CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE: OCTOBER 25, 2021

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

BRENDA WISNESKI, DIRECTOR JOHN CIAMPA, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP21-0007/SITE DEVELOPMENT

PERMIT SDP21-0019/MINOR CONDITIONAL USE PERMIT CUP21-0008(M) FOR A NEW 57 ROOM HOTEL, 4,000 SQUARE FOOT RESTAURANT SPACE WITH OUTDOOR DINING, 40-BED HOSTEL, VISITOR CENTER, RETAINING WALLS GREATER THAN 30 INCHES IN HEIGHT, AND TANDEM PARKING FOR EMPLOYEES/VALET, WAVE RESORT (HEADLANDS COMMERCIAL SITE) LOCATED AT 34075

PACIFIC COAST HIGHWAY

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution

approving Coastal Development Permit CDP21-0007/Site Development Permit SDP21-0019/Minor Conditional Use Permit

CUP21-0008(M) (Action Document 1).

OWNER/APPLICANT: Headlands Investments, LLC (Owner)/Stoutenborough Inc.

(Applicant/Architect)

OWNER'S

REPRESENTATIVE: Todd Stoutenborough, Stoutenborough Inc.

REQUEST: A request for a new 57 room hotel, 4,000 square foot restaurant

space with outdoor dining, 40-bed hostel, visitor center, retaining walls greater than 30 inches in height visible from the public right-of-way, and tandem parking for employees/valet at 34075 Pacific Coast Highway (Headlands Commercial Site) within the coastal

zone.

LOCATION: 34075 Pacific Coast Highway (APNs: 672-592-13, 672-592-14,

and 672-592-15)

NOTICE: Public Hearing notices were mailed to property owners within 500

feet and to occupants within 100 feet of the site on October 15, 2021. The same notice was published in the Dana Point News on October 15, 2021, and notices were posted on October 15, 2021, at Dana Point City Hall, the Dana Point post office, the Capistrano

Beach post office and the Dana Point Library.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), this project is Categorically Exempt per Section 15332 (Class 32-In-Fill Development Projects). CEQA guidelines-Section 15332 "In-fill Development Projects" qualifies for in-fill development projects on lots that are 5 acres or less, surrounded by urban uses, and do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA. The proposed project meets the necessary conditions to qualify for this exemption. Further, under Public Resource Code Section 2116 and 14 Cal. Code of Regulations Section 15162 the City cannot require additional CEQA review of this project as a Master Environmental Impact Report (EIR) was prepared for the Headlands Development and Conservation Plan (HDCP) and the project is within the scope of that EIR.

ISSUES:

- 1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program/Headlands Development and Conservation Plan (HDCP)?
- 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/Site Development Permit/Minor Conditional Use Permit?

BACKGROUND: On July 10, 2017, the Planning Commission approved the Wave Hotel and then the Surfrider Foundation appealed the project to the City Council (approved on October 3, 2017) and then to the California Coastal Commission (CCC), where it was approved on August 10, 2018. The staff reports and the appeal letters are provided as Supporting Documents 3, 4, 5, and 7. The CCC placed five standard conditions on the project and 10 special conditions associated with the hostel, coastal access signage, water quality, construction best management practices, construction staging, and landscaping (Action Document 1 and Supporting Document 6). The property owner was unable to obtain permits and begin the construction of the project, which led to the expiration of the Coastal Development Permit on August 11, 2021. The City entitlements (SDP and CUP(M)) will expire on January 25, 2022; therefore, the proposal includes all of the necessary permits to reestablish the entitlements for the project. The proposed project is consistent with the original approvals.

DISCUSSION: The applicant is requesting approval for a 35,000 square foot development containing a 57 room hotel, 4,000 square foot restaurant space with 2,850 square feet of outdoor dining, and a 40-bed hostel. The project requires a Coastal Development Permit and Site Development Permit for the construction of the two-story building with subterranean parking that would provide a total of 155 spaces. The project also proposes retaining walls greater than 30 inches in height and tandem parking for employee and valet parking, requiring a Minor Conditional Use Permit. The project complies with the applicable development standards and regulations, including but not limited to setbacks, lot coverage, floor area, parking, and height.

COASTAL DEVELOPMENT PERMIT:

Table 1 summarizes applicable development standards from both the HDCP and Dana Point Zoning Ordinance and the project's conformance with those requirements:

Table 1: Compliance with HDCP/Zoning Ordinance Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Setback	10 feet minimum	10+ feet	Yes
	all sides	all sides	
Height	35 foot maximum	35 feet	Yes
	40 feet for architectural features/mechanical	40 feet for architectural features/mechanical	Yes
Lot Coverage	60% maximum	50.4%	Yes
Floor Area Ratio	.57	.54	Yes
Building Area Total	35,000 square feet	35,000 square feet	Yes
Landscape Coverage	20% minimum	28%	Yes
Parking	135 spaces	155	Yes

The project is a modern design that would utilize locally sourced materials. The proposed design and materials are consistent with the Design Guidelines adopted in the HDCP, which requires a simple color scheme with no more than three colors, and the materials must be high quality. The applicant has utilized a simple color pallet with the stone being the primary architectural accent element. The project design includes a public plaza adjacent to PCH where the Visitor Center is proposed. Several locations within the project are identified for potential public art installations to enhance and complement the architectural style. Overall, the architecture and visitor serving uses proposed are consistent with the adopted HDCP and Design Guidelines.

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Parking

The proposed project exceeds the parking requirements of the Dana Point Zoning Code. Table two summarizes the required parking for the project.

Table 2: Parking Requirements

Use	Area/Rooms	Parking Standard	Parking Required
Hotel	57 rooms	1 space/room	57 spaces
Restaurant	4,000 sq. ft.	1 space/100 sq. ft.	40 spaces
Restaurant	2,850 sq. ft.	1 space/150 sq. ft.	19 spaces
(outdoor dining)			
Hostel	40 beds	7 spaces	7 spaces
Open Space			
Visitors	N/A	12 spaces	12 spaces
(CCC required)			
Total Required			135 spaces
Parking			133 Spaces
Total Parking			
Provided with			155 spaces
Tandem/Valet			

Hostel (Lower-Cost Accommodation)

As required by the CCC at the time of the HDCP certification, a 40-bed hostel is included as part of the project. The hostel would have a separate entry off of Green Lantern, and is proposed to be two-stories. The hostel is designed with the same high-quality materials and features as the primary structure to be fully integrated into the project. The project enhances pedestrian linkages adjacent to the hostel by providing an eight (8) foot wide sidewalk and additional crosswalks to increase connectivity to adjacent coastal trails and access.

The CCC does not provide an exact dollar amount for the lower-cost overnight accommodation rate for the proposed hostel; however, they do provide a methodology to calculate rates regionally based on existing rates of lower-cost accommodations (CCC public workshop staff report dated October 26, 2016). To ensure the lower-cost overnight accommodation rate accurately reflects current market conditions, a condition of approval is proposed that requires the applicant, at the time of Certificate of Occupancy, to provide an updated analysis consistent with the Coastal Commission guidance. After the initial rate is established, the applicant or hostel operator would be required to update the rate and adjust every three years based on market conditions and report any adjustments to the Community Development Department to ensure compliance.

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Public Views

The City's General Plan designates Pacific Coast Highway as a scenic highway but there are no public views identified in the project area. As a result, the proposed commercial development will not obstruct any public views from the designated scenic highway. The applicant has developed a visual simulation for the project (Supporting Document 9).

Findings

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

- 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).
- 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. To ensure the reestablished permits are consistent with the CCC approval, all applicable conditions from CCC permit A-5-DPT-17-0063 have been incorporated into the draf resolution.

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SITE DEVELOPMENT PERMIT:

The project includes a two-story, 35,000 square foot building with 155 parking spaces and retaining walls visible from the public right-of-way. In accordance with Section 9.71.020 and 9.05.120 of the Dana Point Zoning Code, a Site Development Permit is required for all non-residential developments exceeding 2,000 gross square feet and for retaining walls to exceed 30-inches. The applicant is proposing to install retaining walls along Pacific Coast Highway, Shoreline Drive, and the Street of the Green Lantern. The new retaining walls adjacent to the public right-of-way would range from less than six inches to a maximum of 4.5 feet. The walls would create landscaped areas, support the structure, site improvements, and provide stairwells. The project site was pre-graded with a significant cut at the rear of the property to minimize visual impacts from the project. A retaining wall measuring 24 feet is proposed along this rear (cut) face and will have minimal visibility as it would be screened by the hostel structure and proposed landscaping.

Art in Public Places

The project is subject to Section 9.05.240 Art in Public Places, which requires half of a percent (0.5 percent) of the construction cost to be spent on art in public places. While no definitive features are designed at this time, the plans indicate several areas where art could be incorporated, including the center courtyard adjacent to Pacific Coast Highway. Condition of approval 115 requires the applicant go through the required process specified in DPZC Section 9.05.240 and install the required art, or pay the necessary in lieu fees.

Findings

Section 9.71.050 of the DPZC stipulates a minimum of four (4) findings to approve a Site Development Permit:

- 1. Compliance of the site design with development standards of this Code.
- 2. Suitability of the site for the proposed use and development.
- 3. Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.
- 4. Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.

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

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MINOR CONDITIONAL USE PERMIT:

The project proposes a total of 155 parking spaces which results in a surplus of 20 spaces. Tandem parking is proposed for employees (21 spaces) and valet (20 spaces) which requires the approval of a Minor Conditional Use Permit per Section 9.35.060(b)(5) of the Dana Point Zoning Code. The applicant has provided a detailed parking management plan for the utilization of the tandem and valet parking (Supporting Document 8). The parking management plan in conjunction with the proposed parking layout would provide sufficient parking for all users on-site.

Findings

Sections 9.65.060 and 9.35.060(5)(D) of the DPZC stipulates a minimum of nine (9) findings to approve a Minor Conditional Use Permit for tandem parking:

- 1) That the proposed conditional use is consistent with the General Plan.
- 2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.
- 3) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity.
- 4) That the proposed type of tandem parking (employee or valet) is appropriate for the proposed use.
- 5) That surrounding properties will not be adversely affected by the proposed tandem parking facilities.
- 6) That adequate off-street (or acceptable on-street) parking for the patrons of the business will be available for the proposed use.
- 7) That appropriate conditions have been imposed to address the maintenance and safety of the tandem parking area.
- 8) That the proposed use demonstrates unusually high quality, character and/or exhibits characteristics which are highly consistent with community objectives as stated in a specific General Plan goal(s) or policy(ies).
- 9) That the tandem parking program includes provisions for periodic monitoring and reporting to identify any issues associated with the program and to adjust the program as necessary to address any such issues.

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

CONCLUSION: Based on the above analysis, staff determines that the project meets the applicable development standards set forth in both the HDCP and the Dana Point Zoning Code, and that the required findings can be made. Staff recommends that the Planning Commission adopt a resolution approving Coastal Development Permit CDP21-0007/Site Development Permit SDP21-0019/Minor Conditional Use Permit CUP21-0008(M), Wave Resort, allowing for a 35,000 square foot two-story commercial/visitor serving development with a hotel, restaurant, hostel, retaining walls over 30 inches in height visible from the public right-of-way, and tandem parking.

John Ciampa, Senior Planner Brenda Wisneski
Director of Community Development

ACTION DOCUMENT:

1. Draft Planning Commission Resolution 21-10-25-XX

SUPPORTING DOCUMENTS:

- 2. Vicinity Map
- 3. 2017 Planning Commission Report
- 4. 2017 City Council Report
- 5. 2018 California Coastal Commission Report
- 6. 2018 California Coastal Commission Approval and Conditions
- 7. Surfrider Foundation Appeals
- 8. Parking Management Plan
- 9. Proposed plans

ACTION DOCUMENT 1: Draft Planning Commission Resolution 21-10-25-XX

RESOLUTION NO. 21-10-25-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP21-0007/SITE DEVELOPMENT PERMIT SDP21-0019/MINOR CONDITIONAL USE PERMIT CUP21-0008(M) FOR THE DEVELOPMENT OF A 35,000 SQUARE FOOT HOTEL, RESTAURANT, VISITOR CENTER, AND HOSTEL DEVELOPMENT LOCATED AT 34075 PACIFIC COAST HIGHWAY

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

WHEREAS, Headlands Investments, LLC. (the "Owner"), owns the real property commonly referred to as 34075 Pacific Coast Highway (APNs: 672-592-13, 672-592-14, and 672-592-15) (the "Property"); and

WHEREAS, the Project was originally approved by the City of Dana Point on October 3, 2017 and California Coastal Commission on August 10, 2018; and

WHEREAS, the Coastal Development Permit A-5-DPT-17-0063 issued by the California Coastal Commission expired on August 11, 2021; and

WHEREAS, the Owners caused to be filed a verified application to re-establish Coastal Development Permit, Site Development Permit, and Minor Conditional Use Permit for a new 35,000 square foot commercial structure with a 57 room hotel, restaurant, visitor center, and 40-bed hostel; 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 25th day of October, 2021, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Project is Categorically Exempt per Section 15332 (Class 32-In-fill Development Projects) and even if the Project were not exempt per Section 15332, the City cannot require additional CEQA review of this Project as a Master Environmental Impact Report (EIR) was prepared for the Headlands Development and Conservation Plan (HDCP) and the Project is within the scope of that EIR; 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 CDP21-0007/Site Development Permit SDP21-0019/Minor Conditional Use Permit CUP21-0008(M).

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 Coastal Development Permit CDP21-0007, subject to conditions:
 - That the proposed Project is in conformity with the certified 1) Local Coastal Program as defined in Chapter 9.75 of this Zoning Code, in that the Project is consistent with the applicable goals and policies as adopted by the California Coastal Commission associated with the LCP approval for the development of the Visitor/Recreation Commercial portions of the Headlands Development and Conservation Plan (HDCP). In particular, Land Use Element Policy 5.5 states that the development should promote a development of a mixture of land uses that may include visitor-serving commercial. The proposed Project has a hospitality (hotel and hostel) and restaurant components all serving a variety of visitors and residents. The Project is also consistent with Land Use Element Policy 5.10 which requires land uses be scaled appropriately for the property as well as lower-cost overnight accommodations be provided in the development. The Project is designed to not impact any identified public views that were created by the development of the Headlands consistent with Land Use Element Policy 5.27. The Project is consistent with Land Use Policy 5.44 by providing the required 40-bed hostel for lower-cost overnight accommodations.
 - 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 proposed development provides greater access to the coast by providing for on-site lower-cost overnight accommodations. The applicant is also installing an eight foot wide sidewalk on Green Lantern to better tie into nearby coastal trails and access, thus increasing accessibility to coastal resources from the project site and

surrounding areas. The project site is also adjacent to a trailhead to the public trail system built as a component of the Headlands development and the proposed development provides parking for visitors consistent with the requirements of the California Coastal Commission and the HDCP. There are a variety of public access for trails and coastal access that will be serviced by the parking provided by the Project.

3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act), in that the requirements of the California Environmental Quality Act have been satisfied in that the Project is Categorically Exempt pursuant to Section 15332 of the California Code of Regulations (Class Development Projects). CEQA guidelines-Section 15332 "In-fill Development Projects" provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, are consistent with all applicable General Plan designations and policies and all Zoning designations and regulations, do not have a significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA.

The proposed development occurs within City limits on a project site that is 64,992 square feet (just under 1.5 acres) and is surrounded by existing residential dwelling units, restaurants and other commercial uses. The Project is consistent with all applicable General Plan designations and policies and all Zoning designations. Specifically, the Project supports Land Use Policy 5.5, which states that development should promote a mixture of land uses that may include visitor-serving commercial; Land Use Policy 5.10, which requires development uses to be scaled appropriately for the property as well as provide lower-cost accommodations; Land Use Policy 5.27 states that development shall be sited in a manner not to impact any identified public views created by development approved under the HDCP; and Land Use Policy 5.44 which requires a 40-bed hostel for lower-cost accommodations. The proposed Project consists of a

hostel, hotel, restaurant and visitor center, which are all uses in support of visitor-serving commercial. The proposed development is two-stories and is at or below the maximum height limit and the project steps and moves with the natural slope of the property to reduce the overall massing and scale of development. The proposed Project is designed to not impact any identified public views and a 40-bed hostel for lower-cost accommodations is included as part of the proposed Project.

The Project does not result in any impacts related to land use in that the Project does not: a) divide an established community, b) conflict with an applicable land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect, and c) conflict with any applicable habitat conservation plan or natural community conservation plan.

There will be no impacts to Biological Resources as the subject site has undergone grading and has continually been utilized as a parking/ staging area for the development of the public and private components of the HDCP area. All areas associated with conservation within the HDCP area have been identified, preserved, maintained and protected in its natural state and the subject property is not included in this conservation area.

A preliminary Water Quality Management Plan has been prepared for the Project. Compliance with the WQMP will ensure there are no impacts to water quality. A noise study prepared by Landrum and Brown (L&B) dated June 14, 2017, analyzed the proposed Project, which assumes music and other noise-generating activities will take place at the proposed Project, and found at the nearest sensitive receptor the noise level will be approximately 19 decibels lower that the ambient noise of Pacific Coast Highway. Additionally, the proposed new uses will be required to comply with the City's Noise Ordinance; therefore, the Project will not result in any significant or potentially significant Noise impacts.

The traffic study, prepared for the certification of the Master Environmental Impact Report (EIR) and subsequent

Addendum that was prepared for the Headlands Development and Conservation Plan (HDCP) anticipated a build out scenario of 35,000 square foot multi-tenant commercial, retail, visitor center, and restaurant development with a 40-bed hostel. The EIR concluded no traffic related impacts will occur for the above stated build out scenario with the incorporation of the mitigation measures that have already been implemented. proposed Project differs from the Project analyzed in the EIR in that it includes a 57 room hotel, 4,000 square foot restaurant, visitor center, and 40-bed hostel. Pursuant to memorandum prepared by Linscott, Law, and Greenspan (LLG), the City's third-party traffic consultant, dated June 23, 2017, the proposed Project is less intense from a traffic generation standpoint than the previously analyzed Project under the EIR. Therefore, the proposed Project will have no significant impacts related to traffic. The Project itself does not directly cause air quality impacts other than those associated with vehicle emissions related to traffic and any construction related impacts. The Project is conditioned to comply with the Air Quality related mitigation measures as stipulated in the EIR.

The site can be adequately served by all required utilities and public services, including emergency services, in that that the site is located on Pacific Coast Highway and all necessary public utilities are readily available and able to serve the site and necessary access to accommodate emergency vehicles has been incorporated into the site plan.

Even were this Project not Categorically Exempt under Section 15332, a Master Environmental Impact Report (EIR) dated February 2002 (SCH#2001071015) and subsequent Addendum dated September 2004 was prepared for the Headlands Development and Conservation Plan (HDCP) and certified by the City Council, and the Wave Hotel Project is within the scope of that EIR. There are no substantial changes in the Project that was evaluated in the EIR and subsequent Addendum or in the circumstances under which the Project would be undertaken that would require major revisions in the EIR due to new significant impacts or an increase in the severity of previously identified impacts

nor has any new information been presented that shows there would be new significant impacts, an increase in the of impacts identified that mitigation measures/alternatives previously found to be infeasible feasible. that other mitigation or measures/alternatives significantly different than those previously identified would substantially reduce impacts. Consequently, the City cannot require additional CEQA review of this Project under Public Resources Code Section 2116 and 14 Cal. Code of Regulations Section 15162.

- 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 existing site has already been graded as part of the installation of the infrastructure improvements of the Headlands development and there is no environmentally sensitive habitat on the site. There will be no impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas as approved fencing has been installed to protect the adjacent conservation area which provides an adequate buffer to protect such resources. In addition, directional signage to the trails associated for public use were installed which clearly identifies the paths meant to public access to the resources distinguishing the areas that are protected. The subject site has undergone grading and has continually been utilized as a parking/ staging area for the development of the public and private components of the HDCP area. All areas associated with conservation within the HDCP area have been identified, preserved, maintained and protected in its natural state and the subject property is not included in this conservation area.
- 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 subject site has already been pre-graded and the Project is being evaluated for compliance with all applicable development standards and safety requirements including geotechnical. The preliminary

reports that have been developed associated with the discretionary review indicate that the development can be built as proposed and through the building permit process, all applicable life safety features and components will be reviewed to ensure compliance.

- 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 proposed Project has been designed consistent with the design guidelines adopted in the HDCP. The applicant is proposing high quality, natural materials complimentary to the character of the surrounding area.
- 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 proposed Project is consistent with all the applicable General Plan and LCP policies associated with the development of the project site as listed under finding one above. The development is consistent with both the HDCP and applicable Dana Point Zoning Code requirements and does not require a Variance or other exceptions to be developed.
- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP21-0019, subject to conditions:
 - 1) That the site design is in compliance with the development standards of the DPZC and HDCP, in that the development of the Project, including retaining walls, is consistent with all of the development standards of both the HDCP and DPZC. No Variances or other exceptions are required to develop the Project as proposed. The largest exposed retaining wall has been treated with stone to match the front façade, and is screened by both landscaping and other features of the proposed building reducing potential visual impact of the wall. The Project is consistent with the design guidelines approved as part of the HDCP.
 - 2) That the site is suitable for the proposed use and development, in that the Project is compliant with all development standards in both the HDCP and DPZC and has been

developed to step with the land to avoid massing impacts. The Project has been designed utilizing high quality, natural materials with a simple, subdued color scheme, and will be complimentary with development located within Town Center. Overall the Project has been designed to be sited appropriately to the property and avoids impacts to surrounding uses and visual resources developed as part of the Headlands.

- 3) That the Project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines, in that the applicant is proposing high quality, natural materials with a simple, subdued color scheme, and the development is consistent with the adopted design guidelines approved for the Headlands, including the project specific design guideline requirements.
- 4) That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture, in that the proposed development has been designed to take advantage of the natural slope of the site to develop subterranean parking and step with the land to avoid massing impacts. High quality design is proposed that will compliment Town Center, the Headlands, and other development on Pacific Coast Highway.
- D) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Minor Conditional Use Permit CUP21-0008(M), subject to conditions:
 - 1) That the proposed conditional use is consistent with the General Plan, in that the development is consistent with all applicable goals and policies that were adopted with the approval of the HDCP. In particular, Land Use Element Policy 5.5 states that the development should promote a development of a mixture of land uses that may include visitor-serving commercial. The proposed Project has a hospitality (hotel and hostel) and restaurant components all serving a variety of visitors and residents. The Project is also consistent with Land Use Element Policy 5.10 which requires land uses be scaled appropriately for the property as well as lower-cost

overnight accommodations be provided in the development.

- That the nature, condition, and development of adjacent uses, 2) buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures, in that the proposed development is consistent with all applicable development requirements of the HDCP and DPZC, the HDCP design guidelines, and general plan policies associated with the approval of the proposed Project. The Project is part of a comprehensive development plan that provides a mix of land uses including recreation, residential, and visitor serving commercial. The tandem parking triggering the need for the Minor Conditional Use Permit is to provide additional parking beyond the required minimum parking which will assist in mitigating any concerns about spillover parking.
- 3) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity, in that the proposed development is consistent with all applicable development requirements of the HDCP and DPZC, the HDCP design guidelines, and general plan policies associated with the approval of the proposed Project. The development as designed does not require any Variances or exceptions to the code. The site plan accommodates all development land use features prescribed in the DPZC and required by the California **Coastal Commission.**
- 4) That the proposed type of tandem parking (employee or valet) is appropriate for the proposed use, in that the project applicant has prepared a parking management plan to maximize the efficiency of onsite parking using both tandem and valet parking. The use of tandem parking is

appropriate for this type of visitor serving use as it has fluctuating parking demands.

- 5) That surrounding properties will not be adversely affected by the proposed tandem parking facilities, in that the development provides the required parking as specified by the DPZC. The applicant has provided a parking management plan to maximize the utilization of the tandem parking to provide excess parking and mitigate any potential spillover parking concerns.
- 6) That adequate off-street (or acceptable on-street) parking for the patrons of the business will be available for the proposed use, in that the development provides the required parking as required by the DPZC with just the standard parking configuration. To provide excess parking to avoid any impacts on surrounding uses, the applicant is proposing to utilize tandem parking for employee and valet uses which provides additional parking beyond the minimum requirements of the HDCP and DPZC. The applicant has provided a parking management plan to maximize the utilization of the tandem parking.
- 7) That appropriate conditions have been imposed to address the maintenance and safety of the tandem parking area, in that the applicant has prepared a parking management plan to maximize utilization of both employee parking and valet parking in association with the tandem parking configuration. The parking areas will be sufficiently illuminated to provide the required safety standards for the development.
- That the proposed use demonstrates unusually high quality, character and/or exhibits characteristics which are highly consistent with community objectives as stated in a specific General Plan goal(s) or policy(ies), in that the development is consistent with applicable goals and policies that were adopted with the approval of the HDCP. In particular, Land Use Element Policy 5.5 states that the development should promote a development of a mixture of land uses that includes visitor-serving commercial. The proposed

Project has a hospitality (hotel and hostel) and restaurant components all serving a variety of visitors and residents. The Project exhibits high quality design with appropriate massing and scale, subdued colors, and high quality materials to compliment the neighborhood character.

9) That the tandem parking program includes provisions for periodic monitoring and reporting to identify any issues associated with the program and to adjust the program as necessary to address any such issues, in that a condition of approval has been added that if a number of complaints are received, staff shall meet with the site operator to work together to modify or provide additional parking opportunities onsite.

A. General:

- Approval of this application is to allow the development of a 35,000 square foot hotel, hostel, visitor center, and restaurant facility. The hotel is proposed to include 57 rooms and the hostel will have 40-beds. The restaurant is proposed to be 4,000 square feet with indoor and outdoor dining. The Project also includes retaining walls greater than 30 inches in height visible from the public right-of-way. Subsequent submittals for this Project shall be in substantial compliance with the 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 design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location

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

- 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. The Owner or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the Project. Owner's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The Owner or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the Owner or the Owner's agents, employees, or contractors. Owner's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding. The Owner shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed Project and any other related documentation.

- The Owner and Owner's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
- 7. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety and Engineering Division for plan check for Building and Grading Permits.

- 8. The Owner and Owner's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- The construction site shall be posted with signage indicating that construction shall not commence before 7:00 a.m. and must cease by 8:00 p.m., Monday through Saturday, and no construction activity is permitted on Sundays or Federal holidays.
- All applicable conditions of approval from the Master CDP and Mitigation Measures directly related to Planning Area Four shall apply to the Project.
- 11. All exterior building lights shall be aesthetically consistent with the approved architecture and proportionally consistent with the area for which they are located. All exterior light sources shall have light cutoffs to avoid light trespass and offsite glare.
- 12. No signs are approved associated with this Project. A separate Master Sign Program needs to be developed prior to any permanent signage being installed. All signs, materials, and methods of illumination should be of high quality to match the architecture of the building.
- 13. The proposed uses shall comply with the provisions of the City's Noise Ordinance at all times.
- 14. The applicant shall ensure that no activities take place contrary to the public health, safety and welfare.
- Deliveries and refuse collection shall be prohibited between the hours of 10:00 P.M. and 7:00 A.M. daily, unless otherwise approved by the Director of Community Development.
- 16. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services. All utility services shall be shown on the construction plans. All utility work in the right of way will require separate permits from the Public Works Department.
- 17. The use of the public right of way for construction purposes shall not be allowed, except as permitted by the City Engineer. An encroachment permit is required for all use of the public right-of-way.

- 18. The applicant shall exercise special care during the construction phase of this Project to prevent any off-site siltation. The applicant shall provide erosion control measures. The applicant shall maintain the erosion control devices until the final approval and sign off of all permits.
- 19. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
- 20. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
- 21. The City Engineer reserves the right to add additional Conditions of Approval to address on-site or off-site improvements or issues as needed prior to any permit issuance.
- Any City owned street or property damaged by the applicant's work shall be repaired per City Standards and as directed by the City Engineer.
- 23. The proposed sidewalk on Green Lantern shall be in accordance with the City of Dana Point standards. The termination point of all sidewalk shall allow for accessibility and future connection for pedestrian connectivity. The sidewalk improvements shall include disabled access ramps at the intersection of Green Lantern and Santa Clara, unless otherwise approved by the City Engineer.
- 24. All improvements along Shoreline Drive shall be coordinated with the Strand at Headlands development. The existing Strand at Headlands pilaster will be protected in place at Shoreline Drive.
- 25. The Project shall meet all water quality requirements including Low Impact Development (LID) implementation.
- 26. If required by the Director of Community Development, due to complaints, the applicant shall be required to provide a parking utilization survey of onsite operations. If a shortage is discovered and/or issues arise due to the operations onsite, modifications to the

valet plan, hours of operation, or other changes may be required.

- Building(s) shall comply with the 2016 editions of the Building Code with all local amendments.
- 28. Building plan check submittal shall include the following construction documents:
 - Building Plans (4 sets)
 - Electrical/Plumbing/Mechanical plans by a Registered Design Professionals
 - Energy Calculations (2 sets)
 - Structural Calculations (2 sets)
 - Soils/Geology Report (3 sets)
 - CASp Report (incorporated into the plans)
 - Fire/Life/Safety Code Analysis Report (exiting, occupancy separation, fire-rating, etc.).

All documents prepared by a registered-design-professional shall be wet-stamped & signed.

- 29. Fire Department review is required. Submit plans directly to the Orange County Fire Authority for their review and approval.
- 30. Health Department's review & approval is required. Submit plans directly to the County Health Department for their review and approval.
- 31. Any required utility connections needed along Pacific Coast Highway shall be done by the applicant in advance of the City's planned paving project on PCH, currently scheduled to be constructed in late 2018, unless otherwise approved by the City Engineer.
- 32. Trees planned as part of this Project shall not impact any public views.
- 33. Wayfinding Signage determined necessary adjacent to the planned Hotel shall be designed and installed by the applicant, subject to review and approval by the Community Development Director and the City Engineer.
- 34. The final design and location of the required Visitor Center shall be subject to the approval of the Director of Community Development.
- B. California Coastal Commission A-5-DPT-17-0063 Special Conditions.

The following special conditions imposed by the California Coastal Commission have been modified to reflect that the City is the enforcing agency. The intent of the original condition remains. Any potential conflict with other conditions of approval within this resolution, the most restrictive condition shall apply.

- 35. Opening of Hostel. The 52-bed hostel provides mitigation for the luxury inn in Planning Area 9 (City of Dana Point CDP 04-23) and the hotel approved by this coastal development permit in Planning Area 4. The 52-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9 and the hotel in Planning Area 4. The hostel shall be maintained and operated as a lower-cost overnight accommodation for the life of the development approved by the permit.
- 36. Compliance with City of Dana Point Condition Regarding Hostel Rates. The applicant shall comply with the City of Dana Point's requirement stated in Condition 114 that, prior to the City's issuance of the Certificate of Occupancy for the development, the applicant shall prepare an analysis based on the California Coastal Commission recommendations of October 26, 2016 public workshop staff report, or updated process as applicable, to determine the lower-cost overnight accommodation rate of each bed per night in the hostel. Subsequent to the issuance of the Certificate of Occupancy, the hostel operator or property owner shall update the lower-cost overnight accommodation rate per bed per night for the hostel, consistent with the most updated California Coastal Commission method of determining lower cost overnight accommodation rate, every three (3) years to ensure compliance with the HDCP and Coastal Commission requirements.
- 37. Coastal Public Access Sign Plan. The applicant shall submit for review and approval a coastal public access sign plan, as required below:
 - 1. The plan shall show the location of the visitor-serving/coastal access directional sign(s) located in the following area:
 - (a) Visitor Information Center; and
 - (b) Locations within the interior and exterior of the development.
- 38. Storm Water Pollution Prevention Plan (SWPPP). Prior to issuance of a grading permit, the applicant shall submit for review and approval, storm water pollution prevention plans (SWPPP) prepared and signed by licensed engineer that, at a minimum, meets the following:

The Storm Water Pollution Prevention Plan must show that

permittee is properly prepared to apply site design, source control and treatment control BMP's, appropriate for the potential stormwater pollutants at this site, in order to protect coastal waters from polluted runoff generated by construction activities to the maximum extent practicable.

- 39. Construction Best Management Practices (BMPs). Prior to issuance of a grading permit, the applicant shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers:
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the Project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day:
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited:
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling

- and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 46. Construction Staging Plan. Prior to issuance of a grading permit, the applicant shall submit for the review and approval construction staging plans, which indicate that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the coast and minimize water quality impacts to coastal waters.
 - 1. The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
 - (b) Construction equipment, materials, or activity shall not be placed within any habitat area or within 100-feet of any drainages; and
 - (c) The construction staging area will gradually be reduced as less materials and equipment are necessary.
 - 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) limits of the staging area(s);
 - (2) construction corridor(s); and
 - (3) construction site; and
 - (4) location of construction fencing and temporary job trailer(s);
 - (b) A narrative that describes and explains the plan
- 47. Water Quality Management Plan (WQMP). Prior to issuance of a grading permit, the applicant shall submit for the review and approval water quality management plans for the post-construction project site, prepared and signed by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The water quality management plan shall incorporate structural and non-structural Best Management Practices (BMP's) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following

requirements:

- Appropriate structural and non-structural BMP's (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters:
- Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
- 3. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
- 4. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals:
- All runoff from the vehicle wash station shall be collected through the proposed wash rack and sand/oil separator and discharged only through the sewer system;
- 6. Runoff from all roofs, walkways, driveway and parking areas shall be collected and directed through a system of structural BMP's including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMP's shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a noneerosive manner;
- 7. Post-construction structural BMP's (or suites of BMP's) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMP's, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMP's;
- 8. All BMP's shall be operated, monitored, and maintained for the life of the Project and at a minimum, all structural BMP's shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season;
- Debris and other water pollutants removed from structural BMP's during clean-out shall be contained and disposed of in a proper manner; and

- 10. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMP's according to manufacturer's specifications.
- 48. Revised Landscape Plan. Prior to issuance of a grading permit, the applicant shall submit, revised final landscape plans prepared by an appropriately licensed professional which demonstrates the following:
 - 1. The plans shall demonstrate that:
 - (a) All planting shall provide 90 percent coverage within ninety (90) days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the Project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) All landscaping shall consist of native drought tolerant on-invasive plant species native to coastal Orange County and appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf); and (d) Only water efficient drip type irrigation shall be utilized.
 - 2. The plan shall include, at a minimum, the following components:
 (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 (b) a schedule for installation of plants.

C. Building Submittal:

- 50. Cal/OSHA permit is required for elevators or wheelchair lifts.
- 51. Elevators: Elevators shall comply with the requirements of CBC Chapter 30 (1009). State amendments require a gurney-size elevator for any number of stories (11B-206.6, 11B-407).

- 52. Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.
- 53. Minimum roofing classification is Class "A".
- 54. Building Code Analysis: Provide building code analysis showing conformance to the Chapter 3 and 5 of the CBC. Specify occupancy group(s), type(s) of construction, including fire sprinklers, location on property, actual and allowable floor area, building height, number of stories, and conforming exiting.
- 55. Exiting Plan & Analysis: Plans should include an occupant load analysis on the plans and provide an "Exit Plan" to show a clear and dimensioned Means of Egress system that provides a continuous, unobstructed exit from any occupied point in the building to a public way.
- 56. Fire-rated Construction: Plans should clearly identify the locations of the Fire Areas, Fire Walls, Fire Barriers, Fire Partitions, and all Occupancy separations. Provide complete legends and details on the plans.
- 57. Third party inspection by an independent certified deputy inspector for fire-stopping, fire-resistant penetrations and joints are required. (CBC Sections 1704, 1705, 1705.16)
- 58. Fire sprinkler system is required.
- 59. Plans should clearly show compliance with CBC Chapters 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing). A Certified Access Specialist (CASp) report is recommended and shall be incorporated onto the plans.
- 60. Accessible route: All buildings of covered multifamily dwellings and related facilities such as parking spaces, laundry, storage, and other facilities for the use of the residents; passenger drop off points; the public way; and any adjacent public transportation stops, shall be connected by an accessible route of travel.
- Transient Lodging: Plans should clearly show compliance with CBC Chapter 11B (Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing). A

- Certified Access Specialist (CASp) report is recommended and shall be incorporated onto the plans.
- 62. Hotels, motels, inns, and similar transient lodging facilities shall provide guest rooms in accordance with CBC Sections 11B-224.1 through 11B-224.6. Please provide analysis & a summary matrix of the guest rooms with mobility and guest rooms with communication features on the Title Sheet.
- 63. Dining, Banquets, and Bar Facilities: Accessibility shall be provided in all areas where a different type of functional activity occurs. Provide wheelchair access to all areas. (11B-206.2.5)
- 64. Provide seats/spaces for people using wheelchairs (at least one space for each 20 seats, with at least one space per functional area) integrated with general seating to avoid having one area specifically highlighted as the area for person with disabilities. (11B-226.2)
- 65. Swimming pools, spas, and deck areas shall be fully accessible per CBC Section 11B-242.
- 66. Valet Parking (CBC 11B-209.4): Parking facilities that provide valet parking services shall provide at least one passenger loading zone complying with CBC Section 11B-503. The parking requirements of Section 11B-208.1 apply to facilities with valet parking.
- 67. Soils Report (1803): Submit a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5. The report shall comply with CBC Section 1803.6.
- Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w/c ratio of 0.45, fc of 4500 psi.
- 69. Green Building: Plans shall show compliance & indicate method of verification of compliance with all CALGreen requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.
- 70. Provide construction details for penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts to

be sealed, lined, insulated or otherwise treated to maintain the required smoke, fire and sound/noise ratings.

- 71. Provide blow-up details of all fire-rated construction and sound & noise (acoustical) attenuation assemblies. Call out all construction, finish materials and their approval numbers from approved testing agencies.
- 72. This Project is in a Special Fire Protection Areas Ember Zone 1 and shall be in accordance with CBC Chapter 7A (CBC 703A: Standard of Quality; CBC 704A: Ignition resistant; CBC 705A: Roofing; CBC 7046: Vents) & DPMC.
- 73. Separate review, approval, and permits are required for:
 - Separate Structures
 - Retaining Walls
 - Site Walls over 3 ft.
 - Fire Sprinklers
 - Swimming Pool/Spa
 - Signs

C. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

- 74. The applicant shall prepare all needed reports and implement all required actions to meet current water quality regulations including, but not limited to, a Water Quality Management Plan, a Storm Water Pollution Prevention Program, and all other required reports/actions.
- 75. The preliminary location of grease interceptor for proposed restaurant shall be reviewed and revised as needed during construction stages of permitting.
- 76. The applicant shall submit grading plans, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. A statement shall be provided on the grading plans that on-site inspection shall be provided to allow the Engineer of Record to certify all work completed.

- 77. The applicant shall apply to the Building Department for all temporary shoring and/or retaining wall permits required for the site. The applications shall also be reviewed and approved by the City Engineer.
- 78. A separate surety to guarantee the completion of the project shoring and protection of neighboring property and neighboring improvements, up to 100% of the cost shall be posted to the satisfaction of the City Engineer and the City Attorney.
- 79. Surety to guarantee the completion of the project grading and drainage improvements, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney.
- 80. The applicant shall submit a geotechnical report in accordance with City standards. The applicant shall prepare a detailed geotechnical report for review and approval by the City Engineer. A statement shall also be provided in the geotechnical report that on-site inspection shall be provided to allow the Engineer of Record to certify all work completed.
- 81. Prior to grading permit issuance, provide geotechnical recommendations for constructing the retaining walls and/or provide the layback requirements if deemed feasible by the Geotechnical Engineer.
- 82. The project geotechnical report shall address the proposed infiltration at the base of the exiting soil nailed wall and any impacts or recommendations.
- 83. The project geotechnical report must address water quality volume infiltration feasibility specifically to support final determination.
- 84. Grading permit, temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading shall be obtained concurrently.
- 85. The grading plans shall depict the size and location of existing and proposed gas, sewer and water and electrical conduit from the point of connection in the Public Right-of-Way to the building. Location of all meters and backflow devices shall be shown.

- 86. The applicant shall submit a Landscape Plan, in compliance with City standards, for review and approval by the Director of Public Works. The Landscape plan shall be in accordance with the approved grading plan, City of Dana Point Municipal Code and the City of Dana Point Grading Manual, the City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements, and the Dana Point Municipal Code. The Landscape Plan shall provide screening of all above grade walls, utilities and other structures to the satisfaction of the City Engineer and the Community Development Director.
- 87. The applicant shall obtain coverage under the state NPDES General Permit for Constriction Activities. The project applicant shall apply for coverage under the electronic system. Permit Registration Documents must be electronically filed for all new projects using the Stormwater Multiple Applications and Reporting Tracking System (SMARTS) and must include: Notice of Intent, Risk Assessment, Site Map, and Stormwater Pollution Prevention Plan (SWPPP).
- 88. Prior to grading permit issuance, additional review of the turning movement from Shoreline Drive into the resort shall be required and any impacts to the median shall be included in the construction permit drawings.
- 89. During construction activities, the applicant shall coordinate all traffic, site ingress and egress and construction parking along Shoreline Drive and Street of the Green Lantern with the City of Dana and the Strand at Headlands. The coordination shall address and minimize any potential impacts to PCH.
- 90. The City Engineer reserves the right to approve and issue a phased grading permit, partial grading permit or rough grading permit in accordance with the above Conditions of Approval.
- Applicant shall prepare a Fire Master Plan (Plan) and submit said Plan to the Orange County Fire Authority (OCFA) and the City Engineer for review and approval. Hydrant locations shall be designated as part of the Plan.

D. Prior to Issuance of a separate Right-of-Way Permit, the applicant shall meet the following conditions:

92. The applicant shall submit an improvement plan, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as

required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.

- 93. The applicant shall provide design documents for all traffic control for the construction of all proposed street improvements, unless otherwise approved by the City Engineer. The traffic control plans shall be prepared by a licensed California Traffic Engineer and submitted for review and approval by the City Engineer.
- 94. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Shoreline Drive, Street of the Green Lantern, and PCH. Further, the applicant shall provide easements if needed on the applicant's property to allow for the necessary relocations.
- 95. The applicant shall construct all public sidewalks at a minimum width dimension of 8 feet on the Street of the Green Lantern and all associated accessibility improvements for pedestrian circulation, unless otherwise approved by the City Engineer.
- 96. The applicant shall coordinate with the Public Works Department to provide a possible City Trolley stop along Street of the Green Lantern for the proposed visitor serving development. The coordination and City Trolley stop may result in additional improvements constructed by the applicant.
- 97. All landscaping (including planting, irrigation, decorative features, etc.) of the right of way surrounding the development shall be a part of the landscape plan and shall be maintained by the applicant.
- 98. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure improvements to support said services.
- 99. The applicant shall provide and install a full-capture trash BMP, as defined per San Diego Regional Water Quality Control Board Order R9-2017-007, as technically feasible, or provide for an equivalent measure, as approved per City Water Quality Engineer, at the downstream inlet along Street of the Golden Lantern.
- D. Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:

- 100. Approvals are required from:
 - Planning Department
 - Public Works
 - Obtain Orange County Fire Authority Approval
 - · Obtain Health Department approval
 - Obtain "Will Serve" letter from Water District. This letter needs to specify any requirements for grease trap(s) or interceptor(s).
 - Provide an SDG&E service work order for proposed service location.
 - Cal/OSHA (for chair lifts & elevators)
- Verification of all conditions of approval is required by all City Departments.
- 102. All approvals from outside Departments and Agencies are required.
- 103. "Rough Grade/Pad Certification" or "Grading Release Form" is required from City Engineer.
- 104. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
- 105. Prior to commencement of framing, the applicant shall submit a setback certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of CDP17-0008/SDP17-0013/CUP17-0005(M). The City's standard "Setback Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 106. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of CDP17-0008/SDP17-0013/CUP17-0005(M). The City's standard "Height Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.

- 107. The applicant shall prepare plans and apply for a Building Permit in accordance with the latest submittal requirements.
- 108. The applicant shall obtain a grading permit and complete rough grading (establishment of building pad) in accordance with the approved grading plans and reports.
- 109. The applicant shall obtain all temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading and complete all permitted construction in accordance with the approved and reports.
- 110. The applicant shall obtain a street improvement permit and prior to occupancy all required street improvements in accordance with the approved grading plans and reports shall be completed and pedestrian access along Pacific Coast Highway and Green Lantern shall remain open during construction.
- 111. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (City's standard Civil Engineer's Certification Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer and the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the Project.
- 112. An as graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all observations of construction activities from a geotechnical standpoint. The reported observations include drilling depths, shoring activities, backfill, all field density testing, depth of reprocessing and recompaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading

- of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.
- 113. The applicant shall submit a grade certification from the geotechnical professional for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical professional (City's standard Geotechnical Engineer's Certification Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plans and report.

E. Prior to the issuance of a certificate of occupancy, the applicant shall meet the following:

- 114. Subject to the approval of the Director of Community Development, or their designee, for the hostel the applicant shall prepare an analysis based on the California Coastal Commission recommendations of October 26, 2016 public workshop staff report, or updated process as applicable, to determine the lower-cost overnight accommodation rate of each bed per night in the hostel. Subsequent to Certificate of Occupancy and subject to the approval of the Director of Community Development, or their designee, the hostel operator or property owner shall update the lower-cost overnight accommodation rate per bed per night for the hostel, consistent with the most updated California Coastal Commission method of determining lower-cost overnight accommodation rate, every three (3) years to ensure compliance with the HDCP and Coastal Commission requirements.
- 115. Prior to certificate of occupancy, the applicant shall follow the Arts in Public Places process pursuant to DPZC 9.05.240, and all required/approved public art components shall be installed, or if applicable, required fees shall be paid.
- 116. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding project conditions of approval.
- 117. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.

- 118. A written approval by the Geotechnical Engineer of Record (City's standard Geotechnical Engineer's Certification Template for Final Grading) approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
- 119. A written approval by the Civil Engineer of Record (City's standard Civil Engineer's Certification Template for Final Grading) approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
- 120. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions to the satisfaction of the City Engineer.
- An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
- 122. Any and all outstanding fees associated with any part of the entire Project shall be paid.
- 123. The applicant shall submit a final certification for all improvements associated with water quality and the project WQMP for review and approval by the City Engineer by separate submittal. The final improvement certification by the civil engineer (City's standard Civil Engineer's Certification Template for Final Grading) shall approve the improvements as being substantially completed in conformance with the approved WQMP.
- 124. The applicant shall demonstrate that all structural best management practices (BMPs) described in the Project's WQMP have been constructed and installed in conformance with approved plans and specifications via the City's WQMP Construction Certification letter template.
- 125. The applicant shall demonstrate that contracts or qualified personnel to implement all non-structural BMPs described in the Project WQMP Operations and Maintenance Manual are in place.
- 126. The applicant shall provide a distribution list for the approved Project WQMP and Operations and Maintenance Manual.
- 127. All landscaping and irrigation shall be installed per the approved final

landscape and irrigation plan.

- 128. All permanent BMP's shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.
- 129. A deed restriction must be placed on the property obligating the property owner to operate and maintain the BMPs and the WQMP and O&M Plan into perpetuity. The document must be executed and recorded with the County prior to issuance of Certificate of Occupancy.
- 130. Prior to issuance of building permits, the applicant/hostel operator shall demonstrate to the satisfaction of the Director of Community Development that the required 40-beds and applicable amenities (kitchen, laundry, natural light, and eating/lounge area) are provided and consistent with the requirements of the California Building Code.
- 131. The applicant shall install signs to designate the required six (6) parking spaces for open space visitors as required by California Coastal Commission, consistent with the hours of operation of the adjacent hilltop conservation park trail above the project site.

	of the City of Dana Point	r meeting of the Planning 5 th day of October, 2021, by
	AYES:	
	NOES:	
	ABSENT:	
	ABSTAIN:	
ATTEST:		Eric Nelson, Chairperson Planning Commission
	neski, Director community Development	

SUPPORTING DOCUMENT 2: Vicinity Map



Vicinity Map
34075 Pacific Coast Highway
CDP21-0007/SDP21-0019/CUP21-0008(M)



SUPPORTING DOCUMENT 3: 2017 Planning Commission Report

CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE: JULY 10, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

URSULA LUNA-REYNOSA, DIRECTOR SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP17-0008/SITE DEVELOPMENT

PERMIT SDP17-0013/MINOR CONDITIONAL USE PERMIT CUP17-0005(M) FOR A NEW 57 ROOM HOTEL, 4,000 SQUARE FOOT RESTAURANT SPACE WITH OUTDOOR DINING, 40-BED HOSTEL, VISITOR CENTER, RETAINING WALLS GREATER THAN 30 INCHES IN HEIGHT VISIBLE FROM THE PUBLIC RIGHT-OF WAY, AND TANDEM PARKING FOR EMPLOYEES/VALET, WAVE RESORT (HEADLANDS COMMERCIAL SITE) LOCATED AT 34075 PACIFIC COAST HIGHWAY

WITHIN THE COASTAL ZONE

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution

approving Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit

CUP17-0005(M) (Action Document 1).

OWNER/APPLICANT: Headlands Investments, LLC (Owner)/Stoutenborough Inc.

(Applicant/Architect)

OWNER'S

REPRESENTATIVE: Todd Stoutenborough, Stoutenborough Inc.

REQUEST: A request for a new 57 room hotel, 4,000 square foot restaurant

space with outdoor dining, 40-bed hostel, visitor center, retaining walls greater than 30 inches in height visible from the public right-of-way, and tandem parking for employees/valet at 34075 Pacific Coast Highway (Headlands Commercial Site) within the coastal

zone.

LOCATION: 34075 Pacific Coast Highway (APNs: 672-592-13, 672-592-14,

and 672-592-15)

NOTICE:

Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on June 29, 2017. The same notice was published in the Dana Point News on June 30, 2017, and notices were posted on June 30, 2017, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA), this project is Categorically Exempt per Section 15332 (Class 32-In-Fill Development Projects). CEQA guidelines-Section 15332 "In-fill Development Projects" provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, and do not have significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA. The proposed project meets the necessary conditions to qualify for this exemption. Further, under Public Resource Code Section 2116 and 14 Cal. Code of Regulations Section 15162 the City cannot require additional CEQA review of this project as a Master Environmental Impact Report (EIR) was prepared for the Headlands Development and Conservation Plan (HDCP) and the project is within the scope of that EIR.

ISSUES:

- 1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program/Headlands Development and Conservation Plan (HDCP)?
- 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/Site Development Permit/Minor Conditional Use Permit?

BACKGROUND: In January 2005, the California Coastal Commission certified Local Coastal Program Amendment (LCPA01-02) and General Plan Amendment (GPA01-02) in conjunction with Coastal Development and Site Development Permits for the Headlands development thereby approving the Headlands Development and Conservation Plan

(HDCP). As identified in the HDCP, there are three major components of the Headlands project: 1) The residential component (a maximum of 118 single-family zoned lots); 2) the development of two Visitor/Recreation Commercial uses; and 3) the establishment of approximately 70 acres of recreation/open space along with supporting visitor recreation facilities. At the time of approval of the HDCP through the Master Coastal Development Permit, a specific condition was included requiring approval of separate Coastal Development Permits (CDPs) for both of the Visitor/Recreation Commercial sites. This condition was included largely due to the fact that sufficient design details for the project were not available at the time of initial approval for the overall Headlands development.

Overall, the Headlands area encompasses approximately 121 acres located adjacent to the Pacific Ocean. The commercial site, commonly referred to as Planning Area 4, encompasses approximately 1.6 acres, is situated in the City's Coastal Overlay District and per the Headlands Development and Conservation Plan. The subject site is zoned Visitor/Recreation Commercial. As specified in the HDCP, the intent for this Visitor/Recreation Commercial area is to compliment the adjacent Town Center area and attract coastal visitors. Hotel and restaurant facilities are both permitted uses allowed by right on the project site and serve both of those stated intents. The HDCP also includes specific development criteria which includes a maximum of 35,000 square feet of building area, 10-foot building setbacks on all four sides, and a maximum building height of 35 feet.

<u>DISCUSSION:</u> The applicant is requesting approval for the first of the two Visitor/Recreation Commercial components considered as part of the Headlands project. This specific proposal includes the development of a commercial/visitor serving development on Pacific Coast Highway. The project is a 35,000 square foot development containing a 57 room hotel, 4,000 square foot restaurant space with 2,851 square feet of outdoor dining, and 40-bed hostel. To develop the project, the applicant is requesting a Coastal Development Permit and Site Development Permit to allow the construction of the two-story building with subterranean parking and retaining walls greater than 30 inches in height, and a Minor Conditional Use Permit to allow for tandem parking for employee and valet parking.

The proposed project requires a Coastal Development Permit due to its location in the coastal zone and requirements from the Coastal Commission as part of the approval of the HDCP and master CDP. A Site Development Permit is required because the project is a non-residential project which exceeds 2,000 square feet and includes retaining walls over 30 inches in height. Lastly, a Minor Conditional Use Permit is required for the use of tandem parking for employees and valet. All components of the proposed project meets all applicable development standards and regulations, including but not limited to, setback, lot coverage, floor area, parking, and heights. Staff has also reviewed the project for consistency with the approved Environmental Impact Report (EIR) and Addendum, and found no impacts as a result of the proposed project that were not already identified as

being less than significant and/or mitigated previously. Compliance findings with State Code Section 15162 and applicable Categorical Exemption, Class 32, has been incorporated into the attached draft Resolution (Action Document 1).

COASTAL DEVELOPMENT PERMIT:

Table 1 summarizes applicable development standards from both the HDCP and Dana Point Zoning Ordinance and the project's conformance with those requirements:

Table 1: Compliance with HDCP/Zoning Ordinance Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Setback	10 feet minimum all sides	10+ feet all sides	Yes
Height	35 foot maximum	35 feet	Yes
	40 feet for architectural features/mechanical	40 feet for architectural features/mechanical	Yes
Lot Coverage	60% maximum	50.4%	Yes
Floor Area Ratio	.57	.54	Yes
Building Area Total	35,000 square feet	35,000 square feet	Yes
Landscape Coverage	20% minimum	28%	Yes
Parking Required	129 parking spaces	130 parking spaces (does not include additional tandem and valet spaces)	Yes

Currently the project site is made up of three separate parcels. As a component of the Coastal Development Permit, an administrative Lot Line Adjustment is conditioned to be completed to combine the lots into one parcel.

The architect has described the proposed project as a non-descript architectural style utilizing locally sourced materials. The proposed design and materials are consistent with the Design Guidelines adopted in the HDCP which requires a simple color scheme with no more than three colors. Materials are required to communicate a high level of quality. The applicant has utilized a simple color pallet with the stone being the primary architectural accent element. The architect has also designed a public plaza adjacent to PCH where the proposed Visitor Center is located, and a variety of locations within the project have been

identified for potential public art installations to further enhance and compliment the architectural style. Overall, the architecture and visitor serving uses proposed are consistent with the adopted HDCP and Design Guidelines.

Hostel (Lower-Cost Accommodation)

As required by the California Coastal Commission at the time of the HDCP certification, a 40-bed hostel is included as part of the proposed project. The hostel includes five (5) rooms with eight (8) beds each and includes a lounge area to be shared by all guests. The hostel will have a separate entry for the facility off of Green Lantern, and is proposed to be two-stories. The hostel has been designed with the same high quality materials and features as the primary structure to be fully integrated in to the project. The applicant and staff have worked together to enhance pedestrian linkages adjacent to the hostel by providing an eight (8) foot wide sidewalk and additional cross walks to increase connectivity to adjacent coastal trails and access.

Based on Coastal Commission guidance (CCC public workshop staff report dated October 26, 2016) staff analyzed and determined the lower-cost overnight accommodation rate for the proposed hostel. While the Coastal Commission does not provide an exact dollar amount, they do provide a methodology to calculate lower cost rates on a regional basis based on existing rates of lower cost accommodations located within the region. Utilizing the CCC's methodology, the current rate would be set at \$51.86 per night per bed. To ensure the lower-cost overnight accommodation rate accurately reflects current market conditions, a condition of approval has been incorporated that will require the applicant, at the time of Certificate of Occupancy, to provide an updated analysis consistent with the Coastal Commission guidance from the October 26, 2016 staff report or any subsequent guidance update. After the initial rate is established, the applicant/ hostel operator will be required to update the rate and adjust the rate accordingly every three years based on market conditions and report any adjustments to the Community Development Department to ensure compliance.

Public Views

With respect to public views, Pacific Coast Highway is designated as a scenic highway within the City's General Plan, but there are no specific public views identified in this particular stretch. As a result, the proposed commercial development will not obstruct any public views from the designated scenic highway. The applicant has developed a visual simulation for the project and it is included as part of the attached plans package (Attachment 5).

Findings

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

- 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).
- 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.

SITE DEVELOPMENT PERMIT:

In accordance with Section 9.71.020 of the Dana Point Zoning Code, a Site Development Permit is required for all non-residential developments exceeding 2,000 gross square feet. The proposed project includes a two-story, 35,000 square foot building with 132 standard parking spaces along with retaining walls visible from the public right-of-way. Retaining walls may exceed the 30" height limit specified in the Zoning Code when proposed in

conjunction with a preliminary grading plan and a Site Development Permit. The applicant is proposing to install retaining walls at several locations adjacent to Pacific Coast Highway, along Shoreline Drive, and along the Street of the Green Lantern. The new retaining walls adjacent to the public right-of-way will range from less than a half a foot (.5') to 4.5 feet maximum. All of these walls are associated with creating landscaped areas, supporting the structure and site improvements, or providing for required stairwells. Retaining walls along Pacific Coast Highway will range from less than a half foot to four feet tall at the corner of Pacific Coast Highway and Green Lantern, and all walls have landscaping. The project site has been pre-graded with a significant cut in the rear of the property to minimize visual impacts from the project. A retaining wall measuring 24 feet is proposed along this rear (cut) face and will have minimal visibility as it will be screened by the hostel structure and proposed landscaping.

Art in Public Places

As a component of the proposed project, the development will be subject to the requirements of Dana Point Zoning Code (DPZC) Section 9.05.240,"Art in Public Places." The applicant has indicated the project will have a construction valuation greater than 1 million dollars, thus half of a percent of the construction cost will have to be spent on art in public places. While no definitive features have been designed at this time, the plans do indicate several areas where art could be incorporated, including the center courtyard adjacent to Pacific Coast Highway. Condition of approval 101 requires that the applicant go through the required process specified in DPZC Section 9.05.240 and install the required art, or pay the necessary in lieu fees.

Findings

Section 9.71.050 of the DPZC stipulates a minimum of four (4) findings to approve a Site Development Permit:

- 1. Compliance of the site design with development standards of this Code.
- 2. Suitability of the site for the proposed use and development.
- Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.
- 4. Site and structural design which is appropriate for the site and function of the proposed use(s), without requiring a particular style or type of architecture.

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

MINOR CONDITIONAL USE PERMIT:

As a component of their parking plan for the development, tandem parking is being proposed for both employee parking and valet.

Parking

The proposed project exceeds the parking requirements of the Dana Point Zoning Code. Table two summarizes the required parking for the project.

Table 2: Parking Requirements

Use	Area/Rooms	Parking Standard	Parking Required
Hotel	57 rooms	1 space/room	57 spaces
Restaurant	4,000 sq. ft.	1 space/100 sq. ft.	40 spaces
Restaurant (outdoor dining)	2,850 sq. ft.	1 space/150 sq. ft.	19 spaces
Hostel	5 rooms	1 space/room; plus 2 spaces	7 spaces
Open Space Visitors	N/A	6 spaces	6 spaces
(CCC required)			400
Total Required Parking			129 spaces
Total Parking Provided			130 standard spaces (non-tandem)
Additional Non- required Tandem Spaces			44 spaces
Total Parking Provided with Tandem/Valet			174 spaces

The applicant has provided a detailed parking management plan for the utilization of the tandem and valet parking (Attachment 3). The proposed parking management plan in conjunction with the proposed parking layout will provide sufficient parking for all users onsite.

Findings

Sections 9.65.060 and 9.35.060(5)(D) of the DPZC stipulates a minimum of nine (9) findings to approve a Minor Conditional Use Permit for tandem parking:

- 1) That the proposed conditional use is consistent with the General Plan.
- 2) That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures.
- 3) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Code and required by the Commission or Council in order to integrate the use with existing and planned uses in the vicinity.
- 4) That the proposed type of tandem parking (employee or valet) is appropriate for the proposed use.
- 5) That surrounding properties will not be adversely affected by the proposed tandem parking facilities.
- 6) That adequate off-street (or acceptable on-street) parking for the patrons of the business will be available for the proposed use.
- 7) That appropriate conditions have been imposed to address the maintenance and safety of the tandem parking area.
- 8) That the proposed use demonstrates unusually high quality, character and/or exhibits characteristics which are highly consistent with community objectives as stated in a specific General Plan goal(s) or policy(ies).
- 9) That the tandem parking program includes provisions for periodic monitoring and reporting to identify any issues associated with the program and to adjust the program as necessary to address any such issues.

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

CORRESPONDENCE:

The applicant conducted a public outreach meeting on June 28, 2016 with the residents of the Regatta neighborhood (residential neighborhood across PCH). At the meeting, the applicant presented the project to the residents and answered questions about the

PLANNING COMMISSION AGENDA REPORT CDP17-0008/SDP17-0013/CUP17-0005(M) JULY 10, 2017 PAGE 10

proposed design and layout.

Staff has received some phone calls correspondence on the proposed project. Questions were primarily related to parking.

<u>CONCLUSION</u>: Based on the above analysis, staff determines that the proposed project meets the applicable development standards set forth in both the HDCP and the Dana Point Zoning Code, and that the required findings can be made. Staff recommends that the Planning Commission adopt a resolution approving Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M), Wave Resort, allowing for a 35,000 square foot two-story commercial/visitor serving development with a hotel, restaurant, hostel, retaining walls over 30 inches in height visible from the public right-of-way, and tandem parking.

Sean Nicholas, AICP
Ursula Luna-Reynosa
Senior Planner
Director of Community Development

SUPPORTING DOCUMENT 4: 2017 City Council Report

10/3/17 Page 1 Item#

CITY OF DANA POINT AGENDA REPORT



DATE: OCTOBER 3, 2017

TO: CITY MANAGER/CITY COUNCIL

FROM: URSULA LUNA-REYNOSA, DIRECTOR OF COMMUNITY

DEVELOMENT

SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: AN APPEAL OF PLANNING COMMISSION APPROVAL FOR COASTAL

DEVELOPMENT PERMIT CDP17-0008/SITE DEVELOPMENT PERMIT SDP17-0013/MINOR CONDITIONAL USE PERMIT CUP17-0005(M) FOR A NEW 57 ROOM HOTEL, 4,000 SQUARE FOOT RESTAURANT SPACE WITH OUTDOOR DINING, 40-BED HOSTEL, VISITOR CENTER, RETAINING WALLS GREATER THAN 30 INCHES IN HEIGHT VISIBLE FROM THE PUBLIC RIGHT-OF-WAY, AND TANDEM PARKING FOR EMPLOYEES/VALET, WAVE RESORT (HEADLANDS COMMERICAL SITE) LOCATED AT 34075 PACIFIC COAST HIGHWAY WITHIN THE

COASTAL ZONE

RECOMMENDED ACTION:

That the City Council deny the appeal and uphold the Planning Commission's approval of Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M).

BACKGROUND: On July 10, 2017, the Planning Commission unanimously approved (5-0) Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M) for a project located at 34075 Pacific Coast Highway. The decision was subsequently appealed (Supporting Document C) to the City Council by Surfrider Foundation. The project proposes the construction of a 35,000 square foot visitor serving commercial development including a 57 room hotel, 4,000 square foot restaurant space with 2,851 square feet of outdoor dining, an 800 square foot visitor center, and 40-bed hostel. A more detailed description of the project, as reviewed by the Planning Commission, is detailed in the Planning Commission Staff Report (Supporting Document D). The applicant has refined the internal layout of the proposed hostel based on comments from the Planning Commission and increased the number of beds to 52 without changing the footprint or size of the project. The project is designed to be two-stories, meets all

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applicable development standards, including heights and parking, and is consistent with adjacent development.

The subject site is approximately 1.6 acres in the Coastal Zone and is zoned Visitor/Recreation Commercial under the Headlands Development and Conservation Plan (HDCP), which was certified by the Coastal Commission on August 11, 2004 as a component of the City's Local Coastal Program and provides the development requirements for the Headlands area, including the subject site. Hotel, restaurant, visitor center, and hostel uses are all permitted "by right" under the HDCP.

DISCUSSION: Supporting Document D, Planning Commission Staff Report, provides project analysis and compliance with provisions of the HDCP and Dana Point Zoning Code (DPZC). Staff has also reviewed the project for consistency with the certified Environmental Impact Report (EIR) and Addendum, and found no new significant impacts as a result of the proposed project. Compliance findings with California Environmental Quality Act (CEQA) Section 15162 and Categorical Exemption, Class 32, have been incorporated into the attached draft Resolution (Action Document 1).

APPEAL:

A summary of the items raised in the appeal by Surfrider (italics) and staff analysis of each issue follows:

1) The Master CDP has expired, having no entitlements that currently exist; therefore the claim that the project is exempt is false.

The Appellant raises two separate and distinct issues; one questioning the status of the Master CDP and the other questioning the environmental determination pursuant to the CEQA analysis. The master CDP, approved by City Council Resolution 05-02-23-07, was not intended to cover the specific development of the project site and included condition of approval 122 which specifically requires a separate CDP for both Planning Area 4 (PA 4, project site) and Planning Area 9 (PA9, luxury hotel site), which is why a CDP was considered by the Planning Commission as part of the approvals for the proposed project. While a separate CDP is required, it does not mean that the certified EIR and Addendum which were prepared for the HDCP and associated Local Coastal Program Amendment (LCPA) which covered the Headlands area in its entirety, including PA 4 and PA 9, is not applicable. The impacts associated with the development of these sites were analyzed as part of the EIR and Addendum.

Wave Resort Project is inconsistent with the original HDCP and LUP that the Coastal Commission approved in 2004.

The Wave Resort project is a 35,000 square foot visitor serving commercial development compliant with all applicable requirements and development standards of the HDCP as certified by the Coastal Commission on August 11, 2004. The certified HDCP states that hotels, restaurants, visitor center, and hostel uses are all allowed "by right" uses in the

10/3/17 Page 3 Item#

Visitor/Recreation Commercial zoning district of the HDCP. (Please refer to response #5, paragraph 3, for supporting Land Use Policies)

3) The original Master Environmental Impact Report ("EIR") did not anticipate or analyze the impacts of a 57-room hotel, or a 4,000 square foot restaurant as part of the project, at this site.

The EIR prepared for the HDCP is a Project EIR and not a Master EIR, as specified on page 2.2 of the certified EIR. Under CEQA, physical environmental impacts are analyzed. The certified EIR analyzed potential impacts associated with both a 40,000 square foot visitor serving commercial development on PA 4, and, in the Addendum, a reduced 35,000 square foot visitor serving commercial development. An Addendum to the EIR was prepared because changes to the HDCP resulted from suggested modifications by Coastal Commission staff once the LCPA was submitted to them for review. One such change was the reduction in square feet from 40,000 to 35,000 for the visitor serving commercial development on PA 4. This change, and others, were analyzed in the Addendum. The assumptions used in the Addendum for the analysis of impacts associated with a 35,000 square foot development at PA 4 generated higher traffic volumes and turning movements and therefore resulted in a higher level of environmental effects than the proposed project. Further details are included in the response to issue #5 later in this staff report. CEQA encourages reliance on previously certified EIRs to streamline the review process. Furthermore, consistent with Public Resource Code Section 2116 and 14 Cal. Code of Regulations Section 15162, City staff analyzed the proposed project versus what was originally reviewed in the certified EIR and Addendum and determined, based on substantial evidence as provided via Supporting Documents E and F, that no new or increased significant environmental effects were created as a result of the changes resulting from the proposed project. Therefore, the City did not require new environmental review because the certified EIR retains relevance in light of the proposed changes and the changes do not result in new significant environmental effects. This approach is consistent with the decision rendered by the California Supreme Court in Friends of the College of San Mateo Gardens v. San Mateo County Community College District (filed 9/19/16). While the Addendum did not specifically analyze the impacts associated with a 57-room hotel, or a 4,000 square foot restaurant, it analyzed a 35,000 square foot visitor serving development that resulted in more significant environmental effects than the proposed project.

4) No reference (in original project description for the Master EIR) to a hotel, other than a hostel at the PCH commercial center.

Again, a Project EIR and not a Master EIR was prepared for the HDCP. Pursuant to the HDCP, the subject property is zoned Visitor/Recreation Commercial. A hotel use is a permitted "by right" use in the Visitor/Recreation Commercial zone and was therefore contemplated and analyzed during the review and adoption of the HDCP as more fully described in the response to item #3 above.

5) The addition of a 57-room hotel, and 4,000 square foot restaurant, with the attendant 116 parking spaces, constitutes a significant change to the project, with

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very foreseeable significant new impacts which have not been addressed as required under the California Environmental Quality Act ("CEQA"). Traffic, noise, and associated greenhouse gas impacts that could foreseeably be generated by the additional hotel and restaurant warrant additional review under CEQA, including whether these impacts could cumulatively have significant impacts.

As noted above in the response to issue #4, the proposed project is a visitor serving commercial development as analyzed and approved for the site by both the Coastal Commission certified HDCP and certified EIR and Addendum. The proposed project is not an addition to the HDCP development. The certified EIR and Addendum analyzed the potential impacts of a 35,000 square foot visitor serving commercial development use on the subject site as a component of the HDCP. Pursuant to Public Resource Code Section 2116 and 14 Cal. Code of Regulations Section 15162, City staff analyzed the proposed project versus what was originally reviewed in the certified EIR and Addendum and determined no new or additional significant environmental effects were created as a result of the changes induced by the proposed project. In particular, as noted in the traffic studies specifically prepared for the proposed project (Supporting Documents E and F), the hotel project will generate 1,096 less daily trips than the visitor serving commercial project analyzed in the Addendum to the certified EIR, thus the proposed project will not have a significant impact on traffic or air quality due to the decrease in vehicle trips.

An updated noise analysis was completed by an acoustic engineer (Supporting Document G) which concludes the proposed project is below the thresholds of significance for noise and 19 decibels below the existing ambient noise on Pacific Coast Highway, thus no new significant noise effects will be generated as a result of the project.

The certified EIR and Addendum considered cumulative effects. Because the proposed project incorporates changes that result in no new or additional environmental effects, and in fact lessens the environmental effects analyzed under the certified EIR and Addendum, it is rational to deduce that the cumulative effects are also decreased.

- 6) CEQA Exemption for Class 32 projects is inapplicable. This project does not meet 2 of the requirements to qualify for this exemption:
- A) It does not comport with subsection (b), because it is not "substantially surrounded by urban uses."

While the proposed project has a certified EIR and may be approved under CEQA section 15162, the project also qualifies for a CEQA Class 32 exemption (infill development). Staff has prepared both 15162 findings and a Notice of Exemption to address CEQA for the project. Pursuant to Section 15387 of the CEQA Guidelines the definition of an urbanized area is defined as: "a central city or a group of contiguous cities (emphasis added) with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile." The contiguous cities of Dana Point, San Clemente, and Laguna Beach have a combined population of 122,511 people (U.S. Census). The population density of Dana Point is 5,133 persons per square mile, and the population density of Dana Point, San Clemente, and Laguna Beach is

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3,603 persons per square mile. Pursuant to the CEQA guidelines the project site is within an urbanized area and meets the findings for a Class 32 exemption, as more particularly described in the response to issue #6(B) below.

B) It does not comply with subsection (d), because there are likely significant effects relating to traffic, noise, air quality, or water quality, particularly traffic and noise concerns...and cumulative impacts...

The proposed project is Categorically Exempt pursuant to Section 15332 of the California Code of Regulations (Class 32-In-fill Development Projects). CEQA guidelines-Section 15332 "In-fill Development Projects" provides that projects that are in-fill development projects on lots that are 5 acres or less, are surrounded by urban uses, are consistent with all applicable General Plan designations and policies and all Zoning designations and regulations, do not have a significant effects relating to Land Uses, Biological Resources, Traffic, Noise, Air Quality or Water Quality and can be adequately served by all required utilities and public resources are Categorically Exempt from the provisions of CEQA. The proposed development occurs within City limits on a project site that is 64,992 square feet (just under 1.5 acres) and is surrounded by existing residential dwelling units, restaurants and other commercial uses within an urbanized area.

The project is consistent with all applicable General Plan designations and policies and all Zoning designations. Specifically, the project supports Land Use Policy 5.5 which states that development should promote a mixture of land uses that may include visitor-serving commercial; Land Use Policy 5.10 which requires development uses to be scaled appropriately for the property as well as provide lower-cost accommodations; Land Use Policy 5.27 states that development shall be sited in a manner not to impact any identified public views created by development approved under the HDCP; and Land Use Policy 5.44 which requires a 40-bed hostel for lower-cost accommodations. The proposed project consists of a hostel, hotel, restaurant and visitor center which are all uses in support of visitor-serving commercial. The proposed development is two-stories and is at or below the maximum height limit and the project steps and moves with the natural slope of the property to reduce the overall massing and scale of development. The proposed project has been designed to not impact any identified public views and a 52-bed hostel for lower-cost accommodations is included as part of the proposed project.

The project does not result in any impacts related to land use in that the project does not:
a) divide an established community, b) conflict with an applicable land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect, and c) conflict with any applicable habitat conservation plan or natural community conservation plan.

There will be no impacts to Biological Resources as the subject site has undergone grading and has continually been utilized as a parking/ staging area for the development of the public and private components of the HDCP area. All areas associated with conservation within the HDCP area have been identified, preserved, maintained and protected in its natural state and the subject property is not included in this conservation area.

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A preliminary Water Quality Management Plan has been prepared for the project. Compliance with the pWQMP will ensure there are no impacts to water quality. A noise study prepared by Landrum and Brown (L&B) dated June 14, 2017, analyzed the proposed project, which assumes music and other noise generating activities will take place at the proposed project, and found at the nearest sensitive receptor the noise level will be approximately 19 decibels lower that the ambient noise of Pacific Coast Highway. Additionally, the proposed new uses will be required to comply with the City's Noise Ordinance, therefore, the project will not result in any significant or potentially significant Noise impacts.

The traffic study, prepared for the certification of the Environmental Impact Report (EIR) and subsequent Addendum that was prepared for the Headlands Development and Conservation Plan (HDCP) anticipated a build out scenario of 35,000 square foot multitenant commercial, retail, visitor center, and restaurant development with a 40-bed hostel. The EIR concluded no traffic related impacts will occur for the above stated build out scenario with the incorporation of the mitigation measures that have already been implemented. The proposed project differs from the project analyzed in the EIR in that it includes a 57 room hotel, 4,000 square foot restaurant, visitor center, and 52-bed hostel. Pursuant to memorandum prepared by Linscott, Law, and Greenspan (LLG), the City's third-party traffic consultant, dated June 23, 2017, the proposed project is less intense from a traffic generation standpoint than the previously analyzed project under the EIR. Therefore, the proposed project will have no significant impacts related to traffic. The project itself does not directly cause air quality impacts other than those associated with vehicle emissions related to traffic and any construction related impacts. The project is conditioned to comply with the Air Quality related mitigation measures as stipulated in the EIR.

The site can be adequately served by all required utilities and public services, including emergency services, in that that the site is located on Pacific Coast Highway and all necessary public utilities are readily available and able to serve the site and necessary access to accommodate emergency vehicles has been incorporated into the site plan.

7) Illustrated and as specified on Page 17 of the Coastal Commission's report on affordable lodgings in the coastal zone, at no time was there any discussion in 2004 about anything other than a hostel at the commercial center in exchange for the "luxury resort" proposed then at Cove Road and Green Lantern...

Staff concurs that the HDCP calls for the development of a 40-bed hostel, however the hostel is part of a comprehensive mitigation package of lower cost visitor and recreational facilities (emphasis added) for the overall development of the Headlands. In certifying the HDCP, the Coastal Commission found that the HDCP (which included the "by right" use of a hotel on the subject property) adequately addressed lower cost visitor and recreational facilities and complied with the Coastal Act. Coastal Act Section 30213 requires: "permitted development to protect, encourage and, where feasible, provide lower cost visitor and recreational facilities." The Coastal Commission Strategic Plan Vision states that, "The

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California coast is available for all to enjoy through thousands of public accessways to and along the shoreline, a completed California Coastal Trail, a well-supported network of parks and open spaces, and a wide range of visitor-serving facilities, including lower cost campgrounds, hostels, and hotels." Lower cost visitor and recreational facilities provided under the HDCP, includes: Two and a half miles of trails, 60 acres of conservation open space preserved, the Nature Interpretative Center, restroom facilities and multiple access paths, including the funicular to provide ADA accessibility to the beach.

The proposed project includes a hostel that has been refined by the applicant as a result of discussion at the Planning Commission and now includes a 52-beds, six dedicated parking spaces provided onsite for visitors of the trail system and open space, and a new visitor center located in the public courtyard.

8) This project was never mapped on this parcel...rather a form of the "commercial center" and "hostel, etc." was mapped on the Cove Road portion of the headlands across from the Chart House...This underscores the need for additional review under CEQA of the foreseeable significant impacts to the property, for example of traffic, to this location.

The Coastal Commission certified HDCP and the certified EIR and Addendum both correctly identify the project site as the location for a visitor serving commercial development. The certified EIR and Addendum both adequately analyze potential environmental impacts associated with a commercial development being located at the project site.

9) The need for further CEQA review in order to analyze cumulative impacts of other projects in close vicinity to this project. Cumulative impacts on traffic and beach access opportunities are particularly critical.

A cumulative traffic analysis was completed by the City's third party traffic engineer, LLG, that took into account existing and potential projects on the Street of the Green Lantern (Supporting Document H). The analysis evaluated potential impacts on the primary intersection of Blue Lantern and Pacific Coast Highway. The analysis found that with existing and potential development on the Street of Green Lantern during peak commute times, the intersection will still operate at a level of service of A or B (a.m. and p.m. respectively). Both time periods are above the minimum General Plan required level of service. Thus, with the potential development on the Street of the Green Lantern, there will not be a negative cumulative environmental impact on traffic.

10) "CDP (issued in 2000) that allowed for a "gate" on public street at Blue Lantern and Santa Clara, and while it doesn't impede on the immediate "gazebo" coastal access at the bluff at Blue Lantern, it does imply a privatized area within the public coastal zone as well as impedes direct coastal access at points south of those cross streets on the Dana Point Bluff."

As noted in the Surfrider's appeal letter, a CDP was approved in 2000 (Supporting Document I) which included findings that the gate was in compliance with the California

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Coastal Act. As no appeals were filed either individually or by the Coastal Commission, and the statutory appeal period ended 17 years ago, the gate in question is a permitted use and outside the scope and purview of this appeal. All traffic analysis prepared for the certified EIR and Addendum, as well as for the proposed project, including cumulative analysis, was conducted on the existing traffic circulation which has not changed since 2000 when the gate was installed. No significant traffic impacts have been identified.

11) There may be almost 400 new hotel rooms estimated to be developed within 1-2 blocks of this project area, and thousands of visitors adding to this impacted area of coastal access. The aforementioned gate does not provide traffic flow with the shortest, most direct access to coastal access points south on Santa Clara Avenue and Camino Capistrano in the Coastal Zone.

The shortest and most direct coastal access points from the proposed project site, or future potential sites along the Street of Green Lantern, is not on Santa Clara Avenue and Camino Capistrano as the Surfrider letter notes. The pedestrian trail adjacent to the project site is the most direct pedestrian coastal access point. The proposed development is providing six dedicated parking spaces for the coastal access point and visitors of the open space. The most direct vehicular costal access from the project site, or other future development on the Street of the Green Lantern, is via Cove Road into the Dana Point Harbor.

12) Gates and a lack of wayfinding signage in that area directed at all coastal access points in the bluff zone imply a psychological and directional deterrent to providing and encouraging full coastal access for visitors and residents. The "gate" at Santa Clara is on public roads in the coastal zone and acts as a deterrent for the visitors as there is the gate itself and the upending of traffic flow back away from the street (Santa Clara) that leads directly to the next public coastal access point S of the one on Blue Lantern. There is no signage currently at that gate as a wayfinder to that access point or those south on the bluff.

As previously mentioned, there is no nexus between the proposed project, the gate in question and coastal access (see response to issue #11). Similarly, there is no nexus between the proposed project and directional signs to coastal resources, except that the visitor center will provide a location map and outline the various coastal resources within walking distance of the site. As noted above, a CDP was issued in 2000 (Supporting Document I), for the gate in question. The gate is a legally permitted use as it was established through the approval of a CDP which found it complied with the Coastal Act. Concerns regarding public signage is a separate issue and outside the scope of this appeal.

13) The visitor center depicted in this project is inadequate. The visitor center is replacing a requirement under the 2004-approved HDCP of a larger, manned visitor center, not an unmanned kiosk at the valet parking/turnabout entrance of this proposed hotel. Suggested MOD #106 indicates that the Visitor Center will be

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800 sq. feet. To meet the intents of the HDCP, the visitors center should be developed much like the Headlands Interpretive Center, which is manned during business hours and visitor weekends in peaks days/dayparts and express the history, charm and culture of Dana Point's coastal zone.

Pursuant to the Coastal Commission certified HDCP, the Visitor Information Center is required to, "provide detailed maps and other information regarding trails, overlooks, open space, parks, beaches and public access thereto, public parking facilities, and other visitor serving recreational and commercial facilities present at the Headlands and in the City of Dana Point and vicinity...The Visitor Information Center may be incorporated into the hostel, provided that it is clearly available for use by the general public separate from the hostel, or it may be constructed as a separate facility. If separate from the hostel, the Visitor Information Center shall consist of a minimum of 800 square feet." The proposed Visitor Center is separate from the hostel and located in the public courtyard providing coastal, educational, historical, cultural, and general event information as required by the certified HDCP. Staff concurs that the Visitor Center must be 800 square feet, and finds that the visitor center as proposed is over 800 square feet as it is designed to encompass the public courtyard fronting Pacific Coast Highway. Staff has reviewed the Certified HDCP and there is no requirement that the Visitor Center be manned. The Visitor Information Center will utilize interactive technology to provide visitors with real time, up to date information. The City's trolley and visitor applications will be integrated along with links to the Ocean Institute, Doheny State Beach and the Harbor. A direct feed to Surfline is also desired.

14) The hostel was "mitigation" detailed up front in the 2004 plan; not a bargaining chip in lieu of no allowance for affordable housing at this proposed project. No affordable lodging component tied to the 57-room hotel is evident. Existing "affordable" hotel rooms currently available in Dana Point will be on-hold or scrapped at the Best Western in Dana Point Harbor and the Marina Inn with the impending re-development of the Dana Point Harbor...

Section 30213 of the Coastal Act, which requires permitted development to protect, encourage and, where feasible, provide lower cost visitor and recreational facilities is the basis for the Coastal Commission requiring affordable overnight accommodations/mitigation as a component of hotel development within the coastal zone. Unfortunately, the Coastal Act provides little to no guidance with regard to satisfying this section of the Coastal Act. The best source of information relative to this topic has been two workshops led by Coastal Commission staff in 2014 and 2016. City staff have carefully reviewed the staff reports from both workshops and concluded there is no prescribed method or adopted policy with regard to determining how to satisfy affordable overnight accommodations requirements. In fact in some cases of the State, particularly in the north, hotel projects have been approved without requiring any affordable overnight accommodations/mitigation as the Commission determined adequate lower cost visitor and recreational facilities already existed in the vicinity. Overall guidance from the CCC workshops suggests hotel projects should provide/mitigate at a rate of 25% of the total number of guest rooms, meaning for every 100 market rate rooms provided 25 affordable units should be provided onsite or through an in-

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lieu mitigation fee. Mitigation revenue collected has historically been used to fund the development of off sight hostel, campsite, or other economy accommodations. More recently the CCC has discouraged the use of in lieu mitigation fees, and encouraged onsite mitigation to ensure affordable overnight accommodations are developed quicker. It should also be noted that the CCC has historically allowed/approved hostels as affordable overnight accommodations mitigation at ratio of one hostel bed per hotel room. More recently Coastal Staff have suggested the Commission may want to increase this ratio, however no policy direction has been issued by the Coastal Commission to date.

Understanding Surfriders concerns with regard to affordable overnight accommodations the applicant has redesigned the interior layout of the 40 bed hostel approved by the Planning Commission and submitted plans that increase the hostel to 52 total beds. Based on the redesigned floor plans (Supporting Document J) the hostel will be mitigating the two Headlands hotel projects at a rate of 35%, well above the 25% mitigation ratio suggested by the Coastal Commission. Table 1 below shows the total number of potential rooms and hostel beds.

Table 1: Potential Hotel Rooms and Hostel Beds

Project/Component	Rooms/Beds
Wave Resort	57 Rooms
Future Hotel (PA 9)	90 Rooms
Total	147 Rooms
Hostel	52 Beds
Bed to Room	35%
Percentage	

In response to Surfriders concerns related to existing affordable overnight accommodations, City staff surveyed the existing area and found there are a number of affordable overnight accommodations options within the city and immediate surrounding area. The proposed project with a 52 bed hostel will complement the existing inventory of affordable overnight accommodations options. Table 2 lists the existing affordable overnight accommodations within proximity of the project site.

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Table 2: Existing Affordable Overnight Accommodations

Facility/Address	Type of Lower Cost Visitor and Recreational Facility	Number of Rooms/Spaces/Beds
Doheny State Beach	Campground and State Beach	120 Campground Spaces
Crystal Cove	State facility (cottages, paid for by in-lieu fees of Ritz Carlton)	24 Cottages (118 people)
Dana Point Marina Inn	Lower Cost Hotel	136 Rooms
Sea Side Inn	Lower Cost Hotel (Under Renovation)	28 Rooms
Total Dana Point Lower Cost Visitor and Recreational Facility		120 Campground Spaces 24 Cottages (118 people) 166 Rooms
San Clemente State Beach	Campground and State Beach	151 Campground Spaces
San Mateo Campground at San Onofre State Beach	Campground and State Park	150 Campground Spaces
Crystal Cove Moro Campground	Campground and State Park	58 Campground Spaces
Rodeway Inn, San Clemente	Lower Cost Hotel	43 Rooms
Travelodge San Clemente	Lower Cost Hotel	24 Rooms
America's Best Value Inn, San Clemente	Lower Cost Hotel	31 Rooms
San Clemente Inn	Lower Cost Hotel	96 Rooms
San Clemente's Little Inn	Lower Cost Hotel	18 Rooms
San Clemente Motor Lodge	Lower Cost Hotel	15 Rooms
TOTALS		479 Campground Spaces 24 Cottages (118 people) 393 Rooms

¹⁵⁾ There is also unfinished business related to coastal bluff trails from Monarch Beach south to the Doheny State Park, where the preservation of a continuous open space corridor, providing full public access to the bluff edge and coastal view is required.

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The proposed project site is not a coastal bluff lot, thus it cannot provide a coastal bluff trail. There is a trailhead adjacent to the project site and dedicated public parking will be provided for visitors of the trail system.

CONCLUSION:

Based on the above analysis, staff determined that the required findings can be made for the project and the City Council should deny the appeal and uphold the Planning Commission approval. Staff has analyzed the comments brought up in the appeal letter, and found the project to have been adequately analyzed under CEQA, consistent with all provisions of the certified EIR and Addendum, the requirements of the Coastal Commission certified HDCP, the components presented as part of Coastal Commission workshops regarding the provision of lower cost visitor and recreational facilities, and the applicable provisions of the Dana Point Zoning Code. Therefore, staff recommends the City Council adopt a resolution denying the appeal and approving Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M) allowing the construction of a 35,000 square foot visitor serving commercial structure including a 57 room hotel, 4,000 square foot restaurant space with outdoor dining, an 800 square foot visitor center, and 52-bed hostel within the coastal zone.

NOTIFICATION AND FOLLOW-UP:

Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on September 21, 2017. The same notice was published in the Dana Point News on September 21, 2017, and notices were posted on September 21, 2017, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

FISCAL IMPACT:

N/A

ALTERNATIVE ACTIONS:

The City Council could determine that the findings cannot be made to approve the project, and continue the public hearing and direct staff to bring back a resolution approving the appeal and denying Coastal Development Permit CDP17-0008/Site Development Permit SDP17-0013/Minor Conditional Use Permit CUP17-0005(M).

ACTION DOCUMENTS:

PAGE#

A. Draft City Council Resolution 17-10-03-XX

SUPPORTING DOCUMENTS:

B. Vicinity Map

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- C. Appeal letter from Surfrider
- D. Planning Commission Staff Report and Minutes of July 10, 2017 (excerpted)
- E. Applicant Traffic Study for Wave Resort
- F. LLG review of Applicant Traffic Study
- G. Noise Analysis for Wave Resort
- H. LLG Cumulative Traffic Study for Street of the Green Lantern
- I. Approved 2000 CDP for "Gates" on Santa Clara
- J. Proposed plans

SUPPORTING DOCUMENT 5: 2018 California Coastal Commission Report

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 (562) 590-5071



F23a

 Filed:
 10/20/17

 Staff:
 F. Sy-LB

 Staff Report:
 7/27/18

 Hearing Date:
 8/10/18

STAFF REPORT: APPEAL - DE NOVO

Appeal No.: A-5-DPT-17-0063

Applicant: Headlands Investments, LLC

Agents: Steven Kaufmann, McCabe & Company, Todd

Stoutenborough and Antoinette Job

Location: 34075 Pacific Coast Highway, City of Dana Point, (Orange

County)

Project Description: Construction of a two-story, 35,000 square foot commercial

development that consists of a 57-room hotel, 52-bed hostel, a 4,000 square foot restaurant, a visitor center, and a 174-stall

parking garage on a 1.6-acre vacant lot.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

On July 10, 2017, the City of Dana Point Planning Commission approved Local Coastal Development Permit CDP17-0008 for the construction of the commercial development.

On October 20, 2017, the Surfrider Foundation appealed the development on the project site approved by the City of Dana Point through Local Coastal Development Permit CDP17-0008.

On December 15, 2017, the Commission determined that the appeal raised a Substantial Issue and overturned the City of Dana Point's approval of the Local Coastal Development Permit.

A-5-DPT-17-0063 (Headlands Investments, LLC) Appeal – De Novo

This staff report is for the De Novo portion of the hearing on the appeal where the Commission will deny or approve the proposed development. The Coastal Act issues addressed by the staff recommendation relate to potential impacts and benefits to public access, recreation, scenic and visual resources, marine resources, water quality, biological resources, and geologic stability. Commission staff is recommending **APPROVAL** of the commercial development.

The proposed project includes a 52-bed hostel, a lower cost overnight visitor accommodation. In order to ensure that this use remains as a part of the development and continues to be a lower cost overnight accommodation, special conditions have been imposed: **Special Condition No. 1** requires the hostel to be open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9 (for which the hostel is required mitigation) and the hotel approved by this permit (in Planning Area 4). **Special Condition No. 2** requires the applicant to maintain and operate the hostel at a rate for low cost overnight accommodation by reviewing the cost every three years.

In order to ensure that the public is aware of the public access and recreation opportunities on and near the site, the Commission imposes **Special Condition No. 3**, which requires the applicant to submit and implement a coastal public access sign plan.

The proposed project, because of its location near the water, has potential for adverse impacts to water quality and marine resources during construction and post construction. Therefore, special conditions are imposed to minimize any impacts to water quality and marine resources the proposed project may result in: **Special Condition No. 4** requires the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP); **Special Condition No. 5** requires the applicant to implement construction Best Management Practices (BMPs) to protect water quality during construction; **Special Condition No. 6** requires the applicant to submit a Construction Staging Plan; **Special Condition No. 7** requires the applicant to submit a Water Quality Management Plan (WOMP); and **Special Condition No. 8** requires submittal of a Revised Landscape Plan.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 9**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. The list of special conditions starts on Page 5.

The applicant agrees with the staff recommendation. The motion to carry out the staff recommendation is on Page 3.

A-5-DPT-17-0063 (Headlands Investments, LLC) Appeal - De Novo

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EXHIBITS

Exhibit No. 1 – Location Map

Exhibit No. 2 – Project Plans

Exhibit No. 3 – Letter from Carter A. Mudge dated June 22, 2018

A-5-DPT-17-0063 (Headlands Investments, LLC) Appeal – De Novo

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. A-5-DPT-17-0063 subject to the conditions set forth in the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit No. A-5-DPT-17-0063 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- Notice of Receipt and Acknowledgment. The permit is not valid and development shall
 not commence until a copy of the permit, signed by the permittee or authorized agent,
 acknowledging receipt of the permit and acceptance of the terms and conditions, is returned
 to the Commission office.
- 2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- **3. Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- **4. Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

A-5-DPT-17-0063 (Headlands Investments, LLC) Appeal – De Novo

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Permit Compliance.

Coastal Development Permit A-5-DPT-17-0063 authorizes the construction of a approximately 35,000 square foot commercial development that consists of a 57-room hotel, 52-bed hostel, a 4,000 square foot restaurant, a visitor center, and a 174-stall parking garage which provides required six public parking spaces for users of the Headlands public trail system. All development must occur in strict compliance with the proposal as set forth in the application, subject the special conditions. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Opening of Hostel.

The 52-bed hostel provides mitigation for the luxury inn in Planning Area 9 (City of Dana Point CDP 04-23) and the hotel approved by this coastal development permit in Planning Area 4. The 52-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9 and the hotel in Planning Area 4. The hostel shall be maintained and operated as a lower-cost overnight accommodation for the life of the development approved by the permit.

3. Compliance with City of Dana Point Condition Regarding Hostel Rates.

The applicant shall comply with the City of Dana Point's requirement located in City Council Resolution No. 17-10-03-03 that, prior to the City's issuance of the Certificate of Occupancy for the development approved by Coastal Development Permit A-5-DPT-17-0063, the permittee shall prepare an analysis based on the California Coastal Commission recommendations of October 26, 2016 public workshop staff report, or updated process as applicable, to determine the lower-cost overnight accommodation rate of each bed per night in the hostel. Subsequent to the issuance of the Certificate of Occupancy, the hostel operator or property owner shall update the lower-cost overnight accommodation rate per bed per night for the hostel, consistent with the most updated California Coastal Commission method of determining lower cost overnight accommodation rate, every three (3) years to ensure compliance with the HDCP and Coastal Commission requirements.

4. Coastal Public Access Sign Plan.

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the Executive Director's review and approval, two (2) sets of a coastal public access sign plan, as required below:
 - The plan shall show the location of the visitor-serving/coastal access directional sign(s) located in the following area:
 - (a) Visitor Information Center; and

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- (b) Locations within the interior and exterior of the development.
- B. The permittee shall undertake development in conformance with the approved final updated plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

5. Storm Water Pollution Prevention Plan (SWPPP).

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT

AMENDMENT, the permittee shall submit for the review and approval of the Executive

Director, two (2) full size sets of storm water pollution prevention plans (SWPPP)

prepared and signed by licensed engineer that, at a minimum, meets the following:

The Storm Water Pollution Prevention Plan must show that permittee is properly prepared to apply site design, source control and treatment control BMP's, appropriate for the potential stormwater pollutants at this site, in order to protect coastal waters from polluted runoff generated by construction activities to the maximum extent practicable.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

6. Construction Best Management Practices (BMPs). The permittee shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

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- Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. Construction Staging Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the permittee shall submit for the review and approval of the Executive Director, two (2) full size sets of construction staging plans, which indicate that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the coast and minimize water quality impacts to coastal waters.
 - 1. The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
 - (b) Construction equipment, materials, or activity shall not be placed within any habitat area or within 100-feet of any drainages; and
 - (c) The construction staging area will gradually be reduced as less materials and equipment are necessary.
 - The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) limits of the staging area(s);
 - (2) construction corridor(s); and
 - (3) construction site; and
 - (4) location of construction fencing and temporary job trailer(s); and
 - A narrative that describes and explains the plan
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

8. Water Quality Management Plan (WQMP).

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A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall submit for the review and approval of the Executive Director, two (2) sets of water quality management plans for the post-construction project site, prepared and signed by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The water quality management plan shall incorporate structural and non-structural Best Management Practices (BMP's) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- Appropriate structural and non-structural BMP's (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters:
- Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible:
- Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
- Trash, recycling and other waste containers, as necessary, shall be provided. All
 waste containers anywhere within the development shall be covered, watertight,
 and designed to resist scavenging animals;
- 5. All runoff from the vehicle wash station shall be collected through the proposed wash rack and sand/oil separator and discharged only through the sewer system;
- 6. Runoff from all roofs, walkways, driveway and parking areas shall be collected and directed through a system of structural BMP's including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMP's shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a nonerosive manner;
- 7. Post-construction structural BMP's (or suites of BMP's) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMP's, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMP's;
- 8. All BMP's shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMP's shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season;
- Debris and other water pollutants removed from structural BMP's during cleanout shall be contained and disposed of in a proper manner; and
- It is the permittee's responsibility to maintain the drainage system and the associated structures and BMP's according to manufacturer's specifications.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

9. Revised Landscape Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of revised final landscape plans prepared by an appropriately licensed professional which demonstrates the following:
 - 1. The plans shall demonstrate that:
 - (a) All planting shall provide 90 percent coverage within ninety (90) days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c)All landscaping shall consist of native drought tolerant on-invasive plant species native to coastal Orange County and appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:
 - http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf); and
 - (d) Only water efficient drip type irrigation shall be utilized.
 - 2. The plan shall include, at a minimum, the following components:
 - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 10. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and

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conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project involves the development of Planning Area 4 of the Headlands Development and Conservation Plan (HDCP). The proposed development, as approved by the City, is the construction of a two-story, 35,000 square foot visitor serving development that includes a 57-room hotel, 52-bed hostel, a 4,000 square foot restaurant, a visitor center and a two subterranean level parking garage with 132 parking spaces (Exhibit No. 2). The proposed project will also include a Visitor Information Center as a functional kiosk within an 800 square foot area separate from the hostel incorporated within the larger 2,100 square foot public plaza area of the hotel on the street level fronting Pacific Coast Highway. The project site currently is made up of three separate parcels and as part of the proposed project is the combination of these lots into one parcel through a lot line adjustment.

The applicant is also proposing to install retaining walls at several locations adjacent to Pacific Coast Highway, along Shoreline Drive, and along the Street of the Green Lantern. These retaining walls adjacent to the public right-of-way will range in height from less than a half a foot (.5') to 4.5 feet maximum. All of these walls are associated with creating landscaped areas, supporting the structure and site improvements, or providing for required stairwells. Retaining walls along Pacific Coast Highway will range from less than a half foot to 4 feet tall at the corner of Pacific Coast Highway and Green Lantern, and all walls have landscaping. The project site has been pre-graded, through a previously approved coastal development permit, with a significant cut in the rear of the property to minimize visual impacts from the project. A retaining wall measuring 24 feet in height is proposed along this rear (cut) face and will have minimal visibility as it will be screened by the hostel structure and proposed landscaping.

The subject site is a 1.6-acre vacant lot located on the seaward side of Pacific Coast Highway in the City of Dana Point, Orange County (Exhibit No. 1). It is zoned Visitor/Recreation Commercial (V/RC) under the Headlands Development and Conservation Plan (HDCP), a component of the City's certified Local Coastal Program (LCP). The HDCP provides the development requirements for the Headlands area, including the subject site, known as HDCP Planning Area 4 (PA 4). The proposed project requires a Coastal Development Permit (CDP) due to its location in the Coastal Zone and requirements from the HDCP and the City's Master CDP (CDP 04-23) previously issued for the development of the Headlands district of the City.

As described in the HDCP, the Headlands development project consists of three major components: 1) The residential component (a maximum of 118 single-family zoned lots); 2) the development of two Visitor/Recreation Commercial uses; and 3) the establishment of approximately 70 acres of recreation/open space along with supporting visitor recreation facilities, trails and coastal access points. At the time of approval of the Master Coastal Development Permit for the Headlands project from the City of Dana Point Planning Commission on January 19, 2005, a specific condition (No. 122) was included that required approval of separate Coastal Development Permits (CDPs) for both of the Visitor/Recreation Commercial sites (Planning Area 4 (PA 4) and Planning Area 9 (PA 9). The proposed project

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involves the development of Planning Area 4. The City will process a separate local coastal development permit for the hotel use planned for Planning Area 9.

B. STANDARD OF REVIEW

Section 30604(b) of the Coastal Act states:

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

In addition, Section 30604(c) of the Coastal Act states:

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Therefore, the standard of review for a Coastal Commission appeal de novo hearing for a project located between the first public road and the sea, like this one, are the City's certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. The Headlands Conservation Plan (HDCP), a component of the City's Local Coastal Program, was approved by the Coastal Commission on August 11, 2004, which became effectively certified in January 2005.

C. PUBLIC ACCESS

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) LOCAL COASTAL PROGRAM (LCP) POLICIES: LAND USE PLAN (LUP)

HDCP page ii

B. The 2004 Headlands Development and Conservation Plan

The 2004 HDCP strives to balance the social, economic, and physical components of the property by establishing complementary policies that incorporate a multitude of uses and activities. The HDCP significantly reduces the amount of acreage previously designated for private development in the City General Plan and the certified Local Coastal Program. The density and intensity of development was also lowered. In turn, major portions of the 121.3 acre site will accommodate public parks, coastal trails, and open space.

The HDCP designates 68.5 acres of public parks, conservation, and open space (70.0 acres with roads) which include up to three miles of public trails and four public visitor recreation facilities. Numerous opportunities for public coastal access and public view overlooks are created. A total of 125 residential homes, a 65-90-room (key) seaside inn, with 4.4 acres of visitor recreation commercial uses are also provided for in the HDCP.

Land Use Plan (LUP) Table: "Table LU-6A "Maximum Land Uses Within the Headlands"

Table LU-6A Maximum Land Uses Within Headlands

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LAND USES	MAXIMUM
Residential SF	125 dwelling units
Visitor/Recreation Commercial	35,000 sq. ft.
Visitor Recreation	110,750 sq. ft. with 65-90 keys
Facilities	3,800 sq. ft.

LAND USE ELEMENT (LUE)

Land Use Element – Page 48 (new table) Land Use Plan (LUP) Table: *Table LU-6A: Maximum Land Uses Within Headlands*

Table LU-6A Maximum Land Uses Within Headlands

LAND USES	MAXIMUM
Residential SF	125 dwelling units
Visitor/Recreation Commercial	35,000 sq. ft. 110,750 sq. ft. with 65-90 keys
Visitor Recreation Facilities	3,800 sq. ft.

Land Use Element - Pages 47-48

Figure LU-6 and Table LU-6 describe the total acres and relative percentage of each land use type for the Headlands. Recreational/Open Space constitutes 71.0 gross acre of the Headlands, or 58%. Residential constitutes 45.9 acres of the Headlands, or 37.8%. Visitor/Recreational commercial will be 4.4 acres or 3.6% of the property. Public roads make up approximately 2.5 acres of the site and are accounted for in the Recreation/Open Space category.

As shown on Figure LU-6 Headlands, three Land Use designations have been established for the Headlands: Recreation/Open Space, Visitor/Recreation Commercial, and

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Residential. Table LU-6, Headlands Land Use Composition, describes a percentage distribution for the three designations.

The Headlands Land Use Element promotes and implements the goals of the California Coastal Act by maximizing public access and public recreational opportunities, consistent with sound resource conservations principles.

Development of the Headlands will create significant conservation areas, public open space and parks, with multiple public coastal view opportunities and an interconnected network of public trails and coastal access...

A maximum of four visitor-serving recreational facilities consisting of a Nature Interpretive Center, Visitor Information Center, and new restrooms (2) will be integrated into the parks and open space to attract serve local and statewide visitors to the Headlands coastline. The visitor-serving recreational facilities shall be built by the developer, open to the public, and no less than two shall include educational programs relating to maritime, historical, cultural, natural resource conservation and related topics of regional and local interest. They will be connected by the integrated public trail system to the offer visitors a comprehensive experience.

LAND USE ELEMENT (LUE)

GOAL 2: ACHIEVE COMPATIBILITY AND ENHANCE RELATIONSHIPS ALONG LAND USES IN THE COMMUNITY.

Land Use Element - Page 13

Land Use Element (LUE) Policy 2.10: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. In the Headlands, this prioritization of uses is satisfied by the provision of visitor-serving commercial recreational development on the private lands designated for visitor-serving commercial recreational facilities on the portions of the site that adjoin Pacific Coast Highway and Street of the Green Lantern in the vicinity of existing visitor-serving commercial recreational uses. (Coastal Act/30222)

LAND USE ELEMENT (LUE)

GOAL 5: PROVIDE FOR THE DEVELOPMENT OF THE HEADLANDS IN A MANNER THAT ENHANCES THE CHARACTER OF THE CITY AND ENCOURAGES THE PROTECTION OF THE NATURAL RESOURCES OF THE SITE.

Land Use Element (LUE), Goal 5, introductory narrative

Development of the Headlands shall occur in a comprehensive manner involving the entire approximately 121 acre site. This comprehensive approach to developing the Headlands will allow for the following project elements (herein 'HDCP Elements'): 1) preservation, enhancement, dedication and perpetual management of all but 11.29 acres of environmentally sensitive habitat areas (ESHAs) known to be present at the Headlands; 2)

the dedication of the private portion of Strand beach to the public; 3) the construction and dedication of public parks, a public trail network throughout the Headlands, and vertical and lateral public access to and along Strand beach including realigning the existing revetment an average 5 feet landward or easterly than the existing alignment, implementation of a program to retrieve debris from the beach that impedes public access, and constructing a new lateral public access trail on top or landward of the revetment and seaward of the entire length of the Strand residential development; 4) implementation of extensive water quality management best management practices, including but not limited to the construction and maintenance of structural best management practices to treat offsite and on-site run-off; 5) the preservation of significant landforms including the Harbor Point and Headlands bluffs and promontories and the Hilltop; and 6) the provision of lower-cost overnight accommodations (i.e. hostel) in conjunction with the construction of a luxury inn.

Land Use Element (LUE): Policy 5.4: Assure that the height and scale of the development within the Headlands are compatible with development in the community and that the visual impact of the development from coastal areas below the project is minimized. Prohibit new development that significantly degrades public views to and along the coastline including, but not limited to, existing, enhanced or created views from the Hilltop park and greenbelt linkage, the Strand Vista Park, the Dana Point Promontory/Headlands Conservation Park and Harbor Point. (Coastal Act/30251)

Land Use Element (LUE) Policy 5.5: Promote the development of a mixture of land uses that may include residential, visitor-serving commercial, recreational, open space, and visitor-serving recreational and community facilities. (Coastal Act/30213, 30250)

Land Use Element (LUE) Policy 5.6: Require that a continuous scenic walkway or trail system be integrated into the development and conservation plan for the Headlands and that it provide connection points to off-site, existing or proposed walkways/trails, including integration with the California Coastal Trail. The alignment of the walkway and trail system shall be consistent with their depiction on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. (Coastal Act/30210, 30212)

Land Use Element (LUE) Policy 5.8: Provide patterns of land use and circulation in the Headlands that enhance public and private pedestrian access and circulation within the area. (Coastal Act/30250)

Land Use Element (LUE) Policy 5.9: Provide public trails within the Headlands. The system shall provide access to the existing sandy beach areas, including but not limited to a minimum of three (3) public accessways, and an inclined elevator/funicular, from Selva Road, through the Strand area, to the beach, and to the visitor-serving recreational and public places developed within the Headlands.

Land Use Element (LUE) Policy 5.10: Provide luxury visitor-serving Inn facilities and land uses scaled appropriately for the property as well as lower-cost overnight accommodations.

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Land Use Element (LUE) Policy 5.15: Provide non-vehicle circulation throughout the Headlands by establishing an interconnected network of trails, walkways and bikeways. (Coastal Act/30252)

Land Use Element (LUE) Policy 5.22: Off-street parking shall be provided for all new residential and commercial development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the minimum quantity of parking stalls required through the variance process shall not be approved. Valet parking shall not be implemented as a means to reduce the minimum quantity of parking stalls required to serve the development. Provide on-street and offstreet public parking facilities strategically distributed to maximize public use and adequately sized to meet the needs of the public for access to areas designated for public recreation and public open space uses at the Headlands, as measured by the standards set forth in the City regulations. Where existing adjacent public parking facilities are presently underutilized and those facilities are also anticipated to be underutilized by projected future parking demand, use those existing adjacent public parking facilities, where feasible, to serve the needs of the public for access to areas designated for recreation and public open space uses at the Headlands. (Coastal Act/30212.5, 30252)

Land Use Element (LUE) Policy 5.38: If as a condition of a permit an easement is required to be dedicated for public use of a trail the opening of the trail shall only be required after a public agency or private association has accepted the offer of dedication and agreed to open, operate, and maintain the trail. New offers to dedicate public trail easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.

Land Use Element (LUE) Policy 5.39: A uniform signage program that provides clear and conspicuous notice shall be developed and utilized to assist the public in locating and recognizing trail access points, parks, open spaces, parking areas, and other visitor recreational amenities. In areas containing sensitive habitat or safety hazards, signs shall be posted with a description of the sensitive habitat or safety hazard and limitations on entry to those areas.

Land Use Element (LUE) Policy 5.40: The height of the structures shall be limited to minimize impacts to visual resources. The maximum allowable height for the residential development in the Strand shall be 28 feet above finished grade, and at the upper Headlands shall be 18 feet above finished grade. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure provided they do not significantly degrade public views to and along the shoreline. Finished grades shall be set such that any structure constricted to the full height limit plus any chimneys and rooftop antennas shall not significantly degrade public views to and along the shoreline. The commercial development along Pacific Coast Highway shall have a maximum allowable height of 40 feet above existing grade, 32-35 feet above finished grade. The Seaside Inn

development along Street of the Green Lantern/Scenic Drive shall not exceed 42 feet above the finished building pad elevation and no finished building shall be higher in elevation than 220' MSL. In no case shall more than 30% of the buildable area within the 2.8 acre site exceed the height of the adjoining ridgeline. For commercial development, minor architectural projections may exceed the height limit provided they do not significantly degrade public views to and along the shoreline.

Land Use Element (LUE) Policy 5.44: New development of a luxury overnight visitor-serving inn within the Headlands shall only be developed in conjunction with a component of lower cost overnight visitor accommodations (e.g. hostel) as either part of the project or elsewhere within a visitor recreation commercial area within the Headlands. The lower-cost overnight accommodations shall consist of no less than 40 beds and shall be available for use by the general public prior to or concurrent with the opening of the inn.

Land Use Element (LUE) Policy 5.45: Overnight visitor serving accommodations within the Headlands shall be open to the general public. Overnight accommodations shall not be converted to exclusively private uses or private membership club. Fractional ownership of the luxury inn may be authorized except that during the peak season (Memorial Day weekend to Labor Day weekend) the reservation of rooms/suites by fractional owners shall be limited to no more than 50 percent of the total rooms/suites approved for the luxury inn.

Land Use Element - Page 35

Visitor/Recreation Commercial: The Visitor/Recreational Commercial designation includes primarily visitor-serving uses, such as restaurants, resort uses, such as hotels and motels, commercial, recreation specialty and convenience retail goods and services, auto service businesses, open space/recreational uses and community public facilities. Other supporting uses include conference facilities and cultural uses, such as museums and theaters. The average intensity of development for hotels is a floor area ratio of 1.5:1. The standard intensity of development for other uses is a floor area ratio of 0.5:1.

URBAN DESIGN ELEMENT (UDE)

Urban Design Element – Page 26-27

The Blufftop Trail, or other system of trails and open space linkages, which will eventually provide a connection from the Headlands to Doheny State Beach, is an excellent example of the desired concept.

In addition to completion of the City's bikeway system, more pedestrian walks and trails need to be developed, and the pedestrian environment improved in key locations. Opportunities for pedestrian improvements include:

 Complete the trail between the Headlands and Doheny State Beach, and extend the trail northward from Strand Beach to Salt Creek Beach Park and the regional trail system along the Salt Creek Basin.

> Develop a pedestrian trail system on the Headlands that connects the parks, open space, and conservation areas planned for the property as detailed in the Headlands Specific Plan or PDD> Such trails shall provide opportunities to coastal views an access. The trail system shall constitute the Blufftop Trail component for the Headlands.

CONSERVATION OPEN SPACE ELEMENT (COSE)

Conservation Open Space Element (COE) Policy 3.12: In the context of any specific project application that provides all of the HDCP elements and only in conjunction with a requirement that the plan can be completed as a whole, a maximum of 6.5 acres of ESHA may be displaced along the slope s of the bowl to accommodate the development within the owl, and a maximum of 0.75 acres of ESHA located on the Strand bluff face at the southerly boundary of the Strand may be displaced to accommodate development within the Strand. The amount of ESHA permitted to be displaced may be increased as necessary to accommodate construction of a 65-90 room inn, scaled appropriately to the property, within Planning Area 9 provided that lower-cost visitor overnight accommodations are provided consistent with Land Use Element 5.44. The maximum impacts to ESHA identified in this policy do not pertain to or limit vegetation removal necessary to construct and maintain public trails as identified on Figure COS-4.

Headlands Development and Conservation Plan (HDCP) Local Coastal Program (LCP) Policies: Implementation Plan (IP)

Implementation Plan (IP) Section: "3.4 Development Regulations/B. Visitor/Recreation Commercial Zoning District/5.

3.4 DEVELOPMENT REGULATIONS

B. Visitor/Recreation Commercial Zoning District

3. Measurement of Building Height and Maximum Stories

The measurement and height criteria for V/RC buildings shall be as provided in Chapter 9.05.110 except as follows. Building height is defined as the vertical distance, measured from the interior of the building, by which the uppermost portion of the roof extends above either of the following: (i) finished floor, (ii) the finished pad elevation immediately adjoining the structure, or (iii) the ceiling of uppermost level of the basement or subterranean parking structure, whichever is lower.

The site on which the structure is located may have a single or multiple finish pad elevation. Building height shall not be measured from existing grade or natural grade. Figure 3.4.3, Measurement of V/RC Building Height, depicts these measurement criteria.

4. Maximum Intensity of Development

The City General Plan and Section 9.05.210 of the City zoning code permit a maximum Floor Area Ratio (FAR) of 1.75 for commercial projects, which represents an increase above the standard FAR. Projects receive the higher level FAR by demonstrating exceptional design and quality, and by providing public amenities. The HDCP establishes the visitor serving commercial in Planning Area 4 at .57 FAR; Planning Area 9 has a .91 FAR. Both FARs are slightly above the standard levels but significantly below the 1.75 FAR maximum. Provisions contained within this Section 3.0 and Section 4.0 Development Guidelines, qualify for the increased FAR by providing project-wide design standards, architectural guidelines, numerous public recreation facilities, public art, and land use controls designed to create an exceptional project. Each V/RC Planning Area incorporates courtyards, fountains, landscaping, seating areas, public viewing areas, or other amenities that promote a pedestrian environment. The project also includes amenities such as bicycle racks or lockers that reduce dependence on the automobile and encourage alternate forms of transportation.

5. Development Requirements for Planning Area 4

Development of Planning Area 4 shall include the following uses regardless of other development that will occur there:

- A 40-bed hostel and Visitor Information Center. The hostel will serve as a lower-cost overnight visitor accommodation and will include a Visitor Information Center that shall provide detailed maps and other information regarding trails, overlooks, open space, parks, beaches and public access thereto, public parking facilities, and other visitor serving recreational and commercial facilities present at the Headlands and in the City of Dana Point and vicinity. Other information may also be provided regarding the biological, historical and cultural aspects of the Headlands, City of Dana Point and vicinity. The hostel and Visitor Information Center shall be constructed and open to the public in accordance with the phasing requirement identified in Section 3.7.C.6. Development Phasing Plan. The Visitor Information Center may be incorporated into the hostel, provided that it is clearly available for use by the general public separate from the hostel. If separate from the hostel, the Visitor Information Center shall consist of a minimum of 800 sq. ft.
- b) Six (6) public parking spaces in Planning Area 4 to serve open space visitors shall be required over and above the parking required as part of the V/RC uses in Planning Area 4. The six parking spaces shall serve visitors intending to utilize the public open space in the project. The parking shall be constructed in accordance with the phasing requirements identified in Section 3.7.C.6 Development Phasing Plan.

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Implementation Plan (IP) Policy: "3.5 General Development Standards All Districts/A. Access, Parking and Loading"

3.5 GENERAL DEVELOPMENT STANDARDS ALL DISTRICTS

A. Access, Parking and Loading

 Access, parking and loading regulations within this HDCP shall be provided in Chapter 9.35 of the Zoning Code except for the following:

...

In addition, six parking spaces in Planning Area 4, accessible from Pacific Coast Highway, shall be provided to exclusively serve open space visitors. The six parking spaces shall be in excess of those necessary to serve the V/RC uses in Planning Area 4 and shall be constructed concurrent with the development of V/RC improvements in Planning Area 4.

Implementation Plan (IP) Section: "3.7 Development Review Process/C. Discretionary Approvals and Permits/6. Development Phasing Plan"

3.7 DEVELOPMENT REVIEW PROCESS

C. Discretionary Approvals and Permits

6. Development Phasing Plan

...

The 40-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9.

(2)50

The Visitor Information Center in Planning Area 4 shall be constructed and open to the public concurrent with the opening of any other commercial development within Planning Area 4.

The six (6) public parking spaces in Planning Area 4 to serve open space visitors shall be constructed and open to the public prior to or concurrent with the opening of any other commercial development within Planning area 4.

Implementation Plan (IP) Section: "4.3 Planning Areas"

4.3 PLANNING AREAS

Planning Area 4: PCH Visitor/Recreation Commercial (Visitor/Recreation Commercial)

PCH and the Street of the Green Lantern border the 1.6-acre Planning Area 4. This Visitor/Recreation Commercial area complements the adjacent City Town Center, and will attract coastal visitors by providing a variety of commercial and office uses including a Visitor Information Center and can comprise one or more buildings. A maximum of 35,000 square feet will be developed, limited to two stories. The first floor will be limited to retail commercial uses including the Visitor Information Center. Additionally, the second floor can support retail commercial and professional office uses.

Planning Area 9: Resort Seaside Inn (Visitor/Recreation Commercial)

This 2.8-acre site provides a maximum 65-90-room (keys), luxury Seaside Inn, with a public restaurant, amenities and accessory uses. The site fronts the Street of the Green Lantern and Scenic Drive, and complements existing, off-site commercial facilities, such as the Charthouse Restaurant. The site offers dramatic ocean and harbor views. The location, adjacent to the Harbor Point Park, lends itself to public and private functions, encouraging coastal access.

Implementation Plan (IP) Policy "4.6 CIRCULATION PLAN/A. PCH/"A" Street"

4.6 CIRCULATION PLAN

A. PCH/"A" Street

Access to the project site from PCH will occur at "A" Street. "A" Street provides primary access to Planning Area 4, PCH V/RC, and Planning Area 6, Upper Headlands Residential. The new intersection shall be constructed by the developer prior to issuance of the first building permit for Planning Area 4 or 6. The proposed intersection will be designed such that the north-bound traffic on PCH can have a continuous green light and not be required to stop for north-bound left turns out of the project. The Developer shall improve the portions of PCH that front the project site to its ultimate design as a major arterial (100-foot ROW). CalTrans requires an encroachment permit to be approved prior to construction. The intersection is projected to meet warrants for a traffic signal.

IP Policy "4.12 DESIGN GUIDELINES/E. Design of the PCH/Visitor Recreation Commercial"

4.12 DESIGN GUIDELINES

E. Design of the PCH/Visitor Recreation Commercial

- Create continuous pedestrian activity along the sidewalk edge. Avoid blank walls and other empty spaces along sidewalk frontages.
- Parking shall be located to the rear of the building using secondary street access.
- A strong relationship to the native landscape shall be portrayed through the use of material and color. Materials such as brick, stone, wood, and stucco are suitable.

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Simple color schemes with no more than three colors are recommended.
 Non-reflective surfaces shall be utilized.

Implementation Plan (IP) Table: "Table 3.3.1 Land Use Statistical Summary"

TABLE 3.3.1

LAND USE
STATISTICAL SUMMARY

Land Use	Acres	Planning Area	Maximum
RECREATION OPEN SPACE			
(REC/OS)	9.9	1	
	5.4	3	
	15.1	5	
	4.3	8A	
SUBTOTAL REC/OS	34.7		
CONSERVATION OPEN SPACE			
(CONS/OS)	27.9	7	
	6.1	8B	
SUBTOTAL CONS/OS	34.0		
VISITOR/RECREATION COMMERCIAL	7.		
(V/RC)	1.6	4	35,000 sq. ft
	2.8	9	110,750 sq. ft
	4.4		(65-90 Keys)
SUBTOTAL V/RC			145,750 sq. ft
SOBTOTAL VING			(65-90 keys
RESIDENTIAL			
(RES)	25.7	2	75 lots
	20.2	6	50 lots
SUBTOTAL RES	45.9		125 lots
PUBLIC R.O.W.	2.5	1, 6, 8A	
TOTAL ACREAGE	121.3		

Implementation Plan (IP) Table 3.3.2: "Table 3.3.2 Visitor Recreational Facility Statistical Summary"

TABLE 3.3.2 VISITOR RECREATIONAL FACILITY STATISTICAL SUMMARY

Public Facility	Planning Area	Maximum
Nature Interpretive Center	8A	2,000 sq. ft.
Public Restrooms/Showers ¹	1	2 x 500 sq. ft.
Visitor Information Center	4	800 sq. ft.

All proposed public visitor facilities shall include public restrooms and public drinking fountains, open to the public at hours to be determined by the appropriate public agency.

¹ Public restrooms and showers shall be constructed at both the north and south ends of Planning Area 1 above Strand Beach.

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Implementation Plan (IP) Table 3.4.3 "Allowable Uses in V/RC Districts"

TABLE 3.4.3
ALLOWABLE USES IN V/RC DISTRICTS

LAND USES	Planning Area 4	Planning Area 9
Bed and Breakfast Inn	P	P
Caretaker's Residence	x	P1
Clinical Services On the second floor, or above or below street level Street Level	P X	P ¹
Commercial Antennas	C*	C*
Commercial Entertainment Uses	х	C1
Commercial Recreation Uses	Р	Pi
Cultural Uses	P	P¹
Day Care Centers	С	C ¹
Drinking Establishments	X	P/C*
Educational Uses	P	C ¹
Food Service Uses, Specialty	Р	Α
Fractional Ownership	P ²	P ²
Furniture Store	С	х
Hostel	P	X
Hotel	P	P
Live Entertainment Uses	х	C+1
Marine Uses	P	х
Massage Establishments	C*	Ç*1
Membership Organizations On the second floor, or above or below street level Street Level	c x	x x
Open Space	р	P
Personal Service Uses	P	A
Photographic, Reproduction and Graphic Service Uses	P	х

Continued

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TABLE 3.4.3 ALLOWABLE USES IN V/RC DISTRICTS (Continued)

LAND USES	Planning Area 4	Planning Area 9
Professional Office Use		
On the second floor, or above, or below street level	P	A
Street Level	x	A
Recreational Uses	Α	A
Restaurant	P	P1
Restaurant, Take-Out	х	х
Restaurant, Walkup	х	C,
Retail Sales Uses	P	A
Temporary Uses	T*	T*
Video Arcades or Game Rooms	х	C1
Visitor Information Center	P	Х

LEGEND:

P = Permitted Use

P* = Permitted Use subject to special use standards

(see Chapter 9.07 of the Zoning Code).

C = Conditional Use

C* = Conditional Use subject to special use standards (see Chapter 9.07 of the Zoning Code).

T* = Temporary Use subject to special use standards (see Chapter 9.39 of the Zoning Code). T = Temporary Use

X = Prohibited Use

A = Accessory Use

Allowable uses only if constructed in conjunction with the Seaside Inn Prior to the sale of the first Fractional Ownership interest, the property owner shall execute an agreement with the City to provide on-going compensation from the Fractional Ownership uses equivalent to the Transient Occupancy Tax effective for hotel uses. In Planning Area 4, this requirement shall only apply to Fractional Ownership uses associated with lodging.

Implementation Plan (IP) Table: "Table 3.4.4 Development Standards for V-RC Districts"

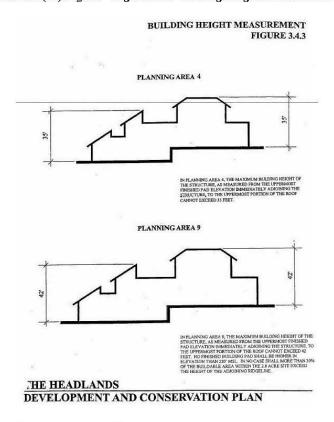
${\bf TABLE~3.4.4}$ ${\bf DEVELOPMENT~STANDARDS~FOR~V/RC~DISTRICTS}$

Land Uses	Planning Area 4	Planning Area 9
(a) Minimum Lot Size	5,000 sq. ft	15,000 sq. ft.
(b) Minimum Lot Width	60-feet	80-feet
(c) Minimum Lot Depth (measured at building set-back lines).	60-feet	80-feet
(d) Maximum Lot Coverage	60%	60%
(e) Maximum Height*	31-35-feet 2 stories	42-feet** 3 stories
(f) Maximum allowable gross floor area	35,000 sq. ft.	110,750 sq. ft.
(h) Setback From Ultimate Public Street R/W Line	10-feet	10-feet
(i) Minimum Side Yard Setback	E YE-	
Interior Side	10-feet	10-feet
Street Side	10-feet	10-feet
(j) Minimum Rear Yard Setback		1007.
Standard	10-feet	10-feet
Adjacent to Alley or Street	10-feet	10-feet
(k) Minimum Landscape Coverage	20%	20%
(I) Minimum Building Separation	10-feet	10-feet

This is a maximum potential structural height. This maximum shall be reduced on a case-by-case basis where necessary to assure that public views, as identified on Figure 4.5.3 (Coastal View Opportunities) in Section 4.5 of the Development Guidelines, to and along the shoreline are not significantly degraded.

^{**} The Seaside Inn development along Street of the Green Lantern/Scenic Drive (Planning Area 9) shall not exceed 42 feet above the finished building pad elevation and no finished building pad shall be higher in elevation than 220' MSL. In no case shall more than 30% of the buildable area within the 2.8 acre site exceed the height of the adjoining ridgeline.

Implementation Plan (IP) Figure: "Figure 3.4.3 Building Height Measurement"



COASTAL ACT PUBLIC ACCESS POLICIES

Section 30210 of the Coastal Act states, in pertinent part:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states, in pertinent part:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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1. Visitor-Serving Commercial Uses

The proposed project includes the construction of a two-story, 35,000 square foot visitor serving development, the Wave Resort, that includes a 57-room hotel, a 52-bed hostel, a 4,000 square foot restaurant, a visitor center and a two subterranean level parking garage with 132 parking spaces on the project site known as PA 4 in the HDCP. The hostel, hotel, restaurant and visitor center which are all types of visitor-serving commercial uses. The HDCP allows a maximum lot coverage of 60%; a floor area ratio of 0.57, and a maximum allowable gross floor area of 35,000 square foot, which the proposed project adheres to. While a luxury hotel use is allowed on PA 9, which is not part of the proposed project, the HDCP does not restrict the Headlands area from having more than one hotel, a visitor-serving recreation use. Thus, the proposed hotel use located on PA4 is consistent with the HDCP. In addition, the HDCP requires a 40-bed hostel on PA 4, in order to provide lower-cost overnight accommodations in the area in conjunction with a luxury hotel use in PA 9.

The HDCP requires that the proposed hostel provide a minimum of 40 beds, serve as a lower cost overnight visitor-accommodation, include a Visitor Information Center unless separate from the hostel, and be constructed and open to the public prior to or concurrent with the opening of a hotel on PA 9. As stated, the proposed project does not include development of the hotel on PA 9. The hostel has been designed to be consistent with the policies of the HDCP as the hostel will provide low cost overnight accommodation through the provision of 52 hostel beds (more than the 40-bed minimum) to the public and be opened to the public prior to or concurrent with the opening of the hotel on PA 9 as required by the HDCP. The hostel will have a separate entry for the facility off of Green Lantern, and is proposed to be two-stories.

By providing low cost affordable accommodations through this hostel use, public access opportunities are enhanced for the public to enjoy the coast. In order to ensure that the proposed hostel is available and open to the public prior to or concurrent with the opening of the hotel on PA 9, as well as the proposed hotel on PA 4, the Commission imposes **Special Condition No. 2**, which requires that the hostel be available and open to the public prior to or concurrent with the opening of the hotel on PA 9 and PA 4.

The 52 bed hostel will provide for low cost affordable overnight accommodations as mitigation for the hotel rooms for the luxury hotel to be located on PA 9 and for the hotel in PA 4. Using information from the two California Coastal Commission (CCC) workshops regarding lower-cost overnight accommodation led by Commission Staff in 2014 and 2016, the City used the guidance from the CCC workshops that suggests that hotel projects should provide/mitigate at a rate of 25% of the total number of guest rooms, meaning that for every 100 market rate rooms provided 25 affordable units should be provided onsite. Using the total number of hostel beds proposed as the amount of affordable units provided onsite; the hostel will be mitigating the two headland hotel projects at a rate of 35% which is above 25%. This 52-bed hostel serves as mitigation for the two high cost hotels now planned in the Headlands development

Based on Coastal Commission guidance (CCC public workshop staff report dated October 26, 2016) the City analyzed and determined the lower-cost overnight accommodation rate for the proposed hostel. Utilizing the CCC's methodology, the current rate would be set at \$51.86 per

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night per bed. To ensure the lower-cost overnight accommodation rate accurately reflects current market conditions, the City had imposed a special condition that requires the applicant, at the time of Certificate of Occupancy, to provide an updated analysis consistent with the Coastal Commission guidance from the October 26, 2016 staff report or any subsequent guidance update. Additionally, after the initial rate is established, the applicant/ hostel operator will be required to update the rate and adjust the rate accordingly every three years based on market conditions and report any adjustments to the Community Development Department to ensure compliance. In order to ensure that the hostel rate gets appropriately analyzed routinely, the Commission imposes **Special Condition No. 3**, which requires the applicant to maintain and operate the hostel at a rate for low cost overnight accommodation by reviewing the cost every three years.

The proposed project will include a Visitor Information Center as a functional kiosk within an 800 square foot area separate from the hostel incorporated within the larger 2,100 square foot public plaza area of the hotel on the street level fronting Pacific Coast Highway. The Visitor Information Center will be designed to utilize interactive technology providing coastal, visitor-serving, educational, historical, cultural, and general event information, and will also provide seating for visitors. Access information will be made available at the Visitor Information Center and the hotel will provide direct access to the parking area, which provides HDCP required six parking spaces for the trail system where direct access to the trailhead is located adjacent to the site on Shoreline Drive which leads to the Strand Access Point and beach, and additional access via an 8-foot wide sidewalk on Green Lantern. The Visitor Information Center will enhance public access opportunities by providing the public a place where access information is available.

The applicant has stated that directional signage to the trails associated for public use have been installed in the area outside of the project site which clearly identifies the paths meant to provide public access. However in order to ensure that the public is aware of the nearby and adjacent public access opportunities from the project site, a public access sign plan is necessary. Currently at this time, no such plan has been provided. Thus, the Commission imposes **Special Condition No. 4**, which requires the applicant to submit a coastal public access sign plan identifying the location of the visitor-serving/coastal access directional signage.

2. Parking

Based upon the City's Zoning Code, 129 parking spaces are required for the project (57 parking spaces for the hotel, 40 parking spaces for the restaurant, 19 parking spaces for the restaurant deck Dining, 7 parking spaces for the hostel (*see* discussion below regarding the "requirement" of 7 parking spaces for the hostel) and 6 parking spaces for Open Space Visitors). The applicant is proposing 130 standard parking spaces, so the number of standard parking spaces exceeds the amount of parking required by the LCP. The project also incorporates a total of 44 tandem parking spaces, which can be used by employees, hotel guests, visitors, patrons and trail visitors. The use of tandem parking is appropriate for this type of visitor serving use as it has fluctuating parking demands. Thus, a grand total of 174 parking spaces (130 standard parking spaces + 44 tandem parking spaces = 174) will be provided on site, which is 45 parking spaces over the required amount (129 parking spaces) or 35% over the required amount.

Within these 130 standard parking spaces, 7 are proposed specifically to meet the demands of the hostel use. The HDCP refers back to the City's Zoning Ordinance for parking standards;

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however, there are no parking standards for a hostel. In order to determine the appropriate number of parking spaces for the hostel, the City indicated that it did three things to determine the parking necessary for the hostel: 1) the City looked at uses in the parking section of the Zoning Ordinance that are similar in function to a hostel use, like a bed and breakfast use; 2) the City looked at the previous approval of a hostel use on the site approved by the City that required 7 parking spaces (the approval was not appealed but has expired and is no longer valid); and 3) the City contacted hostels from Los Angeles to San Diego and determined that the vast majority had fewer than 7 on-site parking spaces or no parking at all. According to the surveyed hostel operators, most people do not arrive at their facilities by private vehicle, as public transportation is the more common method of travel for hostel visitors. The City also determined that the parking requirement for hostels more closely resembles the requirement for a Bed and Breakfast, which is 1 space per guest room, plus 2 additional spaces. Parking was thus calculated on the basis of 1 space per guestroom for 5 guestrooms (at the time, the City counted five rooms in the hostel), plus 2 additional spaces, for a total of 7 parking spaces.

The project as a whole provides a total of 174 on-site parking spaces, which is 45 more spaces than required by the LCP, according to the City. The applicant has stated that a Parking Management Plan for the utilization of the tandem and valet parking will also be implemented in order to manage on-site parking so that the maximum number of vehicles can be accommodated in the parking garage. A Tandem Parking Program will be implemented as well that includes provisions for periodic monitoring and reporting to identify any issues associated with the program and to adjust the program as necessary to address any such issues. Therefore, the project provides more parking than required and provides an ample amount of additional parking if necessary for the hostel use, whose parking was calculated, based on a similar use (Bed and Breakfast) and based on a previous hostel approval onsite and parking required for similar hostel developments in Southern California and is thus consistent with the HDCP.

Conclusion

As conditioned, the Commission finds that the proposed project is consistent the public access protection policies of the City's LCP. The proposed project, as conditioned, is also consistent with the public access and recreation policies of the Coastal Act.

D. SCENIC AND VISUAL RESOURCES

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) LOCAL COASTAL PROGRAM (LCP) POLICIES: LAND USE PLAN (LUP)

LAND USE ELEMENT (LUE)

GOAL 5: PROVIDE FOR THE DEVELOPMENT OF THE HEADLANDS IN A MANNER THAT ENHANCES THE CHARACTER OF THE CITY AND ENCOURAGES THE PROTECTION OF THE NATURAL RESOURCES OF THE SITE.

Land Use Element (LUE) Policy 5.13: Create new public view and coastal access opportunities by establishing additional public shoreline access, an integrated, on-site public trail system, and coastal recreational facilities. (Coastal Act/30212, 30222, 30251)

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Land Use Element (LUE) Policy 5.23: Enhance the visual quality of the Headlands by providing high quality development with appropriate landscaping. (Coastal Act/30251)

Land Use Element (LUE) Policy 5.26: Zoning and development regulations shall detail the location and extent of public coastal view opportunities (i.e. unobstructed view, intermittent view or no view) that will be established for designated public open space and trail areas which shall, at minimum, conform with the public view opportunities identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. (Coastal Act/30251).

Land Use Element (LUE) Policy 5.27: Maximum building heights for each zoning district shall be established that prevent significant adverse impacts to public views to and along the coast from, at minimum, the public view opportunities identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element. Applications for land divisions and/or grading shall establish finished grades such that structures constructed to the maximum building heights identified for each zoning district shall not significantly adversely impact the public views identified in this policy (Coastal Act/30251)

Land Use Element (LUE) Policy 5.28: Submittals for tentative tract maps and coastal development permits for development proposed within any public viewshed identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element, shall include a visual impact analysis to demonstrate that the public coastal view opportunities designated pursuant to Policy 5.26 shall be established and maintained. (Coastal Act/30251)

Land Use Element (LUE) Policy 5.29: New development shall include an inventory of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. New development within or adjacent to ESHA shall include a detailed biological study of the site. Any coastal development permit application for the Headlands submitted on or prior to two years from the date of effective certification of LCP Amendment 1-03 by the Coastal Commission, shall utilize the ESHA delineation (for upland habitat purposes) identified by the California Coastal Commission in its January 2004 approval, with suggested modifications, of the HDCP and not require additional species surveys; for applications submitted thereafter an updated or new detailed biological study shall be required. (Coastal Act/30240)

Land Use Element (LUE) Policy 5.40: The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height for the residential development in the Strand shall be 28 feet above finished grade, and at the upper Headlands shall be 18 feet above finished grade. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure provided they do not significantly degrade public views to and along the shoreline. Finished grades shall be set such that any structure constructed to the full height limit plus any chimneys and rooftop antennas shall not significantly degrade public views to and along the shoreline. The

commercial development along Pacific Coast Highway shall have a maximum allowable height of 40 feet above existing grade, 32-35 feet above finished grade. The Seaside Inn development along Street of the Green Lantern/Scenic Drive shall not exceed 42 feet above the finished building pad elevation and no finished building pad shall be higher in elevation than 220' MSL. In no case shall more than 30% of the buildable area within the 2.8 acre site exceed the height of the adjoining ridgeline. For commercial development, minor architectural projections may exceed the height limit provided they do not significantly degrade public views to and along the shoreline.

Land Use Element (LUE) Policy 5.41: Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Roof signs, pole signs, projecting signs shall not be permitted.

URBAN DESIGN ELEMENT (UDE)

Urban Design Element - Page 15-16

The landforms of the Dana" Point" promontory and coastal bluffs are the most prominent natural features of the City. They are visible from the region's coastline and coastal hillsides from a distance up to 30 miles. Public views from the public pedestrian access to the bluffs shall be established as they will become significant public resources and enhance the natural setting of Dana Point.

The following Urban Design policies and concepts will guide the development of the Headlands and shall be used as a standard of review for Local Coastal Program purposes:

- Limit alteration of existing topography of the Headlands to accommodate a development program consistent with the General Plan and Headlands Specific Plan or PDD.
- Require setbacks of buildings and site improvements from the bluff faces, as set for the in the policies of the General Plan/Local Coastal Program Land Use Plan and the Specific Plan or PDD, which will ensure public and structural safety, consistent with detailed and site specific geotechnical report recommendations.
- Encourage building forms that maintain a low profile and tat are visually integrated with the landforms.
- The significance of and treatment of existing ridges, knolls, canyons and vegetation on the Headlands and bluffs shall be determined in the Headlands Specific Plan or PDD.
- Require all private development and public improvement proposals which have potential to impact public views of the Headlands and bluffs to submit detailed studies of view impacts. All development along the City's coastline, as well as

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- several locations in the Dana Point Town Center and Monarch Beach areas, have the potential to affect public views of the Headlands and bluffs.
- Encourage public access to coastal resources by developing Visitor/Recreation
 Commercial facilities and Recreation/Open space areas (Including visitor-serving
 recreational facilities) that provide direct linkages to public parks, open space,
 the coastline, and the Strand Beach.

Urban Design Element – Page 58 The Headlands

The Dana "Point" portion of the Headlands is one of the most significant landforms in the City. The primary Urban Design goal shall be to preserve the Dana "Point" area, including its coastal bluffs, and develop a coastal trail system on the plateau that rises approximately 180-215 feet above the Pacific to create extraordinary public view opportunities. As stated in the Land Use element, it is this area of the property – the Dana "Point," the coastal bluffs, and the coastal plateau – that is commonly referred to as the "Headlands." Urban Design objectives for development on the Headlands are:

- Create public open space amenities, walkways, and a trail system within the Headlands that can ultimately be connected to the Blufftop Trail to the south, and the Salt Creek Beach Park to the north.
- Preserve the relative height and visual prominence of the ridge top and designate the hilltop area near Pacific Coast Highway for public park, public trail, and permanent open space uses.
- Develop a landscaped open space corridor consistent with existing corridors along Pacific Coast Highway.
- Future buildings on the Headlands should be carefully integrated with surrounding development and maintain a visual profile that limits disruption of public ridgeline views from Dana Point Harbor and public parks.
- Emphasize a creative use of appropriate materials when designing public facilities, such as visitor-serving recreational facilities trails and walkways.
- O Drought tolerant and non-invasive species shall be utilized throughout the project site. Native species shall be utilized in all areas, including the South Strand Vista Park area designated for habitat revegetation, with the exception of the following: the Seaside Inn, PCH Commercial, residential lots, Home Owners Association ("HOA") maintained common areas and slopes (residential plan areas only) and the remainder of Strand Vista Park not reference above.
- Provide a strong connection with the ocean through the inclusion of coastal access and ocean view preservation.
- Design all public beach accessways and surrounding development in a manner that conspicuously invites and encourages maximum public use of the accessways, beach and other public facilities.

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A large hill that is taller than the proposed development is located at the rear of the development and the project has been designed so that it contours with the natural slope in order to reduce the overall massing and scale of development and to be at or below the maximum height limit. The proposed project fronts Pacific Coast Highway, which is designated as a scenic highway, but there are no specific public views identified in this particular stretch. The proposed retaining walls are located behind the building and obscured form view. While no views may be specifically identified, nonetheless, the project has been designed so follow the natural slope of the area and thus will not obstruct any public views from the designated scenic highway.

The HDCP allows a maximum height of 31-35 feet with a maximum of two stories [levels]. The project site is not flat and there is an approximately twenty-foot grade difference between the north and south ends of the site, so there are varying finished pad elevations on the site, and two subterranean levels (not stories) for the parking garage. The City-approved development includes no more than two stories above any basement level in any location, and the development does not exceed the 35-foot height limit and is thus consistent with the HDCP.

Where the building might appear to be a four-level structure (as viewed from the corner of the Street of the Green Lantern and Pacific Coast Highway), it is actually a two-story portion of the structure set behind another lower two-story portion of the structure that has a much lower grade/elevation. So while there are multiple levels in the structure, at no point are there more than two stories stacked above the basement levels (which are not stories). The building has been designed so that there are no more than two stories stacked on top of the basements, even at the entry points into the subterranean parking garage.

Conclusion

As conditioned, the Commission finds that the proposed project is consistent the scenic and visual resource policies of the City's LCP.

E. MARINE RESOURCES/WATER QUALITY

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) LOCAL COASTAL PROGRAM (LCP) POLICIES: LAND USE PLAN (LUP)

LAND USE ELEMENT (LUE)

GOAL 4: ENCOURAGE THE PRESERVATION OF THE NATURAL ENVIRONMENTAL RESOURCE OF THE CITY OF DANA POINT.

Land Use Element (LUE) Policy 4.4: Preserve, maintain, enhance, and where feasible restore marine resource areas and coastal waters. Special protection shall be given to areas and species of special biological or economic significance. Sustain and where feasible restore general water quality and biological productivity as necessary to maintain optimum populations of marine organisms and for the protection of human health. (Coastal Act 30230)

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LAND USE ELEMENT (LUE)

GOAL 5: PROVIDE FOR THE DEVELOPMENT OF THE HEADLANDS IN A MANNER THAT ENHANCES THE CHARACTER OF THE CITY AND ENCOURAGES THE PROTECTION OF THE NATURAL RESOURCES OF THE SITE.

Land Use Element (LUE) Policy 5.24: Protect the quality of coastal waters and human health by minimizing the potential for harmful impacts from storm water runoff. (Coastal Act/30230, 30231)

Land Use Element (LUE) Policy 5.25: *Minimize drainage impacts to the Dana Point Marine Life Refuge and Laguna Niguel Marine Life Refuge. (Coastal Act/30230, 30231)*

Land Use Element (LUE) Policy 5.43: In conjunction with the development of a luxury inn at the Headlands, the developer shall install water quality best management practices, including structural best management practices that shall treat runoff from the development site as well as at least 17 acres of off-site developed area.

CONSERVATION OPEN SPACE ELEMENT (COSE)
GOAL 1: CONSERVE AND PROTECT SURFACE WATER, GROUNDWATER AND IMPORTED WATER
RESOURCE.

The Headlands Water Quality Program

Although portions of the Headlands have been previously developed, specifically the mobile home park in the Stand area, the greenhouses and related improvements in the Upper Headlands and several public streets, the storm water conveyance systems that are currently in place are in a state of disrepair. Moreover, no water quality Best Management Practices ("BMPs") in the form of structural devices are in place to prevent or mitigate water quality impacts to the Pacific Ocean or Dana Point Harbor. In addition, existing urban development adjoining and within the same drainage basins the Headlands are not currently served by such BMPs.

The City of Dana Point recognizes impacts can occur to coastal waters from both storm water runoff and "nuisance" runoff from urban areas. Therefore, it is of utmost importance that any Headlands project be designed to incorporate effective Site Design, Source Control and Treatment Control. BMPs to minimize the potential for water quality impacts to the adjoining marine environment and to Dana Point Harbor.

In addition to the prior policies, the following policies shall guide future development/redevelopment of the Headlands:

Conservation Open Space Element (COSE) Policy 1.9: All development shall meet the requirements of the California Regional Water Quality Control Board san Diego region's Waste Discharge Requirements for discharges of urban runoff from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the

Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region or subsequent versions of this plan.

Conservation Open Space Element (COSE) Policy 1.10: Concurrent with the submittal of a tentative tract map and/or master coastal development permit application, a post-development drainage and runoff control plan shall be prepared that incorporates a combination of structural and non-structural Best Management Practices (BMPs") best suited to reduce pollutant loading in runoff from the area proposed for development to the maximum extent feasible. BMPs shall include Site Design, Source Control, and Treatment Control BMPs. In addition, schedules for the required routine maintenance for each of the structural BMPs and the responsible party of the maintenance shall be identified.

Conservation Open Space Element (COSE) Policy 1.11: Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (multiplied by an appropriate safety factor, i.e. 2 or greater for flow-based BMPs.

Conservation Open Space Element (COSE) *Policy 1.12:* Development that requires a grading/erosion control plan shall include a plan and schedule for landscaping and revegetation or graded or disturbed areas. If the grading occurs during the rainy season, the plan will include BMPs to minimize or avoid the loss of sediment from the site.

Conservation Open Space Element (COSE) *Policy 1.13:* The City, property owners, or homeowners association, as applicable, shall vacuum sweep public and private streets, and parking lots frequently to remove debris and contaminant residue.

Conservation Open Space Element (COSE) Policy 1.14: The City, property owners, or homeowners associations, as applicable, shall be required to maintain any structural BMP device to ensure it functions as deigned and intended. Owners of these devices shall be responsible for ensuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be required to be carried out prior to the next rainy season.

Conservation Open Space Element (COSE) Policy 1.15: Commercial development shall incorporate BMPs designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

Conservation Open Space Element (COSE) Policy 1.16: Restaurants shall incorporate BMPs designed to minimize runoff of oil and the grease solvents, phosphates, suspended solids, and the other pollutants to the storm drain system.

Conservation Open Space Element (COSE) Policy 1.17: Storm drain stenciling and signage shall be provided for new storm drain construction in order to discourage dumping into drains.

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Conservation Open Space Element (COSE) Policy 1.18: Utilize efficient irrigation practices to minimize the potential for nuisance water runoff.

Conservation Open Space Element (COSE) Policy 1.19: Divert low-flow "nuisance" run-off to the sanitary sewer system for treatment, thereby avoiding dry weather flows to the beach of Harbor.

Conservation Open Space Element (COSE) Policy 1.20: Reduce impervious surfaces through design of narrower than standard streets; shorten streets where feasible; and on single loaded streets, eliminate sidewalks on one side.

Conservation Open Space Element (COSE) Policy 1.21: Develop a public awareness program concerning water quality for future homeowners, property managers, and visitors to the public open space. The program will emphasize the proper use of irrigation, fertilizers and pesticides by homeowners and landscape contractors.

1. Construction Impacts to Water Quality

Construction will occur on land. As such, there is a possibility that construction phase activities could result in adverse water quality impacts. In addition, there is a possibility that improper staging and storage of equipment could have impacts on water quality.

Potential construction phase impacts include improper storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or in a manner which allows such materials to be discharged into Dana Point Harbor and coastal waters via rain or urban runoff. These actions would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column.

In order to address water quality impacts during construction, the Commission imposes **Special Condition No.** 5, which requires the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) for the Executive Director's review and approval. The SWPPP must show that the permittee is properly prepared to apply site design, source control and treatment control BMP's, appropriate for the potential stormwater pollutants at this site, in order to protect coastal waters from polluted runoff generated by construction activities to the maximum extent practicable

In order to assure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, and to assure the applicant is aware of their responsibility to provide a debris catching device under this coastal development permit, the Commission imposes **Special Condition No. 6**, which requires

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the applicant to implement construction Best Management Practices (BMPs) to protect water quality during construction.

The applicant has not indicated where the construction staging area will be. Thus, the Commission finds that it is necessary to impose **Special Condition No.** 7, which requires the applicant to submit a Construction Staging Plan for the Executive Director's review and approval.

2. Post-Construction Impacts to Water Quality

The proposed development will result in urban runoff entering the storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the development drains new buildings and a parking garage. Therefore, the primary landside post-construction water quality concerns associated with the proposed project include trash. The proposed development would result in the discharge of storm water into the storm water conveyance system that would discharge into the Dana point Harbor and into coastal waters. Therefore, the project has the potential to affect the water quality of the coastal waters in Dana Point. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from the proposed project.

In order to deal with these post construction water quality impacts, the applicant has stated that pervious pavers, a bio filtration system and a grease interceptor will be used. However, no further details have been provided for these post construction methods of dealing with water quality impacts. Therefore, in order to address water quality impacts post construction, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit a Water Quality Management Plan (WQMP) for the Executive Director's review and approval.

The applicant has stated that landscaping is proposed. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.cal-ipc.org/) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf).

Commission staff has reviewed the submitted Landscaping Plan and determined that the plan includes some plants that are not drought tolerant. For example: Carissa M. "Boxwood Beauty" and Festuca O. "Glauca." Therefore, the Commission imposes **Special Condition No. 9**, which requires the permittee to submit a Revised Landscaping Plan, which consists of native or non-native drought tolerant plants, which are non-invasive.

Conclusion

As conditioned, the Commission finds that the proposed project is consistent the marine resources/water quality policies of the City's LCP.

F. BIOLOGICAL RESOURCES

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) LOCAL COASTAL PROGRAM (LCP) POLICIES: LAND USE PLAN (LUP)

CONSERVATION OPEN SPACE ELEMENT (COSE)
GOAL 2: CONSERVE SIGNIFICANT TOPOGRAPHICAL FEATURES, IMPORTANT WATERSHED
AREAS, RESOURCES, SOILS AND BEACHES.

Conservation Open Space Element (COSE) Policy 2.20: The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes and the restoration of optimum populations of marine organisms shall be ensured by, among other means, minimizing adverse effects of waste water discharges. Any specific plans and/or planned development district policies and specific development proposals, site plans and subdivision maps shall control runoff, prevent depletion of ground water supplies and substantial interference with surface water flow, encourage waste water reclamation, maintain natural vegetation buffer areas that protect riparian habitats, and minimize alteration of natural streams. (Coastal Act/ 30231).

CONSERVATION OPEN SPACE ELEMENT (COSE)
GOAL 3: CONSERVE SIGNIFICANT NATURAL PLANT AND ANIMAL COMMUNITIES.

Conservation Open Space Element (COSE) Policy 3.1: Environmentally sensitive habitat areas (ESHAs) are any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments, and include, but are not limited to, important plant communities, wildlife habitats, marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, such as those generally depicted on Figure COS-1. ESHAs shall be preserved, except as provided in Conservation Open Space Element Policy 3.12. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade those areas, and such development shall be compatible with the continuance of those habitat areas. Among the methods to be used to accomplish the siting and design of development to prevent ESHA impacts are the practice of creative site planning, revegetation, and open space easement/dedications. A definitive determination of the existence of environmentally sensitive habitat areas on a specific site shall be made through the coastal development permitting process. For the Headlands, the extent of environmentally sensitive habitat area presently known to the City is generally depicted on Figure COS-1, and the land use area boundaries at the Headlands recognize the presence of the habitat. The precise boundary of the sensitive habitat at the Headlands shall be determined through the coastal development permitting process, including but not limited to those provisions outlined in Land Use Element Policy 5.29. (Coastal Act/30230, 30240)

Conservation Open Space Element (COSE) Policy 3.7: Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas except as provided in Conservation Open Space Element Policy 3.12. Development in areas adjacent to ESHA shall incorporate buffering design elements, such as fencing, walls, barrier plantings and transitional vegetation around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Variances or modifications to sensitive resource protection standards shall not be granted. (Coastal Act/30240)

Conservation Open Space Element (COSE) Policy 3.16: Except for landscaping on private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn site adjacent to Harbor Point), all landscaping (including temporary erosion control and final landscaping) for all development within the Headlands shall be of plants native to coastal Orange County and appropriate to the natural habitat type. Native plants used for landscaping shall be obtained, to the maximum extent practicable, from seed and vegetative sources at the Headlands. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized anywhere within the Headlands, including within private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn site adjacent to Harbor Point). No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within the proposed development area, including the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn site adjacent to Harbor Point). Drought tolerant plant species shall be used and native plant species are encouraged within the private residential lots, that portion of Strand Vista Park situated seaward of the County parking lot and the area along the North project boundary parallel to the County beach access stairway, the HOA maintained common areas and slopes (residential plan areas only) and the visitor/recreation commercial (i.e. PCH Commercial and Seaside Inn site adjacent to Harbor Point).

The project site has already been graded as part of the installation of the infrastructure improvements of the Headlands development, allowed under a previous CDP and there is no environmentally sensitive habitat on the site. The project will not result in any impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation

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areas as previously approved fencing has already been installed to protect the adjacent conservation area which provides an adequate buffer to protect such resources. The project site has been continually used as a parking/staging area for the development of the public and private components of the HDCP area.

Conclusion

The Commission finds that the proposed project is consistent the biological resource policies of the City's LCP.

G. GEOLOGIC STABILITY

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN (HDCP) LOCAL COASTAL PROGRAM (LCP) POLICIES: LAND USE PLAN (LUP)

LAND USE ELEMENT (LUE)

GOAL 5: PROVIDE FOR THE DEVELOPMENT OF THE HEADLANDS IN A MANNER THAT ENHANCES THE CHARACTER OF THE CITY AND ENCOURAGES THE PROTECTION OF THE NATURAL RESOURCES OF THE SITE.

Land Use Element (LUE) Policy 5.2: Require geotechnical studies to assess geologic hazards in the areas where development is proposed. Except for the public access facilities and residential development in the Strand (which is exempt from this requirement only if proposed in the context of an application that provides all of the HDCP Elements, and only in conjunction with a requirement that the plan be completed as a whole), require a minimum 50 foot setback from bluff edges or a sufficient setback to avoid anticipated erosion/bluff retreat over a minimum 75 year timeframe in accordance with those geotechnical studies, whichever is most restrictive. (Coastal Act/30250, 30253)

Land Use Element (LUE) Policy 5.30: Land divisions, including lot line adjustments, shall be permitted only if all proposed parcels intended for development can be demonstrated to be safe from flooding, erosion, and geologic hazards and that development can be constructed consistent with all policies of the LCP. The creation of parcels not intended for development shall only be allowed in conjunction with the recordation of a deed restriction on any such parcels to prevent development and the dedication of such parcels to a public agency and/or non-profit entity in such a manner as to ensure that the property is conserved in perpetuity as open space. (Coastal Act/30253)

CONSERVATION OPEN SPACE ELEMENT (COSE)

GOAL 2: CONSERVE SIGNIFICANT TOPOGRAPHICAL FEATURES, IMPORTANT WATERSHED AREAS, SOILS AND BEACHES.

Conservation Open Space Element (COSE) Policy 2.8: Minimize risks to life and property, and preserve the natural environment, by siting and clustering new development away from areas which have physical constraints associated with steep

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topography and unstable slopes; and where such areas are designated as Recreation/Open Space or include bluffs, beaches, or wetlands, exclude such areas from the calculation of net acreage available for determining development intensity or density potential. (Coastal Act/30233, 30253)

Conservation Open Space Element (COSE) Policy 3.14: Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

The proposed development has been designed to minimize the alteration of natural landforms and will not result in risks from geologic and erosional forces. The site has already been pregraded under a previous CDP and the proposed development has been designed to utilize the natural slope of the site.

Conclusion

The Commission finds that the proposed project is consistent the geologic stability policies of the City's LCP.

H. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 10**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

I. LOCAL COASTAL PROGRAM (LCP)

The Commission certified the Headlands Conservation Plan (HDCP), a component of the City's Local Coastal Program, on August 11, 2004 and which became effectively certified in January 2005. For the reasons stated in this report, the proposed development is consistent with the HDCP. In this case, that finding can be made since the proposed project, as conditioned, is consistent with the scenic and visual resources, marine resources, water quality, biological resources, and geologic stability policies of the HDCP and the public access and public recreation policies of the Coastal Act. Therefore, the Commission approves the Coastal Development Permit.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the

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activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Dana Point is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Dana Point approved an EIR and EIR addendum that analyzed the project site, and also made a determination that the proposed development is Categorically Exempt per Section 15332 (Class 32-In-Fill Development Projects). As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the City's certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SUPPORTING DOCUMENT 6: 2018 California Coastal Commission Approval and Conditions

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CALIFORNIA 90802-4830 PH (562) 590-5071 FAX (562) 590-5084 WWW.COASTAL.CA.GOV



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Permit Application Number: A-5-DPT-17-0063

COASTAL DEVELOPMENT PERMIT

On August 10, 2018, the California Coastal Commission granted to **Headlands Investments**, **LLC** this permit subject to the attached Standard and Special conditions, for development consisting of **Construction of a two-story**, **35,000 square foot commercial development that consists of a 57-room hotel**, **52-bed hostel**, a **4,000 square foot restaurant**, a **visitor center**, and a **174-stall parking garage on a 1.6-acre vacant lot.**, more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at 34075 Pacific Coast Hwy, Dana Point (Orange County) (APN(s): 672-592-13, 672-592-14, 672-592-15)

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Fernie SV

Coastal Program Analyst

cc: Commissioners/File

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

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Coastal Development Permit

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IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date:	Signature	=
		· ·

STANDARD CONDITIONS:

- Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- Expiration. If development has not commenced, the permit will expire two years
 from the date on which the Commission voted on the application. Development
 shall be pursued in a diligent manner and completed in a reasonable period of
 time. Application for extension of the permit must be made prior to the expiration
 date
- Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Permit Compliance.

Coastal Development Permit A-5-DPT-17-0063 authorizes the construction of a approximately 35,000 square foot commercial development that consists of a 57-room hotel, 52-bed hostel, a 4,000 square foot restaurant, a visitor center, and a 174-stall parking garage which provides required six public parking spaces for users of the Headlands public trail system. All development must occur in strict compliance with the proposal as set forth in the application, subject the special conditions. The permittee

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Coastal Development Permit

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shall undertake development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Opening of Hostel.

The 52-bed hostel provides mitigation for the luxury inn in Planning Area 9 (City of Dana Point CDP 04-23) and the hotel approved by this coastal development permit in Planning Area 4. The 52-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9 and the hotel in Planning Area 4. The hostel shall be maintained and operated as a lower-cost overnight accommodation for the life of the development approved by the permit.

3. Compliance with City of Dana Point Condition Regarding Hostel Rates.

The applicant shall comply with the City of Dana Point's requirement located in City Council Resolution No. 17-10-03-03 that, prior to the City's issuance of the Certificate of Occupancy for the development approved by Coastal Development Permit A-5-DPT-17-0063, the permittee shall prepare an analysis based on the California Coastal Commission recommendations of October 26, 2016 public workshop staff report, or updated process as applicable, to determine the lower-cost overnight accommodation rate of each bed per night in the hostel. Subsequent to the issuance of the Certificate of Occupancy, the hostel operator or property owner shall update the lower-cost overnight accommodation rate per bed per night for the hostel, consistent with the most updated California Coastal Commission method of determining lower cost overnight accommodation rate, every three (3) years to ensure compliance with the HDCP and Coastal Commission requirements.

4. Coastal Public Access Sign Plan.

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the Executive Director's review and approval, two (2) sets of a coastal public access sign plan, as required below:
 - 1. The plan shall show the location of the visitor-serving/coastal access directional sign(s) located in the following area:
 - (a) Visitor Information Center; and
 - (b) Locations within the interior and exterior of the development.
- B. The permittee shall undertake development in conformance with the approved final updated plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

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- 5. Storm Water Pollution Prevention Plan (SWPPP).
 - A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall submit for the review and approval of the Executive Director, two (2) full size sets of storm water pollution prevention plans (SWPPP) prepared and signed by licensed engineer that, at a minimum, meets the following:

The Storm Water Pollution Prevention Plan must show that permittee is properly prepared to apply site design, source control and treatment control BMP's, appropriate for the potential stormwater pollutants at this site, in order to protect coastal waters from polluted runoff generated by construction activities to the maximum extent practicable.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.
- 6. Construction Best Management Practices (BMPs). The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters:
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day:
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before

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Coastal Development Permit

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- disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. Construction Staging Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the permittee shall submit for the review and approval of the Executive Director, two (2) full size sets of construction staging plans, which indicate that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the coast and minimize water quality impacts to coastal waters.
- 1. The plan shall demonstrate that:
 - (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
 - (b) Construction equipment, materials, or activity shall not be placed within any habitat area or within 100-feet of any drainages; and
 - (c) The construction staging area will gradually be reduced as less materials and equipment are necessary.
 - 2 The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) limits of the staging area(s);

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Coastal Development Permit

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- (2) construction corridor(s); and
- (3) construction site; and
- (4) location of construction fencing and temporary job trailer(s);
- (b) A narrative that describes and explains the plan
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

8. Water Quality Management Plan (WQMP).

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall submit for the review and approval of the Executive Director, two (2) sets of water quality management plans for the post-construction project site, prepared and signed by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The water quality management plan shall incorporate structural and non-structural Best Management Practices (BMP's) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:
 - Appropriate structural and non-structural BMP's (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters;
 - Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible:
 - Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
 - 4. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;
 - All runoff from the vehicle wash station shall be collected through the proposed wash rack and sand/oil separator and discharged only through the sewer system;
 - 6. Runoff from all roofs, walkways, driveway and parking areas shall be collected and directed through a system of structural BMP's including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMP's shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids) through infiltration, filtration

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and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner:

- 7. Post-construction structural BMP's (or suites of BMP's) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMP's, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMP's;
- 8. All BMP's shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMP's shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season:
- Debris and other water pollutants removed from structural BMP's during clean-out shall be contained and disposed of in a proper manner; and
- It is the permittee's responsibility to maintain the drainage system and the associated structures and BMP's according to manufacturer's specifications.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

9. Revised Landscape Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of revised final landscape plans prepared by an appropriately licensed professional which demonstrates the following:
 - 1. The plans shall demonstrate that:
 - (a) All planting shall provide 90 percent coverage within ninety (90) days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) All landscaping shall consist of native drought tolerant on-invasive plant species native to coastal Orange County and appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the

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State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:

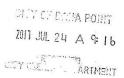
http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf); and

- (d) Only water efficient drip type irrigation shall be utilized.
- The plan shall include, at a minimum, the following components:
- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- (b) a schedule for installation of plants.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 10. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

SUPPORTING DOCUMENT 7: Surfrider Foundation Appeals



Dana Point City Council
Dana Point Planning Commission
Dana Point City Clerk Kathy Ward
33333 Street of the Golden Lantern
Dana Point, CA 92629



July 24, 2017

RE: Appeal of Wave Resort CDP, PLANNING COMMISSION RESOLUTION NO. 17-07-10-XX CDP17-0008/SDP17-0013/CUP17-0005(M)

To Whom it May Concern:

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's ocean, waves and beaches through a powerful activist network. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 500,000 supporters, activists and members, with more than 80 volunteer-led chapters and 60 clubs in the U.S. Key organizational goals include working to preserve our coast and ensuring beach access for all.

Pursuant to the provisions of the Dana Point Municipal Code, Sections 9.69.080(a) and 9.61.110, we hereby appeal and request that the City of Dana Point deny the Coastal Development Permit ("CDP") for the proposed Wave Resort approved by the Dana Point Planning Commission on July 10, 2017.

For reference, the Wave Resort (Headlands Commercial Site) is located at 34075 Pacific Coast Highway, Dana Point, within the Coastal Zone and consists of a new 57-room hotel, 4,000-sq. foot restaurant with outdoor dining, 40-bed hostel, a visitors center, retaining walls greater than 30 inches in height visible from the public right-of-way, and tandem parking for employees/valet (numbering 130, of those only 6 are public; 124 are "free valet"; the city estimate with tandem included is total 172 space availability).

The planning commission staff report and Resolution

(http://www.danapoint.org/home/showdocument?id=23289 inaccurately claim that the project is exempt from further CEQA review as the project was "contemplated" in the Master EIR and subsequent Addendum for the Headland's Development and Conservation Plan ("HDCP"). It is our understanding that the master CDP expired, having no entitlements that currently exist; therefore the claim that the project is exempt is false and the Wave Resort project is inconsistent with the original HDCP and LUP that the Coastal Commission approved in 2004.

- Headlands Development and Conservation Plan (HDCP)¹
- Coastal Commission staff report from May 27, 2004 summarizing the final approval for the Headlands LCPA²

¹ Available at http://www.danapoint.org/department/community-development/planning/the-headlands

² Available at https://documents.coastal.ca.gov/reports/2004/6/TH10a-6-2004.pdf

 The California Coastal Commission's staff report (12/30/03) providing the original suggested modifications to the originally submitted Land Use Plan (LUP)³

Additionally, as noted in the planning commission staff report, the original Master Environmental Impact Report ("EIR") did not anticipate or analyze the impacts of a 57-room hotel, or a 4,000 square foot restaurant as part of the project, at this site. There is no reference to a hotel, other than a hostel at the PCH Commercial Center. Contrary to the Resolution's finding that no supplemental or subsequent EIR need be prepared for the project, the addition of a 57-room hotel, and 4,000 square foot restaurant, with the attendant 116 parking spaces, constitutes a significant change to the project, with very foreseeable significant new impacts which have not been addressed as required under the California Environmental Quality Act ("CEQA"). (14 Cal. Code Regs. §15162.) Traffic, noise, and associated greenhouse gas impacts that could foreseeably be generated by the additional hotel and restaurant warrant additional review under CEQA; including whether these impacts could *cumulatively* have significant impacts on the community that require mitigation.

Additionally, it appears the CEQA Exemption for Class 32 projects is inapplicable. (CEQA Guidelines, § 15332). This project does not meet 2 of the requirements to qualify for this exemption. (1) It does not comport with subsection (b), because it is not "substantially surrounded by urban uses." The area directly adjacent to the south of the site is undeveloped coastal land. (2) It does not comply with subsection (d), because there are likely significant effects relating to traffic, noise, air quality, or water quality, particularly traffic and noise concerns, which have yet to be considered with respect to the hotel and restaurant components, and cumulative impacts associated with them.

Further, as also illustrated and <u>as specified on Page 17 of the Coastal Commission's Report on affordable lodgings in the coastal zone</u>, ⁴ at no time was there any discussion in 2004 about anything other than a hostel at the Commercial Center in exchange for the "luxury resort" proposed then *at Cove Road and Green Lantern*; page 79 indicates that the hostel must be open and operational prior or concurrent to that "luxury resort" being open; page 80 also requires 6 spaces be dedicated for open space visitor parking in planning area 4.

This project was never mapped on this parcel related to the Wave Resort application and configuration; rather a form of the "commercial center" and "hostel, etc." was mapped on the Cove Road portion of the headlands across from the Chart House, nearer to Headlands promentory point. This underscores the need for additional review under CEQA of the foreseeable significant impacts to the property, for example of traffic, to this location.

There is the additional need for further CEQA review in order to analyze cumulative impacts of other projects in close vicinity to this project, especially since a 57 room hotel was never analyzed for being located at this location. Cumulative impacts on traffic and beach access opportunities are particularly critical. First, there exists a CDP (issued in 2000) that allowed for a "gate" on public street at Blue Lantern and Santa Clara, and while it doesn't impede on the immediate "gazebo" coastal access at the bluff at Blue Lantern, it does imply a privatized area within the public coastal zone as well as impedes direct coastal access at points south of those cross streets on the Dana Point bluff. Additionally, at the City Council meeting of June 20, 2017, regarding agenda item #16, "Hotel Development Update,"

³ Available at https://documents.coastal.ca.gov/reports/2004/1/Th11a-1-2004.pdf.

⁴ Available at https://documents.coastal.ca.gov/reports/2014/12/W3-12-2014.pdf

staff indicated that there may be almost 400 new hotel rooms estimated to be developed within 1-2 blocks of this project area, and thousands of visitors adding to this impacted area of coastal access. Added to this impact, the aforementioned gate does not provide traffic flow with the shortest, most direct access to coastal access points south on Santa Clara Avenue and Camino Capistrano in the coastal zone. Further gates and a lack of wayfinding signage in that area directed at all coastal access points in the bluff zone imply a psychological and directional deterrent to providing and encouraging full coastal access for visitors and residents.

These are all within 1-2 blocks of density with two lane roads leading into and around the properties off the Pacific Coast Highway. Further the blockage of the "gate" at Santa Clara is on public roads in the coastal zone and acts as a deterrent for visitors as there is the gate itself and the upending of traffic flow back away from the street (Santa Clara) that leads directly to the next public coastal access point S of the one on Blue Lantern. There is no signage currently there at that gate as a wayfinder to that access point or those south on the bluff.

Additionally, the visitor center as depicted in this project is inadequate. The visitor center is replacing a requirement under the 2004-approved HDCP of a larger, manned visitor center, not an unmanned kiosk at the valet parking/turnabout entrance of this proposed hotel. Suggested MOD # 106 indicates that the Visitor Center will be 800 sq. feet. To meet the intents of the HDCP, the visitor center should be developed much like the Headlands Interpretive Center, which is manned during business hours and visitor weekends in peak days/dayparts and express the history, charm and culture of Dana Point's coastal zone.

The hostel was "mitigation" detailed up front in the 2004 plan; not a bargaining chip in lieu of no allowance for affordable housing at this proposed project. Further at the July 10, 2017 Planning Commission presentation by the developer's representative, they put on record that this would be a 3-star-type hotel with rooms between \$300-400 per night. No affordable lodging component tied to the 57-room hotel is evident. Further, existing "affordable" hotel rooms currently available in Dana Point will be on-hold or scrapped at the Best Western in Dana Point Harbor and the Marina Inn with the impending re-development of the Dana Point Harbor, therefore likely to be unavailable for public for several years.

There is also unfinished business related to coastal bluff trails from Monarch Beach south to the Doheny State Park, where the preservation of a continuous open space corridor, providing full public access to the bluff edge and coastal view is required.

We request the City of Dana Point deny the CDP for the proposed Wave Resort, and direct staff to go back and work with the applicant to provide a project more appropriate for the area, in compliance with the Coastal Act, and better serving the community of and visitors to Dana Point.

Respectfully submitted,

Henry Chou

Vice Chairman, Surfrider Foundation South Orange County Chapter

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RECEIVED
South Coast Region

STATE OF CALIFORNIA - THE RESOURCES AGENCY

OCT 9 0 2017

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 200 OCEANGATE, 10TH FLOOR LONG BEACH, CA 90802-4416 VOICE (562) 590-5071 FAX (562) 590-5084

CALIFORNIA COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Surfrider Foundation, South Orange County Chapter

Mailing Address: 34145 Pacific Coast Hwy., #619

City: Dana Point

Zip Code: 92629

Phone: (949) 625-5700; alt.: (949) 355-6344

SECTION II. Decision Being Appealed

- 1. Name of local/port government: City of Dana Point
- 2. Brief description of development being appealed:

On October 03, 2017 the City Council of the City of Dana Point confirmed conditional approval for development of a 2-story, 35,000 sq. ft., commercial building with 57-room hotel, 52-bed hostel, 4,000 sq. ft. restaurant, 800 sq. ft. visitor center, and parking garage located at the corner of Pacific Coast Highway and Street of the Green Lantern. The project is located within the boundaries of The Headlands Development and Conservation Plan ("HDCP").

Development's location (street address, assessor's parcel no., cross street, etc.):

34075 Pacific Coast Highway, Dana Point, CA 92629, located at the corner of Pacific Coast Highway and Street of the Green Lantern, APN: 672-592-13, 672-592-14, 672-592-15. Also identified as Planning Area 4 in The Headlands Development and Conservation Plan.

4. Description of decision being appealed (check one.):

	Approval; no special conditions
\boxtimes	Approval with special conditions:
	Denial

Note:

For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE	COMPLETED BY COMMISSION	ON:
APPEAL NO:	A-5-DPT-17-	063
DATE FILED:	10/20/17	
DISTRICT:	South Coast	

	LALTROW COASTALTERMIT DECI	SION OF LOCAL GOVERNMENT (Page 2)		
5.	Decision being appealed was made by (check one):			
	Planning Director/Zoning Administrator City Council/Board of Supervisors Planning Commission Other			
6.	Date of local government's decision:	October 3, 2017		
7.	Local government's file number (if any):	CDP17-0008; CCC Post-Cert No. 5-DPT-17-1187		
SEC	TION III. <u>Identification of Other Intere</u>	sted Persons		
Give	e the names and addresses of the following p	arties. (Use additional paper as necessary.)		
a.	Name and mailing address of permit applicant:			
	Todd Stoutenborough Stoutenborough, Inc. 27071 Cabot Road, Suite 121 Laguna Hills, CA, 92653	David Davidson Berk Properties 428 Old Newport Road Newport Beach, CA 92663		
t	Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested an should receive notice of this appeal.			
(1) I	1) Richard Erkeneff, Chairman, Surfrider SOC, 34145 Pacific Coast Hwy., #619, Dana Point, C. 92629			
(2) I	Denise Erkeneff, 33566 Seawind Drive, Dana	a Point, CA 92629		
(3) I	 Regatta Homeowners Association, c/o Accell Property Management, attn.: Marcos Cruz, 2304 Avenida de la Carlota, Laguna Hills, CA 92653 			
(4) J	4) John Crofik, c/o Regatta Homeowners Association, c/o Accell Property Management, attn.: Marco Cruz, 23046 Avenida de la Carlota, Laguna Hills, CA 92653			
(5) F	5) Rona S. Lindl, 34351 Street of the Green Lantern, Dana Point, CA 92629			

(6) Judith Hummer, P.O. Box 577, Dana Point, CA 92629

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use
 Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons
 the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient
 discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal,
 may submit additional information to the staff and/or Commission to support the appeal request.

SUMMARY OF APPEAL

The Headlands Development And Conservation Plan (HDCP) is the primary planning document governing development of the subject property. The proposed project fails to comply with the HDCP in many, many respects:

- 1. The project will have one or more significant effects not discussed in the previous EIR and HDCP. Additional CEQA review is required for this project because it's scope of work far exceeds that contemplated by the original EIR and the HDCP and Land Use Plan approved by the Coastal Commission in 2004. [Public Resources Code §21166 and 14 CCR §15162.]
- 2. A maximum of 90 keys (rooms) are permitted in Planning Areas 4 and 9. The applicant proposes 147 keys in these two planning areas. The project wildly exceeds the scope of the HDCP and the City Council did not make a single finding concerning this exception.
- The proposed hotel includes a gymn, lobby and reception area on the first floor which violates the HDCP requirement that the "first floor will be limited to retail commercial uses including the Visitor Information Center."
- 4. The required Visitor Information Center is an afterthought which does not come close to meeting the requirements spelled out in the HDCP for a discrete 800 square foot facility "clearly available for use by the general public separate from use of the hostel." As designed, it cannot "provide diversified, low cost public programs to attract visitors." The facility is not designed as "a destination point for the public trail system."
- 5. All prior planning documents show Planning Area Four was intended to include a hostel, a two story retail/commercial use and an 800 square foot Visitor information Center. Under this iteration, the hostel is an afterthought to this project. As amended, the proposed hostel comprises 52 beds in just three living rooms taking up just a small fraction of the site. This was not the intent of the HDCP and the hostel is inadequate for its intended purpose.
- 6. The project is claimed to be at 50.4% lot coverage. The HDCP allows up to 60% lot coverage. The plan view and the renderings provided in support of the project indicate there is more than 60% lot coverage. The Floor Area Ratio may exceed the .57 FAR standard in the HDCP. The issues require further scrutiny.
- 7. The building is limited to two stories, though it is permitted to have multiple finish pad

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4) elevations. Although the project appears to be within the 35 foot height limit, it is also has three and even four different levels which is especially egregious when viewed from the south elevation from Street of the Green Lantern and Pacific Coast Highway.

- 8. City's survey of Existing Affordable Overnight Accommodations is fatally flawed because it includes 28 rooms in Dana Point which do not exist (Sea Side Inn), cottages and camp sites in noncontiguous cities (Newport Beach) and camp sites located in San Diego County (San Mateo Campground). The rooms in the proposed Wave Hotel are not lower cost visitor facilities and thus do not serve those goals as required by Public Resources Code §30213.
- 9. The Traffic Study is believed to be flawed and does not adequately consider that 331 new hotel rooms are proposed at or immediately adjacent to the Headlands, all accessed from the Street of the Green Lantern. It does seems incredible that the survey actually concludes that 331 new hotel rooms on Green Lantern (a two lane residential street) "will not create any traffic impacts."
- 10. The proposed parking at the project is inadequate. The hostel will house up to 52 people, yet the City of Dana Point's Staff Report states that the parking standard for the hostel is just seven spaces. This is inconsistent with DPMC §9.35.080. Further, the parking assessment for the hotel itself is inadequate because it does not include required spaces for accessory use (DPMC §9.35.080(e)(46)) and it utilizes tandem parking which is discouraged by DPMC §9.35.060(b)(5) and is not supported by the City Council's Finding 2 for the Minor Conditional Use Permit. In addition, the parking scheme partially violates HDCP Design Guidelines which require that parking shall be located to the rear of the building using secondary street access (Green Lantern) but a majority of the parking and the ingress and egress is from the primary access street (Shoreline Drive aka Street "A.").
- 11. The roof top deck- does not comply with DPMC §9.05.230 and it does not comply with the Development Guidelines found in section 4.0(E) of the HDPC requiring simple color schemes and natural materials be used.
- 12. The large blank walls fronting do not comply with the Development Guidelines found in section 4.0(E) of the HDPC requiring the project to "avoid blank walls and other empty spaces along sidewalk frontages."

ANALYSIS

1. Additional CEQA Review Is Required

There Are Significant New Impacts.

The project results in new significant impacts which were not addressed in the original Environmental Impact Report (EIR) and Addendum. The EIR and HDCP <u>never</u> anticipated or analyzed the impacts of a 57-room hotel, or a 4,000 square foot restaurant as part of the project, at this site. There is no reference to a hotel, other than a hostel at the PCH Commercial Center. Contrary to the Resolution's finding that no supplemental or subsequent EIR need be prepared for the project, the addition of a 57-room hotel, and 4,000 square foot restaurant, with the attendant 116 parking spaces, and over 20 feet of excavation constitutes a significant change to the project, with very foreseeable significant new impacts which have not been addressed as required under the California Environmental Quality Act ("CEQA"). [Public Resources Code §21166 and 14 CCR §15162.] Traffic, noise, and associated greenhouse gas impacts that could foreseeably be generated by the additional hotel and restaurant

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

warrant additional review under CEQA, including whether these impacts could cumulatively have significant impacts on the community that require mitigation.

Reference is made to the following three documents for the proposition that a hotel and restaurant were not contemplated for Planning Area 4:

- 1. Headlands Development and Conservation Plan ("HDCP")1;
- Coastal Commission staff report from May 27, 2004 summarizing the final approval for the Headlands LCPA²:
- The California Coastal Commission's staff report dated December 30, 2003 providing the original suggested modifications to the originally submitted Land Use Plan (LUP)³

The 12/30/2013 Staff Report made clear that the hostel on Planning Area 4 was a trade-off by the developer for being allowed to build a luxury inn on Planning Area 9:

"Also, the City and landowner have offered to provide a 'turn-key' hostel within the development that will provide lower cost overnight accommodations for visitors. This would only be offered in conjunction with approval of and LCP that allows the inn at the location they have suggested." (Emphasis added.) [12/30/2013 Staff Report p. 3, see also 05/27/2004 Staff Report p.163]

and:

"It also remains possible to develop the area near the corner of Pacific Coast Highway and Green Lantern with commercial uses and a hostel in a manner that minimizes or avoids any additional impacts to ESHA [Environmentally Sensitive Habitat Area]. [12/30/2013 Staff Report p. 6.]

The 12/30/2013 Staff Report further noted at page 28 that the City Staff and the landowner made revisions to the LCPA to:

- Provide a 40 bed hostel in Planning Area 4; reduce VRC in Planning Area 4 from 40,000 sq. ft. to 35,000 sq. ft.; increase quantity of allowable luxury accommodation rooms from 65 to 90 within Planning Area 9;
- Provide a visitor information center and 6 public parking spaces in Planning Area 4 that will be directly accessible from Pacific Coast Highway. [12/30/2013 Staff Report p. 28; 05/27/2004 Staff Report p.29.]

Again, there was no discussion of a 57 room hotel in Planning Area 4, and such a hotel was never contemplated.

The 12/30/2013 Staff Report highlighted the fact that the provision of the "turn-key" hostel was a prerequisite to the approval of the construction of a luxury inn and was not just an augmented use to an additional hotel on Planning Area 4. A new policy for Land Use Element 5 was added:

"Add New Policy to LUE. Goal 5: New development of a luxury overnight visitor serving inn within the Headlands shall only be developed in conjunction with a component of lower cost overnight visitor accommodations {e.g. hostel) as either part

¹ Available at http://www.danapoint.org/department/community-development/planning/the-headlands

² Available at https://documents.coastal.ca.gov/reports/2004/6/TH10a-6-2004.pdf

³ Available at https://documents.coastal.ca.gov/reports/2004/1/Th11a-1-2004.pdf

of the project or elsewhere within a visitor recreation commercial area within the Headlands. The lower-cost overnight accommodations shall consist of no less than 40 beds and shall be available for use by the general public prior to or concurrent with the opening of the inn." [12/30/2013 Staff Report p. 173 and HDCP Policy: 5.44 (p. 13 of HDCP, p. 23 of PDF); 05/27/2004 Staff Report pp. 39-40.]

The opening of the 40-bed hostel is a condition precedent to the opening of the luxury inn in Planning Area 9. [12/30/2013 Staff Report p. 176 and HDCP p. 3-57 (p. 143 of PDF), 05/27/2004 Staff Report pp. 39-40.]

To put this in context, the parties agreed to increase the number of keys for the luxury inn in Planning Area 9 from 65 to 90 in exchange for a hostel and visitor center in Planning Area 4. The HDCP does NOT contemplate a 40 bed hostel AND a 57 room hotel on Planning Area 4:

"Land Use Revisions

1. Planning Area 4, PCH Visitor/Recreation Commercial: Shall *include* a Visitor information center, and a 40-bed, low cost, overnight hostel. Maximum allowable square footage for the entire site shall be *reduced* from 40,000 sq. ft. to 35,000 sq. ft. 2. Planning Area 9, Resort Seaside Inn: Shall *remain*, as is, at 2.8 acres and a maximum of 110,750 sq. ft. Maximum overnight keys (rooms) shall *increase* from 65 to 90." [12/30/2013 Staff Report Exhibit 6A, p. 3 of 9 (p. 201 of PDF).]

Finally, the HDCP confirms that Planning Area 4 is a Visitor/Recreation Commercial area providing commercial and office uses, a hostel and a visitor center. Planning Area 4 was not to be used for another hotel, which is made clear when the first floor uses were restricted to retail commercial uses, not hotel rooms:

"Planning Area 4: PCH Visitor/Recreation Commercial (Visitor/Recreation Commercial)

PCH and the Street of the Green Lantern border the 1.6-acre Planning Area 4. This Visitor/Recreation Commercial area complements the adjacent City Town Center, and will attract coastal visitors by providing a variety of commercial and office uses including a Visitor Information Center and can comprise one or more buildings. A maximum of 35,000 square feet will be developed, limited to two stories The first floor will be limited to retail commercial uses including the Visitor Information Center. Additionally, the second floor can support retail commercial and professional office uses." [HDCP p. 4-12 (p. 155 of PDF), see changes from original at 12/30/2013 Staff Report p. 707 of the PDF. See also 05/27/2004 Staff Report p.83, section 148 limiting the uses on the second floor and requiring a Visitor Information Center.]

The Commission is also asked to consider the impact that up to 24 feet of excavation of subterranean parking may have on the property. The project drawings submitted to the City of Dana Point show finish grade elevations for the project at 224' above Mean Sea Level (MSL) on the northwest side of the property and underground "storage" at 190' above MSL shows there will be massive excavation on the order of 24 feet on the property, which was not contemplated in the original EIR or the HDCP. [The Wave Resort at the Strand, Plan Set dated June 15, 2017, Longitudinal Section A-A (p.52 of City of Dana Point Planning Commission Agenda Report dated July 10, 2017), West Elevation (p.56) and

<u>APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)</u> South Elevation (p.47). The substantial additional excavation is a significant change in the scope of

the project and requires additional CEQA analysis.

b. The Project Is Not Exempt From Further Review.

The October 3, 2017 Agenda Report prepared for the City Council of Dana Point and City Council Resolution 17-10-03-03 rest on the incorrect assumption that the project is exempt from further CEQA review because, they contend, the project was "contemplated" in the Master EIR and subsequent Addendum for the Headland's Development and Conservation Plan ("HDCP"). Appellant contends that the master Coastal Development Permit expired having no entitlements that currently exist; therefore the claim that the project is exempt is incorrect and the project is inconsistent with the original HDCP and LUP that the Coastal Commission approved in 2004.

Additionally, the contention that CEQA Exemption for Class 32 projects applies to this particular development is wrong. [CEQA Guidelines, §15332.] This project does not meet two of the requirements to qualify for this exemption:

- (1) It does not comport with subsection (b), because it is not "substantially surrounded by urban uses." The area directly adjacent to the west of the site is undeveloped coastal land;
- (2) It does not comply with subsection (d), because there are likely significant effects relating to traffic, noise, air quality, or water quality, particularly traffic and noise concerns, which have yet to be considered with respect to the hotel and restaurant components, and cumulative impacts associated with them.

For these reasons, the appeal should be granted and the project be ordered to complete further CEQA analysis for the development as currently proposed.

2. The Project Exceeds The Maximum Number of Permitted Keys

The HDCP links Planning Areas 4 and 9 for the purposes of 1) ensuring that the required hostel on Planning area 4 is built before the luxury inn on Planning area 9, 2) limiting the number of keys in the two areas to a maximum of 90. These requirements are specifically set forth in the HDCP Table 3.3.1, "Land Use Statistical Summary" in the HDCP, p, 3-13 (p.99 of PDF), and Table LU-6A, "Maximum Land Use Within Headlands," in the HDCP, p.25 (p.35 of PDF).] This restriction is noted throughout the HDCP. For example, the HDCP states:

"A total of 125 residential homes, a 65-90-room (key) seaside inn, with 4.4 acres of visitor recreation commercial uses are also provided for in the HDCP." No provision for additional keys is contemplated. [HDCP p. ii (p.9 of PDF.]

"The amount of ESHA permitted to be displaced may be increased as necessary to accommodate construction of a 65-90 room inn, scaled appropriately to the property, within Planning Area 9 provided that lower-cost visitor overnight accommodations are provided consistent with Land Use Element Policy 5.44." No second hotel is contemplated. [HDCP p. 49 (p.59 of PDF.]

⁴ Available at http://www.danapoint.org/home/showdocument?id=23289

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4) Land Use Element Policy 5.44 provides:

"Policy: 5.44: New development of a luxury overnight visitor-serving inn within the Headlands shall only be developed in conjunction with a component of lower cost overnight visitor accommodations (e.g. hostel) as either part of the project or elsewhere within a visitor recreation commercial area within the Headlands. The lower-cost overnight accommodations shall consist of no less than 40 beds and shall be available for use by the general public prior to or concurrent with the opening of the inn." [HDCP p. 13 (p.23 of PDF.]

See also HDCP p. 3-57 (p. 143 of PDF) which provides "[t]he 40-bed hostel shall be constructed and open to the public prior to or concurrent with the opening of the luxury inn in Planning Area 9."

Again, the HDCP contemplates one luxury inn in Planning Area 9 and one hostel in Planning Area 4. It does not contemplate a hotel and a hostel in Planning Area 4. The zoning does permit the landowner to split the 90 keys between Planning Areas 4 and 9, but if the landowner puts 57 keys on Planning Area 4 then the maximum number of keys permitted for Planning Area 9 drops from 90 to 33. Since the largest profit potential is obviously in the luxury inn units in Planning Area 9, it seems improbable the landowner would make this concession.

The Appeal should be upheld because the inclusion of the hotel would cause the number of keys to exceed the maximum permitted in the HDCP.

3. The Development Impermissibly Places Hotel Rooms On the First Floor

The HDCP establishes Planning Area 4 as being for "Visitor/Recreation Commercial" purposes. The HDCP specifically limits construction height to two stories and requires that the first floor be "limited to retail commercial uses including the Visitor Information Center." [HDCP p. 4-12 (p. 155 of PDF).] The development as proposed places a gym, lobby and reception area on the first floor, which are not "retail commercial uses."

4. The Visitor Information Center is Inadequate to Comply with the HDCP

The required Visitor Information Center is an afterthought which does not come close to meeting the requirements spelled out in the HDCP. As proposed, the Visitor Information Center is located in a public courtyard and is, in effect, a kiosk with brochures and a touch-screen. [10/03/2017 Agenda Report For Appeal to City Council, pp. 7, 10; 07/10/2017 Agenda Report for Planning Commission p. 45 (Street Level ad Basement Level P1).]

The proposed Visitor Center does not meet the requirements for a discrete 800 square foot facility "clearly available for use by the general public separate from use of the hostel." [HDCP p. 3-25 (p.111 of PDF).] It cannot provide "diversified, low cost public programs to attract visitors" and is not designed as a destination point for the public trail system. [HDCP p. 4-52 (p.195 of PDF).]

The HDCP requires much more. The fact that the HDCP required the Visitor Information to include its own public restroom and public drinking fountains within the design shows the requirement for a dedicated facility, not a kiosk. [HDCP Table 3.3.1 Visitor Recreation Facility Statistical Summary, HDCP p.3-15, (p.101 of PDF).] Further, the Visitor Information Center is required to be designed as "a destination point for the public trail system" which it clearly is not in its currently proposed configuration.

Finally, the design is flawed because the HDCP requires that the Visitor Center be constructed as a separate facility of at least 800 sf., or it may be incorportated within the hostel provided it is clearly aailable for use by the general public separate from use of the hostel. [HDCP p.3-25 (p. 111 of PDF).] As designed, the Visitor Center is neither.

5. The Hostel Design Is Inadequate

The HDCP requires Planning Area include a hostel, a two story retail/commercial use not exceeding 35,000 sf. A hostel and an 800 square foot Visitor information Center. In the proposed development, the hostel is an afterthought to this project. As amended, the proposed hostel comprises 52 beds in just three living rooms taking up just a small fraction of the site. In fact, the proposed 29,950 hotel is larger by a factor of more than seven than the 4,050 sf hostel. Even the proposed restaurant at 6,850 sf, is 59% larger than than the hostel.

This was not the intent of the HDCP and the hostel is inadequate for its intended purpose.

6. The Lot Coverage and FAR Appear Excessive and Requires Further Scrutiny

The project is claimed to be at 50.4% lot coverage. The HDCP allows up to 60% lot coverage. [HDCP Table 3.4.4, Development Standards for V/RC Projects, HDCP p.3-29 (p.115 of PDF).]

Dana Point defines "Lot Coverage" as "the maximum percentage of the net lot area which is covered by all the buildings on a lot as seen from a plan view." [Dana Point Municipal Code §9.75.120.] "Buildings" is undefined in the DPMC, but in this instance could and should include the driveway approah aprons which are integral to the suterranean parking and should include the exterior stairs, pool and street level patios. The plan view and the renderings provided in support of the project indicate there is more than 60% lot coverage. The issue requires further scrutiny

In addition, the HDCP sets maximum inensity in Planning Area 4 at .57 Floor Area Ratio (FAR). [HDCP p. 3-25, (p.111 of PDF).] The project is claimed to have a .54 FAR but it appear the FAR may exceed .57. This issue also requires further scrutiny.

7. The Building is More Than Two Levels

The project proponent contends that because the project may have multiple finish pad elevations, it may have more than two stories as long as the total height is less than 35' measured from the ceiling of the uppermost level of the subterranean parking garage. [HDCP p.3-24 section 3 (p.110 of PDF), 07/10/2017 Planning Commission Agenda Report, p. 52 (Longitudinal Section A-A ("note-height is measured from underside of basement ceiling at elev. +215.").]

The basement ceiling does not appear to be entirely "subterranean." (*See* plan sheets A3.01, A3.02, A.403.) The more restrictive measurements in the HDCP should apply: "(i) finished floor, (ii) the finished pad elevation immediately adjoining the structure, or (iii) the ceiling of uppermost level of the basement or subterranean parking structure, whichever is lower." . [HDCP p.3-24 section 3 (p.110 of PDF).]

Even if the project is within the height limits, it is in violation of the HDCP provisions limiting the structure to two stories. Let's be honest here- if it looks like a duck and quacks like a duck, well, it's a duck. Here

The HDPC limits building height to two stories. [HDCP Table 3.4.4., p.3-29 (p.115 of PDF).] Although the project appears to be within the 35 foot height limit, it is also has three and even four different levels which is especially egregious when viewed from the south elevation from Street of the Green Lantern and Pacific Coast Highway. *See* Exhibit 1 which shows the project has the appearance of up

to three and even four levels. If the underground parking is included as a factor, it may have five or six levels. This most decidedly is <u>not</u> the two story commercial/retail center with a hostel and visitor center required by the HDCP/

8. City's survey of Existing Affordable Overnight Accommodations is fatally flawed

The City's survey of affordable overnight accommodations is found at page 12 of the October 3, 2017 Agenda Report. The survey includes 28 rooms in Dana Point which do not exist (Sea Side Inn), cottages and camp sites in noncontiguous cities (Newport Beach) and camp sites located in an entirely different county (San Mateo Campground). The rooms in the proposed Wave Hotel are not lower cost visitor facilities and thus do not promote those goals as required by *Public Resources Code* §30213.

In December 2014 the Coastal Commission conducted a public workshop and prepared a report on Lower Cost Visitor Serving Accommodations.⁵ In that report, the Commission commented on the affordable overnight accommodations in Dana Point:

"In Dana Point Headlands (Dana Point 1-03), the City and landowner were considering development of a 65-90 room luxury inn on the large, undeveloped Headlands property. However, given the requirements of Section 30213, the landowner agreed to construct a lower cost hostel as well. The hostel is to include a minimum of 40 beds, and the landowner committed to provide the hostel as a 'turn-key' facility (i.e., constructed, fully furnished, and open for business) that would be open for use prior to or concurrent with the opening of the luxury inn. The Commission approved the LCP amendment in 2004 with suggested modifications ensuring that the proposed lower cost mitigation would be carried out as planned." [12/10/2014 Report, P.17.]

At no time was there any discussion in 2004 about anything other than a hostel at the Commercial Center in exchange for the "luxury resort" proposed for Planning Area 9. Again, the rooms in the proposed Wave Hotel are not lower cost visitor facilities and thus do not promote those goals as required by *Public Resources Code* §30213.

9. The Traffic Study is not Comprehensive of All the Hotel Room Loads Proposed for Street of the Green Lantern

The Traffic Study is believed to be flawed and does not adequately consider that 331 new hotel rooms are proposed at or immediately adjacent to the Headlands, all accessed from the Street of the Green Lantern. The Traffic Study reaches the incredible conclusion that "the totality of five (5) proposed Hotel Projects <u>will not</u> create any traffic impacts in the immediate vicinity of the project sites." (Emphasis in original.) [10/03/2017 Agenda Report for City Council, p. 81.] It seems counterintuitive to think that 331 new hotel rooms on one two lane street will not cause traffic havoc.

10. The Proposed Parking is Inadequate

The proposed parking at the project is inadequate. The hostel will house up to 52 people, yet the designed parking standard for the hostel is just seven spaces. This is inconsistent with DPMC §9.35.080(a) which states: "(a) Calculation of Minimum Parking Requirements. The requirement for a use not specifically mentioned in subsection (e) shall be the same as for a specified use which has the most similar traffic or parking generation characteristics." ... "The number of required stalls shall be adequate to service the proposed use."

⁵ Available at https://documents.coastal.ca.gov/reports/2014/12/W3-12-2014.pdf

The DPMC neither defines a "hostel" nor provides parking specifications for a hostel. However, it's intended for affordable visitor services, and visitors are going to drive there and need a place to park. The DPMC directs that in this situation parking shall be the same as for a specified use which has the most similar traffic or parking generation characteristics." The hostel will accommodate up to 52 people. If one assumes two people to a room (as in a hotel), the parking requirement is for 26 spaces plus "additional parking as required for accessory use." [DPMC §9.35.080(e)(46).]

The parking is inadequate for the hostel.

Further, the parking assessment for the hotel itself is inadequate because it does not include required spaces for accessory use (DPMC §9.35.080(e)(46)) and the parking plan utilizes tandem parking which is discouraged by DPMC §9.35.060(b)(5) and is not supported by the City Council's Finding #2 for the Minor Conditional Use Permit. [10/03/2017 Agenda Report for City Council, p. 21.]

In addition, the parking scheme partially violates HDCP Design Guidelines which require that parking shall be located to the rear of the building using secondary street access. [HDCP p.4-90 (p.233 of PDF).] The HDCP designates Shoreline Drive aka Street "A" as the primary access and Street of the Green Lantern as secondary access:

"Selva Road and a new intersection at Pacific Coast Highway (PCH) and "A" Street provide primary access to the project. Cove Road, Scenic Drive and Street of the Green Lantern provide secondary access. The public roadways are described in detail in the following paragraphs: A. PCH/" A" Street Access to the project site from PCH will occur at "A" Street. "A" Street provides primary access to Planning Area 4, PCH V/RC, and Planning Area 6, Upper Headlands Residential." [HDCP p.4-55 (p.198 of PDF).]

And

"Street of the Green Lantern (Street of the Blue Lantern and Santa Clara for outbound trips to PCH) provide secondary access to the project site." [HDCP p.4-58 (p.201 of PDF.]

As the project is designed, a substantial portion of the parking and the ingress and egress will occur from the driveway and parking garage access from the primary access street (Shoreline Drive aka Street "A."). [07/10/2017 Planning Commission Agenda Report, p.56 (West Elevation, sheet A4.03 THE WAVE 170615 WEST ELEV COL 11X17.]

This is a discouraged, if not prohibited, configuration.

11. The Roof Top Restaurant Decks Are Not Compliant

The roof top decks do not comply with DPMC §9.05.230 which requires:

- "(c) The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
- (d) The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below. Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director of Community Development. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure."

As designed, many of the homeowners in the Regatta Homeowners Association across the street on Pacific Coast Highway will look directly down the decks and also be potentially affected by outdoor music and noise. It also appears from the project renderings that the deck is visible from grade.

The decks are also not compliant with the Development Guidelines found in section 4.0(E) of the HDPC requiring simple color schemes and natural materials be used in the design. [HDCP p.4-89-92, (pp. 232-235 of PDF).];

12. The large blank walls do not comply with the Development Guidelines

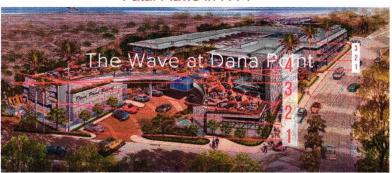
The large blank walls fronting do not comply with the Development Guidelines found in section 4.0(E) of the HDPC requiring the project to "avoid blank walls and other empty spaces along sidewalk frontages." This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appella Date:	SUPERIPER TOWN OATON ant(s) or Authorized Agent
Note: If signed by agent, appellant(s) must also sign belo	w.
Section VI. Agent Authorization	
I/We hereby authorize to act as my/our representative and to bind me/us in all matters co	ncerning this appeal.
	re of Appellant(s)
Date:	

Fatal Flaws in PA 4



THE RENDERING CREATES AN OPTICAL ILLUSTION THAT THE CORNER OF GREEN LANTERN AND PCH IS NOT 4 STORIES TALL NO MENTION TO BEING THE VISITOR CENTER

The Perfect modern Hotel for the Modern City.

Located at the Entrance to Dana Point from Laguna Beach. Perfect location for the Holiday Guest, the business traveler, or the world

The Wave Hotel Dana Point

Amenities

- Full Service Restaurant
 Full Service Bar
 Automated quick Check In
 Fully Equipped Fitness Room
- · Outdoor Pool

- Overnight Surfers Den
 Cafe
 Beach/Harbor Shuttle
 Access to The Strand Hotel
- The Center serves as an entry statement to the project and a gateway into the City Town Center.
- Max 60% lot coverage
 Avoid blank walls and empty spaces along sidewalks frontages.



SUPPORTING DOCUMENT 8: Parking Management Plan

S T O U T E N B O R O U G H ≧

THE WAVE RESORT AT THE STRAND PARKING AND VALET OPERATIONAL PLAN

Employee Parking

Monday - Friday 6am - 5pm, P2 Level

Monday – Friday After 5pm, Saturday and Sunday, Employee Parking will be managed by Valet

Employees are typically the first to arrive and the last to leave in a restaurant/hotel setting. For this reason, we will have the staff of all the businesses at The Wave Resort on the P2 level of the parking structure with the following operational plan:

- Stalls will be assigned to all suites.
- Tandem stalls will be assigned for employee parking.
- 3. The valet spaces in the drive aisle will be the last used by the valet staff.
- Signs on wall and striping on ground will label stalls as "Employee Parking". Signs will state municipal code to allow towing of vehicles if necessary.

Guest Parking/Self-Parking

Self-Parking 7am – 5pm Handicap Parking All Operational Hours

- Access to The Wave Resort is from Street of the Green Lantern and from Shoreline Drive.
- Drop-off areas are provided in each direction.
- There will be parking stalls in the northeast corner of the garage for valet greeting for limo parking if needed.
- At 4 pm each day, the valet attendant will place a cone or a vehicle in each empty stall on the P1 level to reserve for evening valet.
- The drive aisle will be kept clear until all self-parked vehicles have exited between 5:00 pm and 5:30 pm.
- Each daytime self-parking stall on the first level will be signed for 7 am 5 pm use and valeted after 5 pm.

Valet Parking

Monday - Friday 10 am - 5 pm

After Guest Self-Parking fills on the P1 Level, guests will be directed to the P2 level. Signs and striping on ground will label stalls "Valet Parking". Areas are flexible. Signs will state municipal code to allow towing of vehicles if necessary.

Monday - Friday After 5 pm, Weekends and Special Events

After Guest Self-Parking fills on the P1 Level, guests will be valeted from the drop-off area and stored on parking level P2. Signs and striping on ground will label stalls "Valet Parking". Signs will state municipal code to allow towing of vehicles if necessary.

The valet spaces in the drive aisle will be the last used by the valet staff, keeping blockage of the handicap spaces to a minimum. At such times that valet spaces in the drive aisle are used, valet will post an attendant with any vehicle(s) in the drive aisle on each level and move the vehicle(s) necessary to allow a vehicle entering or leaving the handicap space room to safely enter or depart the handicap parking stall. While Level P1 valet drive aisle spaces are in use, any exiting employee vehicles will be driven from Level P2 to Level P1 by the valet attendant and retrieved by the employee on Level P1.

Guests may enter from each direction and exit from each direction.

Valet Operation

Guests will be greeted and vehicles parked in the following manner for the valet parking operation:

Guest Experience

- The guest is greeted by the valet attendant on the P1 Level from each direction.
- The guest is issued a valet claim check by valet attendant.
- 3. The guest leaves parking garage and accesses the Entrance Court facing Pacific Coast Highway.
- The guest returns to the P1 Level and presents valet claim check to valet attendant, or calls for the car from the room or restaurant.
- 5. The valet attendant retrieves guest's keys, runs to vehicle and pulls the vehicle up in the exit aisle or drop-off area.
- The valet attendant opens all doors for guests, thanks the guest and hands the driver the vehicle keys.
- Guest departs in their vehicle through the exit the car is facing.

Double-Parking Procedures

- A self-locking key box will be located on a wall or column in each row where vehicles are double-parked. Keys will be stored in these boxes for vehicles that are double-parked.
- When a blocked-in vehicle is requested, the valet attendant will retrieve the keys from the vehicle in the front tandem stall from the key box located on the row where the car is parked. The front vehicle will be pulled out and re-parked on a neighboring tandem stall and the keys hung in the key box. The rear vehicle will be pulled out and taken to the guest on P1 Level ready to exit the structure
- The valet that pulls the vehicle out from the front space of a tandem stall will pull it out
 into the drive aisle while a second valet pulls out the rear vehicle and proceeds to P1
 Level. The first vehicle will be re-parked in the rear tandem stall and the keys hung in
 the key box.
- Vehicle keys will be locked in key boxes at all times when parked.

Valet Vehicle Arrival and Departure Staging on Level 1

There may be movable staging setups used in operating the valet parking operation. The first setup will be for non-peak times. Other setups may be for peak times or special events.

April 18, 2017 Page 2

Non-Peak Valet Operations

11am – 5pm Monday – Sunday 5pm – 1am Sunday – Thursday (October – March) or until the restaurant closes 5pm – 1am Sunday – Tuesday (April – September) or until the restaurant closes.

*Lunch or Dinner shifts during events, holidays, or periods of good weather may change to Peak Operation.

Arrival:

Vehicles may enter from each driveway and from each direction on P1 Level. The valet may greet several arriving vehicles at a given time from

each direction.

Departure:

Departing guests' vehicles will be pulled up in front of the valet stand in

the drop-off area. Guests' will exit in the direction in which the car is

oriented.

Peak Valet Operations

Friday - Saturday (October - March) or until the restaurant closes 5pm - 1am Wednesday - Saturday (April - September) or until the restaurant closes 5pm - 1am Traffic is two-way on P1 Level.

Arrival:

Vehicles will be greeted stacking along the east leading to the main entrance of the retail building. 7 vehicles could possibly be greeted at

one time.

Departure:

Departing guests will exit in the direction in which the car is oriented. A traffic director/exit greeter will be stationed in the drive aisle at peak times

to coordinate the movement of vehicles in and out of the garage.

SUPPORTING DOCUMENT 9: Proposed Plans

ATTACHMENT



DANA POINT, CALIFORNIA-

PLANNING DEPARTMENT SUBMITTAL

June 15, 2017 October 20, 2021

COASTAL COMMISSION REVISED SUBMITTAL

May 8, 2018

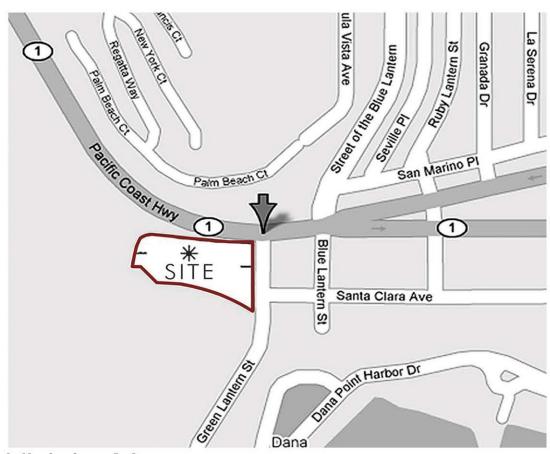
The Wave Resort at the Strand

Interception of Pacific Coast Highway and Street of the Coast Lantern Dane Paint California

HEADLANDS INVESTMENTS, LLC

384 Forest Avenue, Suite 26 Laguna Beach, CA 92651 Tel: 949.715.2001

STOUTENBOROUGH Architects and Planners 27071 Cabot Road, Suite 121, Laguna Hills, CA 92653 T9492154874 | F9492154878 | www.stoutenboroughinc.com



Vicinity Map

PROJECT SUMMARY

BUILDING AREA PARKING TABULATION

Land Use	Building Area	Parking Rate REQUIRED PARKING	Parking Provided	Parking Required
Hotel 57 Rooms***	26,100 s.f.	1 space per room	60	57
Restaurant	4,000 s.f.	40 spaces at 1 car/100 s.f.	44	40
Restaurant Deck Dining	2,850 s.f.	19 spaces at 1 car/150 s.f.	29	19
Hostel	4,050 s.f.	1 space per guestroom + 2 spaces	10	7
Open Space Visitors	850 s.f.	6 spaces (increased to 12)	12	12
Total Building Area	35,000 s.f.	Total Parking Required Pursuant to Municipal Code (Includes Outdoor Seating & HC Cars)	155	135
Site Area	64,992 s.f.	,		
Landscape Requirements	20%	PARKING PROVIDED		
Landscape Provided	28%	Standard Spaces Provided incl. 6 HC Cars/Vans	114	
Lot Coverage	50.4%	Tandem Spaces Provided*	21	
F.A.R.	0.54	Valet Spaces Provided**	20	
		Total Parking Provided w/tandem & valet for special events	155 Cars	
		Parking Spaces Provided over required amount	20 Cars	
Peak Time Employees****		Percent of parking above required amount	15%	

- Employees encouraged to park in tandem spaces.
- ** See detailed parking management and valet plan (move one car to get one car concept)
- Pursuant to CBC Section 11B-2241 through 11B-224.6, 4 rooms are provided with mobility features of which 1 room is provided with a roll-in shower. 7 rooms are provided with communication features, see plans for proposed locations.

C-01 Preliminary Grading Plan - Level P3 L-1

- **** Peak Time Employees, approximately 25–30 (parking is included in the City code's required parking amount)
- ***** Original requirement of 6 spaces has been increased to 12.

Architectural

A0.01	Aerial Perspective	A3.02	Cross Section B
A1.01	Street Level & P1 Plan	A4.01	East Elevation
A1.01B	Entrance Court Detail	A4.02	North Elevation
A1.01C	Sketch of Courtyard	A4.03	West Elevation
A1.02	Deck Level Plan	A4.04	South Elevation
A1.03	Upper Level Plan	A5.01	Colors & Materials
A1.04	Roof Plan	A5.02	Source Images
A1.05	Basement Plan P2	A5.03	Existing Site Photos
A1.06	Basement Plan P3	A6.01	Building Envelope Diagram East & North
A1.07	Hostel Plans	A6.02	Building Envelope Diagram West & South
A2.01	Deck View Perspective	A6.03	Existing View Along Pacific Coast Hwy
A3.01	Longitudinal Section A	A6.04	Proposed View Along Pacific Coast Hwy

Civil

C-02	Preliminary Grading Plan - Level P2	L-2
C-03	Preliminary Grading Plan - Level P1	L-3
C-04	Sections	
C-05	Topographic Survey	
C-06	Preliminary Utility Plan	

Landscape Architectural

Title Sheet Composite Site Plan Plant Imagery Board

The Wave Resort at the Strand

Oct 20, 2021

May 8, 2018

June 15, 2017

Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

HEADLANDS INVESTMENTS, LLC

384 Forest Avenue, Suite 26 Laguna Beach, CA 92651 Tel: 949.715.2001



^{**}Pursuant to CBC Section 11B-2241 through 11B-224.6, 4 rooms are provided with mobility features of which 1 room is provided with a roll-in shower. 7 rooms are provided with communication features, see plans for proposed locations.



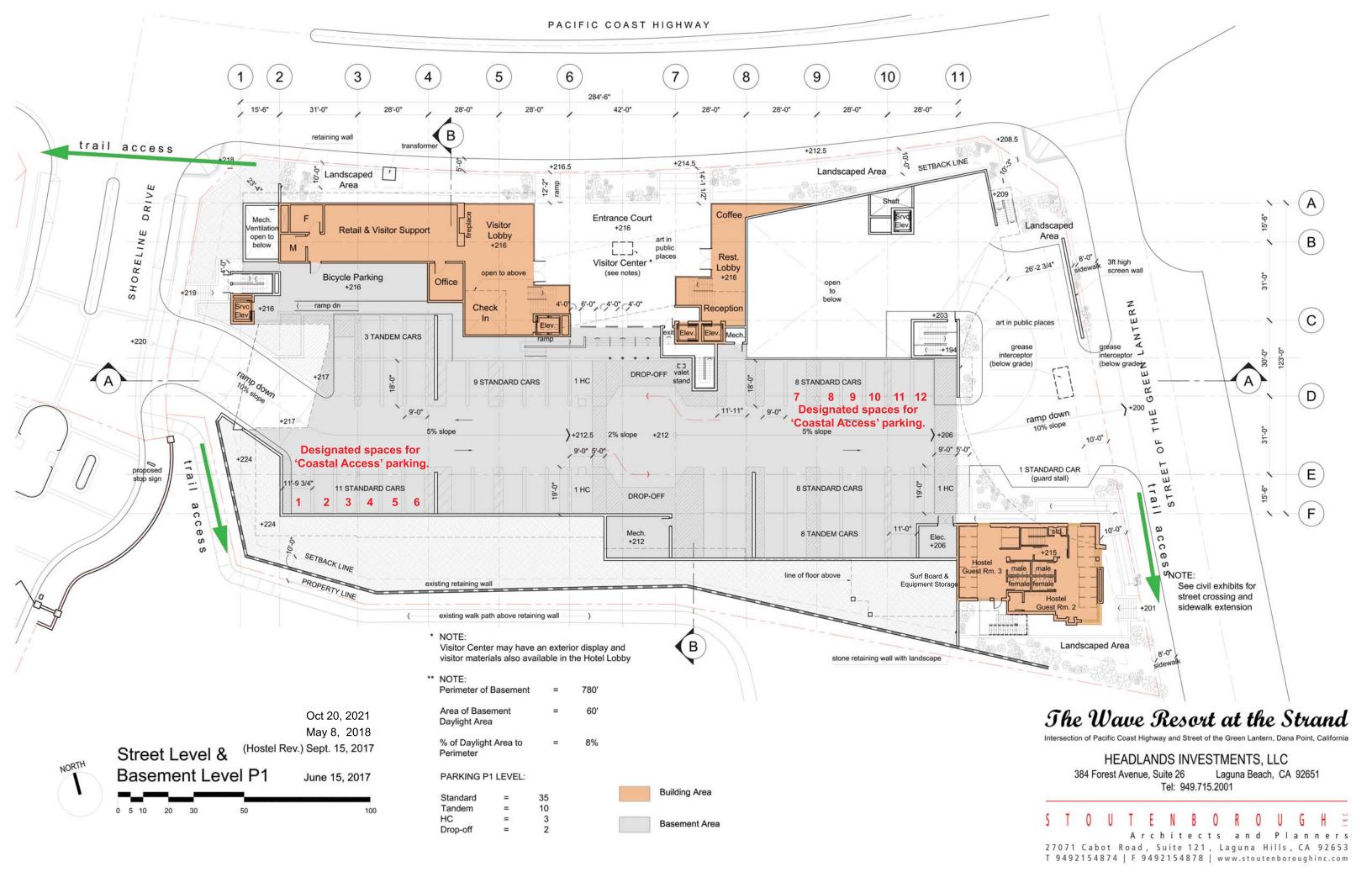
Aerial View (corner: Street of the Green Lantern & P.C.H)

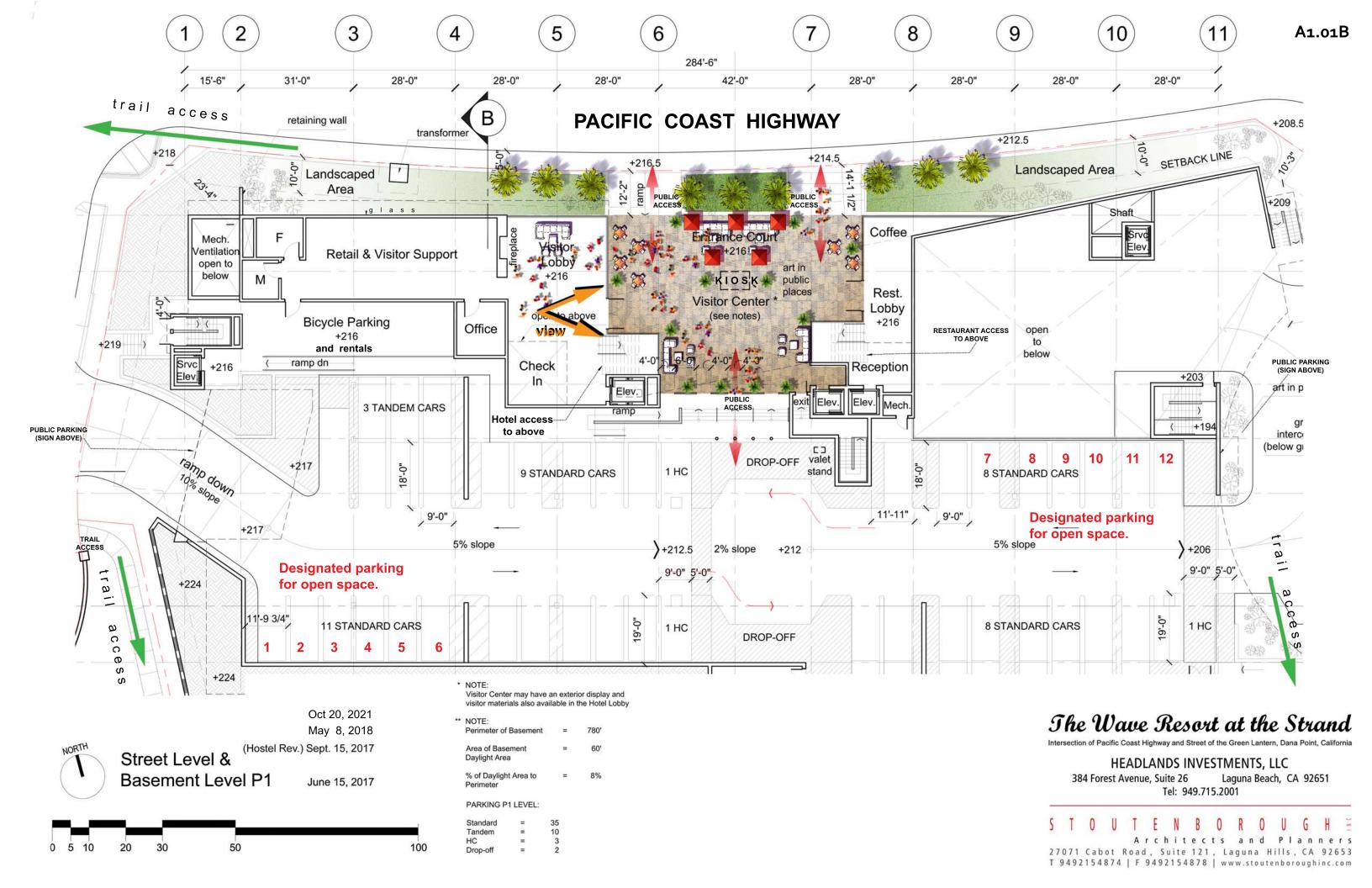
June 15, 2017

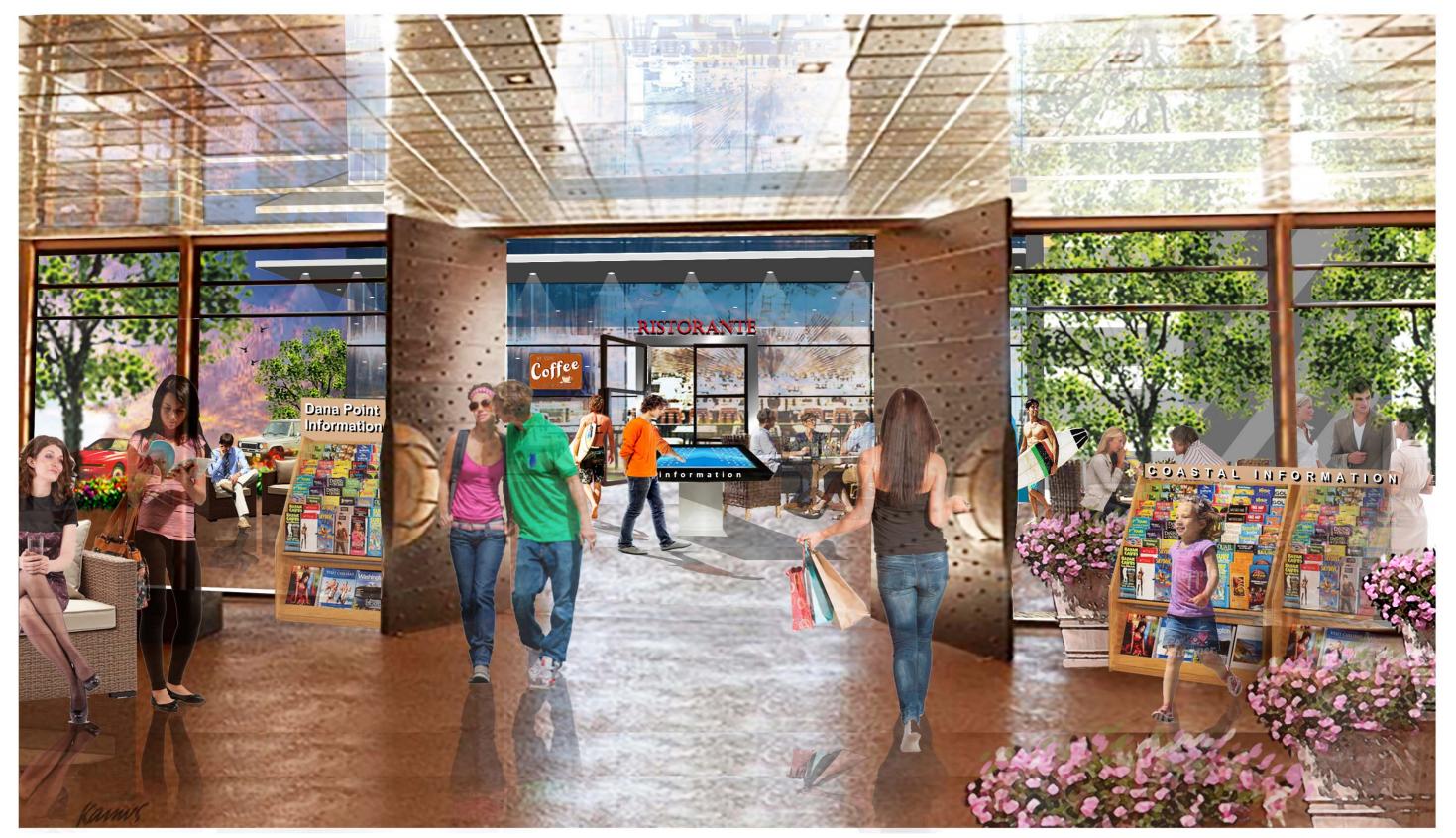
The Wave Resort at the Strand

HEADLANDS INVESTMENTS, LLC 384 Forest Avenue, Suite 26 Laguna Beach, CA 92651 Tel: 949.715.2001

27071 Cabot Road, Suite 121, Laguna Hills, CA 92653 T 9492154874 | F 9492154878 | www.stoutenboroughinc.com







Sketch of Courtyard

May 8, 2018

VISITOR INFORMATION CENTER

The street level courtyard at the Wave Resort, located in the center of the 1.6 acre site, features an Information kiosk that will provide digital interactive data about the City of Dana Point, Dana Point Harbor and the nearby Ocean Institute. Information about coastal amenities, beaches, trails, as well as sensitive habitat preserve areas will also be shown along with schedules for local and regional transit/shuttles. This outdoor space, visible from Pacific Coast Highway, will also provide a gathering spot for visitors seeking to learn about the California Coastline. Connected to nearby trails, the courtyard is designed to be a gateway to an ocean and coastal open space experience.

This 2300 sf courtyard is next to a coffee shop, provides several outdoor seating areas, gives access to bicycle/equipment rentals, and is adjacent to a water-oriented retail store. The interactive digital information kiosk in the center of the courtyard is anticipated to augment the adjacent 850 sf of enclosed space available to patrons. The enclosed space will include a fireplace, library, a meeting area, and access to public restrooms.

The Information Center will be managed by on-site staff, with the help of the local Chamber of Commerce, the City, and volunteers enthusiastic about providing information about public beach, trail access and sensitive habitat.

The Wave Resort at the Strand

Interception of Pacific Coast Highway and Street of the Coast Lantern Dana Point, California

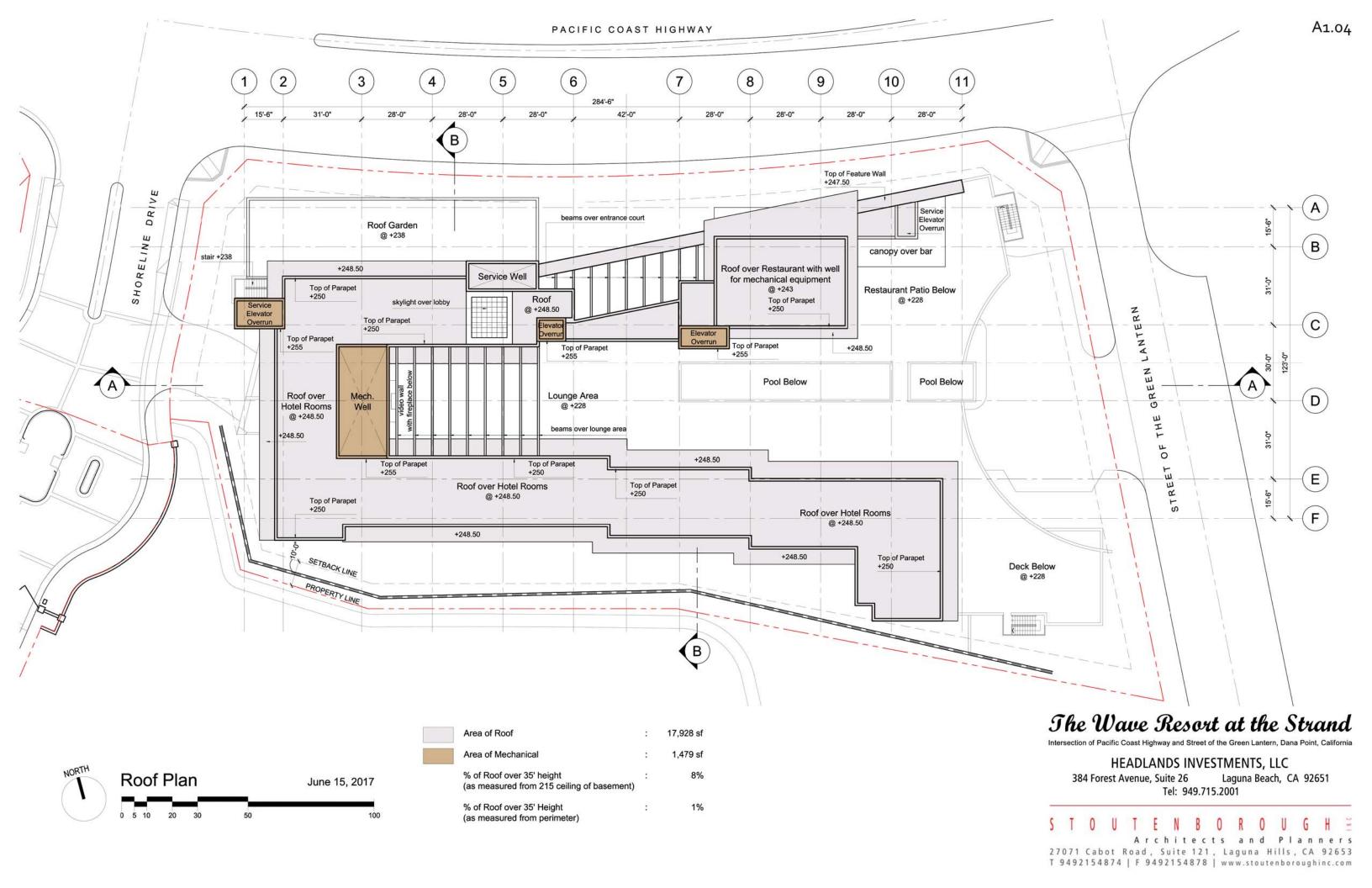
HEADLANDS INVESTMENTS, LLC

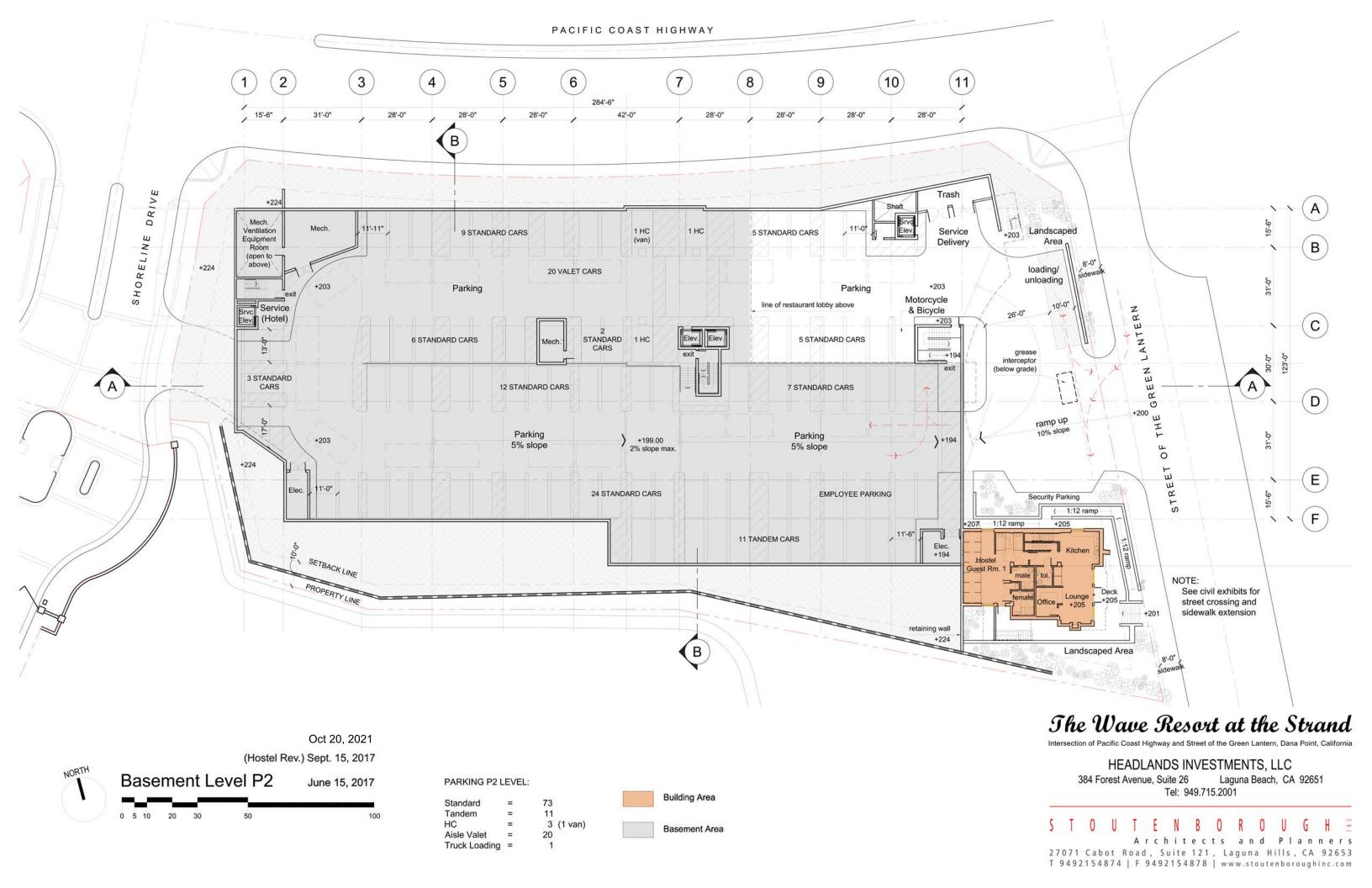
384 Forest Avenue, Suite 26 Laguna Beach, CA 92651 Tel: 949.715.2001

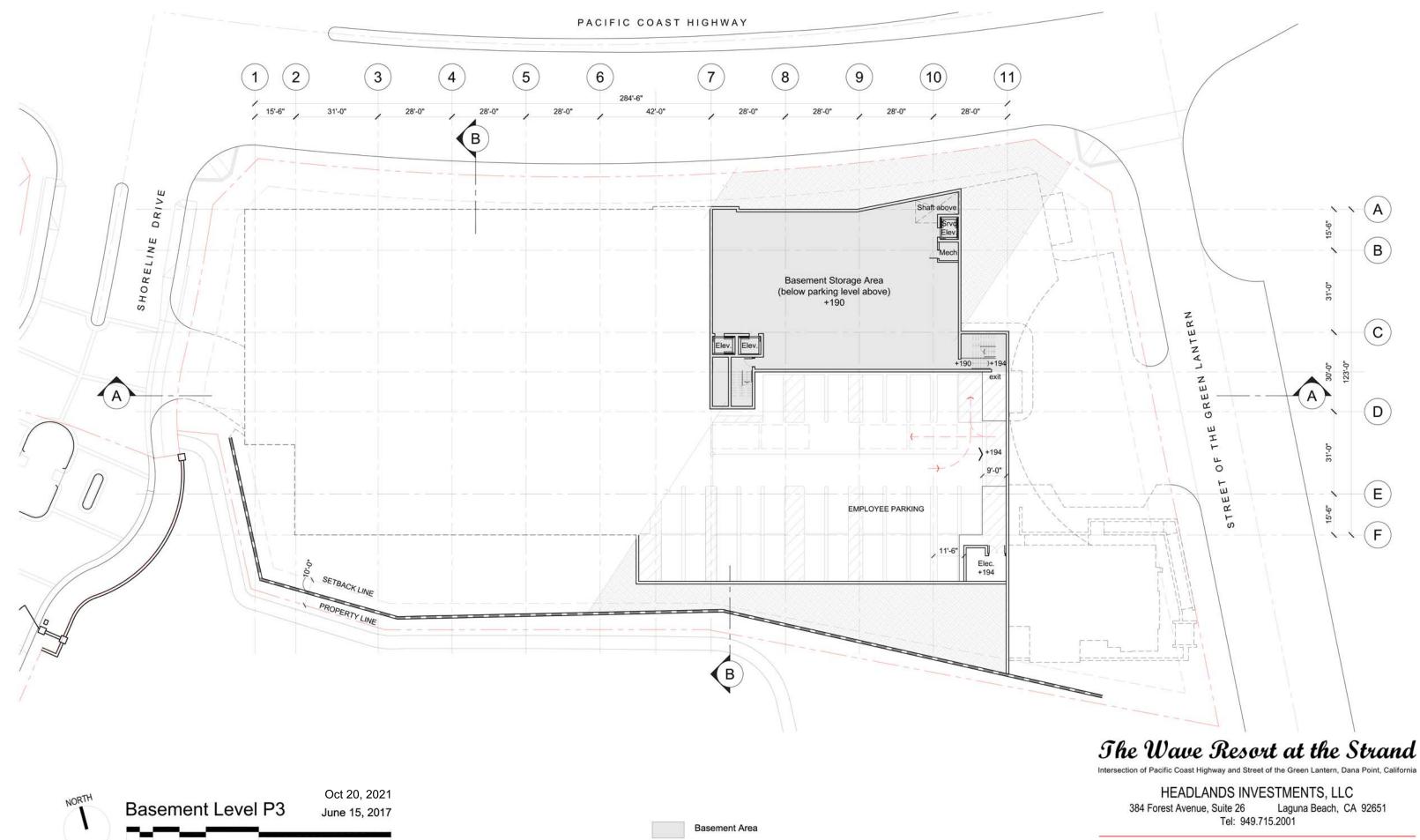
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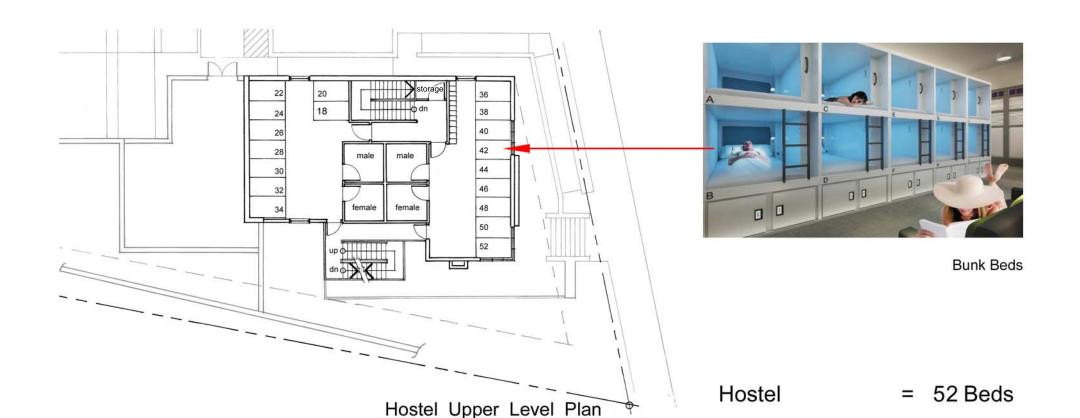




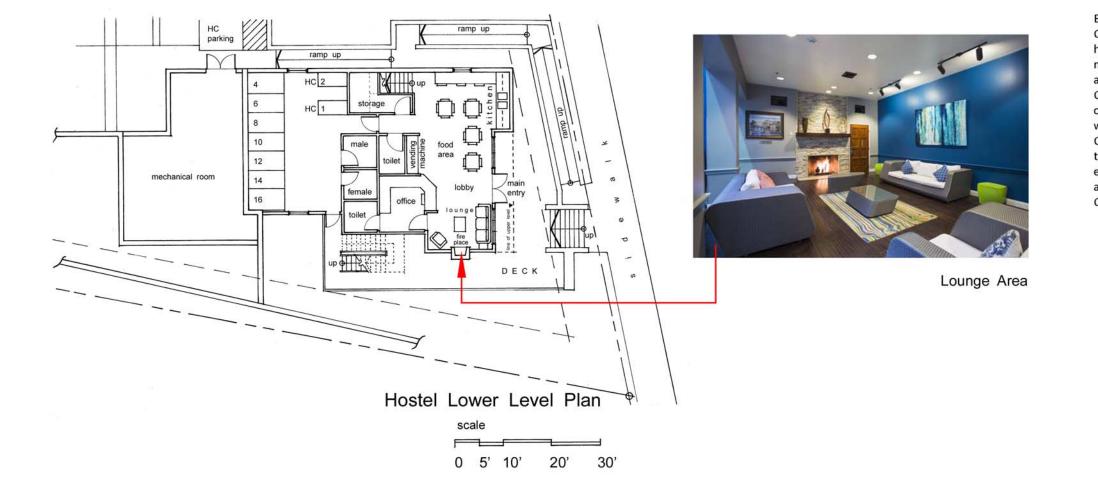


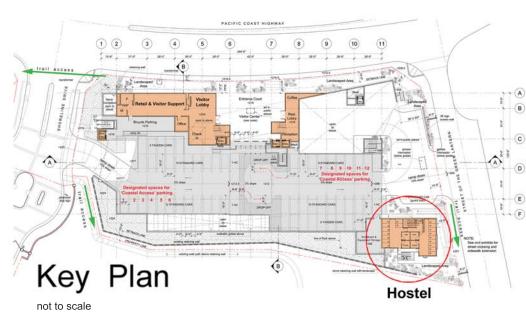


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Hostel Floor Area = 4,050 sf





LOWER COST OVERNIGHT ACCOMODATIONS HOSTEL PRICING

The applicant proposes to construct a new 52-bed hostel as part of the proposed project. The hostel will include three (3) rooms with sixteen – eighteen (16–18) beds each and a lounge area to be shared by all guests. The hostel will provide overnight accommodations within the lower-cost price range.

Although the project CDP is now being considered de novo by the Coastal Commission and is no longer under City of Dana Point authority, the applicant remains willing to comply with the City's condition regarding hostel pricing as described below.

Based on Coastal Commission guidance (CCC public workshop staff report dated October 26, 2016) City staff analyzed and determined the lower-cost overnight accommodation rate for the proposed hostel. While the Coastal Commission does not provide an exact dollar amount, they do provide a methodology to calculate lower cost rates on a regional basis based on existing rates of lower cost accommodations located within the region. Utilizing the CCC's methodology, the rate at the time of City approval in 2017 would have been set at \$51.86 per night per bed. To ensure the lower-cost overnight accommodation rate accurately reflects current market conditions, a condition of approval was incorporated into the City's approval that requires the applicant, at the time of Certificate of Occupancy, to provide an updated analysis consistent with the Coastal Commission guidance from the October 26, 2016 staff report or any subsequent guidance update. After the initial rate was established, the applicant/hostel operator would be required to update the rate and adjust the rate accordingly every three years based on market conditions and report any adjustments to the Community Development Department to ensure compliance.

May 8, 2018

Sept 14, 2017

The Wave Resort at the Strand

Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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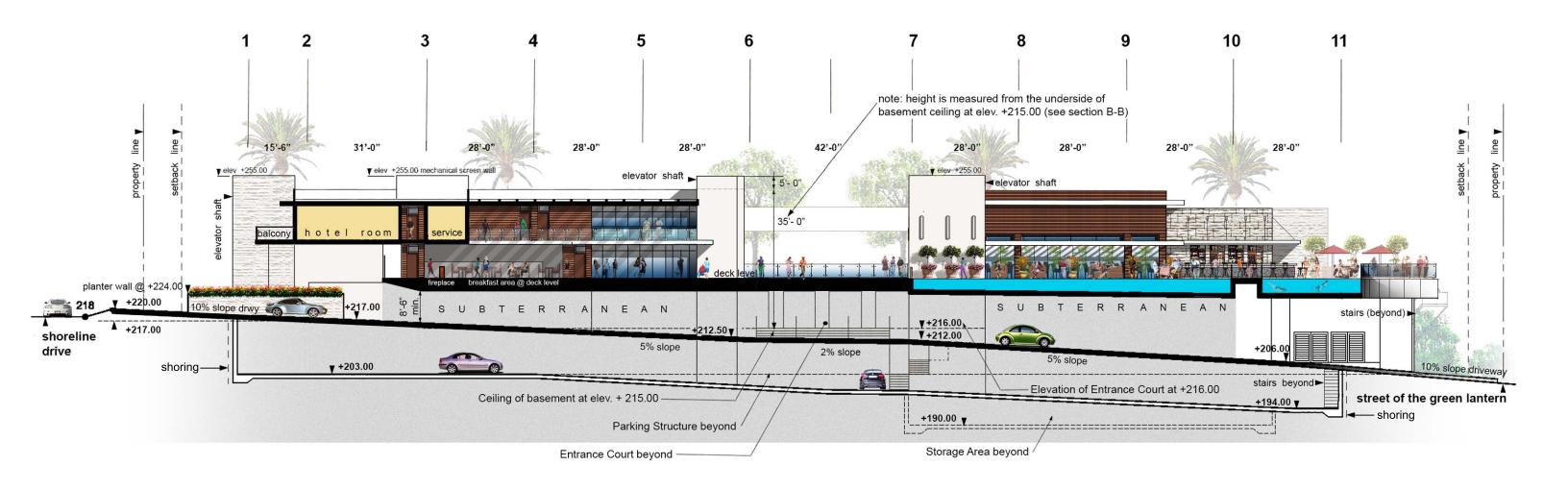
Ocean View from the Deck Level (Restaurant Deck, Pool and Hotel Deck beyond)

June 15, 2017

The Wave Resort at the Strand

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KEY PLAN (nts)

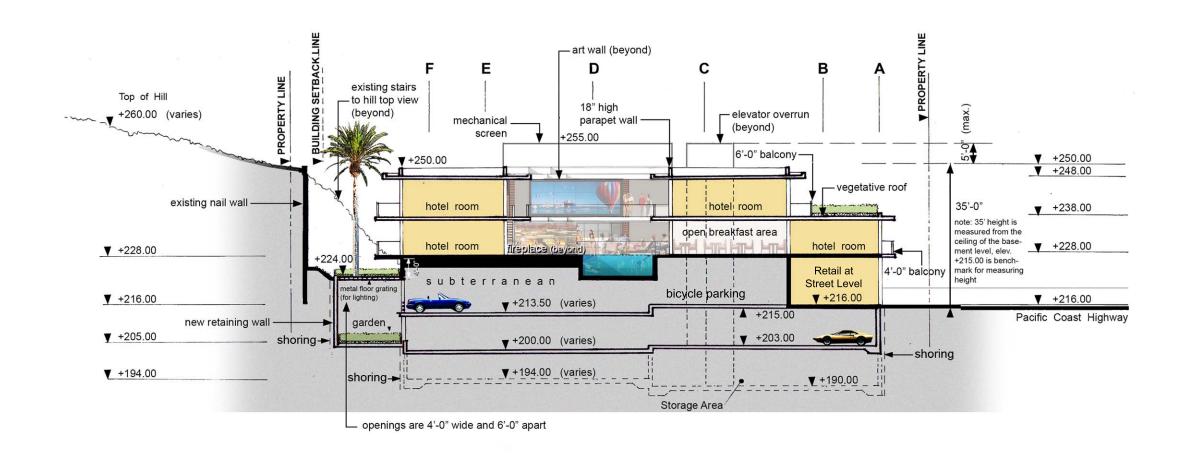


The Wave Resort at the Strand

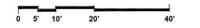
HEADLANDS INVESTMENTS, LLC

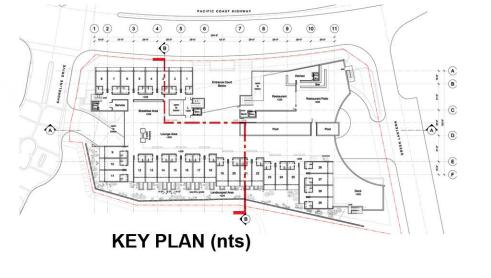
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Cross Section B-B June 15, 2017





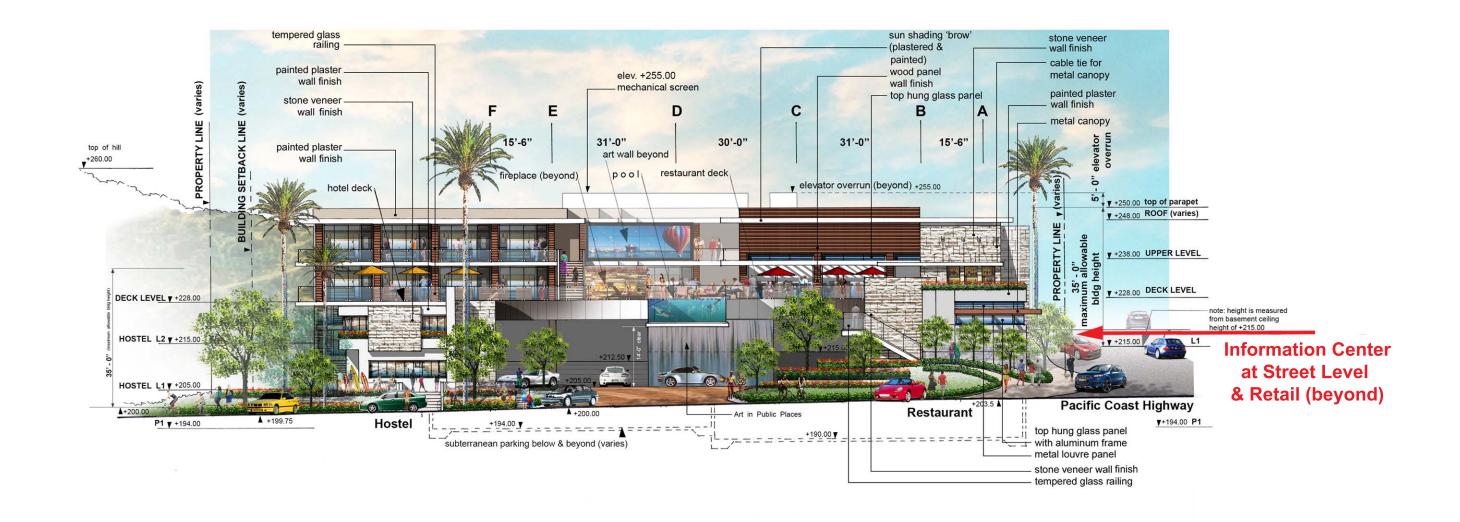
The Wave Resort at the Strand

ntersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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EAST ELEVATION Street of the Green Lantern

20'

0 5' 10'

June 15, 2017

note that elevation steps uphill to a grade change of 20'-0"

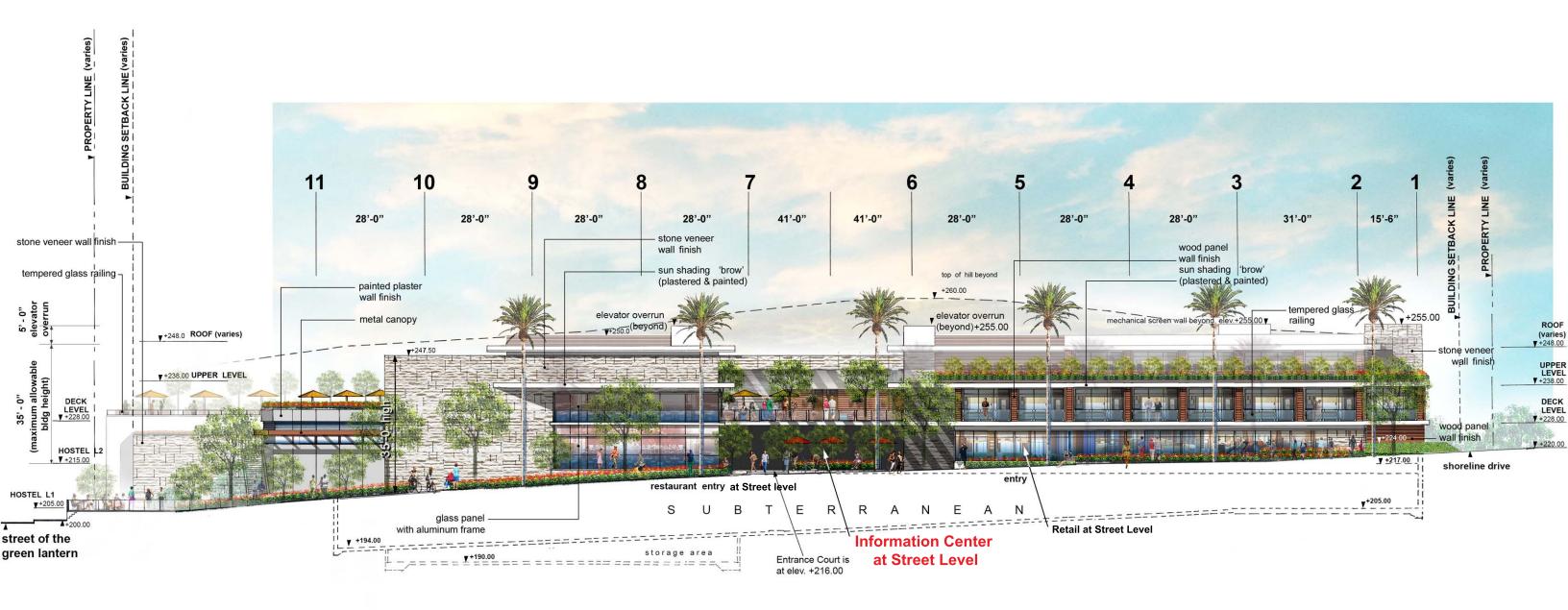
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NORTH ELEVATION
PACIFIC COAST HIGHWAY

June 15, 2017

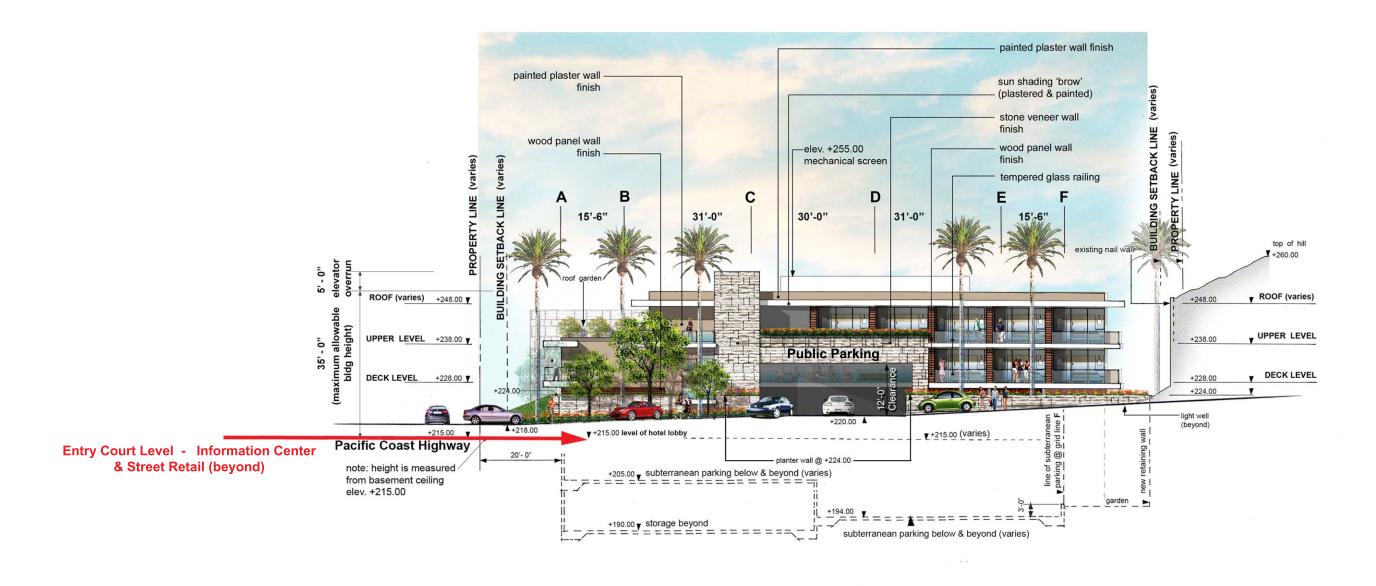
The Wave Resort at the Strand

Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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WEST ELEVATION
Shoreline Drive

June 15, 2017

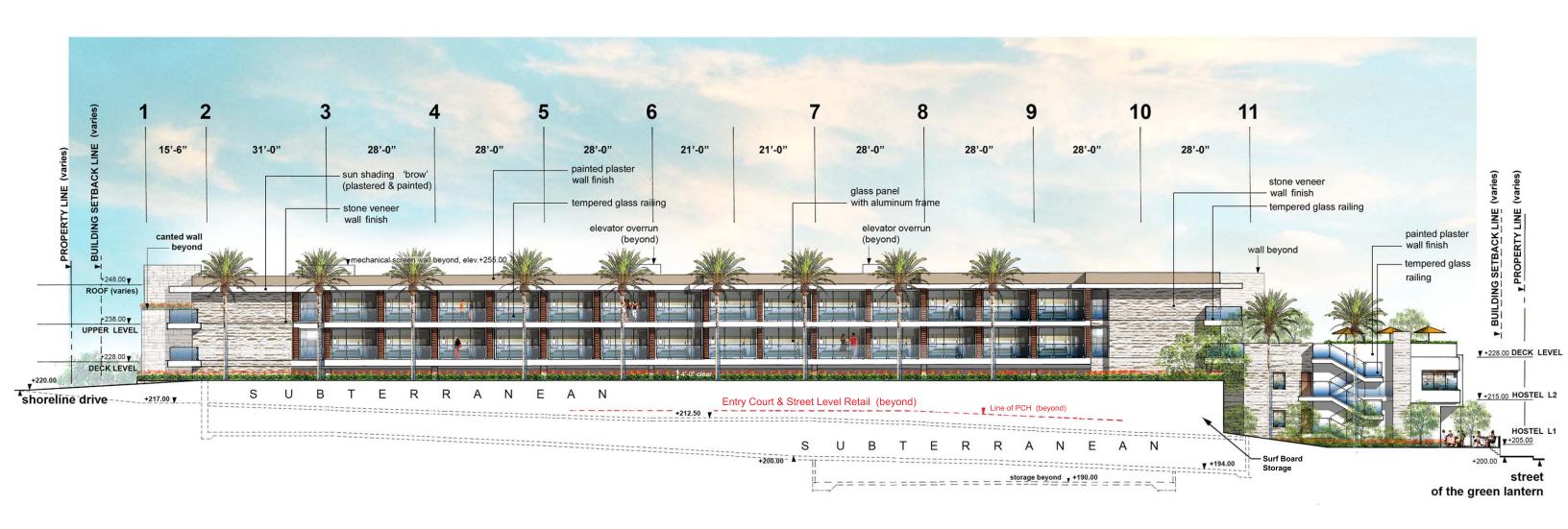
The Wave Resort at the Strand

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SOUTH ELEVATION

June 15, 2017

The Wave Resort at the Strand

Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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VENEER STONE FOR FEATURE WALL

BUILDING COLORS







BLUSH 20 (DECK 6)

SUNTAN 29 (DECK 6)

WINTER MIST 14 (DECK 6)

GLASS RAILING WITH METAL CONNECTORS





WOOD LOUVRE PANEL

The Wave Resort at the Strand

NANA WALL SYSTEM

HEADLANDS INVESTMENTS, LLC

Suite 26 Laguna Beach, CA 92651 Tel: 949.715.2001 384 Forest Avenue, Suite 26

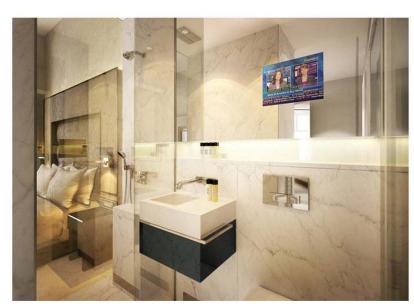
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COLORS AND MATERIALS

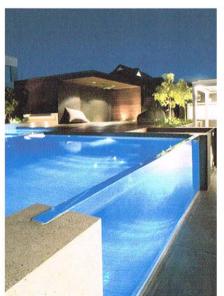
June 15, 2017



Typical Hotel Room



Typical Hotel Room



Glass Pool Detail



Information Center (Seating Area)



Pool



Information Center Entry



Pool Deck



Parking Area Ceiling



Deck Seating Areas



SOURCE IMAGES

June 15, 2017



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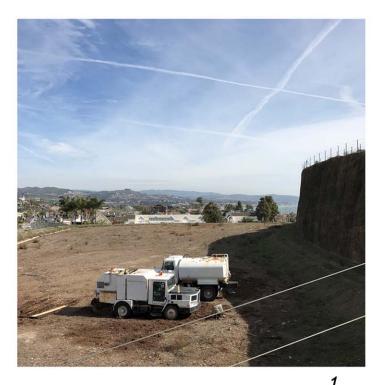
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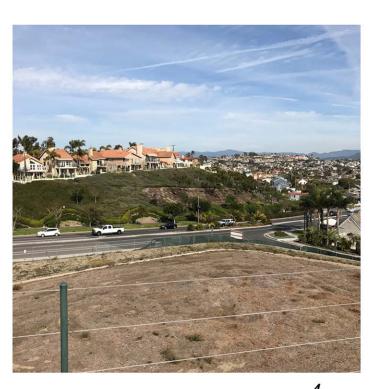
Tel: 949.715.2001













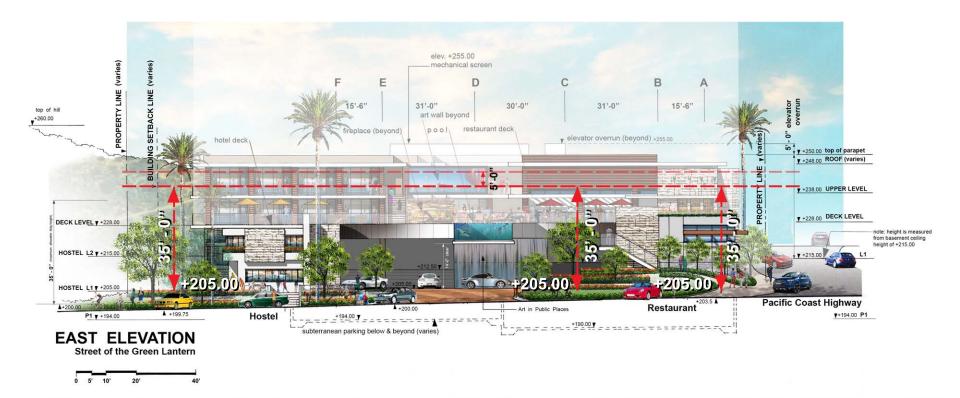
KEY PLAN (nts)

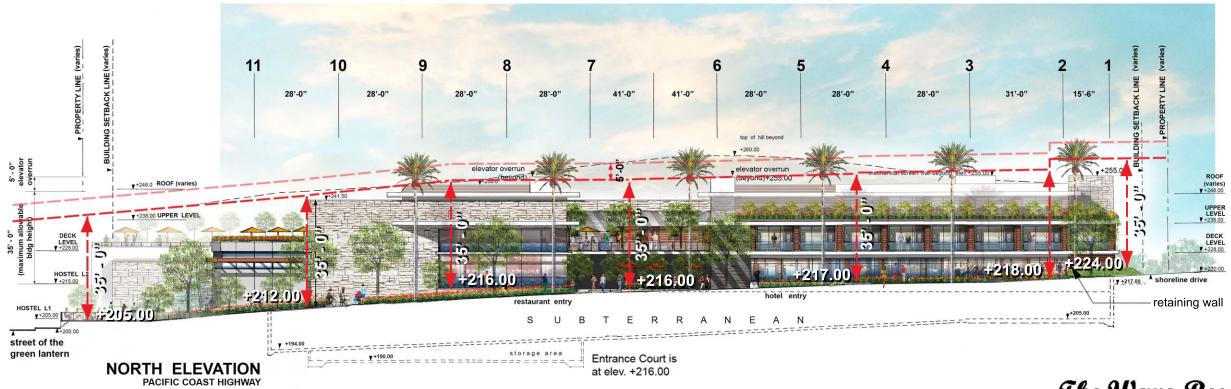
EXISTING SITE PHOTOS June 15, 2017

The Wave Resort at the Strand

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BUILDING ENVELOPE DIAGRAM (EAST & NORTH ELEVATION)

The Wave Resort at the Strand

Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

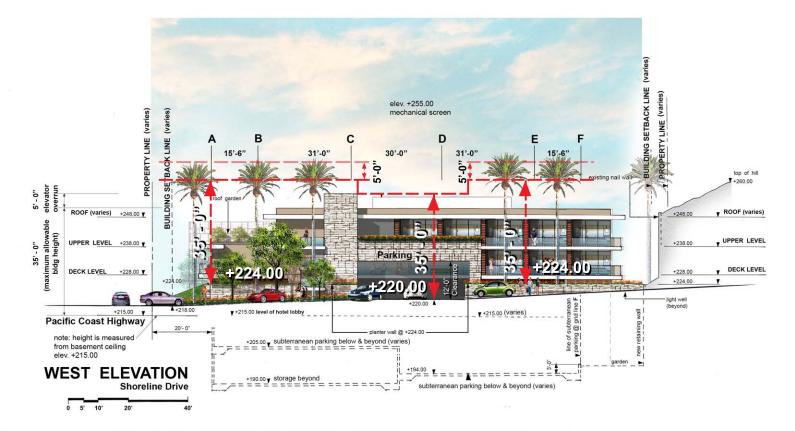
HEADLANDS INVESTMENTS, LLC

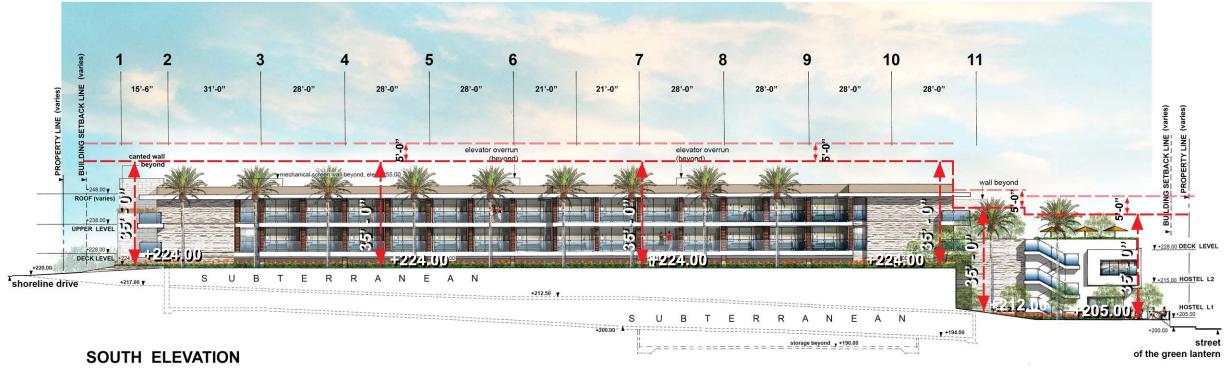
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Architects and Planners

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BUILDING ENVELOPE DIAGRAM (WEST & SOUTH ELEVATION)

The Wave Resort at the Strand

ntersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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View along Pacific Coast Highway



The Wave Resort at the Strand Intersection of Pacific Coast Highway and Street of the Green Lantern, Dana Point, California

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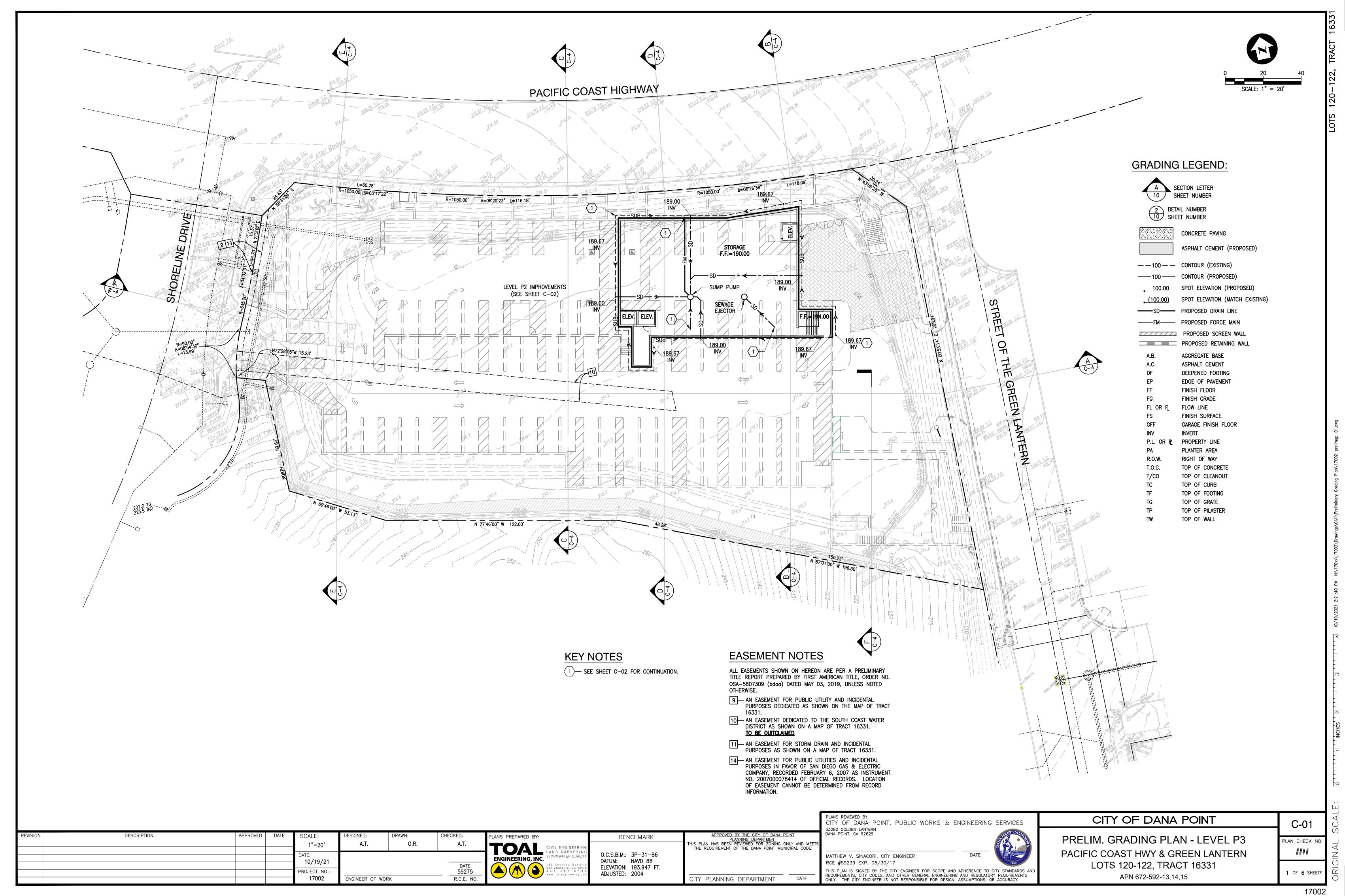


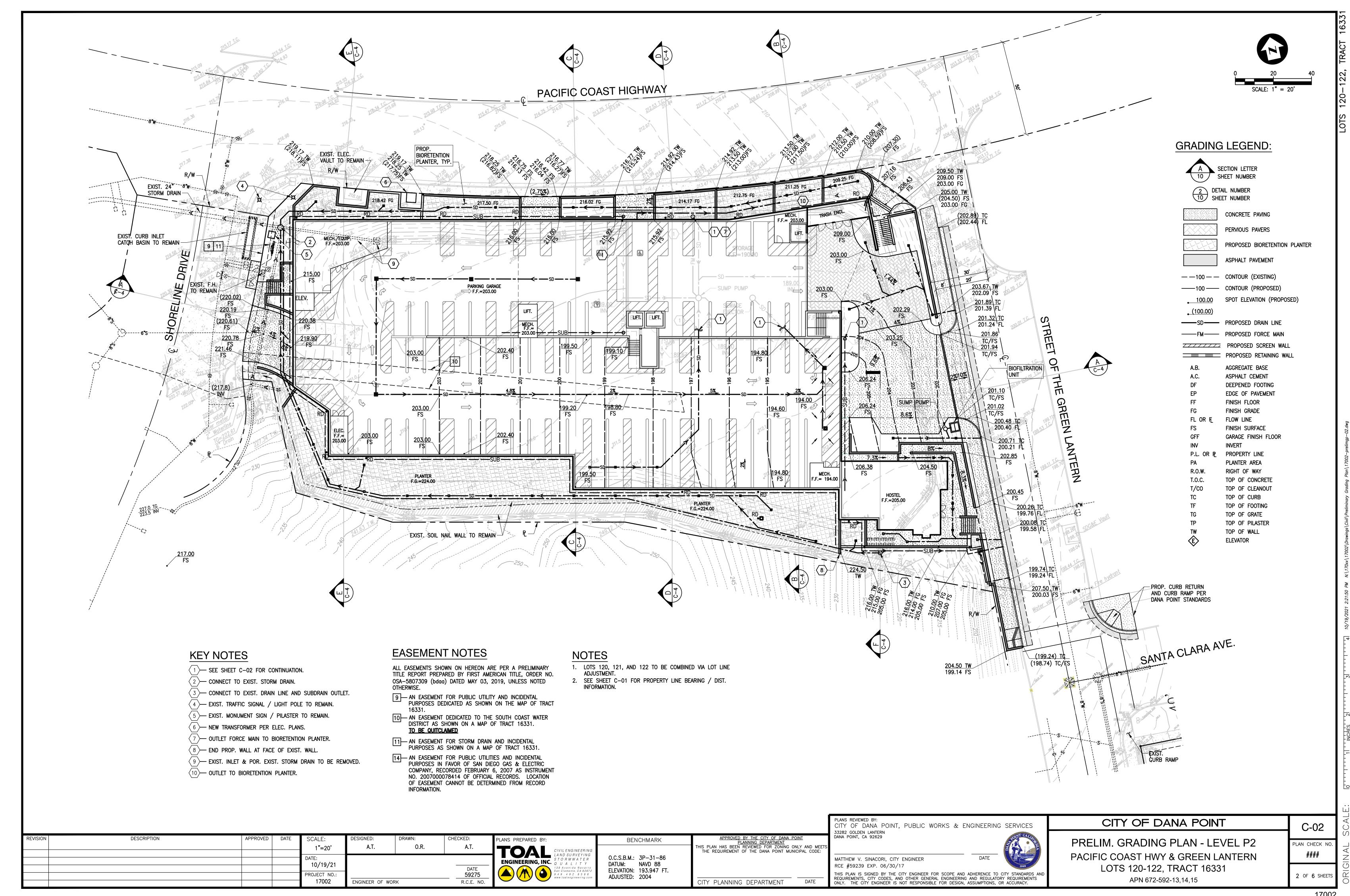
View along Pacific Coast Highway

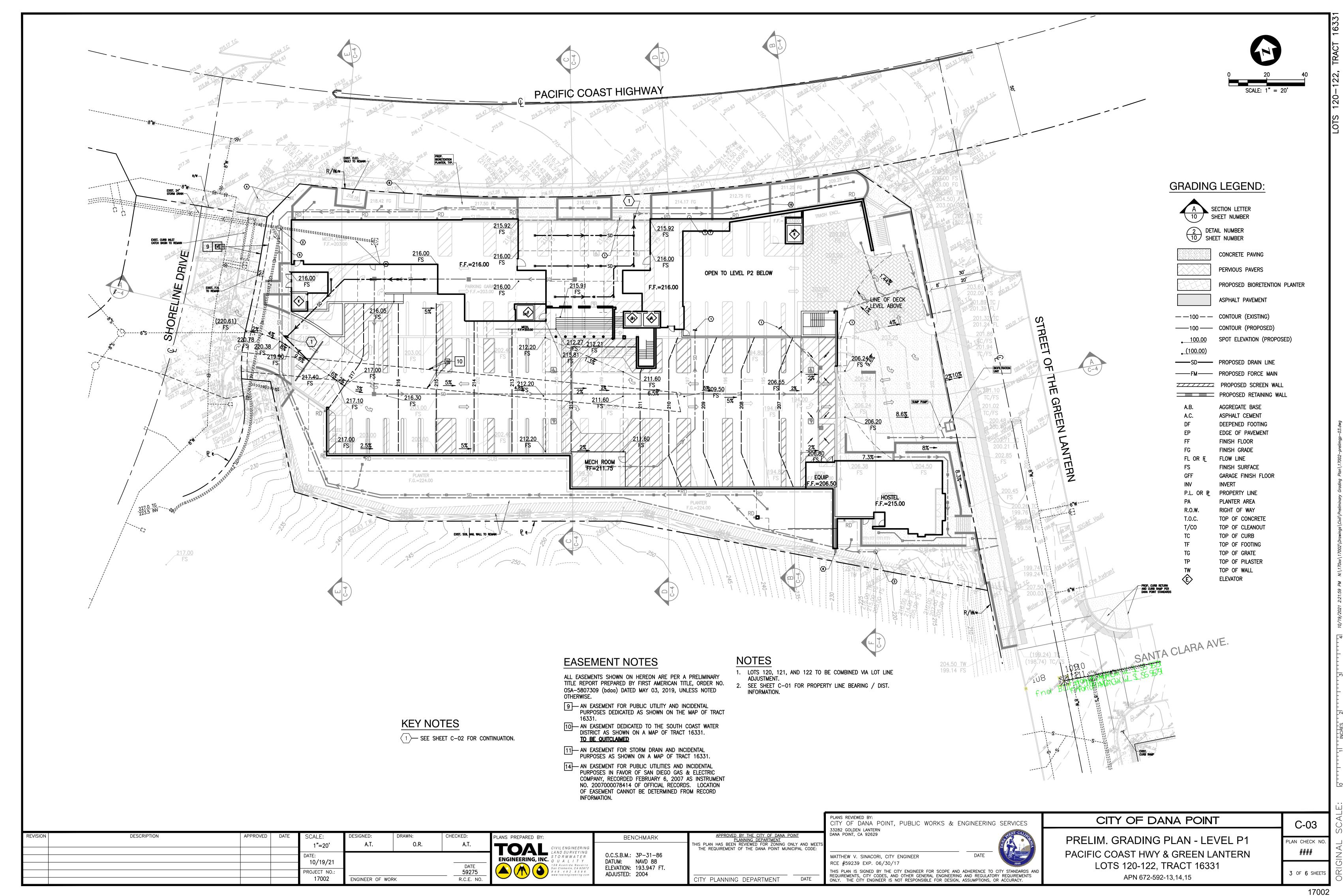


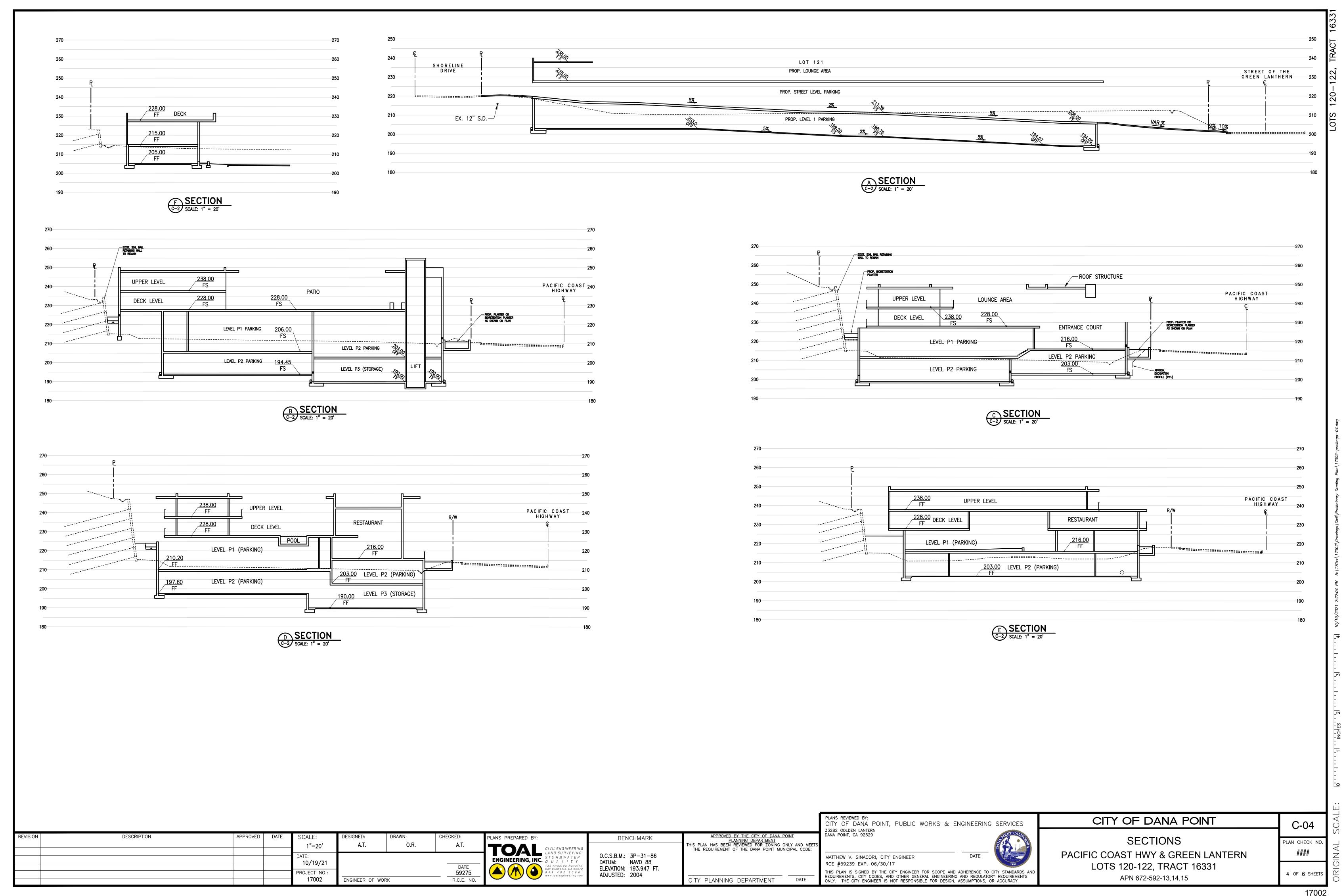
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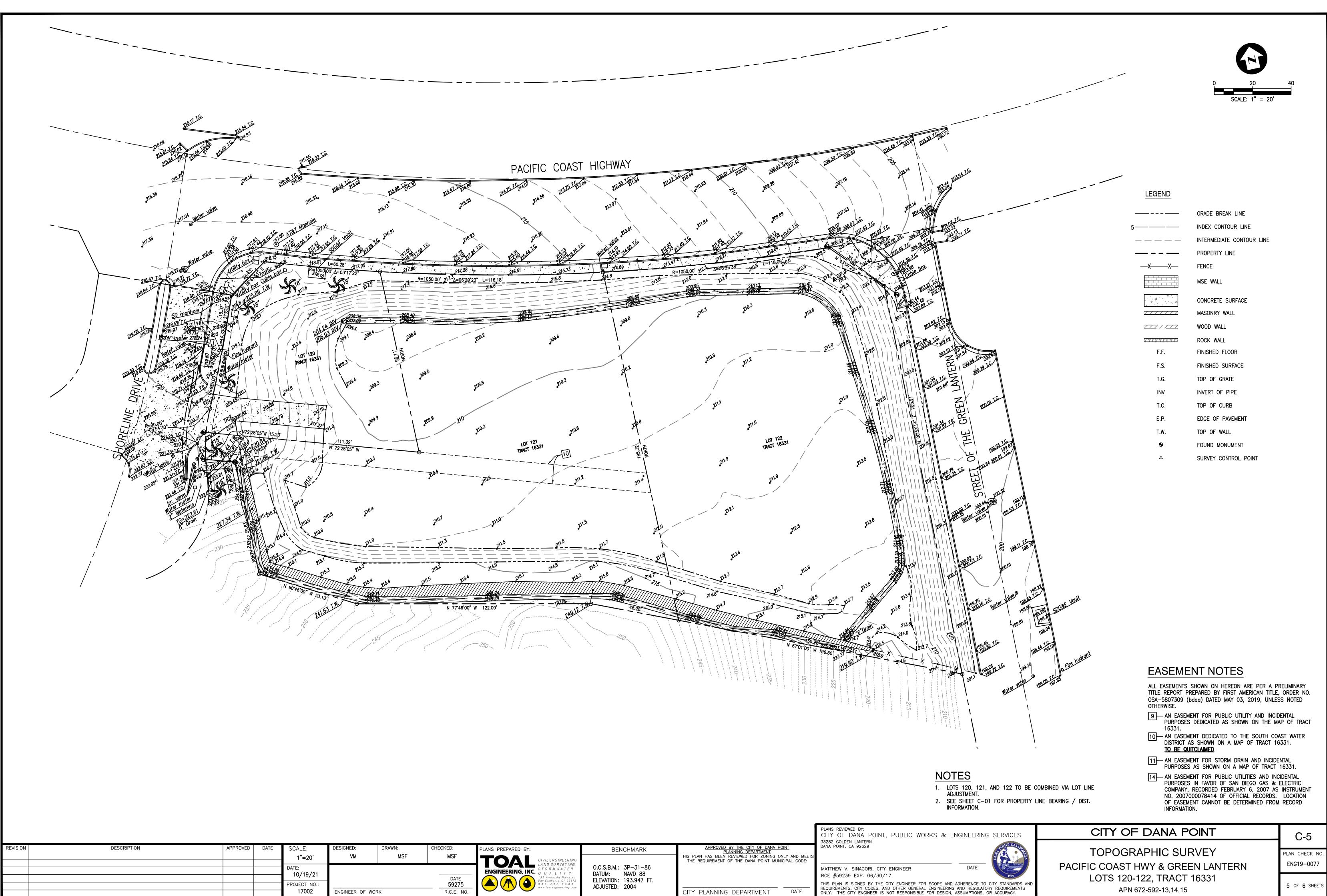
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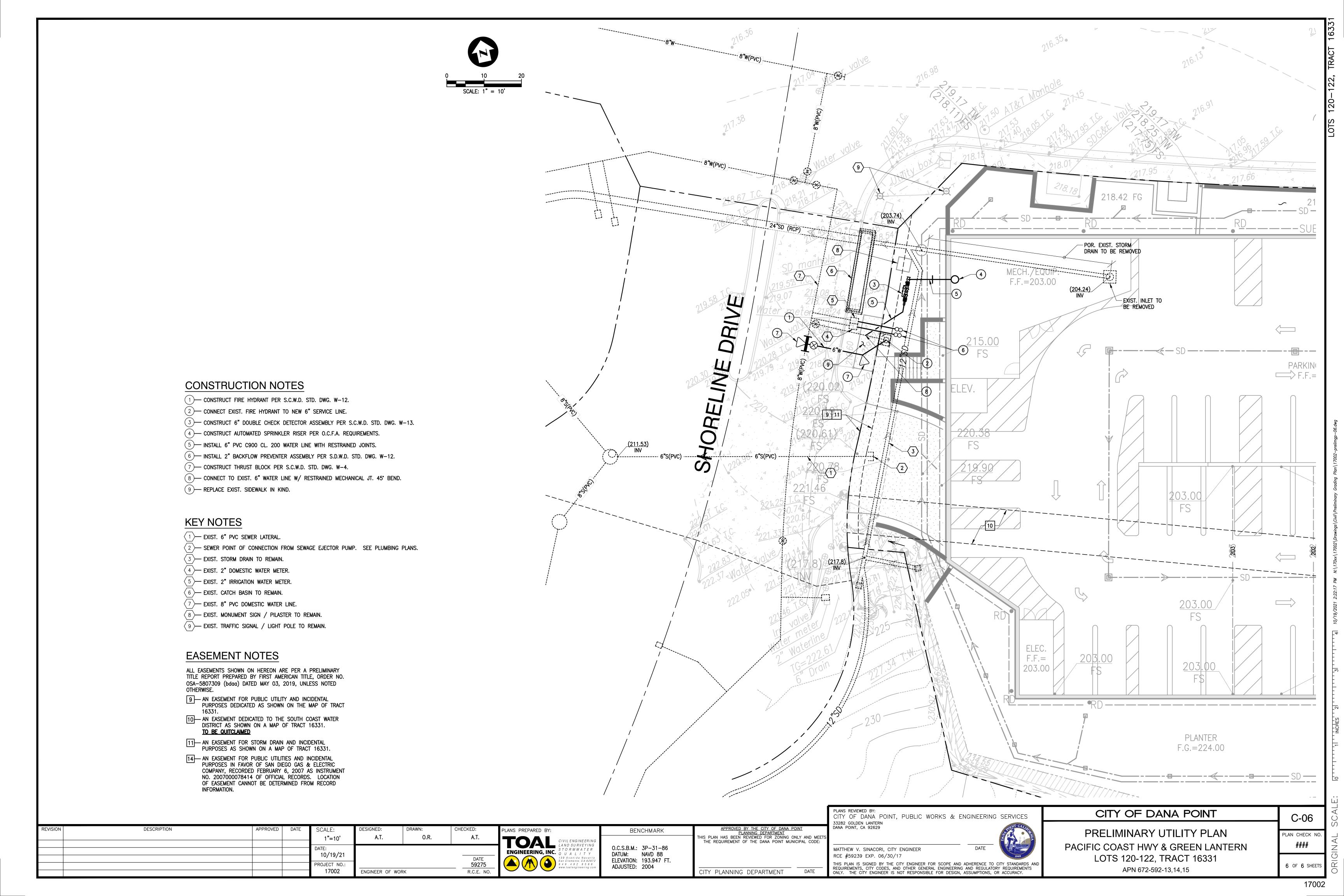






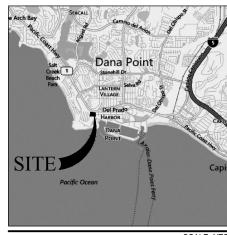


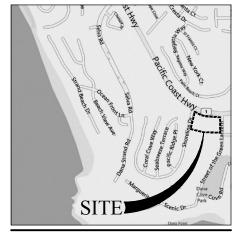




PLANNING DOCUMENTS THE WAVE RESORT AT THE STRAND TRACT 16331

SITE DEVELOPMENT PACKAGE





VICINITY MAP

NTS

VICINITY MAP

SCA

NT

HEADLANDS INVESTMENTS, LLC 384 FOREST AVENUE, SUITE 26 LAGUNA BEACH, CA 92651 TEL: 949-873-2106 CONTACT: GUY ALEXANDER III

LANDSCAPE ARCHITECT

SJA, INC.

31726 RANCHO VIEJO ROAD, SUITE 201 SAN JUAN CAPISTRANO, CA 92675

TEL: (949) 276-6500 FAX: (949) 276-6506 CONTACT: DENNY SMITHGALL

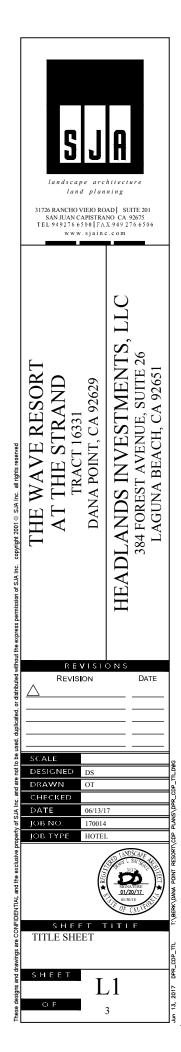


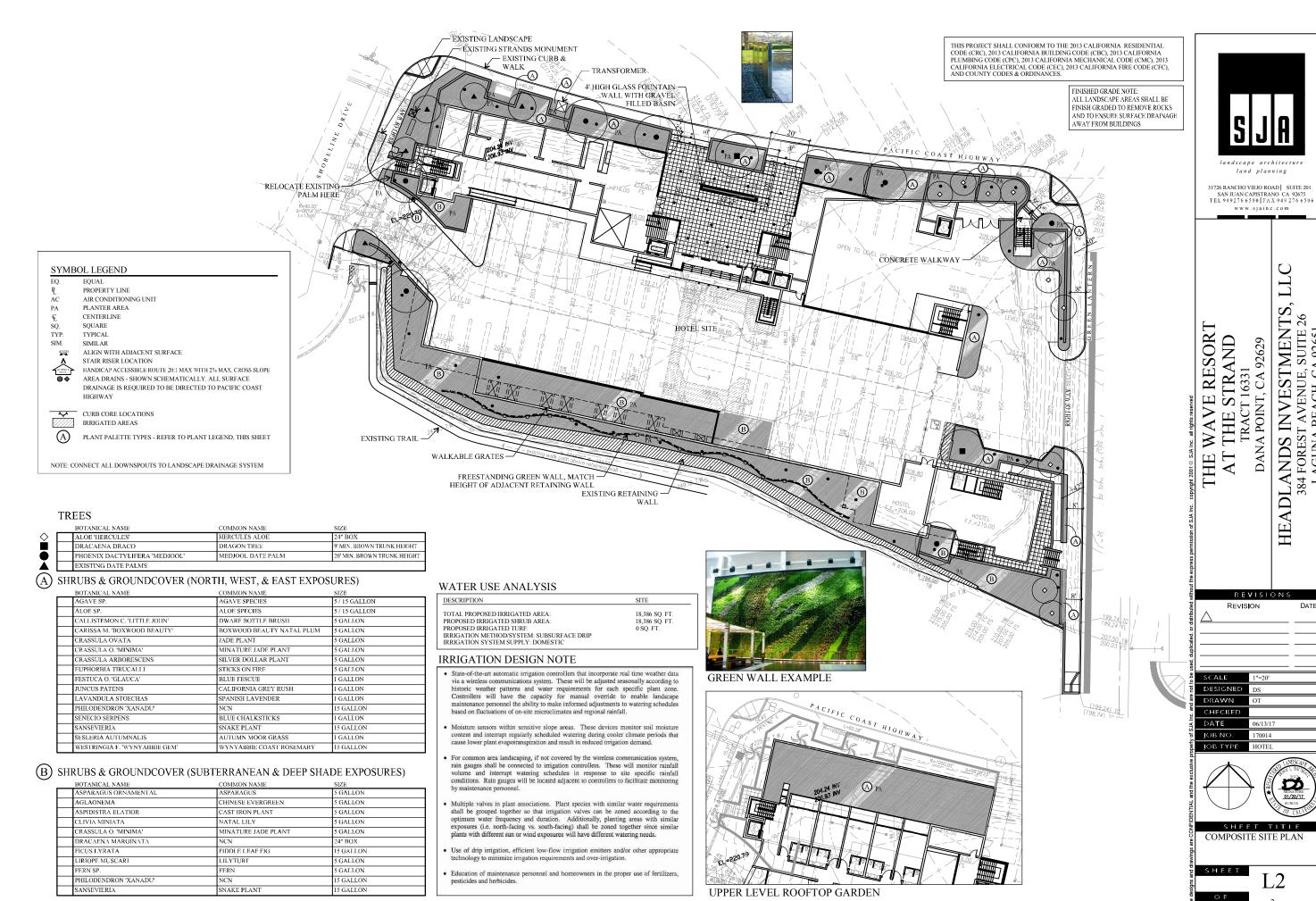
ABBREVIATIONS

AC	AIR CONDITIONING UNIT	FS	FINISH SURFACE	RAD.	RADIUS
CL	CENTER LINE	FTG	FOOTING	SIM	SIMILAR
CLR	CLEAR	GB	GRADE BREAK	TF	TOP OF FOOTING
BC	BOTTOM OF CURB	INV	INVERT	TG	TOP OF GRATE
BCR	BEGINNING OF CURVE RADIUS	IR	INNER RADIUS	TOC	TOP OF CURB
BOS	BOTTOM OF SLOPE	LA	LANDSCAPE ARCHITECT	TOS	TOP OF SLOPE
BS	BOTTOM OF STEP	OR	OUTER RADIUS	TS	TOP OF STEP
EA	EACH	P/L	PROPERTY LINE	TW	TOP OF WALL
FG	FINISH GRADE	POB	POINT OF BEGINNING	TYP	TYPICAL
FL	FLOW LINE	R	RADIUS		
FOC	FACE OF CURB	R/W	RIGHT OF WAY		

SHEET INDEX

TITLE SHEET	L1
LANDSCAPE SITE PLAN	L2
PLANTING IMAGERY BOARD	L3





land planning

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LL

TREES

BOTANICAL NAME	COMMON NAME	SIZE
ALOE 'HERCULES'	HERCULES ALOE	24" BOX
DRACAENA DRACO	DRAGON TREE	9' MIN. BROWN TRUNK HEIGHT
PHOENIX DACTYLIFERA 'MEDJOOL'	MEDJOOL DATE PALM	20' MIN. BROWN TRUNK HEIGHT

SHRUBS & GROUNDCOVER (NORTH, WEST, & EAST EXPOSURES)

	· · · · · · · · · · · · · · · · · · ·	,
BOTANICAL NAME	COMMON NAME	SIZE
AGAVE SP.	AGAVE SPECIES	5 / 15 GALLON
ALOE SP.	ALOE SPECIES	5 / 15 GALLON
CALLISTEMON C. 'LITTLE JOHN'	DWARF BOTTLE BRUSH	5 GALLON
CARISSA M. 'BOXWOOD BEAUTY'	BOXWOOD BEAUTY NATAL PLUM	5 GALLON
CRASSULA OVATA	JADE PLANT	5 GALLON
CRASSULA O. 'MINIMA'	MINATURE JADE PLANT	5 GALLON
CRASSULA ARBORESCENS	SILVER DOLLAR PLANT	5 GALLON
EUPIIORBIA TIRUCALLI	STICKS ON FIRE	5 GALLON
FESTUCA O. 'GLAUCA'	BLUE FESCUE	1 GALLON
JUNCUS PATENS	CALIFORNIA GREY RUSH	1 GALLON
LAVANDULA STOECILAS	SPANISII LAVENDER	1 GALLON
PHILODENDRON 'XANADU'	NCN	15 GALLON
SENECIO SERPENS	BLUE CHALKSTICKS	1 GALLON
SANSEVIERIA	SNAKE PLANT	15 GALLON
SESLERIA AUTUMNALIS	AUTUMN MOOR GRASS	1 GALLON
WESTRINGIA F. 'WYNYABBIE GEM'	WYNYABBIE COAST ROSEMARY	15 GALLON

SHRUBS & GROUNDCOVER (SUBTERRANEAN & DEEP SHADE EXPOSURES)

BOTANICAL NAME	COMMON NAME	SIZE
ASPARAGUS ORNAMENTAL	ASPARAGUS	5 GALLON
AGLAONEMA	CHINESE EVERGREEN	5 GALLON
ASPIDISTRA ELATIOR	CAST IRON PLANT	5 GALLON
CLIVIA MINIATA	NATAL LILY	5 GALLON
CRASSULA O. 'MINIMA'	MINATURE JADE PLANT	5 GALLON
DRACAENA MARGINATA	NCN	24" BOX
FICUS LYRATA	FIDDLE LEAF FIG	15 GALLON
LIRIOPE MUSCARI	LILYTURF	5 GALLON
FERN SP.	FERN	5 GALLON
PHILODENDRON 'XANADU'	NCN	15 GALLON
SANSEVIERIA	SNAKE PLANT	15 GALLON

TREES



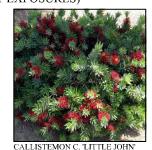




SHRUBS & GROUNDCOVER (NORTH, WEST, & EAST EXPOSURES)

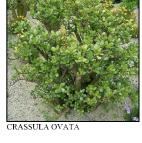




















WESTRINGIA F. 'WYNYABBIE GEM'

SHRUBS & GROUNDCOVER (SUBTERRANEAN & DEEP SHADE EXPOSURES)









PHILODENDRON 'XANADU'

















REVISION CHECKED DATE

land planning

31726 RANCHO VIEJO ROAD | SUITE 201 SAN JUAN CAPISTRANO CA 92675 TEL 949276 6500 | FAX 949 276 6506 www.sjainc.com

HEADLANDS INVESTMENTS, LLC 384 FOREST AVENUE, SUITE 26 LAGUNA BEACH, CA 92651

THE WAVE RESORT AT THE STRAND PARKING AND VALET OPERATIONAL PLAN

Employee Parking

Monday - Friday 6am - 5pm, P2 Level

Monday – Friday After 5pm, Saturday and Sunday, Employee Parking will be managed by Valet

Employees are typically the first to arrive and the last to leave in a restaurant/hotel setting. For this reason, we will have the staff of all the businesses at The Wave Resort on the P2 level of the parking structure with the following operational plan:

- 1. Stalls will be assigned to all suites.
- 2. Tandem stalls will be assigned for employee parking.
- 3. The valet spaces in the drive aisle will be the last used by the valet staff.
- 4. Signs on wall and striping on ground will label stalls as "Employee Parking". Signs will state municipal code to allow towing of vehicles if necessary.

Guest Parking/Self-Parking

Self-Parking 7am – 5pm Handicap Parking All Operational Hours

- Access to The Wave Resort is from Street of the Green Lantern and from Shoreline Drive.
- 2. Drop-off areas are provided in each direction.
- 3. There will be parking stalls in the northeast corner of the garage for valet greeting for limo parking if needed.
- 4. At 4 pm each day, the valet attendant will place a cone or a vehicle in each empty stall on the P1 level to reserve for evening valet.
- 5. The drive aisle will be kept clear until all self-parked vehicles have exited between 5:00 pm and 5:30 pm.
- 6. Each daytime self-parking stall on the first level will be signed for 7 am 5 pm use and valeted after 5 pm.

Valet Parking

Monday – Friday 10 am – 5 pm

After Guest Self-Parking fills on the P1 Level, guests will be directed to the P2 Level. Signs and striping on ground will label stalls "Valet Parking". Areas are flexible. Signs will state municipal code to allow towing of vehicles if necessary.

Monday - Friday After 5 pm, Weekends and Special Events

After Guest Self-Parking fills on the P1 Level, guests will be valeted from the drop-off area and stored on parking P2 Level. Signs and striping on ground will label stalls "Valet Parking". Signs will state municipal code to allow towing of vehicles if necessary.

The valet spaces in the drive aisle will be the last used by the valet staff, keeping blockage of the handicap spaces to a minimum. At such times that valet spaces in the drive aisle are used, valet will post an attendant with any vehicle(s) in the drive aisle on each level and move the vehicle(s) necessary to allow a vehicle entering or leaving the handicap space room to safely enter or depart the handicap parking stall. While Level P1 valet drive aisle spaces are in use, any exiting employee vehicles will be driven from Level P2 to Level P1 by the valet attendant and retrieved by the employee on Level P1.

Guests may enter from each direction and exit from each direction.

Valet Operation

Guests will be greeted and vehicles parked in the following manner for the valet parking operation:

Guest Experience

- 1. The guest is greeted by the valet attendant on the P1 Level from each direction.
- 2. The guest is issued a valet claim check by valet attendant.
- 3. The guest leaves parking garage and accesses the Entrance Court facing Pacific Coast Highway.
- 4. The guest returns to the P1 Level and presents valet claim check to valet attendant, or calls for the car from the room or restaurant.
- 5. The valet attendant retrieves guest's keys, runs to vehicle and pulls the vehicle up in the exit aisle or drop-off area.
- 6. The valet attendant opens all doors for guests, thanks the guest and hands the driver the vehicle keys.
- 7. Guest departs in their vehicle through the exit the car is facing.

Double-Parking Procedures

- 1. A self-locking key box will be located on a wall or column in each row where vehicles are double-parked. Keys will be stored in these boxes for vehicles that are double-parked.
- 2. When a blocked-in vehicle is requested, the valet attendant will retrieve the keys from the vehicle in the front tandem stall from the key box located on the row where the car is parked. The front vehicle will be pulled out and re-parked on a neighboring tandem stall and the keys hung in the key box. The rear vehicle will be pulled out and taken to the guest on P1 Level ready to exit the structure
- 3. The valet that pulls the vehicle out from the front space of a tandem stall will pull it out into the drive aisle while a second valet pulls out the rear vehicle and proceeds to P1 Level. The first vehicle will be re-parked in the rear tandem stall and the keys hung in the key box.
- 4. Vehicle keys will be locked in key boxes at all times when parked.

<u>Valet Vehicle Arrival and Departure Staging on Level 1</u>

There may be movable staging setups used in operating the valet parking operation. The first setup will be for non-peak times. Other setups may be for peak times or special events.

Non-Peak Valet Operations

11am – 5pm Monday – Sunday

5pm – 1am Sunday – Thursday (October – March) or until the restaurant closes

5pm – 1am Sunday – Tuesday (April – September) or until the restaurant closes.

*Lunch or Dinner shifts during events, holidays, or periods of good weather may change to Peak Operation.

Arrival: Vehicles may enter from each driveway and from each direction on P1

Level. The valet may greet several arriving vehicles at a given time from

each direction.

Departure: Departing guests' vehicles will be pulled up in front of the valet stand in

the drop-off area. Guests' will exit in the direction in which the car is

oriented.

Peak Valet Operations

5pm – 1am Friday – Saturday (October – March) or until the restaurant closes 5pm – 1am Wednesday – Saturday (April – September) or until the restaurant closes Traffic is two-way on P1 Level.

Arrival: Vehicles will be greeted stacking along the east leading to the main

entrance of the retail building. 7 vehicles could possibly be greeted at

one time.

Departure: Departing guests will exit in the direction in which the car is oriented. A

traffic director/exit greeter will be stationed in the drive aisle at peak times

to coordinate the movement of vehicles in and out of the garage.

Open Space Preserve / Coastal Access Visitor Parking

- 1. Designated parking is provided and signage denoting Coastal Access Visitor Parking.
- 2. 12 spaces will be designated and marked for free public parking; with six spaces next to the entrance to the hotel from Shoreline Drive and six spaces next to the entrance at the Street of the Green Lantern.
- 3. These parking stalls will be reserved for coastal access visitors who wish to access the public trail off of Shoreline Drive or the beach via the Street of the Green Lantern.
- 4. These designated spaces can be used by hotel / restaurant visitors when the Open Space Preserve is closed after hours posted (7:00am 10:00pm).
- Cars parked in these spaces, during open preserve and coastal access hours will not be managed by valet services, they will be self-park only. When Preserve is closed, valet may park cars in these spaces.
- 6. Patrons of the Open Space Preserve / Coastal Access can enter and exit the facility from either driveway (Shoreline Drive or Street of the Green Lantern).