

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	<u> X </u>
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DATE: NOVEMBER 18, 2014

TO: CITY MANAGER/CITY COUNCIL

FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: HEARING ON AMENDMENTS TO COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE DANA POINT HARBOR COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR DANA POINT HARBOR.

RECOMMENDED ACTION: That the City Council conduct a Public Hearing and adopt a Resolution for approval entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP13-0018(I), AMENDING COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE DANA POINT HARBOR COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PROGRAM, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT.

BACKGROUND: The project applicant, OC Dana Point Harbor, County of Orange, submitted a request for approval of a Coastal Development Permit (CDP) for the development, otherwise known as the Commercial Core Project (Project), to allow for the phased demolition of existing commercial and boater support facilities, renovation and/or construction of new retail/restaurant/office space for a total of 31,949 sq. ft. of retail uses, 12,309 sq. ft. of office-related uses, 77,178 sq. ft. of restaurant (with an additional 13,822 sq. ft. of outdoor dining areas), 2-level parking deck, open Festival Plaza area and Dry Stack Boat Storage Building. Site improvements also include circulation/street/parking area reconfigurations, installation of two new traffic signals, crosswalks and infrastructure improvements, relocation of the existing South Coast Water District Sewer Lift Station and telecommunications/SONGS towers. The Project is concurrently being processed with a Parking Management Program and Master Sign Program.

A duly noticed public hearing was held by the Planning Commission on May 12, 2014. At the hearing, after taking public testimony from 21 speakers, the Planning Commission voted 4-1 to approve the Coastal Development Permit subject to nine (9) findings and fifty-three (53) conditions of approval. Planning Commission Resolution No. 14-05-12-21

was adopted approving the requested Project. On May 27, 2014, Bruce Heyman, the "Appellant" filed an appeal of the Planning Commission approval action. Since the Appellant's letter did not specifically cite the basis of the appeal, including how the Appellant is negatively impacted by the Planning Commission determination, it was necessary for City staff to address issues identified in letters submitted as part of the correspondence provided to the Commissioners on the day of the Planning Commission's public hearing for the Project.

A duly noticed public hearing was held by the City Council on June 17, 2014 to consider the appeal of the Planning Commission's approval of the Dana Point Harbor Revitalization Commercial Core Project CDP (CDP13-0018). At the hearing, after taking public testimony from Erin Meluso, speaking on behalf of the Appellant and 20 other speakers, the City Council unanimously adopted Resolution No. 14-06-17-06 upholding the Planning Commission's approval of CDP13-0018.

Following the action by the City Council, a Notice of Final Action related to the City Council's action on the CDP, as required by both the Coastal Act and City's Local Coastal Program (LCP), was submitted to the Long Beach office of the California Coastal Commission on June 19, 2014, along with copies of the City Council Agenda Report for June 17, 2014, adopted Resolution No. 14-06-17-06 and approved Minutes (sent under separate cover on July 2, 2014) (Supporting Documents D, G, and H). A Notification of Appeal Period was provided to the City by Coastal Commission staff, dated June 26, 2014, indicating an expiration of the appeal period on July 8, 2014.

A subsequent appeal was filed by the Appellant (Supporting Document B) on June 27, 2014 at the offices of the California Coastal Commission in Long Beach for the following stated reasons:

- The Harbor Implementation Plan requires 493 dry boat spaces be maintained in Planning Area 1 at all times;
- City's approval does not adequately address submittal requirements for the Dry Stack Boat Storage Building CDP application to the Coastal Commission;
- The Baseline Analysis to establish current levels of recreational boating resources as a basis for the Transportation Management Plan includes material errors and omissions; and
- Building heights within the Commercial Core do not conform to the building heights character of the community.

It should be noted that the points raised as part of the Coastal Commission appeal are identical to the points contained in the letters previously submitted by the Appellant to the Planning Commission at their May 12, 2014, public hearing for the Project. Those same points were again repeated in the Appellant's letter appealing the City Planning Commission's approval, and subsequently considered and unanimously rejected by the City Council at their June 17, 2014 hearing.

Following, and unrelated to the appeal filed by the Appellant, a separate appeal (A-5-DPT-14-0036) was filed on behalf of Coastal Commissioners Mary Shallenberger and Dr. Robert Garcia on July 8, 2014 (collectively, the "Coastal Appellant", attached as Supporting Document C). Areas of concern identified in the appeal prepared by Coastal Commission staff on behalf of the Coastal Appellant include:

- The approval does not provide a discussion of how the proposed Commercial Core building heights will protect and enhance significant coastal public views from scenic viewpoints and that community character of the area is preserved;
- Project design does not preserve adequate land area to provide the minimum 493 dry boat storage spaces should the future Dry Boat Storage facility not be constructed;
- The Shoreline Management Plan and Wave Uprush Analysis as submitted fails to adequately address design and operational measures incorporated into the Project to protect coastal resources from future impacts associated with flooding, sea-level rise and storm surge;
- A comprehensive sign program was not prepared for the entire Harbor; and
- A Parking Management Plan was not provided for Coastal staff's review of the CDP.

Subsequent to the filing of the appeals, OC Dana Point Harbor and City staff met with Coastal Commission staff to review the Commercial Core Project and pertinent Coastal Act Policies. Discussions with Commission staff revealed that additional project findings, minor plan design changes and supplemental information needed to be included in several of the technical studies prepared as part of the project analysis in order for the Coastal Commission to determine that no substantial issue(s) exist with the City's approvals. In addition to clarifications provided in the Agenda Report to demonstrate consistency with specific policy and development regulations in the City's Harbor LCP, several revisions have been incorporated into the Project documentation to address specific comments provided by Coastal Commission staff and include:

- A *Dana Point Harbor Boat Launch Ramp Parking – Summer, Weekends and Holiday Utilization Report* (Exhibit 2) has been prepared to demonstrate the proposed design of the boat launch ramp parking area as previously approved by the City satisfies current and future demand for parking vehicles with trailers and meets or exceeds the Department of Boating and Waterways size guidelines.
- To ensure the timely construction of the Dry Stack Boat Storage Building and associated infrastructure improvements, the *Commercial Core Project Implementation Phasing Schedule* (Exhibit 3) has been updated to include project processing (submittal of a separate CDP application for Coastal Commission approval) and construction milestones (submittal of construction plans for plan check review). Conditions of approval numbers 55 and 56 (indicated in underlined, boldface type) have been added to the

Draft Amendment Resolution to further ensure these milestones are addressed.

- To ensure the capacity to provide dry storage for a minimum of 493 boats in the event that presently unforeseen reasons preclude the construction of the Dry Stack Boat Storage Building, an alternative plan that includes the storage of boats using a 3-level outdoor rack system is proposed (Exhibit 4). The plan maintains the current launch ramp design and utilizes a portion of the Puerto Place Lot for dry boat storage in addition to continuing to provide vehicle parking (eliminates 43 vehicle spaces, resulting in a surplus of 79 parking spaces in Parking Zone I, overall).
- The Preliminary Shoreline Management Plan and Wave Uprush Analysis have been revised to include analysis of potential future shoreline hazards (including inundation) associated with projected sea level rise, tsunamis and storm surges. Condition of approval number 54 (indicated in underlined, boldface type) has been included to require the preparation of an updated Shoreline Management Plan with assessments of seasonal and long-term shoreline changes and incorporating any new regulations and/or management practices to reduce the risks of flooding and inundation.

Pursuant to Section 9.69.030(b) of the Dana Point Zoning Code, the Planning Commission, at their August 11, 2014 hearing, referred any required amendments to the Commercial Core Project CDP13-0018 to the City Council, the last City body to take action on the Project.

These amendments to the City Council's approval of CDP13-0018 were scheduled to be considered by the council at a duly noticed public hearing on October 7, 2014. At the request of the applicant, the City Council continued the public hearing to the meeting of November 18, 2014 (Supporting Document I).

DISCUSSION: After the Coastal Commission certifies a Local Coastal Program (LCP), the authority to issue Coastal Development Permits (CDPs) for new development not in the Commission's original permit jurisdiction is delegated to the local government which in the case of the Dana Point Harbor, authority is delegated to the City of Dana Point. Development authorized by a local CDP must be determined to be consistent with the policies and standards of the City's certified LCP, however the Coastal Commission retains an on-going appellate oversight role to assure the effective implementation of LCPs with respect to issues of statewide concern under the Coastal Act. Coastal Act Section 30625 allows for the appeal of local CDPs to the Coastal Commission by a permit applicant, any aggrieved person or any two members of the Commission. Pursuant to Coastal Act Section 30603(b), the grounds for an appeal pursuant to Section 30603(a) are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act. In the event an appeal is filed with the Commission, the local approval of the CDP is stayed pending a decision by the Commission on the appeal. The Coastal Act also establishes a presumption that an appeal should be heard by the Commission unless a determination

that “no substantial issue exists” with respect to the grounds for which the appeal was filed (14 CCR 13115).

The staff reports, including all attachments, that were presented to the Planning Commission and subsequently to the City Council on appeal for consideration of the original Coastal Development Permit (CDP13-0018) application is included as Supporting Document D. The staff reports contain additional details and analysis regarding the Project and the Appellant’s documented reasons for the appeal. Correspondences received subsequent to the release of staff reports but prior to or at both the Planning Commission and City Council public hearings regarding the project are also included as Supporting Documents E and F.

The following text specifically addresses concerns that were raised by the Appellant, the Coastal Appellant, or both, and provides further clarification to how the Project complies with the policies and implementing provisions of the City’s Harbor LCP and Chapter 3 of the California Coastal Act:

1. PRESERVATION OF PUBLIC VIEWS: The Coastal Act places emphasis on the preservation of coastal views as a public resource by stating in Section 30251:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

As stated in the findings adopted by the Orange County Board of Supervisors for the certification of FEIR No. 591 (FEIR), the proposed Commercial Core Project “will result in significant and unavoidable long-term off-site aesthetic impacts due to the development of the Dry Stack Boat Storage Building which would obstruct views from surrounding roadways, parks and State Beaches.” The FEIR also described that project design features (PDFs) have been incorporated into the proposed Project to reduce the long-term impacts. These design features include the preservation of views of the bluff areas by restricting any buildings from being located immediately adjacent to the bluffs; the planting of trees in the Harbor to provide a visually soft and natural backdrop while framing and protecting significant public view opportunities; the realignment of Street of the Golden Lantern to provide a viewshed to the Harbor; and the consolidation of commercial uses to provide new views of the marina areas and ocean not presently available from certain public vantage points. The FEIR further concluded that no feasible mitigation measures or project alternatives could be implemented to fully avoid or reduce these impacts while continuing to meet the Project’s goals of maintaining the Harbor’s current

character and family atmosphere, renovating and maintaining the Harbor's appearance; maintaining a full-service Harbor; providing better utilization of parking spaces; and providing significantly more parking in the Commercial Core area of the Harbor.

The impacts on the aesthetic character of the Commercial Core Project, caused by grading, building construction and landscape removal were analyzed as part of the aesthetics analysis in Final EIR No. 591 (Section 4.2, pages 4.2-1 through 4.2-86). An evaluation of the effects on public scenic views and compatibility of the Project with adjacent local aesthetic resources was included using photographic simulations, verified using story poles to show a conceptual representation of the views "before" and "after" project implementation. In total, 9 views were selected from a variety of locations and angles to depict the Project. The same vantage points were also reevaluated as part of the Commercial Core Project CDP application to determine if any substantial changes occurred as a result of refinements to the design of the Project with the preparation of more detailed design and engineering plans.

The following provides an analysis of the policies in the City's Harbor LCP (Land Use Plan Part I) intended to implement Coastal Act Section 302251 to preserve public views:

Public Access and Recreation Policy I-6.1.1-10 states that:

Public access and views of the waterfront shall be enhanced through the creation of a large, centralized outdoor Festival Plaza (approximately 35,000 sq. ft.) and located at the southern terminus of the Street of the Golden Lantern that provides a combination of landscaping, special paving and informal seating opportunities, serving as a central gathering place for events, activities and celebrations.

As shown on Sheets A-02, A-03, A-04, A-08 & A-09 (Exhibit 8, Tab One) and Sheets L-3 & L-5 (Exhibit 8, Tab Three), the Commercial Core Project has been designed with a large, landscaped Festival Plaza located at the water's edge that includes the required amenities including a direct link to the terminus of the Street of the Golden Lantern, incorporation of view overlook opportunities and connected pedestrian pathways throughout the Commercial Core Project to satisfy this policy requirement.

Development Policies I-8.2.1-7 and I-8.5.2-2 (duplicate) state that:

The design and layout of the future development shall be consistent with the approved Land Use Plan and preserve views of the bluff area.

As depicted on the Dana Point Harbor Revitalization Plan (Harbor LCP Land Use Plan Part I, Exhibit 17.1), the Commercial Core Project has been designed to be in substantial conformance with the development principals contemplated by the certified LCP, including locating all proposed new structures (commercial buildings and the Dry Stack Boat Storage Building) immediately adjacent to the waterfront and thereby maintaining significant setbacks from the coastal bluff area, an important coastal resource.

Development Policy I-8.4.1-2 states that:

Ensure development within designated and proposed scenic corridors are

compatible with scenic enhancement and preservation and shall not significantly impact public views through these corridors. (Coastal Act Section 30251)

A View Analysis based on the placement of story poles was conducted and included as part of the Commercial Core Project CDP application (Exhibit 8, Tabs Seven & Eight, respectively) that confirmed the current project design is consistent with the coastal resource policies of the Dana Point Harbor Revitalization Plan and District Regulations (Harbor LPC) and the findings adopted for certification of FEIR No. 591 pertaining to the analysis of primary and secondary views depicted on the Harbor LCP Land Use Plan Part I, Exhibit 8-1, *Dana Point Harbor View Corridors*. The analysis provides graphic depictions showing a before and after comparison indicating how the proposed project site and architectural design responds to the natural landform by minimizing grading and visual impacts; avoids the appearance of long and continuous structures by providing open space areas, setbacks from public walkways, varied roof treatments and staggered building facades; and promotes the architectural character of a California Coastal design theme. Additionally, as contemplated by the City's Harbor LCP, the Project provides for the realignment of Street of the Golden Lantern to provide additional public views to the Harbor and the consolidation of commercial uses to provide enhanced views of the marina areas and ocean not presently available. The View Analysis demonstrates that with implementation of landscape design for the proposed Project, existing trees will be removed and replaced with tree species of a more appropriate vertical scale and location to enhance public views of the Harbor Marinas and Pacific Ocean.

Development Policy I-8.4.1-3 states that:

Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact. (Coastal Act Section 30250)

As shown on Sheets C-2A through C-2C (Exhibit 8, Tab Two) the majority of grades throughout the Commercial Core Project area will remain essentially the same as existing grades with only minor cuts and fills generally ranging between a few inches to as much as 1 to 2 feet. Some site improvements will however require more significant earthwork to create suitable pads for the proposed commercial buildings and the parking deck. New Buildings 10 and 12 will require fills up to 1 foot and cuts up to 5 feet and Building 11 will require fills up to 3 feet. The proposed parking deck will require cuts of approximately 2 to 4 feet to allow at grade access from adjoining surface parking areas and Dana Wharf to the lower level of the deck. Total earthwork for all proposed construction phases is approximately 58,400 cubic yards of cut and 16,700 cubic yards of fill for the 37.7 acre Project site.

Development Policy I-8.4.1-6 states that:

The planting of trees within new development will provide a visually soft and natural backdrop while framing and protecting significant public view opportunities.

As shown on Sheets L-1 through L-12 (Exhibit 8, Tab Three) the landscape design for the Commercial Core considers a careful selection and placement of trees to open and

maintain Harbor view corridors, while adequately screening parking areas, building facades and creating comfortable pedestrian areas. Tree removal and mitigation (minimum 1:1 replacement) plans (Exhibit 8, Tab Three, Sheets L-13 and L-14) have also been prepared to replace existing trees (approximately 62% are various species of Eucalypts trees) with tree species of a more suitable vertical scale and that are more sensitive to preserving both public views and view considerations received from surrounding residents.

Development Policies I-8.5.1-1 and I-8.5.1-2 state that:

New building architecture shall encourage irregular massing of structures; and Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile.

As shown on Sheets A-07, A-11, A-12, A-13, A-14, A-17, A-18 & A-19 for the Commercial Core and Sheet A-24 for the Dry Stack Boat Storage Building (Exhibit 8, Tab One), all structures have been designed with irregular building facades and varying roof heights to reduce the effects of building massing in conformance with these policy requirements.

Development Policy I-8.5.1-3 states that:

All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35-foot height limit include the following:

- *Dry Stack Boat Storage Building in the Marine Services Commercial area (Planning Area 1) shall have a maximum building height of sixty-five (65) feet;*
- *Commercial Core area (Planning Area 2) buildings fronting the Festival Plaza or structures fronting the East Marina Boat Basin (Planning Area 10) shall be a maximum of sixty (60) feet high;*
- *Visitor-Serving Commercial (Planning Area 3) building(s) shall have a maximum height of fifty (50) feet;*
- *Elevators, appropriately screened mechanical units and chimneys that do not exceed the ten percent (10%) of the total roof area for all new and existing/remodeled structures, should conform to the applicable height limit, but may exceed that height limit by no more than five (5) additional feet.*

These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced. The height of the buildings, excluding the dry stack storage building, should be consistent with the community character. The limitations on height of the Marine Services Commercial area (Planning Area 1) shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

As shown on Sheets A-15, A-16, A-18, A-19, A-20 for the Commercial Core buildings and Sheet A-25 for the Dry Stack Boat Storage Building (Exhibit 8, Tab One), all proposed structures are less than the maximum allowable building heights, except for the proposed Dry Stack Boat Storage Building, planned at the maximum permitted building height for Planning Area 1 of 65 feet (with exceptions). All Commercial Core buildings that are

located fronting the Festival Plaza have been integrated into the design of the podium structure and have been designed to incorporate architectural design features as required for exceptions to building heights (up to 60 feet) in conformance with the City's Harbor LCP Part II District Regulations, Development Standards and Requirements, Sections II-4.5 and II-5.5. All other Commercial Core buildings (not part of the podium structure) do not exceed the 35 foot maximum allowable height limit, as measured from finished grade.

Development Policy I-8.5.1-4 states that:

The appearance of long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered, stepped-back exterior building facades and incorporation of a variety of building designs, materials and colors.

The Commercial Core Project has been designed to avoid the appearance of continuous building facades through the incorporation of architectural features as depicted on Sheets A-04, A-06, A-08, A-09, A-11 through A-19 for the Commercial Core buildings, Sheet A-24 for the Dry Stack Boat Storage Building and Sheets A-26 through A-30 for the remodeling of existing buildings on Dana Wharf (Exhibit 8, Tab One) in conformance with these policy requirements. A colors and materials board is provided (Exhibit 8, Tab One, last page for color/materials pallet). Variations in colors and materials for individual tenant spaces are intended to provide opportunities to create individualized store frontages and unique identities for individual businesses throughout the Commercial Core. The proposed Sign Program also provides opportunities for businesses to combine different signage options and locations to further create a unique identity.

Harbor LCP Part II District Regulations (Chapter II-3) also includes General Regulation 8 that is specific to maintaining the objective to integrate new Harbor Revitalization projects into the character of the community.

All new buildings in the Harbor shall be consistent with the character of the community in architectural form, bulk and height of the community, including other structures located within one-half (½) mile of the Dana Point Harbor LCP boundary. New development within the Harbor shall provide a scale and setting for retail merchants and restaurants that encourages pedestrian opportunities through the use of widened sidewalks, outdoor plazas, promenades, courtyards and landscape design. Long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered and stepped-back exterior building facades and the incorporation of a variety of building designs, materials and colors.

The architectural features of buildings, including building style, materials and the height of the structures are some of the important considerations in determining compatibility with the surrounding community character. The *Building Heights Within 0.5 Mile of Dana Point Harbor Exhibit* (Exhibit 5) depicts existing structures surrounding the Harbor and their heights. As indicated on the Exhibit, 13 structures presently exist within 0.5 mile of

the Harbor boundary, ranging in height between 42 and 55 feet. By comparison, there are 5 new structures proposed as part of the Harbor Commercial Core Project that exceed the base height limit of 35 feet, 1 building (the Dry Stack Boat Storage Building) is proposed at the maximum building height of 65 feet for Planning Area 1 and all others are at or below the maximum building height of 35 ft. or the allowable exception of 60 ft. if the building is connected to the parking deck podium structure. The exception, as allowed by the City's Harbor LCP Part II District Regulations, Section II-5.5 for Planning Area 2 requires incorporating architectural design features, public view preservation features and limiting habitable building square footage to areas of the building below 40 feet (as measured from finished grade). The proposed structures have been determined to be in compliance with these requirements.

PRESERVATION OF PUBLIC VIEWS ANALYSIS: The Dana Point Harbor Revitalization Commercial Core Project is proposed to consist of a combination of existing and new buildings, either grouped around a pedestrian scaled plaza or "Festival Plaza" or linked together by a Pedestrian Promenade. Buildings are located in a manner that shelters the courtyards from westerly winds while acting as a transitional open space between larger open areas, such as the Festival Plaza and several interior courtyard areas. Generally, the buildings have been designed to share a common color palette of cool colors, mixed with brighter accents and contrasting decorative trim elements. The building exterior finishes share many materials that are combined in various ways, including clapboard, shingle, stone trim, plaster and stucco to provide compatible exterior facades throughout the Commercial Core area (Exhibit 8, Tab One, last page for color/materials pallet).

As shown on the architectural plans for the Project (Exhibit 8, Tab One, Sheets A-02 through A-19), through the use of architectural and urban design elements, such as variable roof pitches, use of common pedestrian paths and stairways connecting outdoor courtyards, the proposed buildings present a varied yet unified village appearance. As compared to the existing condition, the new Commercial Core buildings will also be located closer to Dana Wharf to create a stronger pedestrian link with the existing buildings that will remain in the Dana Wharf area (Exhibit 8, Tab One, Sheets A-02 through A-17).

In conformance with the Harbor LCP Part II District Regulations, Development Standards and Requirements, Section II-5.5 for Day Use Commercial Planning Area 2, commercial buildings with orientations connecting the two level parking deck and the Festival Plaza have been designed with varying roof heights and some asymmetry of the exterior walls. These features reduce the perceived height and bulk of the structures by segmenting the buildings massing into smaller parts, primarily on the second level. As specifically indicated on Sheet A-10 (see Exhibit 8, Tab One), the design of Buildings 7, 8 and 9 provide for the following percentages of building roof heights in compliance with the City's Harbor LCP Part II District Regulations, Development Standards and Requirements, Section II-5.5:

Building	Total Roof Area	Roof Area (sq.	Roof Area (sq.	Maximum Allowed Building Height
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	(sq. ft.)	ft.) Exceeding 40 ft.	ft.) Exceeding 50 ft.	
7	9,915	4,730 (47.7%)	1,140 (11.4%)	Above 40 ft. ≤ 50% total roof area Above 50 ft. ≤ 25% total roof area
8	16,042	7,490 (46.6%)	1,055 (6.5%)	
9	11,723	5,692 (48.6%)	2,420 (20.6%)	

To limit the potential of expansion of usable square footage above two floors in the Day Use Commercial Planning Area 2, the City's Harbor LCP Part II District Regulations, Development Standards and Requirements provision II-5.5 c) 4) requires that any additional height above 40 ft. (as measured from finished grade) only be used for the purpose of integrating architectural features (i.e., sloped roofs, dormers, etc.) into the building design and not to provide additional gross floor area. As shown on the architectural Building Height Sections (Exhibit 8, Tab One, Sheets A-15, A-16 and A-18), all usable square footage with structures associated with the parking deck podium are located below the required maximum 40 foot building height limit. The following summary provides the designed heights of each floor of Commercial Core Buildings 6, 7, 8 and 9:

Building No.	Finish Grade Elevation	Level 2 Floor Height	Level 3 Floor Height	Designed Building Height	Maximum Building Height
6	+8'-0" MSL	19'-6"	32'-0"	56'-0"	60'-0"
7	+10'-0" MSL	17'-0"	- -	52'-5"	60'-0"
8	+10'-0" MSL	17'-0"	- -	54'-7"	60'-0"
9	+10'-0" MSL	17'-0"	30'-0"	58'-4"	60'-0"

As indicated in both the summary above and as shown on the Project architectural plans, both Building 6 (previously referenced in the City's Harbor LCP as Conceptual Building 4) and Building 9 include architectural design features that provide for a third level of usable floor area below the 40 ft. height limitation threshold. For Building 6, Planning Area 2 Development Standards (Section II-5.5 c) 5) provides a special building height exception that allows usable floor area above the 40 ft. height limit if the building footprint is less than 5,000 sq. ft. and the majority of the upper level is used to accommodate a "harbor-wide view for purposes of harbor-related safety operations". In the case of Building 6, the third floor is planned as the OC Dana Point Harbor Operations Offices as was contemplated at the time of Harbor LCP certification by the Coastal Commission to provide County staff with a unobstructed vantage point to oversee operations necessary to protect public safety. For Commercial Core Building 9, the design includes a first level with 2,504 sq. ft. of restaurant and 7,533 sq. ft. of retail space and a second level with 8,805 sq. ft. of restaurant and an additional 2,246 sq. ft. mezzanine space occupying a third level. As shown on Sheet A-15 (Exhibit 8, Tab One), the height of the first floor measures 17 ft., the second floor is 13 ft. and the mezzanine measures 10 ft., thereby no usable floor area exceeds the 40 ft. height limitation. The square footages noted are also fully consistent with the Parking Management Plan calculations for determining building parking requirements for the uses described (Exhibit 9, Tab K, pages 45 and 60).

Consistent with the architectural design elements incorporated into the Commercial Core buildings, the Dry Boat Storage Building includes the use of pitched roofs, overhangs, dormers, step-backs and decorative/non-reflective windows with awnings that serve to break up building massing. The Dry Boat Storage Building is designed to share a compatible color palette of cool colors, mixed with brighter accents and contrasting trim elements to complement the buildings in Mariners Village and the Dana Wharf areas (Exhibit 7, Sheets A-22 through A-25).

Implementation of the Project is consistent with the provisions of the Dana Point Harbor Revitalization Plan and District Regulations in that, although views from public vantage points along the Street of the Golden Lantern and those areas to the northwest will be somewhat altered as a result of the consolidation of Commercial Core buildings, the project allows for the significant enhancement of public views of the marina areas that presently are obscured by existing buildings (Exhibit 8, Tabs Seven and Eight, Dana Point Harbor Revitalization View Analysis and Story Pole View Analysis, respectively). Also, with the creation of the Festival Plaza that aligns with the main Harbor entrance from Street of the Golden Lantern and the incorporation of numerous public view outlook locations as part of the Commercial Core podium design, significant, expanded and new view opportunities are provided.

As acknowledged in FEIR No. 591, although certain views from the public parks located north of the Harbor along the bluffs will be somewhat altered by the implementation of the Dry Stack Boat Storage Building, as the result of extensive public review and incorporation of project design changes to reduce the number of Dry Stack Boat Storage Buildings from 2 to 1 (at the time of Dana Point Planning Commission and City Council approvals of the LCP for the Dana Point Harbor), the facilities have been designed and located to minimize view impacts from the designated vantage points as identified in the Harbor LCP (see Harbor LCP, Harbor View Corridors Exhibit 8-1). The design of the Commercial Core buildings improves the water orientation of publically accessible visitor serving facilities and is compatible with the surrounding community. Through limitations on proposed building and roof heights, incorporation of greater architectural design features in the building's design and the usage of variable building facades to minimize the effects of building massing, the proposed Project fully satisfies the City's Harbor LCP Part II District Regulations, Development Standards and Requirements for exceptions to building heights for Planning Areas 1 and 2.

PRESERVATION OF PUBLIC VIEWS CONCLUSIONS: Although certain views from the public parks located north of the Harbor along the bluffs will be somewhat altered by the implementation of the planned Dry Stack Boat Storage Building, as a result of extensive public review and implementation of the recommended design modifications at the time of the Dana Point City Council approval of the Dana Point Harbor Revitalization Plan, the facility has been designed and located to minimize view impacts from these public viewpoints. A finding (number 4) has been included in the Draft Resolution approving amendments to CDP13-0018 stating the projects conformance with the provisions of the Dana Point Harbor Land Use Plan and District Regulations to preserve significant coastal public views through the creation of enhanced coastal view opportunities, protection of

scenic view corridors and the use of architectural design features to reduce building massing and promote a village atmosphere consistent with the character of the existing community. Further, discussions have been provided to address how the Commercial Core Project is consistent with the building height exception standards for Harbor LCP Planning Areas 1 and 2; how the Project protects and enhances significant coastal public views through scenic corridors; and documentation describing consistency with roof area related to overall building height requirements as identified in the appeal prepared on behalf of the Coastal Appellants.

2. DRY BOAT STORAGE: The appellant and Coastal Commission staff have raised several issues pertaining to the provision of dry boat storage spaces within the Harbor and more specifically in Marine Services Commercial Planning Area 1. The appeal, filed by the Coastal Appellants concludes that the application, as previously approved by the City, does not adequately address the phased construction of the Commercial Core Project in a manner that retains existing dry boat storage spaces during the 5-year construction period and further does not identify the location that boats are to be temporarily relocated.

As was specifically referenced in the June 17, 2014 Agenda Report (pages 4 & 5) considered by the City Council, the requirement to provide a total of 493 boats to be stored on dry land has always been a fundamental component of the Commercial Core Project. The Harbor LCP contains both policy and regulatory requirements to maintain space for at least 493 boats to be stored on dry land in Planning Area 1 that are satisfied by the Commercial Core Project as follows:

Coastal-Dependent/Related Development Policy I-4.2.2-10 that states:

Ensure that the redevelopment of Dana Point Harbor maintains and enhances the following coastal-dependent and coastal-related uses:

- *Redesign and expand the existing 5.7-acre boat launch facility to maximize the number of vehicle with trailer parking spaces meeting minimum Department of Boating and Waterways guidelines (10 x 40 feet). Some larger and smaller vehicle with trailer parking spaces shall also be provided in adequate amount to meet demand as determined through the coastal development permit process;*
- *Maintain space for at least 493 boats to be stored on dry land in Planning Area 1; 400 of these spaces may be provided in a dry stack storage facility. Maintain a minimum of 93 surface boat storage spaces, that can accommodate vessels that cannot be stored in a dry stack storage building, within the Harbor at all times; additional spaces shall be provided where feasible;*
- *Removal of any existing slips prior to construction and full operation of the boat storage facility shall only occur pursuant to an approved CDP for marina redevelopment that addresses impacts associated with any loss of slips; and*
- *Maintain designated boater parking at a minimum ratio of 0.60 parking spaces per boat slip or side tie.*

As shown on Sheets A-02, A-03, A-05 & A-25 (Exhibit 8, Tab One), the Commercial Core Project has been designed with the capacity to park 1,689 vehicles, 336 vehicles with trailers (in the sizes listed below and shown on Sheet A-02) and the dry storage of 495 boats at project completion to satisfy this policy requirement. Approximately 94% of all vehicles with trailer spaces provided are specifically designed to meet or exceed Department of Boating and Waterways size guidelines. The sizes proposed are also consistent with the findings of the *Dana Point Harbor Boat Launch Ramp Parking – Summer, Weekend and Holiday Utilization Report* (Exhibit 2), that analyzed the weekend and holiday data collected for use of the public launch ramp parking during the peak summer period of July, August and September for the years 2010 to 2014. The report concludes that the proposed launch ramp parking area provides a variety of space sizes, including 60% of which are “pull through” spaces that best accommodate the typical users of the Dana Point Harbor Launch Ramp. Implementation of the proposed plans also ensures the provision of designated boater parking at a minimum ratio of 0.6 spaces per boat slip or side tie. No anticipated loss of slips is anticipated as part of the Commercial Core Project.

	Size of Vehicle with Trailer Spaces (ft.)	No. of Spaces Provided	Percent of Total
	10x30	14	4.1
	10x35	8	2.4
Dept. of Boating and Waterways guideline standard →	10x40	56	17.2
	10x45	193	57.1
	10x50	44	13.0
	12x40	1	0.3
	12x45	2	0.6
	12x50	18	5.3
	Totals:	336	100

Coastal-Dependent/Related Development Policy I-4.4.1-3 states that:

To provide enhancements to boater facilities and services in the Marine Services Commercial area (Planning Area 1), one (1) dry stack boat storage facility building may be constructed with a capacity to store up to 400 boats generally ranging in size from 20 to 40 feet. The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent possible. Other services may include ancillary marine-related administrative, professional and business offices, marine retail store, a boater lounge area, a hoist, boat maintenance area and potentially other boat maintenance and support facilities. The existing public launch ramp and associated vehicle and trailer parking facilities shall be enhanced and maintained. There shall be no net loss of the existing 334 vehicles with trailer parking spaces. The existing vehicle with trailer spaces shall be reconfigured such that spaces are maximized and meet the minimum California Department of Boating and Waterways guidelines of 10 x 40 feet to the greatest extent feasible while taking

into consideration the demand for larger and smaller spaces. An adequate amount of larger and smaller vehicle with trailer parking spaces shall also be provided for the type of tow vehicles and vessels that use the launch ramp facility as determined through the Coastal Development Permit process.

As shown on Sheets A-02, A-05, A-21 through A-25 (Exhibit 8, Tab One), the Commercial Core Project has been designed to include the construction of a Dry Stack Boat Storage building that includes boater amenities and maintains public access to the boat launch ramp facilities, consistent with this policy requirement.

Because a portion of the Dry Stack Boat Storage Building has been designed to cantilever out over the water to enable the direct launching of boats, the Project will require approval of a separate CDP by the California Coastal Commission.

Public Access and Recreation Policy I-6.2.4-7 states that:

As part of any application for a Coastal Development Permit for Revitalization Plan improvements in the Commercial Core, a Parking Management Plan shall be developed which assesses current and anticipated future parking demands throughout the Harbor, taking into account weekday, weekend and seasonal variations in the use of Harbor facilities and develops a plan which makes the best possible use of the parking while prioritizing and avoiding adverse impacts on designated boater parking and boat launch ramp parking (i.e., vehicle with boat trailer) opportunities. The parking needs of the general public visiting the Harbor for boat and non-boat related recreational purposes shall also be considered, especially with regard to any underutilized parking that may exist in Planning Area 4.

A Parking Management Plan (Exhibit 9, Tab K) provides an assessment of the current and anticipated future parking demands for the public boat launch ramp. **The proposed 336 vehicle with trailer parking spaces at the boat launch ramp will provide sufficient capacity to accommodate both current and future demand. This conclusion was confirmed in the October 2014 Dana Point Harbor Boat Launch Ramp Parking – Summer, Weekend & Holiday Utilization Report (Exhibit 2).** This report analyzed boat launch ramp parking utilization during the busy summer weekend and holiday period between 2010 and 2014. The report concluded that the number and sizes of the proposed 336 space launch ramp parking area is larger than the required capacity to provide launch ramp parking during peak usage periods. The report also confirmed that the boat launch ramp parking area will accommodate potential future increases in the demand for vehicles with trailer parking by showing that on the single highest usage day recorded during the period reviewed (last 5 years) only 83% (278 spaces) of the proposed 336 spaces were used during the 24 hour period. Results also show that the majority of busy summer weekend days never reach more than 60% (201 spaces) utilization of the parking spaces provided with buildout of the Commercial Core Project improvements.

Development Policy I-8.3.1-5 states that:

Pursuant to Coastal Act Section 30601.3, if a proposed Project requires a Coastal Development Permit from both the City of Dana Point (because it includes development in the jurisdiction of the certified Local Coastal Program) and the California Coastal Commission (because it includes development in the Commission's area of retained jurisdiction); and if the applicant, the City of Dana Point and the Commission consent to consolidate the permit action, then the Commission may process and act upon a consolidated Coastal Development Permit application, provided that public participation is not substantially impaired by that review consolidation. The standard of review for a consolidated Coastal Development Permit application submitted pursuant to this policy shall follow Chapter 3 of the Coastal Act (commencing with Section 30200), with the City of Dana Point Local Coastal Program used as guidance. The application fee for a consolidated Coastal Development Permit shall be determined by reference to the Commission's permit fee schedule.

Consistent with this policy and the processing procedures outlined in Harbor LCP Part II District Regulations, Section II-16.3, as part of the requested approvals for the Commercial Core Project, the City is acting on "approvals in concept" that will allow OC Dana Point Harbor to prepare and process a separate consolidated CDP application for consideration by the California Coastal Commission for Dry Stack Boat Storage Building and infrastructure improvements within areas of Coastal Commission retained jurisdiction.

DRY BOAT STORAGE ANALYSIS: CDP13-0018 as approved by the City Council includes this Dry Stack Boat Storage Building (approval in concept). As previously described in the Permit Application Binder (Exhibit 7, Development Phasing and Construction Management, pages 32 through 34), a consolidated CDP will be processed for approval by the California Coastal Commission to complete the discretionary approval process for the Dry Stack Boat Storage Building.

The Dana Point Harbor Revitalization Commercial Core Project improvements are planned for implementation in 5 principal construction phases as indicated on the *Dana Point Harbor Commercial Core Project Implementation Phasing Schedule* dated September 2014 (Exhibit 3). The overall Project components as generally described in the schedule will be developed in incremental steps, but are structured to minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. Generally, the initial construction phases will create access and new parking opportunities; the new Commercial Core and Festival Plaza will then be constructed before existing businesses are relocated, followed by the demolition of the existing Mariner's Village and Mariner's Alley to create additional parking and public view opportunities. The final phases of the Project focus on the implementation of the Dry Stack Boat Storage facilities, including the Dry Stack Boat Storage Building and docks, jib crane, outdoor surface boat storage area and small watercraft rentals/sales related activities.

The Implementation Phasing Schedule provides for the consolidated CDP application for

the Dry Stack Boat Storage Facilities (building and related infrastructure improvements under the retained jurisdiction of the Coastal Commission) to be prepared by OC Dana Point Harbor for submittal to the Coastal Commission on or about the time construction commences on the Commercial Core podium structure and Buildings 6, 7, 8 and 9 (Exhibit 3, Phase 4A of the Implementation Phasing Schedule). **To ensure the timely processing of the Dry Stack Boat Storage Building CDP, a condition of approval (number 55) has been added to the Draft Resolution (Action Document A), requiring the submittal of the Dry Stack Boat Storage Facility CDP application to the Coastal Commission within 6 months of the start of construction of the Commercial Core podium structures.**

Concurrently, with the processing of this separate CDP by the Coastal Commission, construction will commence on the landside backbone infrastructure improvements approved as part of CDP13-0018(I) to provide new utility lines and access to the Commercial Core Project area, including the future Dry Stack Boat Storage Building. Following issuance of the CDP by the Coastal Commission, work on the Dry Stack Boat Storage Building is anticipated to begin as construction of Commercial Core Buildings 10, 11 and 12 proceeds. **To ensure the provision of a minimum of 493 dry boat storage spaces in Planning Area 1 at project build-out, a condition of approval (number 56) has been added to the attached Draft Resolution requiring that evidence be provided to the City and the Executive Director of the Coastal Commission that construction plans have been submitted to the Orange County Building Department for plan check review prior to the issuance of Building Permits for construction of new Commercial Core Buildings 10 and 11.** Construction of the Dry Stack Boat Storage Building and the remaining Marine Services Commercial improvements are anticipated to commence shortly after existing businesses are relocated to the new Commercial Core area buildings and is planned to take approximately 12 months.

Once completed, the Marine Services Commercial facilities in Planning Area 1 will include a large surface parking area for 336 vehicles with boat trailers serving the public launch ramp (the LCP requires a minimum of 334 launch ramp vehicle with boat trailer spaces), 100 vehicle parking spaces (including 6 handicap spaces), controlled gated entry, boat wash down area (draining to the sewer), covered trash receptacles, new lighting and signage. In advance of the construction of the Dry Stack Boat Storage Building, the location of the building pad will be utilized as an interim surface boat storage area, providing a combination of approximately one-hundred (100) 10 x 25 foot boat storage spaces in close proximity to the public boat launch ramp. These spaces will remain available for dry boat storage use until such time as a CDP is approved by the California Coastal Commission allowing for construction of the Dry Stack Boat Storage Building and other infrastructure-related improvements (Exhibit 8, Tab One, Sheets A-02 and A-03).

Both the Harbor LCP and Final EIR No. 591 anticipated the need to provide temporary parking in other areas of the Harbor and/or to store boats at locations outside the Harbor during construction. On completion of construction of the Commercial Core Project, a

total of 495 dry boat storage spaces will be provided in the Harbor, specifically in PA 1. As evaluated in the *Baseline for Slips, Dry Boat Storage, Launch Ramp & Parking* (Exhibit 9, Tab J), existing dry boat storage provided in the Harbor is 443 “legal and permitted” spaces. Implementation of the Commercial Core Project will result in an increase of 52 additional spaces provided overall. The dry boat storage spaces are comprised of 105 spaces located in the surface boat storage lot and 390 boats stored in the Dry Stack Boat Storage Building, for a total of 495 dry boat storage spaces at project build out in Planning Area 1.

The Dana Point Harbor Revitalization Plan & District Regulations specifically includes provisions for the construction of a Dry Stack Boat Storage Building. If for some presently unforeseen reason, the Dry Stack Boat Storage Building cannot be permitted and/or constructed, an alternative plan has been developed to provide dry boat storage for the required minimum of at least 493 boats. As indicated on the attached *Surface Boat Storage Alternative* (Exhibit 4), boats may be stored in the following three areas within Planning Area 1: the currently proposed Interim Dry Boat Storage area (Dry Boat Storage Building pad area as depicted on Sheet A-03, (Exhibit 8, Tab One); the Surface Dry Boat Storage lot adjacent to the shipyard; and a portion of Puerto Place Parking Lot (see Parking Lot Id location on Figure 3, Parking Management Plan, Exhibit 9, Tab K). An outdoor 3-level rack system could be used to provide the required minimum 493 spaces. Boats on racks would be delivered to and retrieved from the racks using specially outfitted forklifts or stored on individual trailers on the lower level of the racks. Those boats stored on trailers would utilize the public launch ramp rather than the forklift for delivery and retrieval to/from the water. The top level of the racks would be designed to accommodate the dry storage of taller boats, including sailboats.

Approximately 186 boats (maximum 25 ft. in length) could be stored using the proposed outdoor rack system in the Interim Dry Boat Storage area; approximately 219 boats (maximum 25 ft. in length) could be stored in the Surface Dry Boat Storage Area and approximately 90 boats (maximum 25 ft. in length) could be stored in the Puerto Place Lot (Parking Lot Id). This would maintain approximately 118 vehicle parking spaces in the Puerto Place Lot, available to provide continued access to coastal recreational opportunities for general public use. The Puerto Place Parking Lot currently provides 161 standard parking spaces. The Parking Management Plan (see Exhibit 9, Tab K, Table 10 – Parking Requirement for Zone I, page 60) indicates an overall parking requirement of 1,607 spaces in Parking Zone I at project buildout, with 1,729 spaces provided (see Parking Management Plan, page 63) as part of the Commercial Core Project (including the Puerto Place Parking Lot). Implementation of the alternative plan to provide dry boat storage using an outdoor rack system would result in an overall reduction of 43 parking spaces in Zone I for a total of 1,686 spaces that would continue to exceed the required parking for Parking Zone I at buildout by 79 spaces.

During construction, boats currently located in the Harbor’s dry boat storage area (Embarcadero Lot) will be relocated as needed to one or a combination of off-site storage locations. The actual number of boats to be stored off-site may fluctuate throughout the

construction process with the on-going objective of providing as many dry boat storage spaces as possible in the Harbor. The *Construction Management Parking Plan* (see Exhibit 9, Tab M, Exhibit D) documents the phasing and estimated number of boats to be relocated off-site during construction. This information is also summarized on the project phasing descriptions (Exhibit 3).

The principal off-site location for the temporary storing of boats during construction is the nearby South Coast Water District (SCWD) property as was originally described in Final EIR No. 591. Confirmation of the property's availability for boat storage use is provided in a letter from the SCWD General Manager dated August 22, 2014 (Exhibit 6). The letter outlines that the SCWD has plans to accommodate up to an initial ± 250 boats in the Lot A location that will be available sometime in November of 2014. Paved access to Lot A exists. Lot B is designed to accommodate an additional ± 250 boats and is located within the regulatory jurisdiction of the California Coastal Commission and as such will require approval of a Coastal Development Permit by the Coastal Commission before any site improvements can be constructed. As the letter describes, SCWD is presently in the process of obtaining the necessary approvals for the additional site improvements and anticipates having the property ready to provide storage for approximately 500 boats by February 1, 2015.

OC Dana Point Harbor is also presently working to provide additional off-site storage opportunities for boaters, should demand exceed the capacity of the SCWD property. Several additional opportunities are currently under consideration. The Capistrano Unified School District (CUSD) presently owns an under-utilized bus storage and maintenance facility, located on Victoria Boulevard. This facility is fully improved and could be available for the immediate storage of approximately 250 boats, subject to approval of an agreement for the operation and management of the facility. OC Dana Point Harbor is also considering another off-site boat storage opportunity at a nearby County of Orange landfill site. This location is not as conveniently accessible as the other boat storage options being considered, but could provide lower cost dry boat storage for boaters if developed.

DRY BOAT STORAGE CONCLUSIONS: The certified LCP for the Dana Point Harbor emphasizes that the priority uses of the Harbor are beach access, recreational boating, other water craft uses and parking supporting these uses, including the public launch ramp, dry boat storage and recreational marina parking. The Commercial Core Project includes a phasing and implementation plan that adequately retains existing dry boat storage spaces during the 5 year construction process by using a combination of storage spaces provided in the Harbor, including an interim site utilizing the building pad of the Dry Stack Boat Storage Building and off-site storage provided at the SCWD property and CUSD bus storage and maintenance facility, both located within short distances of the Harbor. A Surface Boat Storage Alternative Plan has also been provided to demonstrate consistency with the Harbor LCP Policies requiring a minimum of 493 dry boat storage spaces are provided in Planning Area 1. The alternative plan proposes utilizing an outdoor/multiple level rack storage system in the event unforeseen circumstances are

encountered that would not allow for the planned construction of the Dry Stack Boat Storage Building. Conditions of approval have been incorporated into the amended Draft Resolution providing appropriate milestones for the timely processing of a separate Coastal Development Permit for the Dry Stack Boat Storage Building by the California Coastal Commission and provides for the construction of dry boat storage facilities as specific Commercial Core buildings and site improvements are completed.

3. PRELIMINARY SHORELINE MANAGEMENT PLAN / WAVE UPRUSH ANALYSIES:

Under existing conditions, all on-site drainage flows and a portion of off-site runoff from the streets surrounding the Harbor are collected in a series of grate inlets, catch basins and roof drainage pipes, all of which discharge directly into the Harbor through a series of local outfall pipes, County-owned storm drains and/or direct sheet flow from sloped sidewalks and hardscape areas.

Because the Commercial Core Project is located directly adjacent to the waterfront, there is a potential that the proposed improvements could be subject to the impacts of localized flooding associated with future sea level rise, weather and tsunami waves, storm surges or seiches. The frequency of flooding events is expected to rise in the future given current scientific investigations that have concluded that the effects of global climate change may ultimately lead to variable increases in mean sea levels around the world. Although to date, there is no clear consensus about how climate change will affect the severity of storms, waves and surges, the Dana Point Harbor Revitalization Plan and District Regulations included policies and requirements related to these currently studied worldwide trends. The Commercial Core Project implements the Harbor LCP Part I Land Use Plan Policies related to environmental hazards in the following ways:

Development Policy I-8.2.1-3 states that:

Review all applications for new development to determine potential threats from sea level rise, coastal and other hazards.

The subject Project CDP application includes a Preliminary Shoreline Management Plan and Wave Uprush Analysis (Supporting Documents K and L, respectively) that have been revised to address Coastal Commission staff comments. When combined, these technical studies evaluate the potential threats associated with shoreline hazards to satisfy this policy requirement.

Development Policy I-8.6.2-1 states that:

Periodically review tsunami preparation and response policies/practices to reflect current and predicted future sea level trends, development conditions and available tools and information for preparedness and response.

The Preliminary Shoreline Management Plan (Supporting Document K) includes a summary of current emergency management practices for both the County and City of Dana Point. Updated preparedness information will be incorporated into the Harbor Shoreline Management Plan on a periodic basis (every 5 years at a minimum) as required

by the Special Provisions of the Harbor LCP.

Development Policies I-8.6.2-2 and I-8.6.2-9 state that:

Periodically review inundation maps and design standards, update identification of susceptible areas, evacuation routes and building codes as new information on tsunami and design standards becomes available.

and;

OC Dana Point Harbor shall prepare an assessment of the potential impacts of inundation from a tsunami taking into account future sea-level rise on the existing and proposed building structures along the seawall.

Inundation mapping for current and projected future conditions has been provided in the Preliminary Shoreline Management Plan (Supporting Document K), indicating that flooding due to storm surges, wave uprush, tsunamis and variable projections for future sea level rise is confined to areas immediately adjacent to the seawalls, including pedestrian walkways and parking areas. The design of both existing and proposed structures in the Harbor are not subject to flooding as concluded using current inundation assumptions for the areas studied. Improvements in the management of potential flooding events due to revisions in regulatory standards and/or new available technologies will be evaluated as part of subsequent updates to the Harbor Shoreline Management Plan. Evacuation routes are shown on the *Designated Emergency Evacuation Routes and Emergency Facilities Exhibit* of the City's General Plan.

Development Policy I-8.6.2-3 states that:

Participate in any regional effort to develop and implement workable response plans that the County and City emergency services personnel can incorporate into evacuation plans in the case of tsunami warnings.

County emergency services are coordinated by the Orange County Operational Area Emergency Operations Center. City emergency services are coordinated by the City Emergency Operations Center. These centers act as the central point for coordination and operational support of emergency responders. The City's Director of Emergency Services in coordination with the Dana Point Police Services Incident Commander assumes the lead responsibility for implementation of necessary evacuation procedures in the event of a tsunami.

Development Policy I-8.6.2-5 states that:

Include tsunami evacuation route information as part of any overall evacuation route sign program implemented in the City. Evacuation routes out of the Harbor should be clearly posted. An evacuation route traffic monitoring system that provides real-time information on the traffic flow at critical roadways should be considered.

The Preliminary Shoreline Management Plan (Supporting Document K) includes a

Tsunami Hazard Areas and Evacuation Routes Exhibit as designated by the City of Dana Point General Plan, Public Safety Element. Roadway signs are currently provided along Dana Point Harbor Drive and at all major intersections, inside and outside of the Harbor. The Dana Point Police Services Incident Commander assumes the lead responsibility in coordination with the City of Dana Point Emergency Operations Center (when activated) for implementation of any necessary traffic management procedures in the event of an emergency. Updated evacuation information will be incorporated into the Shoreline Management Plan on a periodic basis (every 5 years at a minimum) as required by the Special Provisions of the City's Harbor LCP.

Development Policy I-8.6.2-10 states that:

Regulate the construction of non-recreational uses on coastal stretches with high-predicted storm wave run-up to minimize risk of life and property damage. Take projected sea-level rise into account when evaluating storm wave run-up. (Coastal Act Section 30253)

All existing and proposed Harbor structures are setback from the seawall sufficient distances to minimize damage associated with existing and projected storm wave uprush as indicated by the inundation mapping provided in the Preliminary Shoreline Management Plan (Supporting Document K). Additionally, all proposed Commercial Core buildings, except Building 6 have been designed with finish floor elevations a minimum of 3 to 4 feet above the height of the existing seawall to limit potential damage associated with flooding events. To accommodate pedestrian connections with other buildings on Dana Wharf, the finish floor for Building 6 has been designed 1 to 2 feet above the seawall elevation and is consistent with the floor elevations of the existing buildings to remain.

Development Policies I-8.3-1 and I-8.6.5-2 state that:

Prepare and periodically update (every five years) a Shoreline Management Plan for Dana Point Harbor to assess seasonal and long-term shoreline changes and the potential for flooding or damage from erosion, sea-level rise, waves, storm surge or seiches and provide recommendations for protection of existing and proposed development, public improvements, coastal access, public opportunities for coastal recreation and coastal resources. Plan must also evaluate the feasibility of hazard avoidance, planned retreat, retrofitting existing or proposing new protection devices and restoration of the sand supply and beach nourishment in appropriate areas of the Harbor, if needed.

and;

Due to uncertainties about future sea level rise, a range of likely and extreme rises in sea level shall be used in the planning phase to assess project sensitivity to future water levels, identify possible consequences to the development and the surrounding area if the anticipated sea level is exceeded and determine the minimum acceptable amount of future sea-level rise that can be used for design purposes.

The Preliminary Shoreline Management Plan (Supporting Document K) implements the required monitoring components in the absence of established regulatory standards for the design and protection of Harbor structures and coastal resources subject to damage resulting from sea level rise and episodic storm events that may have impacts to the operations of the Harbor and impact public safety. The analysis provided is based on the best available scientific information as established by the California Coastal Commission Draft Sea Level Rise Policy Guidance document and will be updated on a periodic basis to reflect advances in predictive modeling, required engineering information and adaptive planning measures.

Development Policies I-8.6.3-2 and I-8.6.5-1 state that:

Siting and design of new shoreline development anywhere in Dana Point Harbor and the siting and design of new or replacement shoreline protective devices shall take into account anticipated future changes in sea level.

and;

Siting and design of new shoreline development anywhere in Dana Point Harbor and the siting and design of new or replacement shoreline protective devices shall take into account anticipated future changes in sea level, based on the best available scientific information and projections or range of projections of future sea level.

The Preliminary Shoreline Management Plan (Supporting Document K) establishes milestones for any required analysis related to the siting and design of any required new or replacement protective devices in the Harbor. Construction of the existing seawall and revetment structures was completed in the early 1970's and is subject to degradation of the concrete and rebar within the structure due to the continual exposure to seawater and the elements. The date defined in the Preliminary Shoreline Management Plan for the initiation of studies to determine appropriate corrective measures or replacement of the seawall is 10 years in advance of the estimated design life of the seawall (year 2060) and will be based on the most reliable information available for determining current and projected sea levels affecting the Harbor and facilities.

Development Policies I-8.6.3-4 and I-8.6.3-6 state that:

Require all Coastal Development Permit applications for new development on a beach or other waterfront area or on a coastal bluff property with the potential to be subject to wave action to assess the potential for flooding or damage from sea level rise, waves, storm surge or seiches, through a wave uprush and impact reports prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave up-rush study are: a seasonally eroded beach combined with long-term (75 years) erosion, high tide conditions, combined with long-term (75 year) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Nino event;

and;

OC Dana Point Harbor shall prepare an assessment of the potential wave run-up from a seiche or tsunami near the Harbor during a major seismic event including but not limited to an event on the Newport-Inglewood Fault and/or San Jacinto Mountains Faults prior to submittal of the first coastal development permit for development of the Commercial Core.

The subject Commercial Core Project CDP application includes a Preliminary Shoreline Management Plan and Wave Uprush Analysis (Supporting Documents K and L) that when combined, evaluate the potential threats associated with shoreline hazards to satisfy these policy requirements, including wave effects from potential earthquakes in the vicinity of the Harbor.

Development Policy I-8.6.5-3 states that:

OC Dana Point Harbor shall study the potential impacts of sea level rise and flooding of San Juan Creek on the existing or proposed structures along the seawall.

The Preliminary Shoreline Management Plan (Supporting Documents K) includes a summary on the status of current studies being conducted on the assessment of required improvements to San Juan Creek. The San Juan Creek Flood Risk Management Feasibility Study being prepared by OC Public Works in association with USACE to assess current trends of channel degradation, decline of floodplain moisture, expansion of invasive species and damage to nearby infrastructure. Implementation of any recommended improvements affecting the Harbor breakwater will then be discussed as part of future updates to the Shoreline Management Plan.

The General Regulations and Special Provisions included as part of the City's Harbor LCP Part II District Regulations, Chapter II-3 (Special Provision 11), provides the following requirement for evaluating shoreline conditions:

A Shoreline Management Plan for Dana Point Harbor shall be submitted to the City of Dana Point for review prior to or concurrent with the first Coastal Development Permit for development of the Commercial Core area and shall be periodically updated (every 5 years) to include an assessment of seasonal and long-term shoreline changes and the potential for flooding or damage from sea-level rise, waves, storm surge or seiches and provide recommendations for protection of existing and proposed development, public improvements, coastal access, public opportunities for coastal recreation and coastal resources. The Shoreline Management Plan shall also evaluate evacuation routes (including Marine Commercial Planning Area 4 in the event of incapacitation of the Island Bridge) and the feasibility of hazard avoidance, retrofitting existing or proposing new protection devices and restoration of the sand supply in appropriate areas of the Harbor as required.

The subject Commercial Core Project CDP application includes a Preliminary Shoreline

Management Plan and Wave Uprush Analysis (Support Documents K and L) that when combined, evaluate the potential threats associated with shoreline hazards. The Preliminary Shoreline Management Plan implements the required monitoring components in the absence of established regulatory standards for the design and protection of Harbor structures and coastal resources subject to damage resulting from sea level rise and episodic storm events that may have impacts to the operations of the Harbor and impact public safety. The analysis provided is based on the best available scientific information as established by the California Coastal Commission Draft Sea Level Rise Policy Guidance document and will be updated on a periodic basis to reflect advances in predictive modeling, required engineering information and adaptive planning measures. The Preliminary Shoreline Management Plan also provides summaries of the current programs in place to protect public safety should an emergency occur.

PRELIMINARY SHORELINE MANAGEMENT PLAN / WAVE UPRUSH ANALYSIS:

The timeframes identified for any project are an important consideration in evaluating the influences associated with sea level rise and determining potential impacts. Generally, there is a higher correlation between the various climate models for the amount of sea level rise predicted to occur between now and the year 2050. After this mid-century threshold, projections of sea level rise become more uncertain due to various modeling ambiguities; such as assumptions related to future global greenhouse gas emissions, land ice melting rates, tidal influences and long-range global metrological predictions.

Potential flooding impacts in the Harbor were evaluated as part of FEIR No. 591 using qualitative assessments of the project design-related effects in the context of the existing conditions in the Harbor and current reports and publications including the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Orange County Local Drainage Manual and specific hydrological studies prepared for the Project. All proposed on-site storm drain systems have been designed for a 10-year frequency, high confidence storm event. The Conceptual Grading Plan for the Commercial Core Project has been specifically designed to avoid the direct release of storm runoff over the seawall and to redirect flows away from the seawall to pre-treatment BMP's incorporated as part of the Preliminary Water Quality Management Plan improvements (Exhibit 9, Tab D).

Flood map exhibits for the project have been prepared to illustrate landside flood inundation limits (footprint and elevation) that would result in the event wave overtopping (or splash-over) at the Harbor's seawall and/or boat launch ramp occur during a major storm event (Supporting Document K). The methodology for determining theoretical flood inundation limits is based on the information and calculations presented in the *Dana Point Harbor Wave Uprush Analysis*, prepared by Everest International Consultants, dated August 27, 2014 (revised). The analysis included the existing conditions in the Harbor; year 2015 with a 100-year storm event and a 1 to 2 foot tsunami; year 2060 with a 100-year storm event and projected low, moderate and high sea level rise; and year 2090 with a 100-year storm event and predicted low, moderate and high sea level rise. (Note: Year 2060 was selected because it occurs ten years in advance of the anticipated 100-year

usable life of the existing seawall, thereby allowing for the preparation of the required studies to determine any design standards/recommendations for seawall replacement and year 2090 represents the economic life of the new Commercial Core structures as established by the City's Harbor LCP Part I, Development Policy I-8.6.1-11 of 75 years.) Since the Commercial Core Project is not proposing any modifications to the existing seawalls, the prepared wave uprush and inundation analysis were conducted based on existing seawall conditions and high tide ocean levels, combined with long-term (75 years) projections for sea-level rise and the intensity of a 100-year storm event. A 100-year storm event is defined as having a one percent chance of occurring in any given year, or on the average will occur once in every 100 years.

The results of the analysis indicate that under the adverse conditions described, some level of wave uprush can be anticipated in the Harbor without implementing any of the proposed Commercial Core Project improvements. This finding is consistent with anecdotal information provided from recent events where a small amount of splash in areas adjacent to the seawall on Dana Wharf was observed. In the 2015 condition, overtopping of the seawalls and boat ramp can be expected to occur during high tide (MHHW) and a 100-year storm event. When a 1 to 2 foot tsunami event is combined with water levels during a 100-year storm event, an increase in overtopping is anticipated (i.e., at MHHW, including the effect of a 1 foot tsunami will increase overtopping rates from 0.008 ft³/sec/foot to 0.036 ft³/sec/foot or by a factor of 4.5). For Year 2060, with the projected sea level rise, there is expected to be an increase in wave overtopping as compared to Year 2015 (i.e., at MHHW, for a moderate projection of sea-level rise of 1.34 feet, wave overtopping will increase from 0.008 ft³/sec/foot to 0.058 ft³/sec/foot or by a factor of 7.3) and for the Year 2090, with the projections of sea level rise of 4.67 feet (higher bound), the area is expected to experience some level of inundation (i.e., water elevation higher than the crest elevation of the seawall) during periods of high tide (MHHW) in the Dana Wharf parking lot, the boater parking area adjacent to new Commercial Core Buildings 10 and 12, the boat launch ramp and surface dry boat storage area immediately adjacent to the shipyard. **As indicated on the Wave Uprush Inundation Maps, (Supporting Document K), for all years studied there are no instances where projected flooding events contribute to an increase in the incidence of wave overtopping sufficient to cause the flooding of any new or existing structures in the areas studied.**

As anticipated in both the certified Harbor LCP and FEIR No. 591, numerous Project Design Features and regulatory provisions have been incorporated into the design of the Commercial Core Project to minimize the current and projected effects of flooding. As stated in the Harbor LCP Part I, Development Policy I-8.6.7-5, "*Creation of the Festival Plaza and Pedestrian Promenade along the waterfront's edge provides for an extended structural setback from the bulkhead area.*" Building setbacks for new structures located adjacent to the seawall in Day Use Commercial Planning Area 2 generally ranges from between 60 to 240 feet as follows:

Commercial Core	Setback from Seawall
-----------------	----------------------

Building Number	(in feet)
6	80
7	70
8	105
10	60
11	240

Also as stated in the Harbor LCP Part I, Development Policy I-8.6.7-13, “*Conformance with the latest Uniform Building Code, California Building Code or International Building Code and County Ordinances can be expected to satisfactorily mitigate the effect of seismic ground shaking. Conformance with applicable codes and ordinances shall occur in conjunction with the issuance of Building Permits in order to ensure that over excavation of soft, broken rock and clayey soils within sheared zones will be required where development is planned.*” Further, LCP Development Policy I-8.7-14 states that: “*Engineering design for all structures shall be based on the probability that new structures will be subjected to strong ground motion during the lifetime of the development. Construction plans shall be subject to the County review and shall include applicable standards, which address seismic design parameters.*” LCP Development Policy I-8.6.7-15 states: “*Mitigation of earthquake ground shaking shall be incorporated into the design and construction in accordance with Uniform Building Code requirements and site-specific design.*”

The Commercial Core Project includes 28,511 square feet of existing buildings that will remain and 85,202 square feet of new restaurant, retail, office and other uses. The following table describes the relationship between the existing/proposed finish floor elevations relative to the top of the existing seawall.

**Existing & Proposed Commercial Core Project Finished Floor Elevations
Dana Point Harbor Visitor-Serving Commercial Project (Planning Area 2)**

Percent of Existing Buildings to Remain	Percent of Proposed Buildings	Finished Floor Elevation	Percent of Total Project Buildings
		(From the top of the seawall)	
67	4	1 to 2 feet above	20
29	0	2 to 3 feet above	7
0	47	3 to 4 feet above	35
4	49	More than 8 feet above	38

As indicated by the table, the Finish Floor Elevations (FFE) of the Commercial Core buildings in Planning Area 2 (existing and proposed new buildings) are/were designed to be elevated at least one foot above the top of the existing seawall elevation, thereby avoiding potential issues related to flooding due to seawall overtopping during a major

storm and assuming potential sea level rise. The Commercial Core Project replaces approximately 47% of the existing buildings located in Mariners Village, Mariners Alley with structures in excess of 3 feet above the existing elevation of the seawall and approximately 49% of the new buildings are designed in excess of 8 feet above the existing elevation of the seawall.

PRELIMINARY SHORELINE MANAGEMENT PLAN / WAVE UPRUSH

CONCLUSION: None of the existing or proposed buildings will be subject to potential flooding from episodic storm events or estimated sea level rise based on the results of the technical analyses provided.

4. HARBOR SIGN PROGRAM: The Dana Point Harbor Revitalization Plan and District Regulations include a number of policies and requirements for the preparation of a comprehensive sign program prior to the occupancy of any new development in the Commercial Core area of the Harbor.

Coastal Dependent/Related Development Policy I-4.2.1-3 states that:

As part of a comprehensive Dana Point Harbor Sign Program, provide information to assist boat owners/operators and the public in locating public launching facilities.

Coastal Dependent/Related Development Policy I-4.1-7 states that:

As part of a comprehensive Dana Point Harbor Sign Program, provide information to direct the public to parking areas, restrooms and other support facilities in and adjacent to Dana Point Harbor.

Public Access and Recreation Policy I-6.1.1-9 states that:

Public access, which shall be conspicuously posted and public recreational opportunities, shall be provided to the maximum extent feasible for all the people to access the coastal zone area and shoreline, consistent with public safety needs and the need to protect public rights and natural resource areas from overuse. (Coastal Act Section 30210)

Development Policy I-8.5.3-1 states that:

Design and site signs to minimize visual impacts to coastal resources.

Development Policy I-8.5.3-2 states that:

Implement programs to remove illegal signs and amortize legal non-conforming signs.

Development Policy I-8.5.3-3 states that:

Prohibit new billboards and roof top signs and regulate the bulk and height of other freestanding signs that affect public coastal views.

Development Policy I-8.5.3-4 states that:

Encourage the reasonable regulation of signs to preserve the character of the

community. (Coastal Act Section 30251)

Development Policy I-8.5.3-5 states that:

Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of any commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Roof signs or flashing signs shall not be permitted.

Development Policy I-8.5.3-6 states that:

A comprehensive Dana Point Harbor Sign Program shall include provisions for providing clear and conspicuous notice to assist the public in locating and recognizing trail access points, recreational areas and other visitor recreational amenities. In areas containing sensitive habitat or safety hazards, signs shall be posted with a description of the sensitive habitat or safety hazard and limitation on entry to those areas.

Development Policy I-8.5.3-7 states that:

All signage shall be of a consistent architectural style. Commercial signage shall be externally illuminated and lighting sources shall be hidden by vegetation or installed flush with the grade. Signage shall be designed to complement the architecture of the buildings.

Development Policy I-8.5.3-10 states that:

A comprehensive signage program for public access shall be implemented in conjunction with the construction of the Commercial Core area and subsequent Planning Areas within the Harbor to inform the public of the availability of and provide direction to public parking areas, coastal access and on-site recreational amenities.

Visitor Serving Commercial Development Policy I-5.3-11

Remove existing signs and prohibit new signs that adversely impact public access.

The General Regulations and Special Provisions included as part of the City's Harbor LCP Part II, District Regulations, Chapter II-3 (Special Provision 38), provides the following requirement for preparation of a comprehensive sign program:

Prior to occupancy of any new development in the Commercial Core area of the Harbor, a comprehensive Dana Point Harbor Sign Program shall be approved by the City of Dana Point in accordance with the requirements of Chapter II-15, Sign Standards and Regulations.

HARBOR SIGN PROGRAM ANALYSIS: The comprehensive Harbor Sign Program is comprised of the following three parts and addresses all of the policies listed above relative to signage:

- The certified Dana Point Harbor District Regulations, Chapter II-15, Sign Standards and Regulations that establishes standards for the regulation of signs throughout the Harbor, including all existing signs;
- Coastal Development Permit CDP12-0014, approved by the City of Dana Point on June 11, 2012 for the replacement of directional signs located along the parkways and medians along Dana Point Harbor Drive, Island Way and Dana Drive; and
- The Commercial Core Project Master Sign Program (see Exhibit 8, Tab Five) that provides design requirements and standards for all directional, wayfinding and tenant identification signs located throughout the Commercial Core area of the Harbor.

The Dana Point Harbor Revitalization Plan and District Regulations Part II, adopted by the City and subsequently certified by the Coastal Commission includes Chapter II-15, *Sign Standards and Regulations* that governs the usage of signs (existing and proposed) within all areas of the Harbor, as well as establishing provisions for the processing of project-level sign programs in conjunction with a Coastal Development Permit. In accordance with the provisions of this Chapter of the Harbor District Regulations, existing signs located in areas outside the Commercial Core satisfy many of the policy requirements for providing clear and conspicuous notice to assist the public in locating and recognizing trail access points, recreational areas and other visitor recreational amenities. In areas containing sensitive habitat or safety hazards, signs are also currently posted that include descriptions of the sensitive habitat or safety hazards, with the intent of limiting public access to those areas. In addition, signage is currently provided in the Harbor to inform the public of the availability of and provide direction to public parking areas, coastal access and on-site recreational amenities.

The requirement to provide wayfinding information to Harbor visitors was addressed as part of a comprehensive program being implemented by OC Dana Point Harbor to upgrade the median signs throughout the main roadway corridors. On June 11, 2012 the City of Dana Point Planning Commission approved Coastal Development Permit CDP12-0014 (Resolution No. 12-06-11-11) to allow for the replacement of the directional signs located along the parkways and medians, along Dana Point Harbor Drive, Island Way and Dana Drive. A total of 12 existing signs were approved for replacement, in addition to the installation of 3 new signs. The existing median, parkway and entry signage was constructed in the early 1970's and all or most require significant repairs or reconstruction/replacement. The project plans are currently under final review by the City and County Building Department; with construction expected to commence prior to the end of this year.

The Dana Point Harbor Revitalization Commercial Core Project includes a comprehensive Master Sign Program for Planning Areas 1 and 2 that is divided into two parts (Exhibit 8, Tab Five). Part 1 includes locations, specifications and construction details for all operational and directional/wayfinding signs to be located throughout the Commercial Core. For review purposes, the Master Sign Program also references a

series of freestanding monument signs, primary and secondary directional signs that were previously approved by the City of Dana Point as part of a separate Sign CDP (CDP12-0014).

Part 2 of the Commercial Sign Program focuses on tenant signage and includes upper and ground level tenant identification signs, tenant awning identification signs, tenant entry signs, directory and tenant window signage. The primary objective of the sign design and regulatory standards is to ensure consistent quality, size, variety and placement to promote and maintain a high quality atmosphere throughout the Commercial Core. Column-mounted blade signs perpendicular to the pedestrian flow are easily identifiable and may also be included on printed awnings by individual tenants. The signage is proportional in size to the proposed awnings and limited by reasonable vertical head heights along the pedestrian rights-of-way. Wayfinding signage reflects standard materials and color palettes depicted in the Sign Program as submitted.

HARBOR SIGN PROGRAM CONCLUSIONS: The combination of these three sign components, when taken together is considered to be appropriate for the administration of signs throughout the Harbor and thereby satisfies the Harbor LCP requirement for preparation of a comprehensive Dana Point Harbor Sign Program.

5. PARKING MANAGEMENT PLAN: The General Regulations and Special Provisions included as part of the City's Harbor LCP Part II District Regulations, Chapter II-3 (Special Provision 28), provides the following requirement for preparation of a Transportation Management Plan:

As part of the first application for a Coastal Development Permit for Revitalization Plan improvements in the Commercial Core, a Parking Management Program shall be prepared in accordance with the requirements contained in Chapter II-14, Off-Street Parking Requirements and include the following components:

- (a) Allocation of parking spaces based on a current assessment of peak/non-peak demand among different land uses within the areas that parking is provided. The required quantity and locations of parking spaces for marina boat slips, the boat launch ramp and dry boat storage shall be provided and maintained for those uses;*
- (b) Management and operational strategies for parking areas during construction activities to ensure public access and minimize construction congestion and conflicts;*
- (c) Implementation of off-site parking programs and shuttle service during major special events and/or other high usage periods for Harbor facilities when necessary;*
- (d) Provide traffic congestion and parking reduction strategies and incentive program for employees of Harbor businesses; and*
- (e) Include operational plans providing detailed information on the modification of any Harbor parking areas to address specific user demand and/or*

management and responsibilities for controlling, monitoring and adjusting operational procedures for maximizing parking area usage.

PARKING MANAGEMENT PLAN ANALYSIS: Although included in the Dana Point Harbor Revitalization Commercial Core Project application (Exhibit 9, Tab K) and considered by the City Council at the hearing on June 17, 2014, the transmittal of the complete CDP13-0018 application forwarded to the California Coastal Commission for concurrence review omitted a copy of this report. This oversight has been corrected by providing a copy of the complete Parking Management Plan for Dana Point Harbor, dated December 2013 and revised March 2014 under separate cover.

PARKING MANAGEMENT PLAN CONCLUSION: Coastal Commission staff has subsequently confirmed receipt of the document and not provided any further comments.

NOTIFICATION: Notice for the October 7, 2014, Public Hearing to consider amendments to Coastal Development Permit CDP13-0018 was sent to property owners within a 500 foot radius of the Harbor Boundary, occupants within a 100 foot radius of the Commercial Core Project and an by electronic mail to a list of approximately 1,000 interested parties, including affected agencies, harbor merchants, boat slip tenants and other interested individuals. In addition, notices for the October 7, 2014, were posted at Dana Point City Hall, the Dana Point Post Office, Capistrano Beach Post Office, and the administrative offices of OC Dana Point Harbor, located at 24650 Dana Point Harbor Drive, Dana Point. Copies of the Staff Report were mailed to the Applicant and California Coastal Commission prior to the Public Hearing. At the October 7, 2014, meeting the City Council continued the Public Hearing to the November 18, 2014 City Council meeting. On Friday, November 7, 2014, an electronic mail to the same list of approximately 1,000 interested parties, affected agencies, harbor merchants, boat slip tenants and other interested individuals.

SUMMARY: As described above, the various components of the Dana Point Harbor Commercial Core Revitalization Project CDP have been amended to address issues raised as part of the appeal of the Local Government Decision (A-5-DPT-14-0036) by the California Coastal Commission, including:

- Preparation of a *Dana Point Harbor Boat Launch Ramp Parking – Summer, Weekends and Holiday Utilization Report* has been prepared to demonstrate the proposed design of the boat launch ramp parking area as previously approved by the City satisfies current and future demand for parking vehicles with trailers.
- Additional analysis and conditions of approval have been added to ensure the timely construction of the Dry Stack Boat Storage Building to provide boat storage opportunities in Planning Area 1.
- An alternative dry boat storage plan has been prepared utilizing a metal outdoor rack system to ensure the capacity to provide dry storage for a minimum of 493 boats in the event that presently unforeseen reasons preclude the construction of the Dry Stack Boat Storage Building.

- Additional analysis to address potential future shoreline hazards (including inundation) associated with projected sea level rise, tsunamis and storm surges has been incorporated into an updated Shoreline Management Plan and Wave Uprush Analysis; and a condition of approval added to ensure future assessments of seasonal and long-term shoreline changes and any new regulations and/or management practices to reduce the risks of flooding and inundation are periodically prepared.

ENVIRONMENTAL: Pursuant to the provisions of the California Environmental Quality Act (CEQA), Environmental Impact Report No. 591 was prepared for the project and certified by the Orange County Board of Supervisors on January 31, 2006.

ISSUES:

1. Do the amendments to the Project satisfy all the findings required pursuant to the Dana Point Harbor Revitalization Plan & District Regulations (Harbor LCP) and the City’s Zoning Code for approving a Coastal Development Permit?
2. Does the project as modified address the issues raised by the appellants?

FISCAL IMPACT: None as a result of this action.

STRATEGIC PLAN IMPLEMENTATION: In compliance with the Strategic Plan to evaluate land use issues to ensure goals, policies and programs of the General Plan reflect the community vision and mission, the proposed action supports existing Zoning Code regulations and is in conformance with the policies and implementing provisions of the Dana Point Harbor Revitalization Plan and District Regulations (Harbor LCP).

ALTERNATIVE ACTIONS:

1. The City Council may deny or modify all or a portion of the proposed suggested modifications to the previous approval Resolution and direct staff to prepare an amended Resolution for the Consent Calendar of the next regularly scheduled meeting.
2. The City Council may choose not to amend its approval of CDP13-0018 in which the appeal of the Local Government Decision to the California Coastal Commission would move forward.

ACTION DOCUMENTS:

PAGE NO.

[A. City Council Resolution No. 14-11-18-XX for approval of CDP13-0018\(I\) 37](#)

SUPPORTING DOCUMENTS:

[B. Appeal from Coastal Permit Decision of Local Government 166](#)

Filed on June 27, 2014 by Bruce Heyman

C. Appeal from Coastal Permit Decision of Local Government (A-5-DPT-14-0036) .. 184
Filed on July 8, 2014 by Coastal Commissioners Shallenberger & Garcia

D. City of Dana Point City Council Agenda Report, June 17, 2014 192
Hard copies provided to City Council. Also at
(<http://www.danapoint.org/index.aspx?recordid=5678&page=180>)

E. Correspondence received at May 12, 2014, Planning Commission Public Hearing 193

F. Correspondence received at June 17, 2014, City Council Appeal Public Hearing..... 242

G. City Council Resolution No. 14-06-17-06 263

H. City Council Minutes - June 17, 2014 281

I. City Council Minutes - October 7, 2014 298

J. Correspondence received for November 18, 2014, Amendment Public Hearing .. 307

K. Preliminary Shoreline Management Plan, dated September, 2014 321

L. Dana Point Harbor Revitalization Commercial Core Project 394
Coastal Engineering Support Services – Wave Uprush Analysis,
updated August, 2014 (Everest International Consultants, Inc.)

<u>EXHIBITS:</u>	<u>PAGE NO.</u>
<u>1. Commercial Core Project Illustrative Development Exhibit 409</u>	<u>409</u>
<u>2. Dana Point Harbor Boat Launch Ramp Parking – Summer, Weekend & Holiday</u> <u>Utilization Report..... 410</u>	<u>410</u>
<u>3. Commercial Core Project Implementation Phasing Schedule 497</u>	<u>497</u>
<u>4. Surface Boat Storage Alternative Exhibit 513</u>	<u>513</u>
<u>5. Building Heights within 0.5 Miles of Dana Point Harbor Exhibit..... 514</u>	<u>514</u>
<u>6. South Coast Water District letter regarding provision of dry boat storage</u> <u>(dated August 22, 2014)..... 515</u>	<u>515</u>

As separate attachments (all Commercial Core Project CDP submittal documents, plans and technical studies/reports are available for public review on the OC Dana Point Harbor website at <http://ocdph.com/revitalization/landside/cdp>):

7. Permit Application Binder (presented to the Planning Commission on May 12, 2014)
8. Project Plans and Exhibits Binder (presented to the Planning Commission on May 12, 2014)
9. Technical Studies/Reports and Information Binder (presented to the Planning Commission on May 12, 2014)

ACTION DOCUMENT A:**RESOLUTION NO. 14-11-18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP13-0018(I), AMENDING COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE DANA POINT HARBOR COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PROGRAM, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT.

Applicant/Property Owner:
OC Dana Point Harbor/County of Orange

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, on December 20, 2013, the applicant filed a verified application for a Coastal Development Permit for the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking Management Plan, Master Sign Program and approvals-in-concept for a Dry Boat Storage Building and other Marine Services Commercial improvements; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code and Chapter 16 of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the Dana Point Harbor Revitalization Plan & District Regulations is part of a comprehensive planning program that has included extensive analysis of the Harbor area, including Final Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization Plan improvements in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, due to the incorporation of additional policies, regulations and development standards by the California Coastal Commission and the City of Dana Point as part of the Local Coastal Program Amendment ("LCPA") review and certification process, the previously certified Final EIR No. 591 prepared for the Revitalization Plan required review to determine whether the previous conclusions remain valid; and

WHEREAS, pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, OC Dana Point Harbor prepared an Addendum to Final EIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA and determined that the Addendum and the certified Final EIR No. 591 serve as the environmental review

of the Dana Point Harbor Revitalization Plan as modified; and

WHEREAS, a Project Requirement and Monitoring Program has been prepared to meet the requirements of CEQA Section 21081.6 as mitigation measure monitoring program. The Project Requirement and Monitoring Program is designed to ensure compliance with the mitigation measures imposed upon the Dana Point Harbor Revitalization Plan to avoid or substantially lessen the significant effects identified in Final Program EIR No. 591; and

WHEREAS, the Project Condition/Requirement and Mitigation Monitoring Program is attached hereto as Exhibit A and is incorporated herein by reference; and

WHEREAS, the Planning Commission did, on the 12th day of May, 2014 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors and approved Coastal Development Permit CDP13-0018; and

WHEREAS, on May 27, 2014, the appellant filed an appeal of the Planning Commission decision; and

WHEREAS, the City Council did, on the 17th day of June, 2014, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, of all persons desiring to be heard, said Council considered all factors relating to the appeal of Coastal Development Permit CDP13-0018 and upheld the Planning Commission's approval; and

WHEREAS, on June 19, 2014 the City filed a Coastal Development Permit Application Notice of Final Action pursuant to Municipal Code Section 9.69.090 with the California Coastal Commission; and

WHEREAS, on June 27, 2014 an Appeal From Coastal Permit Decision of Local Government was filed by Bruce Heyman with the California Coastal Commission; and

WHEREAS, on July 7th and 8th an Appeal From Coastal Permit Decision of Local Government (A-5-DPT-14-0036) was filed by California Coastal Commissioners Mary K. Shallenberger and Dr. Robert Garcia pursuant to Section 30625 of the Coastal Act; and

WHEREAS, the City has conducted consultations with Coastal Commission staff and OC Dana Point Harbor and is recommending the incorporation of amendments into Coastal Development Permit CDP13-0018 for the Dana Point Harbor Commercial Core Project to address issues raised by the appellant and Coastal Commissioners Shallenberger and Garcia in their respective appeals of the City's approvals; and

WHEREAS, the City Council, after giving notice as prescribed by law, held a duly notice public hearing on October 7, 2014 and, continued the hearing to November 18, 2014; and

WHEREAS, the City Council, held a public hearing on November 18, 2014, regarding the amendments to Coastal Development Permit CDP13-0018 for the Dana Point Harbor Commercial Core Project and found that the proposed amendments are in accordance with the Dana Point Harbor Revitalization Plan and District Regulations and the previously certified Final EIR No. 591 prepared for the Revitalization Plan; and

WHEREAS, at said public hearing, upon hearing and considering the analysis provided in the City Council Agenda Report, including all referenced documents and exhibits, testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the amendments of Coastal Development Permit CDP13-0018(I).

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

- A) The above recitations are true and correct.
- B) OC Dana Point Harbor will be required to obtain a separate Coastal Development Permit approval from the California Coastal Commission for all proposed Marina Services Commercial improvements receiving City approval-in-concept.

Findings:

- C) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves the amendments to Coastal Development Permit CDP13-0018(I), subject to conditions.
 1. That the proposed development is in conformity with the Dana Point Harbor Revitalization Plan & District Regulations as certified by the California Coastal Commission **in that the proposed project has been designed in conformance with the Land Use Policies and Development Standards and Requirements of the Marine Services Commercial and Day Use Commercial Planning Areas of the Dana Point Harbor Revitalization Plan & District Regulations.**
 2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (Coastal Act Section 30333 and 30604(c); 14 Cal. Code of Regulations Section 13096) **in that by an Act of the California**

State Legislature (Chapter 321 of the Statutes of 1961 becoming effective on September 15, 1961) ownership of certain tidelands and submerged land of the State of California (inclusive of Dana Point Harbor) was granted to the County of Orange who has continuously operated Dana Point Harbor as a public facility since it first opened in 1971 and retains all rights pursuant to the Tidelands Grant.

3. That the proposed development conforms with Public Resources Code Section 21000 et seq. and that there are no feasible mitigation measures or feasible alternatives available that would substantially lessen any significant adverse impact(s) that the activity may have on the environment **in that the Orange County Board of Supervisors, through Resolution No. 06-013 certified on January 31, 2006 FEIR No. 591 in its composite form as complete and adequate in that it addresses all environmental effects of the Dana Point Harbor Revitalization Plan and fully complies with the requirements of CEQA and the County's environmental analysis procedures and pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, prepared an Addendum to FEIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA by the California Coastal Commission.**
4. That the proposed development, if it includes structures in excess of thirty-five (35) feet in height is in conformity with the provisions of the Dana Point Harbor Land Use Plan and District Regulations to preserve significant coastal public views through scenic corridors and from scenic viewpoints **in that as demonstrated in the Story Pole Staking Plan and View Analysis using the same views as first analyzed as part of FEIR No. 591 and updated to include the current project design elements, the anticipated development will have similar impacts on views and will result in significant and unavoidable long-term off-site aesthetic impacts due to the development of the dry stack boat storage building which will partially obstruct views from surrounding roadways, parks and the State Beach as indicated in FEIR No. 591; but will provide enhanced coastal view opportunities through scenic corridors not presently available through the creation of the Festival Plaza, Pedestrian Promenade and by providing new view overlooks as part of the project design. The architectural design is consistent with the character of the community in architectural form, bulk and height in that the development's architectural elements and proposed building heights and/or exceptions conform to requirements of the City's Harbor LCP Part II District Regulations, Chapters II-4 and II-5.**
5. That the proposed development conforms with the Dana Point Harbor Land Use Plan to maintain sufficient parking for coastal dependent and coastal related land uses **in that a Parking Management Plan, incorporating the findings and recommendations of the Dana Point Harbor Baseline for**

Slips, Dry Boat Storage, Launch Ramp & Parking Analysis (October 2013), a Transportation Demand Management Plan (October 2013), and Construction Management Parking Plan (December 2013), has been prepared that provides 4,500 parking spaces and facilitates the best possible use of the parking while prioritizing and avoiding adverse impacts on priority uses, including designated boater parking, boat launch ramp parking and dry boat storage opportunities, and includes provisions for the use of off-site locations during peak Harbor usage periods has been prepared and will be updated on a routine basis.

6. That the proposed development will maintain adequate space for a minimum of 493 boats to be stored on dry land and a minimum of 334 vehicle with trailer parking spaces for public launch ramp purposes in Planning Area 1 or provides for the storage of boats at off-site locations during construction of Commercial Core Project improvements **in that the project includes the development of a dry stack boat storage building capable of storing up to 400 boats and maintains surface boat storage spaces for a minimum of 93 boats that cannot be stored in the dry stack boat storage building; provides a minimum of 334 spaces located adjacent to the public boat launch ramp on a continual basis; and provides for adequate off-site storage facilities for all boats displaced during construction in accordance with the Construction Management Parking Plan.**
7. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the subject site is presently completely built-out with similar existing land uses and the site contains very little vegetation or coastal resources that could be considered to be significantly impacted by the proposed upgrades to Harbor infrastructure and facilities, and the project application includes Tree Trimming and Maintenance Procedures for Harbor Bird Habitat that have been developed to ensure the long-term protection of wading bird heronries, breeding, roosting and nesting habitat of birds protected by the Fish and Game Code and the Migratory Bird Treaty Act.**
8. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the proposed project is located on manmade landforms previously developed and a geotechnical investigation with recommendations and conclusions addressing site preparation, foundation design, lateral spreading for proposed buildings and retaining walls addressing geologic forces; a**

Preliminary Shoreline Management Plan and Wave Uprush Analysis prepared for the project provides current and future assessments of seasonal and long-term shoreline changes consistent with the best available science currently available standard and the information included in the Coastal Commission Draft Sea Level Rise Policy Guidance document that will be updated as new regulations and technologies are identified and/or regulatory standards are adopted by local, state and federal agencies relating to risks from flooding, inundation; that adequate County and City preparedness plans are in place and regularly updated to protect public safety and the project has received conditional approval from the Orange County Fire Authority that will minimize fire hazards.

9. That the proposed development will maintain compliance with the provisions of the National Pollution Discharge Elimination System and the requirements of the City of Dana Point Local Implementation Plan and Storm Water/Surface Runoff Water Quality Ordinance and Municipal Separate Storm Sewer System Permit **in that water quality Best Management Practices have been incorporated into the project design, including low flow diversions, infiltration trenches, bioretention without underdrains, drywells, permeable pavement and underground infiltration galleries in accordance with the approved Conceptual Water Quality Management Plan that also establishes responsibilities and timeframes for the construction and long-term maintenance of all new storm water and pollution control management systems in the Harbor.**
10. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that proposed project consists of the revitalization of an existing, fully developed harbor and the proposed improvements involve the replacement and enhancement of existing land uses in the Harbor, and includes new structures with contemporary building materials, variations in roof heights, new landscape improvements, and implementation of a comprehensive signage program that will enhance visual quality in the Harbor and facilitate public access.**
11. That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that this application is being reviewed for compliance with the Coastal Act provisions and other applicable state laws concerning specific coastal resources, compatibility with adjacent development, hazard areas, coastal access concerns and that land use priorities have been applied to determine the locations and intensity of land and water uses as part of the proposed**

development which is consistent with all applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations that is the applicable Local Coastal Program addressing land use and the implementation of projects in the OC Dana Point Harbor.

Conditions:

A. GENERAL CITY OF DANA POINT DISCRETIONARY APPROVAL REQUIREMENTS:

1. The Project Condition/Requirement and Mitigation Monitoring Program, attached hereto as Exhibit A for the Project, shall constitute conditions of approval by reference. Where there is a conflict between these conditions and the MMP, the more restrictive shall apply as determined by the OC Dana Point Harbor Director.
2. Approval of this application permits the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking Management Plan, Master Sign Program and approvals-in-concept for the construction of a Dry Boat Storage Building and upsizing of two storm drain outfalls for approval of a Coastal Development Permit by the California Coastal Commission. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the City Council and in compliance with the applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations, the City of Dana Point General Plan, City Zoning Code and other application provisions of the City's Local Coastal Program.
3. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration or addition to any use, structure, feature or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the

appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, he may approve the amendment without requiring a new public hearing.

5. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
6. The County, any tenants or any successor-in-interest shall defend, indemnify and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

The County, any tenants or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

7. The County and/or their designee shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to the City staff for future governmental permits or actions on the project site.
8. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
9. The use of the City's public right of way for construction purposes shall not be allowed, except as permitted by the City Engineer. An encroachment permit is required for all use of the public right-of-way.
10. Prior to issuance of any permit for work affecting neighboring properties, the applicant must secure written approval for the use of neighboring

property for any proposed construction and improvements from all affected properties.

11. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
12. The applicant shall prepare and provide to the City a copy of all needed reports and implement all required actions to meet current NPDES permit water quality regulations including, but not limited to, a Water Quality Management Plan, a Storm Water Pollution Prevention Program, and all other required water quality related reports/actions.
13. Should dewatering be necessary, the applicant shall apply and secure a separate discharge permit from the Regional Water Quality Control Board and from any other regulatory agency with jurisdiction, and submit a copy of the permit (s) to the City.
14. The hours of operation of construction equipment that produces significant noise or levels noticeably above general construction noise shall be limited to the allowable hours indicated in the Dana Point Municipal Code.
15. The applicant shall submit street improvement plans for all components of work that will impact City streets, fund and construct said improvements in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current City Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. This includes, but is not limited to, the following:
 - a. Required asphalt renovation on all City roadways including pavement repairs and overlay limits.
 - b. Required sidewalk and curb and gutter repairs.
 - c. Required median renovation work, including replacement of existing irrigation, trees and plant material.
 - d. Required City monument signage.
 - e. Other customary related street improvements.
16. For City streets, the applicant shall provide design documents, fund and construct traffic signal modifications and improvements, including but not limited to, traffic signal interconnect, conduit, wire, pull boxes, controller and enclosure, traffic signal poles, audible pedestrian push buttons, and

all other required equipment as directed and approved by the City Engineer.

17. Street Improvement Plans provided by the Applicant for purposes of processing the Coastal Development Permit are conceptual in nature, and may change based on input provided during the City review and approval process.
18. All street improvement and traffic signal work at the intersection of Puerto Place and Dana Point Harbor Drive shall be completed prior to construction of any on site buildings. Alterations to this Condition necessary for Project Phasing may be approved by the City Engineer.
19. The applicant shall provide design documents for all construction traffic control for the construction of all proposed City street improvements, and to support construction of improvements on County property. The traffic control plans shall be prepared by a licensed California Traffic or Civil Engineer and submitted for review and approval by the City Engineer.
20. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Dana Point Harbor Drive. Further, the applicant shall provide easements, if needed, on the applicant's property to allow for the necessary relocations as approved by the City Engineer, relating to City streets.
21. The applicant shall construct all sidewalk improvements to match the widths of adjoining or remaining public sidewalks.
22. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure to support said services.
23. Applicant shall prepare a comprehensive utility plan for all existing and proposed utilities on surrounding City streets that are impacted. Further, all above grade structures shall be fully screened from public view with landscaping or other improvements to the satisfaction of the City Engineer.
24. The applicant's licensed engineering consultants shall submit a final certification for all City street signing and striping and traffic signal improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Civil Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements as being substantially completed in conformance with the approved improvement plans.

25. The applicant shall submit a final stamped certification from the Traffic Engineer for all signal and traffic improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Traffic Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements on City streets as being substantially completed in conformance with the approved improvement plans.
26. An encroachment permit is required for all work on City property per the City's Municipal Code, City Standards and other local and state requirements. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions and approved plans to the satisfaction of the City Engineer.
27. All landscaping and irrigation installed on City property shall be installed per an approved landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department once all landscaping has been installed in accordance with the approved plans.
28. Any damage to improvements (landscape, irrigation, hardscape, sidewalks, etc.) on City property shall be restored to the satisfaction of the City Engineer.
29. All permanent BMP's on the project shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record. The applicant shall submit to the City and County of Orange, a final certification stating that all improvements associated with water quality meet the approved project WQMP by separate submittal. The final improvement certification by the record civil engineer shall approve the improvements as being substantially completed in conformance with the approved WQMP.
30. A grading permit shall be obtained prior to any work including demolition activities.
31. The County and/or their designee shall exercise special care during the construction phase of this project to prevent any off-site siltation and shall provide erosion control measures of a type, size and location as approved in consultation with the City of Dana Point Director of Public Works. The erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director, OC Public Works prior to the start of any other grading operations. Prior to the

removal of any erosion control devices so constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods as may be required by the Director, OC Public Works. The applicant shall maintain the erosion control devices until the Director, OC Public Works approves of the removal of said facilities.

32. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.

B. COUNTY STANDARD CONDITIONS OF PROJECT APPROVAL:

33. Prior to issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, above-ground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. Further, a copy of the approved "UFC Implementation Plan" shall be furnished to the Manager, Building Inspection Services, prior to the issuance of any certificates of use and occupancy.
34. Prior to the issuance of any grading permits or the issuance of a building permit, whichever occurs first, OC Dana Point Harbor and/or their designee shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.
 - A. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall submit plans for the required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
 - B. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.
35. FIRE LANE MARKING
 - A. Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads. The

plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the Orange County Fire Authority at (714) 744- 0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements".

- B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan. Tenant Leases or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method.
36. Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers."

37. FIRE ALARM SYSTEM

- A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."
- B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

38. Prior to the issuance of a building permit or installation of an aboveground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 for additional information.

39. HAZARDOUS MATERIALS

- A. Prior to the issuance of a grading or building permit, OC Dana Point Harbor and/or their designee shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical

Classification Packets."

- B. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire Authority Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.
40. Prior to the issuance of any building permits, OC Dana Point Harbor and/or their designee shall submit a detailed letter of intended use for each building on site to the Fire Chief for review and approval.
 41. OC Dana Point Harbor and/or their designee shall store, manifest, transport and dispose of all on-site generated waste that meets hazardous materials criteria in accordance with the California Code of Regulations Title 22 and in a manner to meet the satisfaction of the Manager, HCA/Hazardous Materials Program. OC Dana Point Harbor and/or their designee shall keep storage, transportation and disposal records on site and open for inspection by any government agency upon request. OC Dana Point Harbor and/or their designee shall store used oil filters in a closed rainproof container that is capable of containing all used oil and shall manage the container as specified in Title 22, Chapter 30, Division 4, Section 66828 of the California Code of Regulations.
 42. Prior to the issuance of street improvement permits for County owned property, OC Dana Point Harbor and/or their designee shall design and construct the following improvements in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading:
 - A. Streets, bus stops, on-road bicycle trails, street names, signs, striping and stenciling.
 - B. The water distribution system and appurtenances that shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief.
 - C. Underground utilities (including gas, cable, electrical and telephone), streetlights, and mailboxes.
 43. Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. OC Dana Point Harbor and/or their designee shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments

from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

44. As part of street and intersection improvements for County owned property, OC Dana Point Harbor/contractor shall install all underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) and other appurtenances (e.g., pull boxes, etc.) needed for future traffic signal construction and/or for future interconnection with adjacent intersections, all in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading.
45. Prior to the issuance of any grading or building permit (whichever comes first), OC Dana Point Harbor and/or their designee shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:
 - Include post-construction Structural Treatment Control BMP(s) as defined in the DAMP;
 - Include a conceptual Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for the post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the proposed mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).
46. Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.

C. SPECIAL CONDITIONS OF PROJECT APPROVAL:

47. Prior to issuance of grading permits, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures to implement all applicable regulations of the South Coast Air Quality Management District. These measures may include using low emission construction equipment, maintaining equipment in

tune per manufacturer's specifications; using catalytic converters on gasoline-powered equipment and using reformulated, low-emission diesel fuels and using finishing products in a manner meeting the approval of the Manager, Building Permit Services to demonstrate compliance with local and state air quality management regulations for grading and construction activities.

48. Prior to the issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee and/or tenant(s) shall pay fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, OC Public Works/Subdivision and Grading.
 - a. Coastal Area Road Improvements and Traffic Signals
 - b. San Joaquin Hills Transportation Corridor
49. All landscaping and irrigation, on County property, shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plant and irrigation materials have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the City of Dana Point Director of Community Development for verification. The landscape plan shall conform to the latest Landscape Efficiency Ordinance adopted by the County of Orange.
50. Prior to the issuance of a precise grading permit, a written approval by the Geotechnical Engineer approving the grading as being substantially in conformance with the approved conceptual grading plan shall be submitted to the City of Dana Point Director of Community Development in consultation with the Orange County Director of Public Works for verification.
51. In conformance with Harbor LCP Policy 6.2.6-12, to avoid conflicts and promote efficient traffic circulation in the Mariners Village and Dana Wharf areas, all deliveries by vehicles longer than 30-feet in length will be conducted between the daily hours of 6 and 11 AM only (including weekends). Only delivery trucks that are accommodated by the standard size parking spaces shall be permitted on Dana Wharf after 11 AM.
52. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the heights of the proposed structures are in compliance with plans approved by the City of Dana Point and the structure heights included as part of this permit.
53. Within five (5) years from the date CDP13-0018(I) is established, OC Dana Point Harbor shall prepare for the City's review an update to the Parking Management Plan for Dana Point Harbor as required by the City's Harbor LCP Part II District Regulations, Section II-14.6 and will

subsequently update the Plan on a routine basis to reflect weekday, weekend and seasonal variations in the use of the Harbor parking facilities and minimize overcrowding of high demand parking areas to the greatest extent feasible.

54. Within five (5) years from the date CDP13-0018(I) is established, OC Dana Point Harbor shall prepare for the City's review an update to the Preliminary Shoreline Management Plan and any required technical studies for Dana Point Harbor as required by the City's Harbor LCP Part II District Regulations, Chapter II-3, Special Provision 11 to provide updated assessments of seasonal and long term shoreline changes consistent with the best available science currently available and the information included in the Coastal Commission Draft Sea Level Rise Policy Guidance document and will be updated as new regulations and technologies are identified and/or regulatory standards are adopted by state and federal agencies relating to risks from flooding and inundation. The updated Shoreline Management Plan shall also include provisions for compliance with all applicable adopted regulatory standards and to the extent new information is available, additional assessments of the following:
- An assessment of any factors that may influence the safety of the existing seawalls;
 - Any new jurisdictional standards/modeling requirements for the assessment of sea level rise and/or recommended design standards for the fortification or replacement of shoreline protective devices;
 - New geotechnical, hydrology or flood information available that is relevant to the assessment of coastal hazards;
 - New public safety procedures.
55. Within six (6) months of the issuance of building permits for the construction of the Commercial Core podium structures, including Buildings 7, 8 and 9, a Coastal Development Permit shall be submitted to the California Coastal Commission for the Dry Boat Storage Building and other related infrastructure improvements in Planning Area 1 in accordance with the requirements and procedures as set forth in Government Code Sections 13056 through 13188.
56. Prior to the issuance of building permits for the Commercial Core Buildings 10 and 11, OC Dana Point Harbor shall provide evidence to the City of Dana Point Community Development Director and Executive Director of the California Coastal Commission that

construction plans for the Dry Stack Boat Storage Building have been submitted to the Orange County Building Department for plan check review.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 18th day of November 2014.

LISA A. BARTLETT, MAYOR

ATTEST:

Kathy Ward, Acting City Clerk

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

I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 14-11-18-XX adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 18th day of November, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathy Ward
City Clerk