

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

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**DATE: JUNE 25, 2018**

**TO: DANA POINT PLANNING COMMISSION**

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

**SUBJECT: COASTAL DEVELOPMENT PERMIT CDP18-0005 FOR INSTALLATION  
OF FULLY REMOVABLE ROPES AT THREE COASTAL ACCESS POINTS  
CONSISTENT WITH COASTAL COMMISSION APPROVED HOURS OF  
OPERATION AND LOCAL COASTAL PROGRAM (LCP) WITHIN THE  
HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP)**

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**RECOMMENDATION:** That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP18-0005 (Action Document 1).

**APPLICANT:** City of Dana Point

**REQUEST:** A request to install fully removable ropes at three coastal access points consistent with Coastal Commission hours of operation and approved LCP within the HDCP.

**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.

**NOTICE:** Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on June 15, 2018. The same notice was published in the Dana Point News on June 15, 2018, and notices were posted on June 15, 2018, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

**ENVIRONMENTAL:** This project is categorically exempt (Class 1 - Section 15301 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA) since the project involves a minor addition to existing coastal access.

**ISSUES:**

1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program?
2. Is the proposal compatible with and an enhancement to the surrounding neighborhood and City?
3. Does the project satisfy all the findings required pursuant to the City's Zoning Code for approving a Coastal Development Permit?

**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. As a component of those improvements, gates were installed limiting access through the neighborhood during hours of closure. Litigation over the gates ensued between the City and Coastal Commission.

On December 7, 2016, the California Coastal Commission (CCC) considered an LCPA to approve the use of gates to enforce hours of operation for the coastal access through the residential neighborhood. The Coastal Commission voted 8 to 4 to approve the LCPA with modifications that allowed for a fully removable rope to be installed, subject to a Coastal Development Permit (CDP), at the three coastal access points shown in Figure 1. On April 18, 2018, the City Council adopted the CCC proposed modifications, removing the word gate and allowing for, with the approval of a CDP, installation of three fully removable ropes (See Supporting Document 3).

**DISCUSSION:**

CDP 15-0021 adopted November 3, 2015, established hours of operation for coastal access to Strand beach. 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 locations of the Central Strand (Upper and Lower) and Mid-Strand access ways.

**Figure 1: Location of Central Strand (Upper and Lower) and Mid-Strand Access Ways**

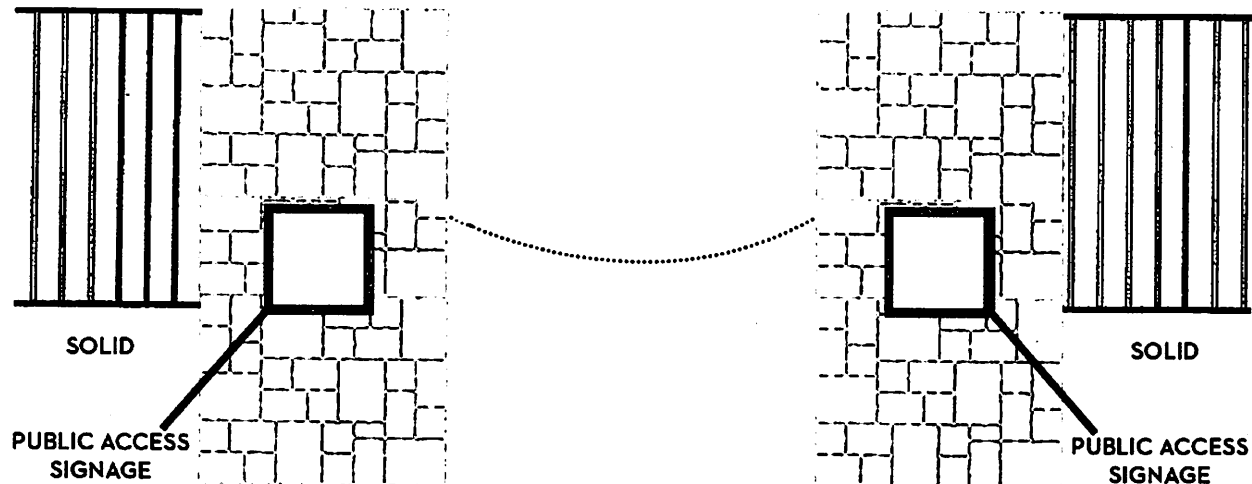


The Central Strand (Upper and Lower) and Mid-Strand access ways to the beach are unique in that they go through the Strand residential area. The approved LCP emphasizes the availability of public access over these access ways during approved hours of operation, maintained in a fully open position and signed for public access. The approved LCP further provides the City with the ability to enforce approved hours of closure through the residential area by the use of fully removable ropes at the three areas shown in Figure 1, subject to the approval of a CDP.

COASTAL DEVELOPMENT PERMIT:

This CDP proposes the installation of removable ropes that will be manually operated daily and used to enforce the Coastal Commission approved hours of closure. The approximately three inch thick rope will be attached to the safety fences/decorative pilasters and will generally appear as shown in Figure 2 during approved hours of closure.

**Figure 2: Example Image of Closed Removable Rope**



Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).*
2. *If located between the nearest public roadway and the sea or shoreline of any body of water, be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).*
3. *Conform with Public Resources Code Section 21000 and following, and there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).*
4. *Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.*
5. *Minimize the alterations of natural landforms and not result in undue risks from geologic and erosional forces and/or flood and fire hazards.*
6. *Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.*

7. *Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.*

The required findings are articulated in the attached draft Resolution identified as Action Document 1.

**CORRESPONDENCE:**

Staff has received correspondence from the Strand HOA, and they are in support of the proposed project.

**CONCLUSION:**

Staff Recommends approval of CDP18-0005. The use of fully removable ropes is consistent with the approved LCP and approved hours of coastal access operation through the Strands neighborhood. The approval of the ropes will allow for enforcement of the approved hours of closure.

  
Sean Nicholas, AICP  
Senior Planner

  
Ursula Luna-Reynosa  
Director of Community Development

**ACTION DOCUMENT:**

1. Draft Planning Commission Resolution 18-06-25-XX

**SUPPORTING DOCUMENTS:**

2. Vicinity Map
3. City Council Ordinance 17-03
4. CEQA Exemption
5. Conceptual Plans



## RESOLUTION NO. 18-06-25-XX

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP18-0005 FOR THE INSTALLATION OF THREE FULLY REMOVABLE ROPES AT THREE COASTAL ACCESS POINTS CONSISTENT WITH THE COASTAL COMMISSION APPROVED HOURS OF OPERATION AND LOCAL COASTAL PROGRAM (LCP) LOCATED WITHIN THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN**

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

WHEREAS, the City of Dana Point (the "City"), maintains the real property commonly referred to as the Central (Upper and Lower) Strand and Mid-Strand coastal access points located within the Headlands Development and Conservation Plan (HDCP) area (APNs: 672-641-44 and 672-651-24) (the "Properties"); and

WHEREAS, the City initiated an application for a Coastal Development Permit for the installation of three fully removable ropes, one rope at the Central (upper and lower) Strand and Mid-Strand coastal access through the residential neighborhood consistent with Coastal Commission approved hours of operation and LCP; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 25<sup>th</sup> day of June, 2018, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, the proposed project qualifies as a Class 1 (Section 15301) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves a minor addition to the existing coastal access; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP18-0005.

NOW, THEREFORE, BE IT HEREBY 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;

#### Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves a Coastal Development Permit CDP18-0005, subject to conditions:

- 1) That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program, **in that the project is consistent with the General Plan and Local Coastal Program policies associated with coastal access and Coastal Commission approved hours of closure as specified in General Plan Policy 5.31 for the Headlands Development and Conservation Plan, particularly for the Central Strand (upper and lower) and Mid-Strand coastal access points as the coastal access is through a residential neighborhood.**
- 2) That the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water, and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act, **in that the project is associated with existing coastal access, but does not modify the approved hours of operation, and the installation of the fully removable ropes during Coastal Commission approved hours of closure is consistent with the adopted Local Coastal Program and General Plan.**
- 3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act), **in that the project qualifies for a Categorical Exemption Type 1 since the project involves a minor addition of the fully removable ropes at the three identified coastal access points to enforce Coastal Commission approved hours of operation through a residential neighborhood.**
- 4) That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources, **in that the fully removable ropes will be attached to existing safety fencing and/or pilasters and no modifications or changes will impact any sensitive resources.**
- 5) That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards, **in that the project is the installation of three fully removable ropes, one at each Central Strand (upper and**

**lower) and Mid-Strand coastal access which runs through the Strand residential neighborhood, and will not result in undue risks from geologic, erosional forces, or be a flood or fire hazard.**

- 6) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas, **in that the single rope attached to the existing safety fences and/or decorative pilasters will not modify or alter the visual quality of the area during approved hours of operation.**
- 7) That the proposed development will conform with the General Plan, Zoning Code, Local Coastal Program, or other applicable adopted plans and programs, **in that the Coastal Commission approved and City Council adopted Local Coastal Program allows for the installation of a fully removable rope at each of the three coastal access points which goes through the Strand residential neighborhood.**

**A. General:**

1. Approval of this application is to allow three fully removable ropes, one at each of the Central Strand (upper and lower) and Mid-Strand coastal access points during Coastal Commission approved hours of closure. Subsequent submittals for this project shall be in substantial compliance with the concept plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
3. The application is approved for the location and concepts of the uses, structures, features, and materials, shown on the conceptual



documents. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will be reviewed for consistency with the conceptual drawings. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, they may approve the amendment without requiring a new public hearing.

4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. Removable ropes shall only be utilized at the Central Strand (Upper and Lower) and Mid-Central Strand during Coastal Commission approved hours of closures from 10:00 pm to 5:00 am, seven days a week.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 25<sup>th</sup> day of June, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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, Chairperson  
Planning Commission

ATTEST:

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Ursula Luna-Reynosa, Director  
Director of Community Development

[illegible]

**ORDINANCE NO. 17-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) SECTION 4.0 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

Applicant: City of Dana Point  
File No.: ZTA16-0001/LCPA16-0001

The City Council of the City of Dana Point does hereby ordain 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 Zone Text Amendment will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan by ensuring appropriate public access to the Strand public beach; and

WHEREAS, the Planning Commission held duly noticed public hearings as prescribed by law on July 25, 2016, to consider the said Zone Text Amendment and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, of all persons desiring to be heard, the Planning Commission considered all factors relating to ZTA16-0001 and LCPA16-0001; and recommended the City Council approve the said ZTA and LCPA; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law on August 16, 2016, to consider said Zone Text Amendment, and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to ZTA 16-0001, and LCPA 16-0001 and approved said Zone Text Amendment and Local Coastal Program Amendment; and

WHEREAS, LCPA 16-0001 was submitted to the Coastal Commission, which reviewed such amendment pursuant to the California Coastal Act and on December 7, 2016, approved Local Coastal Program Amendment 16-0001 with suggested modifications; and

WHEREAS, the Coastal Commission found that the LCP Amendment and Implementation Plan amendment with the suggested modifications was consistent with the policies of Chapter 3 of the Coastal Act; and

WHEREAS, said suggested modifications have been accepted and agreed to, and incorporated into GPA16-0001, ZTA16-0001, and LCPA16-0001; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code and CEQA Guidelines Sections 15351(f) and 15265(a)(1); and

WHEREAS, the City Council did on March 21, 2017, conduct a duly noticed public hearing as prescribed by law to consider the ZTA, and LCPA and continued the public hearing to April 18, 2017; and

WHEREAS, the City Council did on April 18, 2017, conduct a duly noticed public hearing as prescribed by law to consider the 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 City Council considered all factors relating to ZTA16-0001, and LCPA16-0001;

NOW, THEREFORE, BE IT ORDAINED by the City Council 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 HDGP 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 the ZTA16-0001 and LCPA16-0001 is in the public interest;
- E. The City Council has reviewed the 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 rope or similar device to 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 ropes being physically installed. Should this amendment be approved, a Coastal Development Permit would be required for any rope or similar device 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 is consistent with the General Plan;
- G. The City Council adopt Zone Text Amendment ZTA16-0001 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 a rope, or similar device, 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 City Council adopt the following findings:
  - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. **Proper notice in accordance with the LCPA procedures has been followed. Notices were; 1) originally mailed on July 5, 2016 to notify residents and affected agencies that the proposed changes were available for public review, 2)**

on March 9, 2017 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, 3) published in the Dana Point News on March 9, 2017, and 4) 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 March 9, 2017.

2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act. **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 rope, or similar device, 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, locations, and intensity of land and water uses. **The Zone Text Amendment 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 Zoning Code. **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 certification of the LCPA. **Procedures and regulations in Chapter 9.61 "Administration of Zoning", constitute minimum standards for ZTAs and LCPAs within the City's Coastal Zone and has been followed. 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. **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.**

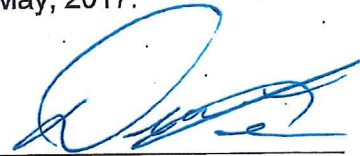
- I. That the City Council includes the following findings submitting the LCPA to the Coastal Commission:

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 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 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 include the Zone Text Amendment, and Local Coastal Program Amendment 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 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".
- K. That the City Council adopts Zone Text Amendment ZTA16-0001, which would amend the Dana Point Local Coastal Program pursuant to LCPA16-0001. The City Council approves the amendment 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 a rope, or similar device, 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.

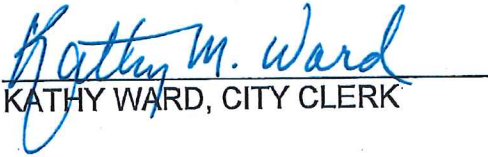
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of May, 2017.



DEBRA LEWIS, MAYOR

ATTEST:



KATHY WARD, CITY CLERK

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

I, KATHY WARD, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 17-03 was duly introduced at a regular meeting of the City Council on the 18th day of April, 2017, and was duly adopted and passed at a regular meeting of the City Council on the 2nd day of May, 2017, by the following vote, to wit:

AYES:           Council Members Muller, Tomlinson, Viczorek, Mayor  
                  Pro Tem Wyatt, and Mayor Lewis

NOES:

ABSTAIN:

ABSENT:

  
\_\_\_\_\_  
KATHY WARD, CITY CLERK

ORDINANCE NO. 17-xx

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

AFFIDAVIT OF POSTING  
AND PUBLISHING

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

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

That in compliance with State Laws of the State of California, ORDINANCE NO. 17-03, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA16-0001 TO AMEND THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDGP) SECTION 4.0 TO ADDRESS PUBLIC ACCESS OVER SPECIFIED ACCESS WAYS IN THE RESIDENTIAL PORTION OF THE HEADLANDS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA16-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

was published in summary in the Dana Point News on the 27<sup>th</sup> day of April, 2017, and, in further compliance with City Resolution No. 91-10-08-01, on the 20<sup>th</sup> day of April, 2017, and the 4<sup>th</sup> day of May, 2017, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

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

  
KATHY WARD, CITY CLERK  
Dana Point, California



## Exhibit "A"

### ZONE TEXT AMENDMENT ZTA16-0001

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

#### PROPOSED AMENDMENTS TO THE HDCP

##### Page 4.32

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 accentuate it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entry may not be gated but a single rope or similar device may be draped across the entryway during the authorized hours of closure approved by a coastal development permit. Entry must otherwise remain open during approved hours of operation. 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 as approved by a Coastal Development Permit, i.e., the architectural elements shall be incorporated into the entry to accentuate 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 not be gated at either end but a single rope or similar device may be draped across the entryway during authorized hours of closure approved by a coastal development permit. Entry at both ends of Central Strand Beach Access must otherwise remain open during approved hours of operation. Please see Figures 4.4.15, 4.12.4, 4.12.11 and 4.12.12.

##### Page 4-34

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 accentuate it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entry may not be gated but a single rope or similar device may be draped across the entryway during authorized hours of closure approved by a coastal development permit. Entry must otherwise remain open during approved hours of operation. 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 accentuate it and appropriate signage announcing the presence and encouraging the use of the access by the public shall be posted. The entries may not be gated at either end but a single rope or similar device may be draped across the entryway during authorized hours of closure approved by a coastal development permit. Entry at both ends of Central Strand Beach Access must otherwise remain open during approved hours of operation. Please see Figure 4.4.15, 4.12.4, 4.12.11 and 4.12.12.

**Figure 4.4.15**

Added call-out for rope or similar device

**Figure 4.12.4**

Added call-out for rope or similar device

**Page 4-105**

At top, in heading, add:

"J. Walls, ~~and~~ Fences, and Rope

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 rope."

**New Figure 4.12.10**

Mid-Strand Beach Access Rope

**New Figure 4.12.11**

**Central Strand Upper Access Rope**

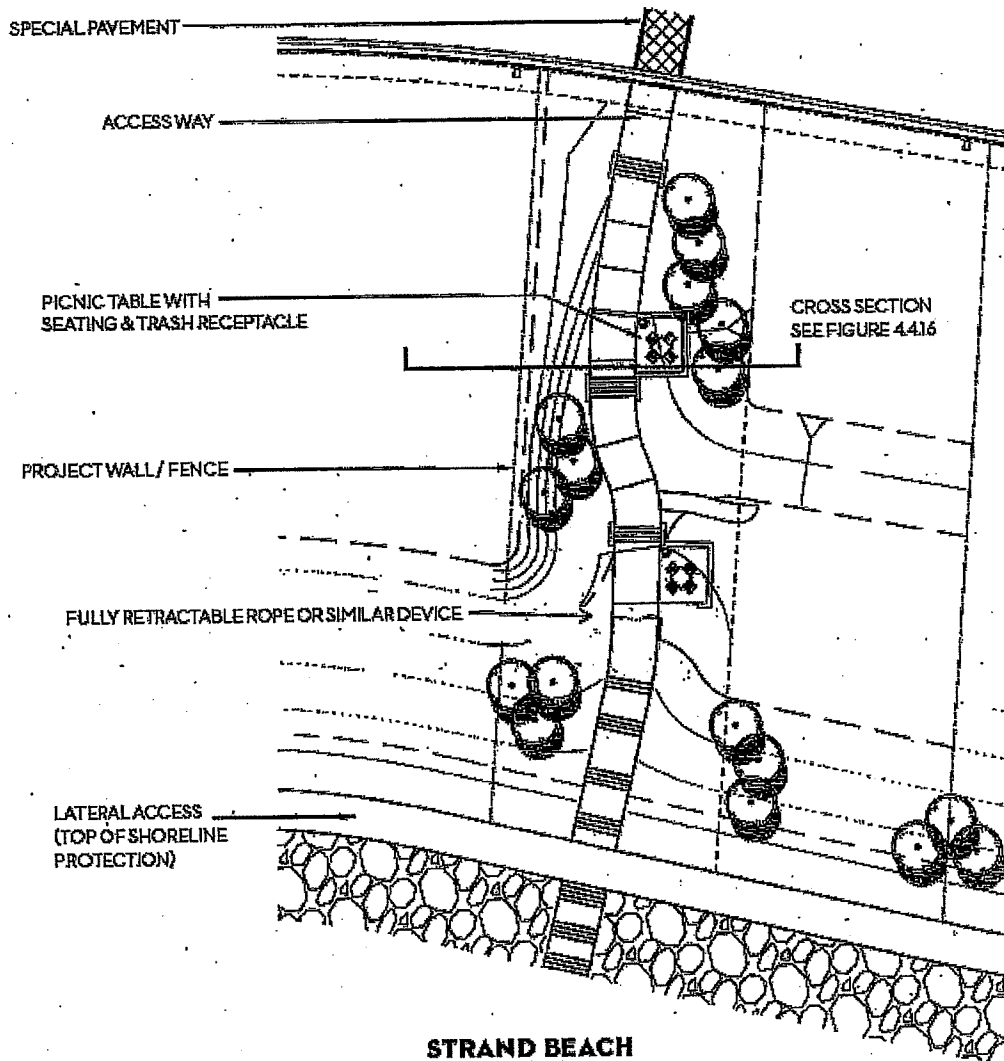
**New Figure 4.12.12**

**Central Strand Lower Access Rope**

**Existing Figure 4.12.10**

**Renumbered as Figure 4.12.13**

**CENTRAL STRAND ACCESS CONCEPTUAL PLAN**  
**FIGURE 4.415**

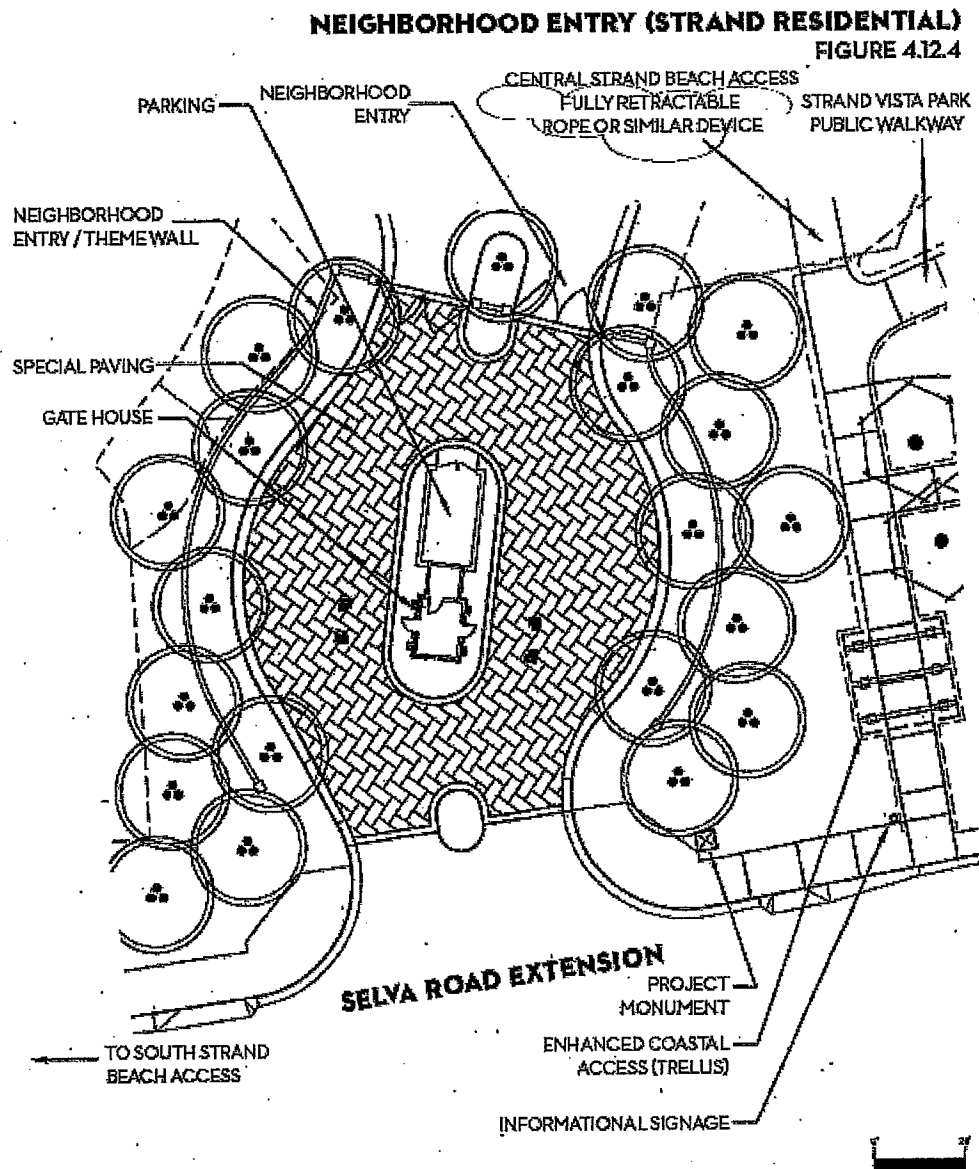


## **THE HEADLANDS**

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## **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

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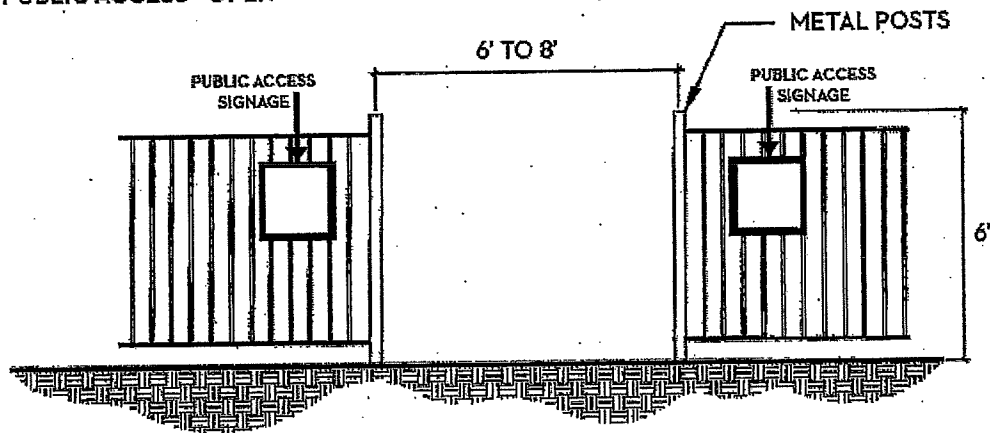
## DEVELOPMENT AND CONSERVATION PLAN

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**

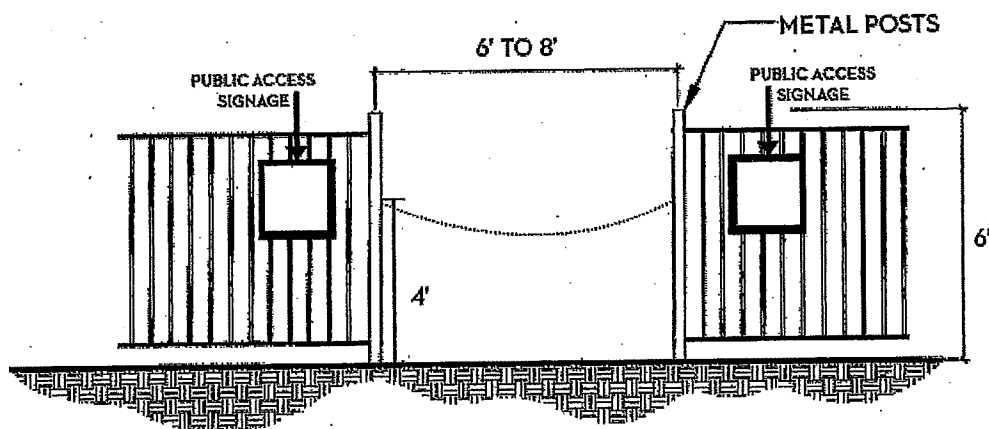
**MID-STRAND BEACH ACCESS**

**PUBLIC ACCESS - OPEN**



OPEN POSITION: Mid-Strand Beach Access at entry from Strand Vista Park shown with accessway fully open during hours of operation.

**FULLY RETRACTABLE ROPE (OR SIMILAR DEVICE) - CLOSED**

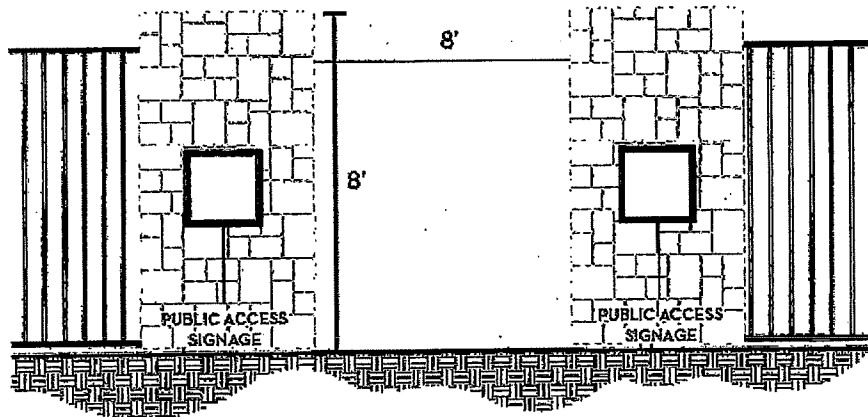


CLOSED POSITION: Mid-Strand Beach Access at entry from Strand Vista Park with rope, or similar device, during approved hours of closure.

**PUBLIC VIEW**  
**FIGURE 4.12.11**

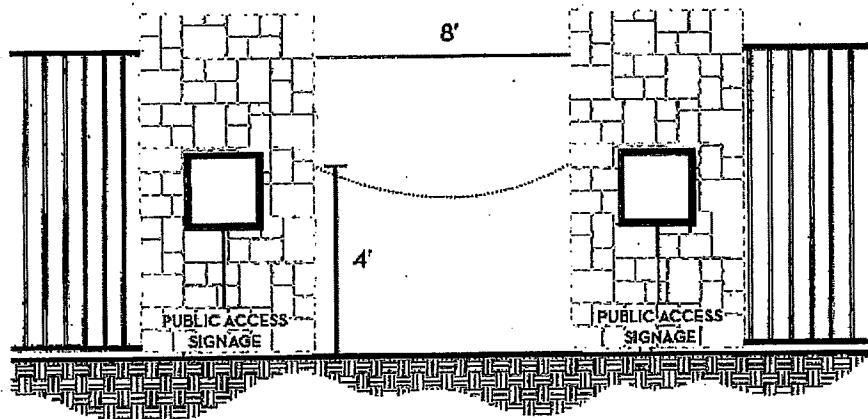
**CENTRAL STRAND UPPER ACCESSWAY**

**PUBLIC ACCESSWAY - OPEN**



OPEN POSITION: Upper Central Strand Beach Access shown with accessway fully open during hours of operation.

**PUBLIC ACCESSWAY - ROPE INDICATING CLOSURE HOURS**



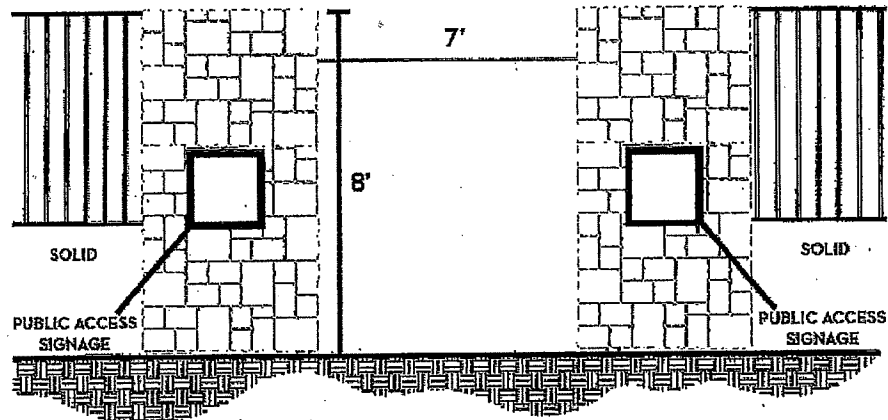
CLOSED POSITION: Upper Central Strand Beach Access shown with rope, or similar device, during approved hours of closure.



**PUBLIC VIEW  
FIGURE 4.12.12**

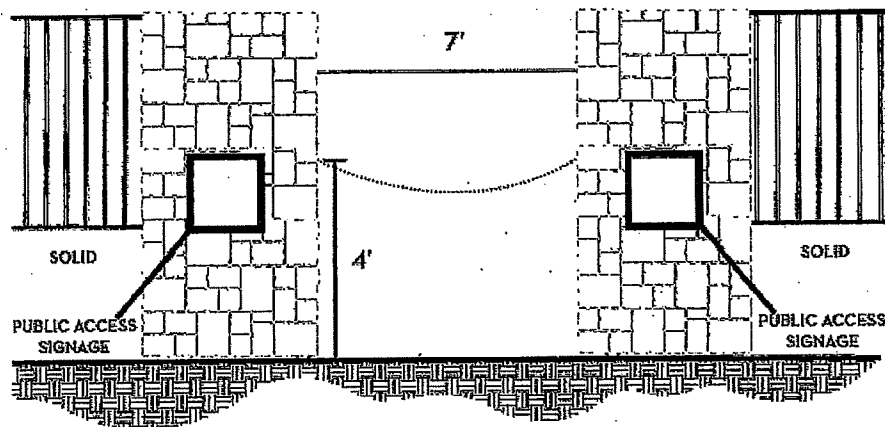
**CENTRAL STRAND LOWER ACCESSWAY**

**PUBLIC ACCESSWAY - OPEN**



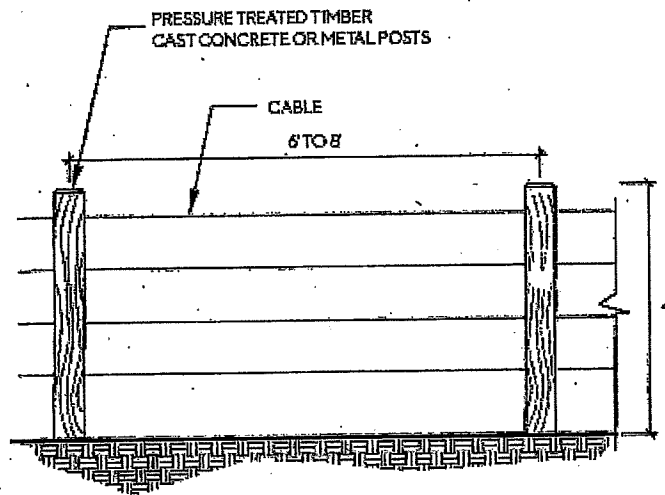
OPEN POSITION: Lower Central Strand Beach Access shown with accessway fully open during hours of operation.

**PUBLIC ACCESSWAY - ROPE INDICATING CLOSURE HOURS**



CLOSED POSITION: Lower Central Strand Beach Access shown with rope, or similar device, during approved hours of closure.

**HABITAT / SAFETY VIEW FENCE**  
**FIGURE 4-12.10 4-12.13**



**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.

**CITY OF DANA POINT  
NOTICE OF EXEMPTION**

**Date:** June 25, 2018

**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:** **Coastal Development Permit CDP18-0005**

**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.

**Description of Nature, Purpose, and Beneficiaries of Project:**

A request to install fully removable ropes at three coastal access points consistent with Coastal Commission hours of operation and approved LCP within the HDCP.

**Name of Public Agency Approving Project:** City of Dana Point

**Project Applicant:** Sean Nicholas, Senior Planner, City of Dana Point, 33282 Golden Lantern, Dana Point, CA, 92629, (949) 248-3588

**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: 1 Section: 15301

☐ Exempt: Sections:

**Reason Why Project is Exempt:**

The project includes a minor addition to an existing public coastal access, and the devices will only be utilized during Coastal Commission approved hours of closure.

**Lead Agency Contact Person:**

Sean Nicholas, AICP, Senior Planner, (949) 248-3588  
City of Dana Point  
32282 Golden Lantern  
Dana Point, CA, 92629

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

☐ Signed by Lead Agency    ☐ Signed by Applicant





GRID SHEET	
B054 - GRID 1	2016 CBC CODE CYCLE
FORM	

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT, BUILDING and SAFETY  
DIVISION  
Headlands Removable Rope  
Concept Plan  
33282 GOLDEN LANTERN SUITE 209 DANA POINT, CA 92629

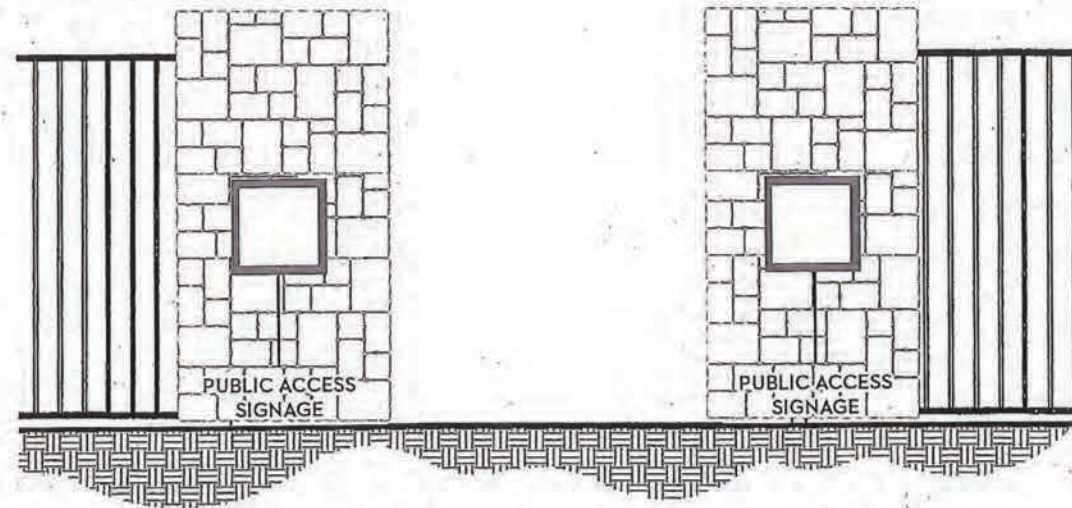


PLAN GRID  
SHEET 1 OF 3



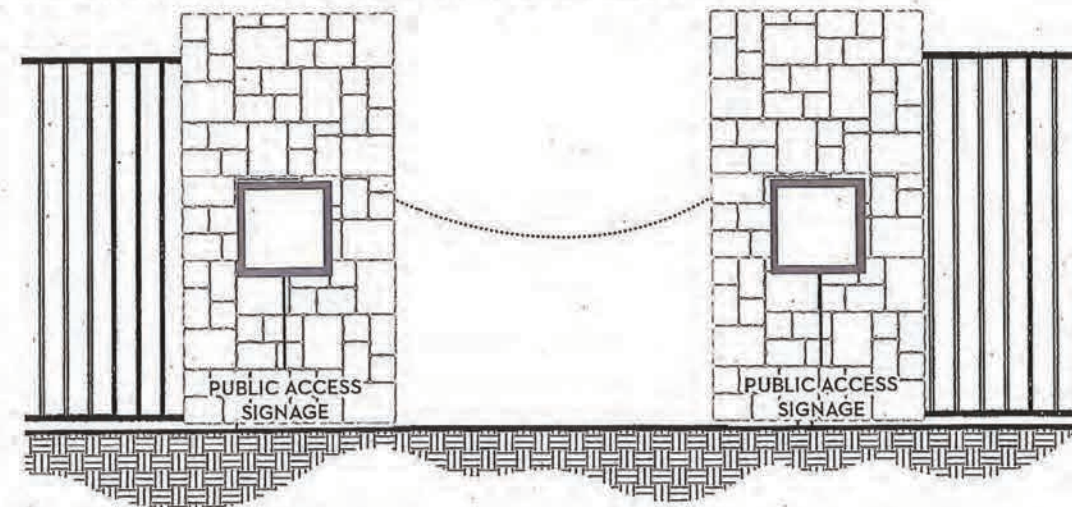
## CENTRAL STRAND UPPER ACCESSWAY

### PUBLIC ACCESSWAY - OPEN



OPEN POSITION: Upper Central Strand Beach Access shown with accessway fully open during hours of operation.

### PUBLIC ACCESSWAY - ROPE INDICATING CLOSURE HOURS

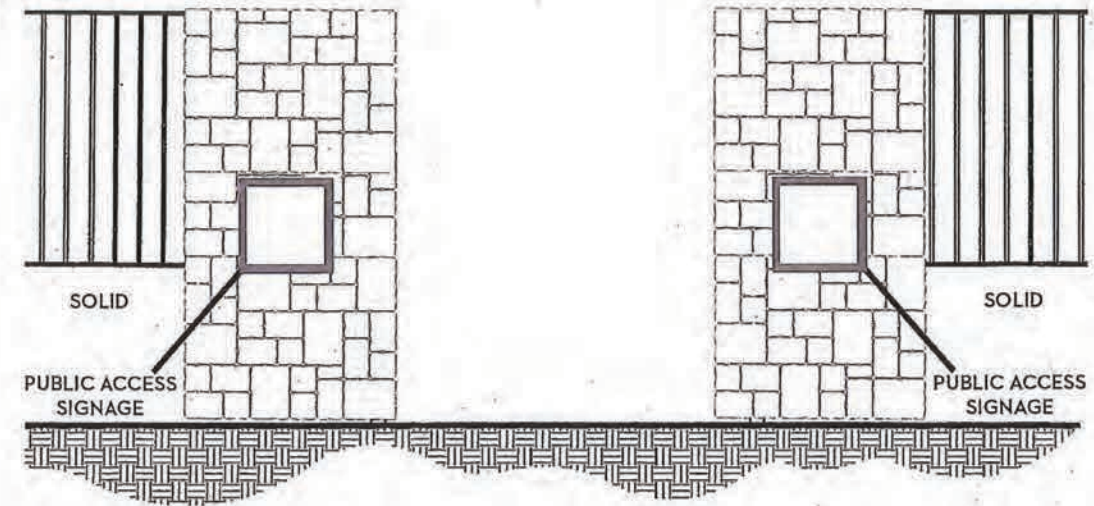


CLOSED POSITION: Upper Central Strand Beach Access shown with rope, or similar device, during approved hours of closure.

# DETAIL 1

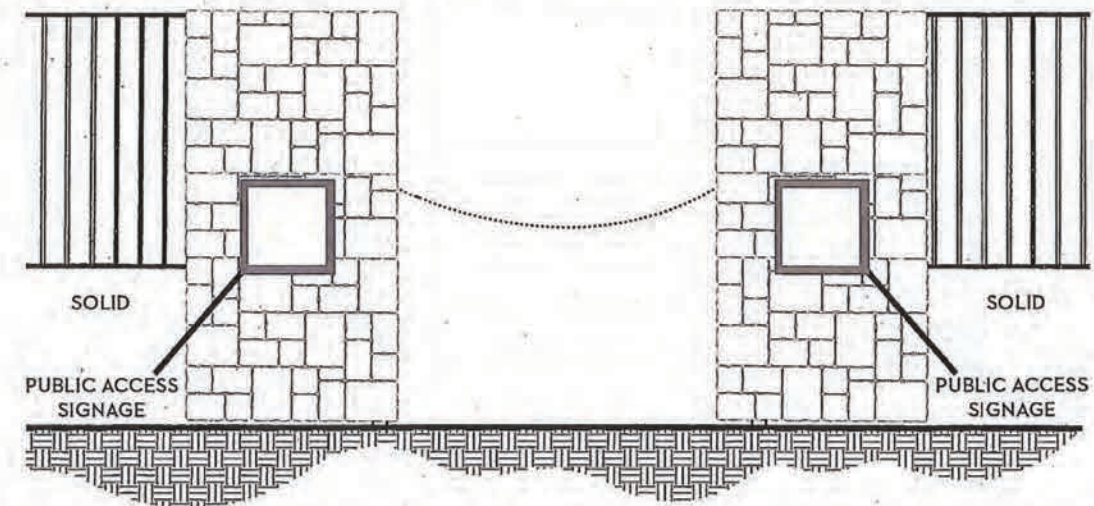
## CENTRAL STRAND LOWER ACCESSWAY

### PUBLIC ACCESSWAY - OPEN



OPEN POSITION: Lower Central Strand Beach Access shown with accessway fully open during hours of operation.

### PUBLIC ACCESSWAY - ROPE INDICATING CLOSURE HOURS



CLOSED POSITION: Lower Central Strand Beach Access shown with rope, or similar device, during approved hours of closure.

# DETAIL 2

GRID SHEET

2016 CBC  
CODE CYCLE

B054 - GRID 1

FORM

CITY OF DANA POINT

COMMUNITY DEVELOPMENT, BUILDING and SAFETY  
DIVISION

Headlands Removable Rope

Concept Plan

33282 GOLDEN LANTERN SUITE 208 DANA POINT, CA 92629



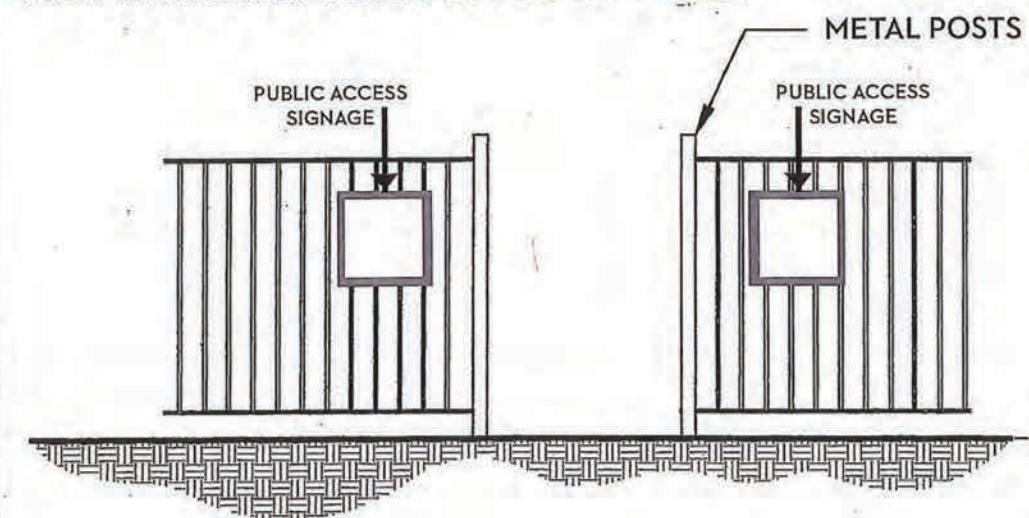
PLAN GRID

SHEET 2 OF 3



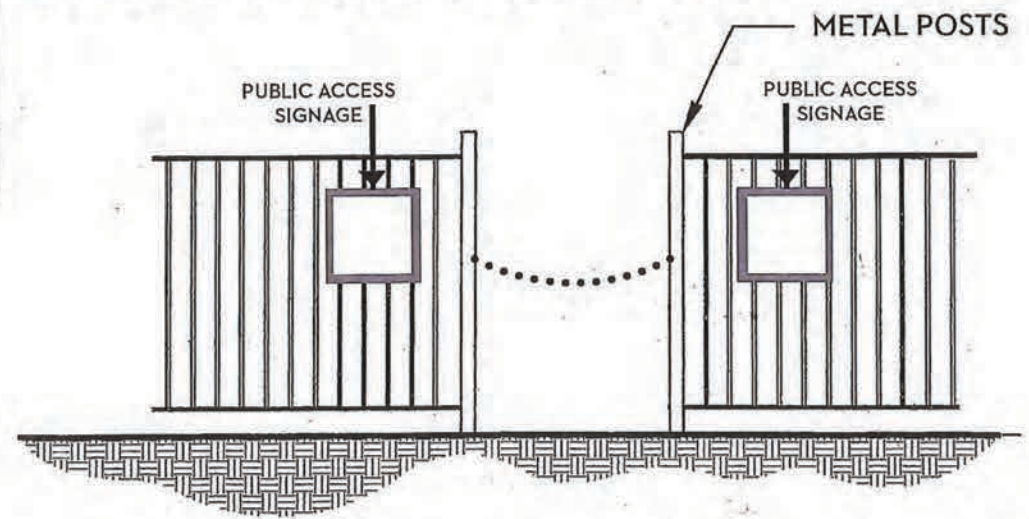
# MID-STRAND BEACH ACCESS GATE

## FULLY RETRACTABLE PUBLIC ACCESS GATE - OPEN



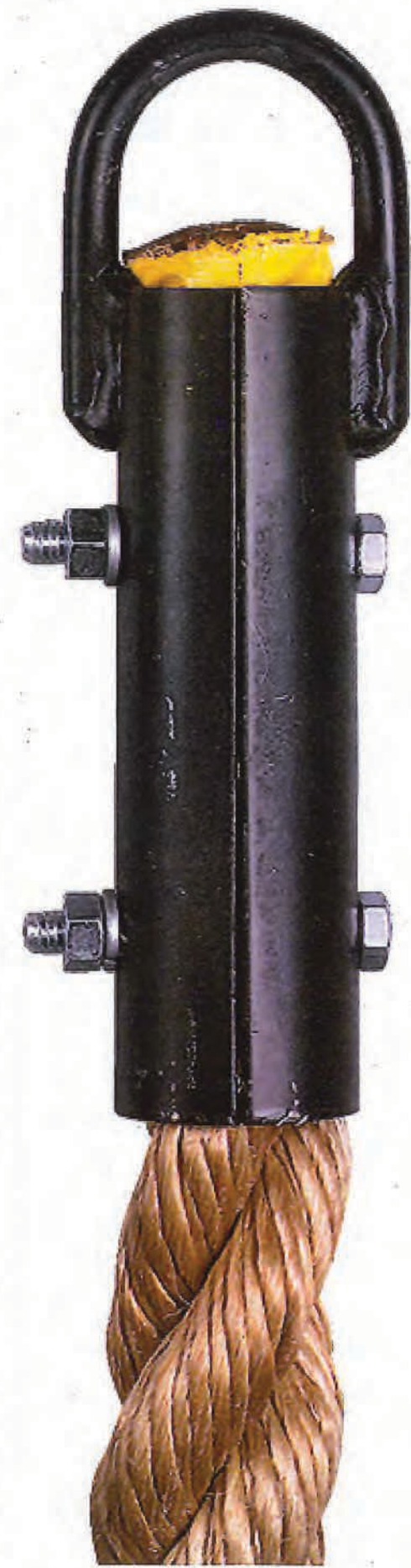
OPEN POSITION: Mid-Strand Beach Access at entry from Strand Vista Park shown with accessway fully open during hours of operation.

## FULLY RETRACTABLE PUBLIC ACCESS GATE - CLOSED



CLOSED POSITION: Mid-Strand Beach Access at entry from Strand Vista Park with rope, or similar device, during approved hours of closure.

DETAIL 3



PLAN GRID  
SHEET 3 OF 3

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT, BUILDING AND SAFETY  
DIVISION  
Headlands Removable Rope  
Concept Plan  
33282 GOLDEN LANTERN SUITE 209 DANA POINT, CA 92629

GRID SHEET	
B054 - GRID 1	2016 CBC
FORM	CODE CYCLE