

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 ADistrict Regulations





REVITALIZATION PLAN AND STATISTICAL TABLE REGULATIONS AND PROCEDURES

17.1 Purpose and Intent

The purpose of this Chapter is to provide regulations and procedures for City of Dana Point Planning Commission revisions to the Dana Point Harbor Revitalization Plan and Dana Point Harbor Statistical Table.

17.2 Dana Point Harbor Revitalization Plan

The Dana Point Harbor Revitalization Plan covers those areas of Dana Point Harbor granted to the County of Orange by the California State Legislature in 1961 as part of the Tidelands and Submerged Lands Acquisition Act (Chapter 321 of the Statutes of 1961). As shown on Exhibit 17.1, the Dana Point Harbor Revitalization Plan identifies Planning Areas and corresponding land uses.

The acreages in the Dana Point Harbor Statistical Table may vary without requiring a LCP Amendment provided that the variation is consistent with the total acreage and boundaries of the Dana Point Harbor District Zoning Map and Statistical Summary (Exhibit 1.1 and Table 1-A). 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.

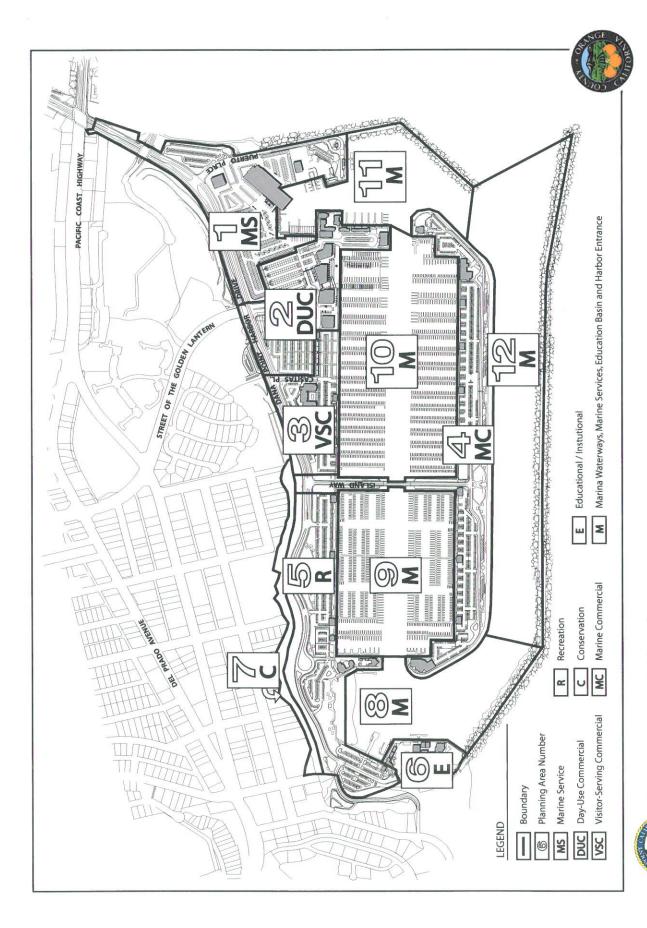
17.3 Dana Point Harbor Statistical Table

The Dana Point Harbor Statistical Table contains a statistical breakdown for each of the Planning Areas shown on the Dana Point Harbor Revitalization Plan in terms of acreage and maximum amount of allowable development intensity. All Planning Areas allowing land uses shall not exceed the maximum amount of square footage indicated for the Planning Area in the Dana Point Harbor Revitalization Plan Statistical Table. The estimated square footage on the Statistical Table shall be revised only in accordance with the requirements contained in this Chapter. No amendment to these Dana Point Harbor District Regulations and/or the Dana Point Harbor Revitalization Plan shall be required for the purpose of changing the Planning Area acreage and/or estimated amount of square footage of individual land uses provided:

- 1. The proposed change is consistent with the adopted Dana Point Harbor District Zoning Map and Statistical Summary;
- 2. The proposed change does not exceed the maximum amount of square footage assigned to any Planning Area; and
- 3. The change does not result in an increase in the maximum allowable square footage of land uses permitted within Dana Point Harbor in total.







DANA POINT HARBOR REVITALIZATION PLAN STATISTICAL TABLE

Land Use Category	Planning Area	Gross Acreage	Estimated Square Footage ⁽¹⁾	Maximum Square Footage
Marine Service Dry-Stack Boat Storage Facility - 1 Offices / Boater Lounge Marine Retail Store	1	25.2	50,000 5,600 9,100	50,000 5,600 9,100
Boat Yard Building			5,000	5,000
Lighthouse Facility Lighthouse Tower Accessory Facilities (2)			500 2,000	500 2,000
Fuel Dock			750	750
Planning Area 1 Subtotals:			72,950	72,950
Day-Use Commercial Boater Service Building 1 Catalina Terminal Building Retail / Office Restaurant	2	18.1	4,000 1,000 32,000 75,000	6,800 1,000 32,800 78,400
Planning Area 2 Subtotals:			112,000	119,000
Visitor-Serving Commercial Hotel / Motel Function / Meeting Restaurant / Food Service Accessory Retail Fitness / Health Center	3	9.5	136 rooms 2,000 2,750 500 450	220 rooms 12,000 2,750 500 1,500
Boater Service Building 3 Boater Service Building 4			3,600 5,000	6,600 7,000
Planning Area 3 Subtotals:			14,300(3)	30,350 (3)
Marine Commercial County Sheriff Harbor Patrol Restaurant Dana Point Yacht Club	4	25.6	6,000 10,000 12,400	7,500 15,000 18,000
Boater Service Building D Boater Service Building E Boater Service Building F Boater Service Building 5 Boater Service Building 6 Boater Service Building 7 Boater Service Building 8			3,600 3,600 3,600 4,000 3,600 3,600 3,600	8,600 5,600 5,600 6,600 6,600 6,600
Planning Area 4 Subtotals:			54,000	86,700
Day-Use Recreation Youth & Group Facility	5	21.1	11,000	17,000
Boater Service Building A Boater Service Building B Boater Service Building C ⁽⁴⁾	×		3,600 3,600 3,600	5,600 5,600 5,600
Planning Area 5 Subtotals:			21,800	33,800
Education / Institutional Ocean Institute	6	3.6	32,000	32,000
Conservation	7	4.0	N/A	N/A
Education Basin, Marina, Marine Services and Harbor Entrance (Waterside)	8, 9, 10, 11, 12	169.7	N/A	N/A
Total Acreage:		276.8		

Notes:

⁽¹⁾ Estimated Square Footage includes existing buildings to remain

⁽²⁾ Accessory facilities as permitted by Chapter 4

⁽³⁾ For hotel, square footage subtotal includes ancillary uses only

⁽⁴⁾ Includes the County Harbor Department Headquarters on the upper floor



REVITALIZATION PLAN AND STATISTICAL TABLE REGULATIONS AND PROCEDURES

17.4 Procedures for Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table

Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table shall be in accordance with the following procedures, which are intended to assure compliance with the goals and policies of the City of Dana Point General Plan and the California Coastal Act.

- 1. Any proposed revision to the Dana Point Harbor Revitalization Plan and/or Statistical Table shall be accompanied by a project proposal consisting of a Coastal Development Permit and shall require a public hearing before the City of Dana Point Planning Commission.
- 2. All revisions to the Dana Point Harbor Revitalization Plan and/or Statistical Table shall be consistent with the Dana Point Harbor District Zoning Statistical Summary and District Zoning Map. Revisions shall be deemed consistent if they meet the requirements of this Chapter.
- 3. All Planning Area boundary lines and acreages identified on the Dana Point Harbor Revitalization Plan and Statistical Table are estimates based upon the current level of information and mapping. Refinements to the Planning Area boundaries/acreages are expected to occur with future project design and more detailed engineering and mapping. For this reason, Planning Area boundary lines and acreages shown on the Dana Point Harbor Revitalization Plan and Statistical Table may be refined without amendment the body of these District Regulations, when more accurate information becomes available and is submitted with future Coastal Development Permits.
- 4. Any proposed revision to increase the estimated amount of square footage allocated to any land use in one or more Planning Area(s) shall be offset by a corresponding decrease in another Planning Area(s), so that the maximum amount of square footage for all identified land uses is not exceeded. The location and extent of both increases and decreases in the Harbor area must be included in the Coastal Development Permit application.
- 5. Any proposed revision to reallocate the allowable square footage and/or acreage assigned from one Planning Area to another Planning Area by more than ten percent (10%) shall require a public hearing pursuant to Chapter II-16, *Discretionary Permits and Procedures.* Revisions of ten percent (10%) or less may be deemed a minor administrative refinement and may be approved by the City of Dana Point Director of Community Development.
- 6. Unless determined otherwise, the Dana Point Harbor Revitalization Plan and District Regulations document shall serve as the location and record for any future revisions to the Dana Point Harbor Revitalization Plan and Statistical Table, as they may be approved from time to time.

The following definitions shall apply to all areas within the Dana Point Harbor Revitalization Plan.

Appealable Area - includes the following:

District Regulations

- 1. All areas between the sea and the first public road paralleling the sea or within three hundred (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 areas within one-hundred (100) feet of any wetland, esturary or stream and all area within three hundred (300) feet, both seaward and landward of the top of the seaward face of any coastal bluff.

Appealable Development – Any Coastal Development Permit or Coastal Development Permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.

Approving Authority – Means any person, committee, commission, board or council authorized by the applicable Dana Point Harbor District Regulations to approve, disapprove a Coastal Development Permit or discretionary permit application or project.

Bluff Edge – Is defined as the upper termination of a bluff, cliff or seacliff. When the top edge of the bluff 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 the 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.

Building Height – Building height shall be measured along perpendiculars (plumb lines) from the elevation of the finished grade to the maximum height above grade specified in the development standards for each land use district. Maximum height shall be measured to the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. Elevators, mechanical space, chimneys and architectural treatments (intended to add interest and variation to the roof design, yet which do not exceed ten percent (10%) of the overall roof area, nor exceed the base height restriction by more than five (5) feet will be permitted except for the dry stack boat storage building located in Planning Area 1.

California Coastal Commission – The state agency established under Section 30300 of the California Coastal Act, designated as the coastal zone planning and management agency charged with implementing the Coastal Act.



California Department of Fish and Game (CDFG) – the state agency having authority and responsibility to protect and enhance fish and wildlife resources and to administer certain state lands.

Canopy – A roof-like covering over an area, in or under which a lighting fixture may be mounted.

Certified Land Use Plan – A plan for the use of the Harbor within the Coastal Zone which has been adopted by the City of Dana Point and certified by the California Coastal Commission pursuant to the Public Resources Code.

Coastal Act of 1976 (Coastal Act) – The state law codified as California Public Resources Code §30000 et seq., enacted to protect and enhance the coastal environment and to guide and regulate local planning within the coastal zone to assure conformity with the statewide goals and policies.

Coastal Bluff – includes the following:

- 1. Any bluff where the toe of the slope is now or within the past 200 years has been subject to marine erosion.
- 2. Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of slope is within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach.

Coastal Development Permit – A permit issued by a local government agency with jurisdictional authority or by the Coastal Commission, which is required for all development projects pursuant to Coastal Act Section 30600.

Coastal Zone – That area of land and water extending seaward to the state's outer limit of jurisdiction as specified on the Coastal Zone Boundary Map adopted by the State Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.

Dana Point Harbor Review Board – A review body appointed by the Orange County Board of Supervisors responsible for the review and approval of site development and construction plans proposed by lessees of Dana Point Harbor facilities. All decisions of the Dana Point Harbor Review Board are appealable to the Director, County of Orange – Dana Point Harbor Department.

Detached Buildings and Structures – Buildings or structures that are each structurally independent and freestanding and not connected by walls, roofs, floors, decks, supports, trellises, architectural features or any other structure, fixture or device that exceeds thirty (30) inches in height above finished grade.

Development – The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in density or intensity of use of land; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

Development Area – Lands proposed for development pursuant to the requirements and procedures described herein.

Development Project – Means any of the uses, activities or structures listed under the definition of "development" when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form or are a component part of a integrated project.

Discretionary Permit – Means any plan or permit required by the provisions of these Harbor District Regulations. The term "discretionary permit" as used in these Harbor District Regulations includes site plans, detailed plans, Coastal Development Permits, Site Development Permits, Public Property or Encroachment Permits and any other plans, permits or easements which regulates, controls or permits any construction, use or activity included in the definitions of development and development project.

Drip Line Area – The area on the ground enclosed by vertical planes extending downward from the outside perimeter of a structure or landscape vegetation to form the outer solid edge of a canopy.

Ecological Reserve – An "Ecological Reserve: is defined by California Fish and Game Code §1584 as: Land or land and water areas which are designated as ecological reserve by the commission pursuant to Section 1580 and which are to be preserved in a natural condition for the benefit of the general public to observe native flora and fauna and for scientific study".

Environmentally Sensitive Habitat Area (ESHA) – Any area in which plant or animal like 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.

Facility Information Center – Any temporary or permanent structure principally used as an information pavilion and/or office for the sale of tickets and including parking and administrative facilities.

Floor Area, Gross – The total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet; excepting that for commercial, professional and administrative offices, areas used in common, such as walkways, patio areas and entries open



to and directly connecting with the outside areas, shall not be included when calculating offstreet parking requirements.

Floor Area Ratio – Numerical value obtained by dividing the gross floor area of all buildings located on a building site by the building site area.

General Plan – The comprehensive long-term plan for the physical development of the local agency, consisting of policies setting forth objectives, principles, standards and generalized land use designations.

Geotechnical Hazards – The term covering potential dangers to person or property as a consequence of earthquake tremor or geological instability. It includes the effects of surface faulting, tsunami, liquefaction, subsidence and subsidence-related to shallow pet deposits.

Grade, Average Finished – The median level of the ground surface surrounding the exterior face of a building.

Grade, Finished – The average elevation, determined by averaging the elevations of four (4) or more points as necessary, at the building site boundary line where it is less than five (5) feet from the building or at five (5) feet outside the perimeter of the bearing of the foundation line of the building.

Gross Area – The entire land area within the boundary of a project site, measured to the centerline of any abutting roadway.

Hardscape Lighting – Lighting associated with architectural features, such as fountains, sculptures or similar treatments.

Hotel – Any building, portion thereof, or combination of buildings with access provided through a common entrance, lobby or hallway to guest rooms, with or without cooking facilities, retail commercial and other ancillary facilities and which rooms are designed, intended to be used, rented or hired out as temporary or overnight accommodations for guests. Facilities are intended to provide a diverse selection of recreational opportunities including day-use commercial, restaurant, tennis court(s), health spa and other recreational amenities, conference and meeting facilities ancillary to the overnight accommodations, parking facilities or structures and other incidental and accessory uses supportive of and directly related to the hotel. In order to provide a wide variety of options for visitors, overnight accommodations may include individual hotel rooms, multiple bedroom unit modules convertible to separate rooms or combined into larger units suitable for larger families, all of which may include cooking facilities.

Joint-Use Parking – The shared use of off-street parking facilities by more than one type of land use. The same parking spaces are counted to satisfy the off-street parking requirements of more

than one land use (e.g., use of the same parking facility to satisfy the off-street parking requirements of a retail store and a restaurant or marina management office).

Landscape Lighting – Luminaries mounted in or at grade (not to exceed three (3) feet overall above grade) and used solely for landscape rather than area lighting, or fully shielded luminaries mounted in trees and used solely for landscape or façade lighting.

Landside Planning Areas – An area of land that is depicted on the Dana Point Harbor Revitalization Plan as Planning Areas 1 through 7 and is within the jurisdiction of the City of Dana Point pursuant to provisions of the California Coastal Act Section 30519.

Land Use Plan (LUP) – As defined in Coastal Act §30108.5, "the relevant portions of a local government's general plan or local coastal element that are sufficiently detailed to indicate the kind, location and intensity of land uses, the applicable resource protection and development policies to accomplish Coastal Act objectives and where necessary, a listing of implementing actions".

Local Coastal Program – The land use plans, zoning regulations, district regulations and implementing procedures adopted by the City of Dana Point for the purpose of carrying out the provisions of the California Coastal Act. Once certified by the California Coastal Commission, these standards and implementing programs become the basis for all future discretionary decisions in the Harbor.

Lumen – The unit of luminous flux: a measure of the amount of light emitted by a lamp.

Luminary ("light fixture") – A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, diffuser, ballast and/or other components and accessories.

Luminance – The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square feet.

Mitigation – As defined in §15370 of the State Guidelines for the California Environmental Quality Act, mitigation includes:

- 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
- 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating or restoring the impacted environment;
- 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- 5. Compensating for the impact by replacing or providing substitute resources or environments.



District Regulations

DEFINITIONS

Principal Permitted Use – The permitted main use that is designated specifically in the district regulations of these Harbor District Regulations.

Public Works - Means the following:

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

Restaurant – An establishment where foods and beverages are prepared and/or dispensed for consumption on or off-site. Restaurants include, but may not be limited to fully enclosed establishments, partially enclosed establishments, fast and convenience food establishments.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

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

Submerged Lands – Lands which lie below the line of mean low tide.

Tidelands - Lands which are located between the line of mean high tide and mean low tide.

U.S. Army Corps of Engineers (ACOE) – The federal agency that reviews navigation aspects of development projects, conducts design studies and issues dredge and fill permits under the Clean Water Act and water construction permits under the U.S. Rivers and Harbors Act of 1899.

Waterside Planning Areas – An area of water that is depicted on the Dana Point Harbor Revitalization Plan as Planning Areas 8 through 12 and is within the jurisdiction of the California Coastal Commission pursuant to provisions of the California Coastal Act Section 30519.

Wetlands – Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and including salt water marshes, freshwater marshes, open or closed brackish water marshes and swamps, mud flats.

CHAPTER 19 HARBOR DISTRICT REGULATIONS



HARBOR LEGAL DESCRIPTION

IN THE CITY OF DANA POINT AND PARTIALY IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING PORTIONS OF THE LAND SHOWN ON MAPS FILED IN BOOK 32, PAGES 35 THROUGH 40, IN BOOK 68, PAGES 40 THROUGH 44, AND IN BOOK 83, PAGE 41 ALL OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, PORTIONS OF DANA POINT HARBOR DRIVE (FORMERLY DEL OBISPO STREET) AND COVE ROAD, PORTIONS OF FRACTIONAL SECTION 22, TOWNSHIP 8 SOUTH, RNAGE 8 WEST, SAN BERNARDINO MERIDIAN AND A PORTION OF THE TIDELANDS GRANTED TO THE COUNTY OF ORANGE BY LEGISLATIVE GRANT AS SHOWN ON A PLAT RECORDED IN BOOK 7651, PAGE 69 OF OFFICAL RECORDS IN SAID OFFICE OF THE COUNTY RECORDER.

