

## **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

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

City of Dana Point  
Community Development Department  
33282 Golden Lantern  
Dana Point, CA 92629

Contact: Kyle Butterwick, Director of Community Development

County of Orange  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Contact: George Carvalho, Director

September 2006

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

Final Program Environmental Impact Report No. 591 certified by the Orange County Board of Supervisors, Resolution No. 06-013 on January 31, 2006

Dana Point Harbor Revitalization Plan Approved by the Orange County Board of Supervisors Resolution No. 06-014 on January 31, 2006

Recommended Approval of the Dana Point Harbor Revitalization Plan and District Regulations by the Dana Point Planning Commission Resolution No. 06-06-21-22 on June 21, 2006

Dana Point Harbor Revitalization Plan and District Regulations Adopted by Ordinance No. 06-08 of the Dana Point City Council on September 13, 2006

Submitted to the California Coastal Commission on

Approved by the California Coastal Commission on

Certified by the Dana Point City Council on

Certified by the California Coastal Commission on

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RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA  
JANUARY 31, 2006

RESOLUTION NO. 06-014  
APPROVING THE DANA POINT HARBOR REVITALIZATION PLAN



1  
2  
3 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
4 ORANGE COUNTY, CALIFORNIA

5 JANUARY 31, 2006

6 WHEREAS, in the early 1970's, the County of Orange entered into two separate leases for the  
7 development and operation of Dana Point Harbor; and

8 WHEREAS, since it's construction the Dana Point Harbor facilities have been repaired as  
9 needed, however, after over 30 years of use, the facilities now call for complete renovations and  
10 reconstruction; and

11 WHEREAS, in 1997 Supervisor Wilson commenced the Revitalization of Dana Point Harbor by  
12 creating a task force who would set the guidelines for the future of the Harbor; and

13 WHEREAS, the task force consisted of residents of Dana Point, merchants in the Harbor,  
14 community leaders, and members of the County and City staffs; and

15 WHEREAS, the Revitalization Plan (the Plan) developed by Supervisor Wilson and the task  
16 force addresses many needs in the Harbor including the need for more parking, new buildings, increased  
17 users, and reconfiguration of the boat slips; and

18 WHEREAS, the Plan is broken into twelve Planning Areas comprising of the landside and  
19 waterside improvements; and

20 WHEREAS, the Plan proposes these improvements are accomplished through a two phased  
21 approach outlined in the EIR 591 with a project level analysis for most of Planning Area one and all of  
22 Planning Area two, and a programmatic level approach for the rest of Planning Area one and all of  
23 Planning Areas three through twelve; and

24 WHEREAS, the Harbor is approximately 276.7 acres located in the southern portion of the City  
25 of Dana Point; and

26 WHEREAS, the Plan includes new restaurant and retail space for the current tenants in addition  
27 to 25,000 square feet of new retail space, and 35,000 square feet of open space for the Festival Plaza;  
28 and



1 WHEREAS, the Plan provides 400 additional parking spaces by redesigning the current parking  
2 configurations and adding a two level parking structure; and

3 WHEREAS, the Plan includes the construction of two dry-stack boat storage buildings which  
4 will hold a total of 800 boats allowing for in water slip reconfiguration with new docks and boater  
5 facilities; and

6 WHEREAS, the Plan allows for the future construction of a 220 room hotel with the option to  
7 move closer to the water's edge and provide enhanced facilities for visitors and guests; and

8 WHEREAS, in compliance with the California Environmental Quality Act (California Public  
9 Resources Code Sections 21000 *et seq.*) ("CEQA"), the State CEQA Guidelines (Title 14, California  
10 Code of Regulations Sections 15000 *et seq.*) and the County's environmental analysis procedures, the  
11 County of Orange prepared Environmental Impact Report No. 591 ("EIR No. 591") to address the  
12 environmental impacts of the proposed Revitalization Plan Project; and

13 WHEREAS, on January 10, 2006, the Orange County Planning Commission issued its formal  
14 recommendation that this Board (i) certify Program EIR No. 591 as complete, adequate and in full  
15 compliance with the requirements of CEQA and the State CEQA Guidelines (*see* Planning Commission  
16 Resolution No. 06-01); and

17 WHEREAS, in accordance with the Government Code of the State of California, a legally  
18 noticed public meeting concerning EIR No. 591 was conducted by this Board of Supervisors on January  
19 31, 2006; and

20 WHEREAS, this Board listened to and carefully considered all of the public comments and  
21 testimony presented during the public meeting identified above;

22 WHEREAS, this Board has carefully reviewed and considered all of the environmental  
23 documentation prepared to evaluate the Plan, including all elements of EIR No. 591 and the  
24 recommendations of the Planning Commission; and

25 WHEREAS, this Board, through Resolution No. 06-014, has heretofore certified EIR No. 591,  
26 in its composite form, as complete and adequate in that it addresses all environmental effects of the  
27 Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County's  
28 environmental analysis procedures;

1 NOW, THEREFORE, BE IT RESOLVED THAT this Board of Supervisors makes and adopts  
2 the following findings:

- 3 1. The Plan - The proposed Revitalization Plan is consistent with the objectives for  
4 the Project area.
- 5 2. CEQA – No significant new information has become known to the Board of  
6 Supervisors through the public meetings held on the Plan, through the comments  
7 on EIR No. 591, or through any other medium/source.
- 8 3. Mitigation Monitoring – The monitoring requirements of Public Resources Code  
9 Section 21081.6 have been met in that a Mitigation Measure Monitoring Program  
10 has been adopted for the Project.

11 BE IT FURTHER RESOLVED THAT this Board makes the following findings regarding its  
12 intent to adopt the proposed Plan: The Board pursuant to Resolution No. 06-014 and through a separate  
13 action has certified EIR No. 591, which analyzes the potential environmental impacts of the Plan in  
14 compliance with CEQA, and has adopted the Statement of Findings and Facts in Support of Findings for  
15 the Project.

16 BE IT FURTHER RESOLVED THAT the Board of Supervisors approves the Dana Point  
17 Harbor Revitalization Plan  
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The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on January 31, 2006, to wit:

AYES:	Supervisors:	THOMAS W. WILSON, CHRIS NORBY, LOU CORREA JIM SILVA, BILL CAMPBELL
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	

*Bill Campbell*

CHAIRMAN

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .

IN WITNESS WHEREOF, I have hereto set my hand and seal.

*Darlene J. Bloom*  
DARLENE J. BLOOM  
Clerk of the Board  
County of Orange, State of California



Resolution No: 06-014  
Agenda Date: 01/31/2006  
Item No: 25



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy



ORDINANCE NO. 06-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION



**ORDINANCE NO. 06-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

Applicant: County of Orange – Dana Point Harbor Department  
File No.: FF# 0630-10/LCPA 06-03

WHEREAS, on July 9, 1991, the City of Dana Point adopted its General Plan; and

WHEREAS, The County of Orange has submitted the proposed Dana Point Harbor Revitalization Plan and District Regulations for the Dana Point Harbor which would amend the City's Local Coastal Program; and

WHEREAS, The Dana Point Harbor Revitalization Plan and District Regulations will amend the Dana Point Specific Plan, replacing the Dana Point Harbor Planned Community Program document; and

WHEREAS, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations will be consistent with and will continue to provide for the orderly, systematic and specific implementation of the City's General Plan; and

WHEREAS, The Dana Point Harbor Revitalization Plan and District Regulations will constitute the Local Coastal Program for the Dana Point Harbor, satisfying the requirements of the California Coastal Act; and

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations is part of a comprehensive planning approach that has included extensive analysis of the Harbor area, including Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization improvements; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code; and

WHEREAS, on June 7, 2006, the Planning Commission of the City of Dana Point conducted a duly noticed public hearing to consider the Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the City's Local Coastal Program; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments of all persons desiring to be heard, the Planning Commission considered all factors relating to the Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the City's Local Coastal Program, LCPA 06-03, the Dana Point Specific Plan and Zoning Code; and

WHEREAS, on June 21, 2006 the Planning Commission adopted a Resolution to forward its recommendations to the City Council for approval of the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA 06-03 through Resolution No. 06-06-21-22; and

WHEREAS, the City Council did on September 13, 2006 conducted a duly noticed public hearing as prescribed by law to consider the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA 06-03; and

WHEREAS, at the public hearing of September 13, after consideration of the recommendations of the Planning Commission, public testimony and evidence, the City Council made additional amendments to the Local Coastal Program Amendment and Dana Point Harbor Revitalization Plan and District Regulations as submitted and amended by the County; and

WHEREAS, the Dana Point Harbor Revitalization Plan and District Regulations, (Exhibit A is hereby amended by the City Council as identified by Exhibit B) attached hereto and made a part of this Ordinance; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to LCPA 06-03; and

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

Section 1. That the above recitations are true and correct.

Section 2. The City Council finds as follows:

A. That the proposed action complies with all other applicable requirements of State law and local Ordinances;



- B. That the adoption of the proposed Dana Point Harbor Revitalization Plan and District Regulations as an amendment to the Dana Point Specific Plan and Local Coastal Program and Zoning Code is in the public interest;
- C. That the Local Coastal Program Amendment LCPA 06-03 is consistent with, and will be implemented in full conformity with the Coastal Act;
- D. That the City Council adopts the following specific findings:
  - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. Proper notice in accordance with the LCP Amendment procedures has been followed.
  - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter 3 policies of the Coastal Act in that the amendment is a Harbor Land Use Plan that meets the requirements of and implements the provisions and policies of the Coastal Act at the local level by protecting, maintaining and, where feasible, enhancing the natural and scenic qualities of coastal resources; assures access consistent with conservation principles and constitutionally protected private property rights; assures priority for coastal-dependent and coastal-related development; and, encourages state and local government cooperation concerning the planning and development process.
  - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the locations and intensity of land and water uses in that subsequent development within the harbor will be reviewed for compliance with the Coastal Act provisions and other applicable state law.
  - 4. That the level and pattern of development proposed is reflected in the amended Land Use Plan, Zoning Code, and Zoning Map. The applicable sections are being amended accordingly to be consistent with state law.

5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's Zoning Code is being amended concurrently with the LCP amendment.
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
10. The Resolution No. 06-09-13-06 of the City Council specifies that Local Coastal Program Amendment LCPA 06-03 be submitted to the Coastal Commission for certification.

Section 3. Chapter 9.25 of the City's Zoning Code is hereby deleted in its entirety and amended to read as follows:

#### **Chapter 9.25**

#### **DANA POINT HARBOR DISTRICT**

##### **Sections:**

##### **9.25.010 Dana Point Harbor Revitalization Plan & District Regulations**

##### **9.25.010 Dana Point Harbor Revitalization Plan & District Regulations.**

The land use and development regulations for this area are contained in the Dana Point Harbor Revitalization Plan & District Regulations included at Appendix C of the Dana Point Zoning Code.



Section 4. The Dana Point Harbor Revitalization Plan & District Regulations shall replace in its entirety the Dana Point Harbor Planned Community District Development Plan and thereby amend the relevant portion of the Dana Point Specific Plan as applicable.

Section 5. The Dana Point Harbor Revitalization Plan & District Regulations shall be included as Appendix C of the Dana Point Zoning Code. Furthermore, a reference to the Dana Point Harbor Revitalization Plan and District Regulations shall replace any reference to the Dana Point Harbor Planned Community in the City's Zoning and Municipal Code including, but not limited to, Appendix A of the Zoning Code.

Section 6. The County of Orange operated parking lot on Selva Road shall not be an option for boat storage, except during interim periods of construction for Planning areas 1, 2, 9 and 10. The County shall also take the City Council's other comments, as expressed at the 9-13-06 Council meeting, into consideration as the Plan goes forward to the extent that it is feasible.

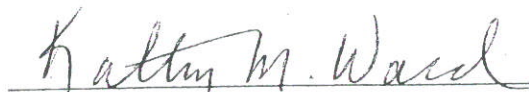
Section 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary thereof to be published as required by law.

PASSED, APPROVED, AND ADOPTED this 27th day of September, 2006.



LARA ANDERSON, MAYOR

ATTEST:



Kathy M. Ward  
Acting City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF DANA POINT     )

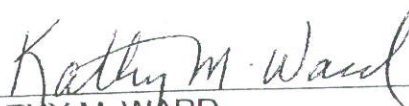
I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, do hereby certify that the foregoing Ordinance No. 06-08 was duly introduced at a regular meeting of the City Council on the 13th day of September, 2006, and was duly adopted and passed at a regular meeting of the City Council on the 27th day of September, 2006, by the following vote, to wit:

AYES:           Council Members Harkey, Lacy, Rayfield  
                  Mayor Pro Tem Chilton, and Mayor Anderson

NOES:           Mayor Anderson

ABSENT:       None

ABSTAIN:       None

  
\_\_\_\_\_  
KATHY M. WARD  
ACTING CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss  
CITY OF DANA POINT     )

AFFIDAVIT OF POSTING  
AND PUBLISHING

KATHY M. WARD, being first duly sworn, deposes and says:

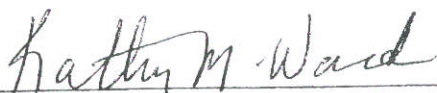
That she is the duly appointed and qualified Acting City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California,  
ORDINANCE NO. 06-08 being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING THE LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 FOR THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS, THAT ALSO AMENDS THE DANA POINT SPECIFIC PLAN AND ZONING CODE, FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

was published in summary in the Dana Point News on the 21st day of September, 2006, and on the 5th day of October, 2006, and, in further compliance with City Resolution No. 91-10-08-1, on the 15th day of September, 2006, and the 29th day of September, 2006, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall  
Capistrano Beach Post Office  
Dana Point Post Office  
Dana Point Library

  
\_\_\_\_\_  
KATHY M. WARD  
ACTING CITY CLERK  
Dana Point, California

RESOLUTION NO. 06-09-13-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA  
POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM  
AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY  
THE CALIFORNIA COASTAL COMMISSION



**RESOLUTION NO. 06-09-13-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-03 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission on June 7, 2006, held a public hearing to consider the adoption of Dana Point Local Coastal Program Amendment LCPA06-03 and via a resolution adopted on June 21, 2006, recommended its approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public hearing on September 13, 2006, regarding the proposed Dana Point Local Coastal Program Amendment LCPA 06-03, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program and the California Coastal Act; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dana Point as follows:

Section 1. That the above recitals are true and correct and incorporated herein.

Section 2. The City Council of the City of Dana Point certifies that it intends to implement the Local Coastal Program in a manner fully consistent and in conformance with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.

Section 3. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-03 pursuant to Ordinance No. 06-xx-xx-xx. LCPA06-03 pertains to the adoption of the Dana Point Harbor Revitalization Plan and District Regulations to amend the Dana Point Specific Plan and replace the Dana Point Harbor Planned Community Program document. The amendment is to both the land use plan and the implementing actions. A copy of Ordinance No. 06-xx-xx-xx approving LCPA06-03 with the specific content of the proposed amendment is attached hereto as Exhibit A and is incorporated herein by this reference as though fully set forth herein.

Section 4. The City certifies that it has found that the land use plan as amended is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.

Section 5. The City certifies that it has found that the implementing actions as amended are in conformity with and adequate to carry out the provisions of the certified land use plan.

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF DANA POINT     )

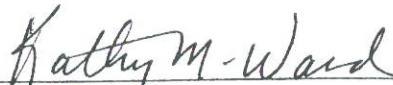
I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 06-09-13-06, and was duly passed and adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof, held on the 13th day of September, 2006, by the following roll-call vote, to wit:

AYES: Council Members Harkey, Lacy, Rayfield,  
and Mayor Pro Tem Chilton

NOES: Mayor Anderson

ABSENT: None

ABSTAIN: None

  
KATHY M. WARD,  
ACTING CITY CLERK