

INTRODUCTION

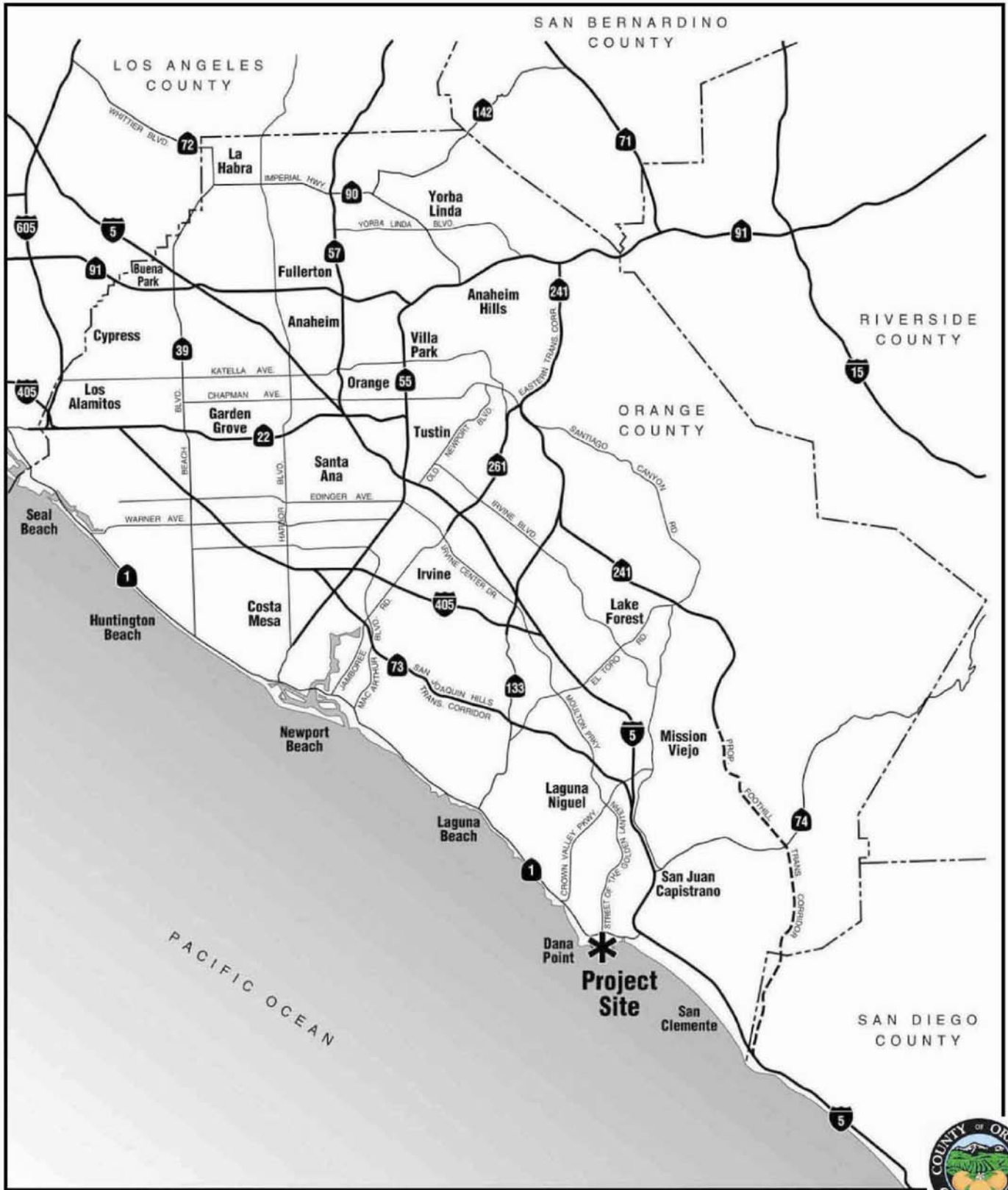
1.0 Introduction

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

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

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

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



Dana Point Harbor
 REVITALIZATION PLAN & DISTRICT REGULATIONS

Exhibit 1.1-1
REGIONAL VICINITY MAP





Dana Point Harbor
REVITALIZATION PLAN & DISTRICT REGULATIONS

Exhibit 1.1-2
PLANNING AREA MAP



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PLANNING AREA 1

Planning Area 1 makes up the eastern boundary of the Harbor, beginning at the intersection of Pacific Coast Highway and Dana Point Harbor Drive. A large monument sign is located on the southwest corner marking the main vehicular entrance to the Harbor. Immediately south of the intersection along Dana Point Harbor Drive is the main entrance to Doheny State Beach and the entrance road (Park Lantern) leading to Lantern Bay Park and the Laguna Cliffs Marriott Resort and Spa. Lantern Bay Park and Heritage Park are local park facilities operated by the City of Dana Point and are located on the bluffs, overlooking Doheny State Beach and the eastern portion of the Harbor. Park facilities include meandering walking paths, picnic benches and barbecues, turf areas shaded by large pine trees, a newly remodeled tot-lot, basketball courts and off-street parking lot. Located immediately west of the Doheny State Beach entrance is the Puerto Place parking area. This paid parking area (between the hours of 6 AM to 12 AM) has a capacity of 163 cars and includes a small picnic area with benches and barbecues that overlooks the state beach and ocean. Beach access stairs are also provided from the parking area.

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

The shipyard facilities are made up of administrative offices, a retail parts counter and a machine shop (approximately 5,000 sq. ft. including Dana Point Jet Ski providing sales, rentals and repair services of personal watercraft) located in a two-story ribbed metal panel building adjacent to the waterfront. The shipyard in its current configuration has a capacity to simultaneously service approximately 25 vessels in the 30 foot or less size category that is presently the most common size vessel in the Harbor (comprises approximately 75% of the total). Puerto Place terminates with a circular turn-around that has a public restroom and a small park at the breakwaters edge. A paid parking lot (28 car spaces); park area that includes benches and the fuel dock, with a small office, sales area and small convenience store (750 sq. ft.) are also located in this area of the Harbor. There is visible evidence of underground storage tanks adjacent to the fuel dock area, indicated by manholes and fuel pumps at the terminus of Puerto Place.

Immediately west of Puerto Place on Dana Point Harbor Drive is the Embarcadero Marina entrance, consisting of a two-lane, one-way roadway with card-key and fee-paid control gate access. The Embarcadero Marina facilities include a large surface parking lot for vehicles and boat trailers (183 spaces), four boat wash down stations, trash dumpsters, boat launch ramps with two floating docks and Embarcadero Boat Rentals. Embarcadero Marina

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offices are housed in a two-story building. The facility also includes a one-lane boat launch hoist. Users of the facility presently exit using Street of the Golden Lantern and Dana Point Harbor Drive.

As a condition of approval by the California Coastal Commission for the Dana Point Harbor Boat Launch Renovation project, water quality treatment improvements were necessary, which included retrofitting the boat wash-down area with a filtered catch basin to screen boat wash and runoff and send it to the sanitary sewer for treatment and installation of a trench drain along the ramp apron to collect runoff and treat it via an in-line stormwater filtration vault. All of the boat launch improvements were completed and fully operational in 2008.

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

PLANNING AREA 2

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

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

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

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

PLANNING AREA 3

Great Western Hotels built the Marina Inn in Dana Point Harbor in 1970 as a 3-story, 80-room apartment hotel for County residents looking for a weekly vacation destination. In

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

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

Planning Area 3 currently has a total capacity of accommodating up to 623 cars, including that portion of the parking area located immediately adjacent to the East Marina that is dedicated boater parking. Some areas immediately adjacent to the Boater Service Buildings have also been equipped with storage racks for hand launch vessels. A portion of the boater parking area is used on a regular basis to accommodate ferry passengers to Catalina Island.

PLANNING AREA 4

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

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

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

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PLANNING AREA 5

Key recreational facilities include the OC Sailing and Events Center, Baby Beach (provides hand launching of non-motorized crafts), a public fishing pier, restrooms and large picnic area. These activity areas are popular location for picnics, beach activities, beginner sailing and hand launching of small vessels as well as group gatherings of all types.

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

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

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

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

PLANNING AREA 6

The Ocean Institute is located in the westernmost portion of the Harbor, providing a unique educational campus, situated adjacent to the Old Cove Marine Preserve. The recently expanded Ocean Institute facilities provide a hands-on marine sciences experience for children and adults, including RV/Sea Explorer cruises, tours of the historical Brig "Pilgrim" and "Spirit of Dana Point" tall ships, tide pool excursions and other marine/coastal educational programs. The Ocean Institute consists of a total of approximately 32,000 sq. ft. in a series of small buildings, designed to emulate the campus of an early coastal marine science facility historically located along the coastline of the western United States. Principal goals of the facility include providing significant increases in seating capacity for lectures

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and special events, larger learning center, areas for teacher conferences, training/lecture and instructional space for administrative staff and space for facility operational functions.

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

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

PLANNING AREA 7

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

PLANNING AREA 8

The Educational Basin is located in the western most portion of Dana Point Harbor and includes a federal anchorage area and tall boat docks adjacent to the Ocean Institute. In addition to the docks for the Spirit of Dana Point and the Pilgrim vessels, a free and ADA-accessible public fishing pier is located immediately adjacent to the Pilgrim dock. Because of its sandy bottom and gradual transition to deeper water in the main channel of the Harbor, the Educational Basin is frequently used by individuals or groups for the hand launching of vessels. OC Sailing and Events Center docks in the Education Basin are used for storing boats used in the sailing and education programs as well as providing other opportunities for the hand launching of small vessels.

PLANNING AREAS 9, 10, 11 & 12

Marinas include the West Marina (west of Island Way, adjacent to the West Harbor Area or Planning Area 9); the East Marina (east of Island Way, adjacent to Dana Wharf and the Commercial Core area or Planning Area 10 and includes the East Turning Basin with a full-

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service fuel dock/bait receiver or Planning Area 11) and the Harbor entrance and the main channel behind the Federal breakwater or Planning Area 12.

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

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

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

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

1.1 Description of Dana Point Harbor Revitalization Plan

The amendment to this LCP establishes new land use policies and development standards that will allow for much needed upgrades to the visitor serving and marina services areas of Dana Point Harbor. As a result, the Dana Point Harbor Revitalization Plan has been planned and described as follows:¹

¹ Note: This Local Coastal Program contains extensive description of planned future development (e.g. the Dana Point Harbor Revitalization Plan). However, the presence of those descriptions does not constitute any entitlement for the improvements described. All future non-exempt development will need to be reviewed, in the context of an application for coastal development permit, for consistency with the policies of this Local

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The Dana Point Harbor Revitalization Plan (Revitalization Plan) establishes a new Visitor Serving Commercial area (the Commercial Core that includes the northerly portion of Planning Area 1 and Planning Area 2) that will replace and/or remodel all of the existing retail and restaurant buildings. The Commercial Core revitalization also includes the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-off areas, a new dry-stack boat storage facility and improvements to several boater service and public restroom buildings. The initial phase of the proposed Dana Point Harbor Revitalization Plan provides for the relocation of certain yacht brokerage firms and other harbor-related offices uses to the new Commercial Core area.

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan provides for the future improvement of many of the existing Harbor facilities as funding sources are identified and jurisdictional approvals are obtained. Major components to enhance other Visitor Serving and Marine Commercial amenities are the replacement of the outdated Marina Inn complex with an upgraded hotel; the future renovation and/or expansion of the boater facilities on the Island, including expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space; expansion of the OC Sailing and Events Center; and an upgraded boat shipyard. Other work anticipated to be performed includes the reconfiguration and/or reconstruction of the docks and needed repairs to portions of the seawall throughout the Marinas. Although specific ideas haven't been developed at this time, some harbor users have identified a need to upgrade and expand facilities at Baby Beach to meet the growing needs of hand launched vessels and to expand the level of access for non-boating day use visitors as feasible. Policies in this plan encourage maintenance and improvement of such uses in the Harbor.

The proposed Dana Point Harbor Revitalization Plan improvements are planned to occur in phases over approximately 5 to 20 years. The near-term improvements to the Commercial Core area (also referred to as Phase I) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary jurisdictional approvals. The long-term improvements (referred to as Phase II) are anticipated to include revitalization of the Marinas, renovations to existing structures, street and infrastructure improvements, the reconfiguration of the area presently used for non-shipyard related activities to provide space for boat storage.

The Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor-serving commercial and marine recreational amenities, providing water quality improvements and promoting coastal resource preservation throughout the Harbor.

Coastal Program. The development ultimately approved may or may not be consistent with the descriptions provided herein.

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1.1.1 Scope

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

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan provides for the future improvement of many of the existing Harbor facilities as funding sources are identified and jurisdictional approvals are obtained. Major components to enhance other Visitor Serving and Marine Commercial amenities are the replacement of the outdated Marina Inn complex with an upgraded hotel; the future renovation and/or expansion of the boater facilities on the Island, including expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space; expansion of the OC Sailing and Events Center; and an upgraded boat shipyard.

Other work anticipated to be performed includes the reconfiguration and/or reconstruction of the East and West Marina docks, gangways and security gates. Additionally, new Embarcadero/dry stack boat storage facility staging docks and dinghy dock, Marine Services docks, commercial fishing docks and sport fishing docks are included in the overall renovation of facilities. In order to accommodate boaters during renovations, potential temporary docks may be located along the breakwater adjacent to Doheny State Beach. Following completion of the marina improvements, these temporary docks may potentially be reconfigured to provide additional dock space for yacht brokers or other identified users should the appropriate jurisdictional approvals be obtained to allow these docks as a permanent use.

The Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor serving commercial and marine recreational amenities, providing water quality improvements and promoting coastal resource preservation throughout the Harbor.

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1.1.2 Overview

Dana Point Harbor is located entirely within the Coastal Zone as defined by the California Coastal Act of 1976. The primary purposes of the Coastal Act are to protect, maintain and where feasible, enhance and restore the natural and scenic qualities of coastal resources; assure an orderly and balanced use and conservation of coastal zone resources; maximize public access consistent with conservation principles and constitutionally protect private property rights; assure priority for coastal-dependent and coastal-related development; and, encourage state and local government cooperation concerning planning and development. The Coastal Act ensures the conservation of coastal resources through the implementation of a series of coastal resources planning and management policies.

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

Land Use Plan

- 1) Dana Point Harbor Revitalization Plan (Part I – Chapters 1 through 3) – describes jurisdictional considerations, the physical design of the Harbor's existing facilities and proposed renovations/improvements as identified by the Dana Point Harbor Revitalization Plan; and
- 2) Land Use and Resource Management Program (Part I – Chapters 4 through 8) – comprehensively implements LUP policies for the land uses, land and waterside amenities, conservation and protection of resources within Dana Point Harbor.
- 3) Environmental Review Process (Part I – Chapter 9) – pursuant to the requirements of the California Environmental Quality Act (CEQA), project applications for Coastal Development Permits shall be evaluated for potential impacts to the environment as part of the project approval process.

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

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Implementing Actions Program

- 4) Regulations and Site Development Standards (Part II – Chapters 1 through 13) – provides the development regulations and standards for Dana Point Harbor – in effect serving as the zoning ordinance for the Harbor;
- 5) Design Standards (Part II – Chapters 14 and 15) – establishes design requirements for parking and signage components of the Harbor that can be used for subsequent design and project review;
- 6) Discretionary Permits and Procedures (Part II – Chapter 16) – provides community and governmental representatives with the opportunity to review and consider detailed plans for specific revitalization projects within Dana Point Harbor;
- 7) Revitalization Plan and Statistical Table (Part II – Chapter 17) – provides regulations and procedures for City of Dana Point Planning Commission to consider revisions to the Dana Point Harbor Revitalization Plan and Statistical Table;
- 8) Definitions (Part II - Chapter 18) – provides meanings for the terminology and standards used throughout the Dana Point Harbor Revitalization Plan and District Regulations document; and
- 9) Legal Description (Part II – Chapter 19) – establishes a boundary for Dana Point Harbor that has been prepared to reflect current conditions and adjacent property ownerships.

The Coastal Act requires local governments to prepare Local Coastal Programs for areas located within the Coastal Zone. Local Coastal Programs are comprised of the relevant portions of a local government's general plan, zoning ordinances, zoning district maps and other implementing actions, which, when taken together meet the requirements of and implement the provisions and policies of the California Coastal Act at the local level.

The following general policies shall provide the framework for interpreting the Land Use Plan (LUP) components for the Dana Point Harbor Revitalization Plan:

1. Where policies within the LUP overlap, the policy that is the most protective of the coastal resources shall take precedence;
2. Where there are conflicts between the policies set forth in this LUP and those set forth in any element of the City of Dana Point General Plan Elements, other adopted plans, programs or existing ordinances, the policies of this LUP shall take precedence; and

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3. In the event of any ambiguities or conflicts not resolved by (1) or (2) above or by other provisions of the Dana Point Harbor Revitalization Plan and District Regulations, the policies of the California Coastal Act shall guide interpretation of this LUP.

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

LAND USE PLAN

2.0 Land Use Plan

This Chapter describes the Land Use Plan (LUP) components for Dana Point Harbor. Subsequent chapters provide the policies, technical information and plans related to a particular resource or proposed Dana Point Harbor Revitalization Plan component.

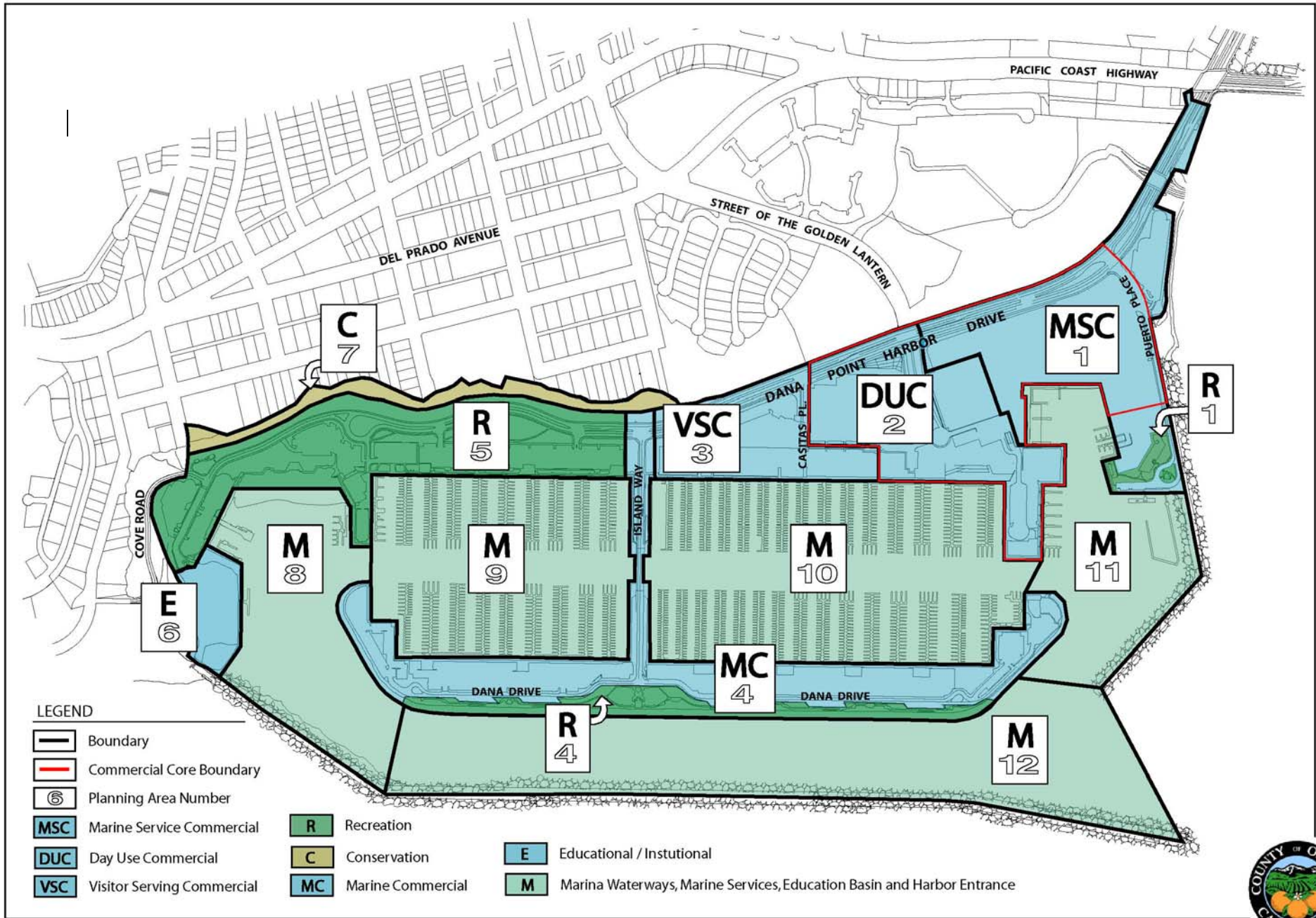
2.1 Overview

The Land Use Plan for Dana Point Harbor is summarized on the Summary Table (Table 2-1) and shown on Exhibit 2-1, *Land Use Summary Table and Dana Point Harbor Land Use Plan*, respectively.

**Table 2-1
LAND USE SUMMARY TABLE**

Land Use Category	Planning Areas	Gross Acres	Percent of Total Harbor
Marine Services Commercial (MSC)	1	24.0	9.2
Marine Services Commercial Recreation (R)		1.2	
Day Use Commercial (DUC)	2	18.1	6.5
Visitor Serving Commercial (VSC)	3	9.5	3.4
Marine Commercial (MC)	4	21.2	9.3
Marine Commercial Recreation (R)		4.4	
Recreation (R)	5	21.1	7.6
Educational/Institutional (E)	6	3.6	1.3
Conservation (C)	7	4.0	1.4
Education Basin	8		
West & East Marinas	9, 10	169.7	61.3
Marine Services & Harbor Entrance (M)	11, 12		
Totals		276.8	100.0

The Dana Point Harbor Revitalization Plan would allow a new Visitor Serving Commercial area (the Commercial Core) that includes the replacement and/or remodeling of all existing retail and restaurant buildings. The Commercial Core revitalization would also allow the reconfiguration of the main Marine Services Commercial area to provide enhancements to surface parking areas, new boater loading and drop-off areas, a dry-stack boat storage facility and improvements to several boater service and public restroom buildings. The reconfiguration would also allow the relocation of certain yacht brokerage firms and other harbor-related offices to the Commercial Core area (Planning Area 2) of the Harbor.



Dana Point Harbor

REVITALIZATION PLAN & DISTRICT REGULATIONS



Exhibit 2-1

DANA POINT HARBOR LAND USE PLAN

LAND USE PLAN

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan would provide for a number of future improvements (the remaining portion of Planning Area 1 and Planning Areas 3 through 7 [landside] and 8 through 12 [waterside]). Planning Area 3 plans include the potential for a new hotel with conference facilities in addition to providing up to 220 new guest rooms and other visitor-serving amenities. Plans for the Island area of the Harbor (Planning Area 4) would allow for the future renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. Other work would be allowed to reconfigure and/or reconstruct the marina docks and portions of the seawall in Planning Areas 8 through 12, and to add additional guest boater docks closer to the Commercial Core with a dinghy dock area adjacent to Dana Wharf, subject to a separate permitting and environmental review process.

The anticipated improvements that would be allowed by Dana Point Harbor Revitalization Plan would occur in phases over approximately 5 to 20 years. The near-term improvements (referred to as Phase I) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary jurisdictional approvals and consists of the northerly portion of Planning Area 1 and all of Planning Area 2, collectively referred to as the "Commercial Core" area of the Harbor ("Marine Services Commercial" – the Embarcadero and Shipyard area and "Day Use Commercial" – The Dana Wharf and Mariners Village areas). The long-term improvements (referred to as Phase II) are anticipated to commence as funding sources are identified and jurisdictional approvals are obtained and consists of future improvements in Planning Areas 3-12 including renovations to structures and street improvements on the Island and reconfiguration of the Marinas. Future improvements may also occur in the southern portion of Planning Area 1 and includes reconfiguration of the area used for non-shipyard related activities such as boat storage, boat brokerages, jet-ski rentals and sales and hand launch vessel rentals to be included as part of the Revitalization Plan's surface boat storage area. There is also an existing park at this location that will be maintained and protected.

The Dana Point Harbor Revitalization Plan has been developed with the specific intent of promoting Coastal Act compliance by enhancing public access opportunities, providing updated visitor serving commercial and marine recreational amenities and promoting coastal resource preservation throughout the Harbor.

2.2 Land Use Designations

Commercial

MARINE COMMERCIAL (MC)

The Marine Commercial (MC) designation is intended to provide a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, private and public club uses supportive of the general boating public and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The MC designation allows uses such as:

- Marine retail sales;
- Marine-related administrative, professional and business offices;
- Yacht clubs/boating associations;
- Boat docks;
- Dry boat storage, wash down and maintenance facilities;
- Small boat and watercraft storage facilities;
- Boat maintenance and operation facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skis, etc.) or other similar types of motorized marine vehicles;
- Commercial and recreational fishing;
- Parking areas;
- Restaurants, and other food and beverage sales;
- Travel and commercial recreation services and uses;
- Public and Commercial Recreation facilities;
- Law enforcement and Harbor Patrol facilities;
- Boater Service facilities, including restrooms, laundry and storage;
- Scenic viewpoints, visual outlooks and picnic areas;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public restrooms.

The City of Dana Point Harbor Revitalization Plan would allow uses to maintain the existing character of the Island. Future allowable development includes expansion of the Harbor Patrol Facility. A seasonal water taxi will be considered with pick-up/drop-off locations in this land use area. The Dana Point Harbor Revitalization Plan would allow for the renovation and/or expansion of the Dana Point Yacht Club and Dana West Yacht Club, creation of additional overall square footage to provide storage for hand launch vessels (kayaks, rowboats and other small craft) used by the yacht clubs. Additionally, the seven boater service buildings may be expanded.

To aid and enhance water quality improvements, a materials and recycling disposal station would be installed within Planning Area 4 to facilitate boater drop-off of materials such as oil absorbing bilge pads. Anticipated plans also include enhancements in visitor parking availability and the possible replacement of existing turn-around at each end of Dana Drive to resolve large vehicle and emergency access constraints. Additional public parking may also be provided through the reconfiguration of Dana Drive if determined feasible and sources of funding improvements are appropriated.

MARINE SERVICES COMMERCIAL (MSC)

The Marine Services Commercial (MSC) designation is intended to provide a variety of coastal dependent and coastal-related marine services for recreational boating, and facilities supportive of the general marine and boat services industry and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The MSC designation allows uses such as:

- Boat docks;
- Small craft boat repair and boat fueling;
- Dry boat storage and maintenance facilities, including kayaks;
- Boat wash down facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Marine retail sales;
- Boat and personal water craft sales and rentals;
- Boater Service facilities, including restrooms, laundry and storage;
- Commercial and recreational fishing;
- Sport fishing and/or charter boat concessions;
- Information kiosks;
- Take-out or walk-up restaurant, vending machine food and beverage centers;
- Travel and commercial recreation services and uses;
- Seasonal water taxi service facilities;
- Parking areas;
- Marine-related administrative, professional and business offices;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Dana Point Harbor Revitalization Plan would allow enhancements to the Marine Services Commercial area by allowing a dry stack boat storage facility building. The dry stack facility would offer upgraded boater services, including valet launch and retrieval services. The dry stack boat storage facility may also contain marine retail sales, new offices and boater

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lounge area, a hoist, boat maintenance area and other support space. Development of this facility would allow the reconfiguration and modification of the wet slip staging area located adjacent to the boat launch ramp. This area would be utilized to dock the vessels for client access and as a drop-off area prior to returning boats to the dry stack building.

Currently, County maintenance buildings occupy a portion of this site. As part of the Dana Point Harbor Revitalization Plan, the County of Orange South Coastal Operations Administration Office and maintenance Yard is planned to be relocated to a site outside the Harbor and the existing buildings demolished. An existing telecommunications tower may also require relocation to facilitate implementation of planned improvements. The exact location will be determined by OC Dana Point Harbor and the telecommunications operators as part of the final design and local project approval process.

The Marine Services Commercial land use designation would also allow parking for approved uses, surface boat storage spaces and enhanced vehicle with trailer parking spaces for the boat launch. Additionally, as part of a harbor wide program being contemplated, a seasonal water taxi service stop may be located in this land use area.

VISITOR SERVING COMMERCIAL (VSC)

The Visitor Serving Commercial (VSC) designation is intended to provide a variety of visitor serving commercial overnight accommodations and ancillary uses and facilities in addition to visitor serving commercial, recreation uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The VSC designation allows uses such as:

- Overnight visitor accommodations;
- Retail sales (includes outdoor retail);
- Boat docks;
- Boater Service facilities, including restrooms, laundry and storage;
- Parking areas and structures;
- Cafes, restaurants, vending machine food and beverage centers;
- Other uses and professional services or facilities customarily found in a hotel;
- Travel and commercial recreation services and uses;
- Public and commercial recreation facilities;
- Seasonal water taxi service facilities;
- Facility information offices and centers, information kiosks;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Dana Point Harbor Revitalization Plan would allow the future renovation or replacement of the existing lower cost Marina Inn with a new lower cost facility located in the present

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hotel location or relocated closer to the waterfront to promote a stronger pedestrian connection with the anticipated Pedestrian Promenade and Festival Plaza.

The boater facilities located adjacent to the revitalized Commercial Core and hotel would be allowed to be reconfigured to provide a linear park. Other enhancements to the boater facilities include upgrades to restrooms and laundry facilities, expansion of office square footage and the reconfiguration of surface parking areas. Associated with the design of the hotel, several boater service buildings may be relocated and/or replaced.

DAY USE COMMERCIAL (DUC)

The Day Use Commercial (DUC) designation is intended to provide a variety of visitor serving commercial and recreation uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The DUC designation allows uses such as:

- Retail sales (includes outdoor retail);
- Cafes, restaurants, and other similar types of indoor and outdoor food/drink/entertainment establishments;
- Sport fishing and/or charter boat concessions;
- Marine retail sales;
- Boat docks;
- Boater Service facilities, including restrooms, laundry and storage;
- Small boat and watercraft storage facilities;
- Travel and commercial recreation services and uses;
- Public and commercial recreation facilities;
- Seasonal water taxi service facilities;
- Parking areas and structures;
- Facility information offices and centers, information kiosks;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public restrooms.

The Dana Point Harbor Revitalization Plan would allow a large, centralized outdoor Festival Plaza, along the waterfront within the central portion of the anticipated Harbor's Commercial Core. The Festival Plaza would provide direct views across the Commercial Core by creating an open plaza along this section of waterfront as well as a central gathering space for events, activities and celebrations throughout the year. Currently, these activities are limited to a small area of lawn adjacent to a restaurant service dock. The Festival Plaza would include a combination of landscaping, decorative paving and informal seating areas. A Pedestrian Promenade, an anticipated waterfront walkway, would be located along the waterfront and would lead to Festival Plaza.

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With completion of the new Commercial Core buildings and facilities, it is anticipated that the existing businesses and restaurants would be relocated and demolition of Mariner's Village and Mariner's Alley would occur, making way for the construction of additional guest and boater parking areas. The new retail area would improve water orientation and integration with the Festival Plaza, Pedestrian Promenade and the merchants located on Dana Wharf.

The new Day Use Commercial area would replace and/or rehabilitate approximately 26,600 sq. ft. of existing retail uses and 51,300 sq. ft. of existing restaurant uses. The Revitalization Plan would allow for the relocation of the yacht brokerages within existing Boater Service Buildings 1 and 2. The Plan would also allow for a marine retail store to be located in the Commercial Core area of the Harbor (in the Day Use Commercial area only and not in the Marine Service Commercial area). Commercial and restaurant uses would be integrated into a two level podium structure, accommodating parking spaces and waterfront retail uses on the bottom level and restaurant facilities and additional parking on the second level.

The recently renovated Dana Point Harbor Entry Monument Sign and landscaping improvements at the intersection of Dana Point Harbor Drive and Street of the Golden Lantern will remain in place.

The Dana Point Harbor is viewed as a unique marine recreational facility that provides year round activities for local residents, the boating public and visitors. The defining vision behind the Dana Point Harbor Revitalization Plan is to unify the entire Harbor under the design theme of "California Coastal". This vision is a hybrid-style based on the historic characteristics of coastal villages merged with the California traditions of open space and outdoor living.

The model for a California Coastal Village is a coastal area that has an appearance of being constructed over time, with buildings being added as needed, while at the same time allowing the various buildings to differentiate themselves based on users and individual type of businesses. Generally, buildings will share a color palette of cool colors, mixed with brighter accents and contrasting trim elements. Building exterior finishes will also share many materials which can be deployed in numerous ways such as clapboard, shingle, stone trim and stucco. By unifying some architectural elements, such as roof pitches and railings, these buildings will present a varied yet unified village appearance.

The scale of Dana Point Harbor allows the creation of a unique setting that includes the clustering of buildings together to provide a comfortable pedestrian setting for retail merchants and restaurants. The new village will also be moved closer to the existing Dana Wharf to create a stronger pedestrian link with the remaining buildings and adjacent parking areas. A small number of careful architectural enhancements will bring the California Coastal style to the existing buildings on Dana Wharf to be remodeled.

Recreation

RECREATION (R)

The Recreation (R) designation is intended to provide recreation and public uses and facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The R designation allows specific uses such as:

- Open space (natural and modified) active and passive recreation areas;
- Scenic viewpoints, visual outlooks and picnic areas;
- Community and youth oriented boating and seamanship recreational structures and facilities or uses and related equipment storage;
- Administrative offices;
- Boat docks;
- Small boat and watercraft storage facilities;
- Boater Service facilities, including restrooms, laundry and storage;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Facilities for the hand-launching of small non-motorized watercraft;
- Boat wash down facilities;
- Cafes, restaurants , vending machine food and beverage centers;
- Commercial and recreational fishing;
- Sport fishing and/or charter boat concessions;
- Public recreation facilities;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

Several recreation areas located throughout the Harbor provide a range of active and passive recreational opportunities. Situated on both sides of Dana Point Harbor Drive, between the OC Sailing and Events Center and the public fishing pier are a series of lawn areas with meandering pedestrian paths, restrooms and sheltered picnic facilities. The lawn area adjacent to the waterfront also serves as an informal staging area for recreational small craft users using Baby Beach as a point of access. During the summer months, the lawn areas also provide a popular location for the Ocean Institute and OC Sailing and Events Center to conduct youth instructional programs. Several parking areas are located immediately adjacent to the OC Sailing and Events Center and public fishing pier.

The Dana Point Harbor Revitalization Plan would allow several enhancements to these recreational facilities including picnic area improvements, upgraded restrooms, reconfigured parking areas and providing areas for small-scale day use retail (snack or concession

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vendors) businesses and low-cost boating and hand launch vessel rentals. OC Sailing and Events Center currently offers meeting rooms for recreational activities, community events and private parties, as well as sailing and ocean-related educational programs. The OC Sailing and Events Center may increase their facility in size. Anticipated expansion of community meeting space, activity areas, instructional facilities and offices would be allowed in addition to the potential reconfiguration of adjacent parking areas to provide additional parking opportunities.

Circulation and access improvements would be allowed and may include the realignment of Dana Point Harbor Drive adjacent to the proposed facility to remove the existing traffic circle to improve traffic circulation. Currently, Cove Road provides secondary access to the Harbor.

One of the most prominent recreational areas in the Harbor is located along the main channel on the Island. A long linear park (designated Recreation (R)) provides views of the open ocean, boat traffic entering and leaving the Harbor and includes a series of sheltered picnic areas and restroom buildings, connected by a waterfront meandering pedestrian walkway. Public parking is located along Dana Drive. The Dana Point Harbor Revitalization Plan would allow several enhancements to these recreational facilities including picnic area improvements, upgraded restrooms and reconfigured parking areas. There is also an existing park area located at the southern portion of Planning Area 1 that also has the land use designation Recreation (R). This park will be maintained and protected.

Conservation

CONSERVATION (C)

The Conservation (C) designation is intended to preserve the bluff areas and maintain open space/passive recreation areas supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The C designation preserves significant coastal topographical landmarks (i.e. coastal bluff face) and allows uses such as:

- Public accessways, walking paths and interpretive trails, including handicap-related facilities (access may be limited due to habitat on the bluff face and topographic constraints);
- Public works structures necessary for the permitted development;
- Scenic viewpoints and visual outlooks;
- Picnic and lawn areas (adjacent to Dana Point Harbor Drive); and
- Public Restrooms.

Recognizing the emphasis the Coastal Act places on the preservation of significant coastal topographical landmarks, the Revitalization Plan provides for the preservation the coastal bluff-face that has served to define the area since sailors first discovered the area. This area,

protected under the Conservation land use designation includes a small amount of coastal sage scrub, which is a sensitive plant species that provides habitat for other sensitive plant and animal species. Improvements to surface drainage facilities would be allowed as part of the Dana Point Harbor Revitalization Plan.

Educational / Institutional

EDUCATIONAL / INSTITUTIONAL (E)

The Education/Institutional (E) designation is intended to permit a variety of recreation and education/institutional facilities supportive of the general community and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The E designation allows specific uses such as:

- Educational institutions, lecture halls and marine research facilities;
- Educational exhibit areas and museums;
- Scenic viewpoints, visual outlooks and picnic areas;
- Administrative offices;
- Community or youth oriented boating and seamanship recreational structures and facilities or uses and related equipment storage;
- Boat docks;
- Small boat and watercraft storage facilities;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Small boat and watercraft storage facilities;
- Boat wash down facilities;
- Cafes, restaurants, vending machine food and beverage centers;
- Commercial and recreational fishing;
- Public recreation facilities;
- Seasonal water taxi service facilities;
- Public works structures necessary for the permitted development;
- Communication facilities; and
- Public Restrooms.

The Ocean Institute consists of a series of buildings devoted to creating unique marine laboratory environments that serve as learning centers for the At Sea, Ecology, and Surf Science/Overnight programs. Other support buildings house a bookstore (Campus Store), a multipurpose room, a main lobby, an exhibit area, student services, administration, a library and conference room and other support spaces. Recreational uses within the vicinity of the Ocean Institute include the Old Cove Marine and Native Plant Preserves. To facilitate access to the Ocean Institute, a seasonal water taxi stop may be located adjacent to the Ocean Institute's Tall Ship facilities. The Ocean Institute was recently completely renovated.

OC Sailing and Events Center docks in the Education Basin are used for storing boats used in the sailing and education program as well as providing additional opportunities for the hand launching of small vessels.

Marine Waterways

EDUCATION BASIN, WEST AND EAST MARINAS, MARINE SERVICES AND HARBOR ENTRANCE (M)

The uses included in the marine waterways (M) designation are intended to permit a variety of general marine and boat services facilities supportive of the general marine and boat services industry and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point and visitors to the coast.

The M designation allows specific uses such as:

- Boat docks, slips and end/side tie facilities;
- Boat mooring and anchoring facilities;
- Public Fishing pier;
- Facilities and equipment associated with launching and landing of motor and non-motorized boats, personal water craft (i.e., jet-skies, etc.) or other similar types of motorized marine vehicles;
- Small boat and watercraft waterside storage facilities;
- Commercial and recreational fishing;
- Bait receivers;
- Public sandy beach (Baby Beach) recreational area;
- Buoys, floating or anchored marine navigational aids and facilities;
- Harbor breakwater structures and shore protection devices;
- Seasonal water taxi service facilities;
- Communication facilities; and
- Public works structures necessary for the permitted development;

The Dana Point Harbor Revitalization Plan would allow the renovation of the marine portions of Baby Beach. The non-motorized craft launching area and picnic and park area within Baby Beach and Federal anchorage area will remain. However, because of ongoing water quality concerns, the form and function of this area would be modified based on the findings of water quality research. Potential changes range from implementing water quality Best Management Practices to reconfiguration of the sandy bottom to promote water movement.

Also allowed are the future reconfiguration and/or reconstruction of the East and West Marinas, the quay wall and bulkheads within those basins and gangways and security gates. Additionally, new dry stack storage and dinghy docks and renovations to the OC Sailing and Events Center docks, guest slips and sport fishing docks would be allowed in the Marina Improvement Project.

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Marina renovations would possibly necessitate removal of all floating docks and piles; reconstruction of portions of the degraded quay wall; and installation of new docks, guide piles, gangways, security gates, dock boxes, and utilities. Other waterside project components allowed by the LUP are the enhancement of lighting on the docks and public access improvements, including gangways and docks in compliance with the Americans with Disabilities Act (ADA) requirements.

2.3.1 Dana Point Harbor Land Use Plan – Policy

2.3.1-1 Land uses and new development in Dana Point Harbor shall be consistent with the Dana Point Harbor Land Use Plan and all applicable policies and regulations contained in the Dana Point Harbor Revitalization Plan and District Regulations.

TIDELANDS & SUBMERGED LANDS

3.0 Tidelands and Submerged Lands

This Chapter sets forth the Land Use Plan goals and policies for Dana Point Harbor related to tidelands and submerged lands in the Coastal Zone, consistent with the following Chapter 3 policies of the Coastal Act:

Coastal Act §30213 provides:

Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act §30220 provides:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act §30221 provides:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act §30224 provides:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Coastal Act §30234 provides:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

TIDELANDS & SUBMERGED LANDS

3.1 Tidelands Trust

The State of California (State) acquired ownership of all previously ungranted tidelands, submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space purposes. Tidelands are those lands that lie between the lines of the mean high tide and the mean low tide; submerged lands lie below the line of mean low water. The State Lands Commission (SLC) has the review responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted or ungranted, are subject to the Common Law Public Trust, which is a sovereign public right held by the State-delegated trustee for the benefit of all people.

Dana Point Harbor is held in trust by the County of Orange in accordance with the State Tidelands Grant. Chapter 321 of the Statutes of 1961 was an Act of the State legislature (effective on September 15, 1961) that granted ownership of certain tidelands and submerged land of the State of California (including Dana Point Harbor) to the County of Orange.

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

- 1) That said lands shall be used by said County and its successors, only for the establishment, improvements and conduct of a harbor and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation and for use, public park, parking, highway, playground and business incidental thereto; and said County, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said County, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said land are held by the State of California and with the requirements of commerce and navigation at said Harbor and collect and retain rents from such leases.
- 2) That said lands shall be improved by said County without expense to the State and shall always remain available for public use for all purposes of commerce and navigation and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quay walls and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned and operated by the State of California.
- 3) That in management, conduct or operation of said Harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (1), no discrimination in rates,

TIDELANDS & SUBMERGED LANDS

tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said County or its successors.

- 4) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said Harbor with the right of convenient access to said waters over said lands for said purposes.
- 5) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land and to the State of California, or persons authorized by the State of California the right to prospect for, mine and remove such deposits from said land.
- 6) The lands herein described are granted subject to the express reservation and conditions that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the County, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.
- 7) That within ten years from the effective date of this act, said lands shall be substantially improved by said County without expense to the State and if the State Lands Commission determines that the County has failed to improve said lands as herein required, all rights, title and interest of said County in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

In addition to the statutory requirements, the County must also adhere to the common law Public Trust Doctrine. This body of law mandates that the County adhere to Constitutional limitations as set forth by the State of California regarding the protection of commerce, navigation and fishing.

TIDELANDS & SUBMERGED LANDS

3.2 Tidelands Leases

Tidelands and submerged lands are subject to a public trust that, among other things, limits their use to navigation, fishing, commerce, public access, water-oriented recreation, open space and environmental protection. At the time Dana Point Harbor was first constructed, the Harbor was divided into a number of sub-areas that were subject to long-term lease agreements with the developers of the facilities located within each leasehold boundary. Presently, the County of Orange (OC Dana Point Harbor) controls all areas of the Harbor with the following 2 exceptions: the shipyard (located in Planning Area 1) and the Ocean Institute (located in Planning Area 6).

Prior to development of the existing buildings in the Harbor, the Ocean Institute site was used as a camping area for recreational vehicles and tents (between 1971 and 1980). The Ocean Institute began in 1981 as a joint power authority and then re-chartered as a nonprofit organization, with the broad objective of increasing awareness and understanding of the marine environment (formerly known as the Orange County Marine Institute until November 1999). With a small staff, the organization has developed a highly successful science and environmental education program with a mission to provide marine-related education to school-aged children and adults throughout Orange County.

The Ocean Institute's programs and exhibits are a destination for school field trips on weekdays throughout the school year. Most visitors are elementary school students visiting the exhibits and the bookstore, tall ships or exploring the nearby tide pools of the Marine Life Refuge that is located southwest of the Ocean Institute grounds. On weekends, the facilities are open to the public.

In addition to the County's practice of leasing other properties throughout the Harbor to independent merchants, recreational services and equipment vendors and restaurateur's, Dana Point Harbor also provides facilities for the on-going activities of a sailing association and two yacht clubs. As is the case with all Harbor lease agreements, facilities are provided on a rental basis that also includes a profit sharing component that is based on a percentage of sales receipts.

Under the terms of leases, the sailing association and yacht clubs are specifically for the purpose of operating the facilities and conducting the boating, social, youth programs and educational activities that are generally associated with the operation of such a club or organization. Each of the leases further stipulates that the clubs activities include youth programs and boating education programs available to the general public. Furthermore, the clubs must also make significant portions of the facilities available at all reasonable times to the public (member and non-member) groups for banquets, receptions, meetings, luncheons, conferences, seminars and other similar events as the size of the facility permits.

TIDELANDS & SUBMERGED LANDS

Additionally, the lease agreements provide that any boat slip area included as part of the leasehold (as applicable) shall be used for small boat rigging, temporary berthing of transient/guest boaters and/or slip rental to yacht club or sailing association members or the public on a non-discretionary basis and at fair market charges based on the prevailing rates in Dana Point Harbor. Transient/guest boaters are permitted to occupy the slips for periods ranging from overnight to seven days and may also be made available on a reciprocal basis to members of visiting boater clubs for up to three days.

3.2.1 Tidelands Lease – Policies

- 3.2.1-1 Administer the use of the tidelands and submerged lands in a manner consistent with the tidelands trust and all applicable laws.
- 3.2.1-2 Promote the use of the Harbor for navigation, fishing, public access, water-oriented recreation and the provision of coastal-dependent uses adjacent to the water in leasing or re-leasing of publicly owned land. Commercial uses, incidental to the above uses, are also allowed.
- 3.2.1-3 Evaluate and ensure the consistency of the proposed use with the public trust restrictions and the public interest at the time any tideland lease is re-negotiated or renewed.
- 3.2.1-4 New boating/yacht clubs or associations that require membership and/or fees for enrollment/initiation and/or other recurrent fees (e.g. member dues, assessments, etc.), or any other facilities that operate similarly, on public tidelands, are prohibited. Any expansion of existing legally established boating/yacht clubs, associations and/or such clubs that renew or renegotiate their lease on public tidelands shall be required to: 1) remove any existing impediments to public access to and along the bulkhead/waterfront that exist due to the presence of the club; 2) where the club has facilities for banquets, receptions, meetings, luncheons, conferences, seminars and other similar events, make significant portions of the facilities available at all reasonable times to the public (member and non-member) groups, and market the availability of such facilities to the public; 3) within their existing capacity, provide activities at the facilities accessible to the general public throughout the year such as, but not limited to, sailing and navigation classes; sailing and boat racing events, and boating safety classes; 4) offer sailing, navigation, and boating safety classes and boat use and equipment for free and low cost to economically disadvantaged families (to the extent the club has access to such equipment); 5) prohibit membership requirements that discriminate against anyone on the basis of race, color, religion, sex, national origin, sexual orientation or disability.
- 3.2.1-5 The County shall offer a program to include, but not be limited to, sailing, navigation, and boating safety classes, and boat and equipment use, for free to

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youths (up to age 18) of economically disadvantaged families, with any proposal to expand or improve County operated facilities (e.g., OC Sailing & Events Center) that offer water oriented recreational opportunities to the public.

3.3 Marine Waterways, Marine Services, Education Basin and Harbor Basin

The marinas include the West Marina in Planning Area 9 (west of Island Way, which includes the West Turning Basin and the OC Sailing and Events Center docks), the East Marina in Planning Area 10 (east of Island Way, adjacent to Dana Wharf, including the East Turning Basin, a full-service fuel dock and a bait receiver) and the Embarcadero Marina, located in Planning Area 11 adjacent to the public boat launch ramp. The marinas are fully sheltered from the open ocean by approximately 8,000 linear feet of federal breakwater plus the Island.

The West Marina (Planning Area 9) channel connects the marina to the West Turning Basin, which contains docks for the Sea Explorer and the two tall ships, the Spirit of Dana Point and the Pilgrim. In addition, a public beach area commonly known as Baby Beach is located adjacent to the West Turning Basin.

The East Marina (Planning Area 10) contains the Orange County Sheriff Harbor Patrol docks, which are located near the entrance to the East Marina. Commercial fishing slips are located adjacent to the Sheriff Harbor Patrol docks. The East Marina channel connects the East Marina to the East Turning Basin, which contains a full-service fuel dock and a bait receiver.

Embarcadero Marina is located in Planning Area 11, northeast of the East Turning Basin. Planning Area 11 also contains the sport fishing docks, charter boat docks, the Catalina Express dock, boat rental facilities, the public boat launch ramp and docks, as well as the docks used by the shipyard operator.

The LUP allows for the renovation and/or replacement of the docks and related infrastructure to better serve visitors and coastal dependent businesses while ensuring that boating and water-oriented recreational uses are protected and enhanced. Additionally, new Embarcadero / dry stack boat storage staging docks and dinghy docks are anticipated. Public access to the existing yacht clubs/association will increase with expansion of those facilities as well as the provision of free and low cost sailing, navigation, and boating safety classes to economically disadvantaged youths with the expansion of certain County facilities in the Harbor.