

The Dana Point Harbor Revitalization Plan and District Regulations dated September 2006

This document is being made available by the County of Orange – Dana Point Harbor Department and the City of Dana Point to help facilitate communication regarding proposed future improvements to Dana Point Harbor. The document reflects approvals by each of these agencies as described in their respective actions (provided following the Table of Contents). Prior to the issuance of any permits for the implementation of the improvements shown on the Dana Point Harbor Revitalization Plan, a Local Coastal Program Amendment must be certified by the California Coastal Commission, a process that is currently underway.

Dana Point Harbor Revitalization Plan & District Regulations



City of Dana Point
Community Development Department

September 2006

PURPOSE AND INTENT

The entire Dana Point Harbor is located within the Coastal Zone as defined by the California Coastal Act of 1976 and is therefore under the land use planning and regulatory jurisdiction of both the City of Dana Point and California Coastal Commission. Pursuant to the California Coastal Act, local jurisdictions are required to prepare a Local Coastal Program (LCP) for those areas of their jurisdiction within the Coastal Zone. The LCP is composed of land use plans, land use policies, zoning ordinances and zoning regulations. After adoption of the LCP and its certification by the California Coastal Commission, the administration of the LCP becomes the responsibility of the local jurisdiction and in the case of Dana Point Harbor, the City of Dana Point. The City of Dana Point has a certified Local Coastal Program and therefore has the authority to approve Coastal Development Permits for all landside development. Pursuant to the Coastal Act, the California Coastal Commission retains permit authority for all waterside activities, however.

The existing Planned Community Program (PC) document, originally adopted for the Dana Point Harbor on July 22, 1969 by the Orange County Board of Supervisors, provides the authority, regulations and procedures for administration of land uses in the Harbor. Upon incorporation, the City of Dana Point began the process of updating its General Plan and Zoning Code for the new City. As part of this process, the City also made modifications to the previously adopted Specific Plans/LCP to obtain certification by the California Coastal Commission allowing the City of Dana Point to approve projects located in areas covered by the City's LCP (inclusive of Dana Point Harbor). Because the County of Orange retains ownership of the entire Harbor, the City of Dana Point at the time of incorporation, chose not to modify the regulations adopted over 30-years ago. The proposed Dana Point Harbor Revitalization Plan will therefore require an amendment to the existing Dana Point Harbor Planned Community Program and Dana Point Specific Plan, in addition to a LCP Amendment to be submitted by the City of Dana Point for certification by the California Coastal Commission.

The Dana Point Harbor Revitalization Plan and District Regulations when included as part of the City General Plan and Zoning Code will constitute the LCP for the Dana Point Harbor area of the City of Dana Point. The Dana Point Harbor Revitalization Plan and District Regulations have been prepared to: 1) satisfy the requirements of the California Coastal Act for a Harbor Land Use Plan; and 2) establish the zoning regulations and other implementing actions programs required for the ongoing implementation of improvements and management of the Dana Point Harbor pursuant to the procedures set forth in Coastal Act.

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

Organization of the Dana Point Harbor Revitalization Plan and Harbor District Regulations

This document is organized into the following three (3) components:

1) Introduction and Background

This section provides a general overview of the regional setting of Dana Point Harbor, including a description of existing facilities by Planning Area and jurisdictional considerations affecting the planning and operation of the facilities. The Dana Point Harbor Revitalization Plan and District Regulations document is organized into several parts, all of which, when taken together are intended to satisfy the requirements of the California Coastal Act as well as establish consistent standards for the revitalization and ongoing operation of Dana Point Harbor with the City of Dana Point's Local Coastal Program. Introduction and Background; Dana Point Harbor Revitalization Plan (Part I) are intended to replace the Land Use Plan (LUP) component of the Local Coastal Program (LCP) for the Dana Point Harbor area of the City of Dana Point. Dana Point Harbor District Regulations (Part II) serves to update the Implementing Actions Program (IAP) component of the City's LCP by establishing zoning regulations and procedures for the implementation of the Dana Point Harbor Revitalization Plan.

2) Part I – Dana Point Harbor Revitalization Plan

The Dana Point Harbor Revitalization Land Use Plan (LUP) is the general planning and policy document for Dana Point Harbor as part of the City's LCP. It illustrates the location and intensity of land uses, identifies the primary circulation system, provides coastal resource, marine, conservation and development policies and includes technical information and plans necessary to accomplish the objectives of the California Coastal Act as set forth by the General Plan of the City of Dana Point.

3) Part II – Dana Point Harbor District Regulations

The Dana Point Harbor District Regulations are one of the Implementing Action Programs (IAP's) for the City's LCP and comprises the Zoning Ordinances and Zoning District Maps required by the California Coastal Act and by the City of Dana Point Zoning Code, Chapter 9.69, *Coastal Development Permit*.

The regulatory component of the Dana Point Harbor District Regulations serves as the Implementing Actions Program (IAP) for the City of Dana Point LCP for Dana Point Harbor and includes land use regulations and site development standards for all areas in Dana Point Harbor. Furthermore, it establishes both specific regulations applicable to each Land Use Planning Area and general regulations for off-street parking, signage and the processing of discretionary permits and approvals throughout the Harbor.

The Dana Point Harbor District Regulations are prepared pursuant to the provisions of the California Government Code, Title 7, Division 1, Chapter 3, Sections 65450 through 65457. The Dana Point Harbor District Regulations provide the zoning designations for Dana Point Harbor and establish regulations for specific land use development projects, including submittal requirements and public hearing procedures for the consideration of subsequent City and California Coastal Commission approvals such as issuance of Coastal Development Permits.

The seven components of the Dana Point Harbor Revitalization Plan and District Regulations include:

Land Use Plan

- 1) Dana Point Harbor Revitalization Plan – describes the physical design and engineering of projects in terms of existing facilities and proposed renovations/improvements identified by the Dana Point Harbor Revitalization Plan;
- 2) Resource Management Program – comprehensively implements LUP policies for the conservation and protection of resources within Dana Point Harbor;

Implementing Actions Program

- 3) Regulations and Site Development Standards – provides the development regulations and standards for Dana Point Harbor – in effect serving as the zoning ordinance for the Harbor;
- 4) Design Standards – establishes design requirements for parking and signage components of the Harbor that can be used for subsequent design and project review;
- 5) Discretionary Permits and Procedures – provides community and governmental representatives with the opportunity to review and consider detailed plans for specific revitalization projects within Dana Point Harbor;
- 6) Revitalization Plan and Statistical Table – provides regulations and procedures for City of Dana Point Planning Commission to consider revisions to the Dana Point Harbor Revitalization Plan and Statistical Table; and
- 7) Legal Description – establishes a boundary for Dana Point Harbor that has been prepared to reflect current conditions and adjacent property ownerships.

AREA DESCRIPTION

Dana Point Harbor is a County of Orange owned and operated facility located in the southern portion of the City of Dana Point (see Exhibit 1.1-1, *Regional Vicinity Map*). The City of Dana Point lies in the southwest portion of Orange County and is part of the larger Southern California region. Dana Point is a coastal city with a coastline extending almost seven miles from Laguna Beach in the north to San Clemente in the south. The 276.8-acre (gross) Dana Point Harbor can be accessed by vehicles via Dana Point Harbor Drive, which can be reached primarily via Pacific Coast Highway, Street of the Golden Lantern or accessed by Cove Road at the west end of the Harbor. The Harbor is bordered by the Pacific Ocean to the south, Dana Point Headlands and Old Cove Marine Preserve to the west, Doheny State Beach to the east and a variety of commercial, hotel, residential and public park uses to the north. The Interstate-5 freeway is located approximately two miles to the east and provides regional access to the Harbor.

The Dana Point Harbor was created in 1968 from a natural cove along the southern Orange County shoreline as a small boat marina. Steep bluffs surround it on the north and west, Dohney State Beach adjoins the Harbor on the southeast. The County of Orange, with the cooperation of the U.S. Army Corps of Engineers, constructed the Harbor's basic infrastructure and public facilities, that first opened in 1971. Over the past three decades, Dana Point Harbor has established itself as one of the best small boat harbors on the west coast. The complex offers a diversity of recreational and commercial amenities, attracting a variety of users, including boaters, tourists, local residents and business patrons.

The City of Dana Point was incorporated on January 1, 1989 and comprises an area of approximately 6.7 square miles with a population of about 37,000 residents. The City serves a significant number of visitors each year, many of whom are drawn to the area by the Harbor, beaches, local and regional park facilities, golf courses and the resorts. The tourist industry is crucial to the financial well being of the City since transient occupancy taxes represent the single most important revenue source for the City and local businesses are heavily dependent upon visitor traffic for their sales throughout the year.



Dana Point Harbor
REVITALIZATION PLAN & DISTRICT REGULATIONS

Exhibit 1
REGIONAL VICINITY MAP

EXISTING FACILITIES AND CONDITIONS

The general configuration of the Harbor has three major components: a landside area adjacent to the bluffs; the island area (connected by a bridge to the landside); and marina areas consisting of boat docks, commercial fishing fleet slips, federal anchorage areas, tall boat docks adjacent to the Ocean Institute, marine service areas and fuel docks. For the purpose of establishing land use and development regulations for the Dana Point Harbor Revitalization Plan, the Harbor has been divided into 12 Planning Areas (see Exhibit 1.1-2, *Planning Area Map*). The following is a summary of the existing conditions for each of the Planning Areas.

PLANNING AREA 1

Planning Area 1 makes up the eastern boundary of the Harbor, beginning at the intersection of Pacific Coast Highway and Dana Point Harbor Drive. A large monument sign is located on the southwest corner marking the main vehicular entrance to the Harbor. Immediately south of the intersection along Dana Point Harbor Drive is the main entrance to Doheny State Beach and the entrance road (Park Lantern) leading to Lantern Bay Park and the Laguna Cliffs Marriott Resort and Spa. Lantern Bay Park and Heritage Park are local park facilities operated by the City of Dana Point and are located on the bluffs, overlooking Doheny State Beach and the eastern portion of the Harbor. Park facilities include meandering walking paths, picnic benches and barbeques, turf areas shaded by large pine trees, a newly remodeled tot-lot, basketball courts and off-street parking lot.

Located immediately west of the Doheny State Beach entrance is the Puerto Place parking area. This paid parking area (between the hours of 6 AM to 12 AM) has a capacity of 163 cars and includes a small picnic area with benches and barbeque that overlooks the State Beach and ocean. Beach access stairs are also provided from the parking area.

Across from the Puerto Place Parking area, the County of Orange operates the South Coastal Operations Administration Office and Maintenance Yard. The maintenance campus includes approximately 4,120 sq. ft. of uses, comprised of a brick office and equipment storage building, several temporary modular units, materials storage and employee parking area. A telecommunications tower and standby generator are also located adjacent to the Maintenance Yard, providing cell service to the Harbor. Puerto Place extends along the eastern boundary of the Anchor Marine Center that includes the entrance to the Dana Point Shipyard and Dana Point Jet Ski Rentals.

The shipyard facilities include administrative offices and a machine shop (approximately 5,000 sq. ft. including Dana Point Jet Ski) located in a two-story ribbed metal panel building adjacent to the waterfront.

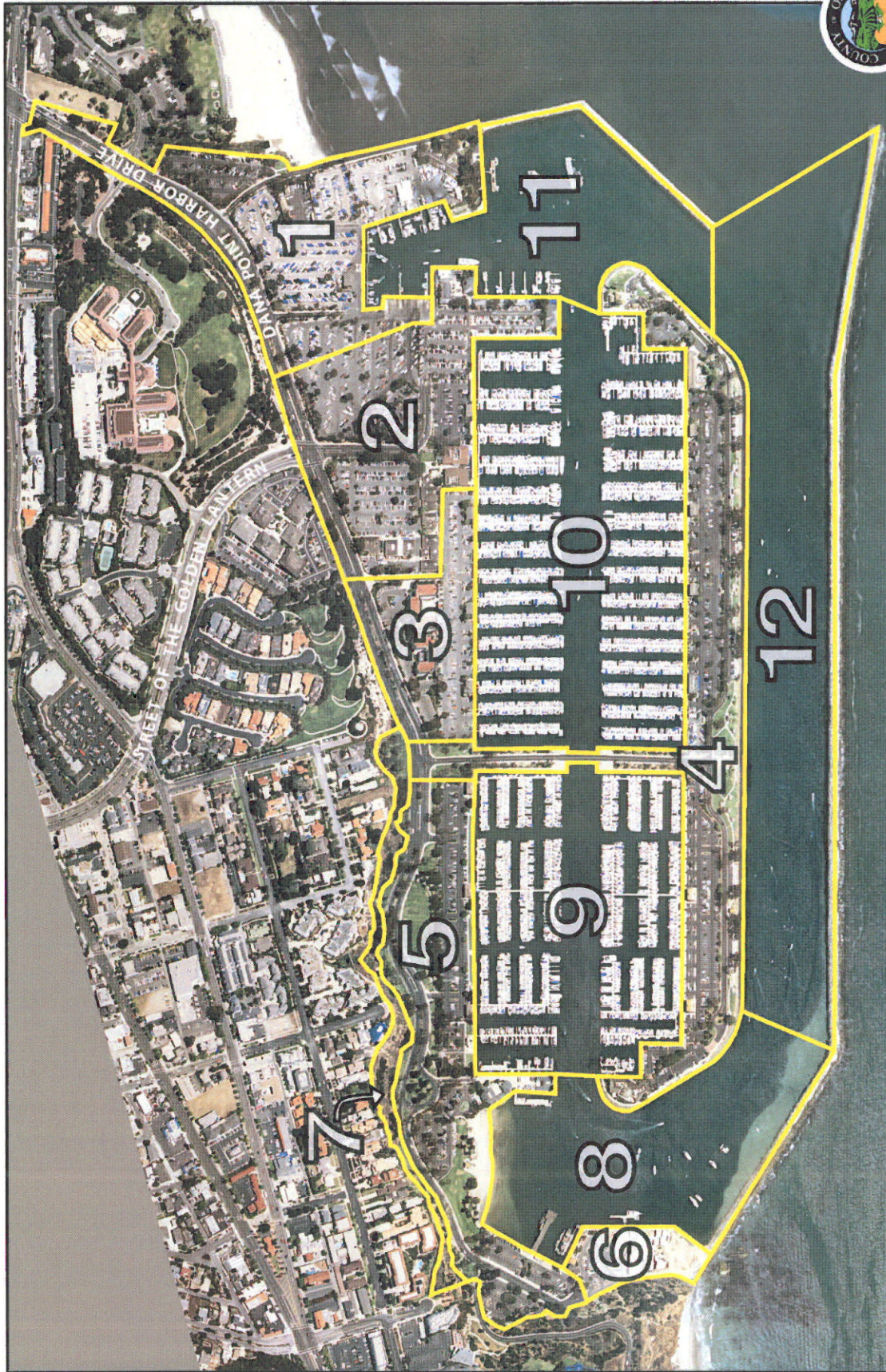


Exhibit 2

PLANNING AREA MAP



Dana Point Harbor
REVITALIZATION PLAN & DISTRICT REGULATIONS

09-06



EXISTING FACILITIES AND CONDITIONS

Puerto Place terminates with a circular turn-around that has a public restroom and a small park at the breakwater. A paid parking lot (28 spaces); park area that includes benches and the fuel dock, with a small office, sales area and convenience store (750 sq. ft.) are also located in this area of the Harbor. There is visible evidence of underground storage tanks adjacent to the fuel dock area, indicated by manholes and fuel pumps at the terminus of Puerto Place.

Immediately west of Puerto Place on Dana Point Harbor Drive is the Embarcadero Marina entrance, consisting of a two-lane, one-way roadway with card-key and fee-paid control gate access. The Embarcadero Marina facilities include a large surface parking lot for vehicles and boat trailers (183 spaces), four boat washdown stations, trash dumpsters, boat launch ramps with two floating docks and Embarcadero Boat Rentals. Embarcadero Marina offices are housed in a two-story building. The facility also includes a one-lane boat launch hoist. Users of the facility presently exit using Street of the Golden Lantern and Dana Point Harbor Drive.

Planning Area 1 currently has a total capacity of accommodating up to 288 cars in the various parking areas, 183 cars and trailers and 516 boats in the surface storage areas.

PLANNING AREA 2

Planning Area 2 (between Embarcadero Place and Casitas Place), presently includes Mariner's Village (directly east of Casitas Place), Mariner's Alley and Dana Wharf. A total of approximately 26,600 sq. ft. of retail and 51,300 sq. ft. of restaurant uses are presently located in Planning Area 2. Primary access to the retail shops and restaurants is from the Street of the Golden Lantern. Mariner's Village and Mariner's Alley uses consist primarily of small retail specialty shops and restaurants (including The Brig, El Torito, Harpoon Henry's, The Harbor Grill and Gemmell's).

Businesses that make up the Dana Wharf area of the Harbor consist primarily of various small retail shops, boater services (including Dana Wharf Sport Fishing and the Catalina Ferry Service) and restaurants (including the Wind & Sea, Turk's Bar and Grill, Jon's Fish Market, Harbor Delicatessen, Jolly Roger and Proud Mary's). The adjacent Dana Wharf parking area has a capacity of 170 spaces with narrow isles, making access by large delivery trucks and emergency vehicles difficult.

Adjacent to the boardwalk, between Mariner's Village and Dana Wharf, a 4,000 sq. ft. Boater Service Building (No. 1) provides office space for yacht brokers and boater facilities such as restrooms with showers and laundry washing facilities.

Planning Area 2 currently has a total capacity of accommodating up to 900 cars in the various parking areas and up to 130 cars with trailers.

PLANNING AREA 3

Great Western Hotels built the Marina Inn in Dana Point Harbor in 1970 as a 3-story, 80-room apartment hotel for County residents looking for a weekly vacation destination. In 1974, 68-rooms were added to create the configuration of the current facility. At the time the hotel was constructed, the County expressly did not want to include retail or food service as part of the hotel to encourage guests to visit businesses and restaurants in the Mariner's Village and Dana Wharf areas. The Marina Inn presently provides overnight accommodations using a total of 136 guest rooms and limited guest amenities that includes outdoor pool and deck area, three meeting rooms totaling approximately 2,000 sq. ft. and a small lobby, located at the main entrance, accessed by a driveway from Casitas Place and Dana Point Harbor Drive.

Adjacent to the docks of the East Marina are three (3) Boater Service Buildings (Numbers 2, 3 and 4) that provide office space for yacht brokers, boater restrooms with showers and laundry facilities, including clothes washer and dryer. Boater Service Buildings 2 and 3 are approximately 3,600 sq. ft. in size and Boater Service Building No. 4 located adjacent to Island Way is 5,000 sq. ft. in size.

Planning Area 3 currently has a total capacity of accommodating up to 623 cars, including that portion of the parking area located immediately adjacent to the East Marina that is reserved for use by boaters. A portion of the boater parking area is also used periodically for overflow parking during peak summer periods to accommodate additional ferry passengers to Catalina Island.

PLANNING AREA 4

The Island Area (accessed by a two-lane bridge extending across the marinas) includes a number of Harbor-related uses, accessed via Dana Point Harbor Drive by Island Way and is comprised of the Dana Point Yacht Club (12,400 sq. ft.), Dana West Yacht Club (3,600 sq. ft.), Beach House Restaurant (10,000 sq. ft. with outdoor seating area) and Orange County Sheriff Harbor Patrol offices (6,000 sq. ft.).

Adjacent to the slips along the length of the Island are a total of seven (7) Boater Service Buildings (D, E, F, 5, 6, 7 and 8), each approximately 3,600 sq. ft. in size, with the exception of Boater Service Building 5 which is 4,000 sq. ft. The buildings presently provide office space for yacht brokers, yacht and sailing clubs (Dana West Yacht Club and Aventura Sailing Association), boater restrooms, locker rooms with showers, clothes washers and dryers. Located immediately adjacent to the Boater Service Buildings in the boater parking lots are racks for housing kayaks and other small boats. The Island also includes a linear park with meandering walking paths, turf and picnic areas, benches and public restrooms located throughout.

Planning Area 4 currently has a total capacity of accommodating up to 1,295 cars, including that portion of the parking area located immediately adjacent to the docks that is reserved for

EXISTING FACILITIES AND CONDITIONS

use by boaters. A portion of the boater parking area is used as a surface boat storage area with a capacity for up to 60 vessels.

PLANNING AREA 5

Key recreational facilities include the Dana Point Youth and Group Facility, Baby Beach (provides a non-motorized craft launch), a public fishing pier and the adjacent large picnic area. These activity areas are popular location for picnics, beach activities, beginner sailing and kayaking and private parties of all types.

The Dana Point Harbor Youth and Group Facility totals approximately 11,000 sq. ft. in size and is located on the west side of the Dana Point Harbor. Built in 1985 to serve as a center for education and recreation for water activities, the facility is comprised of several wood framed buildings containing offices, kitchen, a multi-purpose building, a maintenance building, pre-launch area, jib crane and docks. The multi-purpose building is used for classes, meetings, programs and special events. The office building has two stories with conference rooms and offices on the second level.

Adjacent to the northern portion of the West Marina are a total of three (3) Boater Service Buildings (A, B and C), each approximately 3,600 sq. ft. in size. The buildings presently provide office space for yacht brokers and marina operations, boater restrooms, locker rooms with showers and clothes washers and dryers. In the upper level of the Boater Service Building C, located adjacent to Island Way, the County of Orange – Dana Point Harbor Department has its headquarters.

Planning Area 5 currently has a total capacity of accommodating up to 725 cars, including that portion of the parking area located immediately adjacent to the docks that is reserved for use by boaters. Located in several of the boater parking lots, racks for housing kayaks and other small boats are provided.

As a condition of approval by the California Coastal Commission for the Dana Point Headlands Development and Conservation Plan, an underground water quality media and dry-weather diversion system was constructed under the parking lot adjacent to the fishing pier on County property. These improvements are described here for reference purposes only.

PLANNING AREA 6

The Ocean Institute is located in the westernmost portion of the Harbor, providing a unique educational campus, situated adjacent to the Old Cove Marine Preserve. The newly expanded Ocean Institute facilities provide a hands-on marine sciences experience for children and adults, including RV/Sea Explorer cruises, tours of the historical Brig "Pilgrim" and "Spirit of Dana Point" tall ships, tide pool excursions and other marine/coastal educational programs.

The Ocean Institute consists of a total of approximately 32,000 sq. ft. in a series of small buildings, designed to emulate the campus of an early coastal marine science facility historically located along the coastline of the western United States. Principal goals of the facility include providing significant increases in seating capacity for lectures and special events, larger learning center, areas for teacher conferences, training/lecture and instructional space for administrative staff and space for facility operational functions.

Three of the buildings are devoted to creating unique laboratory environments that serve as the principal learning centers for the At Sea, Ecology and Surf Science/Overnight programs. Three other buildings house support services, including the bookstore, a multipurpose room and a student services building that incorporates a main lobby area, exhibit area and student services, administration and conference room. The facility is also made up of two of the original buildings, the Maritime Center and Chilcote House.

The parking area adjacent to the Ocean Institute provides parking for 118 cars and also includes public restrooms and pedestrian walkways connecting with other areas of the Harbor, including the large boat docks and nearby fishing pier. The Ocean Institute also serves as the principle point of access to the Old Cove Marine Preserve. Currently the general public accesses the Marine Preserve primarily via the Harbor walk (along the seawall) or by using an emergency access road located along the western edge of the main Ocean Institute building.

PLANNING AREA 7

The Harbor is backed by high bluffs and cliffs that have been a landmark for Dana Point since sailors first discovered the area. Several drainage outlets are located at various points along the bluffs to route storm water towards the Harbor from the surrounding upland areas. A portion of the bluffs east and west of Golden Lantern were graded and concrete brow ditches installed to convey surface water runoff. The upper and lower system of laterals and intermediate drop channels are maintained by the County of Orange.

PLANNING AREA 8

The Educational Basin is located in the western most portion of Dana Point Harbor and includes a federal anchorage area and tall boat docks adjacent to the Ocean Institute. In addition to the docks for the Spirit of Dana Point and the Pilgrim vessels, a public fishing pier is located immediately adjacent to the Pilgrim dock. Because of its sandy bottom and gradual transition to deeper water in the main channel of the Harbor, the Educational Basin is frequently used by kayakers to enter and leave the water.

PLANNING AREAS 9, 10, 11 & 12

Marinas include the West Marina (west of Island Way, adjacent to the West Harbor Area or Planning Area 9); the East Marina (east of Island Way, adjacent to Dana Wharf and the Commercial Core area or Planning Area 10 and includes the East Turning Basin with a full-service fuel dock/bait receiver or Planning Area 11) and the Harbor entrance and the main channel behind the Federal breakwater or Planning Area 12.

Fully-sheltered from the open coast by almost 8,000 lineal feet of Federal breakwater, the interior basins provide berthing for approximately 2,493 small-crafts. A variety of public, commercial and educational ancillary facilities and recreation amenities, some of which are lease operated, occupy the areas adjacent to the mooring areas and waterways.

The County is directly responsible for operation and maintenance of all boating facilities within the Harbor. The Orange County Sheriff Harbor Patrol docks are located near the entrance to the East Basin. The facility consists of a combination of 23 single berth and additional side-tie dock space totaling approximately 10,000 sq. ft. of deck area. The floating docks are constructed of industry standard concrete pontoons fastened together with continuous treated timber wall and through rod systems. Several docks have been recently replaced, however most original gangways and anchor piles remain in place.

The West Basin Guest Docks are located near the entrance to the West Boat Basin. This transient berthing area contains 42 slips distributed over a single head walk. The 9,900 square feet of deck space has also been replaced with a concrete floating deck system. The Guest Docks are available on both a reservation and first-come-first-served basis and are managed by the County Harbor Patrol Office. The third County boating element is the dock space at the Youth and Group Facility located on the interior aspect of the West Basin. Two concrete dock systems on both sides of the educational center have been installed. The total deck space is approximately 10,700 square feet and provides a combination of wet and dry storage for small sail boats and dinghies.

The shoreline interface of Dana Point Harbor is protected by a combination of vertical bulkhead and side slope protection. The bulkhead is a cast-in-place concrete L-wall that borders the water's edge in the East and West Basins and the landside perimeter of the Harbor. The basin side slopes are protected in the mooring basins by a grid of pre-cast concrete panels set on grade. Areas outside of the mooring basins are armored with stone riprap that require ongoing periodic repair.

County of Orange

a) Tidelands and Submerged Lands Acquisition

Chapter 321 of the Statutes of 1961 was an Act of the State legislature (effective on September 15, 1961) that granted ownership of certain tidelands and submerged land of the State of California (including Dana Point Harbor) to the County of Orange.

Conveyance of the Harbor area by the State Lands Commission was subject to the following trusts and conditions:

- 1) That said lands shall be used by said County and its successors, only for the establishment, improvements 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 purposes consistent with the trust upon which said land 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.
- 2) 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, quay walls and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned and operated by the State of California.
- 3) That in management, conduct or operation of said Harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (1), 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.
- 4) 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.
- 5) 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.

- 6) The lands herein described are granted subject to the express reservation and conditions 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.
- 7) That within ten 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.

b) Dana Point Harbor Planned Community

On July 22, 1969, the Orange County Board of Supervisors approved the Dana Point Harbor Planned Community text and regulations. This zoning ordinance provided the basis for establishment and operation of all land uses currently existing throughout Dana Point Harbor.

c) Local Coastal Program – Dana Point Segment of the South Coast Planning Unit

The California Coastal Act of 1976 is incorporated in the California Public Resources Code (Section 30000 et seq.). The Coastal Act provides for comprehensive planning of coastal areas. Local jurisdictions are required to prepare a Local Coastal Program (LCP) for those areas of their jurisdiction within the Coastal Zone. The LCP is composed of land use plans, zoning ordinances and zoning regulations. After local adoption of the LCP and its certification by the California Coastal Commission, the administration of the LCP becomes the responsibility of the local jurisdiction.

All development within the Dana Point Harbor has been historically regulated by the County of Orange using the "Dana Point Harbor Planned Community District Development Plan". The Dana Point Harbor property was designated as a "Planned Community" (PC) District by Ordinance Number 2331 as adopted by the Orange County Board of Supervisors.

Subsequent to the adoption of the Dana Point Specific Plan and in accordance with the Coastal Act, the County prepared an LCP covering the area of four separately developed communities (Dana Point, Monarch Beach, Capistrano Beach and Dana Point Harbor), all with portions of which are located within the Coastal Zone boundary. Following adoption of the Land Use Plan, regulations and district maps by the Orange County Board of Supervisors in 1980 and certification of the LCP by the California Coastal Commission in 1981, the County of Orange was responsible for the implementation of the provisions and policies as set forth in Public Resources Code §30108.6 at the local government level.

City of Dana Point

Since incorporation of the City of Dana Point in 1989, the City has systematically worked to create a comprehensive General Plan that includes all mandatory components necessary to satisfy California land use laws, the Subdivision Map Act and Coastal Act as well as a stand alone Zoning Ordinance. Approximately one-half of the City's land area (2,158 of the City's total 4,148 acres) lies within the California Coastal Zone boundary and is therefore subject to the requirements of the California Coastal Act (Division 20 of the Public Resources Code commencing with Section 30000). In July 1991, the Land Use Plan (LUP) components of the County's LCP were incorporated into the City of Dana Point General Plan. As part of the General Plan update, all the land uses within the Local Coastal Program (with the exception of Dana Point Harbor) were updated and a comprehensive analysis of Coastal Act Policies provided. With certification by the California Coastal Commission of the LCP Amendment in 1993, the City of Dana Point assumed discretionary authority for all areas of the City, located within the Coastal Zone boundary, inclusive of the Dana Point Harbor.

County of Orange – Dana Point Harbor Department

On April 12, 2005, the Orange County Board of Supervisors authorized the establishment of the Dana Point Harbor Department. The newly created stand-alone County Department is responsible for the implementation of all components of the Dana Point Harbor Revitalization Plan (approved by the Board of Supervisors on January 31, 2006), overseeing the daily operations of all facilities and administration of Tidelands Grant revenues derived from management and operating agreement controlled areas and from rents and leases of land and improvements in or adjacent to the Harbor. The Dana Point Harbor Department is under the direct oversight of the County's Chief Executive Officer.