

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

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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

The State of California Planning, Zoning and Development Laws of the Government Code, as articulated by the local agency's General Plan and Zoning Ordinance require that all zoning be consistent with the General Plan and the Government Code.

Dana Point Harbor is divided into two (2) Planning Districts as shown on Exhibit 1.1, *District Zoning Map* and includes the Harbor Marine Land District for a Marine Services area, including dry boat storage, repair and launch facilities; Day-Use Commercial uses, including restaurants, retail shops and parking deck; Visitor-Serving Commercial area with a hotel; Marine Commercial area; Day-Use Recreation; Institutional/Education area that includes the Ocean Institute; and Bluff/Open Space Conversation area. The Harbor Marine Land District is under the land use jurisdiction of the City of Dana Point. The Harbor Marine Water District includes all areas of the Harbor devoted to waterside uses, including the East and West Marinas, Educational Basin, navigational channels and Federal anchorage providing open ocean boat access. The Harbor Marine Water District is under the regulatory jurisdiction of the California Coastal Commission.

By dividing the Harbor into increments, the Dana Point Harbor District Regulations are specifically designed to be consistent with and adequate to carry out the policies of the certified Local Coastal Program for Dana Point Harbor. The District Regulations component and related provisions establish the procedures, definitions and descriptions, including District Zoning Map/Statistical Summary, Dana Point Harbor Revitalization Plan and Statistical Table as well as development standards and requirements for each land use designation.

Table 1-A  
 DANA POINT HARBOR DISTRICT ZONING STATISTICAL SUMMARY

Land Use Category	Gross Acres
Harbor Marine Land	107.1
Harbor Marine Water	169.7
Total:	276.8



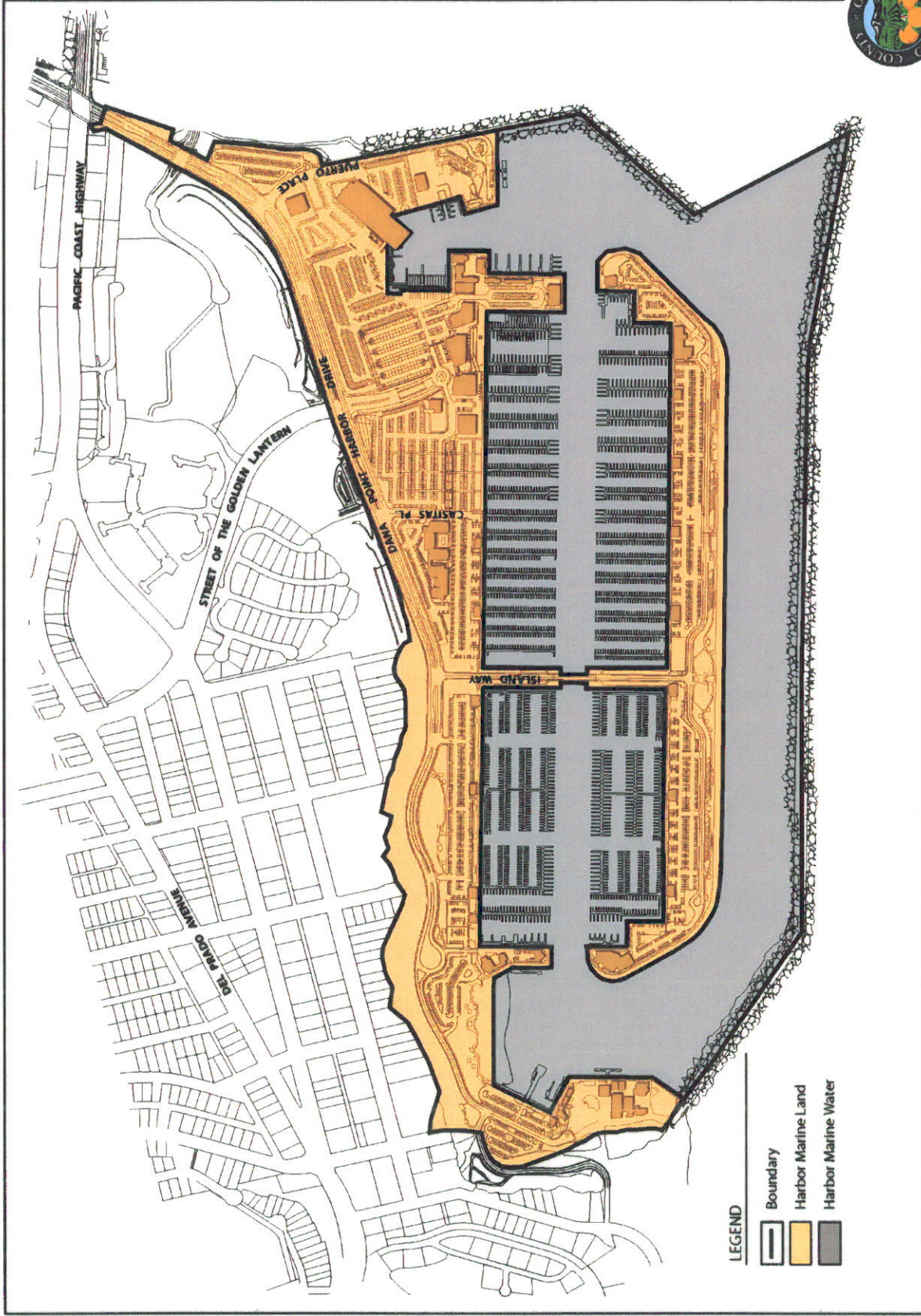


Exhibit 1.1  
**DISTRICT ZONING MAP**

**Dana Point Harbor**  
 REVITALIZATION PLAN & DISTRICT REGULATIONS



09-06



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PURPOSE AND OBJECTIVES

These regulations are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act in that a certified Local Coastal Program and all local implementing ordinances, regulations and other actions may be amended by the appropriate local government subject to certification by the Coastal Commission.

Additionally, these regulations are intended to be consistent with and implement the goals and policies of the City of Dana Point General Plan and the Dana Point Harbor Revitalization Plan and District Regulations are intended to replace in total, the Dana Point Harbor Planned Community Development Plan component of the City of Dana Point's Zoning Code (Appendix C).

These regulations encourage innovative site planning and design concepts for the revitalization of Dana Point Harbor, while protecting and managing the visitor-serving, recreational and water oriented activities throughout the Harbor. The regulations also establish a logical and timely sequence of governmental review of development and reuse proposals more fully described in Chapter II-16, *Discretionary Permits and Procedures*.



## GENERAL REGULATIONS

### 1. Definition of Terms

The meaning and construction of words, phrases, titles and terms used in these Dana Point Harbor District Regulations shall be the same as provided in Chapter II-18, *Definitions*.

### 2. Zoning Code Consistency

The Dana Point Harbor Revitalization Plan and District Regulations shall govern all existing and proposed development within Dana Point Harbor.

### 3. Building Code Requirements

The State of California granted title of the Dana Point Harbor Tidelands to the County of Orange in 1961 and it has operated the facilities since first being opened to the public in 1971, all existing and proposed facilities shall be designed and constructed in accordance with the building and operational standards of the County of Orange. Reliance on these same standards is considered an essential part of ensuring that improvements and ongoing operations are of consistent quality and remain available for public use.

Regardless of the provisions of these Dana Point Harbor District Regulations, no construction shall be allowed within the boundaries of Dana Point Harbor, except that which complies with applicable provisions of the Uniform Building Code and various related mechanical, electrical and plumbing codes; the County of Orange Grading and Excavation Code as currently adopted by the Orange County Board of Supervisors.

### 4. Building Site Requirements

All building sites in Dana Point Harbor shall be as specified by each land use district of these Dana Point Harbor District Regulations.

### 5. Building Height Requirements

The building height requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations. The method used for measuring building height is set forth in Chapter II-18, *Definitions*.

### 6. Building Setback Requirements

The building setback requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations.

### 7. Application of Regulations

If an issue, condition or operational situation arises that is not sufficiently covered or provided for in these Dana Point Harbor District Regulations so as to be clearly

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understandable, the Director, County of Orange – Dana Point Harbor Department shall determine how to resolve the unclear issue, condition or situation.

**8. Special Events**

Temporary special community events, such as parades, pageants, community fairs, athletic contests, carnivals and other similar uses may be permitted in any area of the Harbor with approval of a Special Event application by the Director, County of Orange – Dana Point Harbor Department.

**9. Incorporation of Conditions, Requirements and Standards**

All conditions, requirements and standards indicated graphically or in writing as part of any approved discretionary permit or detailed plan granted by authority of 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 such conditions, requirements or standards shall be in violation of these Dana Point Harbor District Regulations.

**10. Ambiguity**

If ambiguity arises regarding the appropriate classification of a particular use, or with respect to specific matters of height, building site or other development standards, the City of Dana Point Director of Community Development shall resolve the issues, condition or situation. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.

**11. Declaration / Severability**

If any portion of these Dana Point Harbor District 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 of these District Regulations. These regulations and each portion of these District Regulations would have been enacted by the legislative body of the local agency irrespective of the fact that one or more portions may be declared invalid or ineffective.

**12. Coastal Development Permit Review**

A Coastal Development Permit is a permit issued by the City of Dana Point or the California Coastal Commission which authorizes establishment, operation and maintenance of a specific use, structure or any development activity. Coastal Development Permit applications may be processed in compliance with each agencies applicable requirements; either as an application that requires a public hearing or as an administrative approval. When a public hearing is required for landside improvements, the application shall be heard by the City of Dana Point Planning Commission. When a public hearing is not required, the City of Dana Point Director of Community Development shall determine the time and place for the approval action to be taken. For development of improvements in Waterside Planning Areas, an application for a



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Coastal Development Permit shall be submitted to the California Coastal Commission for review and approval.

**13. Compliance Required**

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land use be used for any purpose, other than as permitted by and in conformance with these Dana Point Harbor District Regulations.

**14. Sign Maintenance**

All signs shall be maintained in good repair and functioning properly to the satisfaction of the Director, County of Orange – Dana Point Harbor Department. Signs shall be free from all defects including but not limited to cracking, peeling and rusting. Signs that are not properly maintained shall be deemed a public nuisance and may be removed upon proper notice.

**SPECIAL PROVISIONS**

**1. Planning Area Land Uses**

All land uses, sizes and general locations shall be in conformance with these Dana Point Harbor District Regulations and the Dana Point Harbor Revitalization Plan and Statistical Table contained herein. No Planning Area shall exceed the maximum allowable of square footage or land uses indicated within an individual Planning Area and land use district.

**2. Planning Area Boundaries**

- a) Except as otherwise indicated, dimensions and gross acreages are measured from centerlines of streets and highways.
- b) When a Planning Area boundary depicted on the Dana Point Harbor Revitalization Plan is also a roadway and that roadway is realigned, the Planning Area boundary and Statistical Table shall be revised to coincide with the realigned roadway. Approval for such boundary and Statistical Table revisions shall be made at the time of Coastal Development Permit approval for realignment of the roadway.
- c) Planning Area boundaries and acreages contained in these Dana Point Harbor District Regulations are approximate based upon current engineering and title information and are depicted at a general level of mapping. Final Planning Area boundaries will be consistent with approved Coastal Development Permits.
- d) Adjustments in Planning Area boundaries resulting in an acreage change of ten percent (10%) or less of the total Planning Area for final street realignments, landscaping, geotechnical or other engineering-related reasons, Coastal Development Permit approvals will not require amendment of the Dana Point

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Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*. Such adjustments shall not have the effect of exceeding the total permitted development intensity combined for all individual Planning Areas or the Dana Point Harbor in total.

**3. Construction Phasing**

Construction phasing for implementation of all Dana Point Harbor Revitalization Plan improvements shall minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. In the event of temporary closures, alternate routes and clear directional signage shall be provided.

**4. Water Conservation Regulations**

Interior and exterior water conservation measures shall be incorporated into all projects as improvements occur. Measures shall include, but are not limited to, installation of low-flush toilets, low-flow faucets and the installation of efficient irrigation systems in landscaping areas to minimize runoff and evaporation.

**5. Public Road Design Standards**

All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting shall insure standard sight distance requirements are achieved.

**6. Public Infrastructure and Utilities**

Public infrastructure and utility buildings, structures and facilities, including but not limited to electrical, gas, water, sewage, water quality and drainage, telephone and cable television facilities, including their storage, distribution or treatment are permitted in all areas of Dana Point Harbor subject to approval of a Coastal Development Permit.

**7. Grading Plans**

Grading Plans for all projects within Dana Point Harbor shall be consistent with the Dana Point Harbor Revitalization Plan and include the following provisions:

- a) Grading Plans shall be accompanied by a geotechnical and soils engineering report that incorporates all pertinent recommendations prior to the issuance of Grading Permits by the County of Orange.
- b) An approved Grading Plan shall show all areas of grading, including remedial grading, inside and outside of the immediate area of development. Grading shall be permitted within all Planning Areas of the Harbor, except Planning Area 7, unless specifically authorized by a Coastal Development Permit for grading of public roads, park facilities, infrastructure or other Dana Point Harbor Revitalization Plan improvements. Remedial grading for development shall be permitted in all landside Planning Areas except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or soils engineering problems. The Grading Plan shall



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include provisions for temporary erosion control on all graded sites in accordance with the County of Orange Grading and Excavation Code and the Regional Water Quality Control Board (San Diego Region).

- c) All Grading Plans shall include provisions for safe construction regulation and procedures as identified by the Occupational Safety and Health Agency (OSHA).

**8. Erosion Control Plans**

Erosion Control Plans for all projects within Dana Point Harbor shall identify site specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Such a plan shall be approved prior to construction and include instructions for storm events, normal and emergency procedures, as well as procedures following storm events. Standard erosion control measures shall be installed for all projects as required according to County standards. The following erosion control measures shall be incorporated into all project grading plans, as required during construction by the County of Orange and the Regional Water Quality Control Board (San Diego Region) during the rainy season (October 1 to April 30):

- a) Sandbags shall be placed across streets where necessary, depending upon size of catchment and sediment yield.
- b) Erosion control at the sediment sources shall be emphasized during construction.
- c) A stand-by work crew shall be available for emergency work during the rainy season. Necessary materials shall be available on site and shall be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.
- d) Removable protective erosion control devices shall be put in place at the end of each working day when the 5 day rain probability forecast exceeds 40 percent (40%).
- e) All erosion control measures shall be implemented in conformance with the requirements of the Grading and Excavation Code of the County of Orange. All construction shall be conducted with provisions for the control of sand, dust and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins or similar structures to prevent runoff during construction operations.
- f) Prior to issuance of building permits, landscape and erosion control plans shall include provisions for temporary mulching, seeding, landscaping, permanent erosion control or other suitable stabilization measures in order to protect exposed areas during and after construction.

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**9. Water Quality Management Plan**

In compliance with the National Pollution Discharge Elimination System, water quality Best Management Practices (BMP's) will be designed to remove pollutants to an acceptable level prior to outletting into the waterways. These features include diversion structures, media filtration systems and vertical drop outlet structures in accordance with the approved Conceptual Water Quality Management Plan for Dana Point Harbor. All storm drain systems shall be designed to comply with the requirements of the County of Orange Local Drainage Manual and Master Plan of Drainage.

**10. Bluff Preservation**

The Dana Point Harbor Revitalization Plan provides for the protection of the natural bluffs (Planning Area 7) by restricting the siting of any structures adjacent to the bluffs with the exception of drainage control structures and recreational structures (i.e., picnic areas and shelters). In areas that abut the bluffs, a landscape buffer shall be maintained. All plant material shall be native or naturalized drought tolerant species to provide a transition between natural and ornamental landscaped areas.

**11. Control of Fugitive Dust**

Coastal Development Permits shall ensure the implementation of measures to minimize fugitive dust identified in SCAQMD Rule 402 (i.e., that there be no dust impacts off-site sufficient to cause a nuisance) and Rule 403 (i.e., that restricts visible emissions from construction). These measures include but are not limited to: (a) pre-moistening of soil and daily watering; (b) covering loads of dirt; (c) paving roads as soon as possible; (d) ceasing grading during periods of high winds; (e) limiting on-site vehicle speeds to 15 miles per hour or less; and (f) revegetating graded areas after soil disturbance. All grading operations will be conducted in accordance with the Orange County Grading and Excavation Code.

**12. Archaeological Resources**

In accordance with the Orange County Grading and Excavation Code, prior to the issuance of a Grading Permit, written evidence shall be provided ensuring that a County-certified archaeologist has been retained to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance and shall establish, in cooperation with the County of Orange – Dana Point Harbor Department, procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the artifacts as appropriate. If the archaeological observer shall determine appropriate actions, in cooperation with the County of Orange – Dana Point Harbor Department for exploration and/or salvage.

The County of Orange – Dana Point Harbor Department shall obtain approval of the archaeologist's follow-up report from the Manager, County of Orange – Harbors, Beaches and Parks/Coastal and Historical Facilities. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the



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artifacts. Excavated finds shall be made available for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources shall be subject to approval of the Manager, County of Orange – Harbors, Beaches and Parks/Coastal and Historical Facilities.

**13. Paleontological Resources**

In accordance with Orange County Grading and Excavation Code, prior to the issuance of a Grading Permit, written evidence shall be provided that a County-certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the contractor, procedures for temporarily halting or redirecting work to permit sampling, identification and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the County of Orange – Dana Point Harbor Department.

At the completion of grading operations, the County of Orange – Dana Point Harbor Department shall obtain approval of a paleontologist's follow-up report from the Manager, County of Orange – Harbors, Beaches and Parks/Coastal and Historical Facilities. The report shall include the period of inspection, a catalogue and analysis of the fossils found and the present repository of the fossils. Excavated finds shall be made available for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources shall be subject to approval of the Manager, County of Orange – Harbors, Beaches and Parks/Coastal and Historical Facilities.

**14. Pedestrian Access and Safety**

As part of all construction operations, the contractor shall ensure that the construction site is adequately barricaded with temporary fencing. If required, a flag person shall be posted at the entrance of the construction site to protect pedestrians and traffic from conflicts with heavy equipment entering or leaving the construction area. Additionally, signs shall be posted to inform the public that construction activities are under way and identify alternate paths of travel. All trails and public access ways within Dana Point Harbor will remain open and usable during construction periods or a detour, approved by the County of Orange – Dana Point Harbor Department will be provided and include appropriate temporary signage.

#### 4.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of Marine Service areas in Planning Area 1 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general marine and boat services industry and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit retail and marine services / commercial uses in accordance with the layout and design, maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

#### 4.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 1 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Boat docks.
- b) Facilities and structures providing for the maintenance and operation of fueling equipment for automobiles and boats, both afloat and on trailers.
- c) Facilities and structures providing for the maintenance and operation of a boat repair yard limited to the alteration, maintenance and repair of the hulls, rigging, sails, engines and accessories of small craft.
- d) Marine retail sales, including boat maintenance supplies, navigational and communications equipment, chandlery, clothing and accessories.
- e) Dry boat storage and maintenance facilities.
- f) Boat wash down facilities.
- g) Facilities and equipment associated with the launching or landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles, except as may be determined necessary by the Director, County of Orange – Dana Point Harbor Department for recreational or public health and safety reasons.
- h) Boat facilities for the maintenance and operation of small craft and kayak dry storage facilities.
- i) Boat sales and rentals.



- j) Bait receivers.
- k) Commercial and recreational fishing; gathering, collecting or harvesting of fin fish, invertebrates or other marine wildlife.
- l) Facility information offices and centers, information kiosks.
- m) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- n) Travel and commercial recreation services and uses.
- o) Public and private recreation facilities.
- p) Seasonal water taxi services including waiting areas and dock facilities.
- q) Lighthouse.
- r) Parking areas and structures (including paid parking).
- s) Administrative, professional and business offices (including yacht brokers, lease agents and management offices).
- t) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- u) Communication transmitting, reception and relay facilities, including standby generators.
- v) Restrooms.

#### 4.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Marine Service uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.

- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

#### 4.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the Director, County of Orange – Dana Point Harbor Department in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.

#### 4.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and depth: No minimum.
- c) Building height limit: For the Dry Boat Storage building, sixty-five (65) feet maximum; for the potential lighthouse, seventy (70) feet maximum; for all other buildings, thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted. The limitations on height for Planning Area 1 shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.
- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare. All windows in new construction will be of a type that uses minimally reflective glass.
- f) Dry boat storage building: The design of the dry boat storage building may include covered areas for boat maintenance.
- g) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.



- h) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.
- i) Loading: All loading shall be performed on the site. Loading platforms and areas shall be screened from view from adjacent streets and adjoining residential views.
- j) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All public and commercial trash and recyclable containers/bins shall be conveniently located to encourage cleanliness and recycling.
- k) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor will be hidden behind building parapets or screening materials from both ground level and elevated areas to the extent feasible. Ground-level mechanical equipment, storage tanks and other similar facilities shall be screened from view with dense landscaping and/or solid walls of materials and finishes compatible with the adjacent structures.
- l) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- m) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs, Doheny State Beach and shall be designed and located so that light rays are aimed at the site.
- n) Landscaping: Drought-tolerant native or non-intrusive, naturalized low-maintenance species are encouraged. Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
  - 1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
  - 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be planted consistent with the Revitalization Landscape Plan design parameters to preserve and enhance distant ocean views and screen or soften building architecture.

3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
  4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive naturalized plants to control erosion.
  5. Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.
  6. Irrigation facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.
- o) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.



## 5.1 Purpose and Intent

The purpose of these provisions is to regulate the design and development of the Day-Use Commercial areas in Planning Area 2 of Dana Point Harbor. It is an objective of this Section to permit a variety of compatible uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange and City of Dana Point. These regulations permit conventional commercial retail, entertainment and recreation uses in accordance with the layout and design, maximum sizes and intensities of development shown on the Dana Point Harbor Revitalization Plan and Statistical Table in Chapter II-17, *Revitalization Plan and Statistical Table Regulations and Procedures*.

## 5.2 Principal and Other Permitted Uses

The following principal and other permitted uses in Planning Area 2 are subject to the approval of a Coastal Development Permit as provided in Chapter II-16, *Discretionary Permits and Procedures*.

- a) Retail sales, including books, clothing, personal accessories, gifts and novelty items, jewelry, collectables and crafts (includes outdoor retail, food and beverage sales carts).
- b) Cafes, restaurants, food and refreshment bars, vending machine food and beverage centers, bars, indoor and outdoor cocktail lounges.
- c) Facilities and structures providing for the operation of sport fishing and/or charter boat concession, including office, ticketing and dockage space.
- d) Boat docks.
- e) Bait and tackle sales.
- f) Administrative, professional and business offices (including yacht brokers, rental/lease agents, management and governmental offices).
- g) Professional service shops.
- h) Travel and commercial recreation services and uses.
- i) Yacht clubs.
- j) Public and private recreation facilities.
- k) Seasonal water taxi services including waiting areas and dock facilities.

- l) Parking areas and structures, underground and above ground structures (including paid parking).
- m) Small boat and watercraft storage facilities.
- n) Commercial and non-commercial recreation facilities.
- o) Facility information offices and centers, information kiosks.
- p) Public works structures and uses including the maintenance of pedestrian walkways, drainage improvements, flood control improvements and other infrastructure and/or utilities necessary for the permitted development.
- q) Communication transmitting, reception and relay facilities, including standby generators.
- r) Restrooms.

### 5.3 Accessory Permitted Uses

Accessory uses and structures are permitted subject to approval of a Coastal Development Permit when customarily associated with and subordinate to a Permitted Use on the same building site and include:

- a) Ancillary uses that are directly related to Day-Use Commercial uses or facilities are permitted when constructed in a manner that is consistent with the main structure in materials, color palette, roof pitch and form.
- b) Directional and identification signs per Chapter II-15, *Sign Standards and Regulations*.

### 5.4 Prohibited Uses

Uses not provided for by this Section shall be prohibited; however, certain permitted uses may be generally defined and may require interpretation by the Director, County of Orange – Dana Point Harbor Department in consultation with the City of Dana Point Director of Community Development or by the City of Dana Point Planning Commission with approval of a Coastal Development Permit.



## 5.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter II-16, *Discretionary Permits and Procedures*.

- a) Building site area: No minimum.
- b) Building site width and depth: No minimum.
- c) Building height limit: For new Commercial Core buildings fronting on Festival Plaza, pedestrian bridge connected to Festival Plaza or structures fronting on the East Marina Boat Basin (Planning Area 10), sixty (60) feet maximum; for all other buildings, thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.
- d) Building setbacks: Ten (10) feet minimum from any street (surface parking and landscaping areas may be included as part of setback area).
- e) Architectural elements: Architectural design elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare. All windows in new construction will be of a type that uses minimally reflective glass.
- f) Parking Deck: The parking deck design shall include a light well that separates the upper deck area, allowing light and/or installation of landscaping elements to enhance the visual appearance. The two-level parking deck shall be engineered and constructed in such a manner to allow for the potential future expansion of the structure to include a third level if required.
- g) Boater Parking: Dedicated boater drop-off and parking areas will be provided throughout the Commercial Core to facilitate boater access.
- h) Pedestrian Access: Separate pedestrian walkways will be provided as part of the parking deck ramp design to minimize the need for pedestrians to use parking aisles to access the business areas of the Commercial Core. In addition, pedestrian linkages will be provided between Harbor amenities, such as those created by the Festival Plaza, Pedestrian Promenade and linear park.
- i) Off-Street parking requirements: Off-street parking shall be provided as required by the provisions in Chapter II-14, *Off-Street Parking Standards and Regulations*.
- j) Signs: Signs shall be permitted in accordance with Chapter II-15, *Sign Standards and Regulations*.

- k) Loading: All loading shall be performed on the site. Loading platforms and areas shall be screened from view from adjacent streets and adjoining residential views.
- l) Trash, recyclables and storage areas: All storage, including cartons, containers or trash bins, shall be shielded from view within a building or area enclosed by a wall not less than six (6) feet in height and covered with a roof or other structure. No such area shall be located within fifty (50) feet of any outdoor food service area unless fully enclosed. All public and commercial trash and recyclable containers/bins shall be conveniently located to encourage cleanliness and recycling.
- m) Mechanical equipment: All roof-mounted mechanical equipment and communication devices that are visible from the Harbor will be hidden behind building parapets or screening materials from both ground level and elevated areas to the extent feasible. Ground-level mechanical equipment, storage tanks and other similar facilities shall be screened from view with dense landscaping and/or solid walls of materials and finishes compatible with the adjacent structures.
- n) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height provided that site distances for vehicular safety purposes are not obstructed shall be eight (8) feet.
- o) Shelters: All enclosures used to shelter outside eating areas will be designed using clear materials with awnings or covers that are integrated into the architectural design of the buildings.
- p) Lighting: Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and shall be designed and located so that light rays are aimed at the site.
- q) Landscaping: Drought-tolerant native or non-intrusive, naturalized low-maintenance species are encouraged. Landscaping consisting of evergreen or deciduous trees, shrubs, ground cover and/or hardscape will be installed and maintained subject to the following standards:
  - 1. Landscape abutting public streets or other roadways are required and shall be an average depth of ten (10) feet with a minimum depth of five (5) feet.
  - 2. Textured paving may be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be planted consistent with the Revitalization Landscape Plan design parameters to preserve



and enhance distant ocean views and screen or soften building architecture.

3. All landscaped areas will be separated from adjacent vehicular areas by a wall or curb at least four (4) inches higher than the adjacent vehicular area or with some other barrier to be protected from vehicular damage.
  4. All areas disturbed by grading operations shall be hydro-seeded or planted with native or non-intrusive naturalized plants to control erosion.
  5. Trees that are removed during construction will be replanted on at least a 1:1 ratio in the Harbor.
  6. Irrigation facilities will be provided for all landscaped areas except where drought-tolerant species have been installed.
- r) Standards for Roads: All roads shall be constructed to County of Orange specifications, including gradients, width, radius of curvature, striping/stenciling and lighting and shall insure that standard sight distance requirements are achieved.