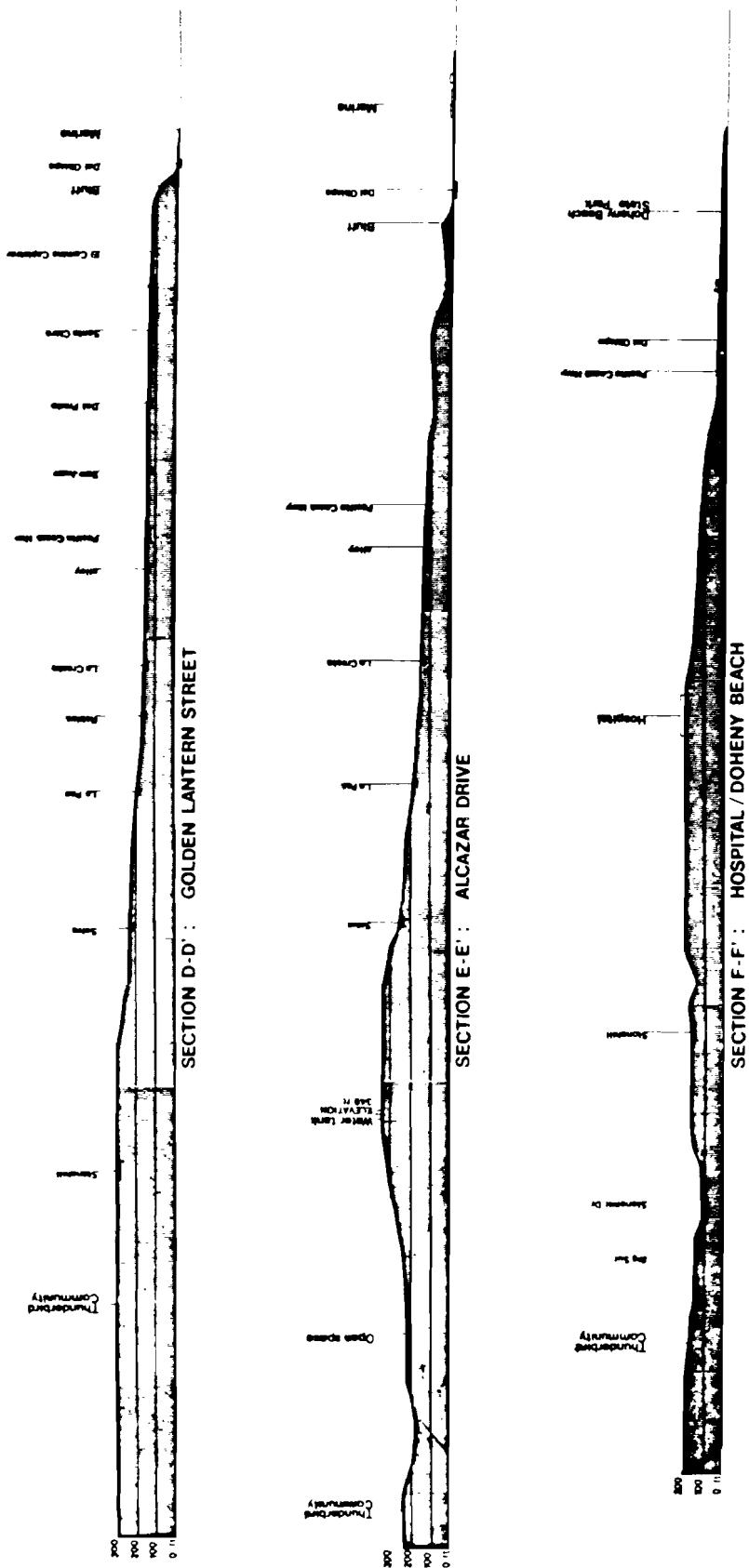
SECTIONS

figure 5a

SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



SECTIONS



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 urbanscape 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 urbanscape 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.

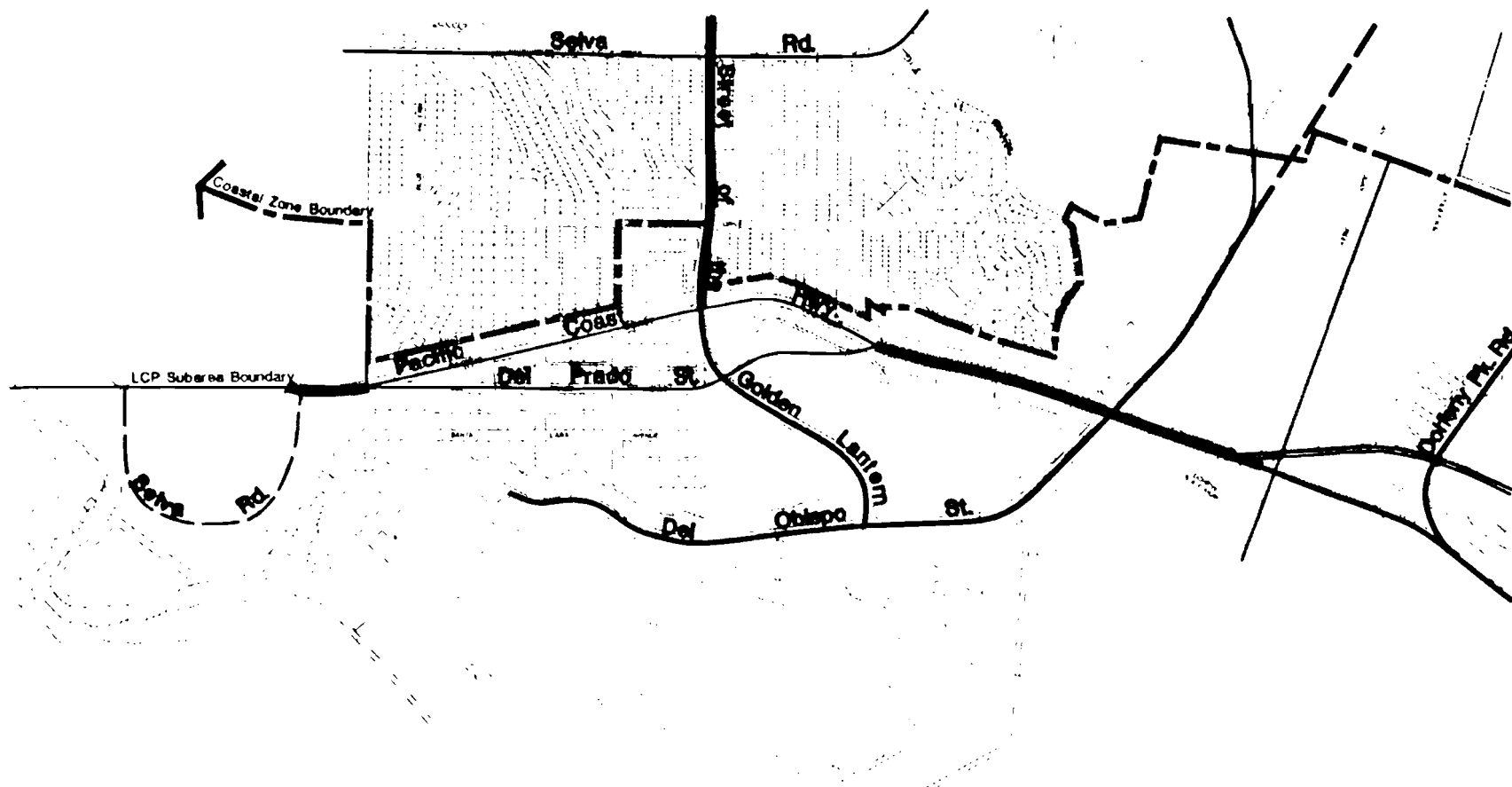
Highway circulation and parking will be addressed in this component as they relate specifically to the Dana Point subarea.

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 complet 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 a 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 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 on 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 proximity 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 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 public 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 resource 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 estimates demands for particular recreational activities and public facilities available at three particular times (1977, 1985, 1995) to satisfy such demand. Degree of surplus or 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

TABLE 1

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

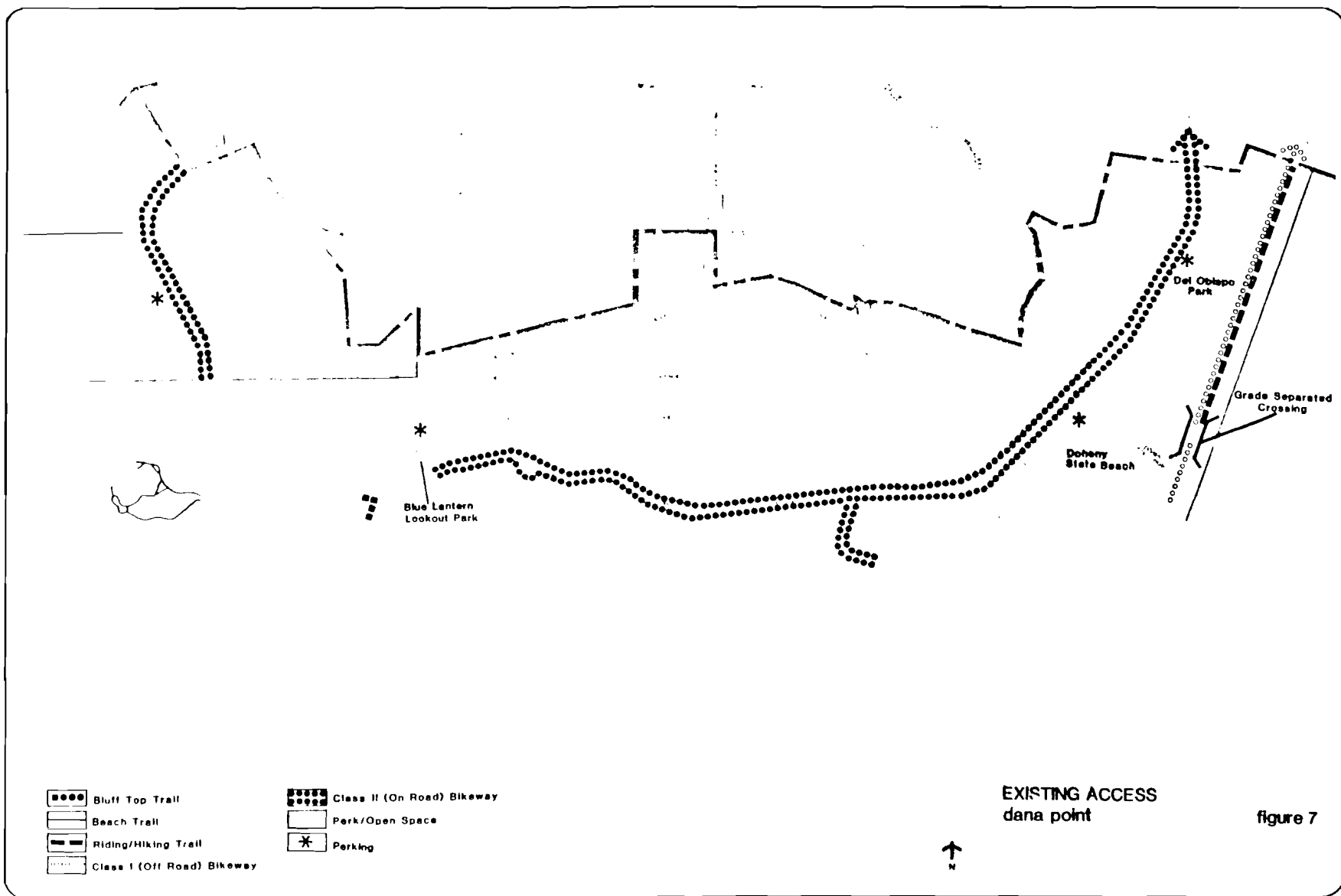


figure 7

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

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

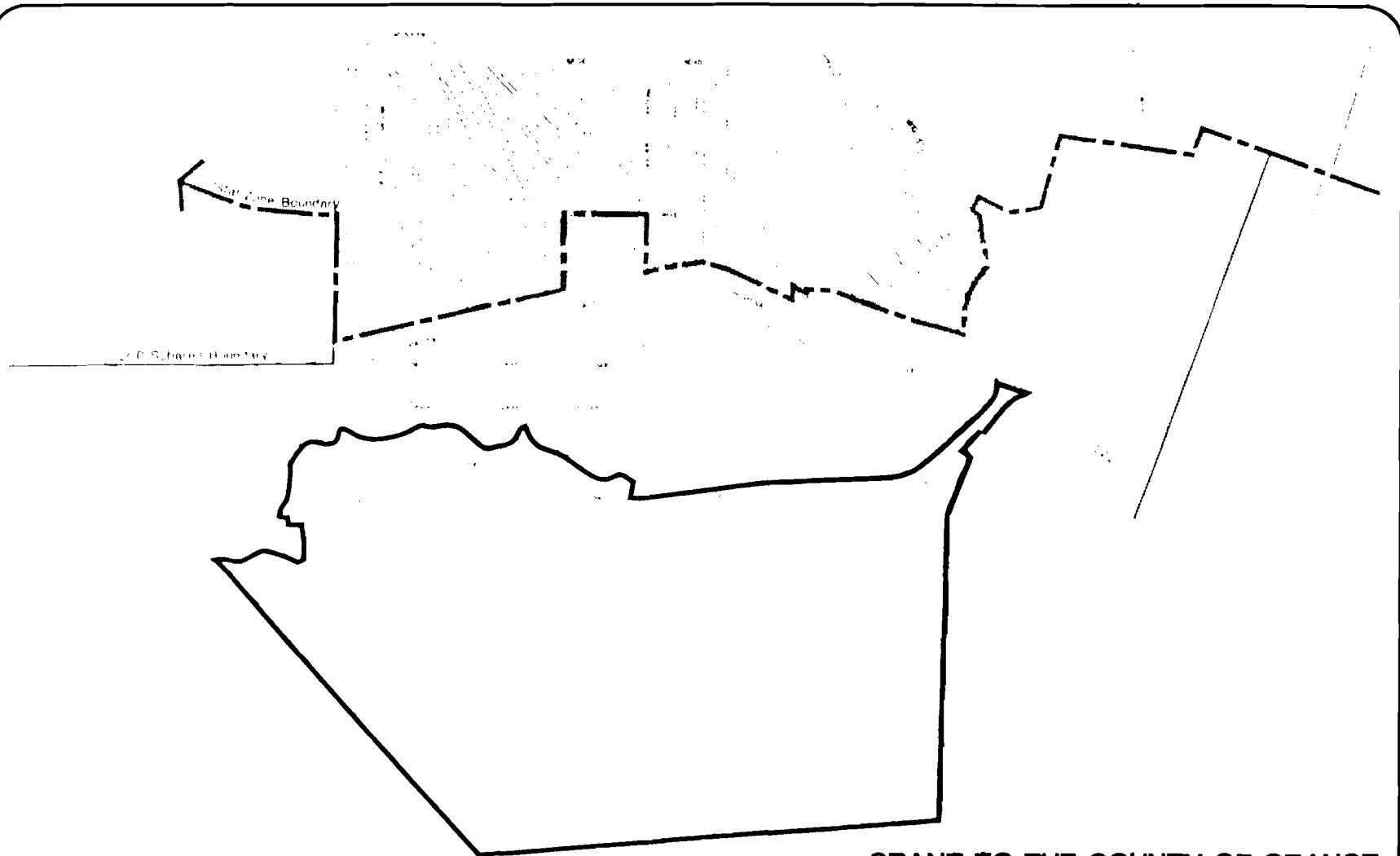
Dana Point Harbor

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 lands 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 period (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, appliance 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



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 protions of the planning area ... (Capistrano Valley Area Land Use Element Supplement, page 5)
- 54. Protect the species within their natural habitat from harrassment 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).

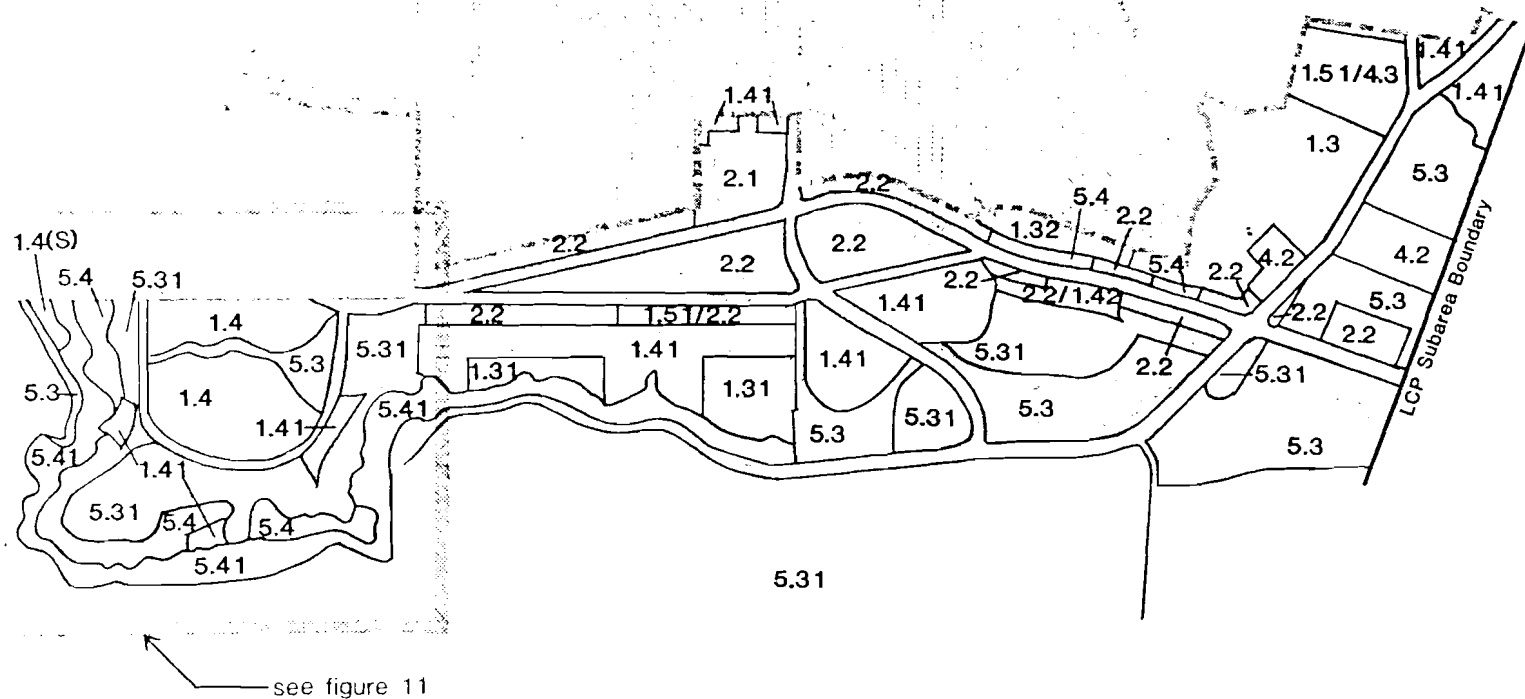
5. Open Space/Conservation

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
dana point

figure 10

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1" = 1200'

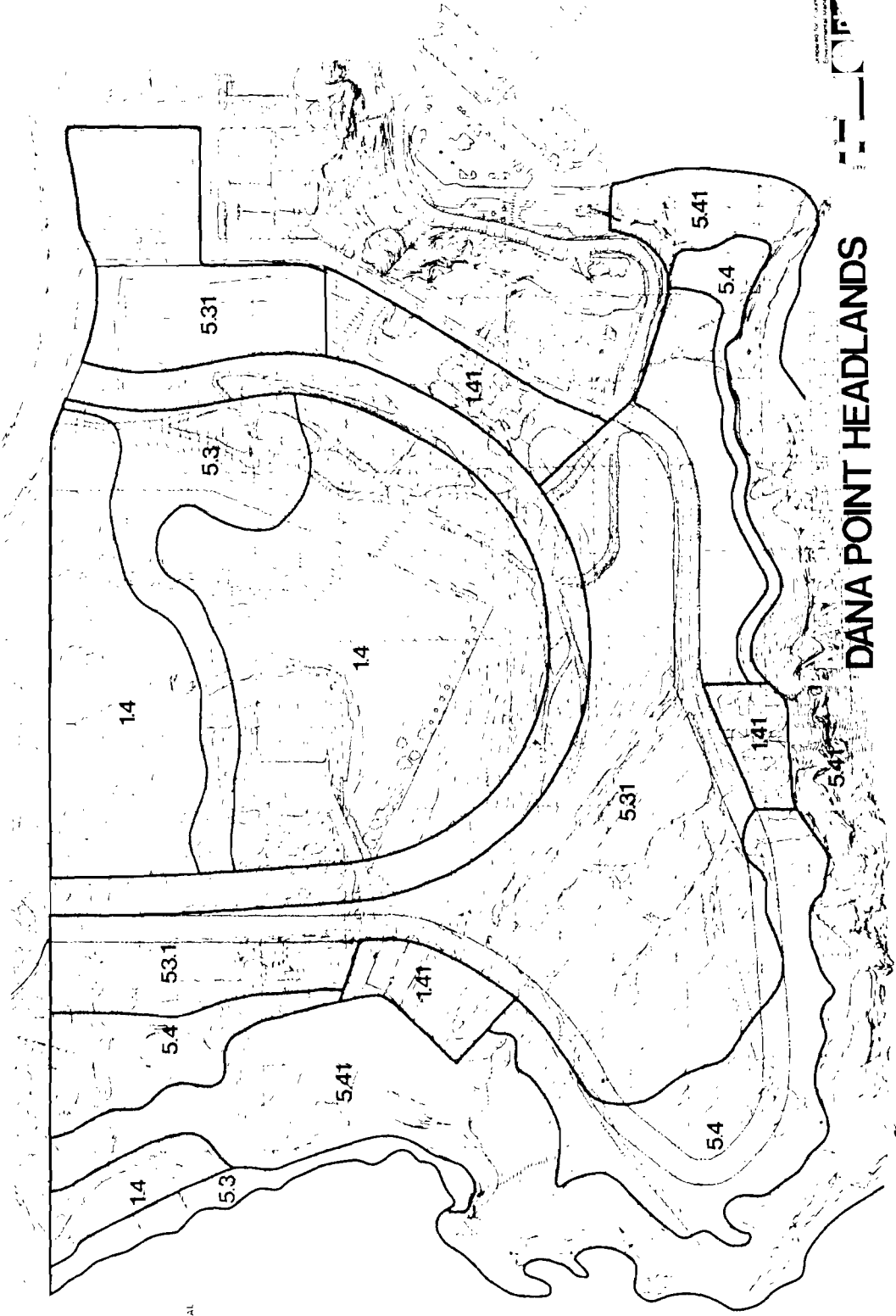
SOUTH COAST PLANNING UNIT
LOCAL COASTAL PROGRAM
ENVIRONMENTAL MANAGEMENT AGENCY



COUNTY OF ORANGE

LAND USES

- 1-4 HIGH DENSITY RESIDENTIAL
- 1-41 HIGH DENSITY RESIDENTIAL
- 5-3 RECREATIONAL
- 5-31 PUBLIC RECREATIONAL COMMERCIAL
- 5-4 OTHER OPEN SPACE
- 5-41 CONSERVATION



DANA POINT HEADLANDS



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.

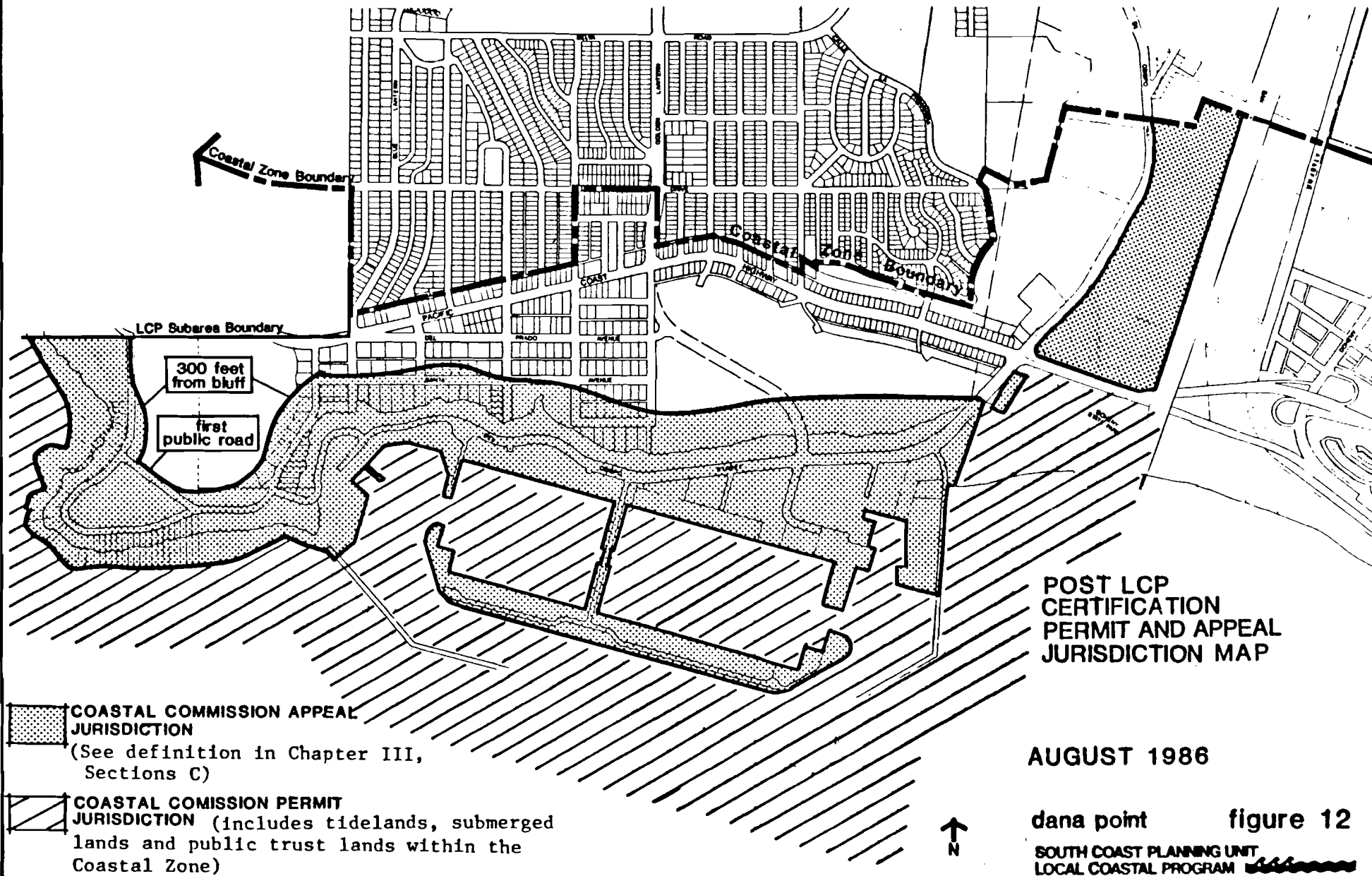
Headlands Sector - The adopted Specific Plan contains a Land Use Element displaying High Density, Residential development inland of the proposed extension of Selva Road interspersed with a recreation designation. The areas outside the Selva Road loop are designated for a combination of Tourist Recreation/Commercial 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 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.

IMPLEMENTING ACTIONS PROGRAM

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.

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.

. 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.

33. Re: Appeals (see 1989 staff report for text)

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.

- 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.

per 1989 LCP approval,
pages 97-120 (except
Figure 12) are replaced
by Zoning Code Section 7-9-118

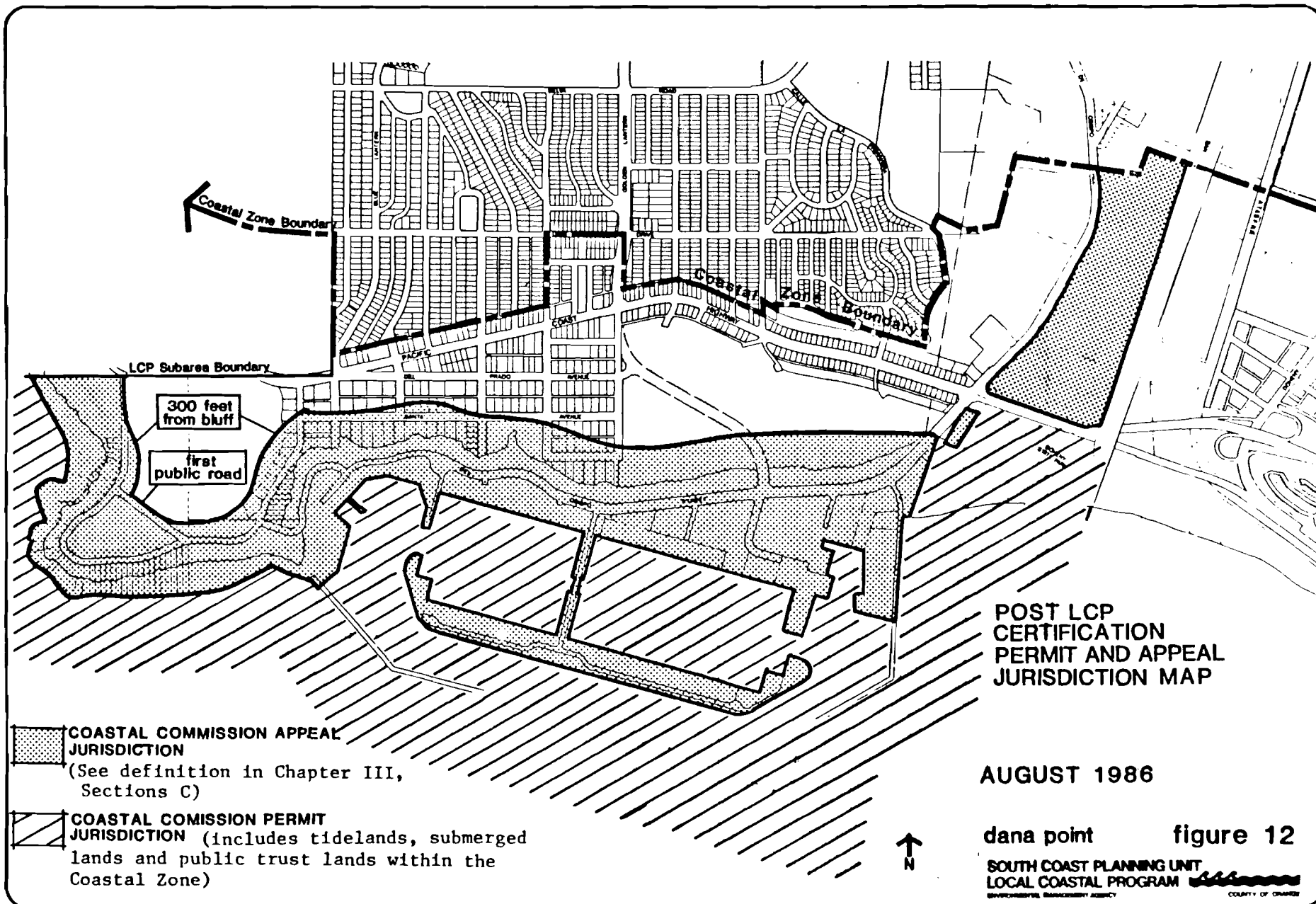
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not historically subject to marine erosion, but the toe
of which lies within an area otherwise identified in the
Public Resources Code Section 30603 (a)(1) or (a)(2).

- 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



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 uUtility 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 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

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						
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 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 County 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.

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.

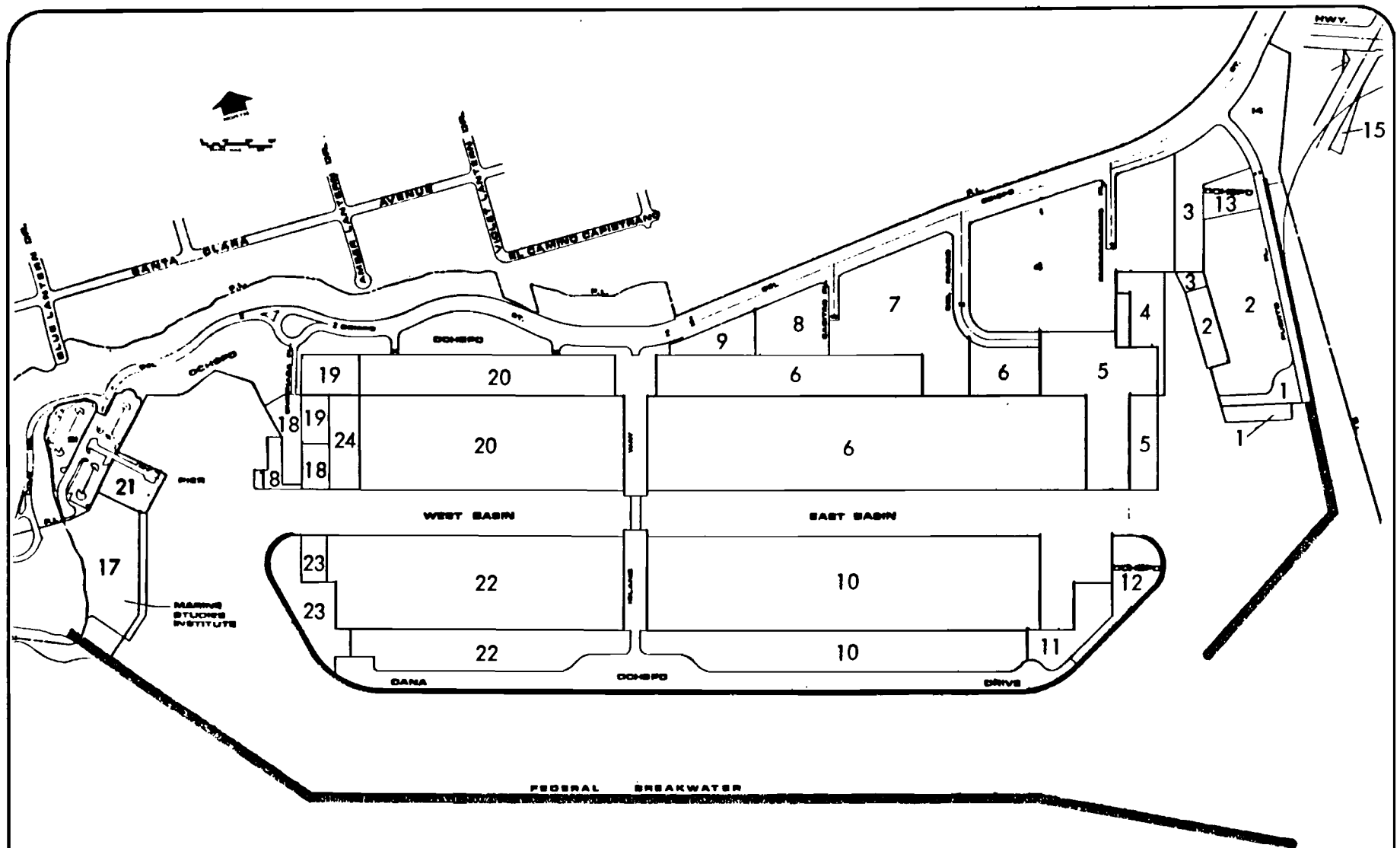
2. LEASE RESTRICTIONS

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.

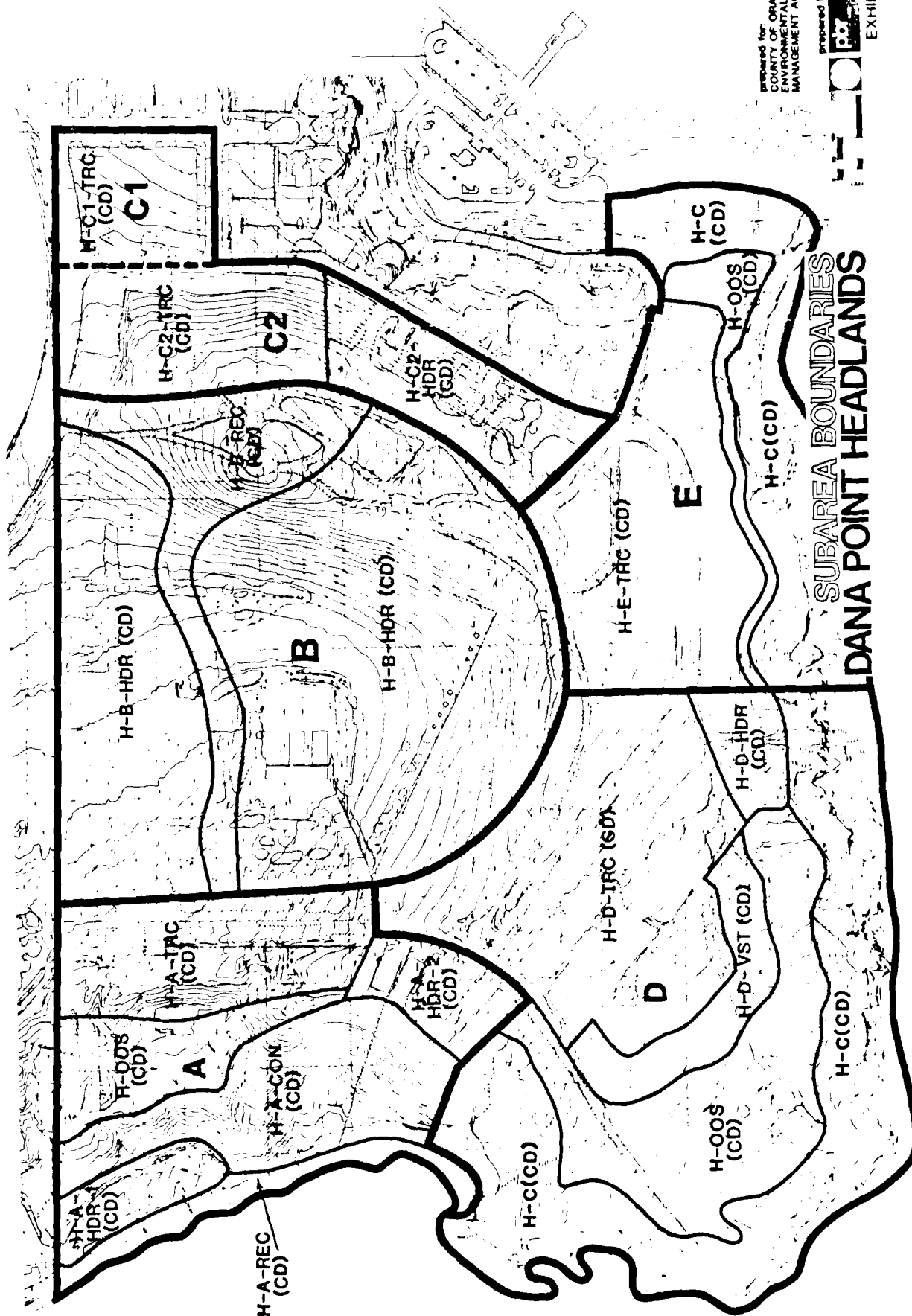
2. GENERAL NOTES - APPLICABLE TO THE DANA POINT HEADLANDS DISTRICT ONLY

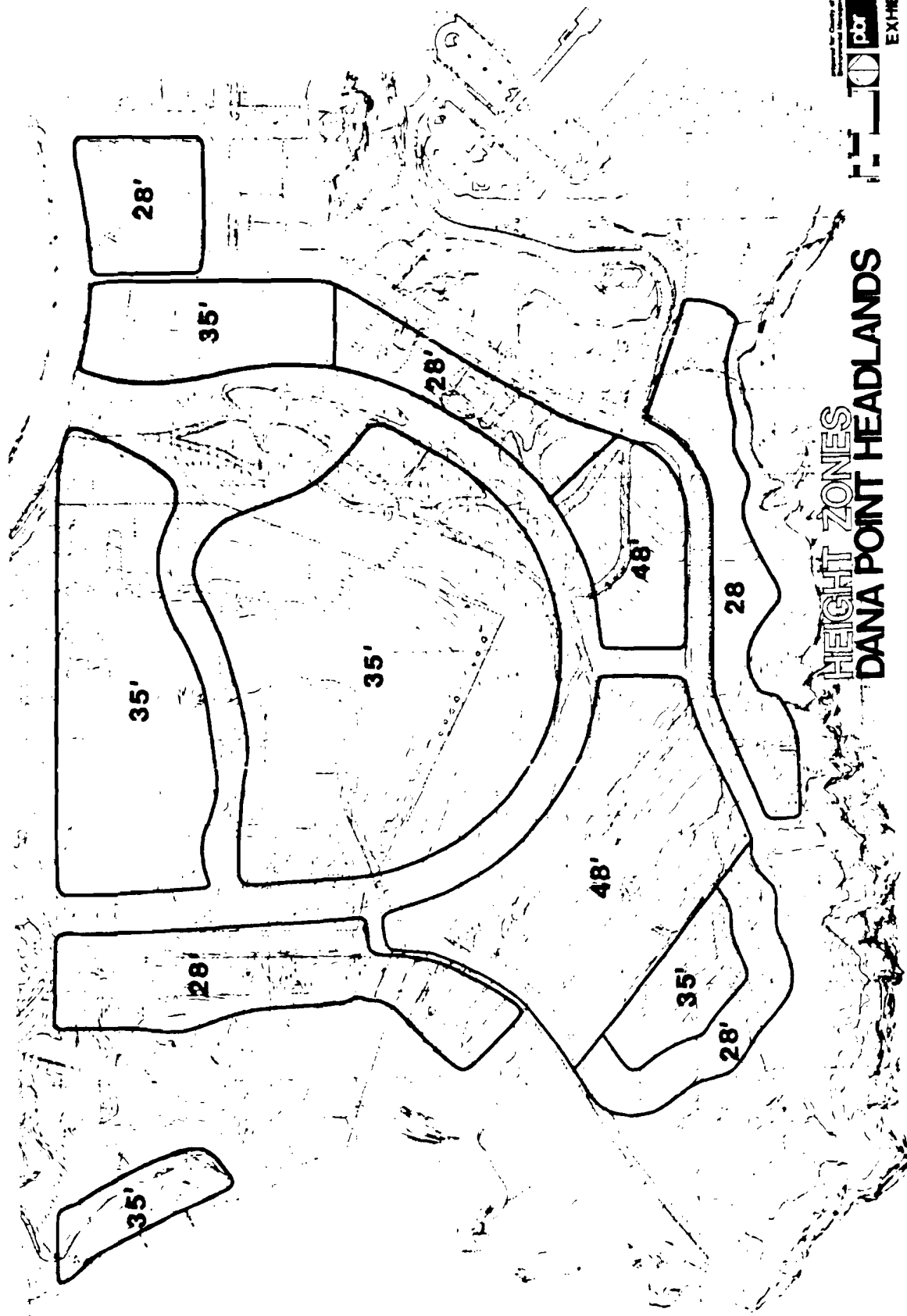
Each development shall meet the requirements of these General Provisions.

- 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





HEIGHT ZONES
DANA POINT HEADLANDS

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.

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.

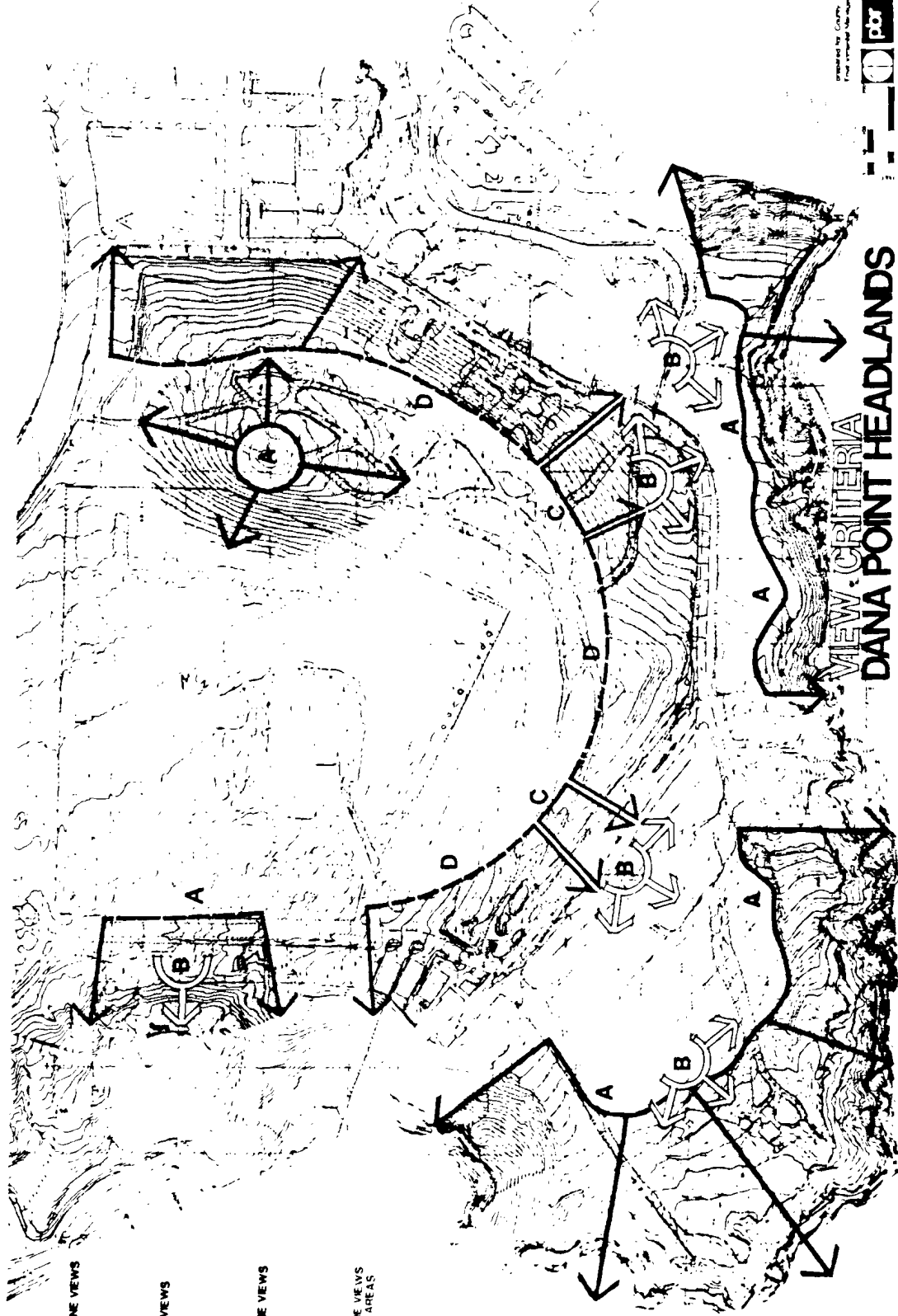
Development and activity of any kind beyond the required bluff top setback shall be constructed to ensure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

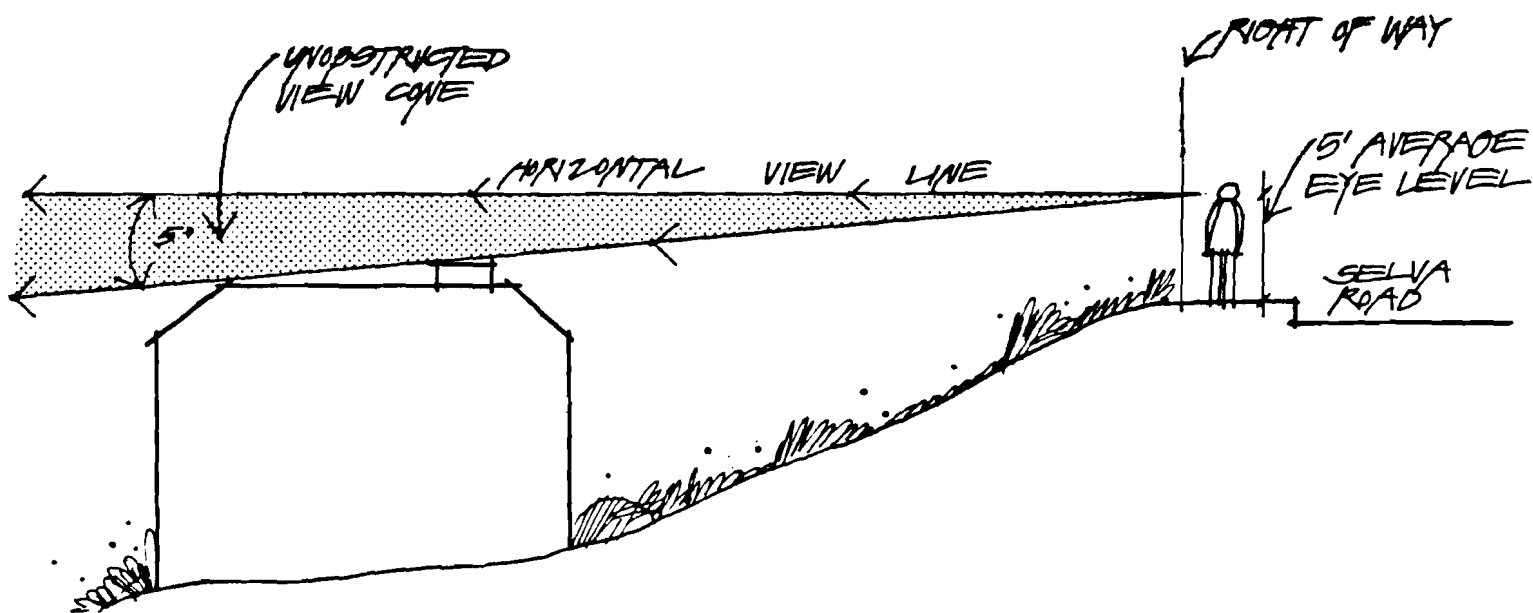
No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide public beach access. Drain pipes will be allowed only where no other less environmentally damaging drain system is feasible and the drain pipes are design and placed to minimize impacts to the 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

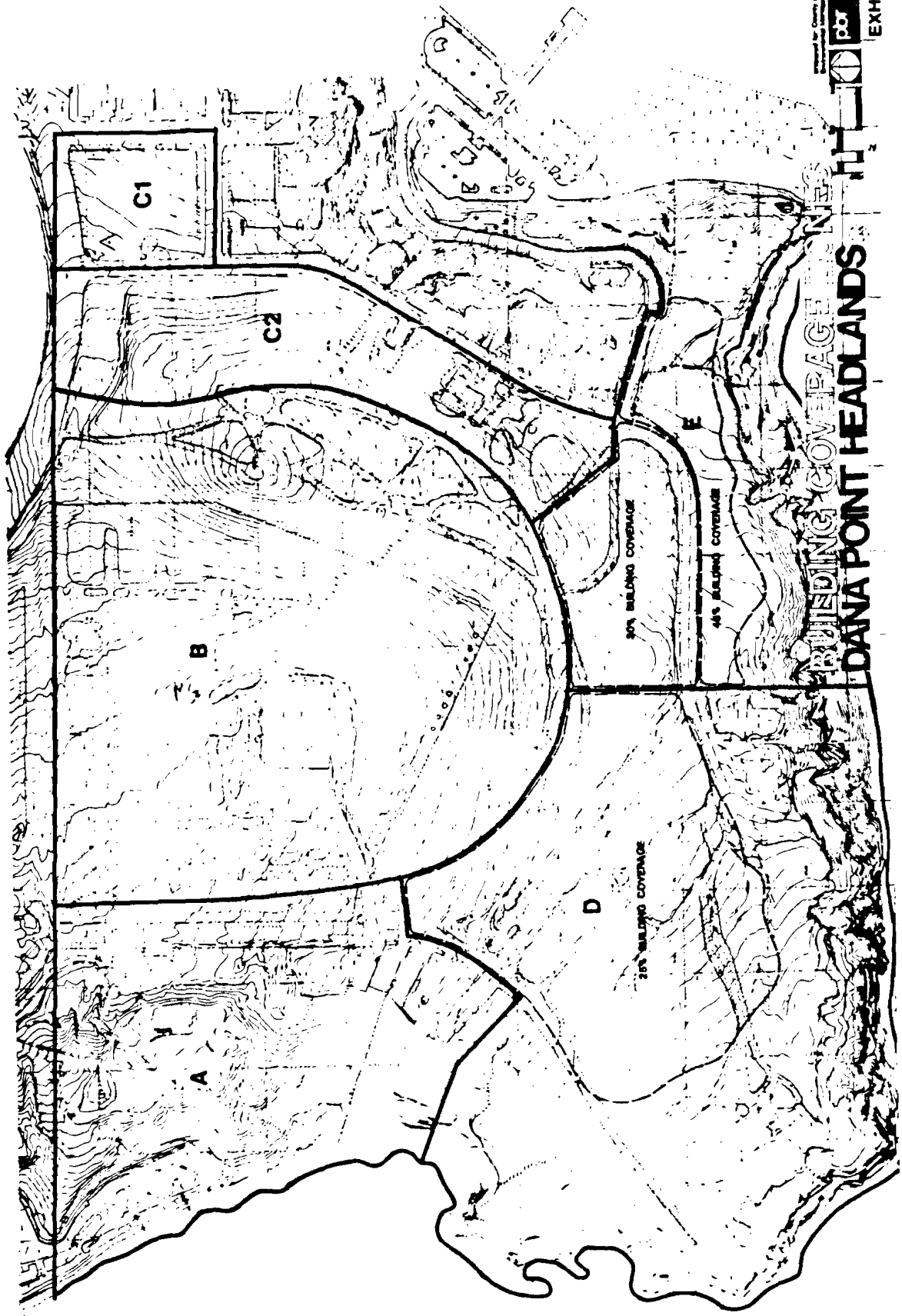
LEGEND

- A UNOBSTRUCTED OCEAN COASTLINE VIEWS
- C DISTANT OCEAN VIEWS
- D INTERMITTENT OCEAN COASTLINE VIEWS
- B OCEAN COASTLINE VIEWS FROM PUBLIC USE AREAS





VIEW CONE IDENTIFICATION FOR "DISTANT OCEAN VIEWS"



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. *Euphoribia 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 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 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 minimim 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 consturcted 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

- 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.
- 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 1701.4 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 than 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.