

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: JULY 25, 2016

TO: DANA POINT PLANNING COMMISSION

FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY DEVELOPMENT; SEAN NICHOLAS, SENIOR PLANNER, COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: ZONE TEXT AMENDMENT ZTA16-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001; TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP), TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN AND THE USE OF THREE RETRACTABLE GATES

RECOMMENDATION: That the Planning Commission approve the attached draft resolution recommending City Council approval and adoption of the Zone Text Amendment and Local Coastal Program Amendment.

APPLICANT: City of Dana Point

REQUEST: Recommend approval of a Zone Text Amendment (ZTA)16-0001, Local Coastal Program Amendment (LCPA)16-0001 to amend the City's Headlands Development and Conservation Plan – Section 4 and corresponding Land Use Element Policy 5.31, to address public access during Coastal Development Permit approved operational hours and the potential use of three retractable gates.

LOCATION: The project site includes the two public access points within the Strand Vista Park, which is directly west of the Salt Creek Public Parking lot, and the public access that is adjacent to the Strand Club House and includes Assessor Parcel Numbers 672-641-44 and 672-651-24. The project areas are referred to as the Central Strand (Upper and Lower) and Mid-Strand access way.

ITEM #4

NOTICE:

Public hearing noticing was completed in conformance with Municipal Code Section 9.61.050, and the draft modifications were made available for public review on July 5, 2016.

ENVIRONMENTAL:

The proposed amendments to the Headlands Development and Conservation Plan is recommended to be determined exempt from environmental review as follows: (1) pursuant to Section 15265(f) of the California Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines"), the California Environmental Quality Act ("CEQA") does not apply to a local government's preparation of a local coastal program amendment; and (2) pursuant to Section 15061(b)(3) of the CEQA Guidelines, Section 151061(b)(3), the general rule exemption, states:

Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

As explained further in Attachment 2, no significant environmental impacts would occur as a result of the proposed amendments.

ISSUES

- Is the proposal consistent with the goals and policies of the Dana Point General Plan and Headland Development and Conservation Plan?
- Is the proposal consistent with the California Coastal Act?
- Is the proposal consistent with the Local Coastal Program Amendment procedures as set forth in the Dana Point Zoning Ordinance, Section 9.61.080?

BACKGROUND:

The Headlands Development and Conservation Plan (HDCP) received final approval by the City of Dana Point and California Coastal Commission certification in 2004. Upon approval, work began on the Headlands infrastructure including: public parks, trails, and beach access. A portion of one of the public beach access trails goes through the Strand residential development.

In 2009, the City of Dana Point adopted Ordinance 09-05 that set hours of operation for parks and other public facilities subject to California Coastal Commission approval. This action included beach access through the Headlands development. Additionally in 2010, Nuisance Abatement Ordinance 10-05 was adopted to address nuisance issues within the residential area, and reaffirmed the hours of operation set forth in Ordinance 09-05. The City of Dana Point correspondingly installed gates at the Central (Upper and Lower) and Mid-Strand public access points to enforce the approved hours of operation. Subsequently, the Coastal Commission appealed the Nuisance Abatement Ordinance due to concerns related to limiting public access. Litigation ensued. Following an extensive review process, which involved resolution of the pending litigation between the City and the California Coastal Commission, the two parties entered into a settlement agreement in April, 2016. Pursuant to the settlement agreement, on April 19, 2016, the City Council approved Coastal Development Permit (CDP) 15-0021 establishing hours of operation for public access to the Strand beach, including public access through the Headlands residential development over the Central (Upper and Lower) and Mid-Strand access ways. The Settlement Agreement also provides that the City may process an LCPA to propose the use of gates at the Central (Upper and Lower) and Mid-Strand access ways, consistent with the approved hours of operation set forth in CDP 15-0021. The purpose of this item is to amend the HDCP to ensure that those entry points are open and operated and maintained for public access consistent with the hours of operation approved by CDP 15-0021, to use fully retractable gates with an automatic locking mechanism during the approved hours of closure, and to ensure that the gates are operated and maintained in a fully open position and signed for public access during the approved hours of operation, consistent with the settlement agreement.

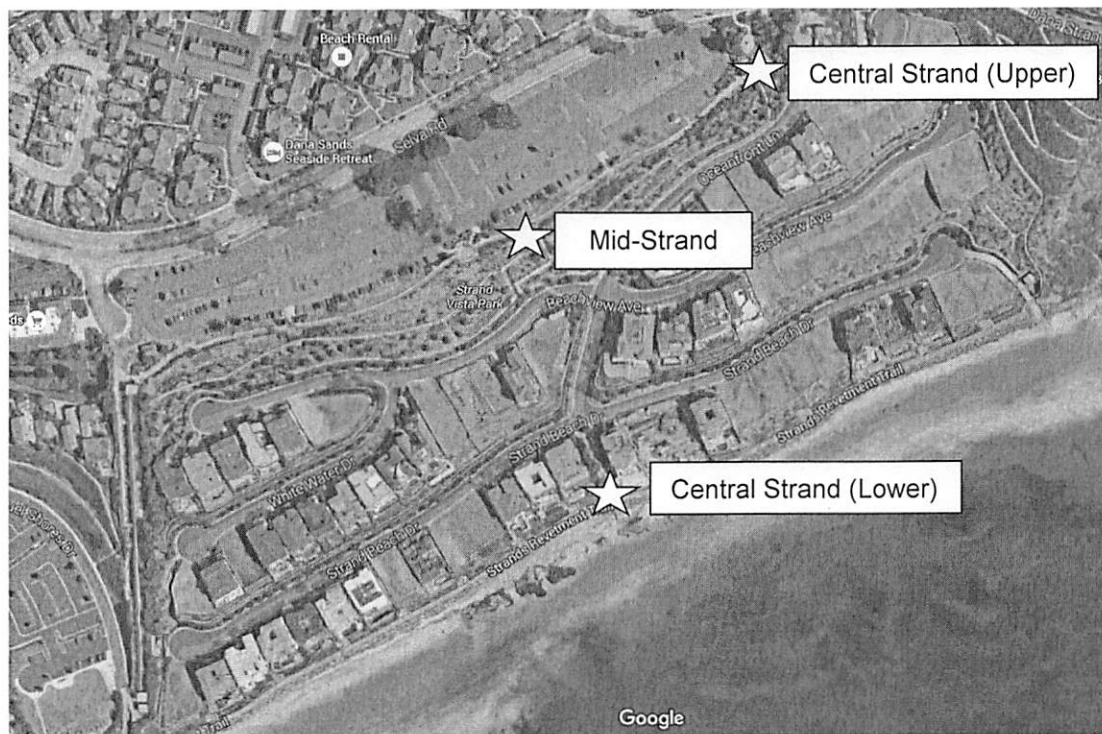
DISCUSSION:

CDP 15-0021 established hours of operation for the public access to the Strand beach. Access to the Strand beach via the switchback trail (adjacent to Headlands Rock) and the revetment trail are open 24 hours daily. The Central Strand (Upper and Lower) and Mid-Strand access ways are approved to operate from 5:00 a.m. to 10:00 p.m. daily, with corresponding hours of closure from 10:00 p.m. to 5: a.m. Figure 1 shows the location of the 24 hour access ways, and figure 2 shows the locations of the hours of operation and hours of closure for the Central Strand (Upper and Lower) and Mid-Strand access ways.

Figure 1: Location of 24 Hour Strand Beach Access Ways



Figure 2: Location of Central Strand (Upper and Lower) and Mid-Strand Access Ways



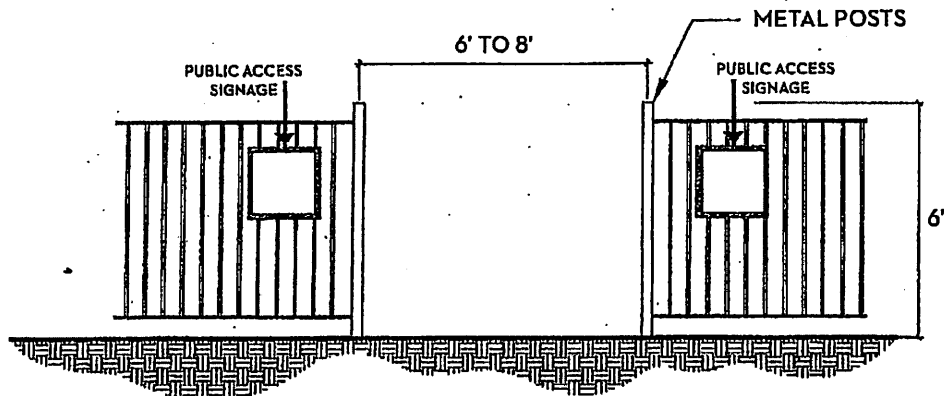
The Central Strand (Upper and Lower) and Mid-Strand access ways to the beach are unique in that they go through the Strand residential area. The LCPA emphasizes the availability of public access over these access ways during the approved hours of operation, maintained in a fully open position and signed for public access. The LCPA further provides the City with the ability to enforce approved hours of closure through the residential area by the use of fully retractable gates operating with an automatic locking mechanism at the three areas noted in Figure 2.

The retractable gates would provide free and open access ways to the beach during the hours of 5:00 a.m. and 10:00 p.m. Additional signs will be placed at each access way to provide information regarding public access and hours of operation. Between 10:00 p.m. and 5:00 a.m., the retractable gates would close and provide a separation between the residential area and open public areas and enable the City to meaningfully enforce the approved hours of closure. Figures 3, 4, and 5 below show proposed HDCP images (figures 4.12.10 through 4.12.12 respectively) to be included as a component of the Local Coastal Plan and Zone Text Amendments of the Central Strand (Upper and Lower) and Mid-Strand access ways. These figures provide a conceptual image of the retractable gates in both the fully opened and closed positions. Final design and installation of the gates would be subject to a separate discretionary approval via a Coastal Development Permit.

Figure 3: Proposed Gate Mid-Strand Access Way Figure in the HDCP

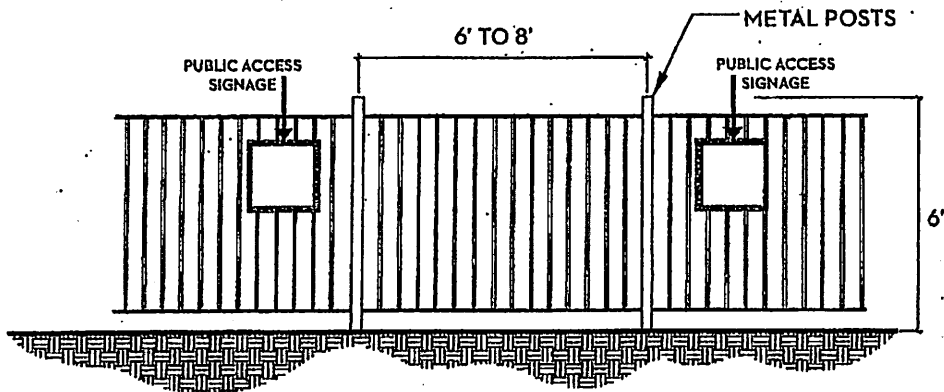
MID-STRAND BEACH ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Mid-Strand Beach Access at entry from Strand Vista Park shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED

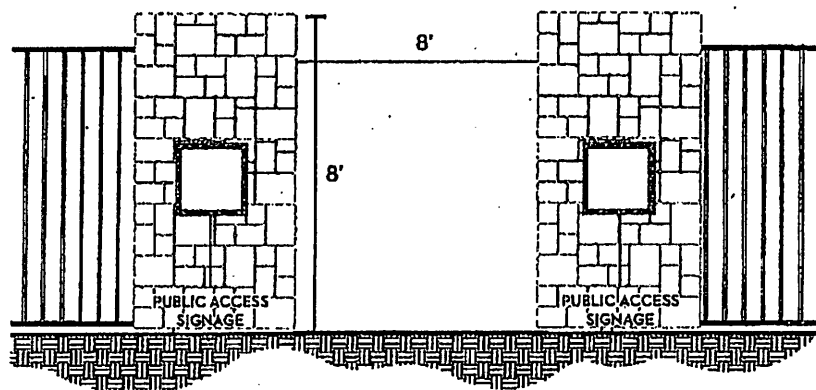


CLOSED POSITION: Mid-Strand Beach Access at entry from Strand Vista Park with retractable gate closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

Figure 4: Proposed Gate Central Strand (Upper) Access Way Figure in the HDCP

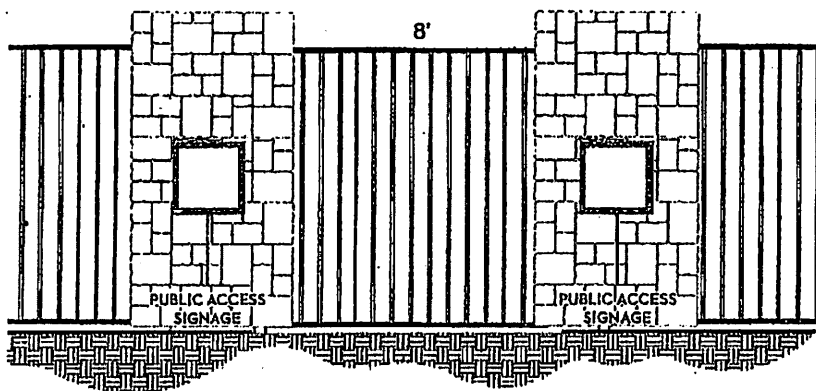
CENTRAL STRAND UPPER ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Upper Central Strand Beach Access shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED

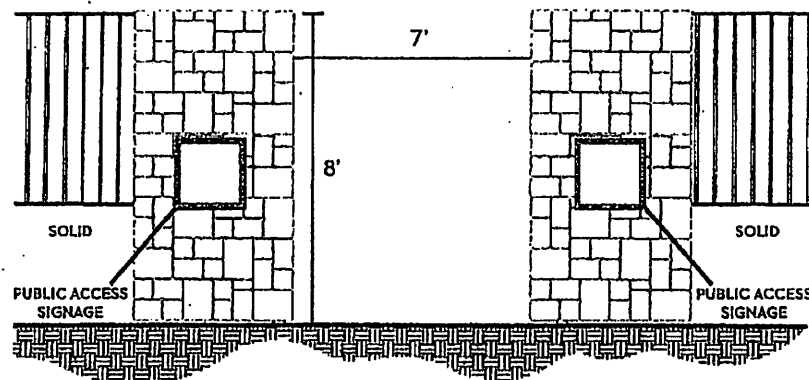


CLOSED POSITION: Upper Central Strand Beach Access shown with retractable gate closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

Figure 5: Proposed Gate Central Strand (Lower) Access Way Figure in the HDCP

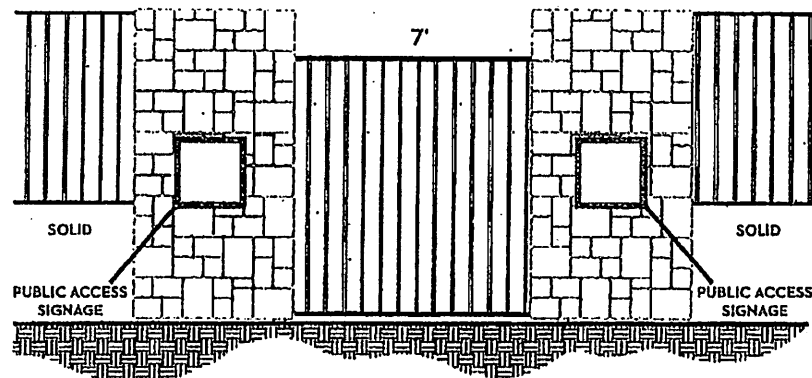
CENTRAL STRAND LOWER ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Lower Central Strand Beach Access shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED



CLOSED POSITION: Lower Central Strand Beach Access shown with retractable gate closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

Zone Text Amendment: The proposed Zone Text Amendments (ZTA) is to Section 4.0 of the Headlands Development and Conservation Plan (HDCP). The amended text references the approved Coastal Development Permit (CDP 15-021) which sets the hours of operation for the public access ways to the beach, and allows for the use of retractable

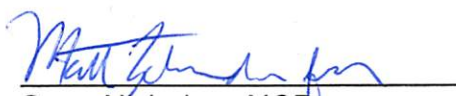
gates to ensure hours of closure. This amendment also includes minor modifications to existing figures and adds new figures (as shown above) to reference conceptual drawings of the proposed retractable gates. The full text amendment is included as Attachment 1, Exhibit "A" to this report. No other elements of the HDCP are proposed to be altered.

Local Coastal Program Amendment: The Planning Commission is also considering a recommendation regarding a Local Coastal Program Amendment (LCPA). A LCPA is required for modifications to the text contained in the HDCP. Policy 5.31 directly relates to recreation and public beach access at the Headlands. The proposed modified language to Policy 5.31 is consistent with the zone text amendment to allow retractable gates at the three locations identified in Figure 2 above. The new language being added to the Policy states the entries to the Central Strand (Upper and Lower) and Mid-Strand access ways shall be open and operated and maintained for public beach access consistent with the hours of operation approved by a CDP – in this case, CDP 15-0021, provides for retractable gates operating with an automatic locking mechanism to provide for enforcement during approved hours of closure, and states that as to the approved hours of operation, the design of the retractable gates may not in any way limit, deter, or prevent public access to the shoreline.

CONCLUSION

The proposed amendments to the HDCP are consistent with the City's General Plan, Local Coastal Program, and Coastal Act. The proposed modification to the HDCP is to enhance public access to the shoreline, while also providing a mechanism to enforce approved hours of operation. Consistent with the goals of the Coastal Act, a variety of coastal access options are provided to the Strand Beach that are both accessible 24 hours a day and via limited hours. The proposed amendment provides an opportunity to distinguish between the two types of access ways to the beach, and ensures that during operational hours there will be no limitation in access, physically or visually, to ensure the public are not deterred from utilizing the approved coastal access. For that reason, the proposed language is consistent with coastal access goals of the Coastal Act. Following City Council's final decision on this project, staff will submit the ZTA and LCPA request to the California Coastal Commission for their approval.

Therefore, staff is recommending that the Planning Commission recommend adoption and approval of the Zone Text Amendment and Local Coastal Program Amendment to the City Council and approve the attached draft resolutions containing required findings for the approval of ZTA16-0001, LCPA16-0001.


Sean Nicholas, AICP
Senior Planner


Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 16-07-25-xx (ZTA and LCPA)

Supporting Documents

2. Notice of Exemption (draft)

RESOLUTION NO. 16-07-25-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT ZTA16-0001 AND LCPA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN SECTION 4.0 AND LAND USE POLICY 5.31 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS.

Applicant: City of Dana Point

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

WHEREAS, in 2004, the City of Dana Point approved, and the California Coastal Commission certified, the Headlands Development and Conservation Plan (the "HDCP") including provisions for providing public access ways to the shoreline; and

WHEREAS, the City seeks to amend the HDCP Section 4.0 to allow for the use of retractable gates at three public access locations, consistent with the hours of operation approved through the Coastal Development Permit 15-0021; and

WHEREAS, the proposal is for a Zone Text Amendment (the "ZTA") and Local Coastal Plan Amendment (the "LCPA") to modify Section 4.0 of the HDCP by adding the use of retractable gates consistent with Coastal Development Permit 15-0021 approved hours of operation and to ensure required and unobstructed public access is available during operating hours; and

WHEREAS, the ZTA and LCPA will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan; and

WHEREAS, the ZTA and LCPA will be harmonious with the use of the surrounding properties; and

WHEREAS, on July 5, 2016, the proposed ZTA and LCPA were made available for public review at City Hall and Library locations within the City of Dana Point, provided to the Coastal Commission Long Beach office, available on the City of Dana Point's website, notices were sent to property owners and residents as required by the Municipal Code, and was noticed in the local paper; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on July 25, 2016, to consider said ZTA and LCPA; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Planning Commission considered all factors relating to ZTA16-0001 and LCPA16-0001.

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

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The revisions to Section 4.0 of the HDCP and modification to General Plan Land Use Policy 5.31 are attached hereto as Exhibit "A" and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That ZTA16-0001 and LCPA16-0001, are in the public interest;
- E. As part of the preparation and adoption of the ZTA and LCPA staff completed an environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA as follows: (1) pursuant to Section 15265(f) of the California Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines"), CEQA does not apply to a local government's preparation of a local coastal program amendment; and (2) pursuant to section 15061(b)(3) of the CEQA Guidelines, the proposed amendments to the HDCP will not result in any physical change to the environment, and thus the project has no possibility to have a significant effect on the environment. The amendments will allow the use of retractable gates which will remain fully open at three (3) public access ways, the Central Strand (Upper and Lower) and Mid-Strand access ways, during Coastal Development Permit 15-0021 approved hours of operation and closed for enforcement purposes during the approved hours of closure, but does not result in any gates being physically constructed. Should this amendment be approved, a Coastal Development Permit would be required for any gates that may be installed in the future and a CEQA analysis will be completed at that time to ensure there will not be an environmental impact;
- F. The proposed amendment to the HDCP and Land Use Policy 5.31 will be consistent with the General Plan;

- G. The Planning Commission recommends that the City Council adopt ZTA16-0001 and LCPA16-0001 for the reasons outlined herein including but not limited to: ensuring public access during Coastal Development Permit 15-0021 approved hours of operation, ensuring that there are clear and unobstructed coastal access during approved hours of operation, that retractable gates may be located at three locations, while maintaining two existing 24 hour public access ways to the beach consistent with the General Plan, HDCP, and Coastal Act;
- H. That the Planning Commission adopt the following findings:
1. That the public and affected agencies have had ample opportunity to participate in the ZTA and LCPA process **in that proper notice in accordance with the LCPA procedures has been followed. Notices were; 1) mailed on July 5, 2016 to notify residents and affected agencies that the proposed changes were available for public review, and on July 14, 2016 public hearing notifications were sent to property owners within a 500-foot radius of the two parcels where the beach access is located and to occupants within a 100-foot radius of the same two parcels, 2) published in the Dana Point News on July 14, 2016, and 3) posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana Point Library, and on the City's web site on July 5, 2016.**
 2. That all policies, objectives, and standards of the ZTA and LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out policies of Chapter Three of the Coastal Act **in that the amendments to the Zoning Code are consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources, by ensuring there is unobstructed public access during Coastal Development Permit approved public operating hours of public trails towards the shoreline. This action will also ensure that even during non-operational times, the retractable gates are designed to minimize coastal view impacts and signs are provided to inform the public with regard to the hours of operation.**
 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land

use priorities have been applied to determine the kind of locations and intensity of land and water uses **in that the Zone Text and Local Coastal Plan Amendments do not change any land use provisions contained in the certified Local Coastal Plan or approved through Coastal Development Permit 15-0021 for hours of operation and thereby continues to be consistent with Coastal Act policies.**

4. That the level and pattern of development proposed is reflected in the HDCP **in that the level and pattern of development as was approved in the HDCP, and discussed in Land Use Policy 5.31 is not changing and the proposed ZTA and LCPA will ensure unobstructed public access during Coastal Development Permit 15-0021 approved hours of operation to the shoreline. No change of use is proposed.**
 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the ZTA and LCPA **in that procedures and regulations in Chapter 9.61 "Administration of Zoning", constitute minimum standards for ZTAs and LCPAs within the City's Coastal Zone and applicable notification and process requirements (Coastal Development Permit) would be applied to subsequent development requests if this amendment is approved.**
 6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan **in that this amendment further implements goals and policies previously certified in the HDCP and approved Coastal Development Permit to ensure public access to the shoreline during Coastal Development Permit 15-0021 approved operational hours and ensuring that the public has appropriate signage to be informed of the availability of public access and options for public access to the beach.**
- I. That the Planning Commission recommends that the City Council include the following findings in the City Council resolution submitting the ZTA and LCPA to the Coastal Commission:
 1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal

Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.

2. The City include the proposed ZTA and LCPA for Section 4.0 of the HDCP and Land Use Policy 5.31 in its submittal to the Coastal Commission and state that the amendment is to both the land use plan and to the implementing actions.
 3. The City certifies that the land use plan is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
 4. The City certifies that the implementing actions, as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
 5. The Ordinance of the City Council includes the ZTA and LCPA numbers ZTA16-0001 and LCPA16-0001 when submitted to the Coastal Commission.
 6. The City finds that the Ordinance is exempt from CEQA pursuant to Sections 15061(b)(3) and 15265(f) of the CEQA Guidelines.
 7. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.
- J. That the Planning Commission recommends that the City Council adopt ZTA16-0001, which would amend the Dana Point Local Coastal Program pursuant to LCPA16-0001, as shown in the attached Exhibit "A". The Planning Commission recommends the amendment for the reasons outlined herein and in the Planning Commission Agenda Report, including but not limited to: ensuring public access during Coastal Development Permit 15-0021 approved hours of operation, ensuring that there are clear and unobstructed coastal access during approved hours of operation, that retractable gates may only be located at three locations, the Mid-Strand and Central Strand access ways, and will maintain the 24 hour access ways open to the public thus the proposal is consistent with the General Plan, HDCP, and Coastal Act.
- K. ZTA16-0001 constitutes the LCPA16-0001 for the subject area.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 25th day of July, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chair
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department

EXHIBIT “A”

Exhibit A

*Deletions are shown as ~~strikeout~~ and additions are underlined

PROPOSED AMENDMENTS TO THE HDCP

Policy 5.31 – Page 11

Recreation and access opportunities at public beaches and parks at the Headlands shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in user fees or parking fees shall be subject to a Coastal Development Permit. The entries to the Mid-Strand Access and upper and lower Central Strand Access shall be open and operated and maintained for public pedestrian beach access to and from Strand Vista Park and Strand Beach consistent with hours of operation approved by a Coastal Development Permit. Retractable gates operating with an automatic locking mechanism shall be permitted at the entries to the Mid-Strand Access and Central Strand Access only if the access ways are operated and maintained in a fully open position and signed for public access during hours of operation approved by a Coastal Development Permit, and the gates are designed with no potential to limit, deter, or prevent public access to the shoreline.

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Create the Mid-Strand Vista Park Access as a new public path leading from the trail in approximately the middle of the park to the Central Strand Beach Access at the intersection of the first residential cul-de-sac street. The entry to the Mid-Strand Beach Access shall be designed and maintained to encourage public use during hours of operation approved by a Coastal Development Permit, i.e., architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entry may be gated and operated with an automatic timer to enforce hours of closure approved by a Coastal Development Permit, but only provided the gate is designed to be fully retractable and the access way is operated and the gate is maintained in a completely open position during the approved hours of operation, and the gate has no security enhancements (e.g. spikes, barb wire, etc.) or other visual obstructions (e.g., wire mesh). Please see Figure 4.12.10.

Create the Central Strand Beach Access as a new public path to Strand Beach, conveniently located within the Strand Vista Park, near the entry to the Strand Residential neighborhood (Planning Area 2). The entry at both ends of the

Central Strand Beach Access shall be designed and maintained to encourage public use during hours of operation approved by a Coastal Development Permit, i.e., the architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The Central Strand Beach Access shall provide direct access to Strand Beach, opening a portion of the property currently historically fenced and restricted from public use. The entry may be gated at both ends and operated with an automatic timer to enforce hours of closure approved by a Coastal Development Permit, but only provided the gates are designed to be fully retractable and the access ways are operated and the gates are maintained in a completely open position during the approved hours of operation, and the gates have no security enhancements (e.g. spikes, barb wire, etc.) or other visual obstructions (e.g., wire mesh). Please see Figures 4.4.15, 4.12.4, 4.12.11 and 4.12.12.

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The Mid-Strand Vista Park Access shall consist of an 8' wide concrete walkway and shall be constructed in approximately the middle of the park, from the park trail to a connection with the Central Strand Beach Access at the intersection of the residential cul-de-sac. The entry to the Mid-Strand Beach Access shall be designed and maintained to encourage public use during hours of operation approved by a Coastal Development Permit, i.e., architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entry may be gated and operated with an automatic timer to enforce hours of closure approved by a coastal development permit, but only provided the gate is designed to be fully retractable and the access way is operated and the gate is maintained in a completely open position during the approved hours of operation, and the gate has no security enhancements (e.g. spikes, barb wire, etc.) or other visual obstructions (e.g., wire mesh). Please see Figure 4.12.10.

The Central Strand Beach Access shall consist of a concrete walkway 8' wide which will parallel the spine road for the Strand residential neighborhood, as illustrated in Figures 4.4.15 and 4.4.16. Above the beach, at the same level as the lowest row of lots, the access shall be incorporated into a 50' wide landscaped extension of Strand Beach Park and the minimum 8 foot wide public path that shall be located seaward of the Strand residential development and on top of landward of any shoreline protective device. Within the 50' wide landscaped extension, the trail shall be 10' wide. The entries to the upper and lower Central Strand Beach Access shall be designed and maintained to encourage public use during hours of operation approved by a Coastal Development Permit, i.e., architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entries may be gated at both ends and operated with an automatic timer to enforce hours of closure approved by a coastal development permit, but only provided the gates are designed to be fully retractable and the access way is operated and

the gates are maintained in a completely open position during the approved hours of operation, and the gates have no security enhancements (e.g. spikes, barb wire, etc.) or other visual obstructions (e.g., wire mesh). Please see Figure 4.4.15, 4.12.4, 4.12.11 and 4.12.12.

Figure 4.4.15

Added call-out for “Fully Retractable Public Access Gate”

Figure 4.12.4

Added call-out for “Fully Retractable Public Access Gate”

Page 4-105

At top, in heading, add:

“J. Walls, ~~and~~ Fences, and Gates”

At bottom, last sentence, modify:

“Figures 4.12.7 through ~~4.12.10~~ 4.12.13 illustrate the design parameters for the various project fences, walls, and gates.”

New Figure 4.12.10

Mid-Strand Beach Access Gate

New Figure 4.12.11

Central Strand Upper Access Gate

New Figure 4.12.12

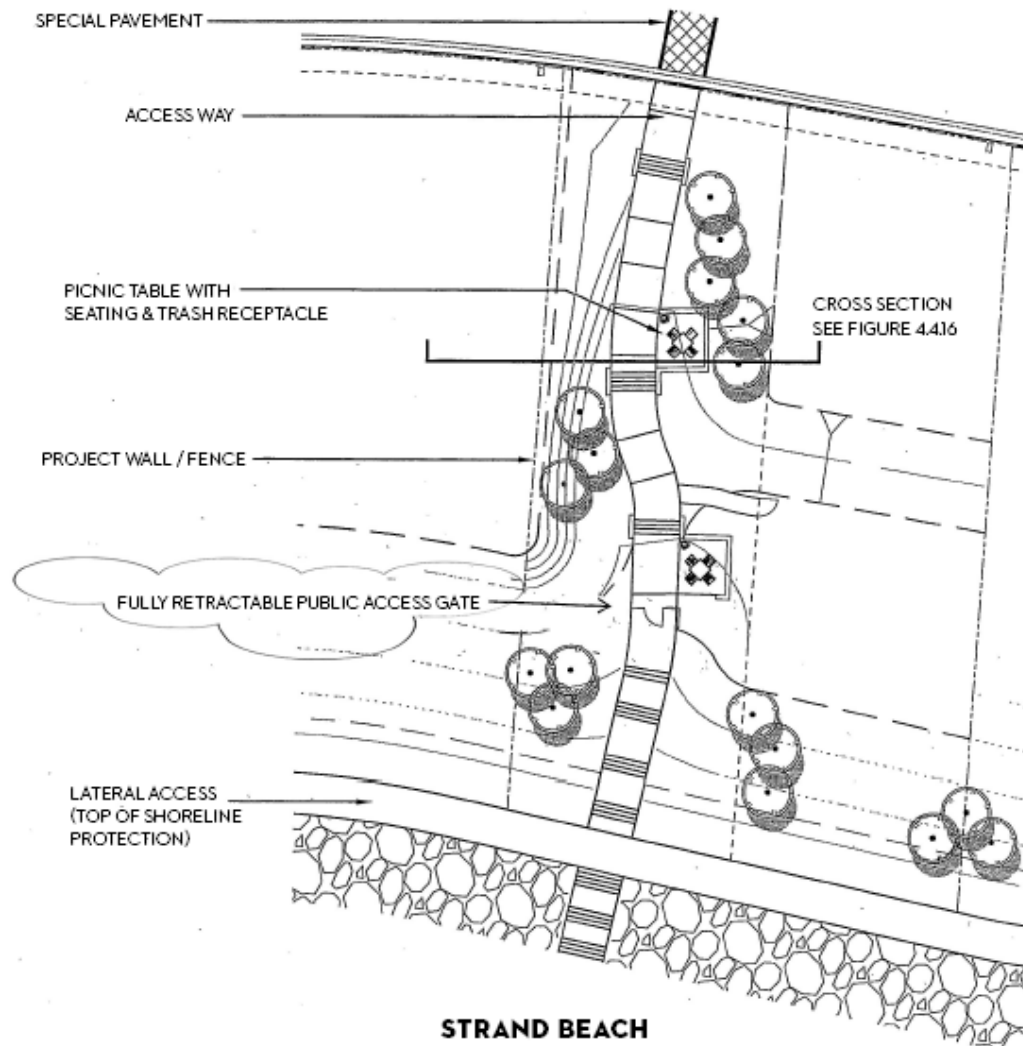
Central Strand Lower Access Gate

Existing Figure 4.12.10

Renumbered as Figure 4.12.13

CENTRAL STRAND ACCESS CONCEPTUAL PLAN

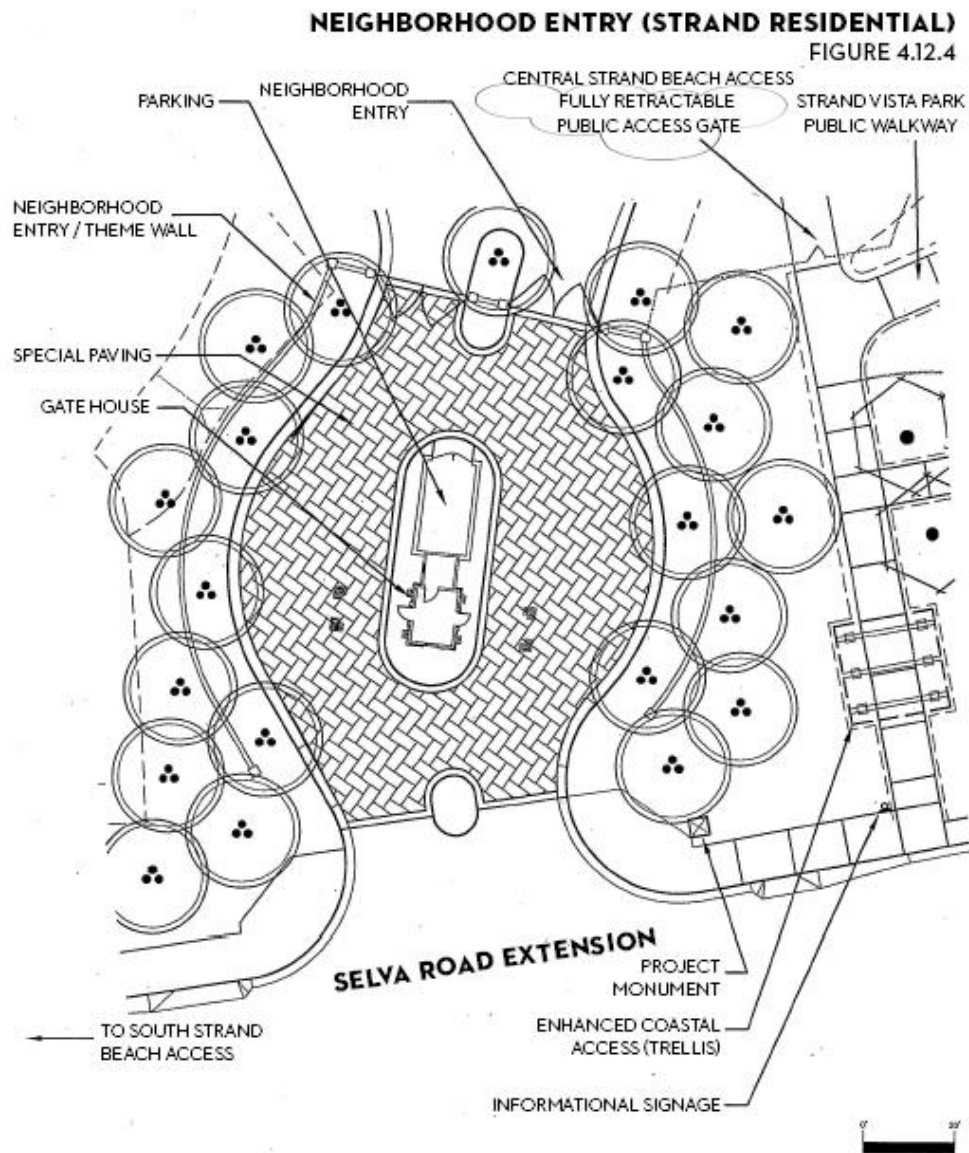
FIGURE 4.4.15



THE HEADLANDS

DEVELOPMENT AND CONSERVATION PLAN

NOTE: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.



THE HEADLANDS

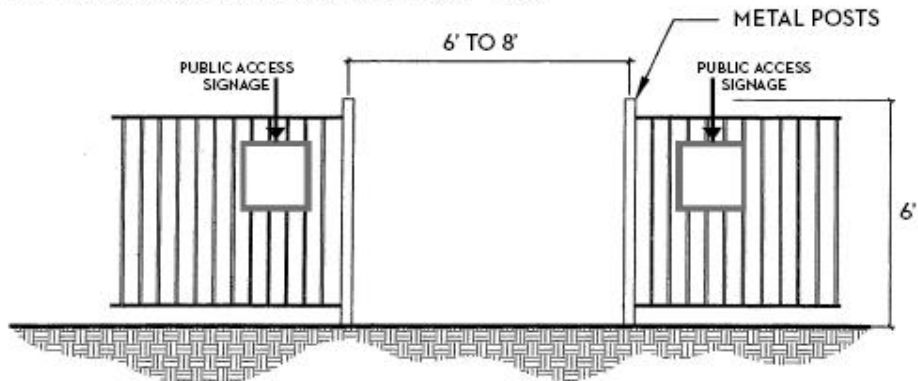
DEVELOPMENT AND CONSERVATION PLAN

NOTE: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

PUBLIC VIEW FENCE
FIGURE 4.12.10

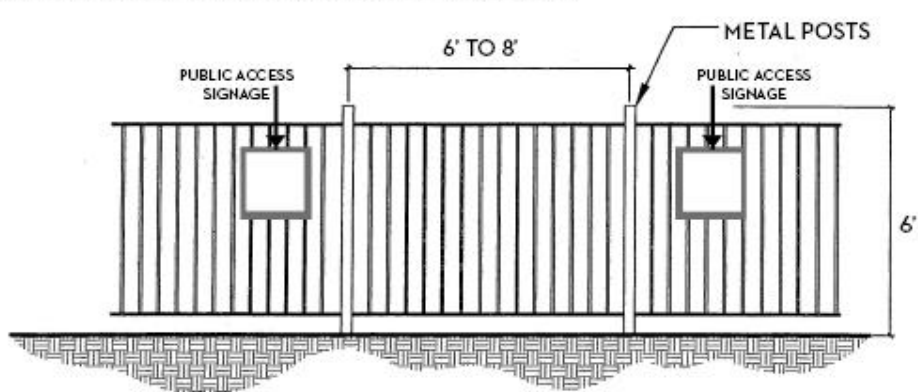
MID-STRAND BEACH ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Mid-Strand Beach Access at entry from Strand Vista Park shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED



CLOSED POSITION: Mid-Strand Beach Access at entry from Strand Vista Park with retractable gate closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

THE HEADLANDS

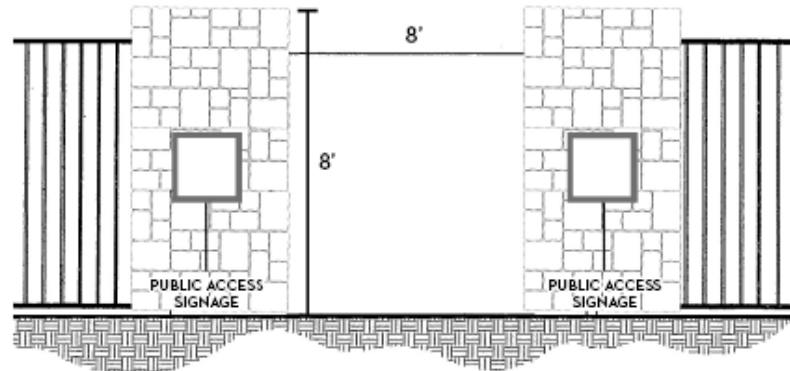
DEVELOPMENT AND CONSERVATION PLAN

NOTE: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

PUBLIC VIEW FENCE
FIGURE 4.12.11

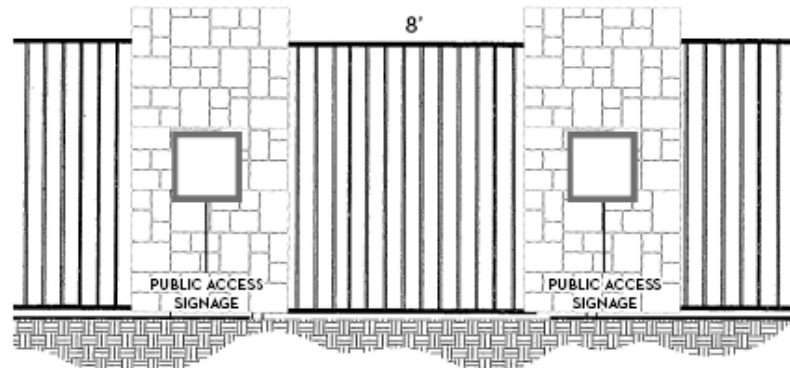
CENTRAL STRAND UPPER ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Upper Central Strand Beach Access shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED



CLOSED POSITION: Upper Central Strand Beach Access shown with retractable gate closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

THE HEADLANDS

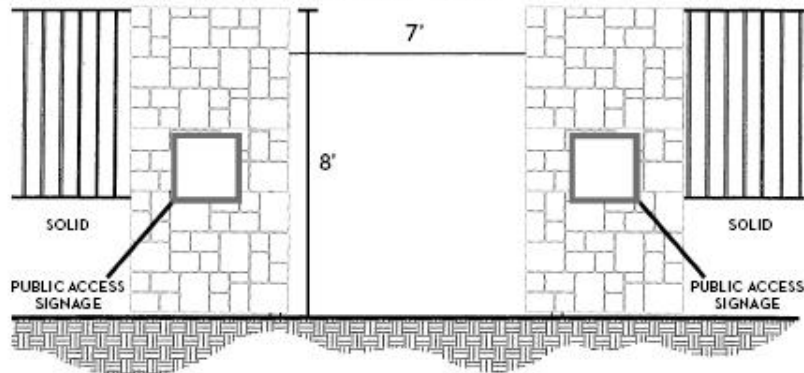
DEVELOPMENT AND CONSERVATION PLAN

NOTE: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

PUBLIC VIEW FENCE
FIGURE 4.12.12

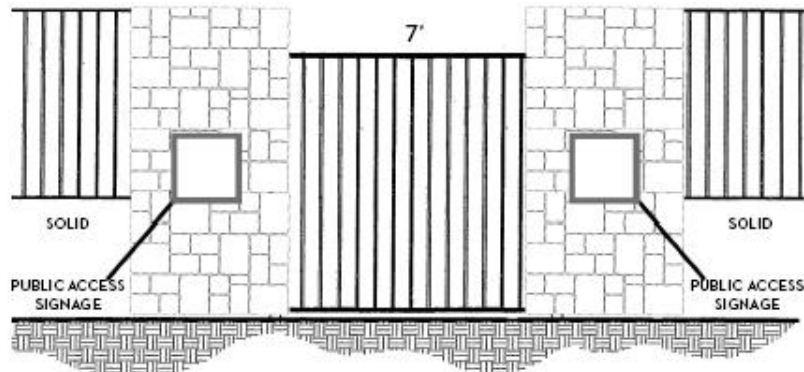
CENTRAL STRAND LOWER ACCESS GATE

FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



OPEN POSITION: Lower Central Strand Beach Access shown with retractable gate fully open during hours of operation approved by a Coastal Development Permit.

FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED



CLOSED POSITION: Lower Central Strand Beach Access shown with retractable gated closed with automatic locking mechanism during hours of closure approved by a Coastal Development Permit.

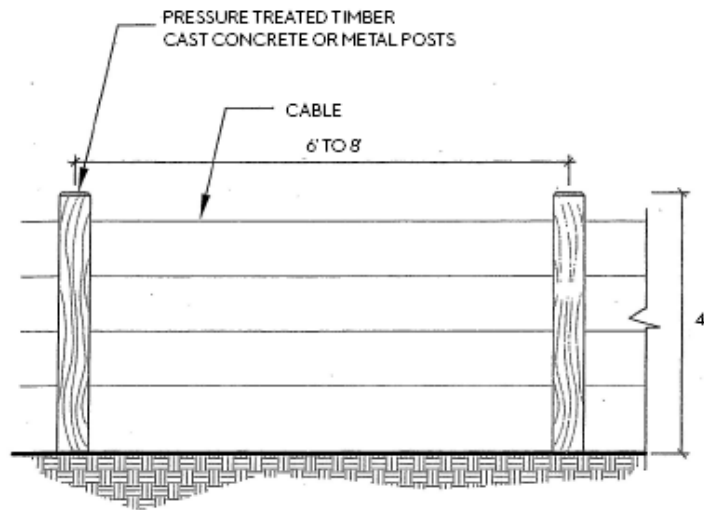
THE HEADLANDS

DEVELOPMENT AND CONSERVATION PLAN

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HABITAT / SAFETY VIEW FENCE

FIGURE 4.12.10-4.12.13



THE HEADLANDS

DEVELOPMENT AND CONSERVATION PLAN

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**CITY OF DANA POINT
NOTICE OF EXEMPTION**

Date: July 26, 2016

To: County Clerk-Recorder
County of Orange
12 Civic Center Plaza, Room 106
P.O. Box 238
Santa Ana, CA 92702
Attn: EIR Clerk

From: City of Dana Point
Community Development Department
33282 Golden Lantern, Suite No. 209
Dana Point, California 92629

Project Title: Public Access Amendments to the Headlands Development and Conservation Plan (Zone Text Amendment ZTA16-0001/Local Coastal Program Amendment LCPA16-0001)

Project Location:

The project site includes the two public access points within the Strand Vista Park, which is directly west of the Salt Creek Public Parking lot, and the public access that is adjacent to the Strand Club House and includes Assessor Parcel Numbers 672-641-44 and 672-651-24. The project areas are referred to as the Central Strand (Upper and Lower) and Mid-Strand Public Beach access way

Description of Nature, Purpose, and Beneficiaries of Project:

A zone text amendment to Section 4 and corresponding Land Use Element Policy 5.31, to address public access and the use of three retractable gates pursuant to Coastal Development Permit 15-0021 approved hours of operation. No physical development will occur as a result of this amendment.

Name of Public Agency Approving Project: City of Dana Point

Project Applicant: City of Dana Point

Exempt Status: (Check One)

Statutory Exemption

☐ Section:

☐ Ministerial (Sec. 21080(b)(1); 15268):

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

☐ Categorical Exemption: Class: ☐ Section: ☐

☒ Exempt: Sections: 15265(f), 15061(b)(3)

Reason Why Project is Exempt:

Under Section 15265(f) of the California Guidelines, CEQA does not apply to a local government's preparation of a local coastal program amendment. Further, CEQA Guideline section 15061(b)(3) provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity also is not subject to CEQA. The proposed amendments to the Headlands Development and Conservation Plan (HDGP) will not result in any physical change to the environment, thus the project has no possibility to have a significant effect on the environment. The amendments will allow the use of retractable gates at three (3) public access ways during Coastal Development Permit 15-0021 approved hours of operation, but does not result in any gates being physically constructed. Should this amendment be approved, a Coastal Development Permit would be required for any gates that may be installed in the future and a CEQA analysis will be completed at that time to ensure there will not be an environmental impact.

Lead Agency Contact Person:

Sean Nicholas, AICP, Senior Planner
City of Dana Point
32282 Golden Lantern
Dana Point, CA, 92629

Signature: _____ Date: _____ Title: _____
____ Signed by Lead Agency ____ Signed by Applicant