The Headlands

Development and Conservation Plan

General Plan Amendment
Planned Development District (Zoning)
Local Coastal Plan and Policies
Local Coastal Implementing Actions Program



City of Dana Point
California

September 22, 2004
Clarifications Added

THE HEADLANDS

DEVELOPMENT AND CONSERVATION PLAN

General Plan Amendment
Planned Development District (Zoning)
Local Coastal Plan and Policies
Local Coastal Implementing Actions Program
Development Agreement

Adopted by the Dana Point City Council
Date: September 22, 2004
By Resolution No.:04-09-22-02, 04-09-22-03, 04-09-22-04
And Ordinance No.: 04-07, 04-06

Recommended for Approval by the City of Dana Point Planning Commission:
Date: September 15, 2004
By Resolution No.: 04-09-15-39, 04-09-15-40,
04-09-15-41, 04-09-15-42, 04-09-15-43

Certified by the California Coastal Commission:
Date: August 11, 2004

Prepared By:

Headlands Reserve LLC
24849 Del Prado
Dana Point, CA 92629

City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

September 22, 2004
Clarifications Added

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN
TABLE OF CONTENTS

EXECUTIVE SUMMARY

Introduction i
A. Past Planning and Agency Approvals i
B. The 2001 Headlands Development and Conservation Plan ii
C. Purpose and Content iii

SECTION 1.0 GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDENT

SECTION 2.0 PLANNED DEVELOPMENT DISTRICT

9.34.010 Intent and Purpose 2-1
9.34.020 Initiation of Planned Development District 2-2
9.34.030 Approval of Planned Development District 2-2
9.34.040 Planned Development District Establishment Procedure 2-2
9.34.050 Cost of Preparation and Processing 2-2
9.34.060 Designation as a Planned Development District Area 2-3
9.34.070 Planned Development District Application Requirements 2-3
9.34.080 Planned Development District Adoption Requirements 2-4

SECTION 3.0 HEADLANDS PLANNED DEVELOPMENT DISTRICT

3.1 Introduction 3-1
3.2 General Provisions 3-4
3.3 Land Use Plan 3-11
3.4 Development Regulations 3-16
3.5 General Development Standards All Districts 3-41
3.6 Definitions 3-49
3.7 Development and Review Process 3-50

SECTION 4.0 DEVELOPMENT GUIDELINES

4.0 Location and Setting 4-1
4.1 Existing Site Characteristics 4-1
4.2 Land Use Plan 4-7
4.3 Planning Areas 4-9
4.4 Park and Open Space Plan 4-13
4.5 Public Trail / Access Plan 4-44
4.6 Circulation Plan 4-54
4.7 Conceptual Drainage Plan 4-58
4.8 Conceptual Water Plan 4-64
4.9 Conceptual Sewer Plan 4-66

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN
TABLE OF CONTENTS
(Continued)

4.10	Other Utilities / Service	4-68
4.11	Conceptual Grading Plan	4-69
4.12	Design Guidelines	4-73
4.13	Coastal Resources Management	4-112
4.14	Parks and Open Space Management Plan	4-118
4.15	Marine Resources Management Guidelines	4-132
4.16	Master Landscape and Irrigation Guidelines	4-134
SECTION 5.0	**COASTAL ACT CONSISTENCY**	
5.1	Introduction	5-1
5.2	Public Access	5-2
5.3	Recreation	5-5
5.4	Marine Environment	5-9
5.5	Land Resources	5-12
5.6	Development	5-15
SECTION 6.0	**HEADLANDS DEVELOPMENT AGREEMENT**	
1.	Definitions and Exhibits	6-2
2.	General Provisions	6-6
3.	Development of the Property	6-9
4.	Conflicts of Law	6-14
5.	Public Benefits	6-16
6.	Restriction on Financing Districts	6-17
7.	Annual Review	6-18
8.	Estoppel Certificates	6-19
9.	Breach and Remedies	6-19
10.	Mortgagee Protection	6-20
11.	Termination of Agreement with Respect to Individual Residential Lots	6-21
12.	Miscellaneous Provisions	6-21

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN
LIST OF FIGURES

SECTION 3.0 HEADLANDS PLANNED DEVELOPMENT DISTRICT

Figure 3.3.1 Land Use Plan 3-12
Figure 3.4.1 Residential Building Height Measurement, Single Pad Lots..... 3-20
Figure 3.4.2 Building Height Measurement, Multi-Pad Lots and Sloping Lots 3-21
Figure 3.4.3 Measurement of V/RC Building Height 3-28

SECTION 4.0 DEVELOPMENT GUIDELINES

Figure 4.1.1 Regional Location 4-2
Figure 4.1.2 Local Vicinity 4-3
Figure 4.1.3 Aerial Photograph 4-4
Figure 4.2.1 Illustrative Plan 4-8
Figure 4.3.1 Land Use Planning Areas 4-11
Figure 4.4.1 Park and Open Space Plan 4-15
Figure 4.4.2 Headlands Conservation Park Conceptual Plan 4-17
Figure 4.4.3 Headlands Conservation Park Bluff Section 4-19
Figure 4.4.4 Hilltop Park Conceptual Plan 4-22
Figure 4.4.5 Hilltop Park Section 4-24
Figure 4.4.6 Marguerita Avenue Restoration at Headlands Conservation Park 4-25
Figure 4.4.7 Greenbelt Linkage 4-26
Figure 4.4.8 Harbor Point Park Conceptual Plan 4-28
Figure 4.4.9 Harbor Point Section 4-30
Figure 4.4.10 Strand Vista Park/Public Beach Access Conceptual Plan 4-33
Figure 4.4.11 Strand Vista Park Prototypical Trail Section 4-36
Figure 4.4.12 Strand Vista Park Conceptual Overlooks 4-37
Figure 4.4.13 North Strand Beach Access Cross-Section 4-38
Figure 4.4.14 Strand Beach Park Conceptual Plan 4-40
Figure 4.4.15 Central Strand Beach Access Concept Plan 4-43
Figure 4.4.16 Central Strand Beach Cross-Section 4-44
Figure 4.5.1 Public Trail/Access Plan 4-46
Figure 4.5.2 Coastal Access Plan 4-47
Figure 4.5.3 Coastal View Opportunities 4-48
Figure 4.6.1 Circulation Plan 4-56
Figure 4.6.2 Street Sections 4-57
Figure 4.7.1 Conceptual Drainage Plan 4-60
Figure 4.8.1 Conceptual Water Plan 4-66
Figure 4.9.1 Conceptual Sewer Plan 4-68
Figure 4.11.1 Conceptual Grading Plan 4-71
Figure 4.12.1 Conceptual Monumentation Plan 4-81
Figure 4.12.2 Project Monumentation and Site Entry 4-82

Figure 4.12.3 Neighborhood Entries 4-101
Figure 4.12.4 Neighborhood Entry (Strand Residential) 4-102
Figure 4.12.4a Enhanced Coastal Access 4-103
Figure 4.12.5 Neighborhood Entry (Upper Headlands Residential) 4-104
Figure 4.12.6 Conceptual Wall and Fencing Plan 4-106
Figure 4.12.7 Project Wall 4-107
Figure 4.12.8 Private View Fence 4-108
Figure 4.12.9 Public View Fence 4-109
Figure 4.12.10 Safety View Fence 4-110
Figure 4.12.11 Interpretive/ Informational Signage 4-112
Figure 4.13.1 Existing ESHA to be Conserved 4-114
Figure 4.16.1 Landscape Zone Master Plan 4-134

LIST OF TABLES

SECTION 3.0 HEADLANDS PLANNED DEVELOPMENT DISTRICT

Table 3.1.1 Headlands Development and Conservation Plan Objectives 3-2
Table 3.3.1 Land Use Statistical Summary 3-10
Table 3.3.2 Visitor Recreational Facility Statistical Summary 3-11
Table 3.4.1 Allowable Uses for Planning Areas 2 and 6 3-18
Table 3.4.2 Development Standards: Planning Areas 2 and 6 3-19
Table 3.4.3 Allowable Uses In V/RC Districts 3-21
Table 3.4.4 Development Standards for V/RC Districts 3-24
Table 3.4.5 Recreation Open Space and Conservation Open Space Designations 3-26
Table 3.4.6 Allowable Uses: REC/OS and CONS/OS 3-30
Table 3.4.7 Recreation Open Space and Conservation Open Space Development Standards 3-31

SECTION 4.0 DEVELOPMENT GUIDELINES

Table 4.7.1 Drainage Guidelines Non-Structural Controls 4-63
Table 4.11.1 Grading Design Criteria 4-72
Table 4.14.1 Zone B Inappropriate Species 4-123
Table 4.14.2 Revegetation Plant Palette 4-127
Table 4.14.4 Invasive Plant Species 4-129
Table 4.14.5 Percent Coverage and Survival Rates 4-135
Table 4.16.1 Landscape Palette 4-138

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN
LIST OF TABLES
(Continued)

SECTION 5.0 COASTAL ACT CONSISTENCY

Table 5.1	Coastal Public Access Policies Summary	5-3
Table 5.2	Public Recreation Policies Summary	5-6
Table 5.3	Marine Environment Policies Summary	5-10
Table 5.4	Land Resources Policies Summary	5-13
Table 5.5	Development Policies Summary	5-16

INTRODUCTION / EXECUTIVE SUMMARY

The Headlands Development and Conservation Plan (HDCP) synthesizes over twenty-five years of planning, design, technical analysis, agency review, and public participation associated with the project site. The property consists of 121.3 acres, located in the City of Dana Point in south Orange County. The site derives its name—the Headlands—from the thirty-five acre portion of the property that rises dramatically above the Pacific Ocean. The visible coastal bluffs and undeveloped mesa stand in stark contrast to the surrounding urban development located adjacent to the property. The entire site includes two miles of coastal frontage, a private sandy beach known as Strand Beach, an abandoned mobile home park, and areas that directly front Pacific Coast Highway 1.

A. Past Planning and Agency Approvals

The project site has been subject to numerous planning efforts and agency approvals. In 1924/25, approximately sixty percent of the property was subdivided and Final Maps No. 697 and 771 were recorded in the County of Orange, creating 293 lots. Over twenty of these lots were sold to separate parties prior to the current ownership, and subsequently developed as residential units. Development permits and activities associated with these lots remain ongoing, the most recent construction occurred in 1988. These units are referred to in the HDCP as the "residential enclaves."

In 1974, the Orange County Board of Supervisors approved an amendment to the Orange County General Plan that designated land use and zoning on the site for over 800 residential units, two 400-room hotels, and 27 acres of commercial development.

In 1981, the County of Orange approved the Dana Point Specific Plan/Local Coastal Plan for the majority of the Headlands property. A portion of the property—part of the Strand area—was included in the County's Laguna Niguel Local Coastal Program. In conjunction with these approvals, the County certified a Final Environmental Impact Report (EIR). These land use approvals totaled 295 to 811 residential units, and two 400-room hotels, with 27 acres of commercial development, and 45.3 acres of open space (including roads).

In 1985, the California Coastal Commission certified the Dana Point Local Coastal Program consistent with the 1981 County approved Dana Point Specific Plan and certified EIR. The portion of the property within the Laguna Niguel Local Coastal Program, which designated 117 to 324 residential units, did not receive certification.

In 1989, the City of Dana Point incorporated and adopted the certified Dana Point Local Coastal Program for the Headlands. In 1991, in conjunction with the adoption of the General Plan, the City approved a Land Use designation of 261 to 522 residential units, one 400-room hotel, with approximately 13 acres of commercial development and 55 acres of open space (including roads).

In 1994, the City approved a Specific Plan, Development Agreement, and certified a Final EIR for a 370 residential unit, one 400-room hotel, and 12.7 acre commercial

project, with 55 acres of open space (including roads). The Specific Plan and Development Agreement were subsequently overturned by referendum.

In 1996, a Final EIR/Environmental Impact Statement (EIS) was certified as part of the Orange County Central and Coastal Subregion Natural Community Conservation Plan/ Habitat Conservation Plan (NCCP/HCP). The 1996 EIR/EIS analyzed and mitigated development impacts for 370 residential units, one 400-room hotel, and 12.7 acres of commercial development, with 55 acres of public open space (including roads). The NCCP/HCP with its accompanying certified EIR/EIS was approved and implemented by the U.S. Department of the Interior, the U.S. Fish and Wildlife Service, the California Resources Agency, the California Department of Fish and Game, the California Department of Forestry and Fire Protection, the California Department of Parks and Recreation, the County of Orange, and other appropriate agencies.

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 (70.0acres 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.

In response to the unique setting, a variety of public educational and recreational facilities are integrated into the parks and open space program. The HDCP replaces land uses that were formally designated for commercial resort visitor facilities and residential homes with a qualitative park experience that appeals to a wide spectrum of regional coastal visitors. Visitors will be able to move from park to park via the integrated trails, while enjoying a number of different recreational and educational facilities. The conversion to parks and open space was accomplished, in part, by designing the HDCP areas designated for development to include ocean views, which raises economic value while decreasing the necessary density and total developable acreage. Likewise, the public parks, trails, open space, and overlooks are designed to maximize coastal access and public views. The HDCP creates quality experiences for both public and private land use activities.

C. Purpose and Content

The HDCP purpose is three-fold: 1) to amend and implement the City General Plan land use designations, locations and intensities specifically identified for the property, as well as other General Plan goals and policies through detailed programs that provide direction for development; 2) to establish zoning standards and regulations for development of the project site; and 3) to amend and establish the Local Coastal Plan and Policies and the Local Coastal Implementing Actions Program for the property.

Towards this end, the HDCP contains the following Sections:

Section 1.0, City of Dana Point, General Plan Amendment – Amends the City General Plan and Local Coastal Program only for those goals, policies, objectives, and land uses that are related to and specifically detailed for the Headlands property.

Section 2.0, Planned Development District – Establishes and amends the requisite City ordinance to provide zoning for the property.

Section 3.0, Headlands Planned Development District – Establishes the permitted land use zoning regulations and development standards for the project site.

Section 4.0, Development Guidelines – Implements the goals, policies, and objectives of the General Plan through a number of detailed plans and programs.

Section 5.0, Coastal Act Consistency – Outlines and evaluates the various components of the HDCP for consistency with the California Coastal Act.

Section 6.0, Headlands Development Agreement – Establishes the terms and conditions associated with the development of the parks, open space, public facilities, public visitor facilities, visitor recreation commercial, and residential neighborhoods.

GENERAL PLAN AMENDMENT
GPA: 01-02

and

LOCAL COASTAL PROGRAM AMENDMENT
LCPA: 01-02

September 22, 2004
Clarifications Added

Note: LCPA: 01-02 consists only of the following elements of the General Plan: Land Use Element, Urban Design Element, and Conservation and Open Space Element.

INTRODUCTION

Whenever amendments are made to the existing General Plan, a reference will be made to the page number of the General Plan in which the amendment is adding or deleting text, figures or tables.

Land Use Element – Pages 6/7

Specific Plans/Planned Communities

Much of the City's development has been shaped by the three pre-incorporation Specific Plans for Dana Point, Capistrano Beach, and South Laguna, and the Planned Communities of Laguna Niguel, Dana Point Harbor and Bear Brand. The Specific Plan and Planned Community (PC) documents provided policy guidance and regulatory control of development before incorporation and during the preparation of the City's General Plan and Zoning Ordinance. The three Specific Plan documents included Local Coastal Programs required by the California Coastal Act.

Specific Plans may also be used as a method for implementing the City's General Plan in the future. Specific Plans are authorized by Section 65450 of the Government Code and are used by many cities and counties to implement general plan policy for identified geographic sub areas or properties within their jurisdictions.

Specific Plans and Planned Development Districts (PDD) both implement general plan policy by establishing regulations, conditions, and programs concerning the following:

- Development standards and precise location for land use and facilities;
- Standards and locations for streets, roadways, and other transportation facilities;
- Standards indicating population density and building intensity, and provisions for supporting services and infrastructure;
- Specific standards designed to address the use, development and conservation of natural resources; and
- Other provisions for the implementation of the General Plan.

As an alternative to a Specific Plan, the use of a PDD may be used for the Headlands. A PDD establishes regulations, conditions and programs concerning the following:

1. Developments that provide a mix of land uses.
2. Creative approaches in the development of land.
3. More accessible and desirable use of open space area.
4. Variety in the physical development pattern of the city.
5. Utilization of advances in technologies and programs that are innovative to land development.

Specific Plan/Planned Development District Cost Recovery

In adopting regulations for the preparation of a Specific Plan or PDD, the State of California recognized that these documents could be complex and costly to prepare. The State permits local agencies that prepare a Specific Plan or PDD to recover the costs associated with that effort. This includes offsetting the costs of evaluating a Specific Plan and/or a PDD, including costs for consultants, staff time, consultant preparation of planning documents, and legal fees associated with document preparation. At the time a Specific Plan and/or PDD is prepared the method and procedures for cost recovery shall be specified.

Land Use Element - Page 13

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 - Page 16

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)

DEVELOPMENT OF THE HEADLANDS

The Headlands is one of the most significant landforms and undeveloped properties in the City. The Headlands derives its name from that portion of the site that includes approximately 35 acres and rises some 215 feet above the Pacific Ocean. The Headlands is approximately 121 acres and offers important opportunities for future development and at the same time, includes sensitive coastal bluffs, which represent substantial constraints to development. The property provides spectacular views of the Dana Point Harbor and the coastline to its north and south.

Thus, the Headlands offers important opportunities for future development and a distinct opportunity to provide open space corridors along the coast with views and public access to the ocean and coastline. The property is large enough to accommodate a mixture of land uses that include visitor-serving commercial, residential, recreation, open space, and visitor-serving recreational and community facilities.

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 off-site 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.

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.

Policy 5.1: Establish and preserve public views from the Headlands to the coastal areas and the harbor areas. (Coastal Act/30251)

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)

Policy 5.3: Preserve natural open space within the Headlands, especially along the coastal bluffs, and provide open space areas integrated throughout the development. (Coastal Act/30210-212.5, 30250, 30253)

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)

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)

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)

Policy 5.8: Provide patterns of land use and circulation within the Headlands that enhance public and private pedestrian access and circulation within the area. (Coastal Act/30250, 30252)

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.

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

Policy 5.11: Assure that either a Specific Plan or a PDD for the Headlands provides buffers to adjoining development to achieve a compatible and enhanced relationship to existing surrounding land uses.

Policy 5.12: Establish and preserve as public open space, the most unique and significant landforms on the property, which have been incorporated into the Headlands

Conservation Park, the Harbor Point Park, the Hilltop Park, and the Strand Beach Park, all as shown on Figure LU-6.

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)

Policy 5.14: Develop pedestrian, bicycle and visual linkages between public spaces, the shoreline and the bluffs. (Coastal/30210, 30212)

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

Policy 5.16: Use open space designations and innovative design techniques to provide public views to the ocean.

Policy 5.17: Incorporate design elements into private development, such as view lot premiums, which will lower the amount of gross acreage devoted to development, and thus increase the acreage devoted to public recreation, open space, parks and visitor facilities.

Policy 5.18: Provide public recreational opportunities and distribute visitor-serving recreation facilities in appropriate areas compatible with adjacent uses and to minimize the potential for overuse of any single area by the public. (Coastal Act/30212.5, 30252)

Policy 5.19: Provide passive visitor/recreational facilities on the Headlands. (Coastal Act/30001.5, 30213)

Policy 5.20: Regulate the time, manner and location of public access to parks and open space containing sensitive biological resources to maintain and protect those sensitive resources and to protect the privacy rights of property owners while honoring the public's constitutional right of access to navigable waters. (Coastal Act/30214, 30240)

Policy 5.21: Complete the Blufftop Trail alignment through the Headlands, emphasize coastal view opportunities as determined in the Headlands Specific Plan or PDD (Coastal/30210, 30212).

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 off-street 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)

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

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)

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

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).

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).

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).

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)

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)

Policy 5.31: Recreation and access opportunities at public beaches and parks at the Headlands shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in user fees or parking fees shall be subject to a coastal development permit. (Coastal Act/30210, 30212, 30213, 30221)

Policy 5.32: Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources. (Coastal Act/30212)

Policy 5.33: New public beach facilities shall be limited to only those structures necessary to provide or enhance public recreation activities. No development shall be permitted on sandy public beach areas, except that lifeguard stations, small visitor serving concessions, restrooms, trash and recycling receptacles, and improvements to provide access for the physically challenged may be permitted when there is no less environmentally damaging feasible alternative and the development is sited and designed to minimize adverse impacts to public access, visual resources and sensitive environmental resources. (Coastal Act/30221, 30240, 30250, 30251, 30253)

Policy 5.34: The implementation of restrictions on public parking along Selva Road, Street of the Green Lantern, and Scenic Drive that would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.

Policy 5.35: Except as noted in this policy, gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted upon any street (public or private) within the Headlands where they have the potential to limit, deter, or

prevent public access to the shoreline, inland trails, or parklands. In the Strand residential area, gates, guardhouses, barriers and other structures designed to regulate or restrict public vehicular access into the residential development may be authorized provided that 1) pedestrian and bicycle access from Selva Road and the County Beach parking lot through the residential development to the beach remains unimpeded; 2) a public access connection is provided that gives direct access from approximately the mid-point of the County Beach parking lot to the Central Strand Access; and 3) an inclined elevator/funicular providing mechanized access from the County Beach parking lot to the beach is constructed, operated and maintained for public use for the duration of the period that public vehicular access through the residential subdivision is regulated or restricted.

Policy 5.36: Where an inclined elevator/funicular is provided in accordance with Land Use Element Policy 5.35, the facility shall be open to the public every day beginning Memorial Day weekend through Labor Day weekend, and on holidays and weekends the remainder of the year, with additional days of operation as necessary to meet demand. If necessary, a fee may be charged for use of the inclined elevator/funicular to recover costs of operation and maintenance, however, that fee (round-trip) shall not exceed the regular cash fare for a single ride on a local route upon a public bus operated by the Orange County Transportation Authority.

Policy 5.37: A trail offer of dedication shall be required in new development where the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. An existing trail which has historically been used by the public may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide privacy for residents and maximum safety for trail users.

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.

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.

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 pubilc 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.

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.

Policy: 5.42: The public parks, open space and public trail network shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent, prior to or with the recordation of the first land division/Final Map(s). The first land division shall encompass the entire 121.3 acre site and shall fully expunge all development rights that may exist within the identified public parks, open space and public trail network that may have existed under any prior land division. All approved public park, open space and public trail network improvements and amenities shall be constructed by the landowner/developer and shall include all such public parks, open spaces, public trails and associated improvements and amenities described in the HDCP. All approved public park and open space improvements and amenities shall be completed and the facilities open to the public for public use prior to the residential certificate of occupancy or final inspection for the first to be completed residential property.

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.

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.

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/Recreation 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 .75:1 and the maximum intensity of development of 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.

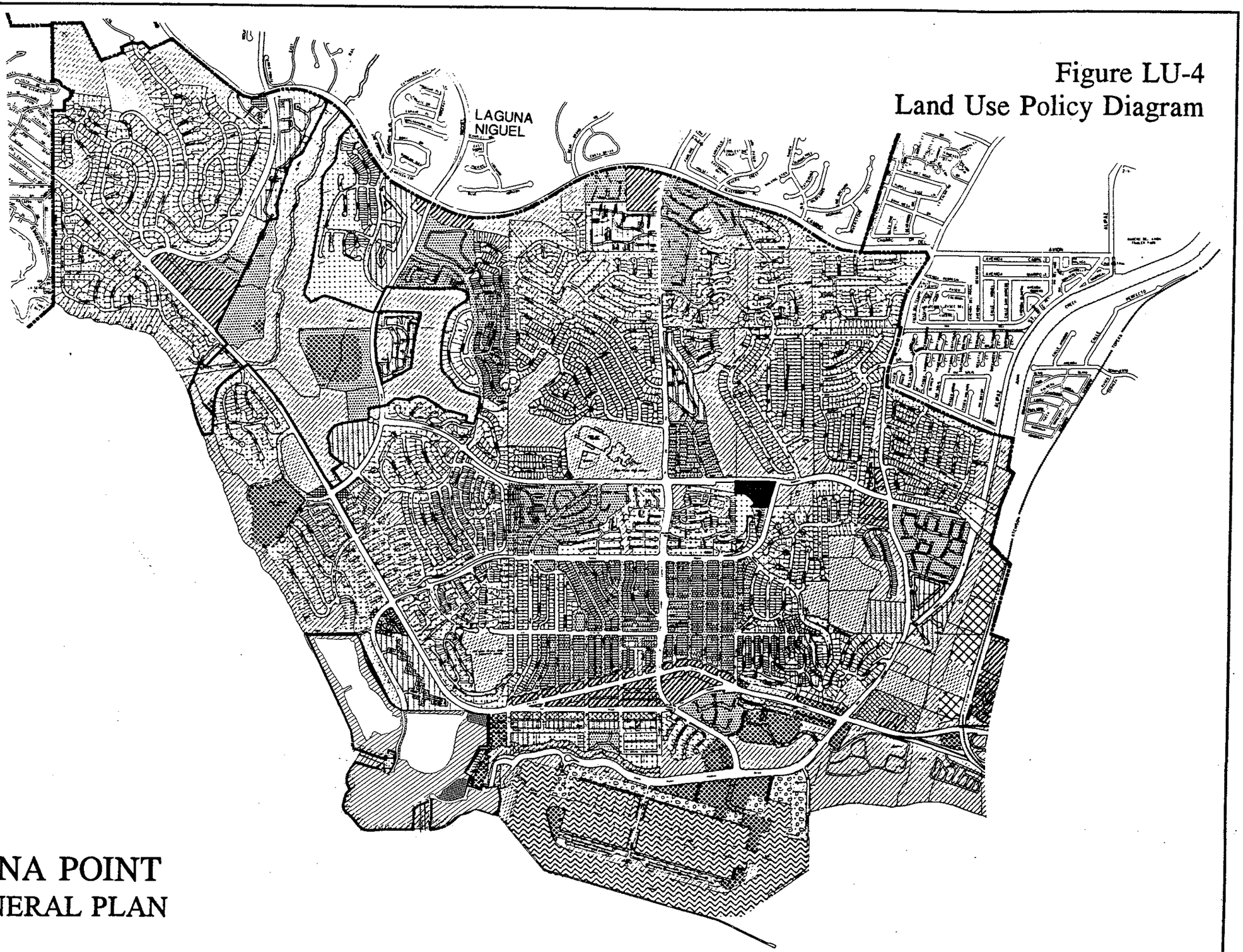
TABLE LU-2
LAND USE RELATED
GOALS AND POLICIES BY ELEMENT
(Revised September 22, 2004)

Land Use Issue Area	Related Goals and Policies by Element								
	Land Use	Urban Design	Housing	Circulation	Noise	Public Safety	Conservation/ Open Space	Public Facilities and Growth Management	Economic Development
Balance of Land Uses		3.4, 4.1, 4.4, 6.3, 6.6					5.2, 5.3 6.5, 6.6, 6.7 7.4		1.4, 2.7, 3.3, 4.1, 5.3, 6.2, 7.2, 7.3
Compatibility/ Enhancement Among Land Uses		1.1, 2.1, 2.2 6.2				3.3	3.1, 3.4 5.2, 5.3 6.1, 6.6 8.1, 8.3		2.6 9.1
Maintaining and Improving Quality of Life		All	All	All	All	All	All	All	All
Preservation of Natural Resources		1.4, 4.5 7.2				1.7, 1.8, 1.13, 1.18	6.8		2.7
Development of Headlands		1.5, 4.5		5.13, 5.14		1.10, ~~1.12~~, 1.25	2.4, 2.6-2.9, 2.14, 2.20, 3.1, 3.7, 5.6, 5.20, 5.26, 5.27, 5.28, 5.29, 5.37, 5.38, 5.39, 5.42 6.2, 6.4, 6.6-6.8	9.1-9.5	5.1
Development of Town Center		3.8							3.4, 7.5, 8.3
Development of Doheny Village		6.7				2.6, 2.7	1.1		3.4, 6.1-6.4, 8.3
Development of Monarch Beach		1.5, 2.5, 4.5, 5.6, 7.3				1.15, 1.21-1.24 2.8	1.1, 2.9, 3.4, 4.2, 5.4, 5.5-5.7, 6.1, 6.3, 8.4		5.2
Protection of Resident-Serving Land Uses							5.3, 7.5		1.4, 4.1, 4.3, 7.3

LAND USE POLICY DIAGRAM

The Land Use Policy Diagram for the City of Dana Point is described in Land Use Policy Figures LU-3, LU-4, LU-5, and LU-6. The Land Use designations depicted on the diagrams are those described in the previous section and are represented by patterns which identify future planned land uses for the City.

Figure LU-4
Land Use Policy Diagram



LEGEND

- Residential 0-3.5 DU/AC
- Residential 3.5- 7 DU/AC
- Residential 7-14 DU/AC
- Residential 14-22 DU/AC
- Residential 22-30 DU/AC
- Neighborhood Commercial
- Community Commercial
- Visitor/Recreation Commercial
- Commercial/Residential
- Professional/Administrative
- Industrial/Business Park
- Community Facility
- Recreation/Open Space
- Transportation Corridor
- Harbor Marine Water
- Harbor Marine Land
- 45% Residential 3.5-7 and 55% Recreation/ Open Space

- Specific Plan Area Boundary
- City Boundary

Land Use Policy Diagram

DANA POINT
GENERAL PLAN

DISTRIBUTION OF LAND USES

The statistical distribution of planned land uses City wide is shown on Table LU-4. Table LU-5 graphically describes the percentage distribution of planned land uses City wide, identifies each land use designation, its associated land acreage, and the total land acreage for all planned land uses in the City. This Table also provides estimated ranges of the total number of residential dwelling units planned and the resulting population. For non-residential land uses, such as commercial, office, industrial, and community facility, estimates of building square footage are depicted.

Net acreage represents the acreage remaining after street rights-of-way and other public lands are excluded. To establish the net acreage associated with densities for residential designations and intensities for non-residential designations, except where otherwise specifically provided, 20 percent of the gross acreage is assumed to be used for streets or other public lands. Therefore, the net acreage equals 80 percent of gross acreage, and represents acreage capable of accommodating residential dwelling units and non-residential building square footage, except where otherwise specifically provided. For each gross acre of land (43,560 square feet), a net acre of 35,000 square feet is assumed to accommodate development.

Table LU-4

Future Land Use and Population Estimates in the City (Revised September 22, 2004)

Land Use Designation	Gross Acres (a)	Dwelling Units (b)	Population (c)	Square Footage (000)(d)
Residential				
Residential 0.0 – 3.5	111	283		
Residential 3.5 – 7.0	1,661	7,969		
Residential 7.0 – 14.0	492	3,793		
Residential 14.0 – 22.0	203	2,920		
Residential 22.0 – 30.0	13	271		
Commercial				
Neighborhood Com'l.	7			85
Community Com'l	109			1,519
Visitor/Rec. Com'l	134			2,370
Com'l/Residential	63	487		1,098
Office				
Prof./Administrative	6			146
Industrial				
Ind./Business Park	18			314
Community and Other				
Comm. Facility	163			2,272
Open Space	785			2,738
Harbor Marine Land	38			265
Transport. Corridor	345			
Total	4,149	15,471 – 16,495	32,180 – 39,258	10,782

(a) Except where otherwise specifically provided for purposes of establishing density/intensity by land use category, the gross acreage for residential and non-residential land uses is converted to net acreage by 20% to account for the land area devoted to roadways.

(b) Estimated dwelling units are expressed as a range. Dwelling units for residential categories are based on the standard density described in Table LU-3, (dwelling unit per net acre) for each category of residential use and the cumulative total for this column is 15,723. The bottom end of the range is based on estimated development of 252 (or 5 du/ac) dwelling units in the Residential/Commercial category. The top end of the range is based on minor upward adjustments to the standard densities for Residential 3.5-7 and Residential 7-14.

(c) Population is based on Orange County Analysis Center OCP-88 2010 projections of 2.08 persons per dwelling unit for the bottom of the range and 2.38 persons per dwelling unit for the top of the range.

(d) Square footage for non-residential categories is based on the standard intensity (FAR) for uses represented.

Land Use Element - Page 45, Second Paragraph Through Page 46

SPECIFIC PLAN AREAS AND PLANNED DEVELOPMENT DISTRICTS

Five areas within the City are identified as Specific Plan areas, for future development, or revitalization. The Specific Plan areas include the Headlands, the Town Center, Doheny Village, Monarch Beach and the Dana Point Harbor. The Headlands may also be developed as a PDD rather than a Specific Plan, providing a PDD zoning ordinance is adopted, consistent with this General Plan. The characteristics of planned land use for each Specific Plan or PDD focal area are described in the following sections.

Headlands

The Headlands represents a significant land resource that has the capacity to accommodate a mixture of compatible land uses, including visitor/recreation commercial, residential, recreation/open space, and visitor-serving and commercial facilities. The Headlands is identified as a Specific Plan area or as a PDD on the Land Use Policy Map.

A Specific Plan or PDD zoning ordinance for the Headlands will be prepared before development occurs and that document will implement General Plan policy by establishing development standards, precise locations for land uses and facilities, locations for streets, standards for residential density and non-residential intensity, and standards for the use and conservation of natural resources.

Identification of the acreage and percentage mixture of planned land use is designed to provide both the City and property owner with the flexibility needed to allow consideration of alternative development designs. Any alternative design must generally meet the basic land use acreage and percentage descriptions contained in this element and noted on the Land Use Policy Map. Any development design for the Headlands must include, to the extent feasible after taking into consideration topographic features, publicly accessible open space linkages that connect to on- and off-site open space areas, except that the Headlands shall provide an easement to the City but shall not be required to construct a connection to Dana Point Harbor.

The Headlands surrounds two small areas of existing residential development (the "Enclaves") that are not included in the Specific Plan or PDD boundaries. The westerly Enclave consists of multi-family units in buildings on adjacent, but separate lots. Although the actual density of development for this westerly Enclave varies from lot to lot, the overall designation is Residential 22-30. The southerly residential Enclave consists of single family detached houses on separate lots with a designation of Residential 7-14. The level of development for each of these Enclaves is based on their respective Land Use Element designations, but where the existing level of development exceeds the designation, the existing level of development can be maintained or reconstructed in the event of loss due to natural hazards or accident.

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. Recreation/Open Space constitutes 71.0 gross acres of the Headlands, or 58.5%. Residential constitutes 45.9 acres of the Headlands, or 37.8%. Visitor/Recreation 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 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 conservation 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. Five parks will be strategically dispersed throughout the property, located in areas that maximize public access and coastal views. The Headlands Conservation Park will create new coastal access opportunities and conserve open space in perpetuity, including indigenous habitat. Hilltop Park will include the highest elevation on the Headlands and afford the opportunity for establishing public views, an overlook, and a network of trails. Overlooking Dana Point Harbor and the Pacific Ocean, Harbor Point Park will provide the opportunity for establishing dramatic views, limited public recreation, a nature interpretive center and public parking, and conservation of native vegetation and coastal bluffs. Strand Vista Park, which overlooks Strand Beach, will create and link several coastal access ways and provide visitor amenity and public recreation opportunities. Strand Beach Park will be dedicated to a public agency and will provide coastal recreational opportunities.

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 and 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 offer visitors a comprehensive experience.

Table LU-5

Planned Land Use Distribution By Percentage
(Revised September 22, 2004)

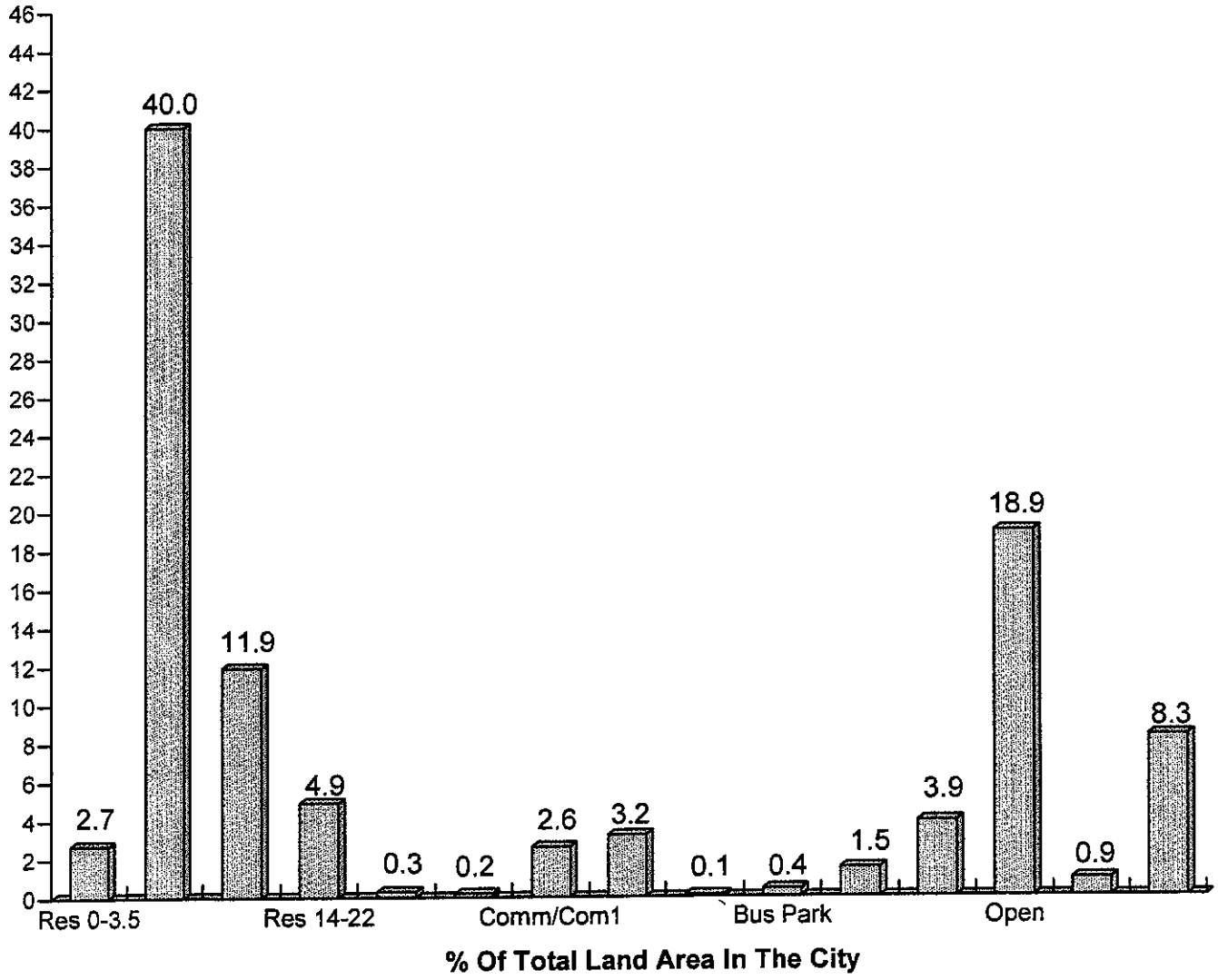


Table LU-6 describes the general percentages of the land use types for the Headlands as 58.5 percent for Recreation/Open Space, 37.8 percent for Residential 0.0-3.5, and 3.6 percent for Visitor/Recreation Commercial.

Table LU-6
Headlands Land Use Composition*

LAND USE DESIGNATION	GROSS ACRES
Residential	
Residential 0.0 – 3.5	45.9
Commercial	
Visitor/Recreation	4.4
Community and Other	
Recreation/Open Space	71.0**
TOTAL	121.3

*In the subsequent Specific Plan or PDD for the Headlands, gross acreage shall be utilized to calculate development yield and density.

**Calculation includes approximately 2.5 acres for public roads.

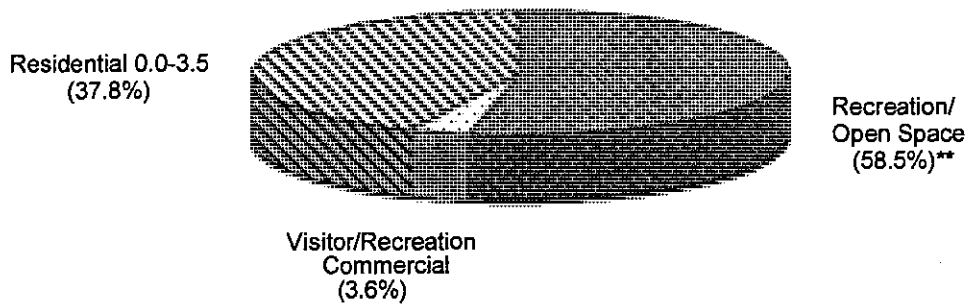
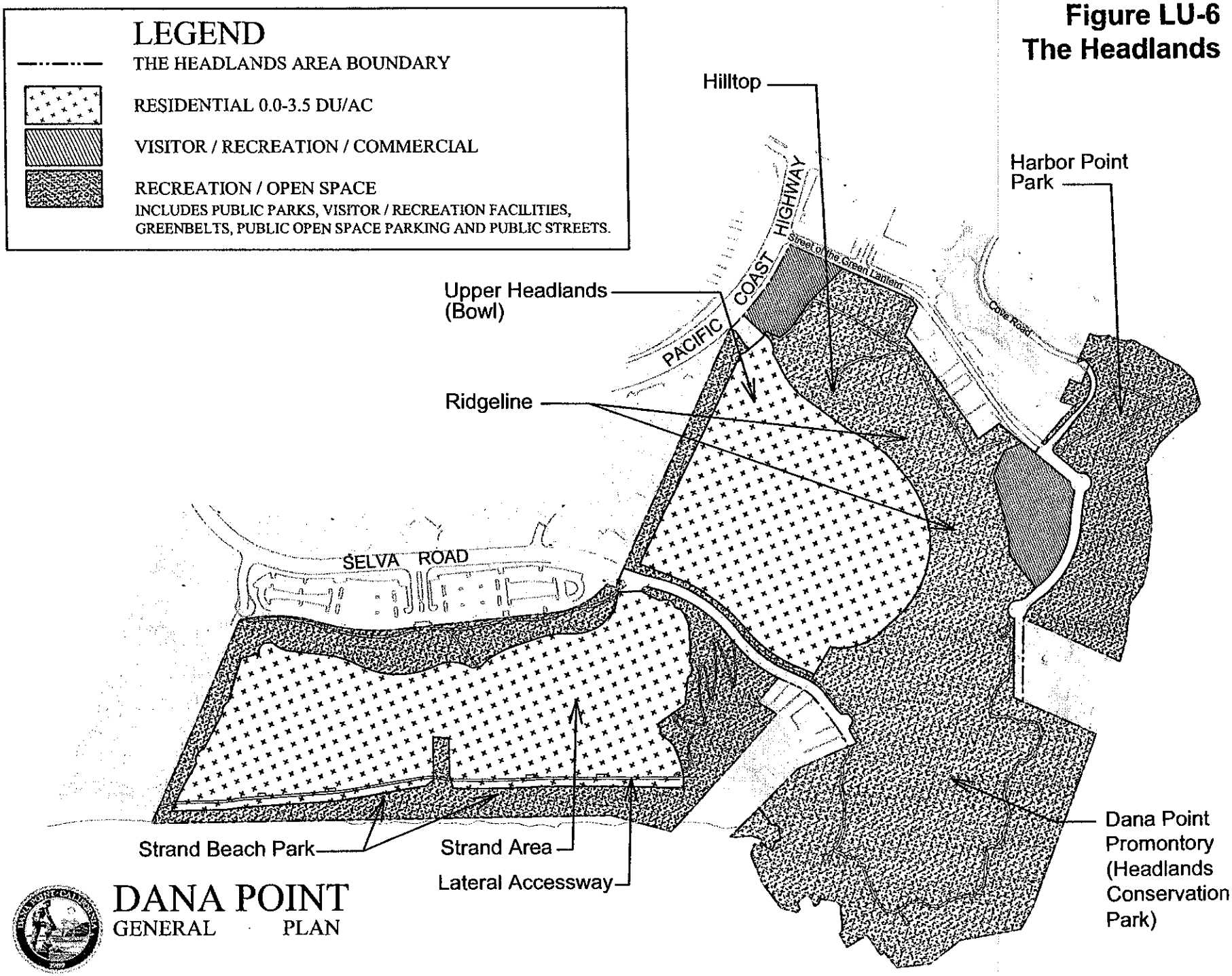


Figure LU-6
The Headlands



DANA POINT
GENERAL PLAN

Land Use Element – Page 48 (new table)

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.

Urban Design Element - Page 3

Policy 1.5: Develop the Blufftop Trail from Monarch Beach to Doheny State Park. The conceptual alignment of the trail through the Headlands shall be determined through the Specific Plan or PDD prepared for the Headlands. (Coastal Act/30210, 30212)

Urban Design Element - Page 13

The Natural Setting

Dana Point's spectacular natural setting forms one of the most memorable arrangements of sea and landform in Southern California. The Dana "Point" promontory, a significant land feature of the Headlands, as well as the coastal bluffs, mark the geographical location of the City. The Dana "Point" promontory with its steep coastal bluffs is one of the most prominent features of the Southern California coastline between Point Loma and the Palos Verdes Peninsula. The City's favorable southwestern aspect orients toward Capistrano Bight, a subtle bend in the coastline which defines a shallow bay between Dana Point and San Mateo Point to the south. Santa Catalina Island is prominent as a scenic landmark visible on the open ocean to the west.

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 of up to 30 miles. Public views from and 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 forth 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 that 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 several locations in the Dana Point Town Center and Monarch Beach areas, have the potential to affect public views of the Headlands and bluffs.

- Create historical and/or cultural monuments, plaques, and landmarks and integrate them into the public parks and open space program.

- Incorporate design elements into private development, such as view lots, which will lower the amount of gross acreage devoted to development, and thus increase the acreage devoted to public recreation, open space, parks and visitor facilities.

- 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 Strand Beach.

Urban Design Element – Pages 16-17

The Beaches

Dana Point's coastline is unique in the diversity of its beaches. Capistrano Beach, Doheny State Beach, Strand Beach and Salt Creek Beach each have a distinct character formed by surf conditions, orientation, views, landform background and access pattern. Capistrano Beach, Doheny State Beach and Salt Creek Beach are all publicly owned facilities operated by State or County agencies. Strand Beach is privately owned property. Most of the beaches enjoy wide strands that provide excellent public access along the water's edge. Urban design policies and concepts guiding development along the beachfront except for Strand Beach, are:

- Require future built improvements adjacent to the beaches to consider the natural topography of the coastal terraces, embankments and bluffs as an integral part of the beachfront natural and visual setting. Development should protect existing natural features and be carefully integrated with landforms, emphasizing low profile building forms, retaining walls and other improvements that do not detract from the natural setting of the beach.

- Some older insensitive beachfront development has marred the natural setting and blocked public views to the ocean. Future improvements or modification of previously-developed sites should strive to restore the appearance of the natural setting and create additional public views to the water. Opportunities to restore the appearance include:

  Where feasible, encourage opening selective views to the ocean from the Pacific Coast Highway.

- On the Headlands, the following urban design policies will guide development of the area adjacent to Strand Beach and will serve as the standard of review for review of any application for a coastal development permit for development proposed in the area:

  Development of the former mobile home park site at Strand Beach must be subject to thorough geologic analysis.

  To enhance visual quality, the abandoned mobile home park and surrounding area above Strand Beach shall be remediated and reconfigured. Such reconfiguration may include moving earth from the Strand area to the Upper Headlands area, creating a series of landscaped terraces, a public park, a primary coastal access path, and residential lots, all overlooking the Pacific Ocean.

  There is an existing revetment on Strand Beach. In order to re-develop the Strand area with residential uses and public parks and amenities the new development will be subject to the analysis of a registered geotechnical engineer and a registered coastal engineer to incorporate design measures that further stabilize

the site to ensure public safety. If a permit is approved authorizing the repair and maintenance of the existing revetment or the building of any other sort of protective device to support the Strand development, it shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the revetment is moved 5 feet landward or easterly. Any shoreline protective device must incorporate a linear coastal access path along the top or landward of the shoreline protective device.

To compliment the surrounding urban residential character, the Strand area shall limit development to residential land uses.

Development of the old Mobile Home Park above Strand Beach according to a Specific Plan or PDD for the Headlands shall accommodate two Strand Beach vertical public beach access paths (one of which will branch off to provide a connection to the mid-point of the County Strand Beach parking lot), a linear park adjacent to the County Strand Beach parking lot, a lateral public accessway between the residential development and shoreline protective device, terraced landscaped slopes, a public funicular (if public vehicle access into the Strand residential area is restricted), and residential lots.

Urban Design Element – Pages 26-27

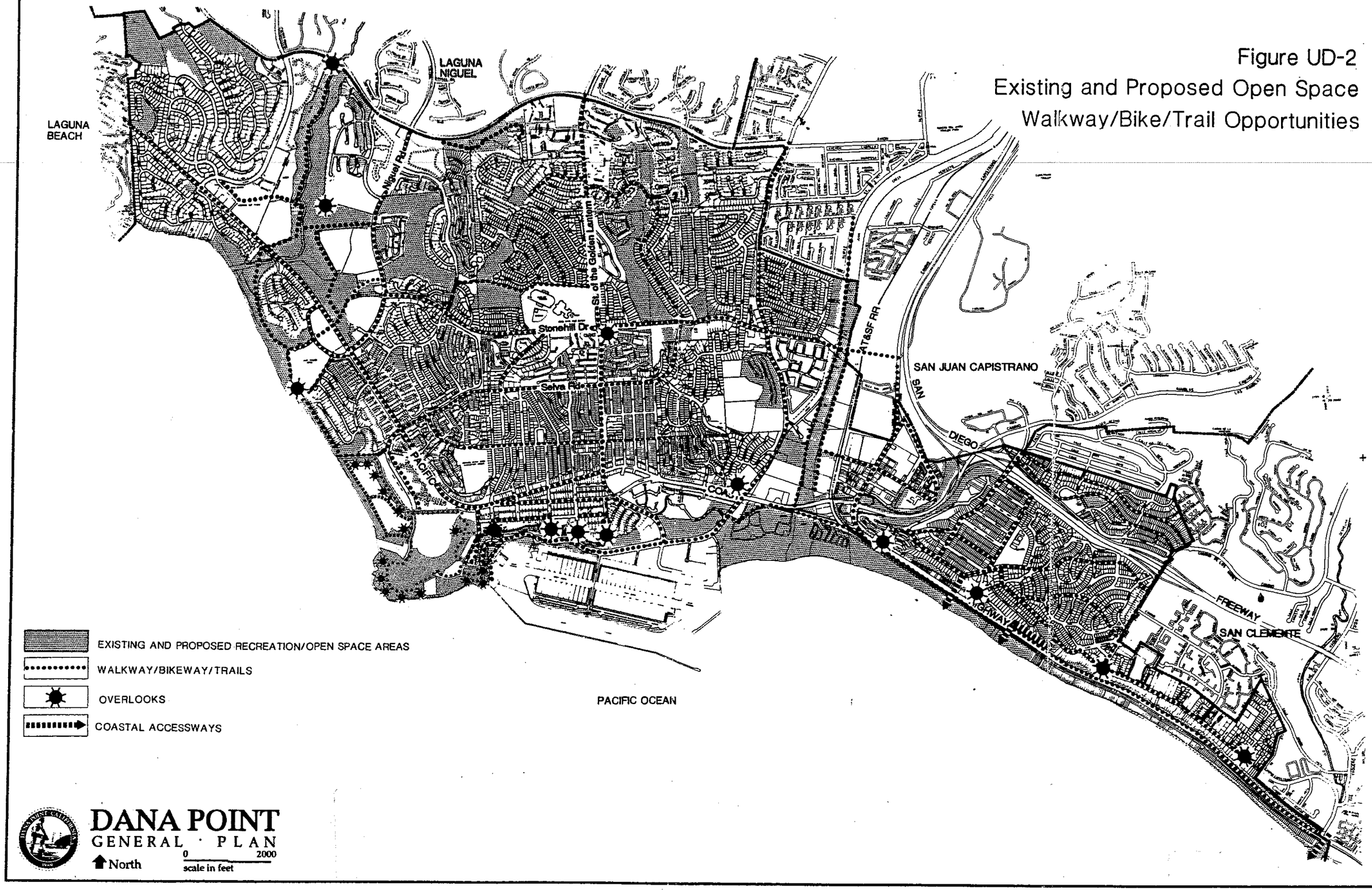
The Blufftop Trail, or other system of trails and open space linkages, which will eventually provide a connection from the Headlands to Doheny State Beach, is an excellent example of the desired concept.

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 and access. The trail system shall constitute the Blufftop Trail component for the Headlands.

Figure UD-2
Existing and Proposed Open Space
Walkway/Bike/Trail Opportunities



DANA POINT
GENERAL · PLAN

North

0 2000
scale in feet

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:

- Preserve a continuous open space corridor along the coastline, providing full public access to the bluff edge and coastal views.

- Create safe coastal view opportunities such as the Strand Vista Park adjacent to the County Strand Beach parking lot, and a lateral public accessway with picnic tables and benches, near beach level, seaward of the Strand residential development and on top or landward of any shoreline protective device.

- 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.

- Create a comprehensive set of development guidelines, unifying the public and private components of the Headlands.

- Emphasize a creative use of appropriate materials when designing public facilities, such as visitor-serving recreational facilities, trails, and walkways.

- 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 a series of monuments, landmarks and landscape features that designate the primary points of entry into the Headlands.

- 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.

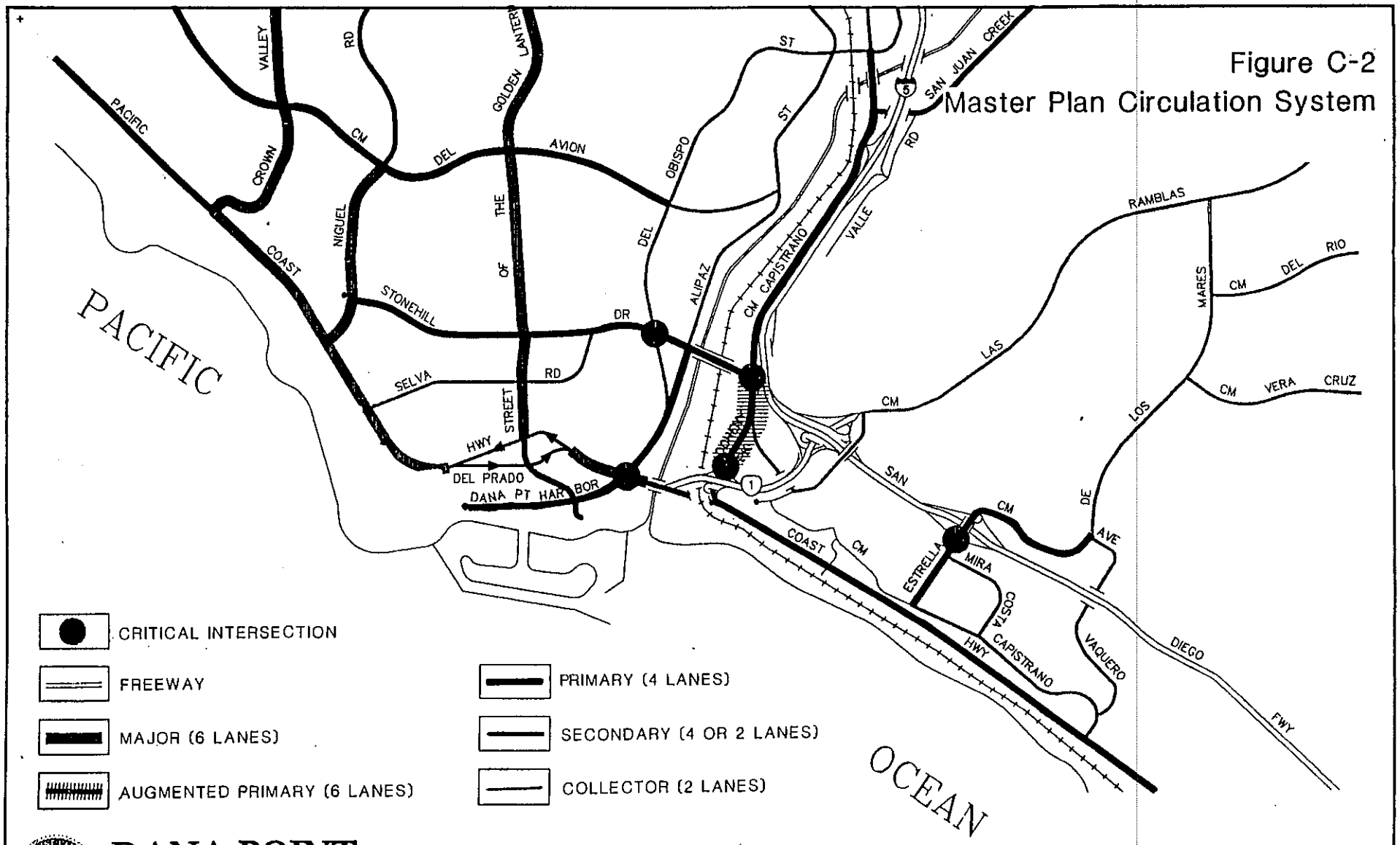
Urban Design Element-Appendix A, Page A-3

Dana Point Landscape Corridors

(A new row shall be added to the bottom of Appendix A, Dana Point Landscape Corridors, on page A-3, as follows, and the Appendix, as amended, shall supersede the Appendix, page A-3 dated July 9, 1991.)

Street Name	Median	Existing Sidewalk or Planting	Sidewalk and Planting Standard	Recommended Improvements
Selva Road, Pacific Coast Highway to the south end of the County Strand Beach parking lot	Potential for planted median in selective locations	Condition I or G	Condition I or G	Opportunity for median improvements and plantings

Figure C-2
Master Plan Circulation System



DANA POINT
GENERAL · PLAN
North

Note: Valle Road is not shown on the MPAH. It is shown here only for access to I-5 ramps.

Circulation Element – Page 10

The following policies shall apply to the Headlands:

Policy 5.13: Ensure adequate vehicle access and circulation, while minimizing traffic impacts to adjacent residential areas.

Policy 5.14: Provide trailhead parking areas along Selva Road and Scenic Drive. The final configuration of parking areas will be determined at the time detailed roadway improvement plans are prepared.

Circulation Element – Page 26

BIKEWAY PLAN

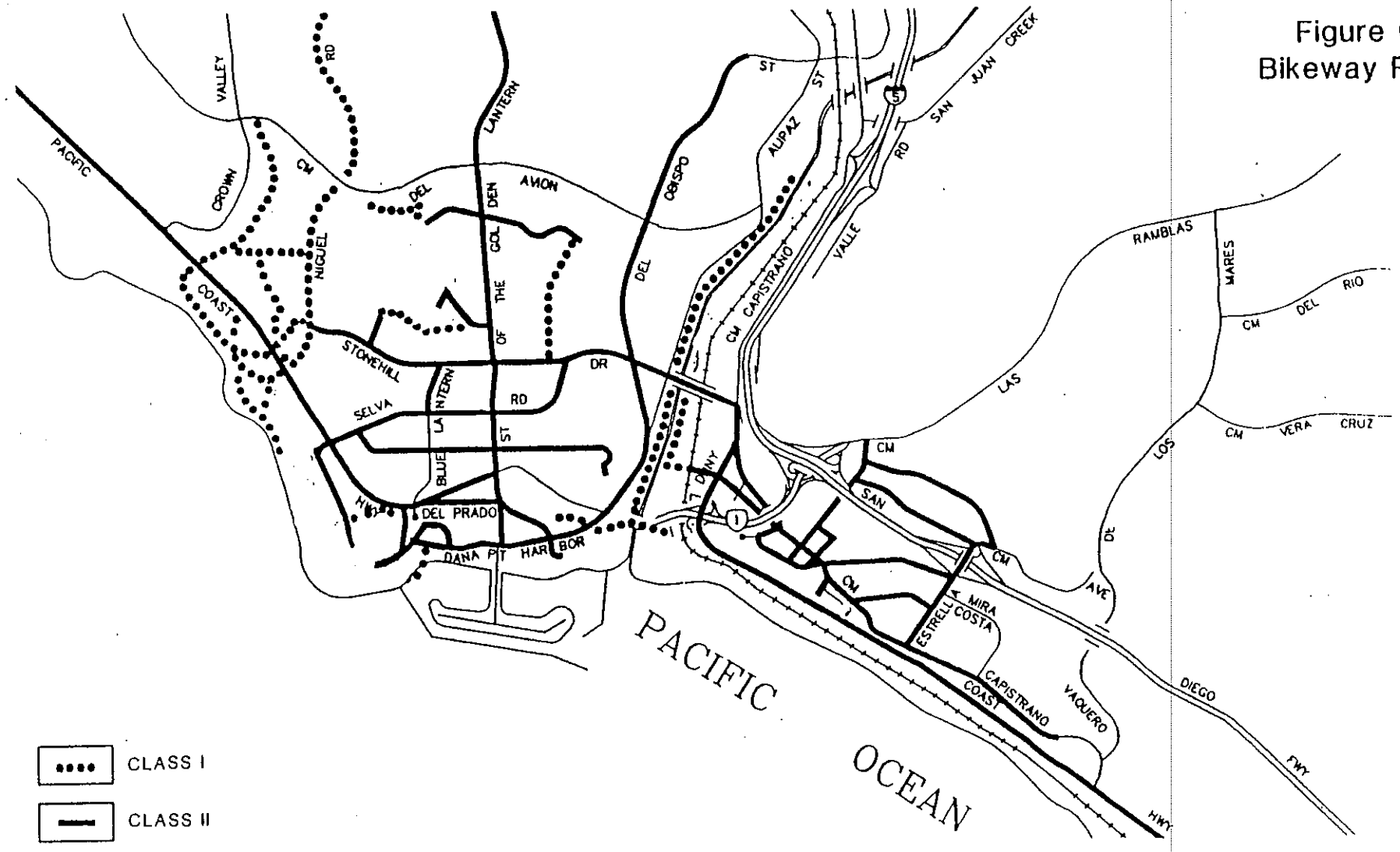
The Public Works Department Recreation Services operates a coordinated system of bike trails. At completion, bike lanes will be included on most of the City's arterial streets and the following outlines the three categories of bikeways:

- **Class I:** A paved path that is separate from any motor vehicle travel lane;
- **Class II:** A restricted lane within the right-of-way of a paved roadway for the exclusive or semi-exclusive use of bicycles; and
- **Class III:** A bikeway that shares the street with motor vehicles or the sidewalk with pedestrians.

The biking network in Dana Point connects with other trails and paths in adjacent communities and throughout Orange County. Several new bike trails and pedestrian paths have been proposed. Additional bikeways are planned along the open space between Street of the Golden Lantern and Sea Bright Drive north of Stonehill Drive and a Class III trail through Doheny State Beach Park.

The Headlands pedestrian walkways may be a combination of Class I and Class III trails. For the Headlands, Class I trails may be paved or improved with other surfaces or materials.

Figure C-4
Bikeway Plan



DANA POINT
GENERAL PLAN
North

Note: Bike lane alignments are diagramatic only.

Public Safety Element – Pages 12-13

Coastal Erosion

Policy 1.12: Specifically review and limit development on lands presenting seismic, slide, liquefaction, fire or topographic concerns.

Policy 1.25: For the Headlands, minimize the potential for coastal slope erosion and ensure public safety and coastal access by reconstructing the existing revetment.

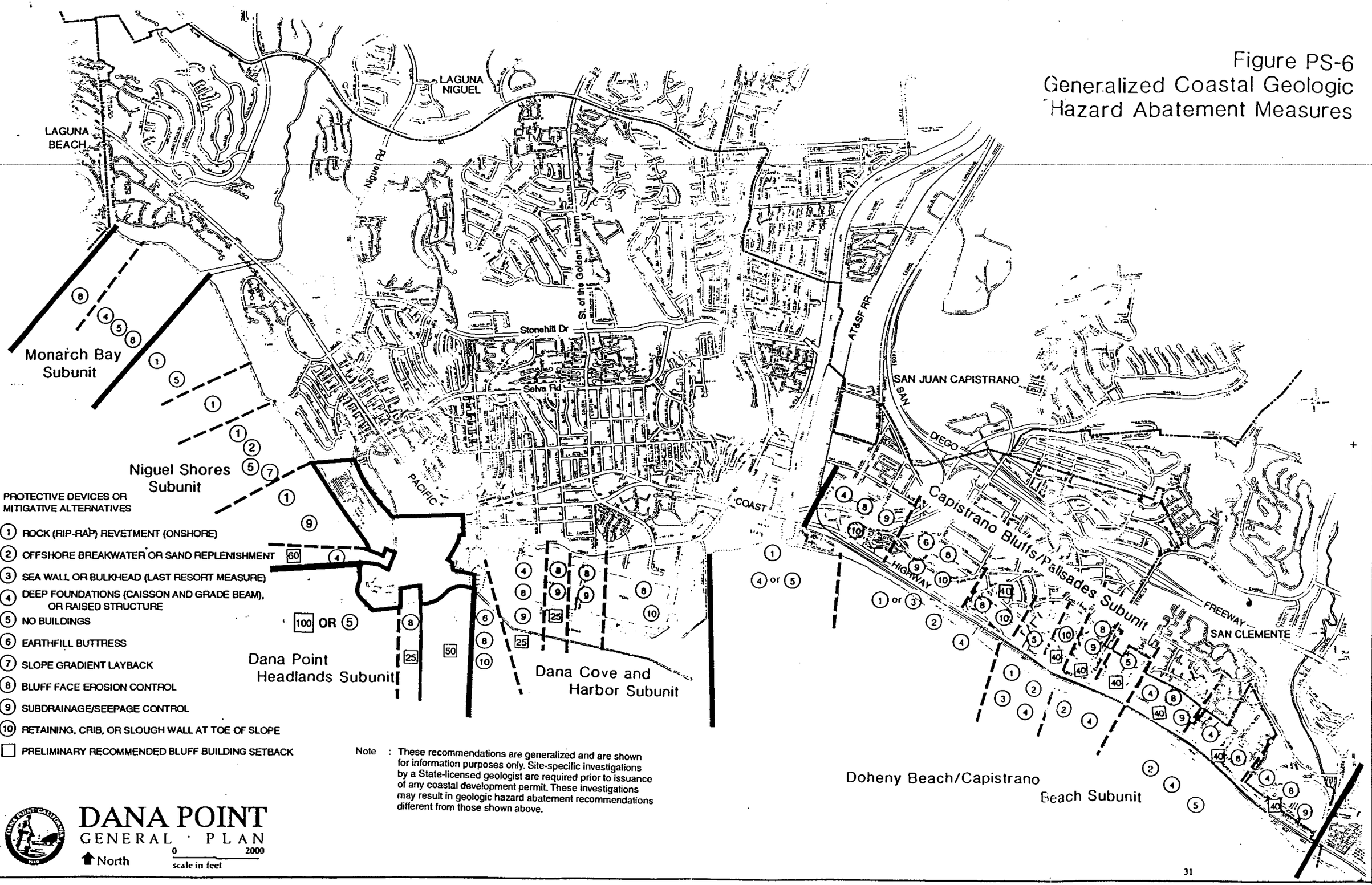
MITIGATION OF COASTAL BEACH AND BLUFF EROSION HAZARDS

The Goals and Policies section of this Public Safety Element outlined the major coastal geologic problems identified by the Coastal Erosion Technical Report of Dana Point's coastal zone. This study includes a series of maps identifying protective devices and/or mitigation measures, which might be appropriate to individual beach and bluff sections of the Dana Point shoreline. These generalized recommendations are shown in Figure PS-6. It should be emphasized, however, that the recommendations as shown are preliminary. Because coastal conditions vary greatly, even from one parcel to another, erosion mitigation measures for any development must be designed on a parcel-specific basis by a State-licensed engineering geologist.

The Headlands

The coastal area of the Headlands falls within two geologic sub-units. The Coastal Erosion Technical Report of Dana Point's coastal zone identifies these as: (1) the Dana Point Headlands Sub-unit, which contains the property's promontory land feature, the "Headlands," including the Dana "Point" and surrounding coastal bluffs; and (2) the Strand portion of the Niguel Shores Sub-unit, which encompasses the property's Strand beach area.

Figure PS-6
Generalized Coastal Geologic Hazard Abatement Measures



PROTECTIVE DEVICES OR MITIGATIVE ALTERNATIVES

1. ROCK (RIP-RAP) REVETMENT (ONSHORE)
2. OFFSHORE BREAKWATER OR SAND REPLENISHMENT
3. SEA WALL OR BULKHEAD (LAST RESORT MEASURE)
4. DEEP FOUNDATIONS (CAISSON AND GRADE BEAM), OR RAISED STRUCTURE
5. NO BUILDINGS
6. EARTHFILL BUTTRESS
7. SLOPE GRADIENT LAYBACK
8. BLUFF FACE EROSION CONTROL
9. SUBDRAINAGE/SEEPAGE CONTROL
10. RETAINING, CRIB, OR SLOUGH WALL AT TOE OF SLOPE

☐ PRELIMINARY RECOMMENDED BLUFF BUILDING SETBACK

Note : These recommendations are generalized and are shown for information purposes only. Site-specific investigations by a State-licensed geologist are required prior to issuance of any coastal development permit. These investigations may result in geologic hazard abatement recommendations different from those shown above.

DANA POINT GENERAL · PLAN

North

0 2000

scale in feet

California Fish and Game Regulations

The California Fish and Game Code was adopted by the State legislature to protect the fish and wildlife resources of the State. Special permits are required for any lake or stream alterations, dredging or other activities that may affect fish and game habitat.

California Coastal Act

The 1976 California Coastal Act is intended to protect the natural and scenic qualities of the California coast. Three Elements of the City's General Plan (the Land Use, Urban Design, and Conservation Open Space Elements), Zoning Ordinance and other implementing action will comprise the City's Local Coastal Program. The goals and policies of the Conservation/Open Space Element implement many of the objectives and requirements of the California Coastal Act and, in conjunction with the Land Use Element and Urban Design Element, serve as the Land Use Plan component of the Local Coastal Program for the areas of Monarch Beach, Capistrano Beach, Doheny Village, and Headlands portions of the City that are located in the coastal zone. Among other requirements, the Coastal Act encourages the protection and enhancement of public coastal access, the protection and enhancement of visual resources, and requires the identification of sensitive biological habitat meeting specified criteria, known as 'Environmentally Sensitive Habitat Areas' and the protection of those habitat areas from significant disruption by development.

The Headlands

In conjunction with the Central Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) adopted in 1996, the Headlands property owners have executed a binding Implementation Agreement with the California Department of Fish and Game and U.S. Fish and Wildlife Service. The property owners have also been issued an Endangered Species Act, Section 10(a) permit for the Headlands that deals specifically with anticipated impacts to federally listed endangered species and required conditions.

Conservation and Open Space Element – Page 6

A substantial portion of the City's natural open space and biological habitat has been replaced with urban development. However, there are significant portions of the community that remain in a natural state. These areas include a portion of the Headlands, portions of Monarch Beach, and the Salt Creek and San Juan Creek Basins.

Conservation and Open Space Element – Page 8

The Headlands Water Quality Program

Although portions of the Headlands have been previously developed, specifically the mobile home park in the Strand 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 basin as 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:

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.

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 for the maintenance shall be identified.

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.

Policy 1.12: Development that requires a grading/erosion control plan shall include a plan and schedule for landscaping and re-vegetation of 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.

Policy 1.13: The City, property owners, or homeowners associations, as applicable, shall vacuum sweep public and private streets, and parking lots frequently to remove debris and contaminant residue.

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 designed 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.

Policy 1.15: Commercial development shall incorporate BMPs designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

Policy 1.16: Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system.

Policy 1.17: Storm drain stenciling and signage shall be provided for new stormdrain construction in order to discourage dumping into drains.

Policy 1.18: Utilize efficient irrigation practices to minimize the potential for nuisance water runoff.

Policy 1.19: Divert low-flow "nuisance" run-off to the sanitary sewer system for treatment, thereby avoiding dry weather flows to the beach or Harbor.

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.

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.

Conservation and Open Space Element - Page 8

CONSERVATION OF SIGNIFICANT NATURAL FEATURES

The natural features in the Dana Point area have helped to create the desirable character of the area. The significant natural features or natural land forms on the Headlands are Strand Beach, the Hilltop, Harbor Point, Dana "Point," and the Headlands Promontory. Other Dana Point area topographic features such as Salt Creek and the San Juan Creek watershed, the bluffs, the inland hills, and the beachfront should be protected from insensitive development. Public views should be conserved and the natural vegetation retained as much as possible. The beach areas and bluff area have potential for excessive erosion if not protected.

Conservation/Open Space Element - Pages 9-11

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 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)

Policy 2.14: Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and minimize adverse impacts on public use of sandy beach areas. (Coastal Act/30210-12, 30235)

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).

In addition to the above policies, the following policies apply to new development at the Headlands:

Policy 2.21: Notwithstanding Conservation Open Space Element Policy 2.28, and in the context of any specific project application that provides all of the HDCP Elements, creation of a residential subdivision of up to 75 homes with associated infrastructure development and public access amenities all dependent upon geologic remediation and the existing shoreline protective device (including such upgrades as are permitted in Conservation Open Space Element Policies 2.22 and 2.23) shall be permitted in the Strand area provided it is consistent with all other applicable policies. Furthermore, in conjunction with any shoreline

protective device, a lateral public accessway following the entire length of the protected area shall be constructed seaward of any new residential development and on top of or landward of any shoreline protective device. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to resources including local shoreline sand supply. (Coastal Act/30007.5, 30200(b), 30210, 30240, 30250, 30253)

Policy 2.22: In the context of any specific project application that provides all of the HDCP Elements, and only in conjunction with a proposal that completes the plan as a whole, the revetment in the Strand may be repaired and maintained consistent with Conservation Open Space Element Policy 2.23 and subject to the requirements of Conservation Open Space Element Policy 2.31 in order to protect new development in the Strand provided that the repaired and maintained revetment is set further landward than the existing alignment. The revetment shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the revetment is moved 5 feet landward or easterly. All components of the existing revetment located seaward of the above identified toe shall be removed from the beach and recycled into the new revetment or properly disposed at an approved disposal site. The top edge of the revetment shall not exceed the top edge of the existing revetment located at +17 feet NGVD. The methods by which the repair and maintenance would be conducted shall remain reviewable for consistency with all applicable policies.

Policy 2.23: The establishment of a revetment of the same height and footprint size as the southerly 2,240 feet of the existing revetment, along Strand Beach, through the repositioning of rocks that were once part of the existing revetment, and are still in the vicinity thereof, and the importation of up to 50 percent new rock by volume, including excavation and new bedding material and foundation shall constitute repair and maintenance of the existing revetment. In part, for that reason, such work would not constitute "construction of a protective device that would substantially alter natural land forms along bluffs and cliffs."

Policy 2.24: Where development in the Strand area occurs on active or ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where a minimum factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition.

Policy 2.25: All applications for new development on a beach, beachfront, bluff or bluff top property in the Headlands area shall include a shoreline and bluff erosion report and analysis prepared by a licensed geologist, geotechnical or civil engineer with expertise in coastal processes, that examines the stability of the site and the proposed development for the anticipated life of the development. If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy 2.21, this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 1-03, furthermore, subsequent applications for development on individual residential lots protected by the comprehensive protection and stabilization shall not be required to individually analyze stability hazards provided the comprehensive protection and stabilization is deemed to adequately address those hazards.

Policy 2.26: All applications for new development on a beach or beachfront property in the Headlands area shall include a wave uprush and inundation report and analyses prepared by

a licensed civil engineer with expertise in coastal engineering, that examines the stability of the site and the proposed development for the anticipated life of the development. If a comprehensive shoreline protection plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy 2.21, this requirement has been satisfied by those studies submitted in conjunction with the approval of LCP Amendment 1-03, furthermore, subsequent applications for development on individual residential lots protected by the comprehensive protection shall not be required to individually analyze wave inundation, flood or stability hazards provided the comprehensive protection is deemed to adequately address those hazards.

Policy 2.27: Siting and design of new shoreline development anywhere within the Headlands and the siting and design of the shoreline protective device in the Strand shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 75 year economic life of the structure. If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy 2.21, the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

Policy 2.28: All new beachfront and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards without requiring a shoreline and/or bluff protection structure at any time during the life of the development, except as allowed under Conservation Open Space Element Policy 2.21.

Policy 2.29: Except as allowed under Conservation Open Space Element Policy 2.21 no shoreline protection structure shall be permitted for the sole purpose of protecting an accessory structure. Any such accessory structure shall be removed if it is determined that the structure is in danger from erosion, flooding or wave uprush and that a shoreline protection structure is necessary to protect it or if the adjacent bluff edge encroaches to within 10 feet of the structure as a result of erosion, landslide or other form of bluff collapse. Accessory structures, including, but are not limited to, trails, overlooks, benches, signs, stairs, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of threat from erosion, bluff failure or wave hazards.

Policy 2.30: As a condition of approval of a coastal development permit for development on a bluff, beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other coastal or geologic hazards associated with development on a beach, shoreline or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

Policy 2.31: As a condition of approval of a shoreline protection structure in the Strand, or repairs or additions to a shoreline protection structure in the Strand, either of which can only occur consistent with the other provisions of this LCP, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline

protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235 and/or equivalent LCP policies.

CONSERVATION OF BIOLOGICAL RESOURCES

The existing development and urbanization of Dana Point has nearly eliminated sizable expanses of undisturbed native vegetation. The remaining vegetation includes smaller areas of chaparral and coastal sage scrub. The shoreline areas from north of Dana Point Harbor and extending along Doheny State Beach provide a habitat for a wide variety of marine animals and plants. These areas have been designated by the State of California as Marine Life Refuges. Although there are limited quanitites of undisturbed vegetation serveral sensitive species have been observed with the City including the California Black Tailed Gnatcatcher, the Monarch Butterfly, and the Turkish Ruggish (plant).

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 - Page 12:

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 - Page 12:

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

Policy 3.11: Except as authorized under Conservation Open Space Element Policy 3.12, uses within ESHA within the Headlands area, which includes but may not be limited to the approximately 50 acres of land on Dana Point, the Harbor Point promontory, the Hilltop Park and greenbelt and is generally depicted on Figure COS-1, shall be limited to habitat enhancement and maintenance; passive public recreational facilities such as trails, benches, and associated safety fencing and interpretive/directional signage provided those uses do not significantly disrupt habitat values. Fuel modification to serve adjacent development shall be prohibited within ESHA.

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 be completed as a whole, a maximum of 6.5 acres of ESHA may be displaced along the slopes of the bowl to accommodate development within the bowl, 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 Policy 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.

Policy 3.13: Fencing or walls shall be prohibited within ESHA except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor. If new development engenders the need for fencing or walls to protect adjacent ESHA, the fencing or walls shall be located within the development footprint rather than within the ESHA.

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.

Policy 3.15: All new development that degrades or eliminates ESHA, as specifically allowed under Conservation Open Space Element Policy3.12, shall only be allowed in conjunction with a requirement for mitigation for those impacts such that the net impact of both the development and the mitigation results in no net loss of ESHA within the coastal zone. The mitigation ratio shall be a minimum of 3:1 (substantial restoration/creation:impact) of which there shall be a minimum 1:1 substantial restoration/creation to impact ratio, preferably on-site or within the coastal zone.

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).

Policy 3.17: To protect ESHA and minimize adverse visual impacts new structures shall be prohibited on bluff faces excepting repair, re-construction or improvements to existing, formal public trails or stairways identified in this LCP and the new residential development and new public accessways specifically contemplated by this LCP in the Strand, and in that case only in the context of a project application that provides all of the HDCP Elements, and only in conjunction with a requirement that the plan be completed as a whole. Such structures shall be constructed and designed to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.

Conservation/Open Space Element - Page 15:

Policy 6.4: Preserve and protect the scenic and visual quality of the coastal areas as a resource of public importance as depicted in Figure COS-5, "Scenic Overlooks from Public Lands," of this Element. Permitted development shall be sited and designed to protect public views from identified scenic overlooks on public lands to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms and significant natural features to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Coastal Act/30251)

Conservation/Open Space Element - Page 16:

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

Policy 6.9: As contemplated in the Headlands Development and Conservation Plan, the Headlands area shall be developed as a unified project, with one exception provided at the end of this policy. The first application for land division within the Headlands seeking development pursuant to the Headlands Development and Conservation Plan shall encompass the entire approximately 121 acre Headlands area and shall include a proposal to cause the expungement of any preceding land division within said area, the dedication of all land therein containing ESHA excepting those areas identified in Conservation Open Space Element Policy 3.12 in such a manner as to ensure that the property is conserved in perpetuity as open space, and the dedication of all parks, beaches and accessways identified in this LCP at the Headlands to the City, County or other willing public agency or non-profit entity in such a manner as to ensure their use in perpetuity for public purposes. The one exception to this requirement shall be that, prior to the wholesale re-division of the 121-acre Headlands area, the landowner may apply for, and the City may approve, any lot merger, lot line adjustment, or other land division necessary to enable the landowner to separate out and transfer approximately 27 acres of land on the Headlands promontory, provided that any such approval is conditioned on the requirement that the area so separated is irrevocably deed restricted as conserved open space in conjunction with the land division and is thereafter dedicated in a manner that ensures that it is conserved in perpetuity as conserved open space, in which case the requirement in the preceding sentence shall apply only to the remainder area of the Headlands.

Policy 6.10: Any specific project application that invokes the exceptions identified in Conservation Open Space Element Policies 2.21 and 3.12 shall only be approved in connection with a requirement that all preserved ESHA and all mitigation areas, onsite and offsite, shall be secured through the dedication of a conservation easement to the City, Coastal Conservancy or the wildlife agencies. In addition, a preserve management plan shall be prepared for the preservation and mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Executive Director of the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the preservation and mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a

minimum, monitoring reports shall be required as a condition of development approval for at least 5 years after habitat mitigation efforts.

Policy 6.11: The funding required under Conservation Open Space Element Policy 6.10 shall at minimum consist of 1) A non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will not be owned by the City or other public agency; and 2) $2 million paid by the developer to the City, all of which shall be used to establish a non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will be owned and/or maintained by the City. The amount of the endowments shall be identified and documented by a public agency or non-profit entity (e.g. Center for Natural Lands Management) experienced in the estimation of costs for open space management.

Conservation/Open Space Element – Page 21

CONSERVATION AND OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES

The most significant natural resources in Dana Point include the Pacific Ocean, land with open space potential, lands with significant biological resources, water resources, significant landforms, and those sites or structures that have historical, archaeological or paleontological significance. The Pacific Ocean and shoreline provides important marine habitats for many species. Certain sections of the City's coast have been designated by the California Department of Fish and Game as three separate but contiguous marine life refuges. The other areas of natural resource open space include, San Juan Creek and Salt Creek and the beaches and bluff areas along the coast.

These important natural resource areas are shown on Figure COS-1. Other areas of natural resource open space include San Juan Creek and Salt Creek and the beaches and bluff areas along the coast.

The Headlands

The Headlands is the largest remaining privately owned, undeveloped area within the City. The Headlands contains a number of natural resources, including coastal sage scrub vegetation, which support a variety of plant and animal species.

In 1996, the U.S. Department of Interior, the U.S. Fish and Wildlife Service (USFWS), the California Resources Agency, the California Department of Fish and Game (CDFG), the California Department of Forestry and Fire, the California Department of Parks and Recreation, and the Orange County Environmental Management Agency, in conjunction with participating property owners, adopted the Central/Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP provides for the conservation of certain sub-regionally significant natural resources and multi-species habitat preserve areas.

The NCCP/HCP was preceded by five years of scientific analysis and public agency review. A joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) were prepared pursuant to the California Environmental Quality Act, the

California Endangered Species Act, and the federal Endangered Species Act by the CDFG and the USFWS. In 1996, the EIR/EIS was certified as a Final EIR/EIS.

The NCCP/HCP program resulted in the creation of the Orange County Habitat Reserve System. This 38,738 acre nature reserve has been permanently designated for open space and conservation purposes, and was designed to function as a multiple habitat system. Portions of the Reserve lie within the Coastal Zone and include over 18,800 acres of coastal sage scrub, as well as about 7,300 acres of chaparral, 6,100 acres of grasslands, 1,800 acres of riparian, 950 acres of woodland, 200 acres of forest habitat and significant portions of six other habitat types now existing within the subregion.

The Headlands' owners were identified in the NCCP/HCP as a "participating landowner" for "contributing significant land and/or funding toward implementation of the reserve system and adaptive management program." As a result, the landowners were issued a Section 10(a) Endangered Species Act Permit for the project site.

For these landowners, development activities and uses addressed by the NCCP/HCP would be considered fully mitigated under the NCCP Act and the State and federal Endangered Species Acts for impacts to habitat occupied by listed and other species "identified" by the NCCP/HCP and Implementation Agreement.

Through the NCCP/HCP conservation program, as well as the designation of approximately 34 acres of the Headlands Conservation Park and other natural open space onsite, the Headlands property has provided for the preservation of important natural habitats.

The Headlands Conservation Park

The Headlands shall provide for a Headlands Conservation Park on a site of approximately 27.9 acres. The Headlands Conservation Park shall be a conservation area and generally include the land on either side of existing Marguerita Road (to be removed and the area restored) lying between the two existing residential enclaves. This area includes the most important biotic resources, the adjacent coastal bluffs, the rocky beach, and the entire Pacific pocket mouse reserve identified in the NCCP/HCP. The Headlands Conservation Park shall provide limited public access to the bluff top via a perimeter bluff top trail. A greenbelt buffer will be provided between the Headlands Conservation Park and the proposed residential development on the Upper Headlands. The greenbelt buffer will provide additional habitat conservation outside of the conservation area. Public parking and any other facilities also must be located outside of the Headlands Conservation Park conservation area and all other lands containing environmentally sensitive habitat area, except as allowed under Conservation Open Space Element Policy 3.12.

Figure COS-1
Open Space for Preservation of Natural Resources

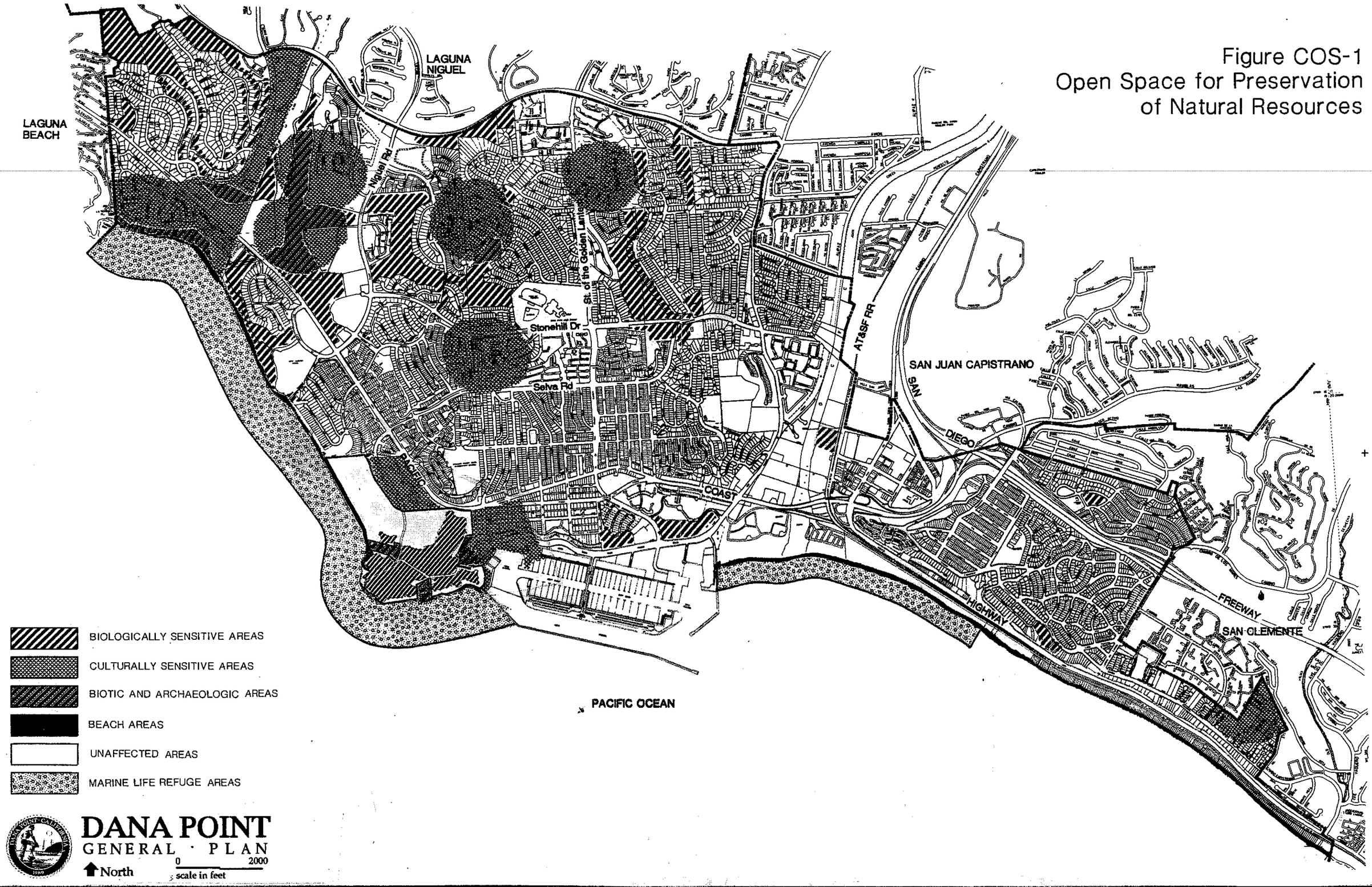
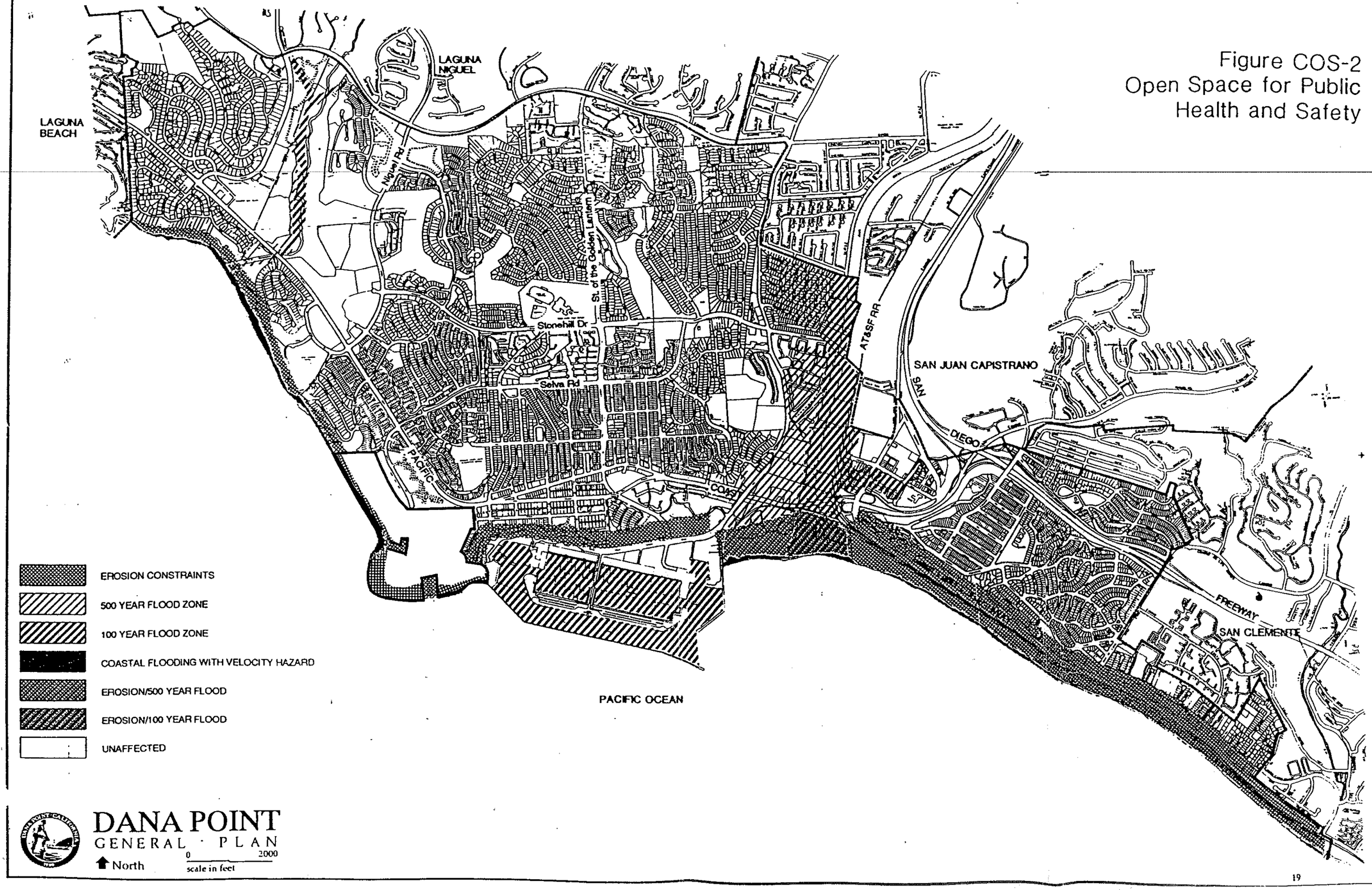


Figure COS-2
Open Space for Public Health and Safety



DANA POINT
GENERAL · PLAN

North

0 2000
scale in feet

CONSERVATION MEASURES

The following techniques may be used to acquire, transfer, dedicate or convey land for open space purposes:

Open Space Easements - pursuant to the Open Space Easement Act of 1974 (Government Code Section 51070 et seq.).

Conservation and Development Easements - pursuant to the Conservation Easement Act (Civil Code Sections 815-816).

Charitable donations of land pursuant to Section 170(h) of the Internal Revenue Code.

Transfer of property to a public agency or non-profit conservation agency.

Table COS 4 - Page 32

OTHER RECREATION SPACES: Camino del Estrella Overlook	Upgrade of existing facility; no net new acreage	Camino de Estrella	Telescope; benches
~~Dana Hills Tennis Center~~	~~Upgrade of existing facility; no net new acreage~~	~~Calle de Tenis~~	~~Tennis Courts~~
Open Space Areas A-E	5.22	Monarch Beach Resort	To be determined
Headlands Conservation Park—Conservation Open Space	27.9 acres	The Dana "Point" promontory area. Falls on either side of existing Marguerita Road.	Preservation and conservation of native species, coastal bluffs and rocky beaches. Public safety fencing and security for biotic resources. Limited public access, signage, bluff top trails and lookouts.
Strand Vista Park—Recreational Open Space	9.9 acres	Seaward of the County Strand Beach parking lot.	Linear park with unobstructed scenic overlooks to and along the ocean per Figure COS-5a, public trails, seating, landscape and hardscape features. Includes the North, Mid-Strand Vista Park Access and South Strand Beach Access.
• North Strand Beach Access		Existing stairway from the County Strand Beach parking lot to the beach at the north boundary.	Reconstruct access to provide overlooks, resting points, landscape features. Restroom/showers above the beach. Funicular to provide mechanized beach access assistance.
• Mid-Strand Vista Park Access		Runs from approximately the middle of Strand Vista Park to a connection with the Central Strand Beach Access at the intersection of the first cul-de-sac street.	
• South Strand Beach Access		Between County Strand Beach parking lot and the existing residential enclave to the south.	Meandering trail to beach, overlooks, public safety fencing, emergency access to beach. Restroom/showers above the beach.

Continued next page

Table COS-4 continued

Site	Acreage	Location	Proposed Features
Strand Beach Park Recreational Open Space	5.4 acres	From the Strand residential development seaward to the mean high tide.	Wide, sandy beach; pedestrian access to the County Strand Beach parking lot. Public walkway with picnic tables and benches seaward of the Strand residential development and on top or landward of the shoreline protective device to provide all-weather lateral beach access, unobstructed views to and along the ocean, and recreational opportunities.
• Central Strand Beach Access			Unobstructed public pedestrian and bicycle access through the Strand residential development to the Central Strand Beach access point.
Harbor Point Park—Recreational Open Space	4.3 acres	Seaward of Cove Road and realigned Scenic Drive, not including adjacent coastal bluffs.	Overlooks, public trails, benches, signage, preservation and conservation of native species.
Harbor Point Park—Conservation Open Space	6.1 acres	From the top of bluff to the mean high tide, including the coastal bluffs and rocky beaches.	Preservation of coastal bluffs and rocky beaches; no improvements except those required for public safety, signage or erosion control.
Hilltop Park—Recreational Open Space	15.1 acres	Highest point of the property, westerly of PCH and Green Lantern.	Public trails, overlooks, signage, seating, native habitat conservation and enhancement.
• Greenbelt Buffers		Buffers to residential and commercial uses, adjoins Headlands Conservation Park on the south, connections to Hilltop Park, South Strand Beach access, Harbor Point Park, and Strand Vista Park.	Public trails, open space parking (outside of designated ESHA), visitor recreational facilities (outside of ESHA), seating, signage, public roads necessary to access open space areas (outside of designated ESHA), native habitat conservation and enhancement.

Biking/Hiking Trails

The City of Dana Point operates a coordinated system of trails, including bikeways, equestrian trails and hiking trails. The trails system is shown in Figure COS-4 and described in the Master Plan of Parks, Recreation and Open Space prepared by the Capistrano Bay Parks and Recreation and annually updated. The one existing hiking trail in Dana Point extends approximately one mile through Salt Creek Beach Park.

The Headlands

The General Plan designates 71.0 gross acres (including 2.5 acres of public roads and parking) of Recreation/Open Space on the Headlands. The Headlands Specific Plan or PDD shall specify an implementation program, identifying the location and range of activity for public open space.

The public open space program shall provide for the conservation of natural resources and protection of sensitive species in accordance with local, state, and federal laws and permits. It shall also provide for the creation of public parks and trails, new public access to Strand Beach, the conversion of Strand Beach from private to public ownership, and the creation of public visitor-serving recreational facilities.

Headlands Public Open Space

Public open space may comprise those lands that accommodate conservation uses, public recreational opportunities, and public visitor recreational facilities, including sandy and rocky beaches, coastal bluffs, parks, linear trails, greenbelts, vegetated slopes, public access and parking, and public or visitor-serving amenities.

The following policies shall guide the design and implementation of the public open space on the Headlands:

- The public open space shall be held in fee title by an appropriate public agency and/or non-profit group for the benefit of the public. To ensure that such lands cannot be developed in the future, a permanent open space easement will be recorded to the benefit of the public prior to or concurrent with the conveyance of the public open space lands.

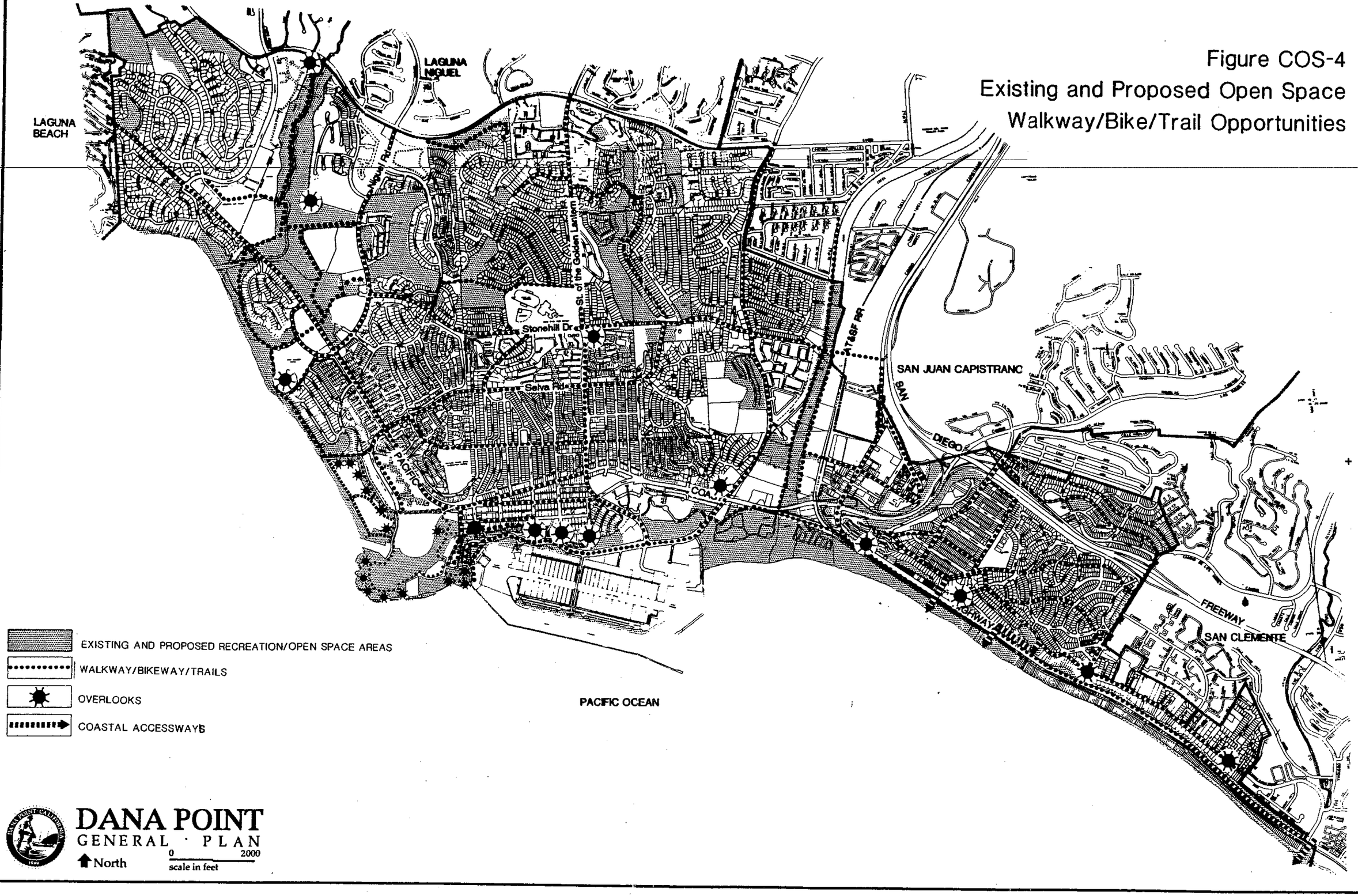
- Harbor Point Park, Strand Beach Park, Hilltop Park, Strand Vista Park, and the Headlands Conservation Park are the areas of highest scenic resource or biotic resource value and shall be designated for public open space.

- The public open space shall incorporate an integrated park and trail system that enables the public to access the different public open space areas of the property.

- The public open space shall provide access to coastal views and trails.

- The public open space shall include appropriate public amenities, such as visitor-serving facilities, lookouts, parking, kiosks, signage, benches, picnic tables, trails, fencing, and related recreational amenities.

Figure COS-4
Existing and Proposed Open Space Walkway/Bike/Trail Opportunities



DANA POINT
GENERAL · PLAN

North

0 2000
scale in feet

Conservation and Open Space Element - Page 41-42

The Coastal Bluff Trail

The Coastal Bluff Trail or other connected open space is intended to provide a linkage from the Monarch Beach area through the Strand and Headlands area, and Lantern Bay area to the Doheny State Park area. This walkway and trail system will link the various lookout points and parks. While in certain areas the existing residential and commercial development may preclude a continuous bluff edge easement, the trail system could continue on local streets around those existing developments. In the future as areas are redeveloped, reservation should be considered for the bluff top trail.

Where possible, the missing links of the Coastal Bluff Trail between the Headlands and Doheny State Beach should be completed. Since existing single family homes prohibit a continuous bluff edge easement between The Streets of The Blue and Amber Lantern, and between Streets of the Violet and Golden Lantern, pedestrian improvements (street trees, benches, bike lanes, and graphic markers) should be developed along Santa Clara Avenue.

Scenic Resources

The scenic resources in Dana Point are a major asset of the community. In the western portion of the City, including Monarch Beach, high points provide sweeping views of the southern California coast and Catalina Island while the lower elevations provide whitewater views. In the central portion of the City, including the "Headlands", there are views and panoramas of the Pacific Ocean, the Dana Point Harbor, the Palos Verdes Peninsula to the north, La Jolla to the south and Catalina Island to the west, and inland views to the foothills and valleys. In the Capistrano Beach area of the City the blufftops offer panoramic views of the coastline.

A unique sequence of parks and lookouts on the coastal terrace offer outstanding views of the ocean. These include the Pine Bluffs Park, Gazebo Park, Leyton Park, Lantern Bay Park, Heritage Park, Blue Lantern Lookout Point, and Salt Creek Beach Park.

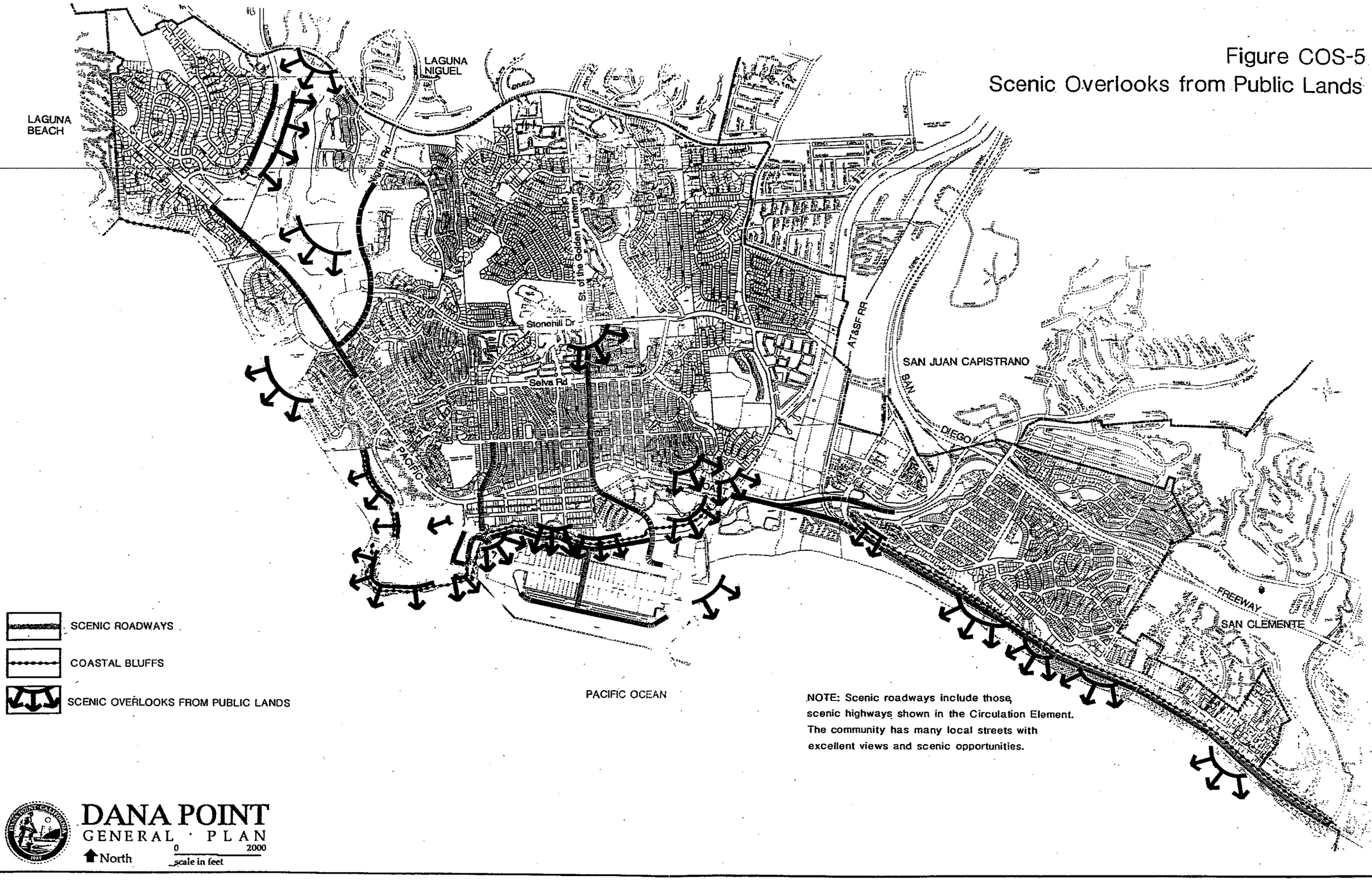
As new development is considered, existing public views should be preserved as much as possible. Consideration should be given to protecting public views along the ridge lines, views toward the inland mountains and along scenic transportation corridors. Because of the unique character and the environmental setting of the City, consideration of scenic resource opportunities should be a key factor in development and revitalization decisions.

GENERAL PLAN POLICIES AND FUTURE RECREATION FACILITIES

The Land Use Element describes a land use designation that is applicable for identifying areas of the City where existing and future parks, trails and other recreational facilities are or may be located. Other sites adjacent to these designated areas may be purchased or acquired as development exactions pursuant to state law for more intensive recreational uses. Figure COS-6, depicts those areas designated on the Land Use Plan Map for recreation and open space purposes which are to be preserved.

By comparing projected build-out for the City with the standards and criteria of this Element, it is possible to identify those areas which will be adequately served by existing park facilities and those for which new parks will be needed. As a part of its implementation program for this Element, the City will develop or amend its Master Parks Plan to show the approximate number and location of additional park facilities, by category, according to the specific criteria outlined in the Master Parks Plan, the Land Use Element, and this Element. This information will be used as a reference tool, and the above criteria will be observed, for planning the acquisition and siting of park facilities.

Figure COS-5
Scenic Overlooks from Public Lands



NOTE: Scenic roadways include those scenic highways shown in the Circulation Element. The community has many local streets with excellent views and scenic opportunities.

DANA POINT
GENERAL PLAN
North
0 2000
scale in feet

Figure COS-5a
Headlands Coastal View Opportunities

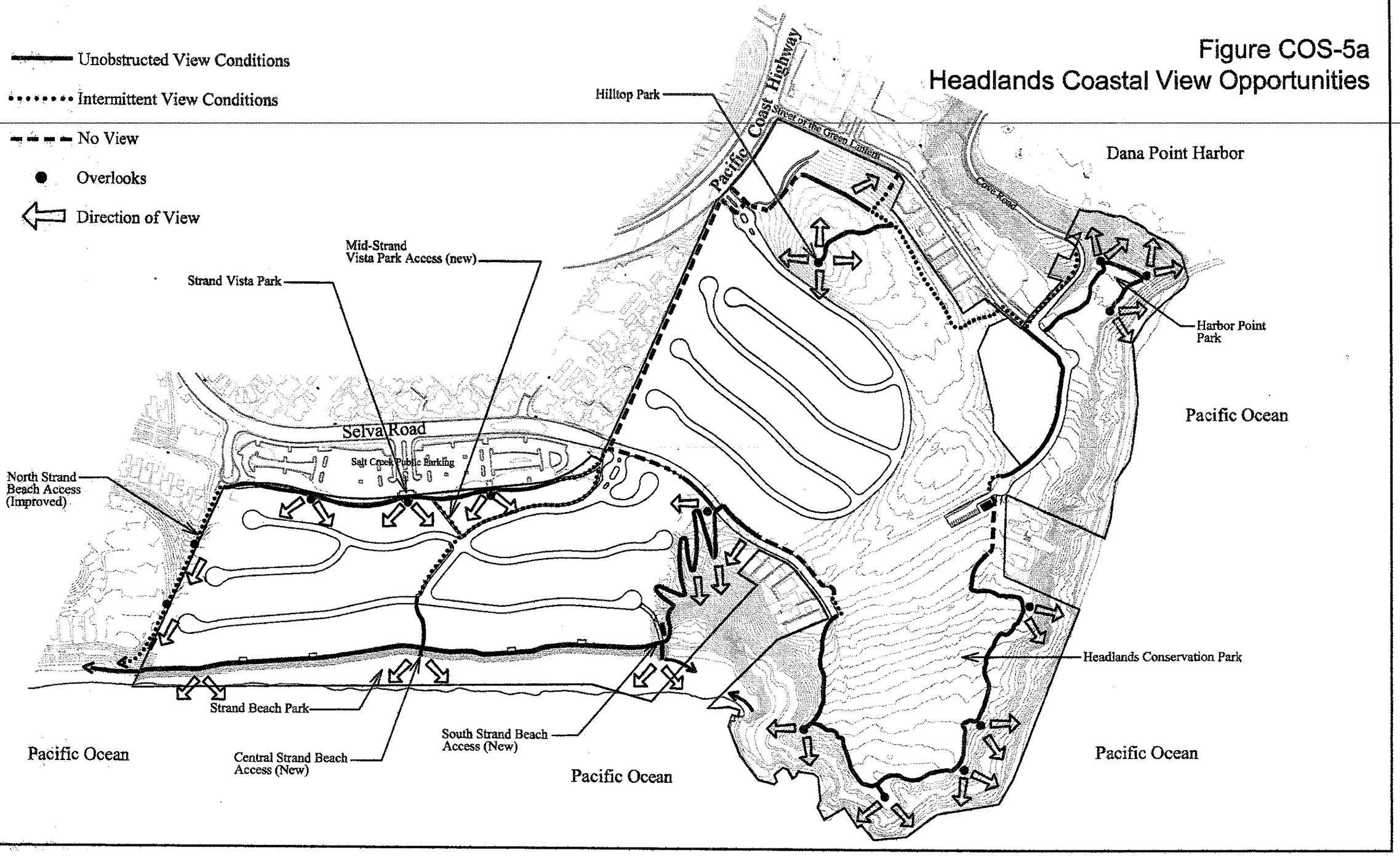
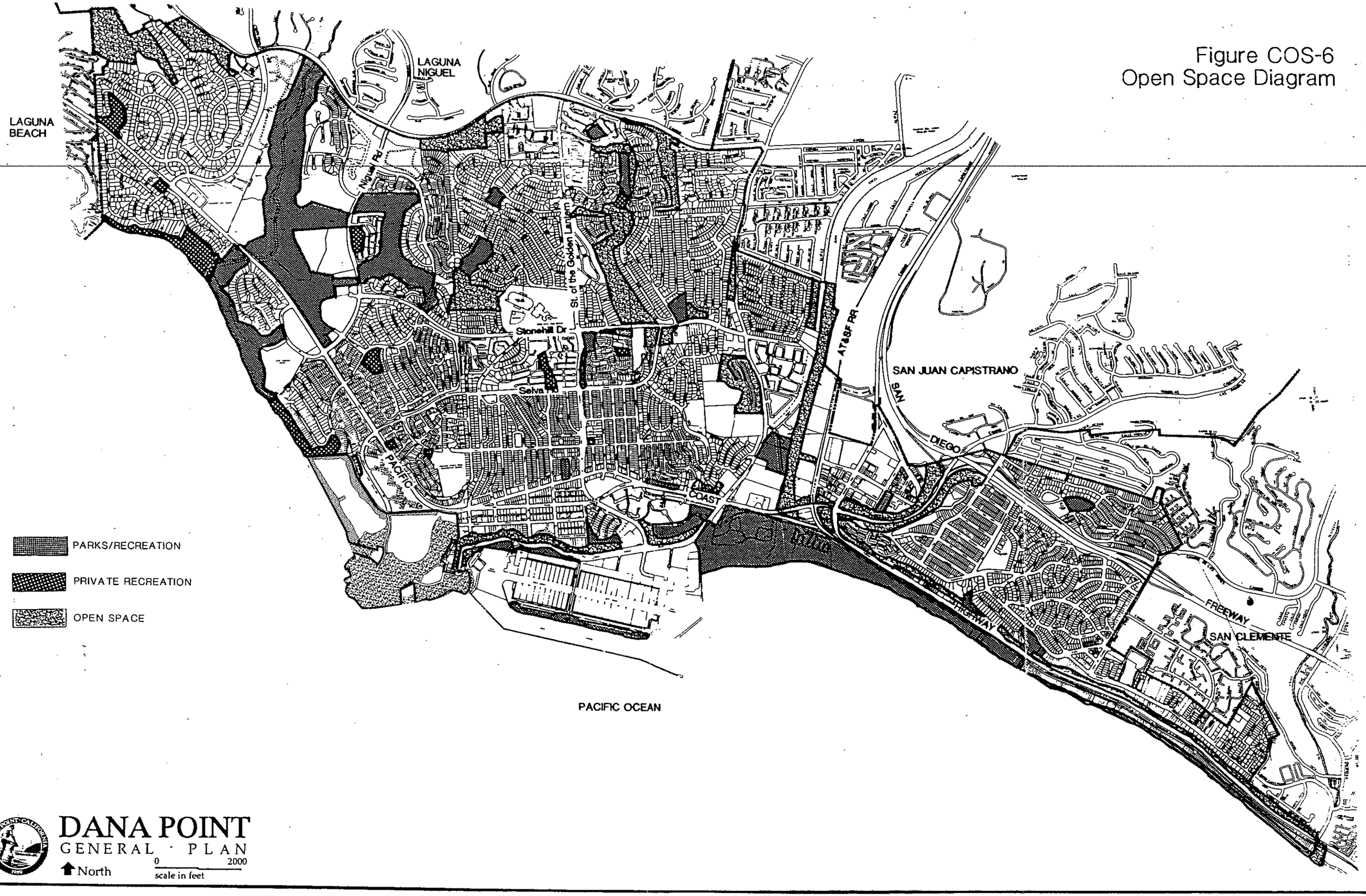


Figure COS-6
Open Space Diagram



DANA POINT
GENERAL · PLAN

North

0 2000
scale in feet

Public Facilities/Growth Management Element – Page 21 (after policy 8.7)

The Headlands Storm Drain and Water Quality Program

Existing Conditions: On the Headlands, the majority of the property drains to Strand Beach; the remainder of the property drains over the bluff edges from Harbor Point around to the northerly residential enclave and to Dana Point Harbor.

A number of storm drain outlets to Strand Beach were constructed to serve the mobile home park and the on-site and off-site drainage runoff. The mobile home improvements remain in place, although in total disrepair. Offsite public storm drain improvements and structures exist in the public access path running from the County Strand Beach parking lot (adjacent to Selva Road) to Strand Beach, located north of the Headlands. This storm drain services areas outside of the Headlands, and no portion of the property utilizes this storm drain. Future storm drainage design for the Headlands will not utilize this facility.

Design Considerations: The Headlands storm drain design shall be prepared by a registered civil engineer pursuant to a hydrology study. The study shall evaluate the existing conditions, including the offsite areas that drain across the property. The study must address the protection of marine resources and water quality, both to the Strand Beach area and Dana Point Harbor. Development of the Headlands shall mitigate impacts to water quality.

The following Goals and Policies will minimize the Headlands development impacts to water quality.

GOAL 9: Implement a storm water conveyance, filtering, and discharge system that utilizes Best Management Practices ("BMP") to minimize the potential for on-site erosion, water quality impacts to marine resources, and water quality impacts to Dana Point Harbor.

Policy 9.1: Design structures and procedures to minimize the potential for water quality impacts to the ocean. Special emphasis shall be placed on reducing pollutants in the "first flush" of a storm event.

Policy 9.2: Minimize impacts to coastal resources through the disbursement and dilution of stormwater run-off through multiple stormwater discharge points.

Policy 9.3: Cooperate with the South Coast Water District to develop a program to divert low-flow "nuisance" run-off to the sanitary sewer system for treatment, thereby avoiding dry weather flows to the beach or Harbor.

Policy 9.4: Based on recommendation derived from the hydrological analysis, incorporate BMP devices that may include separators, filtering systems, or other features into the stormwater conveyance design to reduce oil, grease, sediment, debris, and other pollutants.

Policy 9.5: During site grading, implement appropriate BMPs to control the potential for erosion, transport of sediment and related problems.

Public Facilities/Growth Management Element – Page 28

Comprehensive Development Plans for Large Projects: The City will require that any new large developments (such as any development proposed for the Headlands) prepare a comprehensive development plan, and environmental impacts analysis. A PDD is an example of a Comprehensive Development Plan for a large project. This will allow the City to anticipate the impacts of large projects prior to development of any portion of the projects, and permit more time to plan for public services and facilities needed to support the projects.

Wastewater Collection, Treatment, and Reclamation: Prior to 2000, four sanitary districts served the City of Dana Point. The boundaries of the districts and location of their existing and planned facilities are shown in Figure PF-4. Two of the former Sanitary Districts, Dana Point Sanitary District and Capistrano Beach Sanitary District, were consolidated into the South Coast Water District.

Two former joint powers agencies, the Aliso Water Management Agency (AWMA) and the South East Regional Reclamation Authority (SERRA) were consolidated to form the South Orange County Wastewater Authority (SOCWA). SOCWA provides sewage treatment to the wastewater districts that serve Dana Point.

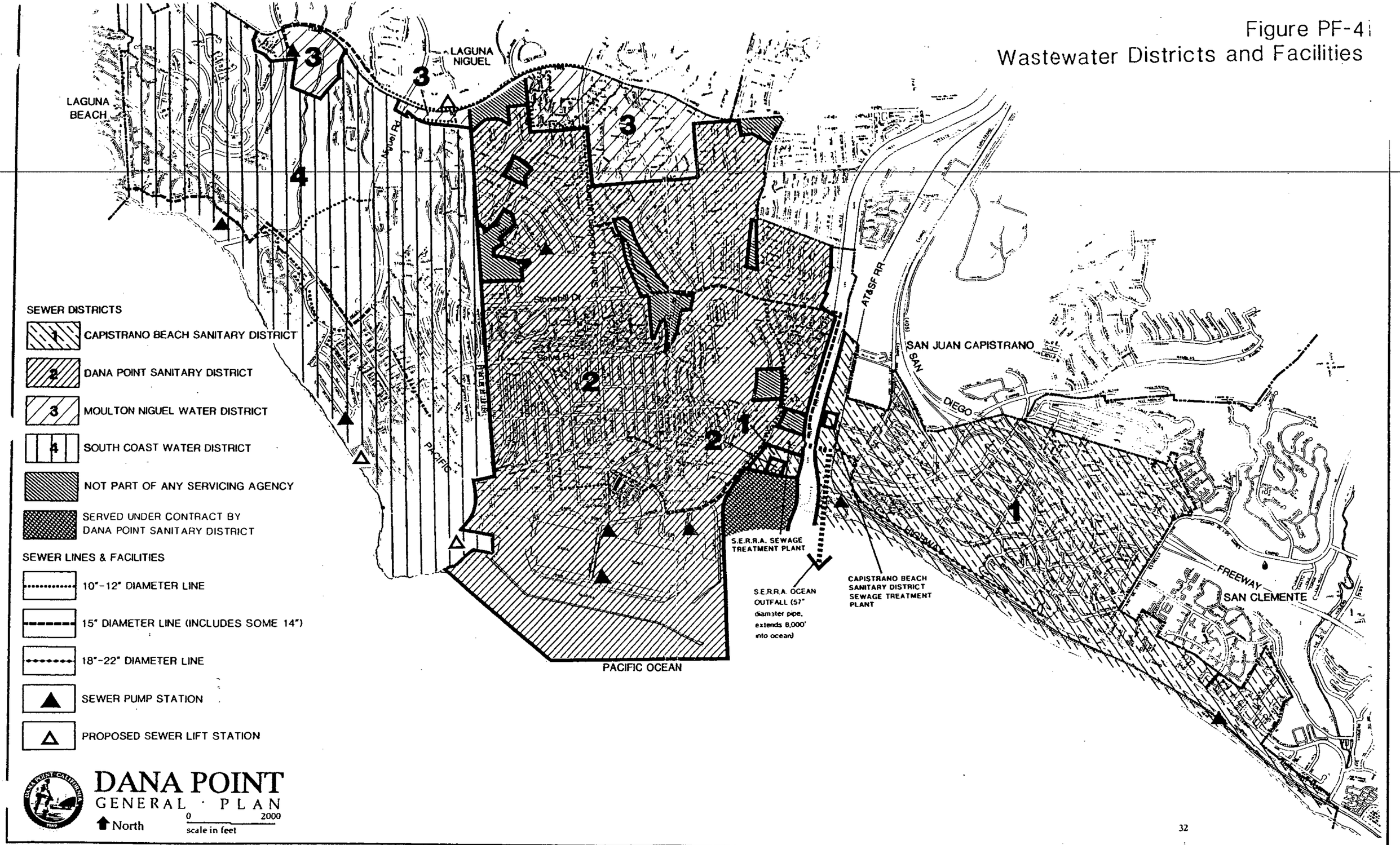
As shown in Figure PF-4 and described in the MEA, there are "pockets" of the City that currently are not part of a sanitary district. Most of these are public parks, but one area is the Headlands. The South Coast Water District will provide wastewater collection and treatment for the Headlands. The Headlands is required to annex into the South Coast Water District, improvement District No. 1 pursuant to an agreement with that agency. Currently, the existing residential enclaves in this area are served by septic tanks

The City's sanitary districts, South Coast and Moulton Niguel, are served by reclaimed water systems.

The policies of this Element focus upon encouraging coordination between the various sanitary districts, evaluating varying levels of service between the districts, and supporting the expansion of reclaimed water facilities. As part of the Growth Management Plan, the City will also explore the feasibility of involving wastewater districts in a mitigation fee program.

Solid Waste: The City of Dana Point contracts with Solag Disposal to remove solid waste. The Prima Deschecha landfill, where the City's waste is shipped, is estimated to have a remaining life of over twenty years.

Figure PF-4
Wastewater Districts and Facilities



Chapter 9.34

Planned Development District

Sections:

9.34.010	**Intent and Purpose.**
9.34.020	**Initiation of Planned Development District.**
9.34.030	**Approval of Planned Development District.**
9.34.040	**Planned Development District Establishment Procedure.**
9.34.050	**Cost of Preparation and Processing.**
9.34.060	**Designation as a Planned Development District Area.**
9.34.070	**Planned Development District Application Requirements.**
9.34.080	**Planned Development District Adoption Requirements.**

9.34.010 Intent and Purpose.

The purpose of the Planned Development District is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning. To achieve this, a Planned Development District establishes zoning requirements that are in addition to, in combination with, or in place of the zoning requirements found in other Chapters of this Code. The Planned Development District requires exceptional design features and sensitive and enhanced site planning to produce an integrated and stable planned development that is compatible with existing and planned surrounding land uses. A Planned Development District shall comply with the regulations and provisions of the General Plan (including, for any Planned Development District or part thereof that is within the Coastal Overlay District, the Coastal Land Use Plan) and shall provide adequate standards to promote the public health, safety and general welfare. The criteria upon which applications for Planned Development Districts shall be judged and approved will include the following:

1. Developments that provide a mix of land uses.
2. Creative approaches in the development of land.
3. More accessible and desirable use of open space area.
4. Variety in the physical development pattern of the city.
5. Utilization of advances in technologies and programs that are innovative to land development.
6. For areas located in the Coastal Overlay District, developments that conform with the Coastal Land Use Plan.

9.34.020 Initiation of Planned Development District.

The City Council shall identify those portions of the City where application of the Planned Development District is appropriate. Planned Development Districts may be initiated in accordance with the process for initiating General Plan amendments described in Chapter 9.61.080(b) of this Code. After initiation of the process to consider an application for a Planned Development District, the procedures identified in this Chapter 9.34 shall be followed. Amendments to Title 9 and to the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan shall not be effective in the coastal zone for local coastal program purposes unless and until effectively certified by the Coastal Commission as an amendment to the Local Coastal Program. An amendment to the Local Coastal Program shall be processed pursuant to the provisions of Section 9.61.080(e) of Title 9.

9.34.030 Approval of Planned Development District.

An application for a Planned Development District shall be approved by the City Council in accordance with the provisions described in this Chapter 9.34. Approval of the application for a Planned Development District shall be by Ordinance, however, the non-regulatory portions of the Planned Development District may be adopted by Resolution. Approval of the Application of the Planned Development District shall include findings by the City Council that the Planned Development District is consistent with, and provides for the orderly, systematic, and specific implementation of the General Plan. Approval of a Planned Development District in the Coastal Overlay District shall include findings by the City Council that the Planned Development District is consistent with and adequate to carry out the provisions of the Land Use Plan of the City's Local Coastal Program.

9.34.040 Planned Development District Establishment Procedure.

The procedure for establishing the Planned Development District for any site shall be in accordance with the procedure for zoning amendments described in Chapter 9.61 of this Code. Adoption of the Planned Development District shall include an amendment of the Zoning Map to identify the Planned Development District area, its corresponding Planned Development District number, and inclusion of the Planned Development District as an appendix to the Zoning Code. For Planned Development Districts in the Coastal Overlay District, the procedures for Local Coastal Program amendments described in Chapter 9.61 of this Code shall also apply.

9.34.050 Cost of Preparation and Processing.

If initiated by the City, the cost for preparation of the Planned Development District shall be borne by the City. If initiation is requested by a property owner(s), the cost for preparation of the Planned Development District shall be borne by the property owner(s). The method for determining costs of preparation and making payment shall be as specified in a resolution adopted at the time of initiation of the Planned Development District and the amounts shall be fixed upon adoption of the Planned Development District.

9.34.060 Designation as a Planned Development District Area.

Designation of an area as Planned Development District before the adoption of the Planned Development District prohibits the issuance of grading permits, building permits, or land use permits, unless such permits or entitlements are for the restoration or remedial maintenance and do not in any way predispose land use or development, prior to the adoption of the Planned Development District.

9.34.070 Planned Development District Application Requirements.

The application for a Planned Development District shall contain the following data and information, as deemed appropriate by the Director of Community Development. The Planning Commission or City Council may require additional information as is deemed reasonably necessary to properly interpret and evaluate such application:

LAND USE

1. A detailed list of permitted uses within each land use category.
2. A matrix of development standards for each land use category.
3. Land uses proposed for the zone.
4. An enumeration of anticipated differences between zoning ordinance standards and the proposed plan.
5. A detailed calculation of density.
6. Types and/or areas for commercial uses, off-street parking, multiple-family dwellings and other uses to be established within the Planned Development District.
7. Proposed tentative subdivision map or parcel map if property is proposed to be divided at the time of the approval of the Planned Development District.

CIRCULATION

8. Proposed street layout and lot design, off-street parking and loading zones. This should include proposed circulation of vehicles, pedestrians and bicycles.
9. Any special engineering features and traffic regulation devices needed for public safety shall be shown.

PUBLIC FACILITIES

10. Areas proposed to be dedicated or reserved for parks, natural open space, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses.

11. Description of all open areas and a statement disclosing the means whereby such open space shall be provided for public use and preserved.

DESIGN

12. Topography of the land and contour intervals and all existing natural features of the land.

13. Description of architectural design standards for residential and commercial land uses.

14. Statement setting forth a program for installation and maintenance of parking areas, lighting, landscaping, private grounds, streets, signage, utilities and open areas.

INFRASTRUCTURE

15. A preliminary study of facilities required such as drainage, sewage and public utilities.

16. Access, traffic, bicycle and pedestrian ways and easements, including location grades, widths of all streets, location and size of utilities, drainage structures, and other improvements.

17. Preliminary grading plan.

PHASING

18. Description of all phases of development and estimated timing for completion of phases and total project.

19. Other information as deemed necessary by the Community Development Director.

If the City Council finds that such application is in conformity with the General Plan (and, for areas within the Coastal Overlay District, the Land Use Plan of the Local Coastal Program), and the intent of this article, and that the property is suitable for the proposed development, it may approve such application. If such application is not in such conformity with any one of those items, the application shall not be approved.

Section 9.34.080 Planned Development District Adoption Requirements.

In order to approve a Planned Development District application, the Planning Commission or City Council shall make the following findings:

1. Areas proposed for residential development under a Planned Development shall be generally compatible with the character and density of the surrounding neighborhood, while promoting a high standard of architectural quality. Provisions within the Planned Development have been included that sites for public facilities have been included and are adequate to serve the anticipated population.

2. Areas devoted to industrial and research uses under a Planned Development shall be appropriate in area, location and overall planning for the purpose intended, and the design and development standards shall create an environment that will promote professionalism

and create a desirable work environment, including ample open space and high quality architecture and construction materials.

3. Areas devoted to institutional, recreational and other similar nonresidential uses under a Planned Development shall be appropriate in area, location and overall planning for the purpose proposed and the surrounding area shall be protected from any adverse effects from such development.

4. The auto, bicycle and pedestrian traffic system shall be adequately designed to meet anticipated traffic and shall be so designed to provide the minimum amount of interference with each other.

5. Commercial development shall be justified economically at the location proposed and that adequate commercial facilities of the types proposed will be provided.

6. The natural environment of the study area has been evaluated in a specific study based on established standards, and natural open space areas have been preserved and/or dedicated based on an evaluation of these areas.

7. For Planned Development Districts located in the Coastal Overlay District, the implementing actions described in the Planned Development District conform with, or adequately carry out, the provisions of the certified land use plan.

3.1 INTRODUCTION

The Headlands Development and Conservation Plan (HDCP) provides for an orderly and balanced development of the site, as well as the conservation of open space and natural resources. The HDCP implements the goals, policies, plans and programs of the General Plan that are applicable to the property. The HDCP regulates the location, type and density of development, while ensuring the provision of adequate public lands, services and facilities. Section 3.0 establishes the project zoning and development standards, and incorporates by reference the general provisions, the land use plan, and definitions.

The City's Zoning Code primarily implements the General Plan. In accordance with State law, it provides permitted land uses, development standards, and implementation programs for the City. The property is zoned Planned Development District (PDD-1). The PDD zoning provides for the orderly systematic implementation of the General Plan. The HDCP complies with and augments the City's Zoning Code. The development standards in Section 3.0 and 4.0 of the HDCP are the required zoning standards for the property and in conjunction with the Zoning Code, serve as the Implementing Actions Program for the Local Coastal Program.

A. Purpose

The HDCP implements the General Objectives, Conservation Objectives, and Development Objectives described in Table 3.1.1. As detailed on the following page, the Objectives balance the project needs through complementary policies that incorporate a multitude of uses and activities.

TABLE 3.1.1

HEADLANDS DEVELOPMENT AND CONSERVATION PLAN OBJECTIVES

General Objectives

- To be consistent with the goals, policies, and objectives of the City's General Plan.
- To implement the plans, policies, and programs of Section 4.0, Development Guidelines.
- To be consistent with the goals, policies, and objectives of the California Coastal Act through the implementation of the Dana Point Local Coastal Program, as amended to include the HDCP.

Conservation Objectives

- To establish significant public open space, parks, and trails.
- To establish, preserve, and protect coastal access and recreation.
- To conserve significant natural resources consistent with the Natural Community Conservation Plan/Habitat Conservation Plan and the Dana Point Local Coastal Program.
- To mitigate drainage impacts to marine environments adjoining the project site, including Dana Point Harbor.
- To regulate landform alteration to reduce adverse aesthetic impacts.
- To create and preserve public coastal access and view opportunities.

Development Objectives

- To increase public coastal access through an integrated design of parks, open space, trails, and visitor facilities.
- To construct public visitor educational facilities that encourage public access, and recreational improvements that enhance the open space and coastal experience. The facilities shall create visitor information, conservation and natural interpretive programs.
- To provide public trails and greenbelts to link and buffer different land uses.
- To ensure adequate vehicle access and circulation, while minimizing traffic impacts to adjacent residential areas.
- To provide high quality visitor/recreation commercial and residential land uses.
- To increase the acreage devoted to public open space, parks, and sensitive natural resources by designing development areas that incorporate ocean views.
- To provide for the early delivery and construction of public facilities as provided for in this HDCP and the Development Agreement.
- To create a positive fiscal impact to City revenues.

B. Application

The regulations contained herein constitute the applicable Zoning Code Standards for the project. The interpretation and application of this section shall be accomplished in accordance with the following provisions:

1. Conflicts

If there is a conflict between this PDD and the Municipal Code, Zoning Code, or Implementing Actions Program of the Local Coastal Program the provisions of the PDD shall prevail. If there is a conflict between this PDD and the Land Use Plan policies of the Local Coastal Program, the Land Use Plan policies of the Local Coastal Program shall prevail.

2. Omissions

If a provision, standard or procedure is not contained within these regulations or policies, the provisions, standards, or procedures contained within the Municipal Code or Zoning Code shall be utilized.

3. Ambiguity

If ambiguity arises regarding the appropriate classification of a particular use, or with respect to matters of height, yard, or area requirements, or other development standards, the Director of Community Development shall resolve the issues, conditions, or situation. Decisions of the Director of Community Development may be appealed to the Planning Commission. Decisions of the Planning Commission are appealable to the City Council.

4. Invalid/Unconstitutional

If any section, subdivision, sentence, clause, phrase, or portion of this document, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this document or its application to other persons or places.

3.2 GENERAL PROVISIONS

A. Development Permits

All development within the HDCP shall comply with the provisions of the Municipal Code unless otherwise specified herein. All development permits shall be issued after the Director of Community Development or designee has determined that said permit is consistent with the following:

- HDCP (Implementing Actions Program)
- Coastal Development Permit or Master Coastal Development Permit
- The PDD and, where applicable, the Municipal Code
- The Final EIR (State Clearinghouse No. 2001071015)

The standard of review for coastal development permits processed by the City is the certified local coastal program which consists of the Coastal Land Use Plan and the Implementation Plan. For the Headlands, the Coastal Land Use Plan is comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element of the City's General Plan; while the Implementation Plan is comprised of the City's Zoning Code and Section 3.0 (Headlands Planned Development District) and Section 4.0 (Development Guidelines) of the Headlands Development and Conservation Plan.

B. Enforcement

These regulations shall incorporate by reference any conditions, requirements, or standards indicated graphically or in writing, and, as such, shall have the same authority, force and effect. Any development not in substantial conformance with such conditions, requirements, or standards shall be in violation of the HDCP (Implementing Actions Program). Violation of the HDCP will be a misdemeanor as defined in the City's Municipal Code, and procedures to enforce the Code may include appropriate civil, administrative or criminal proceedings. Penalties and/or fines shall be in accordance with the City Municipal Code, and, where appropriate, shall represent the cost to the City to implement the measure, correct any deficiencies in implementation, or otherwise ensure compliance with the measure in question.

If compliance is not demonstrated within a reasonable period of time, the City may use immediate penalties to ensure public safety. These penalties, where appropriate, may include the possible issuance of stop-work orders or the suspension of construction permits.

C. Amendments

Any amendment to Section 3.0, Planned Development District, shall also amend the relevant parts of Section 4.0, Development Guidelines, as necessary. An amendment shall follow the procedures described in this section.

D. Variances

Applications for a variance to the development standards of these regulations shall be processed in accordance with the City Zoning Code. Variances from 1) the minimum number of parking stalls (excepting residential uses), 2) bluff edge setbacks, 3) requirements relative to protecting Environmentally Sensitive Habitat Area (ESHA) including required setbacks, and 4) height restrictions necessary to protect public views, shall not be granted.

E. Planning Area Boundaries

The boundary alignments shown on the Planning Area Plan in Section 4.0 and referenced in this Section 3.0 are based on topography, known landmarks, acreage figures, and existing structures and roadways. The precise boundaries of each Planning Area shall be determined at tentative tract map submittal. The tentative tract map shall not deviate from the boundaries shown in the Land Use Plan by more than 5% from the amounts shown in Table 3.2, Land Use Plan Statistical Summary and shall be consistent with the Local Coastal Program Land Use Plan. The Director of Community Development may approve adjustments up to 5% of the gross acreage of any Planning Area provided the maximum acreage established for the total public open space is not diminished, the quantity or alignment of public accessways as depicted in the General Plan/Local Coastal Program Land Use Plan is not changed, and no impacts to ESHA occur beyond those specifically allowed under the General Plan/Local Coastal Program Land Use Plan. Any proposed change in excess of 5% of the gross acreage of any Planning Area shall require an amendment to the HDCP. Boundary alignments approved in a coastal development permit may only be changed through a coastal development permit amendment.

F. Submittal Materials

Except as provided below, the Developer shall follow standardized City submittal requirements for all applicable discretionary permit applications unless such materials were previously submitted and approved by the City in a prior application. Submittals for project wide discretionary actions (i.e., Coastal Development Permit, Site Development Permit, Tentative Map, etc.) related to development involving solely land division and/or demolition and/or grading shall not be required to conform to Section 9.61.040(e)(2)(F) and 9.61.040(e)(2)(G), regarding elevations and floor plans. In addition, the following submittal requirements shall be required:

1. A detailed Trail Plan for each Planning Area. The trail plan shall address both private and public trails within the Planning Area, if applicable. The plan shall incorporate the trail policies and standards in Section 4.0, Development Guidelines.

2. A view analysis exhibit which illustrates that coastal views from public viewing areas and public walkways shall be established, maintained and protected in accordance with the policies and standards in the Land Use, Urban Design, and Conservation Open Space Elements of the City's General Plan/Local Coastal Program and Section 4.0, Development Guidelines.

3. All applications for new development on a beach, beachfront, bluff or bluff top property in the Headlands area shall include a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal engineering which addresses and demonstrates the effects of said development, over the development's anticipated economic life (no less than 75 years), in relation to the following:
   - The profile of the beach;
   - Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
   - The area of the project site subject to design wave uprush;
   - Foundation design requirements;
   - The long term effects of proposed development on sand supply;
   - Future projections in sea level rise;
   - Project alternatives designed to avoid or minimize impacts to public access.

   If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy 2.21, the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

4. All applications for a coastal development permit for new development in the vicinity of a coastal bluff shall supply all of the information identified in Zoning Code Sections 9.27 and 9.69 except that any hazards analyses shall analyze hazards over the development's anticipated economic life but no less than a period of 75 years. Furthermore, the analyses shall demonstrate a minimum factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

   If a comprehensive shoreline protection and stabilization plan is implemented in the Strand area pursuant to Conservation Open Space Element Policy 2.21, the studies necessary to demonstrate compliance with the above described requirements has been satisfied for the development in the Strand by those studies submitted in conjunction with the approval of LCP Amendment 1-03.

5. Applications for new beachfront, bluff or bluff-top development, shall include a site map that shows all easements, deed restrictions, or OTD's and/or other dedications for public access or open space and provides documentation for said easements or

dedications. The approved development shall be located outside of and consistent with the provisions of such easement or offers.

6. Applications for new development on property that is 1) within identified ESHA; 2) adjacent to identified ESHA (where the proposed development area is within 200 feet of identified ESHA); or 3) where an initial site inventory indicates the presence or potential for sensitive species or habitat, shall include an inventory of the plant and animal species present on the project site, or those known or expected to be present on the project site at other times of the year, prepared by a qualified biologist, or resource expert. The inventory shall include an identification of any species present that have been designated as rare, threatened, or endangered species under State or Federal law. Where the site is within or adjacent to an identified ESHA or where the initial site inventory indicates the presence or potential for sensitive species or habitat on the project site, the submittal of a detailed biological study of the site is required. The detailed biological study of the site, prepared by a qualified biologist, or resource expert, shall include the following:

   - A study identifying biological resources, both existing on the site and potential or expected resources.
   - Photographs of the site.
   - A discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and migration corridors.
   - A map depicting the location of biological resources.
   - An identification of rare, threatened, or endangered species, that are designated or are candidates for listing under State or Federal Law, an identification of "fully protected" species and/or "species of special concern", and an identification of any other species for which there is compelling evidence of rarity, for example, plants designated "1B" or "2" by the California Native Plant Society, that are present or expected on the project site.
   - An analysis of the potential impacts of the proposed development on the identified habitat or species.
   - An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition.
   - Project alternatives designed to avoid and minimize impacts to sensitive resources.
   - Mitigation measures that would minimize or mitigate residual impacts that cannot be avoided through project alternatives.
   - An analysis of project conformance with the ESHA avoidance and buffering requirements identified in the Land Use, Urban Design, and Conservation Open Space Elements of the General Plan/Local Coastal Program and the implementation program.

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. Any application submitted two years after the date of effective certification of LCP Amendment 1-03 by the Coastal Commission, shall fully conform with the requirements relative to habitat mapping identified above.

7. Applications for new development that may impact archeological/cultural resources shall identify proposed investigation and mitigation measures and a archeological/cultural resources construction phase monitoring plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. The archeological/cultural resources monitoring plan shall identify monitoring methods and shall describe the procedures for selecting archeological and Native American monitors; and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Plans shall specify that archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be utilized. Furthermore, plans shall specify that sufficient archeological and Native American monitors must be provided to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. All plans shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area.

G. Noise Attenuation

Plans for noise attenuation of units located in impacted areas, as described in the City's General Plan, shall ensure that interior and exterior noise levels and construction related noise levels do not exceed the standards of the Municipal Code Noise Ordinance. Plans shall be submitted at tentative tract map application consideration and/or coastal development permit/site development permit for residential and non-residential development and approved prior to issuance of building permits.

H. Enclosed Mechanical Equipment

Views of private commercial mechanical equipment, such as elevator enclosures, cooling towers, mechanical ventilators, utility vaults, transformers, meter boxes, air conditioning, heating units or other similar mechanical equipment, shall be screened from the public and adjacent property.

All such equipment and appurtenances shall be contained within an enclosed structure, or within a portion of a building having walls or visual screening, and integrated with the building architectural design.

I. Water Quality

Prior to the approval of any Final Tract Map or building permit, the landowner or developer shall submit a Water Quality Management Plan (WQMP) to the Director of Public Works. The WQMP shall identify specific control measures (i.e., Best Management Practices) to reduce the discharge of pollutants to storm water facilities during all phases of development, and establish permanent maintenance responsibilities.

J. On-Site/Off-Site Soil Removals

If applicable, prior to the approval of any Grading Permit, the applicant shall submit an import/export plan detailing the haul route and staging areas for the import, removal or collection of soil in compliance with the grading code. The plan shall address the control of fugitive dust, maintenance of streets and sidewalks, including specific measures that conform to policies and standards adopted by the SCAQMD.

K. Public Art

The project shall comply with the existing "Art in Public Places" Program, No. 9.05.240 (Dana Point Zoning Code), and shall provide public art according to the terms and provisions established therein.

L. Construction Monitoring Plan

Prior to the approval of a rough grading permit, a construction-monitoring plan shall be submitted to the Director of Community Development or the Director of Public Works. The Construction Monitoring Plan shall be prepared in accordance with Section 4.13, Coastal Resources Management Program.

M. Post Construction Monitoring Plan

Prior to the approval of Final Map, a Post Construction Monitoring Plan shall be submitted to the Director of Community Development or the Director of Public Works. The Post Construction Monitoring Plan shall be provided in accordance with Section 4.13, Coastal Resources Management Program.

N. Employee Quarters

Employee quarters shall be permitted and if provided, qualify for low-income housing credits on a per lot basis. Living quarters may be provided within the primary structure, or a detached accessory structure for the persons employed on the premises. The following conditions shall apply: (1) No Conditional Use Permit shall be required if the quarters are limited to one bedroom

and one bath; (2) Rooms beyond one bedroom and bath (per employee) shall require a Conditional Use Permit from the City; (3) The quarters may contain separate kitchen or cooking facilities; (4) The quarters shall not be rented to non-employees; and (5) For any employee quarters that do not contain a separate kitchen or cooking facility, the quarters shall be treated as a bedroom for all requisite parking calculations, for all employee quarters that contain a separate kitchen or cooking facility those quarters shall be treated as a separate unit for all requisite parking calculations.

3.3 LAND USE PLAN

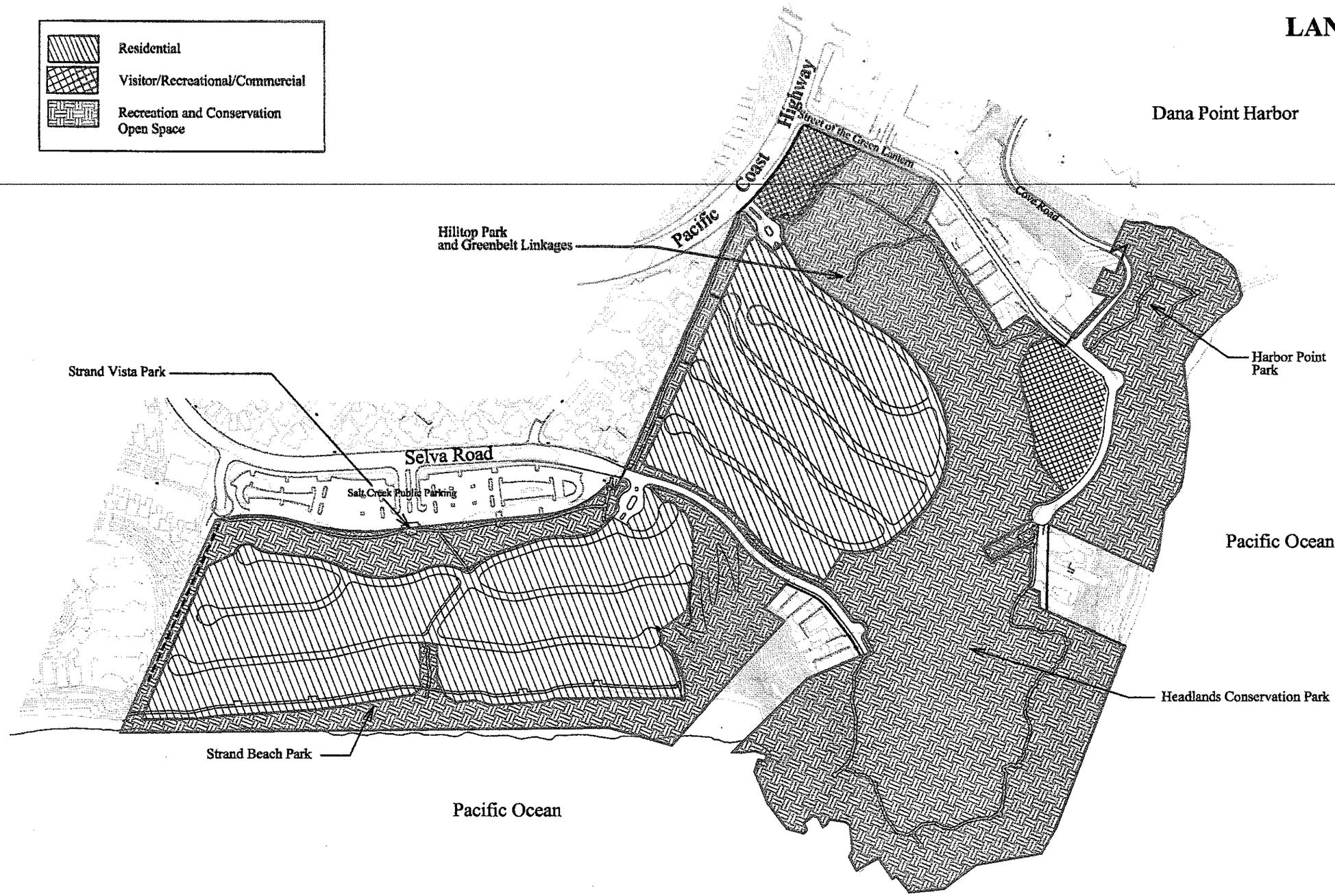
A. Purpose

The Land Use Plan includes a land use map, a statistical summary table, as well as additional regulations. Land use designations regulate the type and intensity of development for each planning area within the HDCP. The development regulations and standards contained herein are intended to satisfy the requirements of the PDD regulations pursuant to the City Zoning Code. Section 4.0 of the HDCP supplements the Land Use Plan by providing additional text related to the individual planning areas. This Section 3.0 represents the regulatory document for implementation of the PDD.

B. Land Use Plan

The HDCP Land Use Plan is shown in Figure, 3.3.1. The plan contains four basic land use categories. Recreation open space, conservation open space, visitor/recreation commercial, and residential. The Land Use Plan indicates the type, intensity and location for each use. The Land Use Plan Statistical Summary immediately follows in Table 3.3.1. Additional, descriptive text is provided for each Planning Area in Section 4.3, Planning Areas, and Figure 4.3.1, Land Use Planning Areas, depicts the location of the planning areas.

LAND USE PLAN
FIGURE 3.3.1



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

0 100 200 300

S W A

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

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			
(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.
			(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		

C. Density/Area Transfers

A maximum five percent (5%) of the total project residential units may be transferred between Planning Areas 2 and 6. A maximum five percent (5%) of an individual planning area acreage may be transferred between Planning Areas 2, 4, 6, and 9. Such transfers shall not require an amendment to the General Plan, Local Coastal Program and Policy, PDD, or Local Coastal Program Implementing Actions Plan and shall be subject to the following:

1. Any proposed increase, decrease or transfer of residential density between Planning Areas 2 and 6, or any adjustment to Planning Area acreage boundaries between Planning Areas 2, 4, 6, or 9, shall be submitted as part of a Tentative Tract Map application and coastal development permit application. Deviations from any boundary alignments and any increases, decreases or transfers of residential density approved in a coastal development permit may only be further modified through a coastal development permit amendment.

2. The maximum number of residential lots in any given Planning Area shall not exceed the maximum permissible density per gross acre, or an overall maximum of 125 lots.

3. The character of the recipient Planning Area shall not be significantly altered, i.e., a transfer of a two-story residential unit from Planning Area 2 must result in a one-story unit in Planning Area 6.

4. The character or amount of total public open space within the HDCP shall not be diminished through a transfer of planning area density or acreage.

5. The transfer of acreage from Planning Areas 2 and 6 (Residential) to Planning Areas 4 and 9 (V/RC) shall revise the density as follows. Reductions due to acreage transfers that eliminate one Residential lot shall allow two additional rooms (keys) in Planning Area 9, the Seaside Inn, or, an additional 250 sq. ft. in Planning Area 4, PCH/VRC.

D. Public Facilities

The four proposed visitor recreational facilities are outlined in Table 3.3.2, Visitor Recreational Facility Statistical Summary. All proposed facilities shall be built at maximum square footage, unless the Director of Community Development, the Planning Commission, or the City Council determines it infeasible to do so. All facilities shall conform with ESHA protection requirements.

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.

3.4 DEVELOPMENT REGULATIONS

A. Residential Zoning District

1. Planning Areas

Maximum density for Planning Area 2 shall be 3.5 dwelling units per gross acre. ~~Maximum density for Planning Area 6 shall be 2.5 dwelling units per gross acre.~~

2. Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses

Uses within Planning Areas 2 and 6 shall be as provided in Chapter 9.09 of the Zoning Code subject to and superceded by the standards set forth in Table 3.4.1, Allowable Uses for Planning Areas 2 and 6.

3. Development Standards

Development standards for Planning Areas 2 and 6 shall be as set forth in Table 3.4.2. The maximum allowable density identified for Planning Areas 2 and 6 shall be based on the gross acreage of the Planning Area, and the density factor identified for each area. The following standards shall supersede the applicable standards outlined in Chapter 9.05 of the Zoning Code:

- Balconies: For side elevation projections, the maximum horizontal length of all projections shall be amended to a maximum of 60%.
- Chimneys: A maximum of three chimneys per dwelling unit may project into the height limit.
- Roof Decks: Shall be limited to 50% of the roof area, exterior stairways if incorporated architecturally into the structure, shall be permitted, and no limitation shall exist relative to total square footage.
- Detached Accessory Structures: Detached accessory structures including Guest Houses shall be limited in Planning Area 2 to 16' in height, and in Planning Area 6 to 18' in height.
- Decks: Decks may be placed on slopes greater than 15% and project up to 10' for Planning Area 6, provided such decks must be supported by a decorative retaining wall that incorporates aesthetic building materials, such as stone, brick, river rock, textured concrete, and loffel block. Transitional landscaping shall be provided to integrate the deck into the surrounding slope. No exposed structural building elements shall be permitted, such as post and beam or deck joists.

The following standards shall supercede the applicable standards outlined in Chapter 9.35 of the Zoning Code:

- Driveways: As long as the setback standards and offstreet parking requirements are met, there is no minimum driveway length. Driveways for garages below grade may have a maximum slope of 20% beginning 10 feet from the property line. Driveways must enter from fronting streets. No ~~sideyard access driveways shall be permitted.~~

- Tandem Parking: Parking in excess of zoning requirements may be provided in a tandem configuration within an enclosed garage.

The following definitions and standards shall supercede and replace the applicable definitions in Chapter 9.75 of the Zoning code:

- Basements: In Planning Areas 2 and 6, a basement or sub-grade livable space shall not be considered a story; basements may daylight to the finish grade elevation on three sides without restriction. Retaining walls necessary to create freestanding elevations may be constructed, including walls necessary to allow below-grade access for vehicles. This PDD basement standard shall be limited to 15 homes in Planning Area 6 and 30 homes in Planning Area 2. In Planning Area 2, the finished floor of such basements shall be included in the height measurement, which shall not exceed 35 feet in height, measured from the basement finished floor. In addition, the first and second floors must be articulated to eliminate a curtain wall effect from the rear, ocean front elevation. Minimum setbacks of 5 feet, or an equivalent percentage, shall be established at the Site Development Permit and incorporated into the ocean front elevation standards.

- Accessory Living Quarters: Shall be permitted in Planning Areas 2 and 6. An accessory living quarter may not be rented, leased or sold to third party, but shall serve as temporary guest quarters only. Notwithstanding the above, a detached Employee Quarters shall not be considered an Accessory Living Quarter.

- Detached Accessory Structures: In Planning Area 2 and 6, detached accessory structures may include but are not limited to employee quarters, garages, workshops, offices, gym or exercise equipment rooms, meeting and entertainment facility, cabanas, library, garden and other complementary facilities.

4. Maximum Extension of Architecture Projection and/or Architectural Theme Element Above Height Limit

Notwithstanding the provisions of Sections 9.05 of the Zoning Code, the maximum extension of an architectural projection or architectural theme element above the height

limit for Planning Areas 2 and 6 shall be 3 feet. Architectural Projections are defined as chimneys, theme towers, parapets, and other nonstructural elements of the principal building. The total square footage of the architectural projections shall occupy no more than 10% of the horizontal roof surface area.

5. Measurement of Building Height

~~The measurement of building height for residential structures shall be as provided in~~ Section 9.05.110 of the Zoning Code except as provided below.

- Building Height: All residential building heights shall be measured from finished grade and shall not be measured from existing grade or natural grade.

- Single Pad Lots: A single pad lot shall mean a lot that consists of a single finished building pad.

  For a single pad lot, building height is defined as the vertical distance by which the uppermost portion of the roof of a structure extends above the either of the following: (1) the finished pad elevation, or (2) the ceiling of a maximum twelve feet high basement. In Planning Area 2, the structure may not exceed 28' above the finish pad. In Planning Area 6, the structure may not exceed 18' above the finish pad. Figure 3.4.1, Residential Building Height Measurement, Single Pad Lots, depicts these measurement criteria.

- Dual-Pad or Sloping Lots (Planning Area 2 only): A dual-pad lot shall be a lot with two finished pads that are separated by at least 8 vertical feet. The split between pads may occur along a slope or a retaining wall. This condition shall occur for a maximum 12 lots within Planning Area 2.

  A sloping lot shall be a lot that has been graded such that the finished grade has a slope of at least 8% along that portion of the lot that is perpendicular to the street.

  For a dual-pad lot, building height shall be separately calculated for each pad. Each finished pad shall conform to a building height defined as the vertical distance, by which the uppermost portion of the roof of a structure extends above either of the following: (1) the finished pad elevation, or (2) the ceiling of a maximum of twelve feet high basement. Building height may not exceed 28'. Figure 3.4.2, Residential Building Height Measurement, Dual-Pad Lots, depicts these measurement criteria.

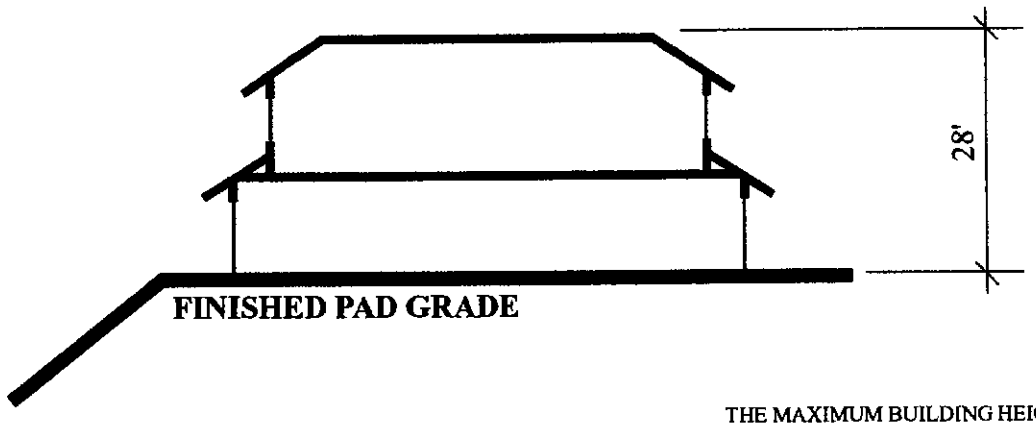
  For a sloping lot, building height is defined as the vertical distance, from which the uppermost portion of the roof of a structure extends above the adjoining finished floor on the interior of the structure directly below. Building height may not exceed 28'. Figure 3.4.2, Residential Building Height Measurement, Sloping Lots, depicts these measurement criteria.

6. Public Access Restrictions in Planning Area 2 and 6

Gates, guardhouses, barriers or other development designed to regulate or restrict public access shall only be allowed in conjunction with a public funicular in Planning Area 1 providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted. If the funicular becomes inoperable for more than 3 consecutive ~~scheduled operating days or is closed or made inoperable indefinitely or for any sustained~~ time period for any reason, any gate, guardhouse, barrier or other development that regulates or restricts public vehicular access into Planning Area 2 shall be opened, removed or otherwise made inoperable such that public vehicular access is no longer regulated or restricted for the duration of the period the funicular is unavailable for public use. Signs shall be posted at the entrance to Planning Area 2 declaring the terms leading to the availability of public vehicular access through Planning Area 2. During the periods that Planning Area 2 is required to be open to public vehicular access, signs shall be posted at the entrance to Planning Area 2, and at other locations as reasonably necessary for public notification, that declare the availability of public vehicular access.

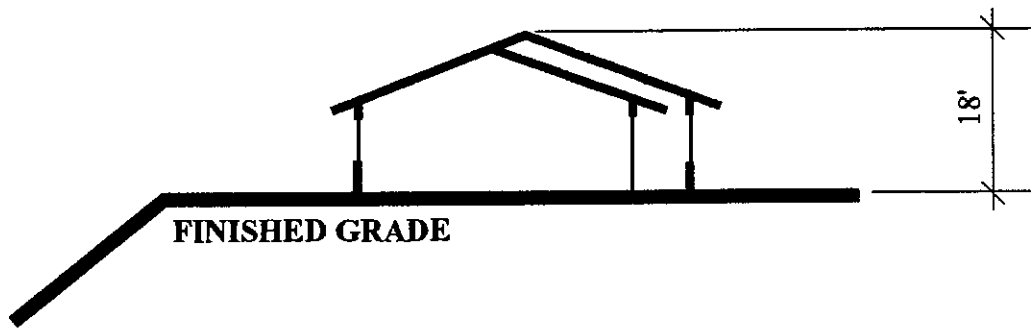
RESIDENTIAL BUILDING HEIGHT MEASUREMENT
SINGLE PAD LOTS
FIGURE 3.4.1

PLANNING AREA 2
SINGLE PAD LOTS



THE MAXIMUM BUILDING HEIGHT MAY NOT EXCEED 28 FEET MEASURED FROM FINISHED PAD GRADE AT THE FRONT YARD SETBACK LINE TO THE UPPERMOST PORTION OF THE ROOF.

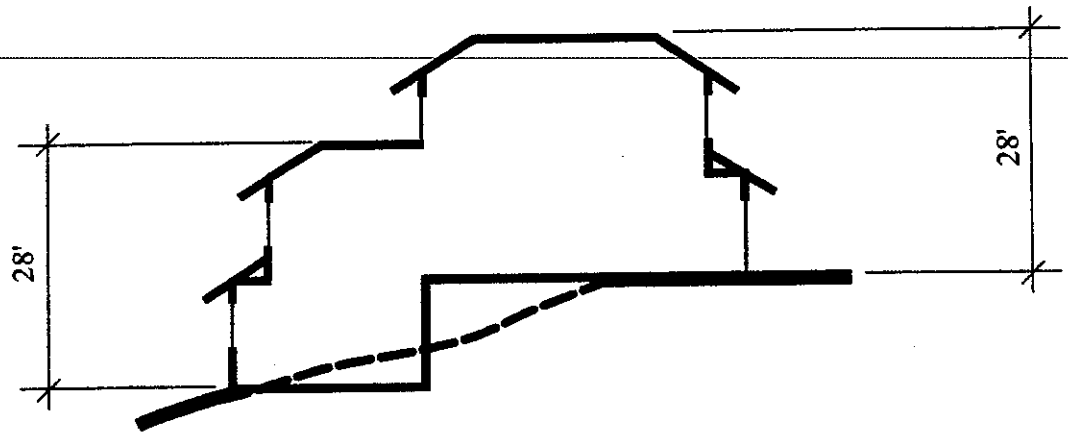
PLANNING AREA 6
SINGLE PAD LOTS



THE MAXIMUM BUILDING HEIGHT MAY NOT EXCEED 18 FEET MEASURED FROM FINISHED PAD GRADE AT THE FRONT YARD SETBACK LINE TO THE UPPERMOST PORTION OF THE ROOF.

BUILDING HEIGHT MEASUREMENT
SLOPING LOTS AND DUAL PAD LOTS
FIGURE 3.4.2

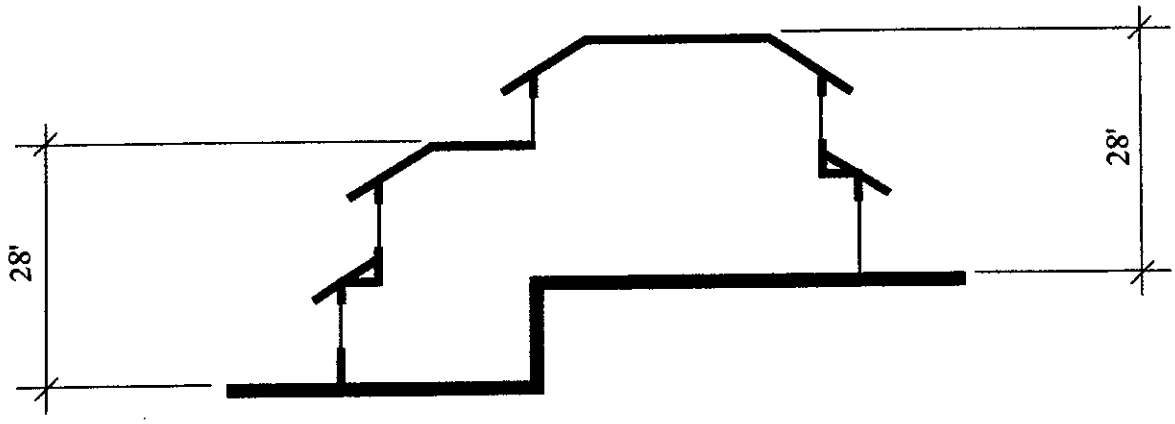
PLANNING AREA 2
SLOPING LOTS



THE MAXIMUM BUILDING HEIGHT OF THE STRUCTURE MAY NOT EXCEED 28 FEET MEASURED FROM THE FINISHED FLOOR ON THE INTERIOR OF THE STRUCTURE (EXCLUSIVE OF ANY BASEMENT), TO THE UPPERMOST PORTION OF THE ROOF.

THE MAXIMUM BUILDING HEIGHT OF THE PORTION OF THE STRUCTURE FACING THE FRONTING STREET MAY NOT EXCEED 28 FEET MEASURED FROM THE FINISH GRADE AT THE FRONT YARD SETBACK LINE, TO THE UPPERMOST PORTION OF THE ROOF.

PLANNING AREA 2
DUAL PAD LOTS



THE MAXIMUM BUILDING HEIGHT OF THE STRUCTURE MAY NOT EXCEED 28 FEET MEASURED FROM THE LOWER FINISHED PAD GRADE IMMEDIATELY ADJACENT TO THE STRUCTURE, TO THE UPPERMOST PORTION OF THE ROOF.

THE MAXIMUM BUILDING HEIGHT OF THE PORTION OF THE STRUCTURE FACING THE FRONTING SGREET MAY NOT EXCEED 28 FEET AT THE FRONT YARD SETBACK LINE, TO THE UPPERMOST PORTION OF THE ROOF.

TABLE 3.4.1

ALLOWABLE USES FOR PLANNING AREAS 2 AND 6

Land Uses	Planning Area 6	Planning Area 2
Accessory Living Quarters	A	A
Dwelling, Single Family	P	P
Employees' Quarters	A*	A*
Game Courts	A	A
Granny Flat	C*	C*
Home Occupation	P*	P*
Model Home Complex	T*	T*
Open Space	P	P
Park, Public	P	P
Recreational Facilities, Private	A	A
Small Family Home	P	P
Temporary Uses	T*	T*
Trails, Biking and Hiking	P	P
Security Structure[1]	P	P
Utility Substation	P	P

LEGEND:

P = Permitted Use

C = Conditional Use

T = Temporary Use

X = Prohibited Use

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

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).

A = Accessory Use

A* = Employees' quarters allowed if notice is given to the City and the quarters comply with Section 3.2.N, Employees' Quarters

[1] Gates, guardhouses, barriers or other development designed to regulate or restrict public access shall only be allowed in conjunction with a public funicular in Planning Area 1 providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted.

TABLE 3.4.2

DEVELOPMENT STANDARDS: PLANNING AREAS 2 AND 6

DEVELOPMENT STANDARD	Planning Area 6	Planning Area 2
(a) Minimum Lot Size	6,500-square feet	6,000 square feet
(b) Minimum Lot Width		
• Standard Lot	90-feet	60-feet
• Cul-De-Sac Lot (at front set-back line)	40-feet	20-feet
• Non-Standard Corner Lot	100-feet	65-feet
(c) Minimum Lot Depth		
• Standard	100-feet	100-feet
• Non-Standard Corner Lot	100-feet (one side only)	100-feet (one side only)
(d) Maximum Lot Coverage	60%	60%
(e) Maximum Building Height[1]		
• Flat Lot	18-feet 1 story	28-feet 2-stories
• Dual-Pad/Sloping Lot	NA	2-stories
(f) Maximum Building Envelope	87.5% of maximum allowed	90% 1st story 85% 2nd story of maximum allowed
(g) Minimum Front Yard Building Set Back		
• From Street Right-of-Way	20-feet, residence 20-feet, garage facing street 10-feet, side entry garage	20-feet, residence 20-feet, garage facing street 10-feet, side entry garage
• Flag Lot	10-feet	10-feet
(h) Minimum Side Yard Setback		
• Interior Lot	10-feet one side, 5-feet opposite	5-feet
• Exterior Side	10-feet on exterior side, 5-feet opposite	5-feet to Lot Line, 10' to Street
(i) Minimum Rear Yard Setback		
• All Lots	15-feet[2]	15-feet[2]
(j) Minimum Open Space, (Private)	30%	30%
(k) Minimum Landscape Coverage	25%[3]	25%[3]
(l) Minimum Building Separation	10-feet[4]	10-feet[4]
(m) Density	2.5 per gross ac.	3.5 per gross ac.
(n) Maximum Number of Residential Lots	50	75

[1] 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 to and along the shoreline, as identified on Figure 4.5.3 (Coastal View Opportunities) in Section 4.5 of the Development Guidelines, are not significantly degraded.

[2] As measured from the top of slope for the building pad.

[3] Includes patios, pools, fountains, and decorative landscaping.

[4] Between primary and secondary buildings, if applicable.

B. Visitor/Recreation Commercial Zoning District

The zoning district for Planning Area 4 and Planning Area 9 shall be Visitor/Recreation Commercial (V/RC).

1. Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses

Uses for the V/RC zoning district shall be as provided in Chapter 9.11 of the Zoning Code subject to and superceded by the standards set forth in Table 3.4.3, Allowable Uses in the V/RC District. Fractional Ownership use, in Table 3.4.3, is defined as a recorded property interest coupled with a right of occupancy in a segment of real property for a stated period of time. During the period starting with the Memorial Day weekend and ending with the Labor Day weekend, a minimum of 50% of the guest rooms/suites in any hotel/inn operating with a Fractional Ownership component shall be made available to the general public for lodging rather than reserved for participants in the fractional ownership.

2. Maximum Extension of Architecture Projection and/or Architectural Theme Element Above Height Limit

Notwithstanding the provisions of Section 9.05.080 of the Zoning Code, the maximum extension of an architectural projection or architectural theme element above the height limit for the V/RC zoning district, occupying no more than a total of 10% of the horizontal roof area of the entire structure, shall be 5 feet. Architectural projections are defined as chimneys, cupolas, parapets, decorative architectural elements, and screened mechanical or electrical elements, other than the principal building.

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.

In Planning Area 9 only, three-story structures may be built provided that one of the following is included: (i) the provisions of Zoning Code Section 9.05.200(a) and 9.05.200(b)(1) and 9.05.200(b)(2) are incorporated into the design; or (ii) any structure that is proposed to have three stories is set back an additional 10 feet beyond the minimum required set-back to the fronting street; or (iii) the building design provides a minimum of 5% articulation in building mass between the first and second stories and 10% articulation in building mass between the second and third stories. 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.

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) 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 requirements 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 use of 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 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.

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	P[1]
Clinical Services		
• On the second floor, or above or below street level	P	P[1]
• Street Level	X	P[1]
Commercial Antennas	C*	C*
Commercial Entertainment Uses	X	C[1]
Commercial Recreation Uses	P	P[1]
Cultural Uses	P	P[1]
Day Care Centers	C	C[1]
Drinking Establishments	X	P/C*
Educational Uses	P	C[1]
Food Service Uses, Specialty	P	A
Fractional Ownership	P[2]	P[2]
Furniture Store	C	X
Hostel	P	X
Hotel	P	P
Live Entertainment Uses	X	C*[1]
Marine Uses	P	X
Massage Establishments	C*	C*[1]
Membership Organizations		
• On the second floor, or above or below street level	C	X
• Street Level	X	X
Open Space	P	P
Personal Service Uses	P	A
Photographic, Reproduction and Graphic Service Uses	P	X

Continued

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	A	A
Restaurant	P	P[1]
Restaurant, Take-Out	X	X
Restaurant, Walkup	X	C[1]
Retail Sales Uses	P	A
Temporary Uses	T*	T*
Video Arcades or Game Rooms	X	C[1]
Visitor Information Center	P	X

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

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

X = Prohibited Use

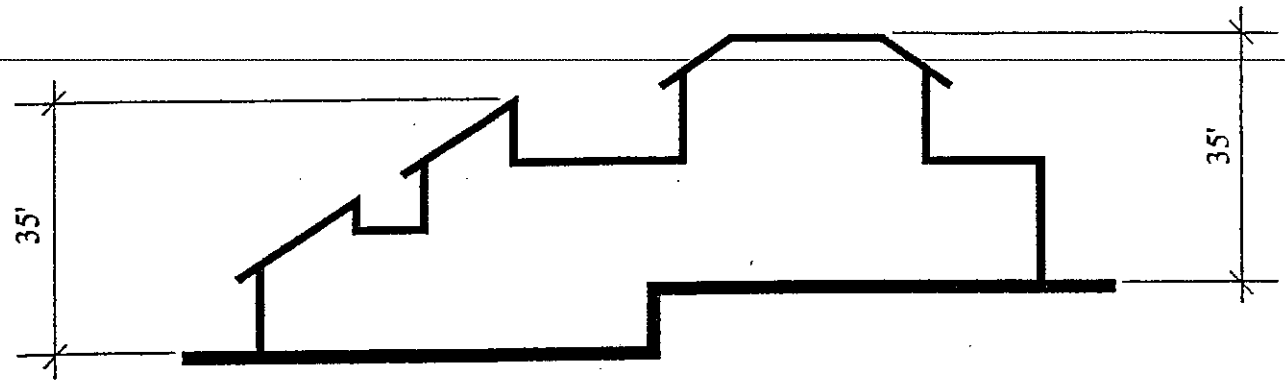
A = Accessory Use

[1] Allowable uses only if constructed in conjunction with the Seaside Inn

[2] 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.

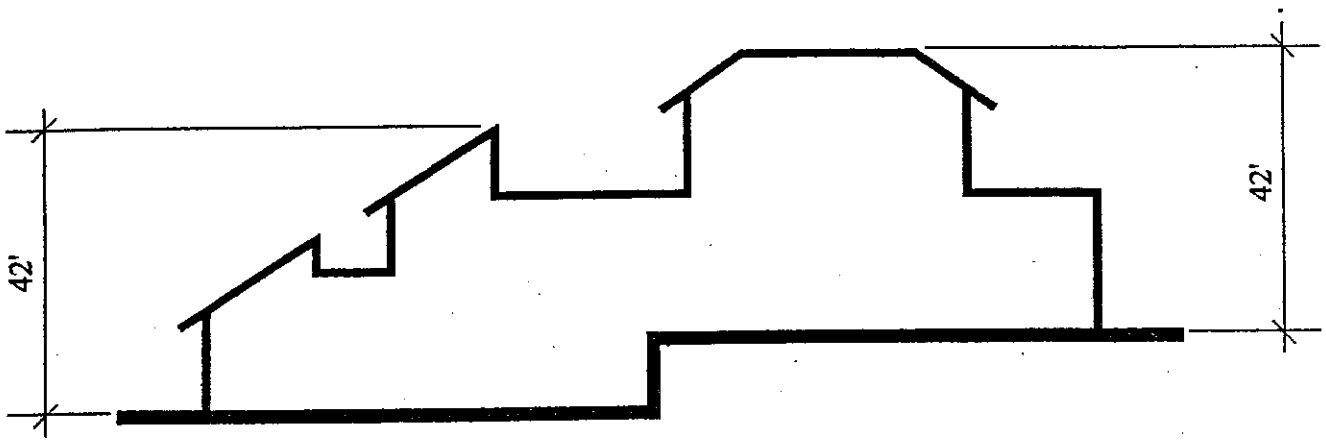
BUILDING HEIGHT MEASUREMENT
FIGURE 3.4.3

PLANNING AREA 4



IN PLANNING AREA 4, THE MAXIMUM BULDING HEIGHT OF THE STRUCTURE, AS MEASURED FROM THE UPPERMOST FINISHED PAD ELEVATION IMMEDIATELY ADJOINING THE STRUCTURE, TO THE UPPERMOST PORTION OF THE ROOF CANNOT EXCEED 35 FEET.

PLANNING AREA 9



IN PLANNING AREA 9, THE MAXIMUM BUILDING HEIGHT OF THE STRUCTURE, AS MEASURED FROM THE UPPERMOST FINISHED PAD ELEVATION IMMEDIATELY ADJOINING THE STRUCTURE, TO THE UPPERMOST PORTION OF THE ROOF CANNOT EXCEED 42 FEET. 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.

TABLE 3.4.4

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		
Interior Side	10-feet	10-feet
Street Side	10-feet	10-feet
(j) Minimum Rear Yard Setback		
Standard	10-feet	10-feet
Adjacent to Alley or Street	10-feet	10-feet
(k) Minimum Landscape Coverage	20%	20%
(l) 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.

C. Recreation Open Space and Conservation Open Space Zoning District.

The zoning district for Planning Area 1, Planning Area 3, Planning Area 5 and Planning Area 8A shall be Recreation Open Space (REC/OS). The zoning district for Planning Area 7 and Planning Area 8B shall be Conservation Open Space (CONS/OS).

1. Location and Description of Uses

Table 3.4.5, Recreation Open Space and Conservation Open Space Designations, describes the location and uses of those areas zoned REC/OS and CONS/OS.

2. Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses

Uses for the REC/OS and CONS/OS zoning districts shall be as provided in Table 3.4.6 Allowable Uses in Recreation Open Space and Conservation Open Space.

3. Development Standards

Development standards for REC/OS and CONS/OS zoning districts shall be as provided in Table 3.4.7, Recreation Open Space and Conservation Open Space Development Standards.

4. Special Development Standards

Special development standards for REC/OS and CONS/OS zoning districts shall be as provided in Chapter 9.21 of the Zoning Code.

5. Inclined Elevator/Funicular in Planning Area 1

If any gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, a funicular (inclined elevator) sized to a minimum capacity of eight persons and available to the public shall be built parallel to the North Strand Beach Access and convey passengers from Strand Vista Park to a ramp to the beach. The funicular shall be made available to the public prior to any regulation or restriction of public vehicular access into Planning Area 2. The funicular shall provide sufficient capacity to ferry a family and associated beach recreational paraphernalia (e.g. chairs, coolers, surfboards, etc.) A reasonable fee for the use of the funicular may be collected to recover maintenance and upkeep for the funicular operation, however, any fee collected (round-trip) shall not exceed the regular cash fare for a single ride on a local route upon a public bus operated by the Orange County Transportation Authority. At minimum, the funicular shall be open to the public during daylight hours on weekends, holidays year-round and every day beginning the Memorial Day holiday weekend through the Labor Day holiday weekend. To the maximum extent feasible, maintenance of the funicular shall occur during scheduled periods of inoperation (e.g. evenings during the peak season/weekdays during the off season). If the funicular becomes inoperable for more than 3 consecutive scheduled operating days (e.g. 3 consecutive days during the peak season/a full weekend plus one day the following weekend during the off season) or the funicular is closed or made inoperable indefinitely

or for any sustained time period for any reason, including but not limited to irreparable damage and/or an absence of funding for operation and maintenance, any gate, guardhouse, barrier or other development that regulates or restricts public access through Planning Area 2 shall be opened, removed or otherwise made inoperable such that public access is no longer regulated or restricted for the duration of the period the funicular is unavailable for public use. Signs shall be posted declaring the availability of the funicular to the public, the hours of operation, any fee, and the terms leading to the ~~availability of public vehicular access through Planning Area 2. Signs shall be posted at~~ the boarding area for the funicular, at locations visible to vehicles traveling on Selva Road, and elsewhere as reasonably necessary to assure adequate public notification relative to the funicular.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 1	REC/OS	West of the existing Orange County public parking lot on Selva Road. Consists of at least 9.9 acres, uses include Strand Vista Park, North Strand Beach Access[1] (Improved), Mid-Strand Vista Park Access (New), Central Strand Beach Access (New), South Strand Beach Access (New), Strand Beach Park Lateral Accessway (New), and as set forth below, a funicular, and open space parking.
• Strand Vista Park	REC/OS	Located adjacent to and seaward of the existing Orange County public parking lot. The park connects to Selva Road, and the North, Mid-Strand Vista Park, Central and South Beach Access paths, overlooking the ocean from an elevation of 160-feet above the mean sea level, as more fully described in Section 4.4, Parks and Open Space Plan. The park provides coastal access, and direct links to the HDCP integrated public trail system. Strand Vista Park shall contain a variety of public walkways, overlooks, sitting and resting areas, picnicking, landscaping and other design elements. It provides dramatic views of the beach, ocean, and distant coastline. The location complements the public Orange County parking lot, currently under-utilized year round.
• North Strand Beach Access (Improved)	REC/OS	Including and adjacent to the existing offsite Orange County Strand Beach access. The existing, steep, narrow path shall be improved by incorporating additional land to widen and provide rest and landing areas and coastal view overlooks. If any gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, a funicular (inclined elevator) shall be built parallel to the North Strand Beach Access and convey passengers from Strand Vista Park to a ramp to the beach. The developer shall also construct new restroom and shower facilities near Strand Beach.
• Mid-Strand Vista Park Access (New)	REC/OS	Located approximately in the middle of the park, this access leads from the trail located in Strand Vista Park and intercepts the Central Strand Beach Access at the intersection of the first residential cul-de-sac.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
• Central Strand Beach Access (New)	REC/OS	Located adjacent to the Strand Residential Neighborhood Entry, the Central Strand Beach Access provides public access from the Strand Vista Park, through the Strand Residential Neighborhood (Planning Area 2), to the Strand Beach Park (Planning Area 3). The entryway and path shall be designed to conspicuously invite public use of the public accessway.
• Lateral Accessway Along Strand Beach Park (New)		In conjunction with any shoreline protective device, an 8 foot wide concrete public access path shall be constructed seaward of the Strand residential development and on top or landward of any shoreline protective device. The path shall follow the entire length of the shoreline protective device. Benches (minimum 2), picnic tables (minimum 2), and trash receptacles, shall be available at regular intervals along the pathway. The location of the public pathway along the top or landward of the shoreline protective device will allow convenient year-round public access above and adjacent to the beach which is currently interrupted by seasonal conditions and high tides. The lateral public access path connects to the Central, North and South Beach Access paths, forming an integrated design that maximizes public coastal access and passive recreational opportunities, while minimizing potential overcrowding at any single public recreation area. Public access along and recreational use of the lateral accessway shall be secured through the dedication of the lateral accessway or an easement to a public entity (e.g. County of Orange or City of Dana Point).
• South Strand Beach Access (New)	REC/OS	Located adjacent to the Selva Road extension, this pathway provides direct access to the southern portion of Strand Beach. A meandering, switchback trail will provide rest and landing areas, overlooks and coastal view areas, and public safety measures. The contoured graded slope will blend into adjoining slopes, and be vegetated with appropriate native species. Except for 0.75 acres of allowable impact to accommodate grading to stabilize the Strand, existing environmentally sensitive habitat area (ESHA) located on the bluff face shall be avoided and shall be protected in place. A public safety access ramp will allow lifeguards and emergency direct access to South Strand Beach. The developer shall also construct new restroom and shower facilities near Strand Beach.

[1] Planning Area 1 includes only those portions of the North Strand Beach Access that lie within the property. However, the proposed project includes the improvement of the existing North Beach Access, which is owned by the County of Orange, as an off-site improvement.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 3	REC/OS	Located in the northwestern portion of the HDCP, Strand Beach is privately owned to the mean high tide line and shall be dedicated to the County. It consists of 5.4 acres and stretches approximately 2,800 linear feet, terminating at the "Dana Point."
• Strand Beach Park	REC/OS	Strand Beach Park is primarily located seaward of the shoreline protective device protecting the Strand residential development. It also includes a small pocket park at the seaward end of the Central Strand Beach accessway. Public access and recreational use of the pocket park shall be secured through the dedication of the pocket park or an easement over said land to a public entity (e.g. County of Orange or City of Dana Point). The beach seaward of the shoreline protective device protecting the Strand residential development shall be publicly owned and offered for dedication to the County of Orange. If the County does not accept the facility, it shall be offered and dedicated to the City. Activities shall include those passive recreational uses typically associated with the ocean and beach, including coastal access, swimming, surfing, sunbathing, fishing, jogging, picnicking and hiking, as more fully described in Section 4.4, Parks and Open Space Plan. Strand Beach connects to the Central, North and South Beach Access paths, forming an integrated design that maximizes public coastal access and passive recreational opportunities, while minimizing potential overcrowding at any single public recreation area.
Planning Area 5	REC/OS	At 288 feet above sea level, the 15.1-acre site contains the highest elevation within the HDCP. Located near Pacific Coast Highway, the park preserves a significant landform, protects habitat areas, establishes recreation opportunities, dramatic public view overlooks, and coastal access.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
• Hilltop Park and Greenbelt Linkages	REC/OS	Public facilities and uses include trails, overlooks, seating, open space parking (outside of environmentally sensitive habitat area), signage, protection of natural resources including preservation and restoration of native vegetation, fencing and other passive features, as more fully described in Section 4.4, Parks and Open Space Plan. As a focal point for the HDCP integrated trail system, it can be accessed from Street of the Green Lantern, Pacific Coast Highway, Selva Road, Street "A," and the Headlands Conservation Park. In conjunction with the Visitor/Recreation Commercial development in Planning Area 4, accessible from Pacific Coast Highway, six parking spaces for open space uses will be provided and a Visitor Information Center will be constructed in Planning Area 4. Areas of the Hilltop Park and Greenbelt Linkages that serve as habitat for Blochman's dudleya will be protected pursuant to the requirements of the California Department of Fish and Game. Furthermore, all ESHA shall be avoided and shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of the General Plan/Local Coastal Program. Fuel modification shall be prohibited within ESHA and habitat mitigation areas. Habitat restoration may occur. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 7	CONS/OS	The park includes 27.9 acres and the landform commonly known as the "Headlands Promontory." Conservation Open Space is the most restrictive land use designation, ensuring the preservation of the unique Headlands landform, the coastal bluffs and the rocky beaches. Conservation of natural resources is of utmost importance with limited disturbance along the seaward perimeter for the bluff top trail and overlooks. Buildings are prohibited. In conjunction with the extension of Selva Road to the northerly residential enclave (located outside of but surrounded by the HDCP area) Marguerita Road and all utilities therein shall be removed, and the area recontoured to match adjacent contours and revegetated with native coastal sage vegetation.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
• Headlands Conservation Park	CONS/OS	The Headlands Conservation Park includes a limited bluff top trail, spectacular views of the ocean, and limited visitor access to the coastline and natural environment. The Headlands Conservation Park, as more fully described in Section 4.4, Parks and Open Space Plan, will be preserved in perpetuity as conservation open space through the establishment of a non-profit trust and a perpetual endowment to own and manage the property. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species. These uses and programs onsite must be coordinated with the U.S. Fish and Wildlife Service, which has issued an Endangered Species, Section 10(a) permit and the California Department of Fish and Game, in conjunction with the landowners' participation in the Central/Coast Orange County Natural Communities Conservation Program and Habitat Conservation Plan, Implementation Agreement. Improvements in the Headlands Conservation Park will be limited to a bluff top trail, overlooks, seating, public safety fencing, and recontouring necessary to restore the road cut for Marguerita Road. Balancing the desire for limited public access and views along the perimeter, this planning area also is designed to protect a number of sensitive flora and fauna, including the Pacific pocket mouse. As a result, and to protect this natural resource area from overuse, only limited portions of the area will accommodate passive uses, such as the bluff top trails, security fencing, overlooks, seating, and signage. The bluff top trail shall be sited to avoid and setback at least 25 feet from coastal bluff scrub in the vicinity of the bluff edge. The receiving agency or non-profit entity will establish hours of operation for the bluff top trail. Portions of the Hilltop Park and Greenbelt Linkages on the landward side of the Headlands Conservation Park will serve as a buffer between new development in Planning Area 6, the Upper Headlands Residential, and the Headlands Conservation Park.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
Planning Area 8	REC/OS CONS/OS	Consists of 10.4 acres and includes a conservation park with limited recreational and support facilities (located outside of ESHA) overlooking Dana Point Harbor, as well as the adjoining coastal bluffs and rocky beach. All ESHA located in Planning Area 8 shall be avoided and shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of the General Plan/Local Coastal Program. Fuel modification shall be prohibited within ESHA and habitat mitigation areas. Habitat restoration may occur. Trails, interpretive/directional signage, and fencing for safety and habitat management purposes may be permitted provided they don't significantly disrupt habitat values. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.

TABLE 3.4.5

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DESIGNATIONS (Continued)

PLANNING AREA	LAND USE	LOCATION AND DESCRIPTION
• Harbor Point Park		Harbor Point Park overlooks Dana Point Harbor and provides dramatic coastal access and public view opportunities. Harbor Point Park is comprised of two sub-planning areas.
8A	REC/OS	Planning Area 8A is designated as Recreation Open Space and includes the bluff-top 4.3-acre Harbor Point conservation and limited recreational area.
8B	CONS/OS	Planning Area 8B is designated Conservation Open Space and includes the 6.1 acre coastal bluff and rocky beach area. Harbor Point Park accommodates several educational/passive recreational uses as more fully described in Section 4.4, Parks and Open Space Plan. The uses include a nature interpretive center. Other amenities include limited bluff top trails, scenic overlooks, conserved and restored native habitat areas, benches, signage, and fencing. The bluff top trail shall be sited to avoid coastal bluff scrub in the vicinity of the bluff edge. Furthermore, parking areas and the nature interpretive center shall be sited to avoid impacts to ESHA. Sensitive natural resources associated with the coastal bluff and rocky beach areas will be preserved and protected by the Conservation Open Space designation. The Street of the Green Lantern and Cove Road provide access to Harbor Point Park. Parking will be provided on Scenic Drive and in a public lot at the terminus of Scenic Drive. The property owner shall dedicate an easement to the City for pedestrian trail access from Planning Area 8 to the Dana Point Harbor, but shall not be required to construct or fund that trail improvement.

TABLE 3.4.6

ALLOWABLE USES: REC/OS AND CONS/OS

Land Uses	REC/OS	CONS/OS
Visitor Recreational Facility	P[3]	X
Cultural Uses	P[3]	X
Commercial Antennas	C*[3]	X
Funicular[1]	P[3]	X
Kiosks/Gazebos	P[3]	X
Outdoor Artwork	P[3]	X
Public Land Uses	P[3]	C[3]
Temporary Uses	T*[3]	X
Trails, Biking and Hiking	P[3]	P[2,3]

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

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

X = Prohibited Use

A = Accessory Use

[1] A funicular is an allowable use in Planning Area 1 only

[2] Hiking Trails only

[3] Use only allowed in locations such that ESHA is avoided and protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Uses adjacent to ESHA shall be sited and designed to prevent significant adverse impacts to ESHA and shall be compatible with the continuance of the ESHA.

TABLE 3.4.7

RECREATION OPEN SPACE AND CONSERVATION OPEN SPACE DEVELOPMENT STANDARDS

Development Standards	Recreation Open Space Conservation Open Space Zoning Districts	
	~~REC/OS~~	~~CONS/OS~~
(a) Minimum Lot Size	Not Applicable	Not Applicable
(b) Maximum Building Size—Visitor Recreation Facility	2,000-square feet	Not Applicable
(c) Maximum Height—Visitor Recreation Facility	16-feet	Not Applicable
(d) Minimum Setback—Visitor Recreation Facility		
-- From Ultimate Street R/W Line	10-feet	Not Applicable
-- From existing or proposed residential structures	50-feet	Not Applicable
(e) Structural setback from top of bluff	50 feet[1]	Not Applicable

[1] The minimum structural setback from the top of bluff shall be 50 feet or greater as recommended by a geotechnical engineer.

3.5 GENERAL DEVELOPMENT STANDARDS ALL DISTRICTS

The following General Development Standards shall apply to all districts or planning areas within the HDCP.

A. Access, Parking and Loading

1. Access, parking and loading regulations within this HDCP shall be as provided in Chapter 9.35 of the Zoning Code except for the following: In Planning Areas 2 and 6, parking in excess of zoning requirements may be provided in a tandem configuration in an enclosed garage. Parallel on-street parking shall be provided on only one side of all single-loaded vehicle restricted local streets. A minimum of 62 public parking spaces shall be provided for exclusive use by the general public for access to the Recreation Open Space. 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.

   In Planning Area 9, the minimum quantity of parking stalls per use shall be supplied as identified in Section 9.35 of the Zoning Code except that valet/tandem parking shall not be utilized to achieve the required parking. Valet parking may be provided as a service to guests/visitors provided that at least 50% of the parking remain available as self-parking. Furthermore, free or affordable employee parking shall be provided on-site. Incentives to employees to use alternative transportation shall be provided including, but not limited to, incentives to carpool and free or subsidized transit passes.

B. Signs and Advertising Devices

The signage guidelines provide a framework in which advertising; directions or information can be accommodated without detracting from the overall design quality of the HDCP. All signage shall be consistent with the Master Signage Program described in Section 4.0 Development Guidelines.

1. Entry Signage

The HDCP shall establish a unified image through the implementation of a series of Entry Signs. Entry Signage will designate the parks, visitor recreation and educational facilities, and V/RC facilities within the HDCP. Entry signage for the parks, visitor recreation and educational facilities and related uses shall clearly identify those areas are available for public use and coastal access. Where appropriate, use of the City seal and other public agencies may occur. The signage program is detailed in Section 4.12, Design Guidelines. Signs may be externally illuminated and lighting shall be directed and shielded so that light is directed toward the ground and away from sensitive biological habitat. Where feasible entry signage shall be wall mounted and shall not exceed 20 square feet.

2. Interpretive/Directional Signage

Interpretive/Directional signs are used along trails and roadways to provide educational information. These signs shall be constructed of durable and aesthetic materials, such as anodized aluminum. Primary signs shall not exceed 60 inches in height, or shall be located flush with fences or natural features. Primary signs shall not exceed 10 square feet and shall not be illuminated.

Secondary signs shall not exceed 36 inches in height, shall not be illuminated and shall ~~not exceed 4 square feet.~~

3. Visitor/Recreation Commercial Signage

Signs in Planning Area 4 and Planning Area 9 shall comply with the requirements for entry signage. Commercial signage shall comply with the requirements of the Master Signage Program described in Section 4.12 Design Guidelines. In addition, commercial signage shall be externally illuminated and lighting shall be hidden by vegetation or installed flush with the grade. Lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat. Signage shall be designed to compliment the architecture of the building and should emphasize natural materials.

C. Landscaping Standards and Requirements

Landscaping standards and requirements shall conform to the requirements in Chapter 9.55 of the City's Zoning Code except as provided in Section 4.12, Design Guidelines, and as follows:

1. Homeowner Installed or Rehabilitated

The provisions of Chapter 9.55 of the Zoning Code shall not apply to landscaping for any single-family residence that is installed or maintained by homeowners.

2. Non-Permanent, Native, or Safety Issues

The provisions of Section 9.55.060 of the Zoning Code, regarding irrigation system design, shall not apply to:

- Uses where a landscape area does not require permanent irrigation to survive;
- A landscaped area that is within an area designated for native vegetation and conditions; or
- The installation of an irrigation system that is likely to lead to erosion or other conditions that could impair the safe and proper operation of the landscape area.

3. Landscaping for All Development

Except for landscaping on 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 Home Owners Association ("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 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 on the project site. 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 proposed development area, including the landscaping 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). No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized anywhere within any development area, including within any 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 shall be drought tolerant. Use of native plant species is 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).

4. Lighting

All lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

D. Fences, Walls and Hedges

In addition to the Design Guidelines provided in Section 4.12, all fences, walls and hedges shall comply with the following provisions, which shall replace and supersede the requirements of Section 9.05.120 of the Dana Point Zoning Code.

1. Maximum Height within the Required Side and Rear Yards

The maximum height of any fence, wall or hedge within the required side and rear yard which faces an adjacent property shall be six feet as measured from the finished grade at

the base of the fence, wall, or hedge to the top of the fence, wall or hedge, with the exception that pilasters may be 7 feet 6 inches. In a side yard condition, where a retaining wall faces the subject property, the maximum height of the combined retaining wall and fence shall not exceed 6 feet above the finished grade of the adjoining lot.

For those uses or facilities that are required by the City to be screened, screen walls/hedges in excess of 6 feet may be permitted as necessary to provide adequate screening subject to a determination by the Director of Community Development.

2. Maximum Height within the Required Front Yards

Fences, walls and hedges shall not exceed 42" measured from the finished grade to the top of the fence, wall or hedge, with exceptions in height subject to the conditions provided for below.

- Arbors, trellises, porticos or other entry features within the required front yard, but otherwise not integrated into the architecture of the structure, may not exceed 8 feet 6 inches in height. Arbors, trellises, porticos or other entry features that are integrated into the architecture of the structure shall be governed by the height standards in the applicable Zoning District.

3. Front Yard Retaining Walls

The maximum height of front yard retaining walls shall be 30". All front yard retaining walls must be faced with stone, river rock, brick, loffel block, or similar decorative material and screened with landscaping. The total front yard wall height, including the retaining wall, shall not exceed 42". In Planning Area 2, six lots shall be exempt from these height limitations. In Planning Area 6, eight lots shall be exempt from these height limitations. Exempt lots may not exceed 9 feet 6 inches in total height (i.e., front yard retaining and wall height). The front yard wall or fence for any exempt lot shall be constructed of different materials from the retaining wall, and shall be transparent or open face, such as wrought iron, plexi-glass, or other similar materials. All such exempt lots shall be so designated at the Tentative Tract Map.

4. Other Retaining Walls

Retaining walls higher than 6 feet shall be permitted provided such walls shall incorporate landscape elements that are either integrated into the retaining wall design, i.e., loffel block, or planted to visually screen the subject wall. Earth retaining structures that integrate landscaping and plantings on the face of the structure are encouraged for walls above 6 feet. Landscape elements that provide visual screening shall utilize a plant palette that sufficiently matures to screen that portion of the wall in excess of 6 feet.

5. Sight Visibility Area

The sight visibility area requirements in Section 9.05.090 of the Zoning code shall apply to the placement and height of fences, walls, and hedges.

6. Temporary Security Fencing

Reasonable temporary security fencing for vacant lots or construction sites shall be exempt from this Section and may be placed in the required front yard to a maximum height of 6 feet.

7. Walls and Fencing for Habitat Protection Purposes

Walls and/or fencing shall be placed between all residential and commercial development and any adjacent environmentally sensitive habitat area for habitat protection and fire hazard management purposes. Walls and/or fencing shall be designed to be impervious to dogs.

Where necessary for habitat protection, fencing and barrier plantings shall be placed around ESHAs and along trails to provide physical barriers to human intrusion and domestic pets. Fencing that is both subordinate to the open space character and impervious to dogs shall be placed along trails that are adjacent to or pass through ESHA.

E. Environmentally Sensitive Habitat Areas (ESHA)

Excepting up to 0.75 acres of impact in Planning Area 1, 6.5 acres of impact within Planning Area 6, and 4.04 acres of impact to accommodate construction of the Seaside Inn within Planning Area 9 (all of which are only allowable as provided in Conservation Open Space Element Policy 3.12, new development shall be sited and designed to avoid impacts to ESHA. The maximum impacts to ESHA identified herein do not pertain to or limit vegetation removal necessary to construct and maintain public trails. Impacts to up to 11.29 acres of ESHA shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. The coastal development permit shall include conditions that require implementation of all feasible mitigation measures that would significantly reduce adverse impacts of the development.

Any new development that includes impacts to ESHA as permitted under the LCP shall include mitigation for unavoidable impacts. ESHA impact mitigation shall include, at a minimum, creation or substantial restoration of ESHA of the same type as the affected ESHA or similar type. The acreage of ESHA impacted shall be determined based on the approved project. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall identify an area of disturbed or degraded ESHA of equivalent type and acreage sufficient to provide mitigation of the ESHA impacts at a minimum 3:1 ratio (number of acres of created or restored habitat required for each acre of ESHA impacted). At least 1:1 of the 3:1 ratio shall consist of habitat creation/substantial restoration (i.e. no net loss) preferably on-site within the coastal zone. Habitat creation/restoration shall be located on-site to the maximum extent feasible, but may include an off-site component for the portion that is infeasible to provide on-site. Mitigation measures on land outside the coastal zone may be acceptable if it would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios. The 3:1 mitigation ratio shall be the minimum standard. The removal of vegetation for new trail construction shall comply with the 3:1 mitigation ratio, except where vegetation removal is necessary to re-align an existing trail or informal footpath in which case the mitigation ratio shall be 1:1. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall submit habitat creation, restoration, management, maintenance and monitoring plans for the proposed mitigation area prepared by a qualified biologist and/or resource specialist. The plans shall, at a minimum, include ecological assessment of the mitigation site and surrounding ecology; goals, objectives and performance standards; procedures and technical specifications for habitat planting; methodology and specifications for removal of exotic species; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria

are not met; and long-term adaptive management of the restored areas in perpetuity. The area of habitat to be restored shall be restricted from future development and permanently preserved through the recordation of a conservation open space deed restriction that applies to the entire restored area. In addition to the deed restriction, the area may also be dedicated or offered to be dedicated to a public agency or non-profit entity.

F. Bluff Edge Setback

Excepting development in Planning Area 1 and Planning Area 2 where development is contemplated on the bluff face and notwithstanding the minimum bluff edge setback identified in Zoning Code Section 9.27.030(c), all development shall be located a minimum of fifty (50) feet from the bluff edge or a sufficient setback to ensure the proposed development is safe from a threat of erosion and bluff retreat/failure for seventy-five (75) years, whichever is most restrictive.

G. Shoreline Protective Device in the Strand

Any shoreline protective device repaired and maintained in the Strand as allowed under Conservation Open Space Element Policies 2.22 and 2.23 shall comply with the following development standards:

The shoreline protective device shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the shoreline protective device is moved at least 5 feet landward or easterly.

At the time of repair and maintenance of the shoreline protective device, all components of the existing revetment located seaward of the above identified toe and landward of the location of the intertidal zone shall be removed from the beach and recycled into the repaired and maintained shoreline protective device or properly disposed at an approved disposal site.

The top edge of the repaired and maintained revetment shall not exceed the top edge of the existing revetment located at +17 feet NGVD.

A shoreline protective device maintenance and monitoring plan shall be implemented that, at minimum, provides for the periodic retrieval and re-use or proper disposal of any rock or other components of the device that has become dislodged and/or has fallen to the beach as well as the retrieval and re-use or proper disposal of any rock or other component of any pre-existing device that becomes exposed on the beach for any reason.

H. Affordable Housing Programs

The HDCP utilizes an in-lieu fee program to satisfy its low and moderate affordable housing requirements within the coastal zone. These funds will be used to address the City's needs for affordable housing. Fees will be collected prior to the issuance of certificate of occupancy permits. Applicant shall pay an in-lieu fee in the amount of $2,500 per residential unit, which fee shall be paid on a per unit basis in conjunction with the approval of a building permit.

3.6 DEFINITIONS

The City's Zoning Code shall be consulted for zoning definitions unless otherwise stipulated in this HDCP.

TEMPORARY EVENT - is (a) an activity or use that constitutes development as defined in Section 30106 of the Coastal Act but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc., and/or involve exclusive use of sandy beach, parkland, filled tidelands, water, streets, or parking areas in temporary facilities, public or private buildings or open spaces, or outside of buildings which are otherwise open and available for general public use; or (b) an activity as defined in section (a) that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service.

3.7 DEVELOPMENT REVIEW PROCESS

A. Purpose and Intent

The intent and purpose of this Section is to establish regulations for the effective and efficient implementation of the HDCP. It establishes procedures for the consideration of development requests for any given Planning Area, the notice and conduct of meetings, and the procedure to amend the HDCP or the Dana Point Local Coastal Program, as amended to include the HDCP. This Section also details the procedures for processing Coastal Development Permits, Master Coastal Development Permits, Site Development Permits, Combined Coastal and Site Development Permits, and Subdivision Maps for any given Planning Area(s). This section does not provide an exhaustive list of applicable rules and procedures, and any non-conflicting rules or procedures in other parts of the LCP that would apply in the absence of this PDD continue to do so.

B. Adoption and Amendment

1. Planned Development District Adoption

Section 3.0 and 4.0 of the HDCP must be adopted in accordance with the Zoning Code (Chapter 9.34). A PDD may be adopted in a variety of ways, both by resolution or ordinance. Section 4.0, Development Guidelines, must be adopted by resolution. Section 3.0, Planned Development District, must be adopted by ordinance and provides zoning regulations for development within the HDCP area.

2. Amendment to Local Coastal Program

The HDCP requires an amendment to the Dana Point Local Coastal Program ("LCP"). The LCP Land Use Plan for the HDCP area consists of the Land Use Element, Urban Design Element, and Conservation Open Space Element of the City's General Plan (as amended). The LCP Implementation Program for the HDCP area consists of Section 3.0, Planned Development District, Section 4.0, Development Guidelines and the City's Zoning Code.

Portions of the HDCP area are included within the certified Dana Point LCP, including portions of Planning Areas 1, 2, and 3 and all of Planning Areas 4, 5, 6, 7, 8 and 9. In order to implement the HDCP, the City will need to process an amendment to the Dana Point LCP in accordance with the California Coastal Act, Title 14 of the California Administrative Code, and the Local Coastal Program Post Certification Guide for Coastal Cities and Counties. In the case of major amendments such as the HDCP, they are reviewed in essentially the same fashion as original submittals, which are governed by Coastal Act Sections 30512 and 30513 and Commission Regulations Sections 13522-13542.

Portions of Planning Areas 1, 2, and 3, were "white-holed" and represent an original submittal by the City. The City will include portions of Planning Areas 1, 2, and 3 as part of the submittal of the amendment to the Dana Point LCP to the California Coastal Commission in accordance with the Sections noted above.

3. Future Amendments to the Local Coastal Program

After the adoption of the amendment to the Dana Point LCP to include the HDCP area, amendments to the LCP shall be processed in accordance with the procedures of the Coastal Act and Title 14. Amendments may be classified as either a major or minor amendment. The Executive Director of the Coastal Commission will make the determination of minor or major in accordance with Section 30514(c) of the Coastal Act. The amendment procedures that will be followed will depend on the classification of the amendment and will follow the provisions of the Coastal Act and Title 14 Regulations.

4. Amendments to the HDCP

After certification of the amendment to the Dana Point LCP to include the HDCP area by the Coastal Commission, all proposed amendments to the HDCP that are determined to be a LCP Amendment, shall be processed in accordance with the procedures of the Coastal Act and Title 14. The Executive Director of the Coastal Commission will classify all amendments as minor or major in accordance with Section 30514(c) of the Coastal Act. The amendment procedures will depend on the classification of the amendment and will follow the provisions of the Coastal Act and Title 14.

C. Discretionary Approvals and Permits

This section defines the discretionary approvals and permits, the administration of modifications to standards, and allowable temporary uses. Discretionary approvals include Coastal Development Permits, including Master Coastal Development Permits, Site Development Permits including Master Site Development Permits, Combined Coastal and Site Development Permits, and Tentative Tract Maps. The purpose of this section is to provide guidelines for the application, review, and approval of all of the above discretionary approvals and permits.

All development shall require both: (i) a Site Development Permit as defined and issued by the City under Chapter 9.71 of the Zoning Code, as modified in this HDCP; and (ii) a Coastal Development Permit as defined and issued by the City under Chapter 9.69 of the Zoning Code, or (iii) a Combined Coastal and Site Development Permit, as defined and issued in this HDCP.

1. Site Development Permit

The Site Development Permit is the discretionary process that links the design policies and guidelines in Section 4.0, Development Guidelines, governing architectural design and compatibility, to specific development proposals. The process provides for the efficient and effective review of development proposals to ensure compatibility and enhanced site and building design. For Planning Areas 2 and 6, individual Site Development Permits are not required for each lot. A Master Site Development Permit shall be required which will cover the entire Planning Area. The Master Site Development Permits will be limited to detailed architectural design guidelines that will augment and expand on the Design Guidelines in Section 4.12 and ensure that future development will be designed and completed in accordance with those guidelines. In all other Planning Areas, when an individual Site Development Permit is required, the City

will review each specific development project for compatibility and conformance with the Section 4.12, Design Guidelines. In order for the City to clearly implement the policies and regulations of this HDCP, a Site Development Permit shall be required to be submitted and approved by the City prior to building construction for each of the Planning Areas. At the discretion of the Director of Community Development, Site Development Permits for Planning Areas 1, 5 and 8A, if required, may be combined.

The Site Development Permits will substantially follow the procedures that are noted below.

- **Application for a Site Development Permit**. The applicant shall follow the format located in Section 9.61.040 of the Zoning Code, except that with respect to a Site Development Permit for Planning Area 2 and Planning Area 6, Section 9.61.040(e)(2)(F) and 9.61.040(e)(2)(G) of the Zoning Code shall not apply. Along with this information, the applicant shall also include in the application package all of the required information identified in this HDCP. In addition, the applicant may elect to apply for a Combined Coastal and Site Development Permit in lieu of separate applications for a Site Development Permit and Coastal Development Permit.

- **Notice and Public Hearing.** Except as noted in this HDCP, notice for a Site Development Permit shall be provided in conformance with the requirements of Section 9.61.050 of the Zoning Code.

- **Basis of Action.** The City may approve, conditionally approve, or deny a Site Development Permit. The basis of action shall be subject to the findings located in Section 9.71.050 of the Zoning Code, as modified by this HDCP. The City shall also make a finding that the proposed development is in compliance with the HDCP and shall make all other required findings as identified in Section 2.0 of the HDCP.

- **Expiration.** Any Site Development Permit granted herein shall be effective for a period of 24 months, unless otherwise conditioned or agreed upon subject to an approved Development Agreement or as otherwise agreed between the applicant and the City. Failure to exercise the permit within the effective period will cause the permit to automatically expire, unless the applicant has requested an extension in conformance with Section 9.71.130 of the Zoning Code. Once construction has been initiated pursuant to the Site Development Permit, the Site Development Permit shall be deemed vested and shall not expire.

- **Amendments to a Site Development Permit.** An approved Site Development Permit may be amended in accordance with the following procedures. If the Director of Community Development determines that the amendment constitutes a minor alteration to the approved Site Development Permit, the amendment may be approved administratively. At the discretion of the Director of Community Development, a minor alteration may be referred to the Planning Commission for review without a formal public

hearing. If the Director of Community Development determines that the amendment constitutes a major alteration to the approved Site Development Permit , public notice will be provided and a public hearing will be held in conformance with the notice and hearing provisions of this HDCP.

- **Appeals.** A Site Development Permit is subject to appeal in accordance with Section 9.61.110 of the Zoning Code

- **Fees.** The applicant for a Site Development Permit shall pay a processing fee in accordance with the latest fee schedule adopted by the City.

2. Coastal Development Permit (Master and Individual)

The Coastal Development Permit is the discretionary process that addresses development within the City's Coastal Zone. All development within the Coastal Zone must be consistent with the Dana Point Local Coastal Program. The HDCP is located within the Coastal Zone. The Coastal Development Permit ensures that the policies, programs, and regulations contained within the Local Coastal Program have been met, and that conditions have been incorporated into the Coastal Development Permit Resolution. The applicant may apply for individual or master coastal development permits as regulated in the HDCP, and any reference herein shall apply for both types of permit.

The entire project site lies within the Coastal zone and will require Coastal Development Permits. Until the City has certified the amendment to the Dana Point Local Coastal Program to include the HDCP, portions of Planning Areas 1, 2, and 3 remain uncertified, and require Coastal Development Permit approval by the California Coastal Commission. If so processed, the Planning Commission shall consider the In Concept Approval as a component of the Site Development Permit. If an applicant has received an approved Coastal Development Permit from the Coastal Commission for portions of Planning Areas 1, 2, and 3 prior to certification from the City, the regulations governing Prior Coastal Approval as shown in the Zoning Code Section 9.69.030(3) shall be applied. If the City has certified the amendment to the Dana Point Local Coastal Program for Planning Areas 1, 2, and 3, but the California Coastal Commission has not approved it, a Coastal Development Permit for those portions of Planning Areas 1, 2, and 3 shall be obtained from the City prior to the Coastal Commission consideration of a Coastal Development Permit.

In Planning Areas 4, 5, 6, 7, 8 and 9, the City will consider any Coastal Development Permit subject to its jurisdiction. The City will utilize the provisions of the HDCP only after the Coastal Commission has reviewed and approved the amendment to the Dana Point Local Coastal Program. The provisions that require the submittal and approval of a Coastal Development Permit are shown in the Zoning Code, as modified by this HDCP. Each Coastal Development Permit will substantially follow the procedures noted below:

- **Application for a Coastal Development Permit**. The applicant shall follow the format located in Section 9.69.050 of the Zoning Code, except that with respect to a Coastal Development Permit for Planning Area 2 and Planning Area 6 Section 9.61.040(e)(2)(F) and 9.61.040(e)(2)(G) of the Zoning Code

shall not apply regarding elevations and floor plans of residential structures and associated appurtenances on residential lots, provided that the application contains sufficient information about the land division, grading plan and building envelopes to analyze whether the development complies with all the requirements of the Local Coastal Program, and provides sufficient information for the permit to contain conditions that the development on each residential lot is sited and designed to avoid the degradation of public views to and along the shoreline from public viewpoints, trails, parks and open spaces, and the development incorporates building setbacks that avoid any fuel modification requirements within ESHA. Also, the applicant shall incorporate all of the programs and include the required information as detailed in this HDCP.

A Master Coastal Development Permit, issued by the City under Chapters 9.27 and 9.69 of the Zoning Code, as modified by this HDCP, shall be allowed for Planning Area 2 (The Strand Residential) and Planning Area 6 (Upper Headlands Residential) and other Planning Areas at the discretion of the Director of Community Development. The Director of Community Development has the discretion to allow an applicant to apply for a Master Coastal Development Permit in Planning Area 2 and Planning Area 6, rather than individual Coastal Development Permits for construction on each individual lot.

In addition, the applicant may elect to apply for a Combined Coastal and Site Development Permit, including a Combined Master Coastal and Site Development Permit, in lieu of separate applications for a Coastal Development Permit and Site Development Permit.

- **Notice and Public Hearing.** The City and applicant shall follow the procedure shown in Section 9.69.060 of the Zoning Code. Regardless of whether the Master Coastal Development Permit or Coastal Development Permit is combined with any other action, the notice procedures for the coastal development permit shall fully comply with those identified in Section 9.69.060 of the Zoning Code.

- **Basis of Action.** The City may approve, conditionally approve, or deny a Coastal Development Permit. The basis of action shall be subject to the findings located in Section 9.69.070 of the Zoning Code, as modified by the HDCP.

- **De Minimis and Administrative Permits.** Projects that qualify as either De Minimis or Administrative Permits may be approved by the City. Application procedures for De Minimis or Administrative Permits will be subject to the procedures shown in Sections 9.69.110 and 9.69.160 of the Zoning Code.

- **Expiration.** Any Coastal Development Permit granted herein shall be effective for a period of 24 months. Failure to exercise the permit within the effective period will cause the permit to automatically expire, unless the

applicant has requested an extension in conformance with Section 9.69.140 of the Zoning Code. Once construction has been initiated pursuant to the Coastal Development Permit, the Coastal Development Permit shall be deemed vested and shall not expire unless work is not diligently pursued to completion.

- **Amendments to Coastal Development Permits.** An approved Coastal Development Permit may be amended in accordance with Section 9.69.130 of the Zoning Code.

- **Emergency Permits.** The Coastal Commission or City may issue emergency permits within the HDCP area, subject to the provisions shown in Section 9.69.150 of the Zoning Code.

- **Appeals.** A Coastal Development Permit is subject to appeal in accordance with Section 9.69.090 of the Zoning Code.

- **Fees.** The applicant for a Coastal Development Permit shall pay a processing fee in accordance with the latest fee schedule adopted by the City.

- **Temporary Events.** Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria if the Director of Community Development has determined that the event has the potential to result in significant adverse impacts to public access and/or coastal resources.

3. Tentative Tract Maps

Tentative Tract Map review shall be processed pursuant to Chapter 7.01 of the Municipal Code. No application for a Tentative Tract Map for Planning Areas 2 and 6 shall be submitted to the City without either combining the application with a Site Development Permit(s) or first obtaining approval for a Site Development Permit(s) for Planning Areas 2 and 6. A Tentative Tract Map application that includes Planning Areas 4 and 9 is not required to be combined with an application for a Site Development Permit for those two Planning Areas. As provided above, individual Site Development Permits for Planning Areas 4 and 9 are required prior to building construction. After the initial approval of the Tentative Tact Map and Site Development Permit for the subject site, the approved Site Development Permit may be amended separately, either as a minor or major amendment. Land divisions, including but not limited to subdivisions, lot splits, and lot line adjustments shall require a coastal development permit. If a Master Coastal Development Permit and Site Development Permit are approved for a land division/Tentative Tract Map and grading plan for Planning Areas 2 and/or 6, there shall be no need to process individual Coastal Development Permits and Site Development Permits for construction of residential development and associated appurtenances on

individual residential lots within that Subdivision Map, provided the Master Coastal Development Permit is conditioned to comply with all the requirements of the Local Coastal Program, the permit identifies specific final pad elevations for each residential lot and the permit conditions identify specific building envelopes/development standards for each residential lot including setbacks and heights that avoid the degradation of public views to and along the shoreline from public viewpoints, trails, parks and open spaces, and incorporate building setbacks that avoid any fuel modification requirements within ESHA, and required residential building permit application demonstrates compliance with the HDCP and the design guidelines in the combined Master Coastal and Site Development Permit.

4. Temporary Uses

Temporary uses and structures may be approved in the HDCP subject to Chapter 9.39 of the Zoning Code. A temporary real estate sales office may be permitted through the approval of a Site Development Permit for the subject Planning Area or portion thereof, or through the Temporary Site Development Permit as shown in Chapter 9.39.

5. Administrative Modification of Standards

Certain standards in this HDCP may be administratively modified by the Director of Community Development to permit development on a property that is constrained due to physical constraints. Administrative modifications may be considered in the HDCP area, subject to Chapter 9.61, Section 9.61.090 of the Zoning Code. For other modifications to certain development standards, a variance shall be required in accordance with Section 9.67 of the Zoning Code. Administrative modifications or variances from 1) the minimum number of parking stalls (except for residential uses), 2) bluff edge setbacks, 3) requirements relative to protecting Environmentally Sensitive Habitat Area (ESHA) including required setbacks, and 4) height restrictions necessary to protect public views, shall not be granted.

6. Development Phasing Plan

Development shall comply with the following development phasing plan:

Development of the Headlands shall occur in a comprehensive manner involving the entire approximately 121 acre site. The allowance for impacts to up to 11.29 acres of environmentally sensitive habitat areas (excluding public trails) and the allowances relative to the construction of new development in the Strand that is reliant upon significant landform alteration and a shoreline protective device shall only be allowed in the context of a project that: 1) preserves, enhances, dedicates and perpetually manages all but 11.29 acres of environmentally sensitive habitat areas (ESHAs) known to be present at the Headlands; 2) dedicates the private portion of Strand beach to the public; 3) constructs and dedicates the public parks and public trail network described in this HDCP 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) implements extensive water quality management best management practices, including but not limited to the construction and maintenance of structural best management practices to treat off-site and on-site run-off; 5) preserves landforms including the Harbor Point and Headlands bluffs and promontories and the Hilltop; and 6) provides lower-cost overnight accommodations (i.e. hostel) in conjunction with the construction of a luxury inn.

The public parks, open space and public trail network shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent with the recordation of the first land division/Final Map(s). The first land division shall encompass the entire 121.3 acre site and shall fully expunge all development rights that may exist within the identified public parks, open space and public trail network that may have existed under any prior land division. The one exception to this requirement shall be that, prior to the wholesale re-division of the 121-acre Headlands area, the landowner may apply for, and the City may approve, any lot merger, lot line adjustment, or other land division necessary to enable the landowner to separate out and transfer approximately 27 acres of land on the Headlands promontory, provided that any such approval is conditioned on the requirement that the area so separated is irrevocably deed restricted as conserved open space in conjunction with the land division and is thereafter dedicated in a manner that ensures that it is conserved in perpetuity as conserved open space, in which case the requirement in the preceding two sentences shall apply only to the remainder area of the Headlands.

The public parks, open space and public trail network improvements and amenities, including the Nature Interpretive Center and public parking, shall be constructed and open to the public prior to the opening of the luxury inn in Planning Area 9.

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.

All approved public park, open space and public trail network improvements and amenities, including the Nature Interpretive Center and public parking, shall be constructed by the landowner/developer and shall include all such public parks, open spaces, public trails and associated improvements and amenities described in the HDCP. All approved public park and open space improvements and amenities shall be bonded for final completion (@120% of estimated construction cost) prior to recordation of the first Final Map, and construction shall be completed and the facilities open to the public for public use prior to the residential certificate of occupancy or final inspection for the first to be completed residential property.

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.

4.0 LOCATION AND SETTING

The project site consists of 121.3 acres overlooking the Pacific Ocean, located in the west-central portion of the City of Dana Point (City), in the County of Orange (County). Interstate 5 (I-5) to the southeast, the San Joaquin Hills Transportation Corridor (State Route 73) to the northeast, and the bordering Pacific Coast Highway 1 (PCH) provide regional access to the site. Local streets include Selva Road, Street of the Green Lantern, and Cove Road. Figure 4.1.1, Regional Location, and Figure 4.1.2, Local Vicinity, graphically illustrate the project location.

The project site is surrounded by urban development, including residential and commercial land uses. The Ritz-Carlton and St. Regis Resort hotels are approximately a quarter mile to the north. The southeastern portion of the property overlooks the Dana Point Harbor. The site includes nearly two miles of ocean and Harbor frontage. The surrounding setting is depicted in Figure 4.1.3, Aerial Photograph.

4.1 EXISTING SITE CHARACTERISTICS

A. Landforms

The project site contains four distinct landforms: (1) the two geographical points—Dana Point and Harbor Point, (2) the coastal bluffs which range up to 215 feet in height and stretch from the Harbor Point to the northern end of the Strand, (3) the Strand Beach, and (4) the hilltop near PCH.

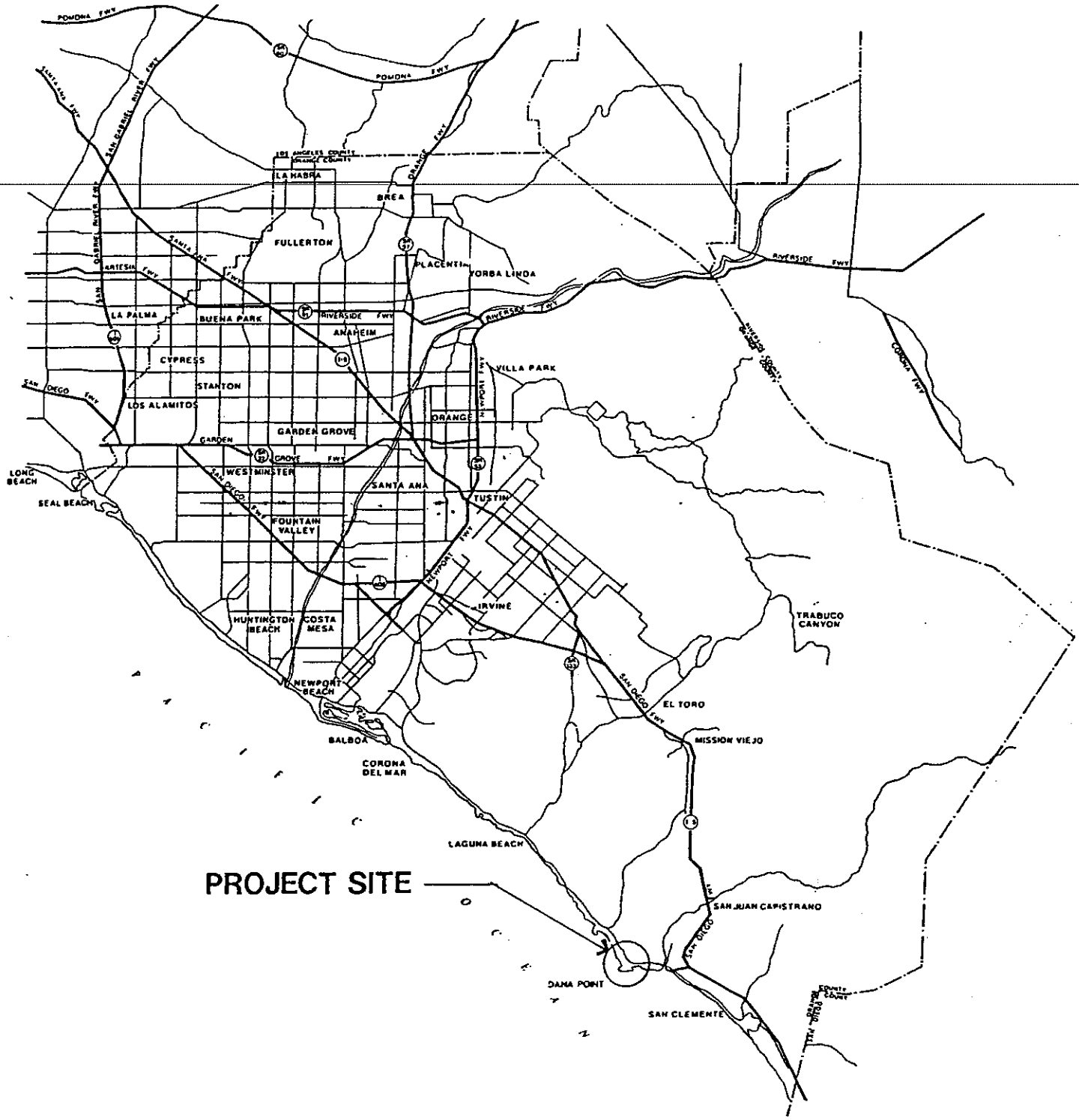
A gently sloping mesa sits atop the Dana Point and the coastal bluffs to form a landmark from which the entire site derives its common name—the Headlands. The bluffs are a visible landform for thirty miles up and down the coast.

The site has previously been developed as a mobile home park, with dilapidated infrastructure such as roads, pad foundations, sewer, water, storm drains, utility lines, and a 2,100' sea revetment (the Strand Beach area), and as horticultural greenhouses, commercial and storage buildings, and associated parking (the Upper Headlands area).

B. Geology and Soils

Three major geologic units and one minor geologic unit underlie the project site. The major geologic units are (1) the San Onofre Breccia overlain by (2) Marine Terrace Deposits, and (3) the Monterey Formation. A small area of Capistrano Formation occurs in the southeastern portion of the property.

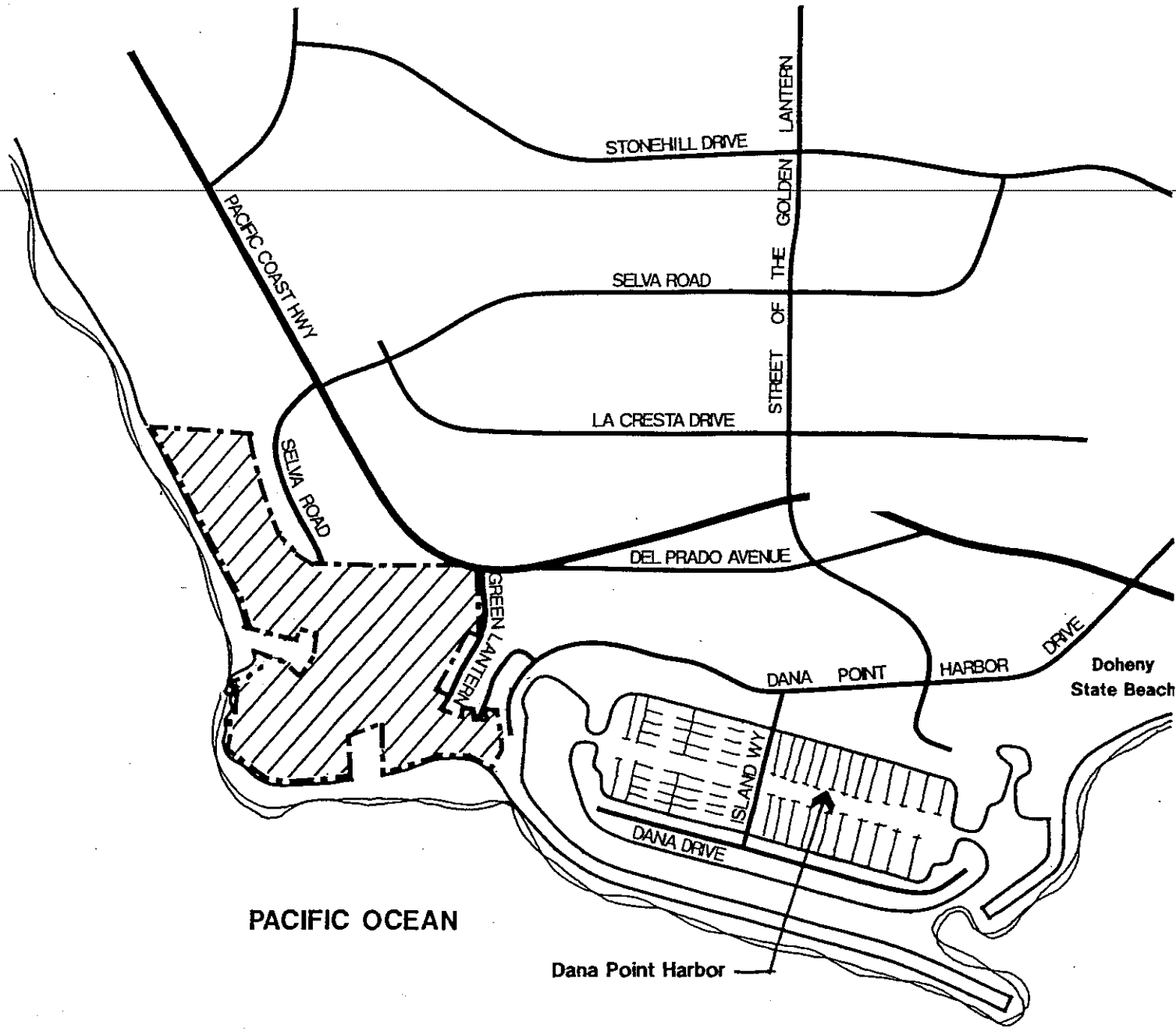
REGIONAL LOCATION
FIGURE 4.1.1



THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

SWA Group

LOCAL VICINITY
FIGURE 4.1.2



AERIAL PHOTOGRAPH
FIGURE 4.1.3

The project site does not contain active faults. The closest active fault is the offshore trace of the Newport-Inglewood fault located approximately two miles to the west. The Strand area contains several landslides that require stabilization prior to development.

C. Biological Resources

The project site contains diverse wildlife and plant species. The wildlife consists of mammals, including the Pacific Pocket Mouse, reptiles, and birds, including the California gnatcatcher and the coastal cactus wren.

The site also contains many vegetation associations that are native to Southern California. Southern coastal bluff scrub, mixed chaparral, and coastal sage are found in the southern areas of the site. The northern portions of the site consist of heavily disturbed vegetation, native/non-native grassland, disturbed coastal sage and ornamental plantings associated with the vacant mobile home development.

In 1996, the U.S. Department of Interior, the U.S. Fish and Wildlife Service (USFWS), the California Resources Agency, the California Department of Fish and Game (CDFG), the California Department of Forestry and Fire, the California Department of Parks and Recreation, and the Orange County Environmental Management Agency, in conjunction with participating property owners, adopted the Central/Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP provides for the conservation of sub-regionally significant natural resources and multi-species habitat preserve areas.

The 1996 Orange County NCCP/HCP was preceded by five years of scientific analysis and public agency review. A joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) were prepared pursuant to the California Environmental Quality Act, the California Endangered Species Act, and the federal Endangered Species Act by the CDFG and the USFWS. In 1996, the EIR/EIS was certified as a Final EIR/EIS, with appropriate findings and mitigation measures to satisfy the requirements of the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA).

The landowners of the project site were identified in the NCCP/HCP as a "participating landowner" for "contributing significant land and/or funding toward implementation of the reserve system and adaptive management program." As a result, the landowners were issued a Section 10(a) Endangered Species Act Permit for the project site.

In addition to CESA and ESA requirements, the Coastal Act requires the identification and protection of any areas 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. These areas are known as 'environmentally sensitive areas' or 'environmentally sensitive habitat areas' (ESHA). In conjunction with the Local Coastal Program (LCP) amendment that was processed to incorporate the HDCP into the City's LCP, the Coastal Commission identified approximately 50 acres of upland ESHA at the Headlands. The planning boundaries established in this LCP are designed to conserve all but 11.29 acres of the ESHA present at the time of the LCP amendment. Except as provided in Conservation Open Space Element Policy 5.29 for situations where an application is

submitted within two years of the date of effective certification of LCP Amendment 1-03, the LCP contains provisions requiring an assessment during the coastal development permit process of whether additional ESHA is present on the site and the protection of the approximately 38.01 acres originally conserved in Planning Areas 1, 5, 7, and 8A/8B plus any additional habitat identified during the subsequent assessment. Pursuant to the requirements of Coastal Act Section 30240 and equivalent policies in the LCP, the ESHA must be protected and conserved in place, except as allowed under Conservation Open Space Element Policy 3.12 and Section 3.5.E of the Planned Development District, and only certain limited activities such as habitat restoration and limited public access are allowed within the ESHA.

D. Cultural Resources

The City's General Plan indicates that cultural resources exist on the site. Due to their confidential nature, additional cultural resources information is not provided in this document.

E. Visual Resources

Public visual resources include those portions of the property that can be viewed off-site, such as the coastal bluffs, the Strand Beach, the hilltop, and the two geographical features—Harbor Point and Dana Point. On-site public visual resources are limited because the property is largely fenced, restricting public access. Limited public visual resources do exist from public road rights-of-way, which were dedicated with the recording of Final Tract Maps in the 1920's.

F. Hydrology

The project site consists of three primary drainages: the majority of the site drains to Strand Beach; the remainder of the property drains over the bluff edges from Harbor Point around to the northerly residential enclave; and to Dana Point Harbor.

Five storm drain outlets to Strand Beach were constructed in the 1950's to serve the mobile home park, and the on-site and off-site drainage runoff. The mobile home park improvements remain in place, although in disrepair. This includes the storm drain improvements, streets, septic systems, trailer lots, storage and recreational facilities.

Additionally, approximately one half of the County's Strand Beach Parking Lot, and a portion of Selva Road and the Niguel Terrace condominium site drain through the property to Strand Beach. Storm drain facilities must be sized to accommodate these off-site flows.

The Headlands promontory portion of the property and Harbor Point drain directly over the bluff edge in areas of historical or natural drainage. Storm water runoff to Dana Point Harbor in the vicinity of the project comes from portions of Green Lantern, Cove Road, Scenic Drive and adjoining off-site property which flows to existing storm drain inlets and eventually to the Harbor.

4.2 LAND USE PLAN

The Land Use Plan establishes the conceptual development framework for the project site. The Land Use Plan responds to the physical and environmental opportunities and constraints that characterize the property. It emphasizes coastal access, the conservation of natural resources, the provision of public parks and open space, recreational opportunities, public safety, and high quality visitor commercial and residential land uses.

The land use distribution is depicted in Figure 4.2.1, Illustrative Plan. The Illustrative Plan graphically depicts approximately three miles of public trails and the coastal access pathways, which link the five parks and the proposed public visitor recreational facilities. It also illustrates the residential lot configuration, as well as conceptual renderings for the resort seaside inn and the PCH visitor/recreation commercial.

Sections 3.0 and 4.0, including Section 4.2 thereof (i.e. 'Land Use Plan'), are components of the implementing actions of the City's Local Coastal Program within the meaning of Section 30513 of the Coastal Act.

ILLUSTRATIVE PLAN
FIGURE 4.2.1



Note: Plan is diagramatic in nature and is subject to change based on final engineering, planning and design.

4.3 PLANNING AREAS

The project site contains nine planning areas as illustrated on Figure 4.3.1, Land Use Planning Areas. The planning areas provide a combination of recreation and open space parks, conservation open space, visitor/recreation commercial and residential uses. Section 3, Planned Development Zoning District, establishes the maximum level of intensity and development for each planning area. The nine planning areas are more generally described as follows:

Planning Area 1: Strand Vista Park/Public Beach Access (Recreation Open Space).

The Strand Vista Park, 9.9 acres, is located adjacent to and seaward of the existing County public parking lot. The park overlooks the Pacific Ocean from an elevation of approximately 160-feet, providing significant new coastal access and recreation opportunities. The park forms a major component of the integrated trail system designed to link Strand Beach, four additional parks, the open space, and conservation areas. The park plans are detailed in Section 4.4, Park and Open Space Plan.

The North Strand Beach Accessway (improved) will be integrated into the off-site County owned beach access. The existing County stairway is narrow with limited views. The North Strand Beach Access will widen and enhance the stairway, and establish two public view overlooks, providing ocean and coastal views. The developer will construct restroom and shower facilities adjacent to the pathway above Strand Beach.

If gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach.

The Mid-Strand Vista Park Access (New) leads from the trail in approximately the center of the park and connects to the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.

The Central Strand Beach Access (new) creates direct public access from the Strand Vista Park to Strand Beach. This access traverses through the Strand Residential neighborhood in Planning Area 2.

The South Strand Beach Access (new) establishes direct access to the south Strand Beach, opening a significant area of the site fenced-off from public use. The pathway incorporates a public overlook and rest/landing areas, providing unobstructed ocean and coastline views.

Planning Area 2: Strand Neighborhood (Residential)

The 25.7-acre Planning Area 2 allows a maximum 75 single-family homes on single-loaded streets, terraced for views. The homes will be a maximum of two stories. This area formerly contained the 90-unit mobile home park. The community may be gated to control vehicle access provided the mitigation measures outlined below are implemented.

If gates, guardhouses, barriers or other development designed to regulate or restrict public vehicular access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach. Only public vehicular access may be restricted. Public pedestrian and bicycle access shall not be restricted. If the funicular is out of service for more than 3 consecutive scheduled operating days, public vehicular access through Planning Area 2 for passenger drop-off shall be available during the period of service outage and any gate, guardhouse, barrier or other development that regulates or restricts public vehicular access shall be opened, removed or otherwise made inoperable during the period of service outage. During periods of funicular service outage signs shall be posted at the boarding area of the funicular, along the public roadway leading to the Strand residential area and at the entrance to the Strand residential area indicating the availability of public vehicular access through the residential area for passenger drop-off at the beach.

Planning Area 3: Strand Beach Park (Recreation Open Space)

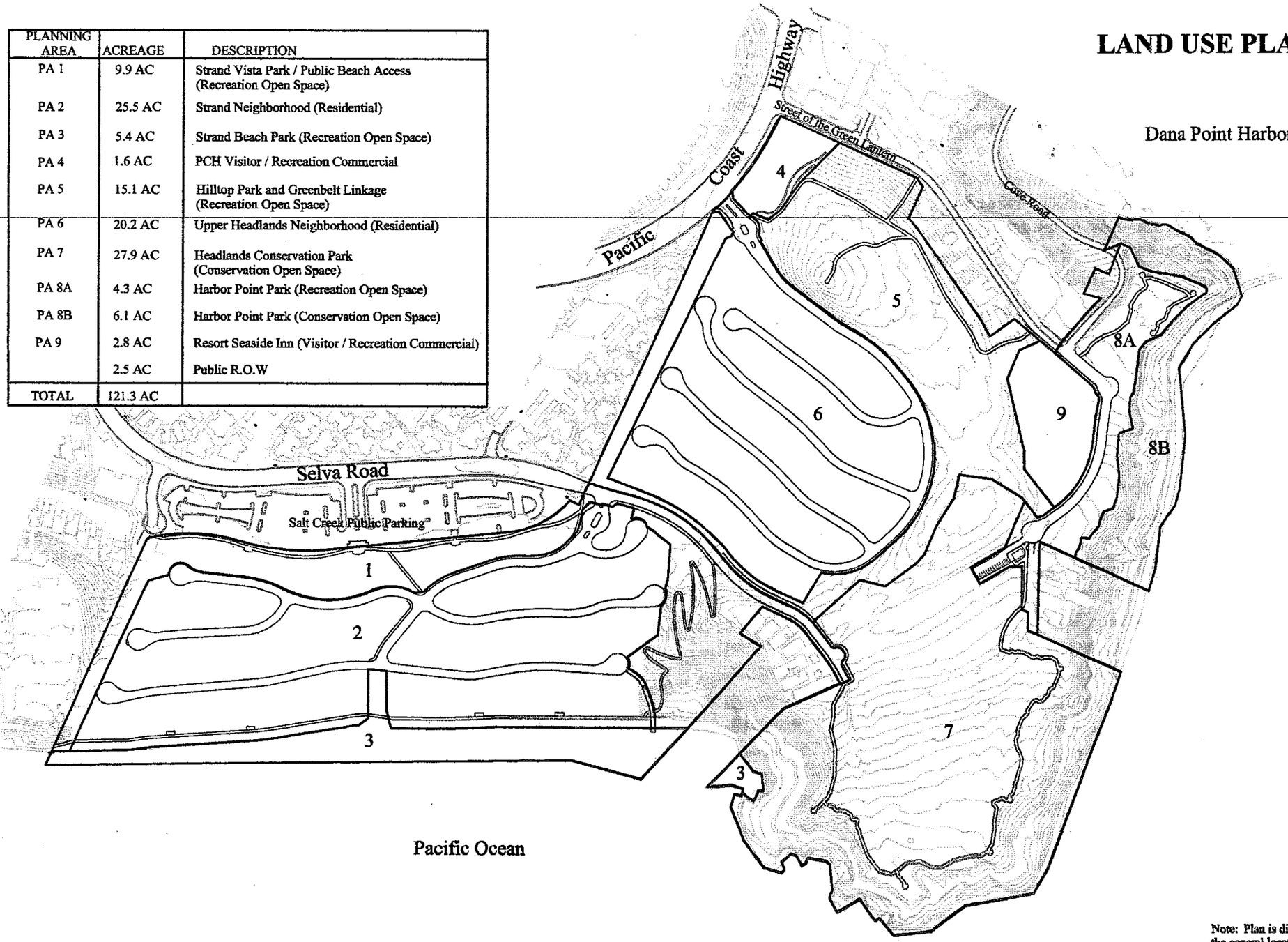
The 5.2-acre Strand Beach Park is currently privately owned to the mean high tide. The beach will be publicly dedicated and provide significant public passive recreational opportunities, including coastal access, swimming, surfing, fishing, diving, jogging, hiking, picnicking, and related beach activities. Vehicular access will be limited to emergency vehicles or those vehicles used by the applicable public agency to maintain and patrol the beach. The Strand Beach Park is detailed in Section 4.4, Park and Open Space Plan.

LAND USE PLANNING AREAS

FIGURE 4.3.1

Dana Point Harbor

PLANNING AREA	ACREAGE	DESCRIPTION
PA 1	9.9 AC	Strand Vista Park / Public Beach Access (Recreation Open Space)
PA 2	25.5 AC	Strand Neighborhood (Residential)
PA 3	5.4 AC	Strand Beach Park (Recreation Open Space)
PA 4	1.6 AC	PCH Visitor / Recreation Commercial
PA 5	15.1 AC	Hilltop Park and Greenbelt Linkage (Recreation Open Space)
PA 6	20.2 AC	Upper Headlands Neighborhood (Residential)
PA 7	27.9 AC	Headlands Conservation Park (Conservation Open Space)
PA 8A	4.3 AC	Harbor Point Park (Recreation Open Space)
PA 8B	6.1 AC	Harbor Point Park (Conservation Open Space)
PA 9	2.8 AC	Resort Seaside Inn (Visitor / Recreation Commercial)
	2.5 AC	Public R.O.W
TOTAL	121.3 AC	



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

0 100 200 300

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 5: Hilltop Park and Greenbelt Linkage (Recreation Open Space)

The 15.1-acre Hilltop Park and Greenbelt Linkage preserves a significant landform, establishes a public park, provides integrated trails, and connects to adjacent parks and open space. It serves as a major feature of the integrated trail system by providing dramatic views of the surrounding City, Harbor, and Pacific Ocean. Access and parking are provided from the Street of the Green Lantern, Scenic Drive, Selva Road (Dana Strand Road), "A" Street, and Pacific Coast Highway. In addition, six parking spaces to exclusively serve open space uses will also be constructed in Planning Area 4, PCH V/RC. The Hilltop Park and Greenbelt Linkage is detailed in Section 4.4, Park and Open Space Plan. Natural resource (Blochman's dudleya) habitat will be preserved in the vicinity of the Hilltop Park and managed by the City of Dana Point pursuant to the recommendation and approval of the California Department of Fish and Game. Furthermore, all ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of this LCP. Fuel modification shall be prohibited within ESHA. Habitat restoration may occur. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management program to help facilitate the survival of the sensitive plants and animal species.

The Hilltop Park includes trails, rest areas, overlooks, seating, open space, signage, native landscaping, fencing, and other passive features. The Greenbelt Linkage includes trails, habitat preservation and restoration, fencing, signage, open space buffers to the Headlands Conservation Park, and other passive features.

Planning Area 6: Upper Headlands Neighborhood (Residential)

Totaling 20.2-acres, this residential neighborhood allows a maximum of 50 single-family homes. The homes will be limited to one story. The community will be gated at "A" Street to control vehicle access. The site will be terraced from west to east to provide coastal views for each lot. Residents in Planning Area 6 will access Planning Area 2 via a private trail between both neighborhoods.

Planning Area 7: Headlands Conservation Park (Conservation Open Space)

The 27.9-acre Headlands Conservation Park is designated Conservation Open Space, the most restrictive land use within the project. No development is allowed within this area, except a

perimeter trail and ancillary improvements designed to provide coastal access. The park will preserve the "Headlands" landmark which consists of a sloping mesa that sits atop the Dana Point landform, the surrounding coastal bluffs, and the adjacent rocky beach. The Headlands Conservation Park is detailed in Section 4.4, Park and Open Space Plan.

In conjunction with the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDGF), the Headlands Conservation Park also provides for the long-term preservation and management of habitat for sensitive species, including the Pacific pocket mouse, and other flora and fauna. The 22.0 acre temporary Pacific pocket mouse preserve established by the NCCP will be expanded by 5.9 acres, and a greenbelt buffer has been designated in adjoining Planning Area 5. A non-profit trust will be established to manage the Park in conjunction with the USFWS and CDFG. The recording of easements, deed restrictions, and additional measures ensure that the Headlands Conservation Park remains permanently designated as conservation open space.

Planning Areas 8a and 8b: Harbor Point Park (Recreation and Conservation Open Space)

Harbor Point Park totals 10.4 acres and consists of two sub-planning areas, 8a and 8b. Planning Area 8a, designated as Recreation Open Space, includes the 4.3-acre Harbor Point plateau. Planning Area 8b, designated Conservation Open Space, includes the adjacent 6.1-acre coastal bluffs and rocky beach.

Harbor Point Park overlooks Dana Point Harbor and the Pacific Ocean, providing one of the most dramatic views from the property. The park preserves a significant landform—the geographical promontory Harbor "Point", and proposes a variety of recreation uses, including a proposed visitor recreation facility, the Nature Interpretive Visitor Center. The public trails and other amenities proposed in Harbor Point Park are further detailed in Section 4.4, Park and Open Space Plan.

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

This 2.8-acre site provides a maximum 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.

4.4 PARK AND OPEN SPACE PLAN

The Park and Open Space Plan creates an integrated system that responds to the natural characteristics of the property. Development of the 121.3-acre project site has been carefully planned to enhance public coastal access, provide a range of recreational opportunities, preserve the coastal bluffs and other significant landforms, and conserve sensitive habitat. The public open space, parks, and greenbelt linkages within the project total 68.5 acres, or over one half of the entire site. The three primary goals of the Park and Open Space Plan are as follows:

1. Create high quality public parks, recreation, and open space areas that maximize coastal access, establish and preserve public views, and conserve natural resources including the preservation and enhancement of environmentally sensitive habitat area.

2. Interconnect the public parks and open space by establishing an integrated public trail/access system that links to other trail alignments off-site.

3. Encourage public visitors to utilize the parks and open space by implementing a series of scenic overlooks, informational signage, public art, and proposed public visitor recreation facilities that provide a variety of educational, historical, natural, and conservation programs.

Figure 4.4.1, Park and Open Space Plan, illustrates the location of the five public parks, the recreation and conservation open space areas, the greenbelt linkages, the public trail/access system, and the proposed visitor recreation facilities.

A. The Public Parks

The five major parks within the system include (1) the Headlands Conservation Park, (2) the Hilltop Park and Greenbelt Linkages, (3) the Harbor Point Park, (4) the Strand Vista Park/Public Beach Access, and (5) the Strand Beach Park

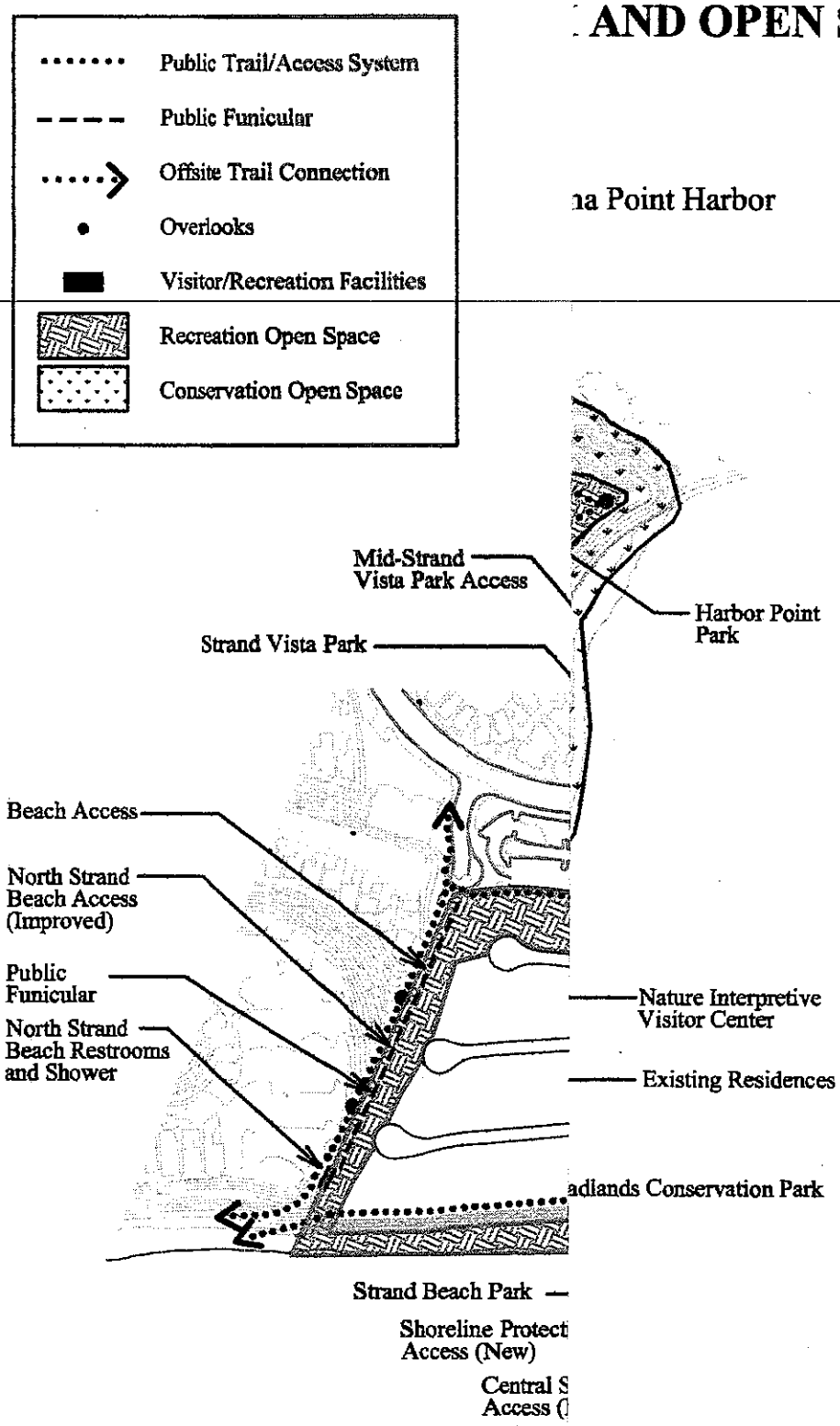
A public trail/access system, over three miles in length, links all of the parks and open space. The system includes pedestrian and bicycle trails, coastal and beach access, scenic overlooks, and four proposed public visitor recreation facilities to be constructed by the Landowner/Developer. The trails maximize public coastal access and view opportunities. These trails implement the policies and guidelines of the Dana Point General Plan and provide a comprehensive system that reinforces the relationship between the project site, the Harbor, and the Pacific Ocean.

The public parks and open space areas will be improved by the developer, offered for dedication, transferred, and/or conveyed to the appropriate public agency or non-profit entity in the first phase of the project, consistent with the Development Phasing Plan identified in Section 3.7.C.6 of the Planned Development District.

. AND OPEN SPACE PLAN

FIGURE 4.4.1

ıa Point Harbor



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

B. Park Design Guidelines

Each park seeks to create a variety of public recreational opportunities by embracing different design criteria. Many areas previously designated for residential or commercial development in the City General Plan and the certified Local Coastal Program have been designated in the HDCP as parks and open space. The design program of parks, open space, integrated public trails, and proposed visitor recreation facilities encourages coastal visitors, while leaving substantial portions of the site effectively undeveloped. The parks, greenbelts and open space incorporate a hierarchy of use, ranging from active recreation to passive recreation to permanent conservation. The following criteria for each park establish the basic use and design intent.

1. Headlands Conservation Park (Planning Area 7)

Conceptual Plan
See Figure 4.4.2, Headlands Conservation Park Conceptual Plan

Setting
The Headlands Conservation Park overlooks the Pacific Ocean from the most dramatic location within the project site. The area includes a prominent landform—the Dana "Point," and its promontory commonly referred to as the "Headlands", as well as the adjacent coastal bluffs which rise approximately 215 feet above the ocean. Scenic Drive and Marguerita Road currently provide access to this area. Marguerita Road borders the northerly edge of the site and will be removed and the area restored concurrent with the extension of Selva Road. An approximate 3.8-acre portion of the park is occupied by the endangered Pacific pocket mouse.

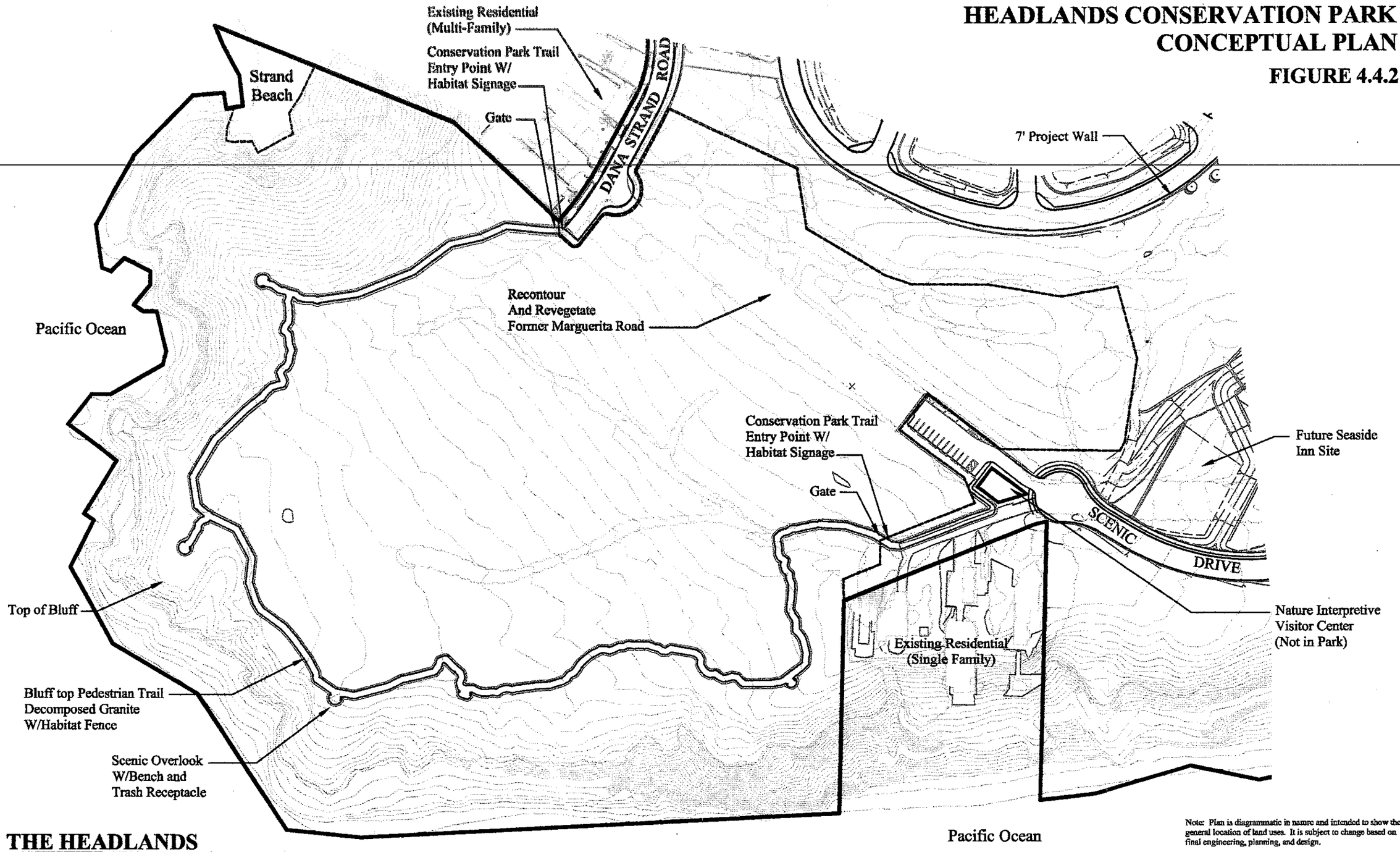
Design Concept
Create a conservation open space park designed to permanently preserve the significant landform, and conserve, manage, and preserve the existing flora and fauna. The park shall consist of natural open space and be dedicated to the conservation and enhancement of the existing habitat. Provide long-term management programs for the study and maintenance of the natural resources. Define an appropriate level of public access along a bluff top trail.

Program

Intensity of Use:	Conservation—Very low. No active development permitted. Coastal access is restricted to trails and overlooks only.
Level of Development:	Extremely low. A trail with a series of overlooks, minor drainage improvements if necessary, fencing and interpretive signage.

HEADLANDS CONSERVATION PARK
CONCEPTUAL PLAN

FIGURE 4.4.2



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

0 100 200 300

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

Proposed Uses:	Scientific and educational studies. Professional management and maintenance of existing habitat. Interpretive walks. Coastal access and coastal view opportunities. Walking/hiking on established trails only.
~~*Program Elements:*~~	~~Native landscape materials. Pedestrian trail/coastal~~ access pathway. Multiple scenic overlooks. Interpretive Signage. Conservation fencing, safety fencing.

Site Features

- Marguerita Road shall be removed, the area shall be graded to natural contours and re-vegetated pursuant to Figure 4.4.6 and Section 4.13, Coastal Resources Management Program.

- Management and maintenance activities shall be coordinated with the U.S. Fish and Wildlife Services and the California Department of Fish and Game.

- A 10' wide pedestrian trail of decomposed granite/gravel shall provide controlled access to the coastal bluff top. The bluff top trail alignment shall be designed to minimize impacts to areas of natural resource value, including coastal bluff scrub habitat. The trail shall be located a minimum of 25 feet from the edge of the Coastal Bluff Scrub habitat. See Figure 4.4.3, Headlands Conservation Park Bluff Section.

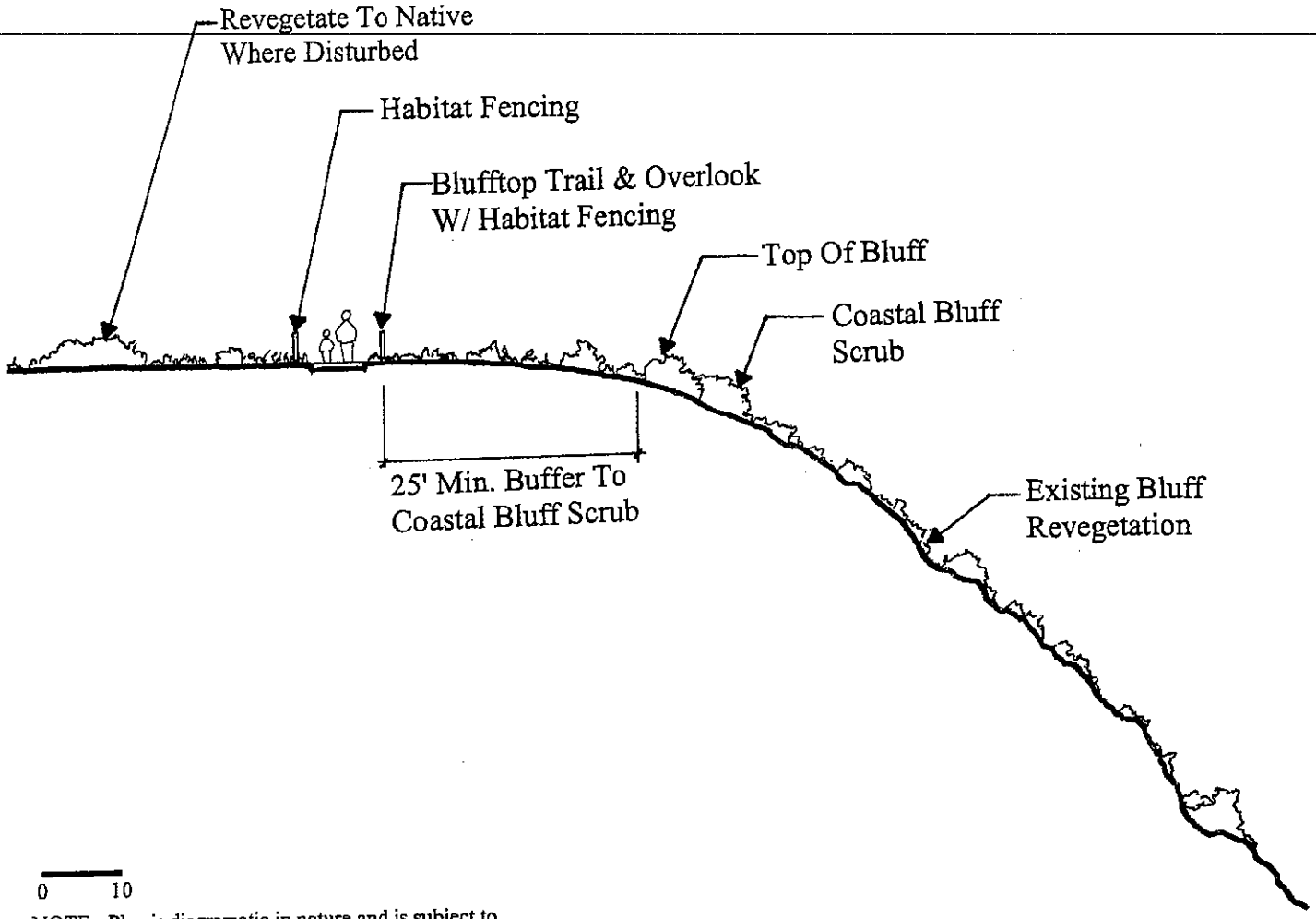
- Five enhanced overlooks with seating shall be integrated into the pedestrian trail along the coastal bluff.

- As determined by the appropriate public agency, safety fencing and conservation fencing shall be provided for the Pacific pocket mouse habitat, and adjacent to the public trail and scenic overlooks.

- Interpretive signage, informational signage and related amenities shall be included within the public trail and the overlooks.

- A proposed Nature Interpretive Center shall be constructed in the adjacent greenbelt (Planning Area 8a) outside of environmentally sensitive habitat area to serve as management and educational headquarters for the Headlands Conservation Park.

HEADLANDS CONSERVATION PARK
BLUFF SECTION
FIGURE 4.4.3



NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

Landscape Design

- The Park shall remain native in character with supplemental plantings of native plant materials. Exotic, non-native, and invasive plant species shall be removed in consultation with the U.S. Fish and Wildlife Services and the California Department of Fish and Game.

- Subject to other restrictions, native shrubs may be selectively planted adjacent to the existing residential enclaves to provide a visual transition between the building architecture and surrounding landscape. Shrubs shall be located to minimize conflicts with the views from surrounding areas.

- Limited temporary irrigation shall be provided, if necessary, to ensure establishment of new plantings. Irrigation will consist of low volume applications such as drip, bubbler and/or low volume spray heads. Irrigation shall encourage deep root growth instead of surface root development. Design of all such irrigation shall conform to Section 4.14, Park and Open Space Management Program.

Ownership, Construction and Maintenance

The Headlands Conservation Park shall be owned by a non-profit trust, established in conjunction with the NCCP/HCP, the USFWS and the CDFG. The trust shall include a Board of Directors, a Protector, a Manager, and the requisite support staff necessary to provide for the long-term conservation of the natural resources within the park.

Construction activities shall be completed by the Landowner/Developer and limited to the proposed coastal bluff public access trail, safety and conservation fencing, coastal view overlooks, and minor drainage facilities, if necessary.

An endowment for the park, as budgeted by the Center for Natural Lands Management, shall be established to provide for the long-term maintenance, and management consistent with Section 4.14, Park and Open Space Management Program.

2. Hilltop Park and Greenbelt Linkages (Planning Area 5)

Conceptual Plan
See Figure 4.4.4, Hilltop Park Conceptual Plan.

Setting
The Hilltop Park and Greenbelt Linkages include the highest elevation found within the project site. At 288 feet, the "hilltop" provides 360° views, including the surrounding city, harbor, and ocean. The park preserves a prominent landform and environmentally sensitive habitat area. Access is currently provided from PCH, Street of the Green Lantern, and Scenic Drive.

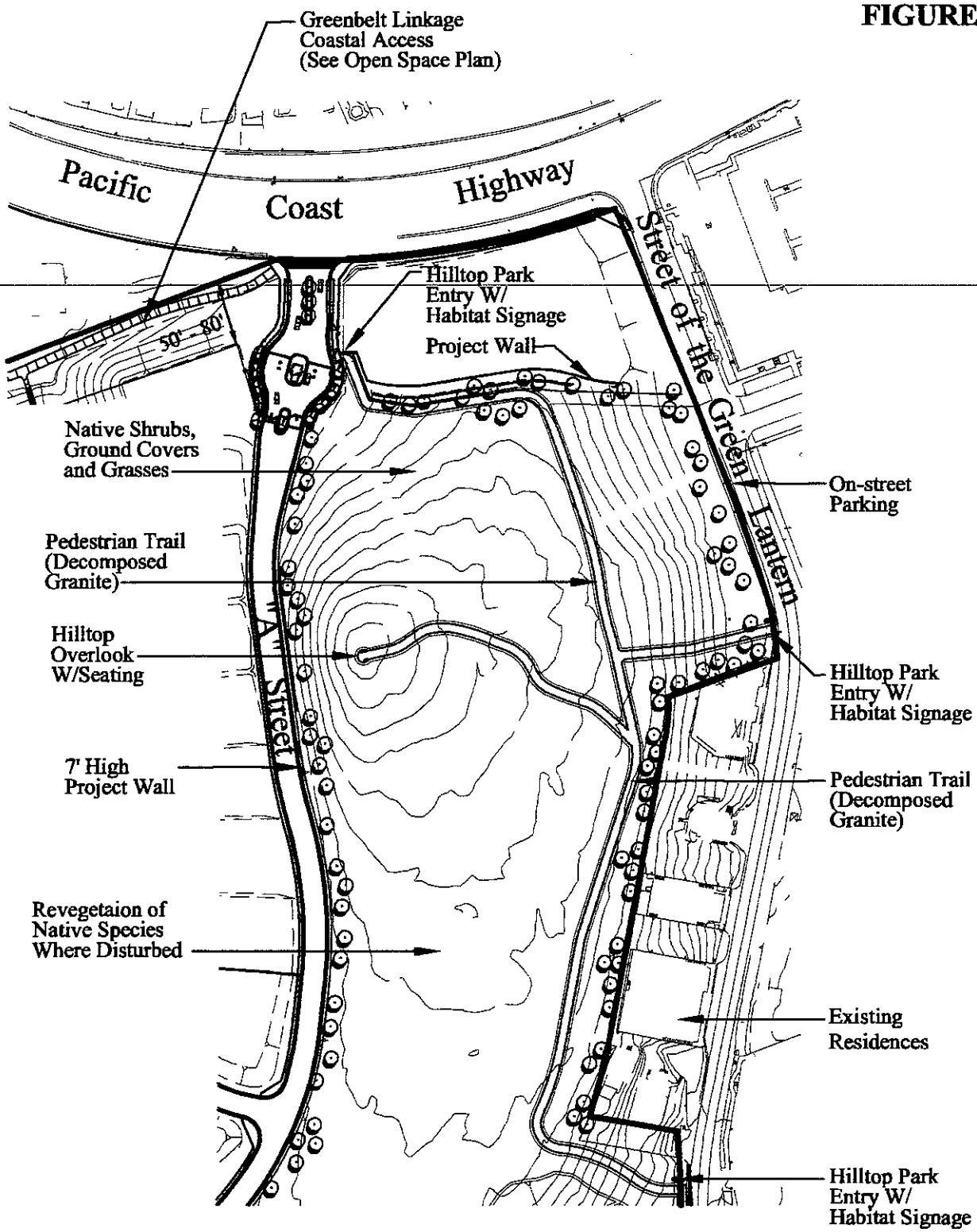
Design Concept
Create a park that utilizes the existing topography to establish public view opportunities to the ocean, harbor, and city. Provide a series of greenbelt linkages and public trails to adjacent parks and open space. Conserve, enhance and restore environmentally sensitive habitat area. Provide appropriate public visitor facilities sited in locations that avoid the degradation of environmentally sensitive habitat areas.

Program

Intensity of Use:	Recreation—Low. Limited development of public visitor facilities permitted. Limited recreational activities permitted.
Level of Development:	Moderately Low. Multiple public trails, hilltop overlook, rest areas, parking sited in locations that avoid the degradation of environmentally sensitive habitat areas.
Proposed Uses:	Walking, bicycling (outside of environmentally sensitive habitat areas), hiking, jogging, picnicking, educational, parking. Coastal access and view opportunities, protection of natural resources.
Program Elements:	Solely native vegetation appropriate to the habitat type. Pedestrian/bicycle access pathways. Scenic overlooks. Interpretive/informational signage. Fencing as appropriate for public safety, view preservation, and protection of resources.

HILLTOP PARK CONCEPTUAL PLAN

FIGURE 4.4.4



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

Site Features

- Trails shall be either bikeways or pedestrian trails as designated on Figure 4.5.1, Public Trail/Access Plan. No bicycle trails shall be located within environmentally sensitive habitat areas. Combined bikeway/pedestrian trails shall be 12' wide and constructed of concrete. Pedestrian trails shall be 10' wide, constructed of decomposed granite/gravel. A pedestrian trail shall provide access to the hilltop overlook. Trails shall be designed to minimize impacts to areas of natural resource value by utilizing existing trail alignments where feasible. Existing disturbed areas, including unnecessary trails, will be re-vegetated pursuant to Section 4.13, Coastal Resources Management Program.

- A hilltop overlook shall be provided at the park's highest elevation. The overlook shall be constructed of concrete or other durable materials and be designed to blend with the natural surroundings. See Figure 4.4.5, Hilltop Park Section. A minimum of two benches and one covered trash receptacle shall be provided. Fencing may be required as deemed necessary by the Director of Community Development.

- Areas of natural resource value shall be protected through signage, barrier plantings, walls and fencing if necessary. A solid wall, impervious to dogs, shall be placed along the entire border of the residential development in Planning Area 6 and commercial development in Planning Area 4 and the environmentally sensitive habitat area within Planning Area 5. Furthermore, fencing and/or barrier plantings shall be placed around the entire perimeter of the environmentally sensitive habitat area and along the perimeter of trails to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails.

- Access to the Hilltop Park shall be limited to pedestrians. Parking shall be provided at the Street of the Green Lantern, Scenic Drive, the County parking lot off Selva Road, and the adjacent Nature Interpretive Visitor Center parking lot.

- Interpretive signage, informational signage, and related amenities shall be included within the public trail and the overlooks.

- Public access shall be permitted on public trails and overlooks in areas that are not determined to be sensitive natural resources.

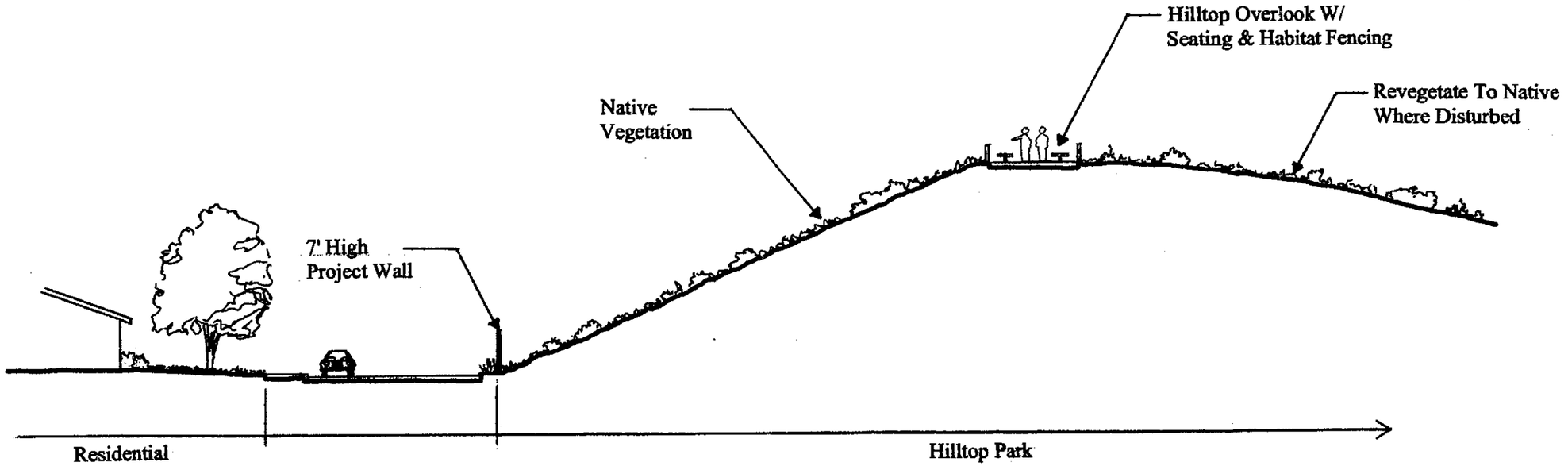
Landscape Design

- Solely native shrubs, ground covers and grasses selected from the Headlands Revegetation Palette, Table 4.14.1. The greenbelt along the Selva Road extension and along the border with the Niguel Terrace Condominiums may utilize the Native Landscape Plant Palette identified on Table 4.16.1

- Subject to other restrictions, native trees shall be selectively planted as necessary to screen adjacent uses. Trees shall be located to minimize conflicts with views from surrounding areas. Trees shall not be planted within environmentally sensitive habitat areas. See Figure 4.4.7, Greenbelt Linkage.

- Limited temporary irrigation for native plant establishment.

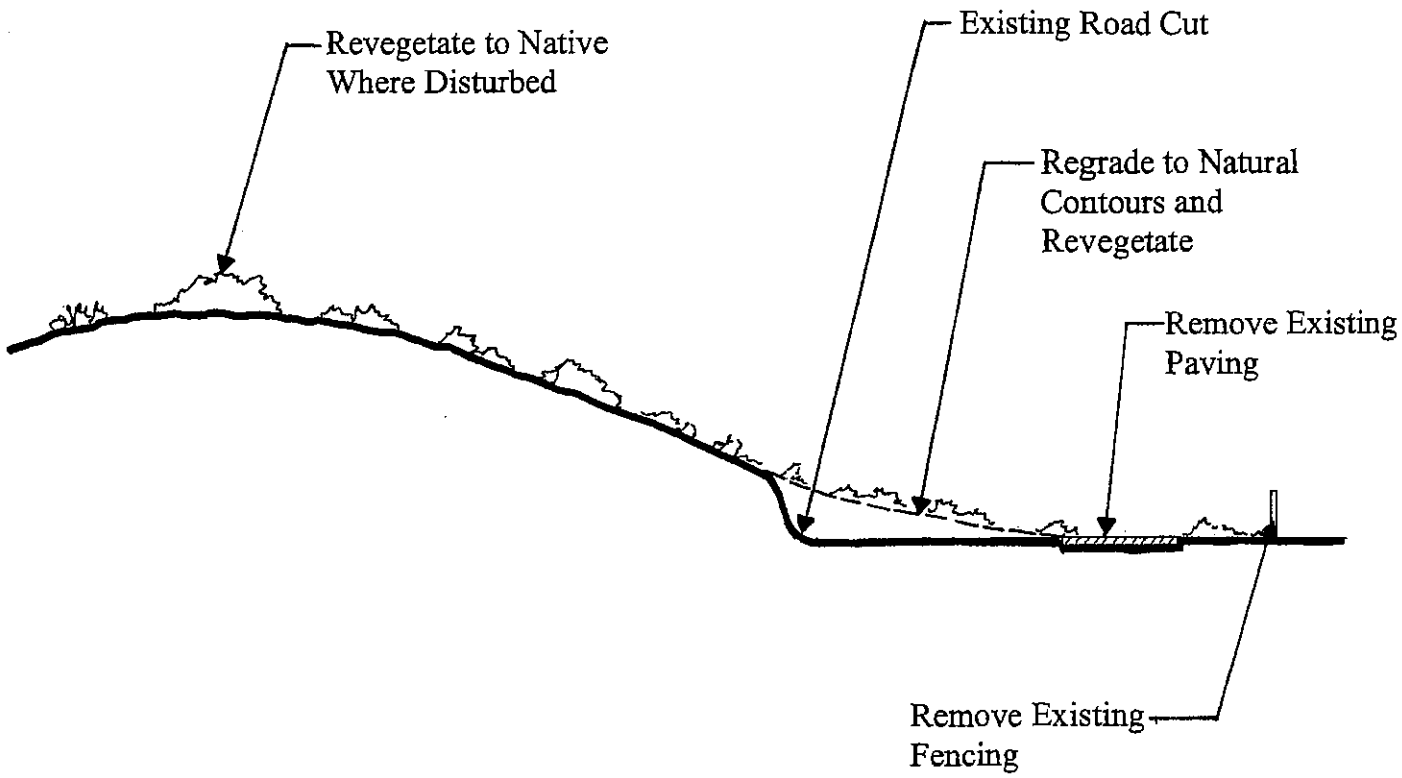
HILLTOP PARK SECTION
FIGURE 4.4.5



NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

MARGUERITA AVENUE RESTORATION AT HEADLANDS CONSERVATION PARK

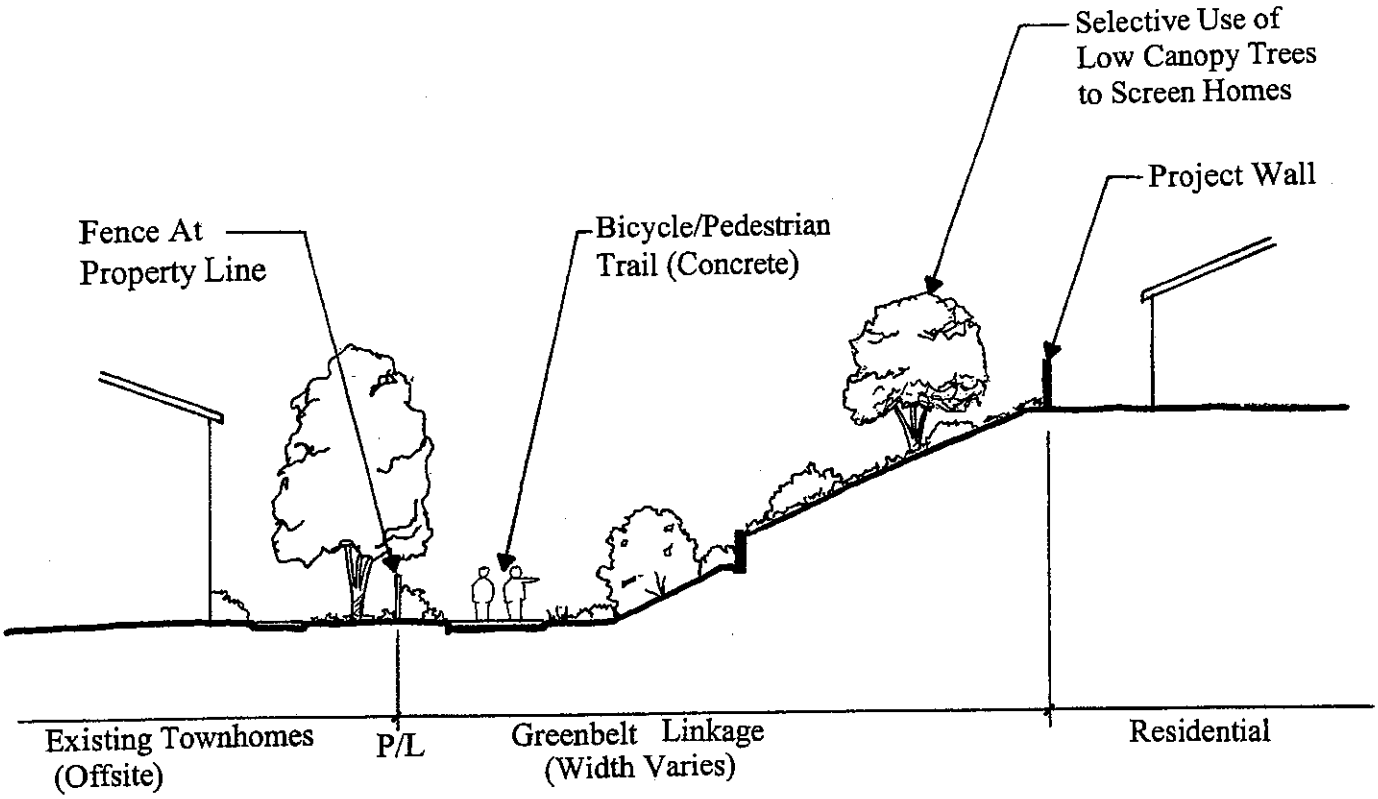
FIGURE 4.4.6



0 10

NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

GREENBELT LINKAGE
FIGURE 4.4.7



0 10

NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

Ownership, Construction Maintenance
The Hilltop Park and Greenbelt Linkages shall be transferred to the City pursuant to Section 4.4.A above. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. Maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.14, Coastal Resources Management Program, for a one year period, and thereafter, by the City. An endowment may be utilized to cover the costs of maintenance and management of environmentally sensitive habitat areas and such areas shall be managed and maintained consistent with the Headlands Conservation Park.

3. Harbor Point Park (Planning Area 8a/b)

Conceptual Plan
See Figure 4.4.8, Harbor Point Park Conceptual Plan

Setting
The Harbor Point Park, located on the southeastern edge of the project, overlooks Dana Point Harbor. The site includes the Harbor "Point" which borders the harbor, the adjacent coastal bluffs, and a plateau that provides dramatic views. The Street of the Green Lantern, Cove Road and Scenic Drive provide access to the area.

Design Concept
Create a public park that preserves a major landform and environmentally sensitive habitat area, while establishing and encouraging public coastal access. Incorporate coastal view opportunities. Integrate the public trail system and the proposed visitor recreation facilities. Provide trails and overlooks within the park. Align the trails, overlooks, and public facilities to visually link with the harbor and the ocean. Confine public access through sensitive natural resources to public trails.

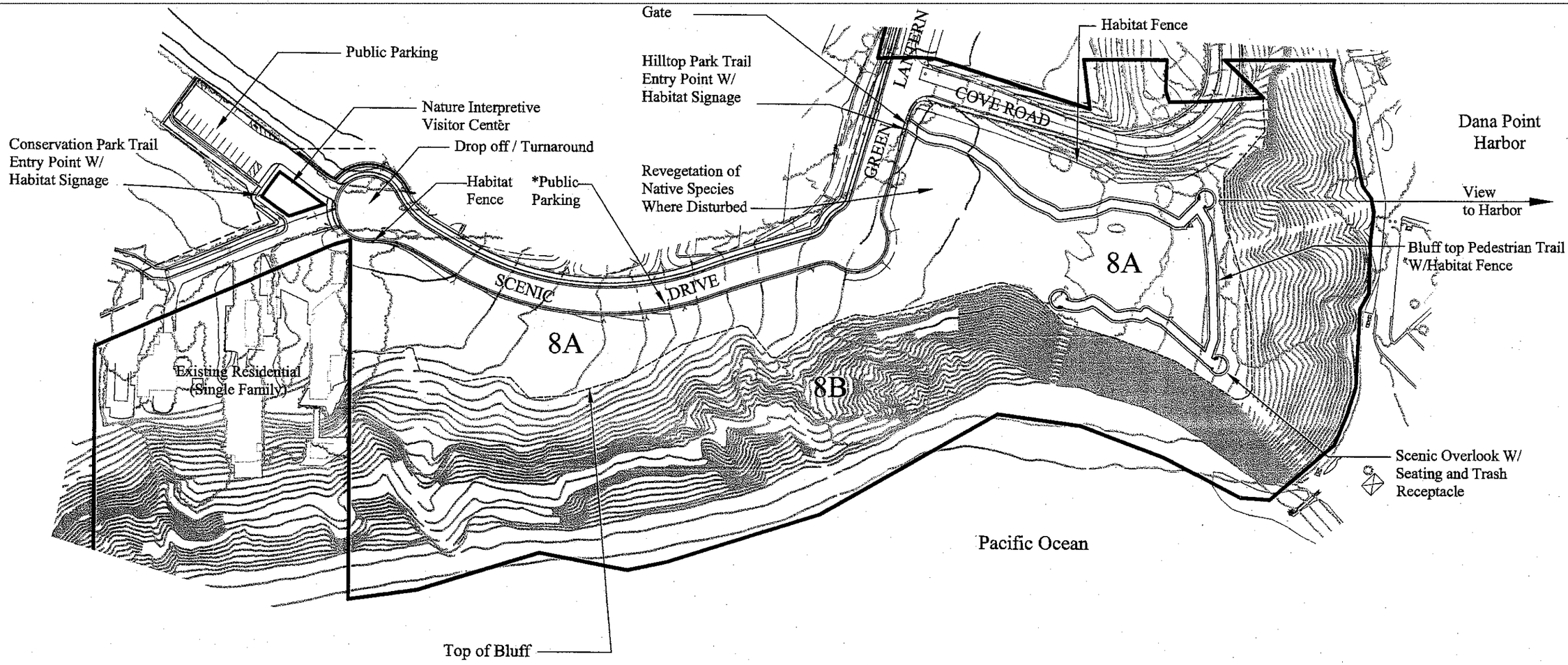
Program

Intensity of Use: For Planning Area 8a, Recreation-low. Limited development of public visitor facilities permitted (sited in locations that do not degrade environmentally sensitive habitat areas). Limited recreational activities permitted. For Planning Area 8b, conservation-very low, no active development permitted.

Level of Development: For Planning Area 8a, moderately low. Multiple public trails, overlooks, rest areas, parking, nature interpretive center sited in locations that avoid the degradation of environmentally sensitive habitat areas. Planning Area 8b, public access to the coastal bluff face is prohibited. Limited access to the rocky beaches in conjunction with the Ocean Institute.

HARBOR POINT PARK CONCEPTUAL PLAN

FIGURE 4.4.8



* Public parking within Scenic Drive R.O.W. is allowed where impacts to ESHA are avoided.

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

Proposed Uses:	For Planning Area 8a, walking, bicycling, hiking, jogging, picnicking, educational, historical, artistic, parking. Coastal access and view opportunities. Public and private ceremonial activities. All of the preceding shall only occur in locations that avoid the degradation of environmentally sensitive habitat areas. For Planning Area 8b, scientific and educational uses only. Permanent conservation through deed restrictions.
Program Elements:	For Planning Area 8a, drought tolerant and native landscaping materials. Pedestrian/bicycle access pathways. Scenic overlooks. Nature interpretive center. Public art. Interpretive/informational signage. Safety fencing. All of the preceding shall only occur in locations that avoid the degradation of environmentally sensitive habitat areas. For Planning Area 8b, conservation of natural resources. Interpretive/ informational signage.

Site Features

- Trails shall be either bikeways or pedestrian trails as designated on Figure 4.5.1, Public Trail/Access Plan. Pedestrian trails shall be typically 10' wide, constructed of decomposed granite/gravel or stabilized soil. Trail alignments shall be designed to minimize impacts to areas of natural resource value, including coastal bluff scrub habitat.

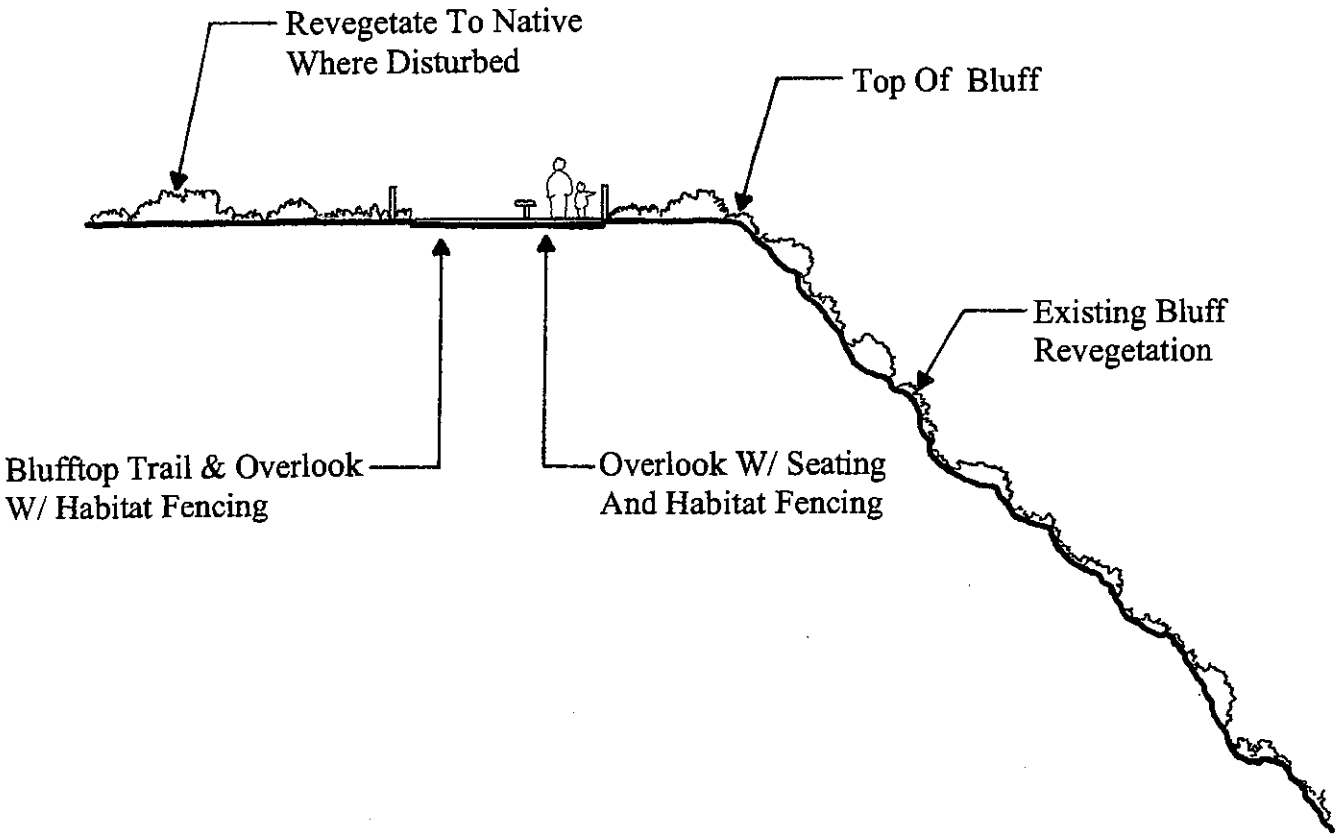
- A series of overlooks shall be constructed of decomposed granite/gravel, concrete, or enhanced pavement. A minimum of two benches and one covered trash receptacle shall be provided at each overlook. To the extent such facilities may be constructed such that ESHA is not degraded, public art, kiosk, markers or signage providing interpretive, historical or other relevant information shall be provided as determined through the coastal development permit process.

- Safety view fence shall separate trails from adjacent coastal bluffs. Fencing and/or barrier plantings shall be placed around the entire perimeter of the environmentally sensitive habitat area and along the perimeter of trails to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails.

- The proposed Nature Interpretive Visitor Center shall be a maximum of 2,000 feet. It shall be constructed of appropriate materials consistent with Section 4.12, Design Guidelines, to complement the surrounding area. It is located adjacent to the Headlands Conservation Park, at the terminus to Scenic Drive. The facility shall include educational, management, and operational space designed to serve the adjacent Headlands Conservation Park. The facility shall be sited in a location that avoids the degradation of environmentally sensitive habitat areas.

HARBOR POINT PARK SECTION

FIGURE 4.4.9



0 10

NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

- Vehicular drop-off/turnarounds shall be provided at the terminus to Scenic Drive adjacent to the proposed Nature Interpretive Visitor Center. Vehicular drop-offs shall be paved with enhanced pavement and shall have planted islands. A minimum of two benches and one covered trash receptacle shall be provided at each drop-off. The facility shall be sited in a location that avoids the degradation of environmentally sensitive habitat areas.

Landscape Design

- Harbor Point Park shall be landscaped with native and drought tolerant materials appropriate to the habitat type as identified in Table 4.14.1.

- Irrigation shall be temporary in those areas adjacent to the coastal bluffs. See Section 4.16 for additional irrigation guidelines.

Ownership, Construction and Maintenance

The Harbor Point Park shall be transferred to the City pursuant to Section 4.4.A above. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. The maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.13, Coastal Resource Management Program, for a one year period, and thereafter, by the City. An endowment may be utilized to cover the costs of maintenance and management of environmentally sensitive habitat areas and such areas shall be managed and maintained consistent with the Headlands Conservation Park.

4. Strand Vista Park/Public Beach Access (Planning Area 1)

Conceptual Plan

Please see Figure 4.4.10, Strand Vista Park/Public Beach Access Conceptual Plan

Setting

Strand Vista Park is located parallel to and immediately seaward of the existing County Salt Creek Parking Lot (approximately 600 parking spaces). Vehicular access is from Selva Road. Currently this area is fenced and heavily overgrown with mature vegetation such as oleander and acacia. Public views are non-existent. An existing public coastal access stairway owned by the County of Orange (the future North Strand Beach Access) lies just north of the property line. This narrow, steep, trail provides the only proximate access to Strand Beach.

Design Concept

Create an active park that utilizes the unique site characteristic to provide dramatic coastal access and view opportunities. Establish the integrated trail system as a major feature within the park. Incorporate a series of view overlooks to establish public view opportunities.

Create an improved public beach access, the North Strand Beach Access, by widening the existing County facility, and designing two rest/landing areas with view opportunities. Construct a new restroom and outdoor shower facility at the base of the stairs

immediately above Strand Beach. If gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular (inclined elevator) in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach.

~~Create the Mid-Strand Vista Park Access as a new public path leading from the trail in~~ approximately the middle of the park, to the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.

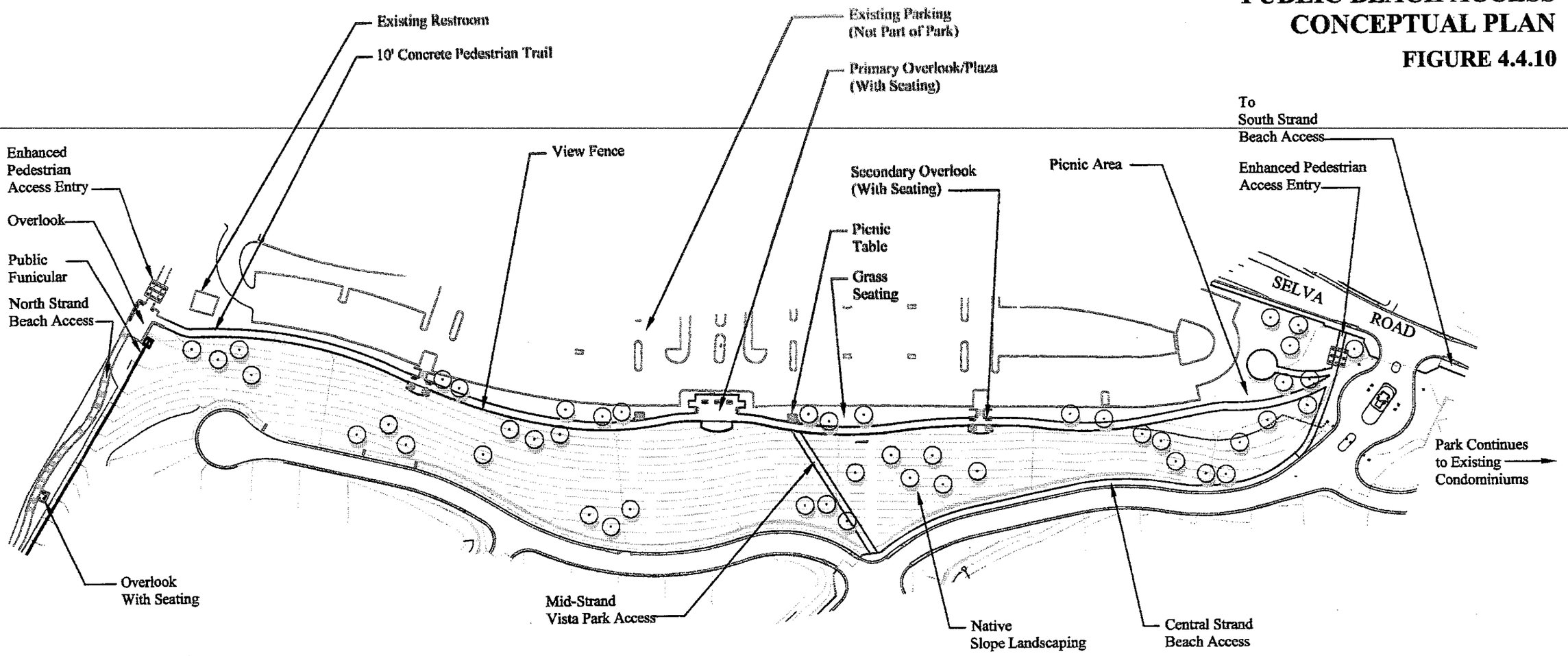
Create the Central Strand Beach Access as a new public path to Strand Beach, conveniently located within the Strand Vista Park, near the entry to the Strand Residential neighborhood (Planning Area 2). The entry of the Central Strand Beach Access shall be designed to encourage public use, i.e., architectural elements shall be incorporated into the entry to distinguish it and appropriate signage announcing the presence and encouraging use of the access by the public shall be posted. The Central Strand Beach Access shall provide direct access to Strand Beach, opening a portion of the property currently fenced and restricted from public use.

Construct the South Strand Beach Access to provide additional access to Strand Beach. Create new coastal view opportunities by establishing a public overlook area adjacent to the Selva Road entry, and by integrating rest/landing areas into the "switchback" public access trail. The South Strand Beach Access will provide direct access to the beach, opening a portion of the property currently fenced and restricted from public use. Construction of this walkway implements the coastal access identified in the Certified Dana Point Local Coastal Program. Construct a new restroom and outdoor shower facility above Strand Beach.

Program

Intensity of Use:	Recreation—Moderately high. Multiple recreation activities permitted.
Level of Development:	Moderately high. Multiple public trails, overlooks, rest areas, visitor recreation facilities (public restrooms and showers), funicular, public art, coastal access pathways. The facilities shall be sited in locations that avoid the degradation of environmentally sensitive habitat areas located on the Strand bluff face in the vicinity of the South Strand Beach Access.
Proposed Uses:	Walking, bicycling, hiking, jogging, picnicking, restroom, and shower facilities. Coastal access and view opportunities.

STRAND VISTA PARK
PUBLIC BEACH ACCESS
CONCEPTUAL PLAN
FIGURE 4.4.10



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

0 100 200 300

Program Elements: Drought tolerant landscape materials with appropriate transitions to native materials at the south end. Vegetation on the bluff face south of the Strand residential and seaward of the Selva Road extension shall be solely native vegetation appropriate to the habitat type. Pedestrian/bicycle access pathways. Scenic overlooks. Visitor recreational facility. Interpretive informational signage. Public art. Vertical and lateral coastal access. Safety fencing, view fencing.

Site Features

- A meandering 10' wide concrete pedestrian trail shall be constructed within the linear park. As appropriate, the trail shall be grade separated, with approximately a five-foot difference in elevation between the trail and parking lot. See Figure 4.4.11, Strand Vista Park Prototypical Trail Section.

- Pedestrian plazas/overlooks shall consist of enlarged paved areas, appropriate metal view fencing, with a minimum of two benches, a picnic table, and a trash receptacle. If necessary, retaining walls adjacent to the trails or overlooks shall be constructed of appropriate, durable materials that blend with the setting. See Figure 4.4.12, Strand Vista Park Conceptual Overlooks.

- The existing County public beach access shall be improved as the North Strand Beach Access. Two overlooks providing coastal views, rest/landing areas shall be incorporated into the trail design. Benches shall be provided at each overlook. The access shall be enhanced through new landscaping and related amenities to integrate it with Strand Vista Park. See Figure 4.4.13, North Strand Beach Access Cross-Section. If gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, those regulations or restrictions shall only be allowed in conjunction with the construction, operation and maintenance of a public funicular (inclined elevator) in Planning Area 1, parallel to the North Strand Beach Access, providing mechanized public access from the County beach parking lot to the beach. Signs located at the boarding area of the funicular and visible from vehicles traveling on Selva Road shall indicate the hours of operation, any fee, and notice that if the funicular is out of service for more than 3 consecutive scheduled operating days, public vehicular access through Planning Area 2 for passenger drop-off shall be available during the period of service outage.

- Two visitor recreation facilities consisting of new restrooms and shower facilities shall be constructed at the base of the North Strand Beach Access and the South Strand Beach Access, above Strand Beach. As necessary, fencing shall be provided.

- The Mid-Strand Vista Park Access shall consist of an 8' wide concrete walkway and shall be constructed in approximately the middle of the park, from the park trail to a connection with the Central Strand Beach Access at the intersection of the first residential cul-de-sac street.

- The Central Strand Beach Access shall consist of a concrete walkway 8' wide which will parallel the spine road for the Strand residential neighborhood, as illustrated in Figures 4.4.15 and 4.4.16. Above the beach, at the same level as the lowest row of lots, the access shall be incorporated into a 50' wide landscaped extension of Strand Beach Park and the minimum 8 foot wide public path that shall be located seaward of the Strand residential development and on top or landward of any shoreline protective device. Within the 50' wide landscaped extension only, the trail shall be 10' wide.

- South Strand Beach Access shall be constructed as a 6' wide "switchback" trail from Selva Road to the southern portion of the beach. An overlook shall be provided at the top of the walkway, adjacent to Selva Road. Additional rest areas/overlooks shall be incorporated into the trail at key locations and safety view fence shall be installed as necessary. The path and associated facilities shall be sited in locations that avoid the degradation of environmentally sensitive habitat areas located on the Strand bluff face. Fencing and/or barrier plantings shall be placed along the perimeter of trails passing through or adjacent to environmentally sensitive habitat areas to prevent human intrusion into sensitive habitat, direct people toward trails and to confine users to the trails. As noted above, a restroom/shower facility will be constructed above Strand Beach near the beach terminus of the South Strand Beach Access.

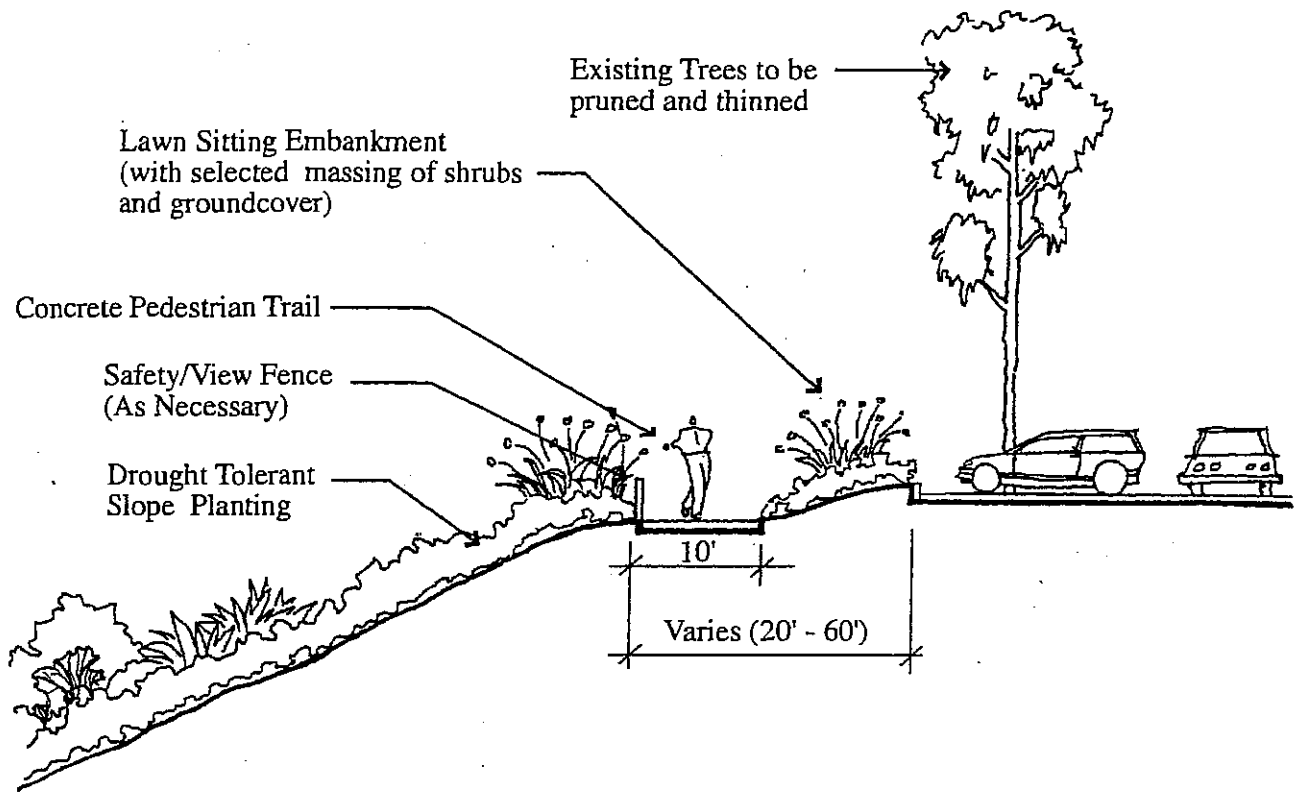
Landscape Design

- Landscape within Strand Vista Park and the North Strand Beach Access shall be more "manicured" in character yet still tied to the overall landscape theme. Materials will be selected from Table 4.16.1, Native Landscape Plant Palette. Existing site vegetation shall be selectively removed to create and enhance ocean views. Palm, cypress and other vertical shaped trees will be planted at the pedestrian plazas/over looks but spaced to ensure preservation of views. Low trees and shrubs shall be planted on the slope of the western side of the trail in order to preserve public views.

- Vegetation along the South Beach Access shall be native shrubs, ground covers and drought tolerant materials appropriate to the habitat type. The landscaping should transition into native materials from Selva Road into the slope area. Vegetation on the bluff face south of the Strand residential and seaward of the Selva Road extension shall be solely native vegetation appropriate to the habitat type. Native trees shall be selectively planted as necessary to screen adjacent uses except that trees shall not be planted along the south access. Trees shall be located to minimize conflicts with views from surrounding areas.

- Within the guidelines identified in Section 4.16, permanent irrigation may be provided within Strand Vista Park, as well as those areas adjacent to the North and South accessways. Slope areas with native materials will require irrigation for plant establishment and possible fuel modification interface.

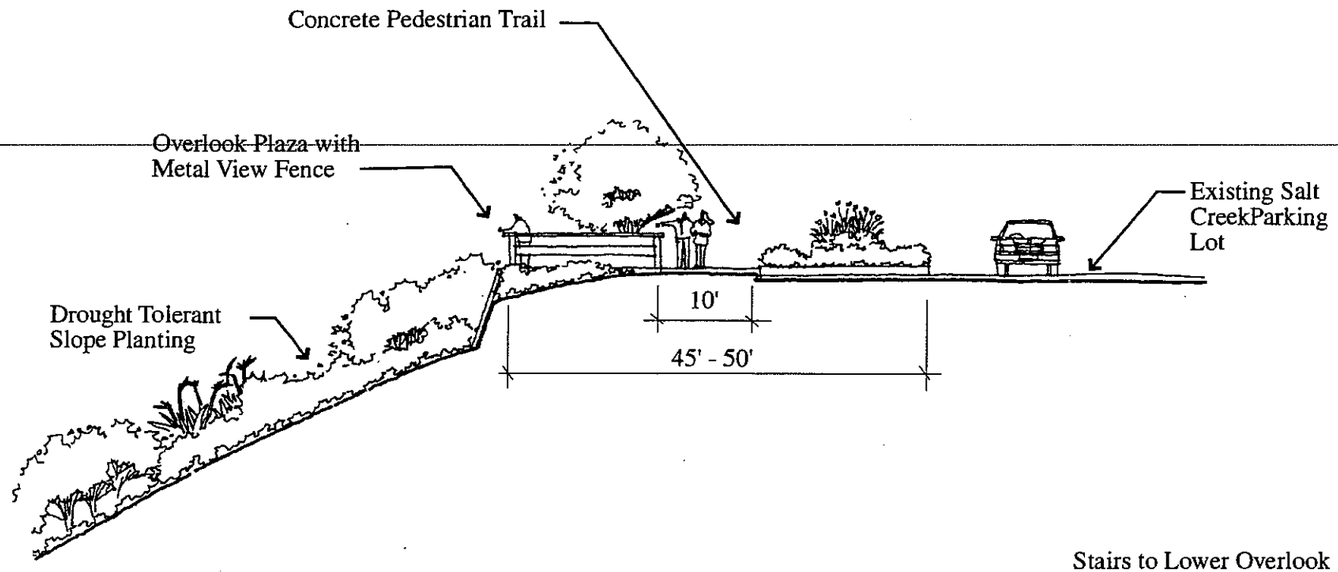
STRAND VISTA PARK
PROTOTYPICAL TRAIL SECTION
FIGURE 4.4.11



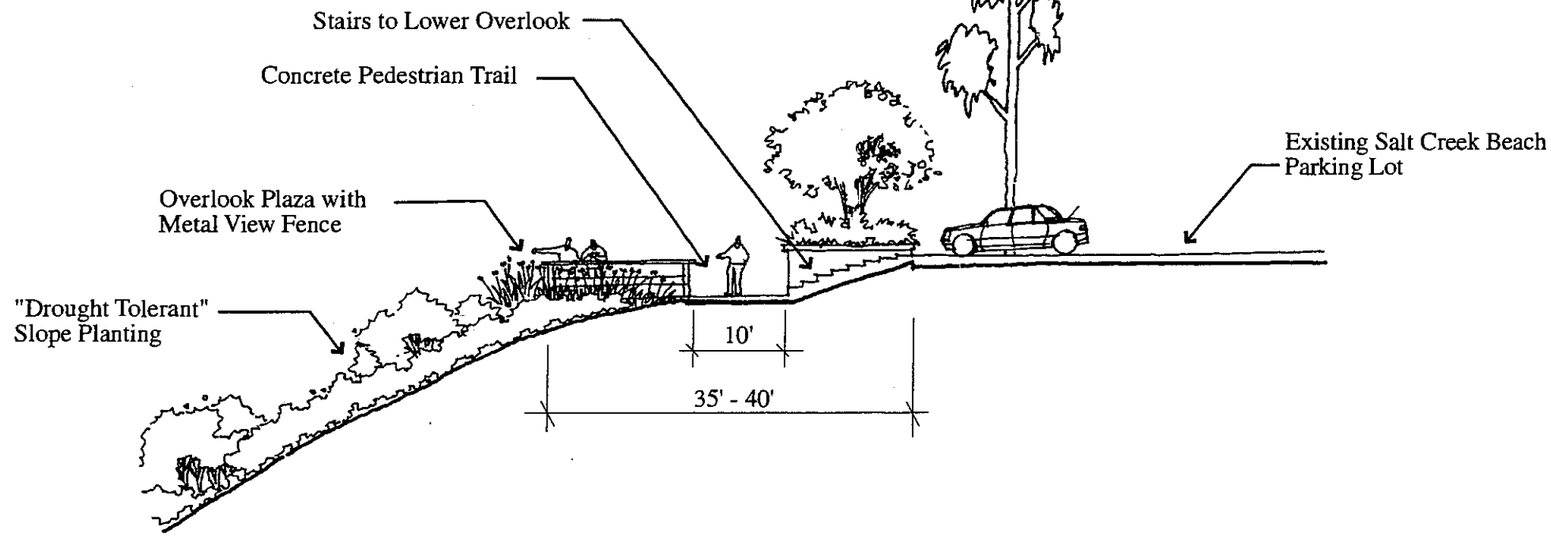
0 10

Note: Drawing is diagramatic in nature and is subject to change based on final engineering, planning and design.

STRAND VISTA PARK CONCEPTUAL OVERLOOKS
FIGURE 4.4.12



PRIMARY/CENTER OVERLOOK (SECTION)



SECONDARY OVERLOOK (SECTION)

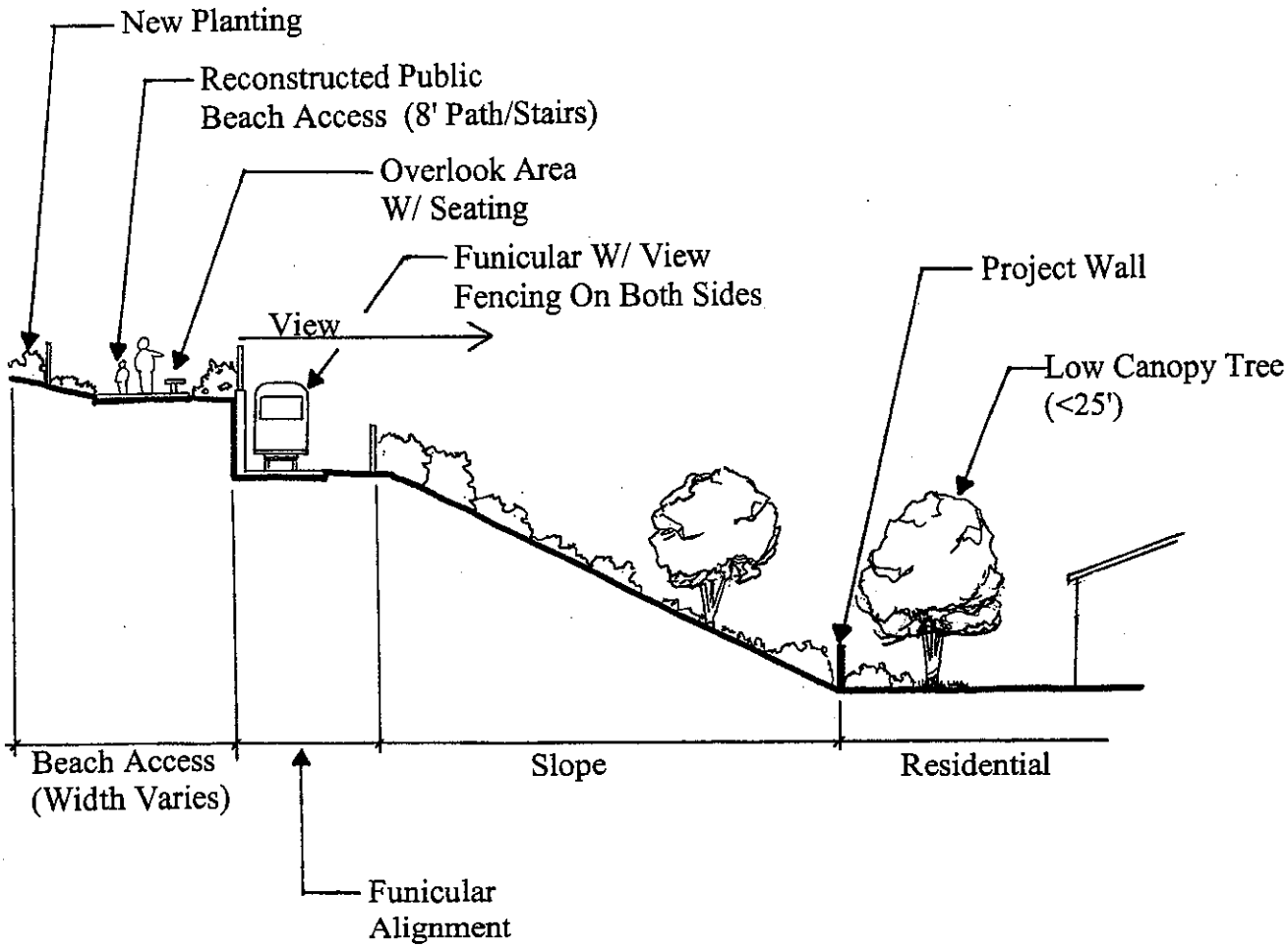
Note: Plan is diagramatic in nature and is subject to change based on final engineering, planning and design.

0 10

SWA Group

NORTH STRAND BEACH ACCESS CROSS-SECTION

FIGURE 4.4.13



0 10

NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

Ownership, Construction, Maintenance
Strand Vista Park shall be transferred to the City pursuant to Section 4.4.A above. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. The Landowner/Developer shall enter into a Construction and Maintenance Agreement with the County for those portions of the County Strand Beach parking lot that abut the Strand Vista Park. The maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.13, Coastal Resources Management Program, for a one year period, and thereafter, by the City. The City reserves the right to trim or remove trees for the preservation of public views. The Landowner/Developer shall enter into a Construction and Maintenance Agreement with the appropriate public agency for the funicular.

5. Strand Beach Park (Planning Area 3)

Conceptual Plan
Please see Figure 4.4.14 Strand Beach Park Conceptual Plan

Setting
Strand Beach lies seaward of the existing rock revetment, which borders the former mobile home park within the project site. This privately owned beach to the mean high tide, connects to the adjacent Salt Creek Beach. The Ritz-Carlton hotel sits approximately one-quarter mile to the north; the Niguel Shores residential community directly borders the site. The wide sandy beach terminates at the base of the Dana "Point" to create a secluded ambience. Selva Road provides access to the County owned vertical access above the beach.

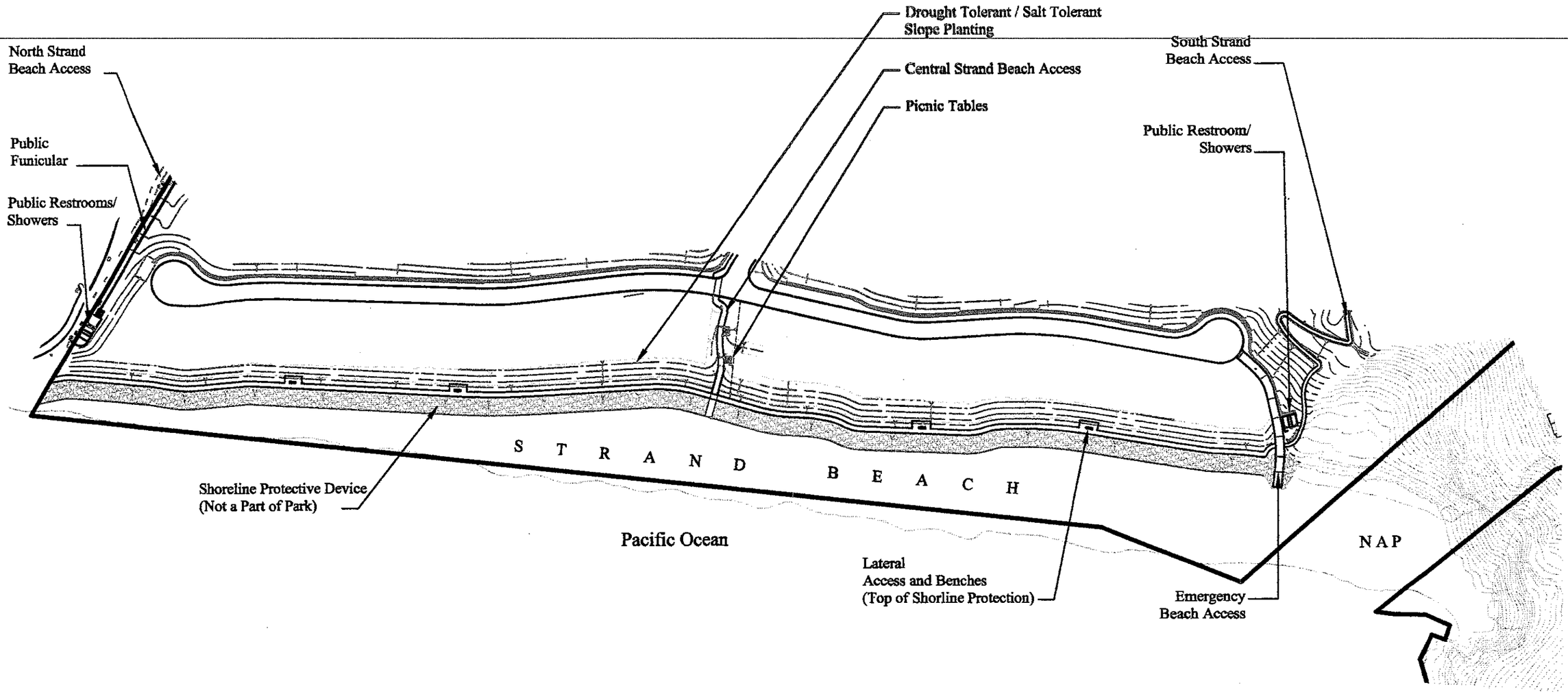
Design Concept
Create multiple public beach access opportunities, which connect to the integrated trail system. Provide numerous scenic overlooks and rest areas. Dedicate the private beach to public ownership and uses. Repair and maintain the existing rock revetment (which lies within Planning Area 2) and move it landward. Utilize project design features such as nuisance water diversion to minimize water quality impacts and beach erosion.

Program

Intensity of Use:	Recreation-very high. Multiple recreational activities permitted.
Level of Development:	Low. Limited to new coastal access pathways.
Proposed Uses:	Surfing, swimming, volleyball, picnics, walking, hiking, jogging, fishing, kayaking, and other water related activities.
Program Elements:	Establish public coastal access, emergency access, repair and maintain the existing rock revetment and move it landward.

STRAND BEACH PARK
CONCEPTUAL PLAN

FIGURE 4.4.14



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

0 100 200 300

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

Site Features

- As identified in Strand Vista Park above, the North Strand Beach Access pathway shall consist of a 10' wide pedestrian sidewalk that connects to Dana Strand Road directly adjacent to the north end of the County parking lot. In addition, a funicular will be constructed parallel to the North Strand Beach Access to convey members of the public from Strand Vista Park to the existing ramp to the beach.

- Public restrooms and showers serving visitors to Strand Beach shall be constructed within the North Strand Beach Access and the South Strand Beach Access directly above the beach.

- The South Strand Beach Access pathway shall consist of a 6' wide pedestrian trail that connects to Selva Road, south of the County parking lot.

- The Central Strand Beach accessway will parallel the spine road serving the Strand residential neighborhood. Above the beach, beginning at the same level as the lowest row of residential lots, the access shall be incorporated into a 50' wide landscaped extension of Strand Beach Park. See Figure 4.4.15, Central Strand Beach Access Conceptual Plan and Figure 4.4.16, Central Strand Beach Cross-Section.

- The lowest and most southerly cul-de-sac in the Strand residential neighborhood shall provide a 16' wide rampway to Strand Beach for emergency and maintenance vehicles.

- The emergency access and the Central Strand Beach Access will be protected from coastal erosion by incorporating the accessways into the design of the repaired and maintained revetment.

- In conjunction with any shoreline protective device, an 8 foot wide concrete public access path shall be constructed seaward of the Strand residential development and on top or landward of any shoreline protective device. The path shall follow the entire length of the shoreline protective device from the North Strand Beach Access to the South Strand Beach Access, that shall be a minimum of 8 feet wide, plus any additional width necessary to accommodate benches and picnic tables, between the seaward lot line of the Strand residential lots and the top edge of the shoreline protective device. Benches (minimum 2), picnic tables (minimum 2), and trash receptacles shall be available at regular intervals along the pathway. The location of the public pathway along the top or landward of the shoreline protective device will allow convenient year-round public access and recreational area along the beach which is currently interrupted by seasonal conditions and high tides.

Landscape Design

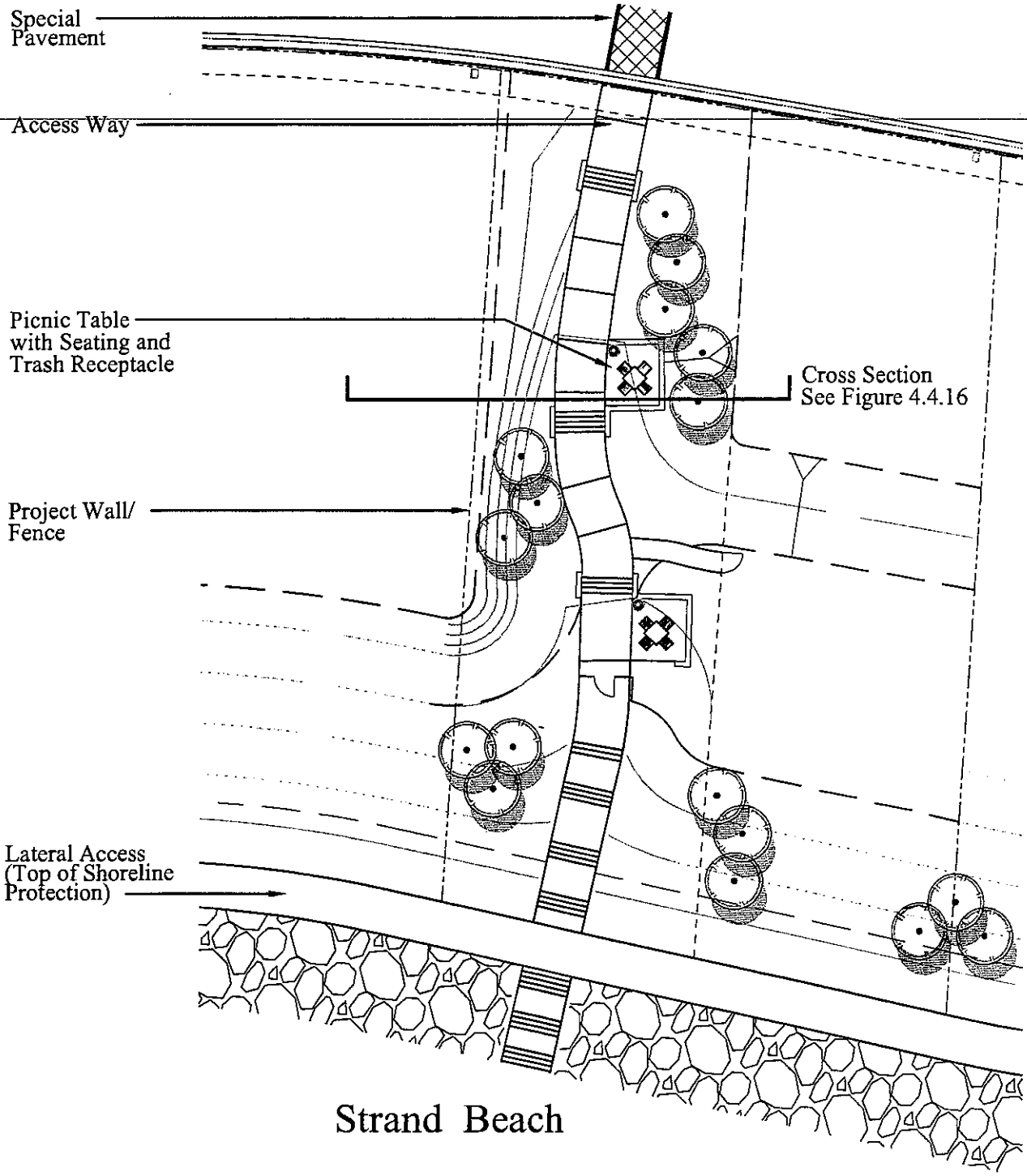
- Landscaping for the 50' wide Strand Beach Access shall utilize the Landscape Palette in Table 4.16.2 and shall mininize view impacts to off-site areas.

- Irrigation shall be provided as necessary subject to the guidelines in Section 4.16.

Ownership, Construction, Maintenance

The Strand Beach Park shall be offered for dedication or donation to the County pursuant to Section 4.4.A above. If the County does not accept the Strand Beach Park, it shall be offered for dedication or donation to the City. The property shall be conveyed subject to the completion of all improvements, which shall be constructed by the Landowner/Developer. Except for the beach, which will be the County's (or City's) responsibility upon acceptance, the maintenance and management costs shall be borne by the Landowner/Developer, as detailed in Section 4.13, Coastal Resources Management Program, for a one year period, and thereafter, by the County (or City).

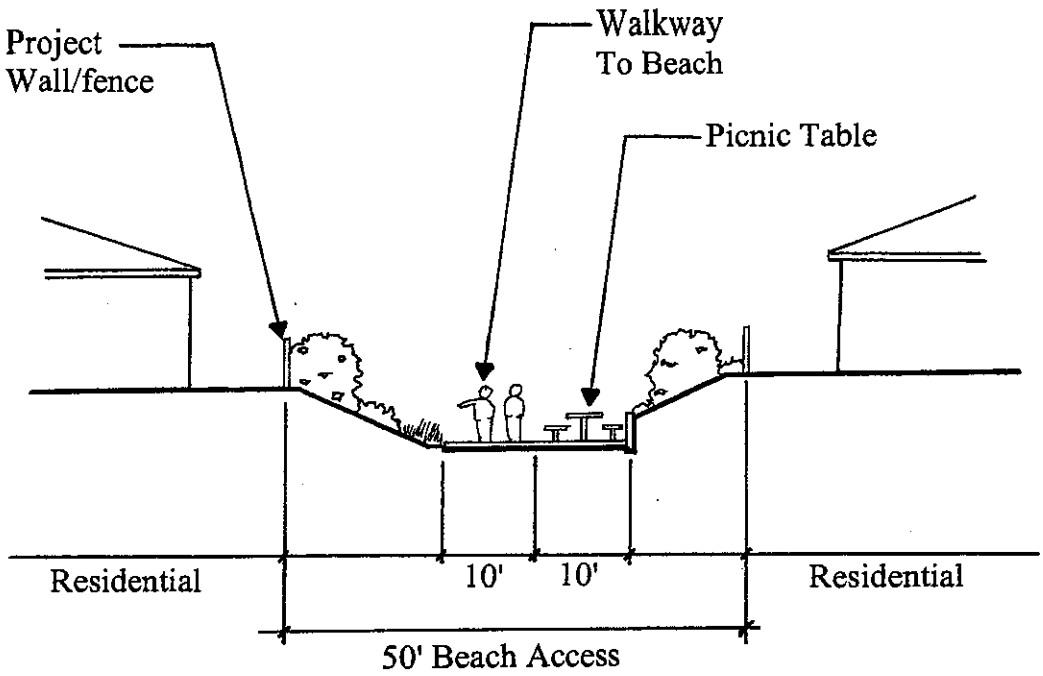
CENTRAL STRAND BEACH ACCESS CONCEPTUAL PLAN
FIGURE 4.4.15



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

CENTRAL STRAND BEACH ACCESS CROSS-SECTION

FIGURE 4.4.16



0 10

NOTE: Plan is diagramatic in nature and is subject to change based on the final engineering, planting and design.

4.5 PUBLIC TRAIL/ACCESS PLAN

The Public Trail/Access Plan provides a comprehensive system that accommodates pedestrians, bicycles, and visiting members of the public at various locations. The public trail system is illustrated in Figure 4.5.1, Public Trail/Access Plan. The major components of the system include pedestrian trails, bikeways/pedestrian trails, vertical and lateral coastal access pathways, and overlooks. The Public Trail/Access Plan links the five major parks, the five proposed visitor recreation facilities, and provides numerous coastal access and public view opportunities. The extensive coastal access is further illustrated on Figure 4.5.2, Coastal Access Plan.

A. Public Trail/Access Description

The Public Trail/Access Plan shall include approximately three miles of improved pathways. Pedestrian trails shall be constructed as noted in the applicable section of this HDCP using materials such as decomposed granite. Public safety fencing, where appropriate, may be constructed adjacent to the public trail system. Bikeways will be a combination of Class I and Class III designations. All proposed visitor recreation facilities shall be located in close proximity to the Public Trail Plan. The Public Trail/Access Plan includes the North, Mid-Strand Vista Park, Central and South Strand Beach pathways, and the pathway paralleling Strand Beach along the top or landward of the shoreline protective device.

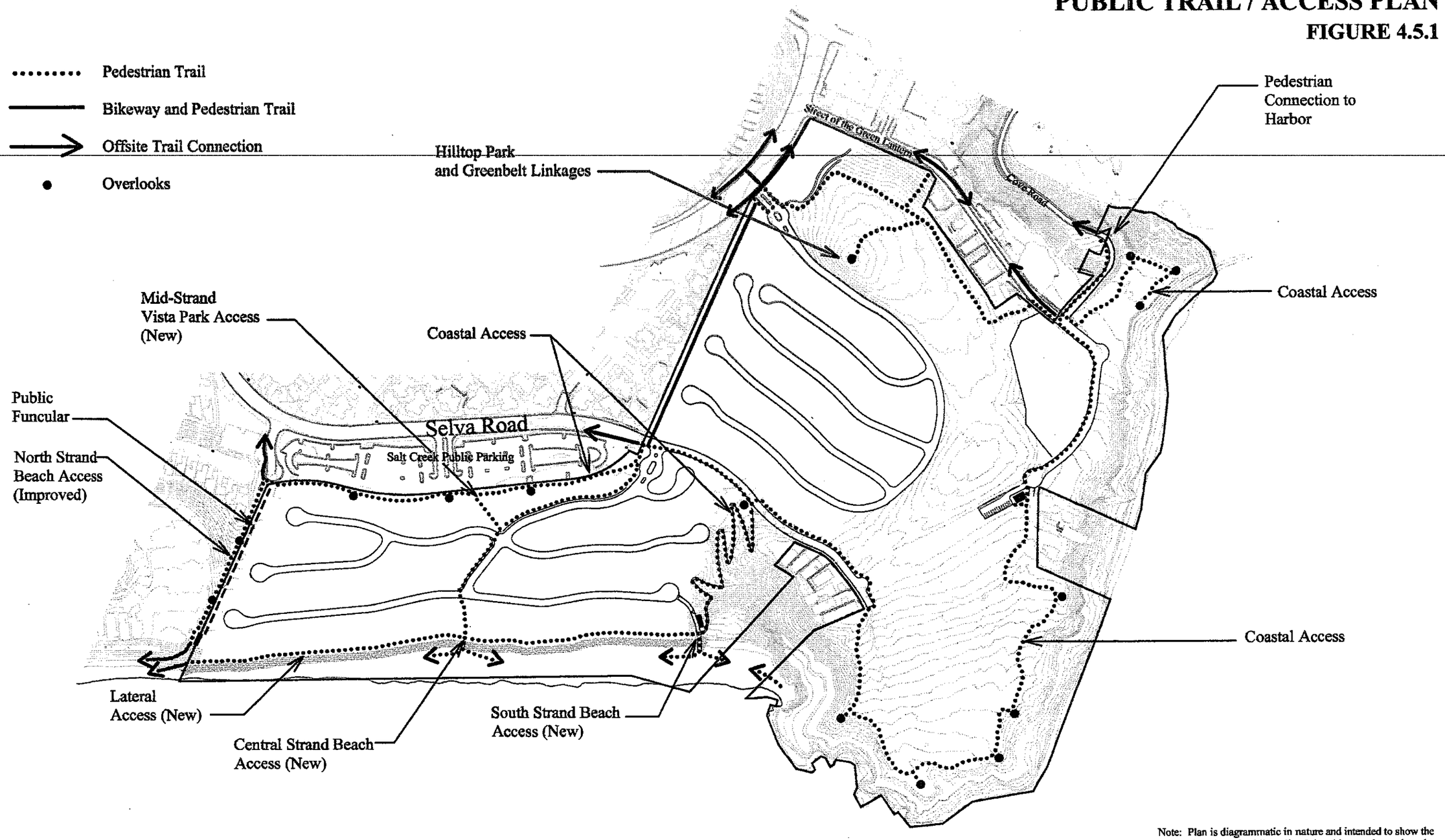
B. Public Access Program Guidelines

Public access program guidelines have been established for each of the five public parks. The guidelines complement the park design criteria set forth in Section 4.4, Parks and Open Space Plan. Tables 4.5.1 to 4.5.5, which follow, outline the public access program guidelines for each.

C. Coastal View Opportunities

The Public Trail/Access Plan also establishes a number of dramatic public coastal view opportunities. The plan does so by locating trails and overlooks on vantage points and close to the coastline. Figure 4.5.3, Coastal View Opportunities, highlights those areas that shall establish permanent public coastal views and scenic overlooks.

PUBLIC TRAIL / ACCESS PLAN
FIGURE 4.5.1



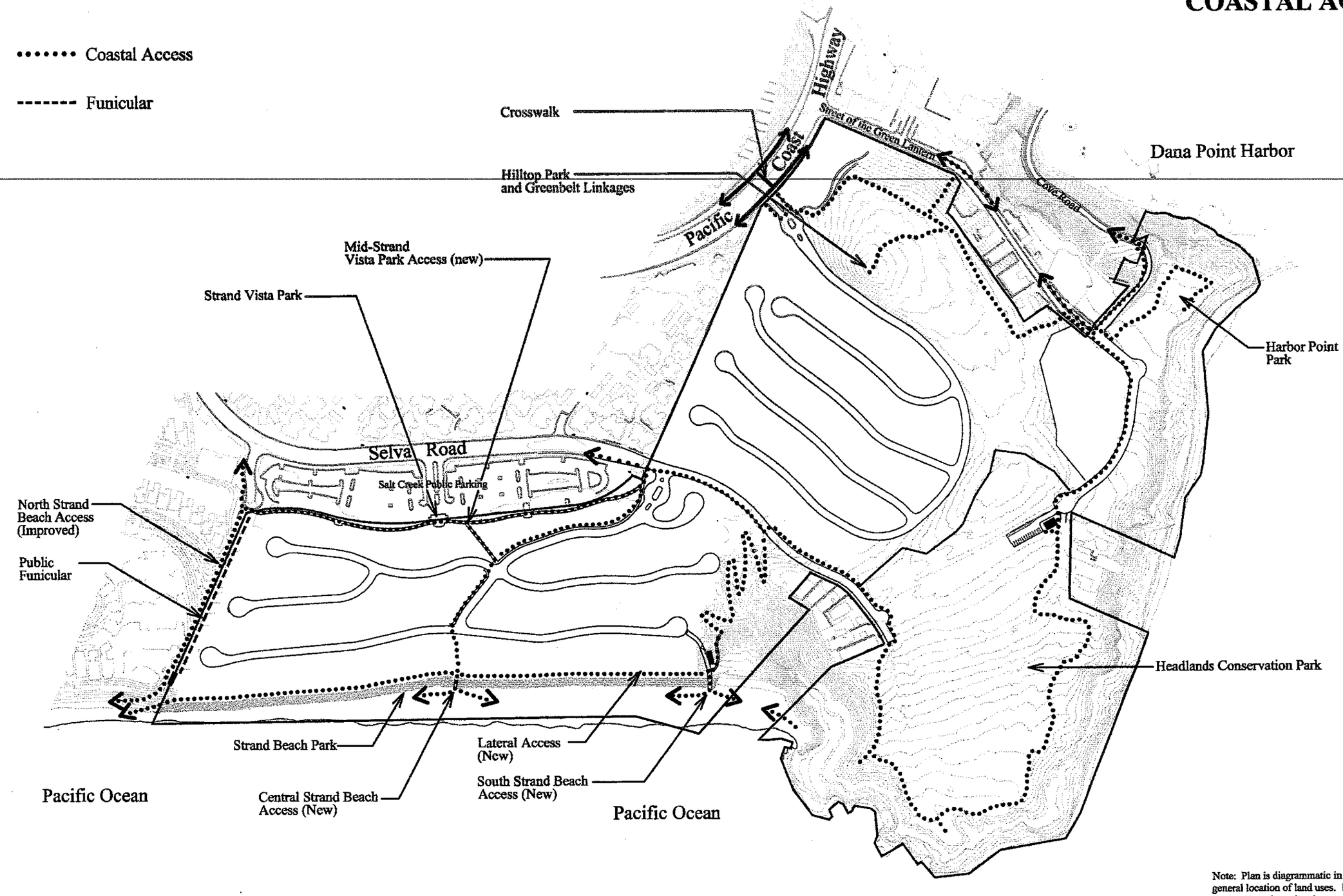
Note: Plan is diagrammatic in nature and intended to show the general location of public trails. It is subject to change based on final engineering, planning, and design.

0 100 200 300

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

COASTAL ACCESS PLAN

FIGURE 4.5.2



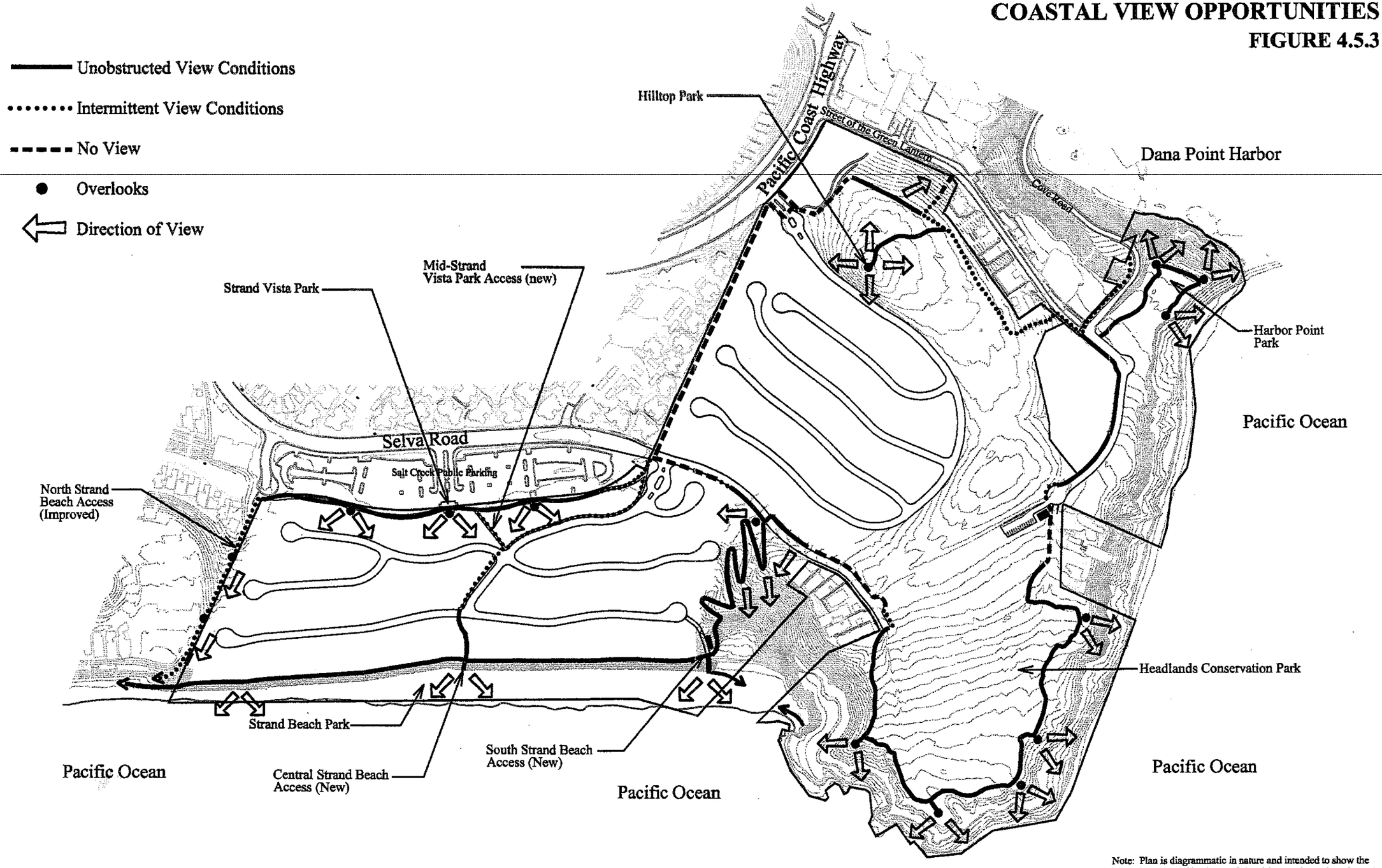
Note: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

0 100 200 300

S W A

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

COASTAL VIEW OPPORTUNITIES
FIGURE 4.5.3

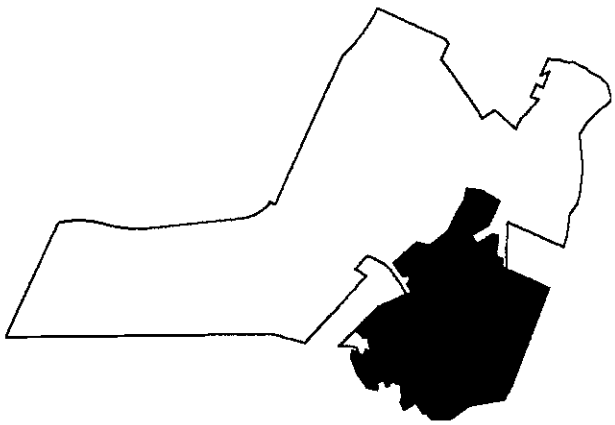


Note: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

0 100 200 300

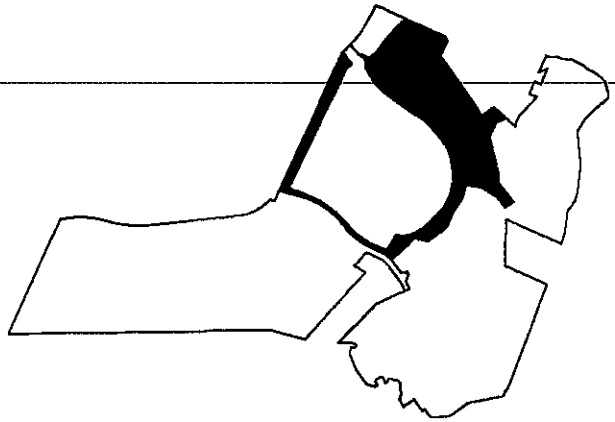
THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

TABLE 4.5.1
HEADLANDS CONSERVATION PARK (27.9 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES



1. Public and coastal access shall be established by a trail and a series of overlooks located near the coastal bluff edge consistent with the NCCP/HCP, subject to the approval of the City, the USFWS and the DFG, and California Coastal Commission, and located where the facilities will not degrade environmentally sensitive habitat area.
2. The bluff-top trail in the Headlands Conservation Park shall be accessible to the public year-round, except for any specific period determined by the resources agencies to protect on site resources. The recipient public agency or non-profit entity will determine hours of daily operation.
3. The view overlooks may provide seating, interpretive signage, public art, and historical or other relevant information, to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.
4. Any areas disturbed during the construction of the public access trail and overlooks shall be re-vegetated with appropriate native species from the Headlands Revegetation Palette as determined by the City, USFWS, and DFG.
5. Public access to all areas outside of the proposed trail and overlook areas shall be prohibited. A program of fencing, signage, and other design features shall discourage visitors from leaving the trails and overlooks.
6. All pets, with the exception of guide dogs, will be restricted from the Headlands Conservation Park.
7. The adjacent Planning Area 8a (Harbor Point Park) proposes a visitor serving facility (Nature Interpretive Visitor Center), and will provide parking to educational activities for visitors to the Headlands Conservation Park.

TABLE 4.5.2
HILLTOP PARK AND GREENBELT LINKAGES (15.1 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES



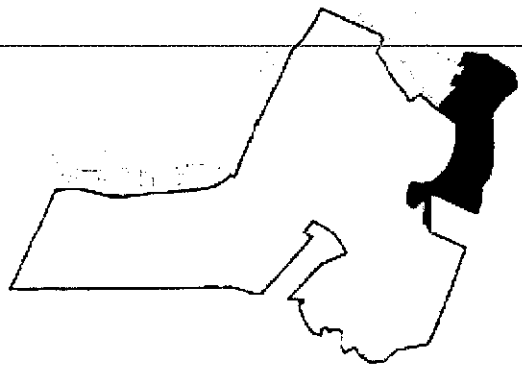
1. Public and coastal access shall be established by a public trail and overlooks leading to the top of the Hilltop Park.
2. The public trail and overlooks shall be open to the public year-round. City will determine hours of daily operation.
3. The view overlooks may provide seating, interpretive signage, public art, and historical or other relevant information as determined by the City to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.
4. Any areas disturbed during the construction of the public access trails and overlooks, as well as current areas of disturbance, shall be re-vegetated with appropriate native species from the Headlands Revegetation Palette. Fuel modification shall be prohibited within environmentally sensitive habitat areas and habitat mitigation/restoration areas.
5. The Hilltop Park shall contain passive recreational uses that complement the multi-use trail and view overlook, such as seating, fencing, habitat preservation areas, interpretive kiosks, and related landscape features to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area
6. The Greenbelt Linkages shall contain passive recreational uses that complement the multi-use trail, such as seating, fencing, preservation areas, interpretive kiosks and related facilities to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.
7. Parking shall be accommodated along the Street of the Green Lantern, along Scenic Drive, in the Planning Area 8a parking lot next to the proposed nature interpretive center, and in the County public parking lot adjacent to Selva Road. Six parking spaces dedicated to open space users will also be provided in adjoining Planning Area 4.

Continued

TABLE 4.5.2
HILLTOP PARK AND GREENBELT LINKAGES (15.1 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES
(CONTINUED)

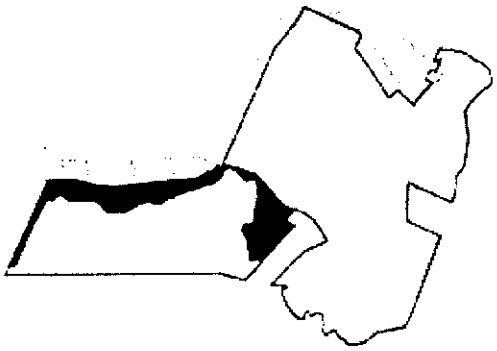
8. The Greenbelt areas shall be established and maintained as open space buffers between land uses, particularly for the Headlands Conservation Park.
9. Appropriate signage identifying the location of public coastal accessways will be displayed in conspicuous locations throughout the Greenbelt Linkages.

TABLE 4.5.3
HARBOR POINT PARK (10.4 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES



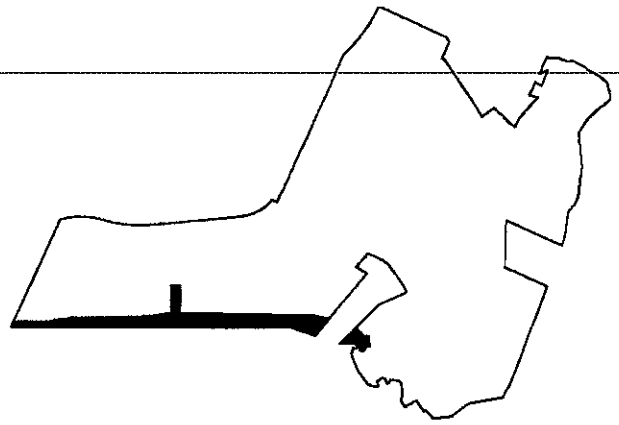
1. Public and coastal access shall be established by a series of public trails and overlooks located near the coastal bluff edge as determined by the HDCP.
2. The bluff-top trail in the Harbor Point Park shall be open to the public year-round. The City will determine hours of operation.
3. The view overlooks shall provide seating, interpretive signage, public art, kiosks, and historical or other relevant information as determined by the City to the extent such facilities can be located where they will not degrade environmentally sensitive habitat area.
4. The Harbor Point Park includes a Nature Interpretive Visitor Center to be constructed by the Landowner/Developer. The facility shall be designed to encourage public access by implementing educational or recreation programs that are open to the public.
5. The visitor recreation facility shall have diversified, low cost public programs to attract visitors. The facility shall be designed as a destination point for the public trail system.
6. The visitor recreation facility shall be open to the public year-round. The recipient public agency or non-profit entity will determine hours of operation.
7. The proposed Nature Interpretive Visitor Center shall be located adjacent to the Headlands Conservation Park and provide information, exhibits, docent tours, and management facilities for the unique flora and fauna within the Headlands Conservation Park.
8. Parking shall be accommodated along Scenic Drive, in the Planning Area 8a parking lot next to the proposed Nature Interpretive Visitor Center, and in the County public parking lot. Parking on Scenic Drive will be time restricted.

TABLE 4.5.4
STRAND VISTA PARK/PUBLIC ACCESS (9.9 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES



1. Public and coastal access shall be established by a series of public trails and overlooks west of the existing County parking lot, connecting to the Public Trail system and Strand Beach as established in the HDCP
2. The public trails and overlooks in the Strand Vista Park shall be open to the public year-round. The City will determine hours of operation.
3. The view overlooks shall provide seating, interpretive signage, public art, or other relevant information as determined by the City.
4. The Strand Vista Park shall include active recreation uses that complement the public trail and overlooks, such as landscaped seating areas, picnic facilities, kiosks, and other amenities that may be appropriate for coastal viewing and related public activities.
5. The Strand Vista Park shall include five vertical public beach access pathways—South Strand Beach Access, Mid-Strand Vista Park Access, Central Strand Beach Access, North Strand Beach Access, and if gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, a public funicular (inclined elevator). Lateral coastal access shall be provided along the top or landward of the shoreline protective device seaward of the Strand residential development.
6. The Strand Vista Park proposes two public visitor recreation facilities (restroom and shower facilities) to be constructed by the Landowner/Developer as part of the North and South Strand Beach Access, just above Strand Beach.
7. Parking shall be accommodated in the adjacent County public parking lot and on Selva Road.
8. Appropriate signage identifying the location of public coastal accessways will be displayed in conspicuous locations.

TABLE 4.5.5
STRAND BEACH PARK (5.4 ACRES)
PUBLIC ACCESS PROGRAM GUIDELINES



1. Public and coastal access shall be permanently established through the designation of vertical and lateral beach access and by dedicating or donating the privately owned Strand Beach to the County as a public park.
2. The Strand Beach Park shall be open to the public year-round. The County will determine hours of operation.
3. The Strand Beach Park shall accommodate passive beach recreation opportunities, such as swimming, jogging, surfing, picnicking, fishing and related activities.
4. If feasible, all pets, with the exception of guide dogs, will be restricted from the Strand Beach Park as determined by the County.
5. The adjacent, existing County Strand Beach parking lot provides parking for Strand Beach.
6. Appropriate signage identifying the location of public coastal accessways will be displayed in conspicuous locations.
7. Emergency vehicle access to Strand Beach will be provided from Planning Area 2.
8. The Central Strand Beach Access will include a 50' wide landscaped extension of Strand Beach Park from the beach to the closest inland street.
9. Lateral coastal access shall be provided along a minimum 8 foot wide pathway plus additional width to accommodate benches and picnic tables seaward of the first line of residences within the Strand, and on top or landward of the shoreline protective device, along the entire length of the Strand residential area between the North Strand Beach Access and the South Strand Beach Access with connections to each access as well as the Central Strand Beach Access.

4.6 CIRCULATION PLAN

The Circulation Plan establishes the system for safe and efficient vehicular movement. This system integrates the alignments for on-site roadways and rights-of-way, controlled access points, off-site roadway improvements, and pedestrian and bikeway alignments. Additionally, the Circulation Plan reduces potential impacts to the Headlands Conservation Park by deleting existing Marguerita Road. The Circulation Plan also designates public parking and access to coastal resources.

Public roadways and private streets, as shown on Figure 4.6.1, Circulation Plan, designate the vehicle circulation for the project site. The roadways have been classified according to their function and anticipated levels of service. Figure 4.6.2, Street Sections, depicts the standards and cross-sections for each street type.

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

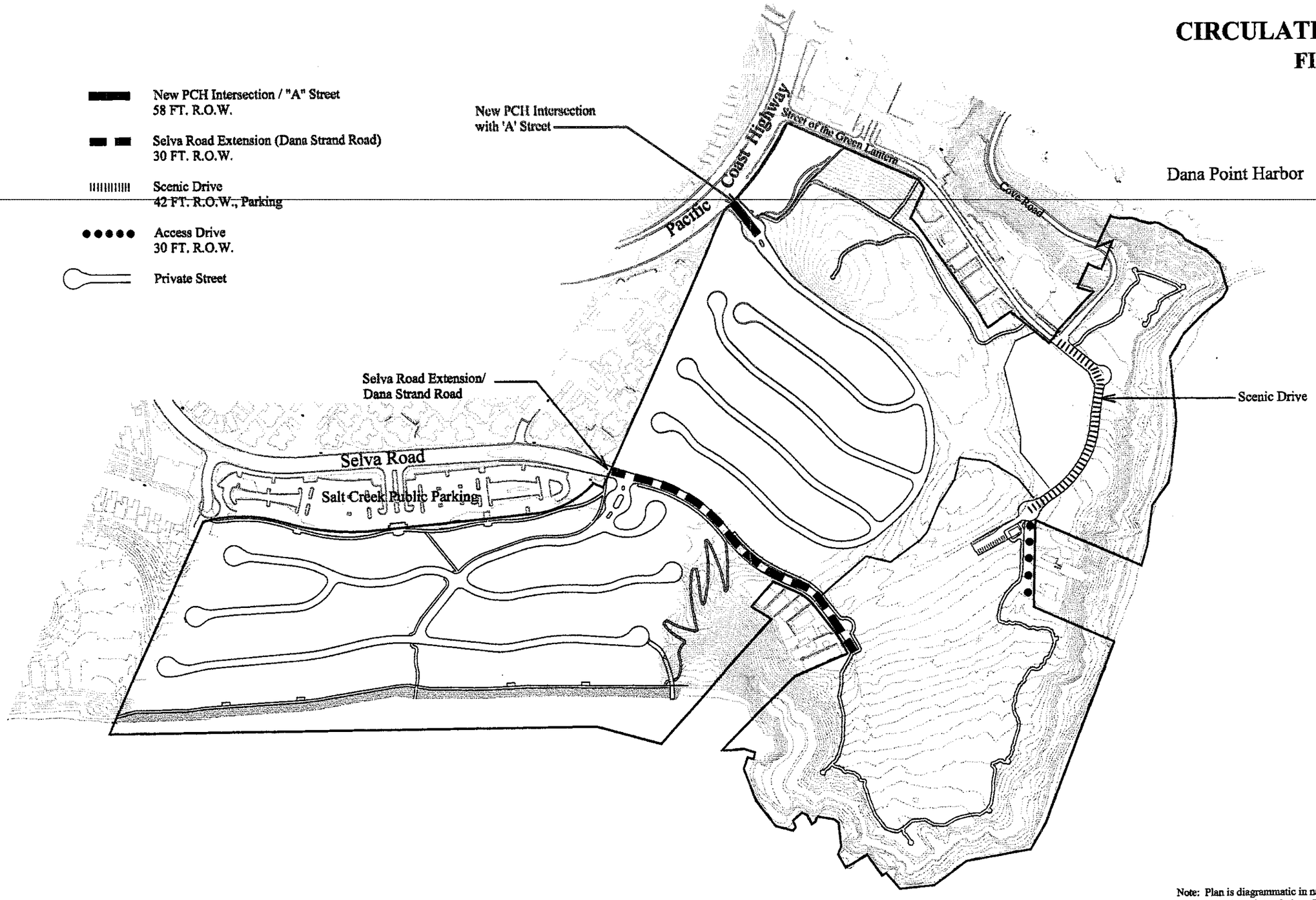
Access to the project site from PCH will occur at "A" Street. "A" Street provides primary access to Planning Area 4, PCH V/RC, and Planning Area 6, Upper Headlands Residential. The new intersection shall be constructed by the Developer prior to issuance of the first building permit for Planning Area 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.

B. Selva Road Extension/Dana Strand Road

Selva Road, which intersects with PCH, provides primary entry to Planning Area 1, Strand Vista Park, Planning Area 2, Strand Residential, and Planning Area 3, Strand Beach Park. Selva Road also provides secondary access to Planning Area 7, Headlands Conservation Park and to Planning Area 5, the Hilltop Park and Greenbelt Linkages.

The Selva Road extension will connect to the existing Dana Strand Road and terminate in a cul-de-sac at the south end of the existing multi-family residential enclave. Selva Road is a public street with non-metered parking on one side, and includes a landscaped parkway that separates the sidewalk and street. Limited additional parking, south of the cul-de-sac, provides access to the adjacent Headlands Conservation Park.

CIRCULATION PLAN
FIGURE 4.6.1



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

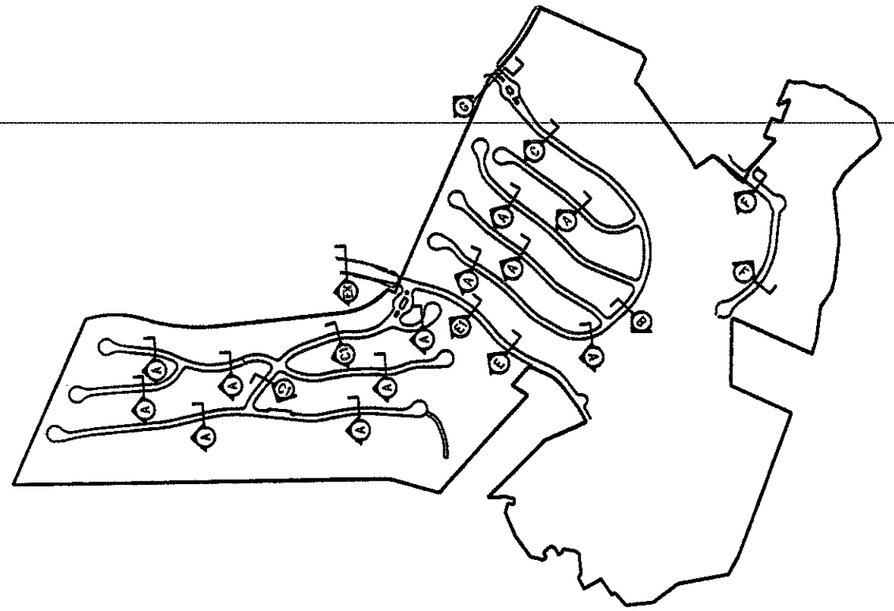
0 100 200 300

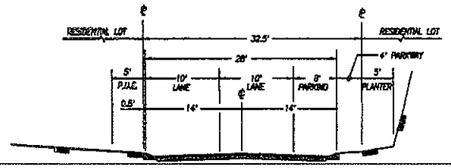
SWA

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

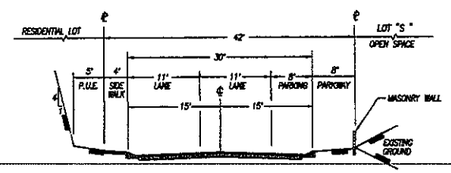
STREET SECTIONS

FIGURE 4.6.2

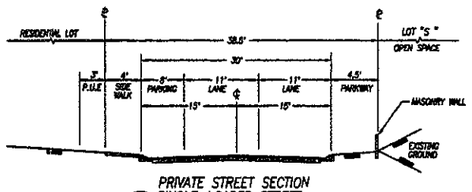




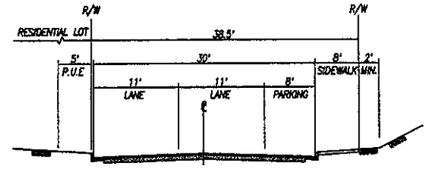
PRIVATE STREET SECTION
SINGLE-LOADED STREET
(A) 200 ADT
N.T.S



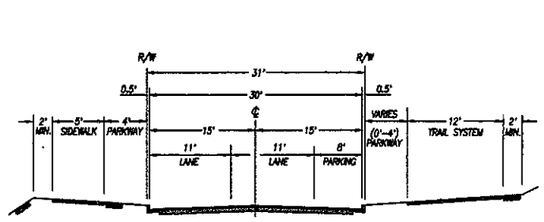
PRIVATE STREET SECTION
SINGLE-LOADED STREET
(B) 201-500 ADT
N.T.S



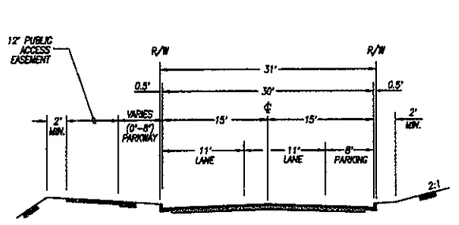
PRIVATE STREET SECTION
SINGLE-LOADED STREET
(C) 501-1,200 ADT
N.T.S



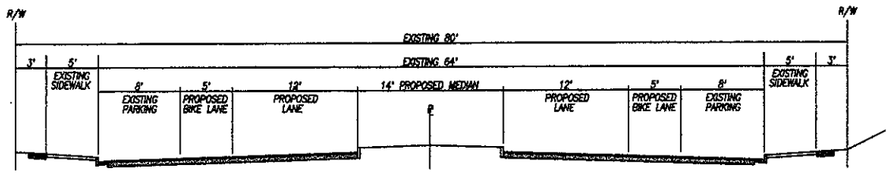
PRIVATE STREET SECTION
SINGLE-LOADED STREET
(C1) 501-1,200 ADT
N.T.S



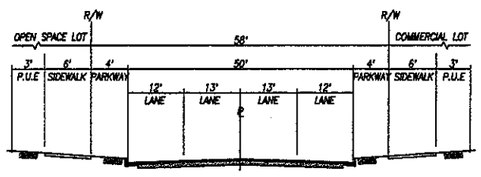
SELVA ROAD EXTENSION
PUBLIC STREET SECTION
PARKING ONE SIDE
(E)
N.T.S



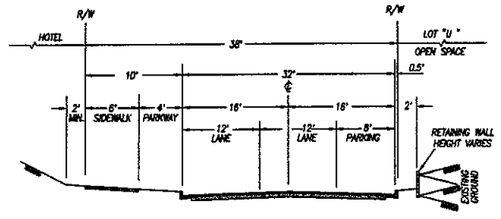
SELVA ROAD EXTENSION
PUBLIC STREET SECTION
PARKING ONE SIDE
(E1)
N.T.S



EX. SELVA ROAD
PUBLIC STREET SECTION
PARKING TWO SIDES
W/ PROPOSED MEDIAN
(EX)
N.T.S



PUBLIC STREET SECTION
ENTRY STREET
NO PARKING
(G)
N.T.S



SCENIC DRIVE
PUBLIC STREET SECTION
PARKING ONE SIDE
(F)
N.T.S

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

C. Street of the Green Lantern

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. Street of the Green Lantern intersects with PCH and Cove Road, and provides access to Planning Area 5, Hilltop Park and Greenbelt Linkages, Planning Area 7, Headlands Conservation Park, Planning Area 8, Harbor Point Park, and Planning Area 9, Seaside Inn Visitor Recreation Commercial.

Green Lantern will be realigned to a traffic circle with Scenic Drive. Metered head-in and/or parallel parking along the realigned Street of the Green Lantern and Scenic Drive provides access to the adjacent parks, open space and public trail system.

D. Cove Road

Cove Road is an existing two-lane road, which connects Green Lantern and Scenic Drive to Harbor Drive. Cove Road provides access to Planning Area 9, Seaside Inn Visitor/Recreation Commercial. No changes to Cove Road are proposed.

E. Scenic Drive

Scenic Drive exists on-site and provides access for the existing residential enclaves. With the implementation of the project, the multi-family residential enclave will take access via the extension of Selva Road (Dana Strand Road). Marguerita Road is a private easement. It will be removed and converted to open space. Scenic Drive will be realigned at the Green Lantern traffic circle. Portions of Planning Area 7, Headlands Conservation Park, Planning Area 8, Harbor Point Park, and Planning Area 9, Seaside Inn Visitor/Recreation Commercial, take access from Scenic Drive.

Scenic Drive, currently consisting of a 60' right-of-way, will terminate in a cul-de-sac just east of the existing, single family residential enclave. That portion of Scenic Drive that fronts the existing, single family residential enclave will be vacated and added to the Headlands Conservation Park, creating a 30' right-of-way servicing the residential enclave. To the extent feasible, the existing vegetation in this parkway area abutting the existing residential uses will be retained during reconstruction of the pavement. Any trees or shrubs removed to provide the roadway relocation will be replaced at a ratio of 1:1 (space permitting and subject to appropriate design) with specimens selected from HDCP Tables 4.16.1, Native Landscape Plant Palette and 4.14.1, Revegetation Plant Palette. Screening capability at maturity will be utilized as an important species selection criterion. Replacement trees will be sized at 24" box and shrubs at a mix of five and 15 gallon. Once the landscaping and irrigation is installed, maintenance will become the responsibility of the abutting homeowner. Restricted hourly parking (3-hour minimum) is proposed for the new parking lot adjacent to the Scenic Drive cul-de-sac. Metered (3-hour minimum) parking along Scenic Drive provides additional access to the adjacent parks, open space and public trail system.

4.7 CONCEPTUAL DRAINAGE PLAN

Dana Point Harbor and coastal areas in Dana Point have experienced beach closures and other water quality problems over the past several years. To address these concerns the Headlands project will implement a number of design features to reduce existing and potential storm water pollution. The project site drainage system and storm drain improvements are depicted in Figure 4.7.1, Conceptual Drainage Plan, and further analyzed in the Headlands EIR Technical Appendices. Storm water runoff quality, as detailed in the EIR, will improve after the Best Management Practices ("BMPs") detailed for the project consisting of both structural and non-structural controls are implemented. The Conceptual Drainage Plan and project BMPs will also serve existing development in the vicinity of the project.

The existing site hydrology drains to three primary areas: Strand Beach, the coastal bluff edges, and to Dana Point Harbor. The majority of the drainage flows to Strand Beach where five storm drain outlets were constructed in the 1950s to service the mobile home park, as well as adjacent off-site areas that drain to the Headlands. Approximately 13 acres of off-site runoff drains through the project to Strand Beach including portions of the County Salt Creek Parking Lot, Selva Road, and adjacent residential homes and condominiums. On-site storm water runoff to Dana Point Harbor comes from portions of the existing Cove Road, Scenic Drive, and the Street of the Green Lantern, which utilize concrete "V" ditches in Cove Road and storm drains in Green Lantern. Approximately 17 acres of offsite development, including portions of Blue Lantern and Santa Clara Avenue and the commercial and residential development associated with those streets, portions of Harbor Drive and the adjoining County parking lots also drain to the west end of Dana Point Harbor.

A. Conceptual Drainage Plan

Figure 4.7.1, Conceptual Drainage Plan, identifies the proposed storm drains, inlets, outlets and BMP filter locations. The storm drain system will incorporate diversion of nuisance water flows and similar improvements and filtering mechanisms to minimize drainage impacts to the ocean and Dana Point Harbor. Typically the storm flows with the greatest amount of pollution are the "first flush" of a storm event. The first flush storm water flow from the project development and adjoining areas in the watershed will be directed to sand filters which will be sized to store and filter the first flush. The sand filters will be located on-site and within the parking lots owned by the County in the Harbor and in the Salt Creek parking lot next to Selva Road. Runoff in the parking lots will also be directed to the sand filters. The sand filters will also reduce first flush peak flows through the runoff storage and filtering process. Drainage within the Strand Beach area will be conveyed to three outlet points and will incorporate internal energy dissipaters to reduce the possibility of beach erosion. Storm water which drains to the Harbor will utilize the existing outlet near the pier on the west side of the harbor. The developer will work cooperatively with the County of Orange to ensure pre-existing erosion conditions at the outlet are reduced by reducing peak flows. (See Section 4.7.B.2, Structural Controls, for more specific details and requirements for the proposed structural Best Management Practices, including filtering devices.)

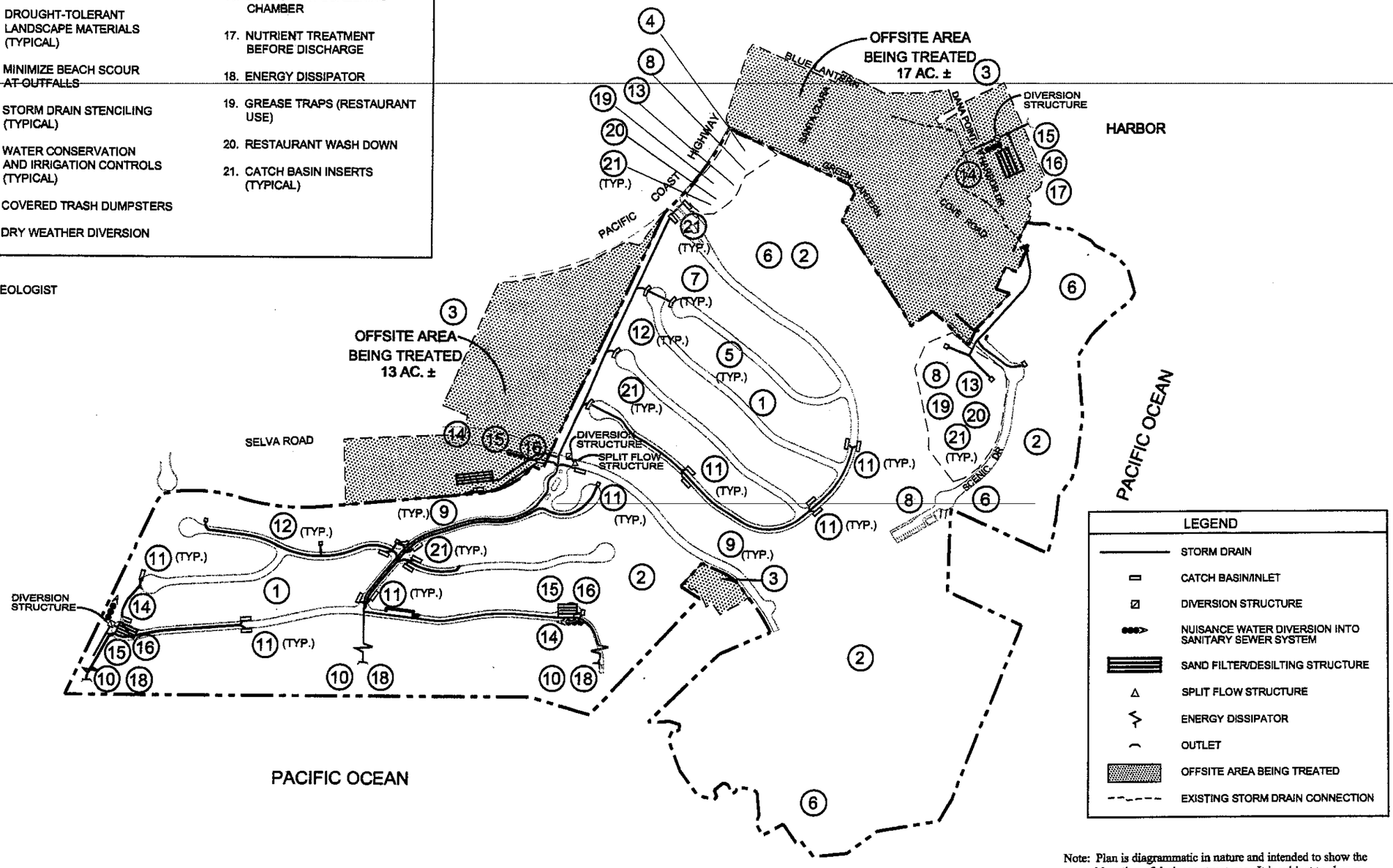
CONCEPTUAL DRAINAGE PLAN AND BEST MANAGEMENT PRACTICES

FIGURE 4.7.1

KEY TO BMPs

1. CLUSTER DEVELOPMENT
2. CONSERVATION OF NATURAL SPACES
3. TREATMENT OF OFF-SITE RUNOFF
4. RE-DIRECT STORM FLOWS ALWAY FROM IMPAIRED WATERS
5. REDUCTION OF STREET WIDTHS (TYPICAL)
6. PERVIOUS TRAILS
7. REDUCE CUL-DE-SAC IMPERVIOUSNESS (TYPICAL)
8. REDUCE PARKING LOT IMPERVIOUSNESS*
9. DROUGHT-TOLERANT LANDSCAPE MATERIALS (TYPICAL)
10. MINIMIZE BEACH SCOUR AT OUTFALLS
11. STORM DRAIN STENCILING (TYPICAL)
12. WATER CONSERVATION AND IRRIGATION CONTROLS (TYPICAL)
13. COVERED TRASH DUMPSTERS
14. DRY WEATHER DIVERSION
15. SAND / MEDIA FILTER
16. DETENTION / SCREENING CHAMBER
17. NUTRIENT TREATMENT BEFORE DISCHARGE
18. ENERGY DISSIPATOR
19. GREASE TRAPS (RESTAURANT USE)
20. RESTAURANT WASH DOWN
21. CATCH BASIN INSERTS (TYPICAL)

* SUBJECT TO APPROVAL BY PROJECT GEOLOGIST



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

0 100 200 300

B. Drainage Guidelines

All drainage control facilities will follow the requirements of the Headlands Conceptual Drainage Plan, the Orange County Drainage Area Management Plan, and the National Pollutant Discharge Elimination System (NPDES). A Best Management Practices (BMP) program is also required to control storm water runoff. Controls include, but are not limited to the following:

1. Construction Phase Erosion and Sediment Control

During the construction phase of the project, erosion and sediment control plans and related documents shall conform to the Orange County Grading and Excavation Code adopted by the City. Additionally, all construction activity must conform to the requirements of Section 8.0 of the Orange County Drainage Area Management Plan, all NPDES requirements and the requirements of the HDCP Coastal Resources Management Program. Examples of construction BMPs include desilting basins, sandbags, berms, hay bales, silt fencing, hydro-seeding of temporary slopes, and related measures.

2. Structural Controls

Potential water quality impacts during both the wet and dry seasons shall be mitigated by the following controls:

- Minimize the potential for concentration of storm water runoff impacts to coastal resources by designing multiple storm water discharge points. Where feasible, reduce peak flows via structural detention of the first flush.

- Develop a program with the South Coast Water District to divert low-flow "nuisance" run-off to the sanitary sewer system for treatment, avoiding dry weather flows to the beach or harbor.

- Prohibit storm water discharges from the project onto rocky beaches, and prohibit the construction of storm water systems through the coastal bluffs in the vicinity of rocky beaches. Only allow dispersed or natural drainage flows over the coastal bluff and onto the rocky beaches.

- Where possible, divert development run-off away from Dana Point Harbor, which has experienced ongoing pollution problems.

- Capture and filter the "first flush" (the initial 0.69 inches of rain in a 24-hour period) to reduce sediment, bacteria and other water quality pollution.

- Divert storm water away from the south end of Strand Beach near the cove area where the intertidal zone is more sensitive.

- Design the storm water outlets at Strand Beach to incorporate internal energy dissipation devices to reduce the potential for beach erosion.

- Locate sand filters or BMPs with equivalent or better treatment capability in locations which will allow the treatment of onsite development areas as well as adjacent off-site, first flush storm flows. Add a secondary treatment system utilizing zeolite, clay or similar media filters to minimize nutrients (nitrates/phosphates) from reaching Dana Point Harbor. In conjunction with the City and County, determine the maintenance responsibilities for the filtering devices and similar BMPs.

- Incorporate BMP devices that may include separators, sand filtering systems or other features into the storm water conveyance design to reduce oil, grease sediment, debris and other pollutants. All storm drain inlets shall include catch basin filters.

- As identified in Section 4.16, implementation of the Irrigation Guidelines will minimize the potential for overwatering and nuisance run-off.

3. Non-structural Controls

The policies, programs and practices outlined in Table 4.7.1, Drainage Guidelines Non-Structural Controls, reduce the opportunity for water quality impacts and increase public awareness.

TABLE 4.7.1
DRAINAGE GUIDELINES
NON-STRUCTURAL CONTROLS

1. Encourage off-site residential tracts and the County (Strand Beach Parking Lot) to minimize pollution from those areas that drain through the project site to Strand Beach.
2. Encourage BMP's such as litter control, frequent street sweeping, proper disposal of animal waste, etc., of the off-site areas.
3. 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.
4. Develop a weekly sweeping/vacuuming program for the private residential streets and maintenance/cleaning of private storm drain structures and filtering devices.
5. Develop a program for all visitor/recreation commercial areas ensuring proper and routine sweeping/vacuuming of parking areas, maintenance of on-site oil/grease filtering devices, and other storm drain measures which shall be developed in conjunction with the coastal development permit for each respective area.
6. Establish programs for maintenance, cleaning, and upkeep of public storm drain structures, public streets, and parking areas to be implemented by the City.
7. Implement water-efficient and environmentally sensitive landscaping where practical. See Section 4.16, Irrigation Guidelines, for specific details of the irrigation requirements. Landscaping plant organization that combines species on the basis of climatic and habitat adaptations, and the incorporation of drought-resistant plants, can reduce irrigation and maintenance requirements. Native species will be adapted to the climate and require little supplemental irrigation.
8. Incorporate into all Planning Areas interior and exterior water conservation measures. These include, but are not limited to, low flush toilets, low-flow faucets, water-conserving dishwashers, maintenance of supply line water pressure at 50 psi or less by means of pressure-reducing valves, use of reclaimed water, if available, for common area irrigation purposes, and efficient irrigation systems to minimize run-off and evaporation.
9. In the visitor/recreation commercial areas, trash receptacles, e.g., dumpsters must be stored in a covered space that prevents rainwater from falling on or into the receptacles.
10. In the visitor/recreation commercial areas, ensure that all restaurants/food service facilities include grease traps and a wash-down area plumbed to drain to the sanitary sewer system for treatment and disposal.

C. Water Quality Management Plan and Guidelines

Prior to issuance of grading permits, the Landowner/ Developer shall submit a Water Quality Management Plan to the Director of Public Works for approval. The plan shall comply with the State Water Resources Control Board's General Construction Activity Storm Water Pollution Prevention Plan.

~~The following guidelines identified in Section 4.15, Marine Resources Management Guidelines,~~ shall be addressed in the Water Quality Management Plan:

- Concurrent with the submittal of any Tentative Tract Map, Parcel Map or Site Development Permit, a plan of Best Management Practices (BMPs) including structural and nonstructural controls for the drainage area under consideration shall be submitted to and approved by the Director of Public Works. The BMP plan shall identify the structural and nonstructural measures and the assessment of long-term maintenance responsibilities and shall reference the location of structural BMPs.

- Prior to approval of the first final map, the Developer shall prepare and submit a community awareness program to the Director of Community Development for approval. The program shall inform buyers of the impacts of dumping potentially harmful chemicals into storm drainage facilities.

- Urban run-off from the project area shall comply with all existing and applicable Federal, State, and local water quality laws and regulations.

- Prior to approval of any final maps, the Developer shall prepare a construction monitoring plan to monitor and protect marine resources during periods of construction. The construction monitoring plan shall be approved by the Director of Community Development.

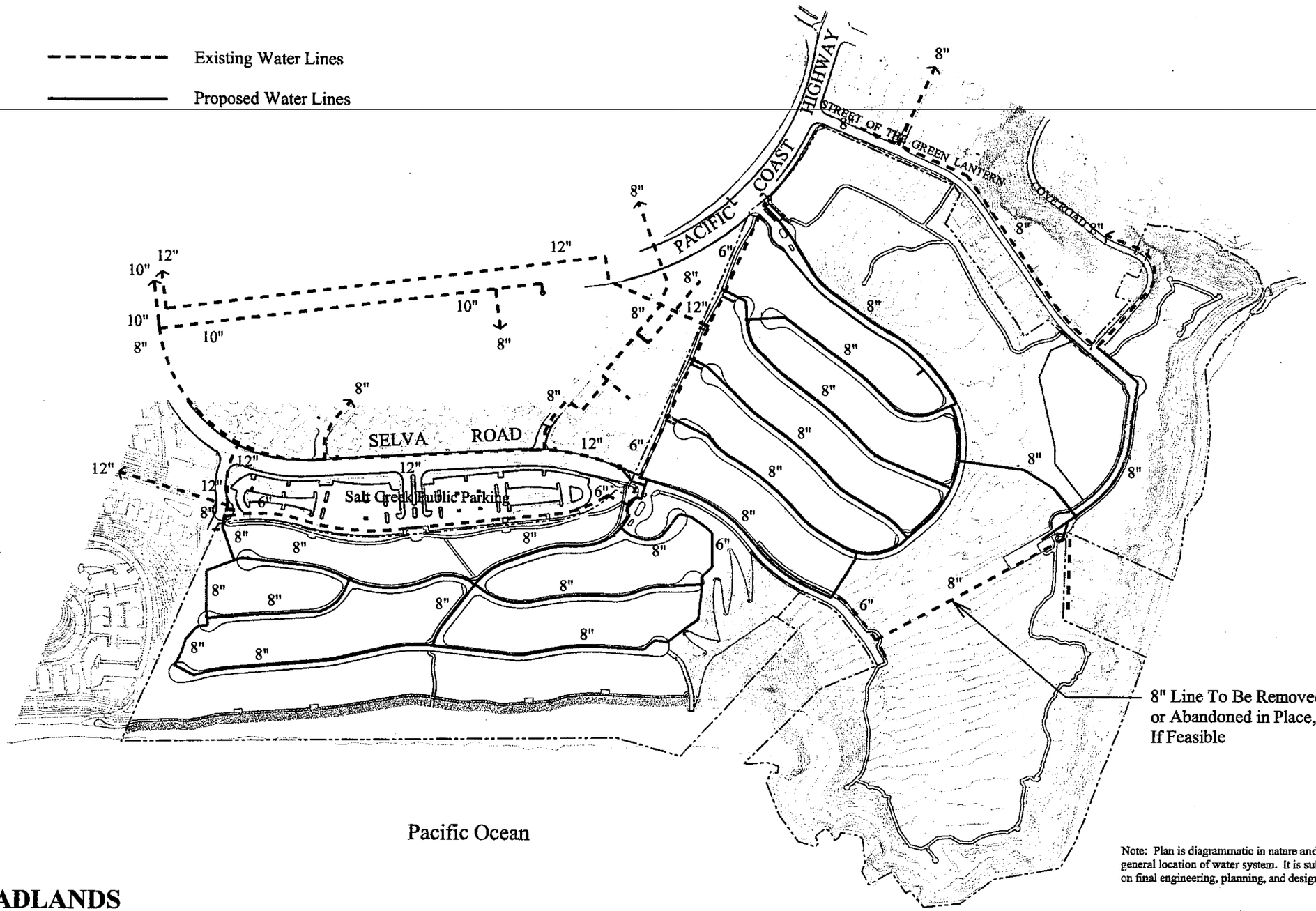
4.8 CONCEPTUAL WATER PLAN

The Conceptual Water Plan provides the potable water system to the project site, and effectively coordinates this service with existing and proposed regional water systems. The South Coast Water District (SCWD) provides current service, which has an existing 10-inch water main located in PCH and a 12-inch water main located in Selva Road.

~~The water system is illustrated in Figure 4.8.1, Conceptual Water Plan. The water plan meets the~~ applicable requirements of the City and SCWD for fire flow and the proposed land uses. Adequate water capacity and lines exist on-site and at the property boundary to serve the project. If available, reclaimed water will be utilized to provide irrigation for common area landscaping. To the extent feasible, existing utilities, including water lines, crossing through open space areas containing environmentally sensitive habitat area shall be removed or abandoned in place, provided that any alternative utility alignment minimizes or avoids impacts upon environmentally sensitive habitat area.

CONCEPTUAL WATER SYSTEM

FIGURE 4.8.1



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

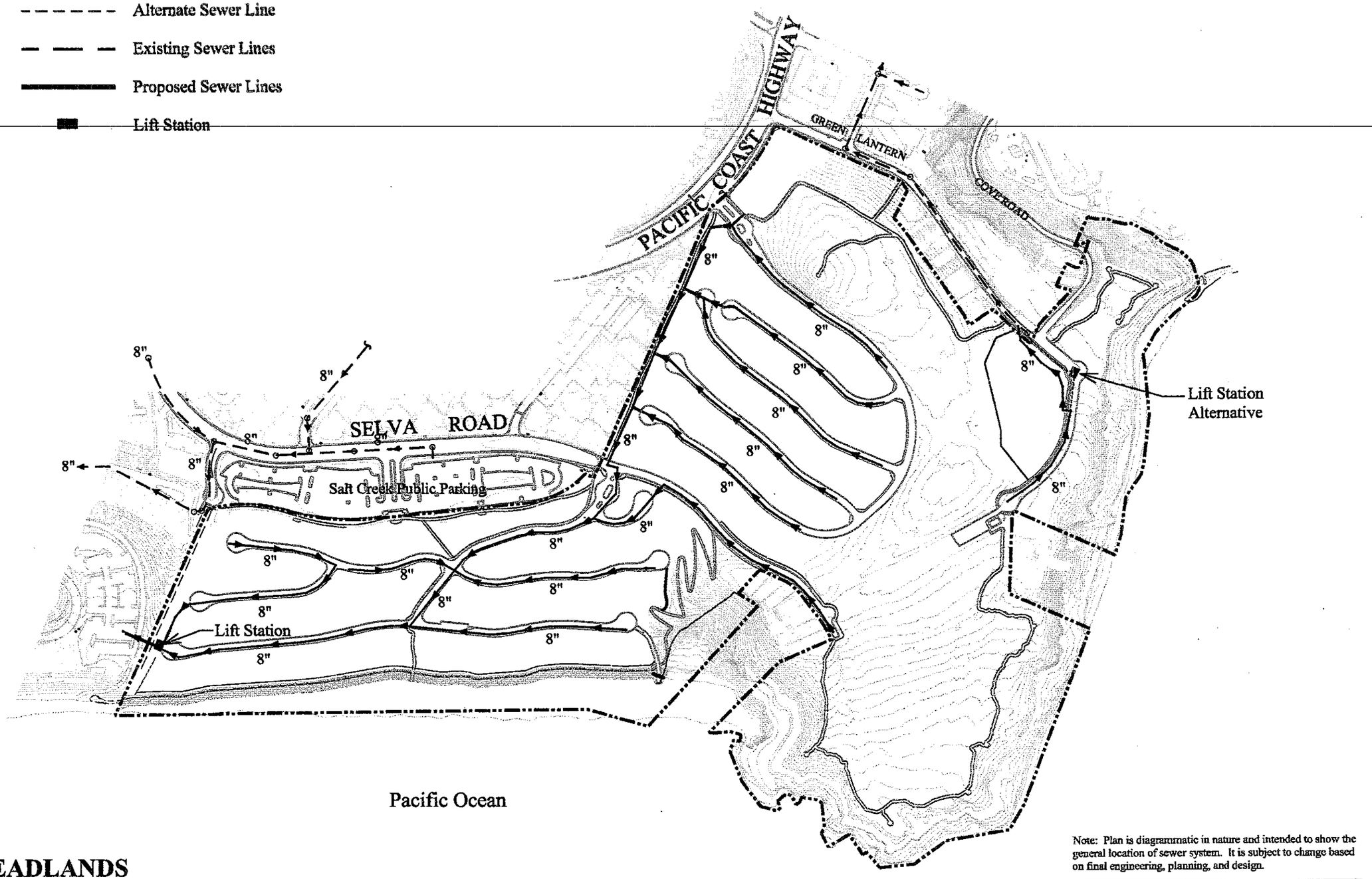
4.9 CONCEPTUAL SEWER PLAN

The Conceptual Sewer Plan provides the sanitary sewer and collection system for the project. Figure 4.9.1, Conceptual Sewer Plan, illustrates how the sewer collection system connects with existing sewer mains to serve the project site. The sewer system design includes a sewer lift station located in the Strand residential area. This proposed system would replace the existing, dilapidated system associated with the 90-unit mobile home park. An existing sewer line in Green Lantern serves Planning Areas 8 and 9. Subject to final design, due to the shallow depth of the sewer main in Green Lantern, a second sewer lift station may be located in Scenic Drive.

All sanitary sewer improvements will be constructed in accordance with SCWD design standards and manuals. Pursuant to a prior agreement with SCWD, the project site will be annexed into Sewer Improvement District 1 of SCWD. Upon annexation, the sewerage treatment facility on Del Obispo Street and the sewerage treatment facility formerly managed by the Aliso Management Agency (now known as the South Orange County Wastewater Authority), will both accept effluent from the project site. Both facilities have available capacity. The sewer and storm drain systems shall be designed to divert the dry season non-storm nuisance runoff water into the sewer system for treatment and disposal.

CONCEPTUAL SEWER SYSTEM

FIGURE 4.9.1



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

0 100 200 300

4.10 OTHER UTILITIES/SERVICE

Final provisions for electrical, natural gas, telephone, solid waste/recycling collection, and CATV will be agreed to prior recordation of Final Maps. All services currently exist on or abut the property and can be extended by the respective provider. The Southern California Gas Company will provide natural gas. The San Diego Gas and Electric will provide electric service (both now make up Sempra Energy). Telephone service, solid waste collection and recycling, and CATV will be phased in conjunction with development. New utilities and existing above ground utilities will be located underground as part of project development. Utilities shall be located outside of environmentally sensitive habitat areas unless it is demonstrated that there is no feasible alternative to siting them within ESHA, in which case the alignment shall minimize or avoid impacts upon environmentally sensitive habitat area to the maximum extent feasible.

If feasible, utility pedestals, service substations, and utility vaults shall be located in appropriate locations with low visibility, to minimize the need for retaining walls and the potential to block existing or proposed signs or degrade public views.

4.11 CONCEPTUAL GRADING PLAN

Beginning in the 1930s, portions of the project site were progressively graded and developed. These areas include the on-site roadways, the northern portion of the site that sits above Strand Beach (which served as the former mobile home park) the area adjacent to the existing residential enclaves, the land near the Hilltop where the current greenhouses and storage operations exist, and the area directly above Harbor Point.

The project site is surrounded by development that involved extensive grading to implement access and building pads. Areas such as the adjacent Niguel Shores and Ritz Cove residential communities are very similar to the Headlands in their original geologic makeup and topography. Similar to the Strand, portions of Niguel Shores required remedial grading to stabilize landslides and to create terraced building pads with ocean views.

A. Conceptual Grading Plan

The Conceptual Grading Plan has four primary objectives:

- Minimize alteration of the four significant landforms (the two geographic promontory points—Dana Point and Harbor Point, the coastal bluffs, the Hilltop, and Strand beach).
- Maximize views from the developed areas to the ocean and along the coast, which, in turn, lowers the total acreage devoted to development, and creates additional lands for public open space.
- If feasible, balance cut and fill quantities on-site to reduce traffic associated with the grading operations.
- Ensure public safety by incorporating the recommendations of a registered geotechnical engineer to remediate the unstable geologic conditions in the Strand area.

Figure 4.11.1, Conceptual Grading Plan illustrates the proposed site grading. The remedial grading operation will stabilize the terraced slopes in the Strand area and excess earth will be transferred to the Upper Headlands Residential site to create ocean view building sites in that location.

Grading Design Criteria

Table 4.11.1, Grading Design Criteria, outlines standards that shall apply to all grading operations.

CONCEPTUAL GRADING PLAN

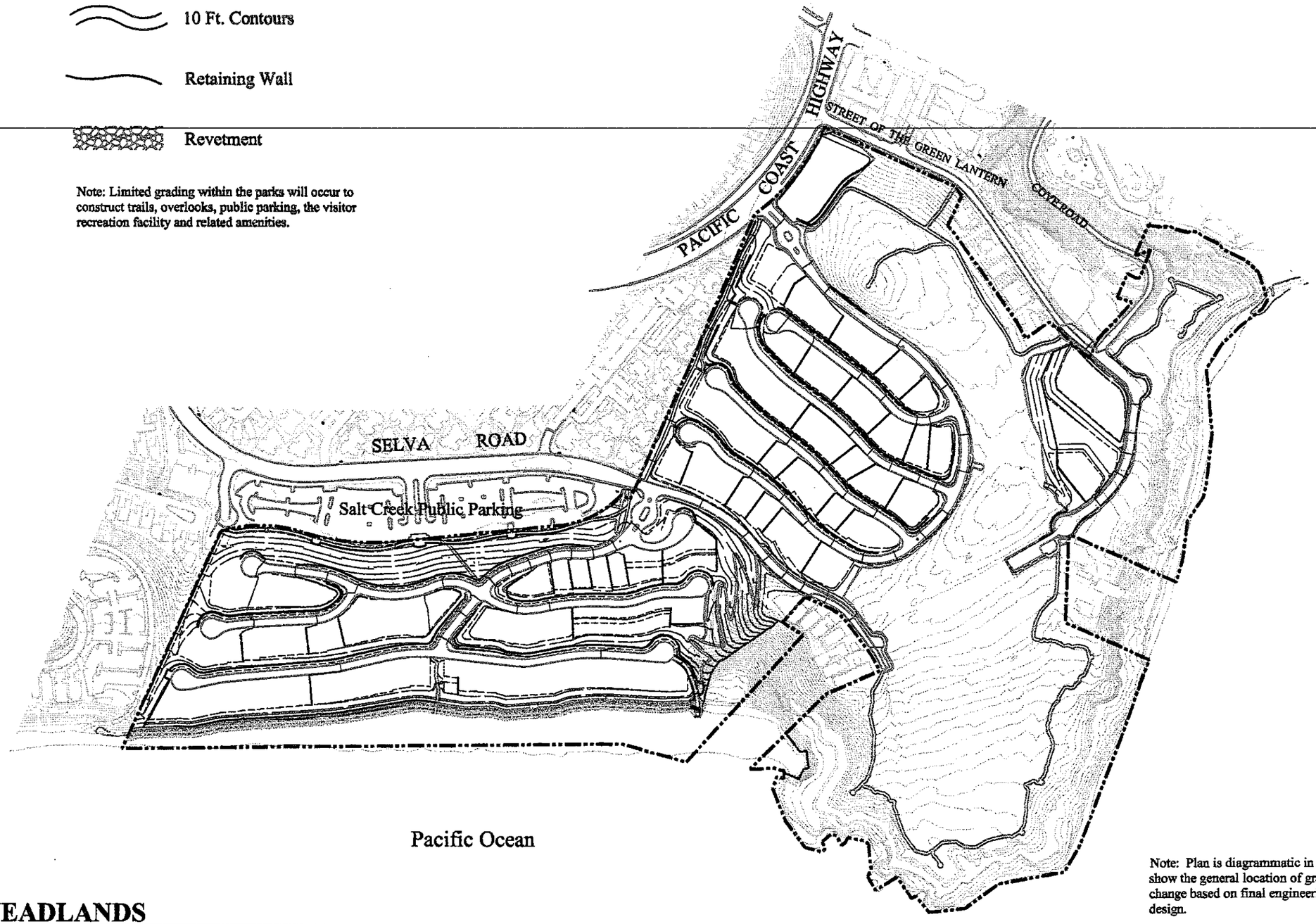
FIGURE 4.11.1

10 Ft. Contours

Retaining Wall

Revetment

Note: Limited grading within the parks will occur to construct trails, overlooks, public parking, the visitor recreation facility and related amenities.



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

0 100 200 300

TABLE 4.11.1

GRADING DESIGN CRITERIA

1. The Hilltop landform peak shall be maintained at the existing 288-foot elevation. Grading necessary to construct the Hilltop improvements shall be minimized.
2. Where graded slopes adjoin undisturbed natural terrain, the graded slopes shall, where feasible, blend into the adjoining natural contours to provide a smooth transition.
3. When grading occurs on, or adjacent to, existing slopes that are steeper than 2:1, the manufactured slopes shall, where feasible, be constructed at similar gradients to blend with existing slopes.
4. Grading adjacent to greenbelt linkages shall, where feasible, blend to match existing natural contours. Disturbed areas adjacent to greenbelt linkages shall be re-vegetated with native vegetation.
5. Use of mechanically stabilized earth, or retaining walls, which can be planted with vegetation, shall be encouraged to reduce height of slopes and blend with adjoining slopes and vegetation.
6. All disturbed areas within Recreation Open Space shall be re-vegetated with appropriate drought tolerant and native plant materials.
7. Subject to the City Grading Code, all graded slopes shall be hydro-seeded and/or landscaped to minimize potential erosion.
8. Grading or disturbance of areas containing environmentally sensitive habitat area and/or designated Conservation Open Space shall be minimized to accommodate only those uses consistent with avoiding the degradation of environmentally sensitive habitat areas, except as allowed under Conservation Open Space Element Policy 3.12 and Section 3.5.E of the Planned Development District , and pubic safety, public access, and management of existing natural resources.
9. Grading design for developed lots shall direct surface drainage to adjacent streets or approved drainage devices.
10. Grading and construction in Planning Areas 7 (Headlands Conservation Park) and 8a (Harbor Point Park) shall follow the minimum 50 foot bluff edge setback criteria, or greater setback as established in a City reviewed, licensed geotechnical report
11. Grading in Planning Area 8a (Harbor Point Park) shall be limited to that necessary to provide public access, the proposed visitor recreation facilities, and public amenities. Grading shall be prohibited in locations that degrade environmentally sensitive habitat areas.
12. Grading in Planning Areas 1 (Strand Vista Park) and 2 (Strand Residential Neighborhood) shall stabilize subsurface conditions as established in a City reviewed, licensed geotechnical report.
13. Grading in Planning Area 1 (Strand Vista Park) adjacent to the South Strand Beach Access shall, where feasible, blend into the adjoining natural contours, and disturbed areas shall be re-vegetated with native vegetation identified in Table 4.14.1. Grading shall be prohibited in locations that degrade environmentally sensitive habitat areas, except as allowed under Conservation Open Space Element Policy 3.12 and Section 3.5.E of the Planned Development District.
14. Grading in Planning Areas 2 (Strand Residential Neighborhood) and 3 (Strand Beach Park) associated with the repair and maintenance of the shoreline protective device shall not encroach seaward of the toe of the existing revetment, except as necessary to comply with

Section 3.5.G of the Planned Development District relative to rock/material retrieval from the beach, unless improvements are specifically necessary to create or enhance public access and/or public safety. The shoreline protective device shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the shoreline protective device is moved at least 5 feet landward or easterly.
15. Erosion control measures, identified under the drainage guidelines in Section 4.7 of the ~~HDCP, shall be implemented.~~

4.12 DESIGN GUIDELINES

The Design Guidelines establish the project character by creating an ambience that reflects the natural setting of the property. The design theme draws heavily upon the site's dramatic coastal location, its relationship with its neighbors, and the protection of resources.

The guidelines establish a project-wide design expression that unites the various components of the HDCP. The parks, open space, architectural, and landscape architectural elements are unified by a series of monuments, signage, building materials, and images that evoke a natural, timeless atmosphere. While allowing reasonable flexibility in design, the intent is to create a community that displays a strong *genius loci,* or sense of place.



Specifically, the guidelines will:

- Establish the project intent and ensure compatibility among different land uses.
- Provide a consistent approach to site planning, building design, landscape design, wall and fence materials, signage and other design elements to enhance the public recreation and resource conservation experience.
- Provide a conceptual framework for individual building design while maintaining the community identity.
- Delineate thematic and aesthetic criteria for the use of native plant materials, signage and new improvements that complement the unique coastal setting.

A. Implementation of Design Guidelines

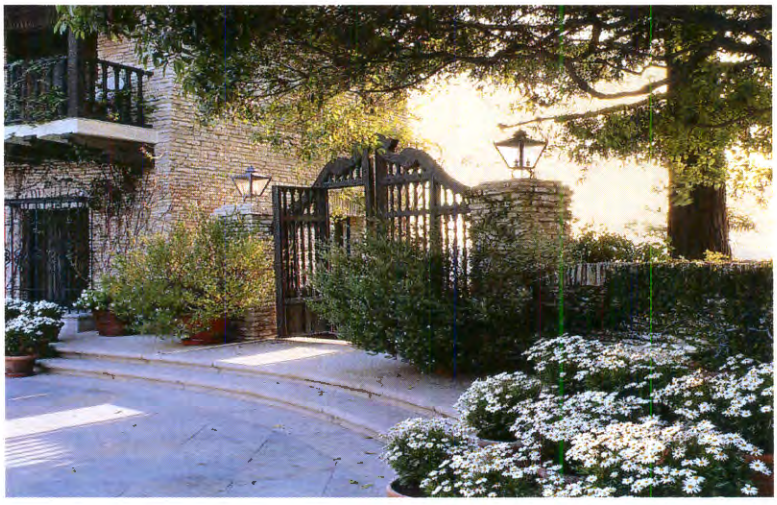
The Design Guidelines are provided for the benefit of builders, their designers, and the City during the design and review of future construction-level proposals. The guidelines support and complement the Headlands Planned Development District standards in Section 3.0 of the HDCP, and should be used as a qualitative guide that gives character and vitality to the quantitative zoning regulations and standards.

The guidelines identify theme and design elements for public areas, the parks and open space, the proposed public visitor facilities, the visitor serving commercial facilities, and the residential neighborhoods. They shall be incorporated into subsequent Coastal Development Permit plans, precise improvement plans, conditional use permits, and subdivision maps submitted to the City for approval, unless it is demonstrated that certain guidelines are not applicable, appropriate, or feasible under the circumstances. The development regulations and procedures set forth in this Section for the above-mentioned plans, permits, and maps are mandatory.

Examples of the desired design are shown in photographs and sketches on the following pages. The images focus on a general theme or character and not on design details. These illustrations are intended to be conceptual and serve only as a general framework of design ideas, which support the community design theme. They are not meant to depict final designs that should be copied, and should not be used to limit the range of expression among individual builders and their professional design teams nor to discourage unique and innovative design solutions which are consistent with the design intent of the HDCP. Rather, they establish the general theme and approach to be taken in reviewing future development proposals.

B. The Design Intent

The Headlands property is the product of a unique combination of dramatic coastal bluffs, wide sandy beaches, rolling hillside, elevated plateaus, and cascading terraced slopes, spilling into the Pacific Ocean. The design intent is to create a destination community that provides a wide variety of experiences and reflects the grandeur of its setting by identifying the appropriate materials, shapes, texture and colors.



The project has adapted the pattern of its site planning from the existing terrain. Public and private areas are interwoven together with ornamental and indigenous landscape, public trails and coastal access paths, scenic overlooks, parks, open space, and views of the ocean.

A pedestrian orientation pervades the design. The scale and type of building materials shall reinforce this primary theme by utilizing natural woods, stone, cast iron, and other appropriate details.

1. Architectural Intent

The architectural theme will be a mix of styles drawing inspiration from the eclectic heritage of Southern California beach communities. The spirit of the place shall derive from the images that are visualized, complemented, symbolized or gathered. The architecture shall embody a vernacular vocabulary that corresponds closely to that of the natural place.

The early California beach communities incorporated an informal relationship of natural materials and a relaxed atmosphere that seems in direct contrast to our modern lifestyles. These communities are comprised of a variety of traditional and non-traditional expressions of architectural form. An emphasis on wood, tile, stone, and cement plaster, along with a strong relationship between indoor and outdoor spaces is encouraged. This eclectic mix of styles creates a unique architectural intent worthy of the site.





The guidelines establish important architectural criteria, such as: How does a building stand and rise? How do the structures relate to their environment? What is its silhouette?

Thus, the guidelines address the general character and describe the basic intent of appropriate architectural form, mass, material, and their relationship to human scale. They can be expressed in a variety of ways. Timeless styles of architectural expression are encouraged (i.e., arts and craft, shingle, spanish mediterranean, french provence, tuscany, modern). Trendy or overtly expressive styles of architecture are strictly prohibited.







All proposed structures within the project are encouraged to incorporate the following to express the architectural intent:

- Asymmetrical facades;
- Combinations of materials;
- Foundations of stone or brick;
- Horizontal forms with broad roof planes;
- Extended balconies and bands of windows;
- Energy efficient window awnings and brows;
- Planter boxes with flowering greenery to soften geometric form;
- Courtyards; and
- Colonnaded porches.

The guidelines shall encourage an attractive mix of styles and architectural forms that are rooted in the landscape and complement the surrounding parks and open space.

2. Landscape Architectural Intent

A rustic, natural landscape theme is the unifying element to the HDCP. Every attempt shall be made to delineate the boundaries of the community and reinforce the sense of arrival. The use of rustic stone at the entries, decomposed granite for pedestrian trails, other natural materials, and native plants will be employed throughout the project. Landscaping shall maintain and frame ocean views, and screen or soften buildings, walls, and fences.

Project monuments, special textured paving, flowering accent shrubs and specimen trees shall reinforce the rustic setting and sense of place. The site entry monuments, neighborhood entry monuments, interpretive/informational signage, public art, and streetscape elements (seats, trash receptacles, lighting, etc.) shall be designed of materials with common forms and character.

The landscape architectural intent shall respond to the intensity of use, ranging from truly indigenous landscaping as found in the Headlands Conservation Park, to more formal landscaping envisioned within the visitor serving commercial areas.







C. Design of Public Areas

The 121-acre HDCP includes 68.5 acres of public parks and open space. The public visitor areas and facilities must be celebrated, scaled to pedestrian use, and welcome the casual visitor. Areas must be designed to create a lasting image. Such images form the foundation for memorable experiences, establish important emotional ties, inviting the visitor to return time and time again.

1. Project Monuments and Entries

The project monuments and entry statements serve as the introduction to the HDCP. As such, they set the tone and establish a first impression for the visitor and resident alike.



Consistency in design style and materials, such as stone walls, will create a sense of arrival. Monuments shall be intentionally understated, so as not to intimidate the first-time visitor. Incorporating a project logo at key entry features reinforces project identity.

Figure 4.12.1, Conceptual Monumentation Plan, identifies the locations for project monumentation, neighborhood entries, site entries and signage.

Project Monuments: located at three key entries, including Selva Road, PCH, and Street of the Green Lantern. They consist of stone columns on both sides of the roadway. The project logo shall be integrated into the monument. See Figure 4.12.2, Project Monumentation and Site Entry.

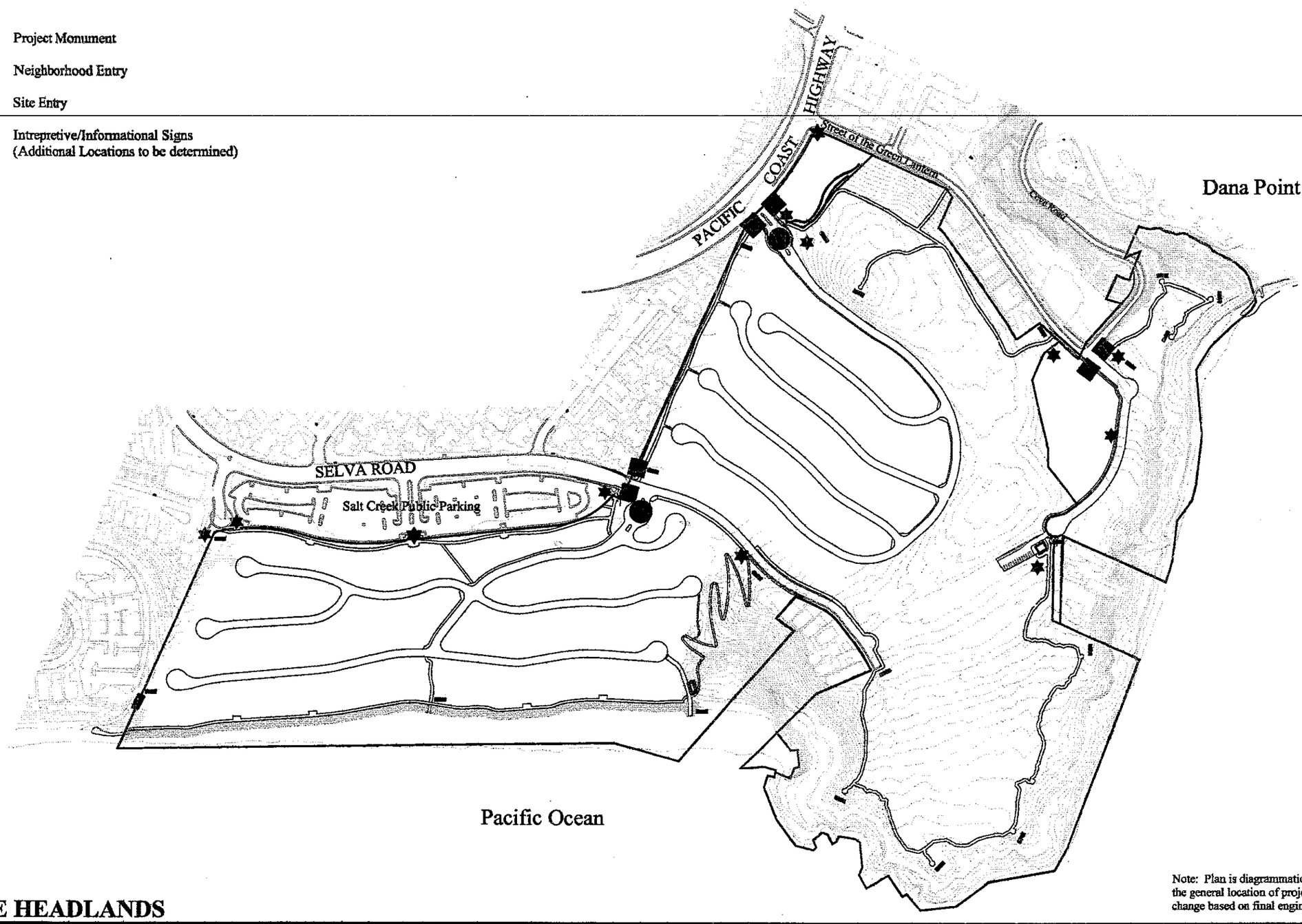


Site Entry: located at the visitor commercial and park sites, as well as at the proposed public visitor facilities. These markers consist of a short stone column with, as appropriate, a small ledger stone sign wall to identify site uses. These features may be used as a single element, or paired on either side of an entry drive or walkway. The use of stone and the project logo establishes a strong visual connection to the project monuments.

CONCEPTUAL MONUMENTATION PLAN

FIGURE 4.12.1

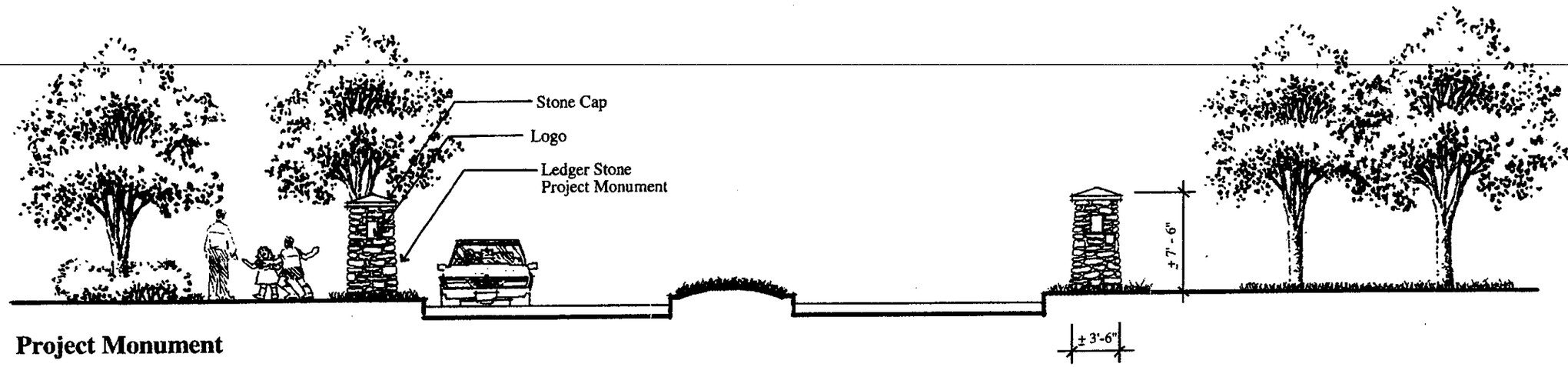
- Project Monument
- Neighborhood Entry
- Site Entry
- Intrepretive/Informational Signs (Additional Locations to be determined)



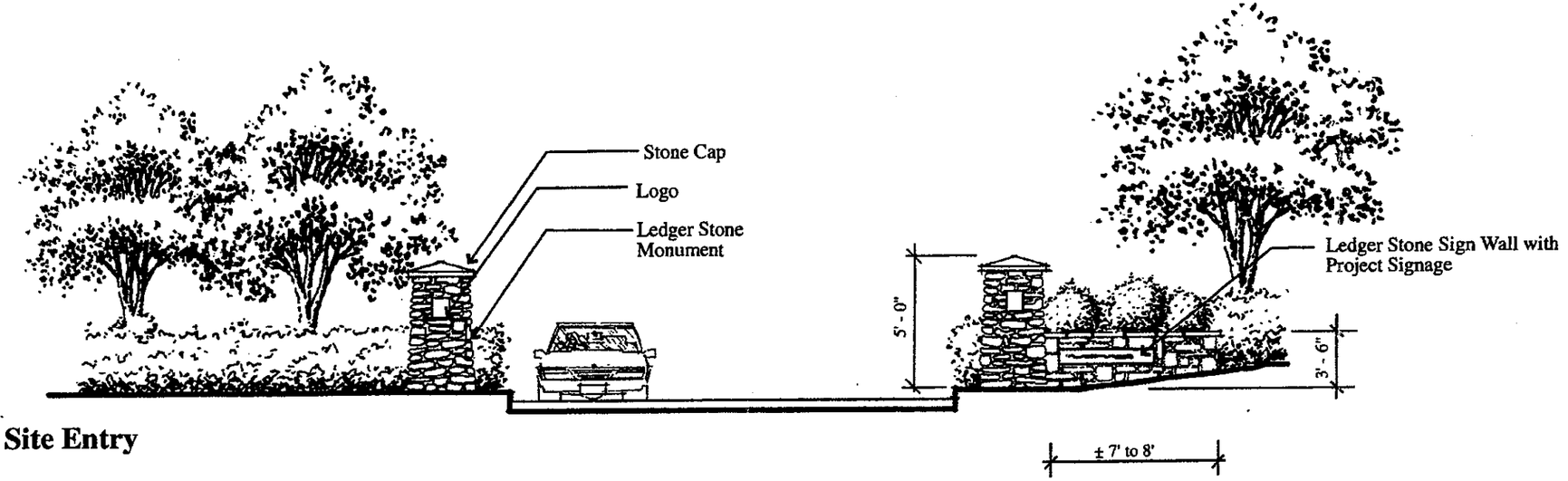
Note: Plan is diagrammatic in nature and intended to show the general location of project monuments. It is subject to change based on final engineering, planning, and design.

0 100 200 300

PROJECT MONUMENT AND SITE ENTRY
FIGURE 4.12.2



Project Monument



Site Entry

Note: Dawing is diagramatic in nature and is subject to change based on final engineering, planning and design.

2. Coastal Access and Public Trails

Provide safe, inviting, and aesthetically pleasing public coastal access to the beach, ocean, and coastal bluff. Encourage scenic overlooks and vistas along the way and protection of adjacent private areas. Link the coastal access to the public trail system within the HDCP and to adjoining areas of the City.

Guidelines:

- Provide clear, visible identification and directional signage for coastal access paths along Selva Road, PCH, Street of the Green Lantern, and the public trail system.
- Emphasize coastal access points with enhanced plantings or decorative walls.
- Incorporate pedestrian amenities and street furniture, such as benches and lighting, where appropriate, along the public trail system and coastal access paths.
- Establish and enhance vistas of the coastline and ocean with select plant materials.
- Construct trails and pathways within, or adjacent to, conservation open space of natural materials such as decomposed granite trimmed by redwood headers.
- Vegetate disturbed areas adjoining public trails and coastal access paths with appropriate native species to minimize erosion.
- Utilize safety view fencing near the bluff top edges, where feasible, allowing for constraints of the topography and sensitive resources.
- Provide ADA accessible walkways, where feasible, or an equivalent aesthetic experience near those areas that are constrained by topography or sensitive resources.



3. Public Visitor Recreation Facilities

Design a series of public recreation facilities that will attract visitors to the coast, open space and the parks. Create public programs, displays, and exhibits to educate the public and enhance the coastal experience.

Guidelines:

- Utilize appropriate native materials and native plant species to integrate the public visitor facilities into their setting.
- Utilize natural building materials, earth tones, and non-reflective surfaces.
- Buildings shall reflect a pedestrian scale and orientation.
- Pursuant to the requirements of Section 4.16, Master Landscape and Irrigation Guidelines, plant new landscaping from the Headlands Revegetation Plant Palette to screen or soften views of buildings and parking areas.
- Provide public view overlooks at key locations.
- Walls shall reflect the rustic community theme. Masonry, rock surfaces, wood, or cast iron are preferred. Walls should be softened with landscaping at their base and corners. Climbing or cascading vines are appropriate.
- Incorporate a variety of unique design elements, including decorative pavement and street furniture, as well as a variety of public art located within the parks and trails.
- Utility boxes and meters shall be vaulted, where feasible, or screened from public view by landforms, walls or landscaping. Or, if not possible, utility boxes and meters shall be painted in earth tones consistent with surrounding masonry or landscape materials. Retaining walls are discouraged.
- The public restroom facilities shall be designed using materials and colors consistent with the HDCP architectural intent.



D. Design of the Seaside Inn

The architecture of the Seaside Inn shall evoke a timeless image of style and character. The building shall serve as a destination point for the resident community and the general public. It shall be composed of a variety of architectural forms, as if it evolved over a long period of time. The interaction of these forms shall create a strong relationship of indoor and outdoor spaces by using landscaped courtyards, dining terraces, loggias, and patios.



Given it's visual prominence from Dana Point Harbor, the image of the Seaside Inn must represent a harmonious composition of elegant architectural forms, colors and natural materials integrated into the landscape. A combination of at-grade parking and subterranean parking is proposed, with valet parking available to guests of the Inn. Pedestrian pathways will connect the guests with the public parks, open space, trail system, and public recreational visitor facilities.

Seaside Inn Architectural Guidelines

- Buildings and landscape shall be integrated into the site and be mindful of the scenic attributes of the property.



- Building articulation and massing shall respond to the site topography and create a "clustered" appearance

- The Seaside Inn shall be sited along the sloping contours of the land and stepped in the direction of the site terraces.

- The building elevation and envelope shall avoid large, unarticulated, flat wall planes.



- The buildings shall combine vertical and horizontal forms appropriate to the HDCP architectural intent.

- The buildings shall create a variety of outdoor spaces, plazas and courtyards, oriented toward the harbor and ocean views.

- Public spaces such as lobbies and restaurants shall be designed to capture ocean views, where possible.

- Retaining walls shall incorporate landscape elements, if feasible, including loffel walls o soften the visual impact.



- Mechanical equipment, utility meters and boxes shall be screened from public view through landscaping and architectural integration.

Seaside Inn Material and Color Guidelines

- Natural materials are encouraged, especially where the buildings meet the ground plane. Building foundations shall appear to be integrated into the landforms with the use of stone planter walls.

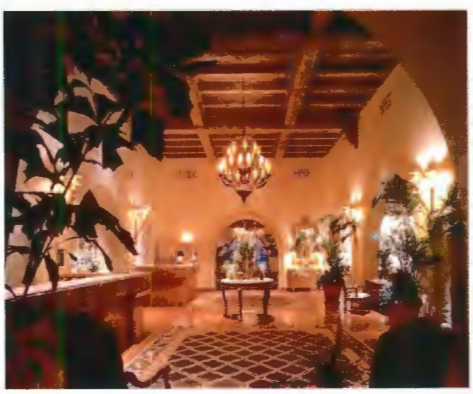
- The roof materials shall be appropriate to the character of the architecture, and shall compliment the color of the native earth.

- Exposed roofs must be of authentic materials, and must convey a feeling of permanence.

- Plaster colors may be of light or medium values. Vibrant hues will not be allowed.

- Use of stone on full height walls in key areas is encouraged instead of the use of stone in a "wainscot" application.







Seaside Inn Parking Guidelines

- Parking provided for the Inn will be designed, where feasible, to have a minimal visual impact.
- Parking shall be integrated into the site by screening with landscape materials and landforms.
- Utilizing subterranean parking lots, where feasible, will reduce the area dedicated to surface parking.
- Where feasible, parking areas should be broken into smaller parking courts that correspond to the terraced form of the site.
- Directional signage in parking areas shall be consistent with the architectural and landscape style of the Inn.
- Lighting of parking areas shall be kept to a minimum to maintain safety and accessibility. Where feasible, all lighting standards shall be of a pedestrian scale.





Seaside Inn Service Area Guidelines

- Safety and circulation patterns shall be considered in the planning of the service areas.
- Service areas shall be hidden from view, where possible. All service equipment shall be screened from visitors approaching the Inn and from views within the Inn.
- Service areas shall be screened using dense landscape material or architectural elements related to the Inn's overall structure.
- Service areas shall incorporate subdued lighting, if necessary, to minimize visual impacts.
- The design of the service areas shall minimize noise that may disturb adjacent uses.



E. Design of the PCH/Visitor Recreation Commercial

The PCH/Visitor Recreation Commercial center will provide services and goods to neighborhood residents and general visitors. Situated on Pacific Coast Highway, the center serves as an entry statement to the project and as a gateway into the City Town Center.

The design of the center shall communicate the overall HDCP architectural intent. The center shall incorporate, where feasible, public outdoor space in the form of plazas, courtyards, or informal gathering places. The landscaping design shall be consistent with the HDCP intent as well as responsive to the adjacent Town Center. This may result in a more formal landscape design than otherwise found within the HDCP.



PCH/Visitor Recreation Commercial Architectural Guidelines

- Building massing shall respond to the adjacent Town Center, and serve as a HDCP landmark.
- Building envelope shall maintain the continuity of the street edge by placing the building on or near the streetfront property line.
- Pedestrian open spaces (courtyards, plazas, patios, or covered walkways) shall be provided.
- Active building frontage, such as shops, cafes, and sidewalk displays, with large window openings are encouraged for both stories.
- The architectural style shall relate to those found in the City, and surrounding coastal communities.
- Roof forms should be simple and consistent with the architectural style of the building.
- Street facing entrances shall provide pedestrian access.
- All architectural detailing must be historically related to the chosen architectural style.
- Relationships between interior and exterior spaces are encouraged through use of balconies and arcades.
- 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.



PCH/Visitor Recreation Commercial
Material and Color Guidelines

- The materials and color selection shall be historically related to the architectural style.

- 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.

- Scale of materials will differentiate the center from surrounding structures.

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

- Materials shall communicate a level of quality through the use of appropriate detailing.







PCH/Visitor Recreation Commercial Parking Guidelines

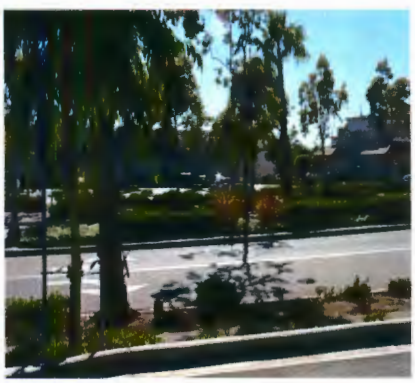
- Parking will be designed, where feasible, to have a minimal visual impact.
- Parking shall be integrated into the site by screening with landscape materials and landforms.
- Directional signage in parking areas shall be consistent with the architectural and landscape style of the commercial center.
- Lighting of parking areas shall be kept to a minimum to maintain safety and accessibility. Where feasible, all lighting standards shall be of a pedestrian scale.



PCH/Visitor Recreation Commercial Service Area Guidelines

- Safety and circulation patterns shall be considered in the planning of the service areas.
- Service areas shall be hidden from view where possible. All service equipment shall be screened from visitors approaching the center and from driving by on Pacific Coast Highway.
- Service areas shall be screened using dense landscape material or architectural elements that relate to the centers overall structure.
- Service areas shall be designed to minimize noise to adjacent uses.





F. Design of the Strand Residential

The Strand residential area consists of a neighborhood of two-story beachfront, custom homes. Each home shall have unobstructed ocean views, and the proximity to the beach will be reflected in the architectural character and building orientation. The beach lifestyle shall permeate this neighborhood. Beach access will be easy and convenient to all residents, as well as to the general public. The site planning shall create opportunities for generous landscaping and outdoor uses as each street is single loaded, developed only on one side. Over thirty percent of the neighborhood consists of common landscaped slopes and open space.

The architectural styles of the Strand will be a diverse, eclectic mix. High quality architecture will be emphasized. Each selected style must be historically correct, architectural elements cannot be a mixture of differing styles. Balconies, patios, and active outdoor areas are encouraged.



The Strand Residential Architectural Guidelines

- The Site design shall reflect a strong relationship between the home and the beach.
- The selected architectural style shall be historically correct and internally consistent.
- Building mass shall incorporate a variety of roof lines, articulated wall planes, and visual interest.
- Within the building envelope, terracing, segmenting or stepping of walls or architectural elements shall minimize the appearance of building mass.
- Incorporation of outdoor living areas such as porches, balconies, patios, and colonnaded porticos is encouraged.
- Locate landscape elements to frame and preserve view corridors.
- Distinct details that relate the homes to the beach are encouraged.
- Front doors, windows, roofs, and exposed posts and beams shall be accented with architectural detailing consistent with the style, scale and proportion of the building.
- All sides of the building shall receive the same level of detailing normally provided to front elevations.
- The rear elevation shall reflect the front elevation in terms of style, detailing and material.





The Strand Residential
Material and Color Guidelines

- The materials and color selection shall be appropriate to the architectural style.
- Roof design, color and texture shall be consistent with the architectural style.
- Materials such as stone, wood, cement, plaster, brick, and stucco are suitable as primary wall surfaces.
- All materials shall communicate a level of quality. Accent materials may include but are not limited to wood, brick, tile, masonry, and wrought iron or painted metal.
- Accent colors may be applied at window and door surrounds, windows, wainscot, doors, shutters, and vents. Accent colors shall be utilized as a method of design for individual expression and identity, while being sparingly applied.
- Permitted roof materials include slate, tile, copper and rock. Roof colors may be earth tones. Color variations in a roof piece or plane are allowed, provided a compatible appearance is maintained.







G. Design of the Upper Headlands Residential

The Upper Headlands consists of a neighborhood of one-story custom homes on estate lots overlooking the coastline and the ocean. Similar to the surrounding coastal communities, this neighborhood will step up a series of terraces providing spectacular views for all homes and creating a hillside community when viewed from off-site. The site design purposely created ocean view lots, which enabled additional lands to be designed for parks and open space. . Homes in the Upper Headlands neighborhood shall be situated to maximize views.

The architecture of the Upper Headlands will be a rich eclectic mix of styles as found in neighboring coastal communities. The texture of the different styles will be unified through the application of these design guidelines. Each selected style must be historically and internally consistent. Architectural elements for a single home cannot be a mixture of competing styles. The guidelines establish a high quality of implementation and ensure compatibility of character and massing to the surrounding project areas. Pedestrian activity will be encouraged in the Upper Headlands by providing numerous connections to the public trail network.





Upper Headlands Residential Architectural Guidelines

- All homes shall utilize simple forms and massing, and avoid excessive ornamentation.
- Architectural details will be appropriate to the chosen style of each home.
- Relationships between interior and exterior spaces are encouraged through generous use of porches, balconies, patios, and loggias.
- All sides of the home shall have the same level of architectural definition and detail.
- Roof forms should be simple and relate to the architectural style of each home.
- Garages should be designed to minimize visual impact on the neighborhood's streetscape.
- Landscape structures such as gazebos and trellises shall be consistent with the architectural style of the home.
- Rooms that significantly open into the landscape are encouraged.
- Lighting should be concealed and directed onto or into plant or architectural features.





Upper Headlands Architectural Material and Color Guidelines

- The materials and color selection shall be consistent with the architectural style.
- 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 when used with the appropriate architectural style.
- Simple color schemes with no more than three colors are recommended.
- All materials shall communicate a level of quality and detail that is associated with the neighborhood.







H. Design of Residential Landscape Materials

The following are key guidelines for landscape development within individual residential lots:

- Plants shall be selected from a coordinated residential plant palette specifically developed for the neighborhood. Plants will include native and ornamental species selected primarily for their low water requirements and local adaptability.

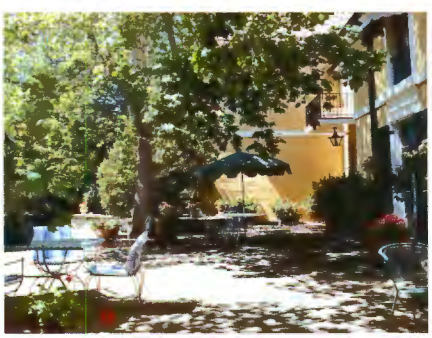
- Slope planting shall consist of drought tolerant planting. Species will be primarily native with subtle green tones and soft pastel colors to blend with the adjacent natural landscaped area. Tree plantings shall consist of low profile canopy trees or vertical trees, located to frame and enhance views.

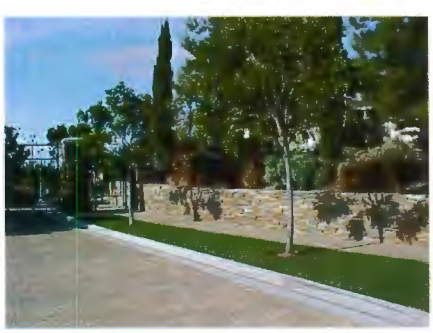
- Private lot plantings shall be located to frame and preserve ocean views while softening buildings and architecture.

- Small garden spaces or courtyards shall be provided at key focal points, such as building entries. Trellises with vines and other landscaping are encouraged for patios and sun decks. Container planting is encouraged in courtyards and patios.

- Exterior colors and materials utilized in patios, pavers, or hardscape shall compliment exterior building colors.





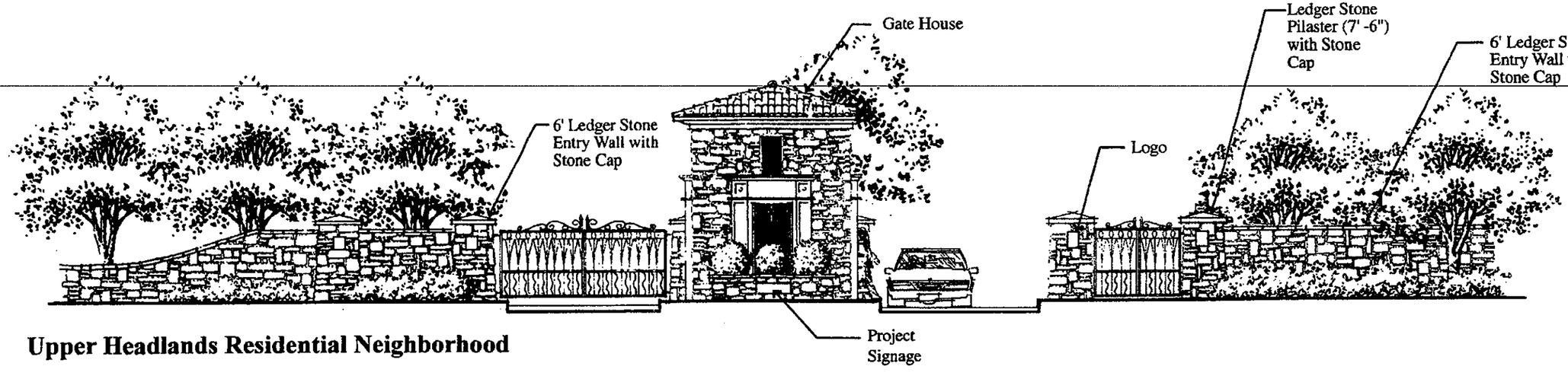


I. Neighborhood Entries and Theme Walls

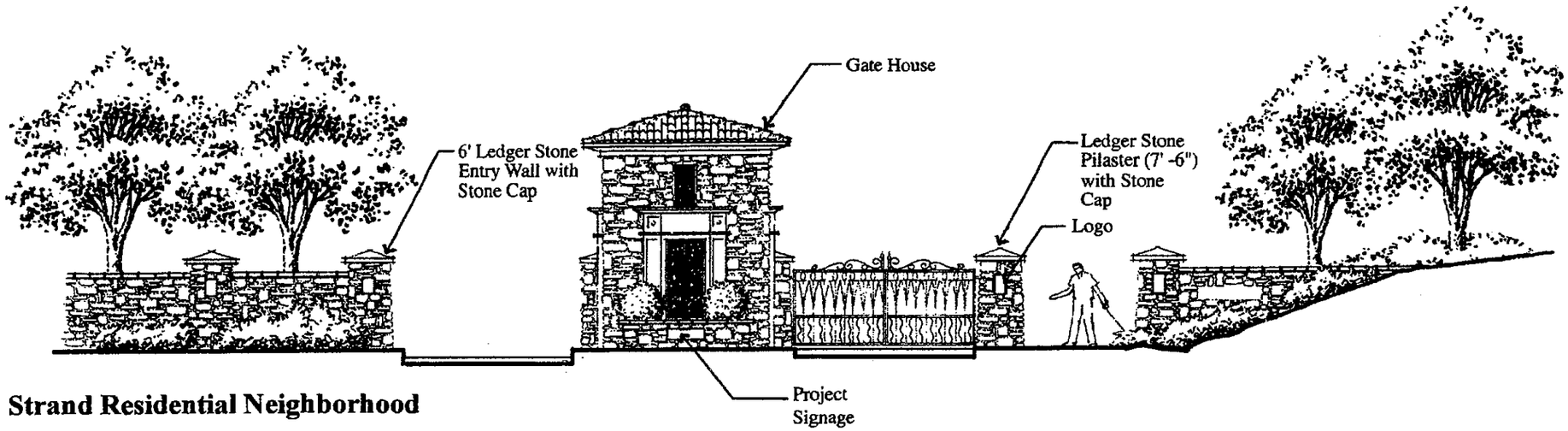
Neighborhood entries are proposed at the vehicular entry points to the two residential neighborhoods, as shown in Figure 4.12.3, Neighborhood Entries. The use of stone and the project logo establishes a strong visual connection with the public project monuments. A gatehouse is proposed in a landscaped median, with a stone project theme wall reinforcing the sense of arrival. Decorative metal gates will be used to restrict vehicular access. Neighborhood signage shall be integrated into the design of the wall.

Special plantings of trees, shrubs and accent color will highlight the entries. Plantings will be carefully located to preserve and enhance coastal views. Enhanced pavement will be used to reinforce the entry experience and identify key pedestrian crossings. Pedestrian entry points for coastal access shall be visually celebrated to welcome visitors through the use of signage, special monuments, plantings and related elements. Further details of the neighborhood entries are shown on Figures 4.12.4, 4.12.4a and 4.12.5.

NEIGHBORHOOD ENTRIES
FIGURE 4.12.3



Upper Headlands Residential Neighborhood

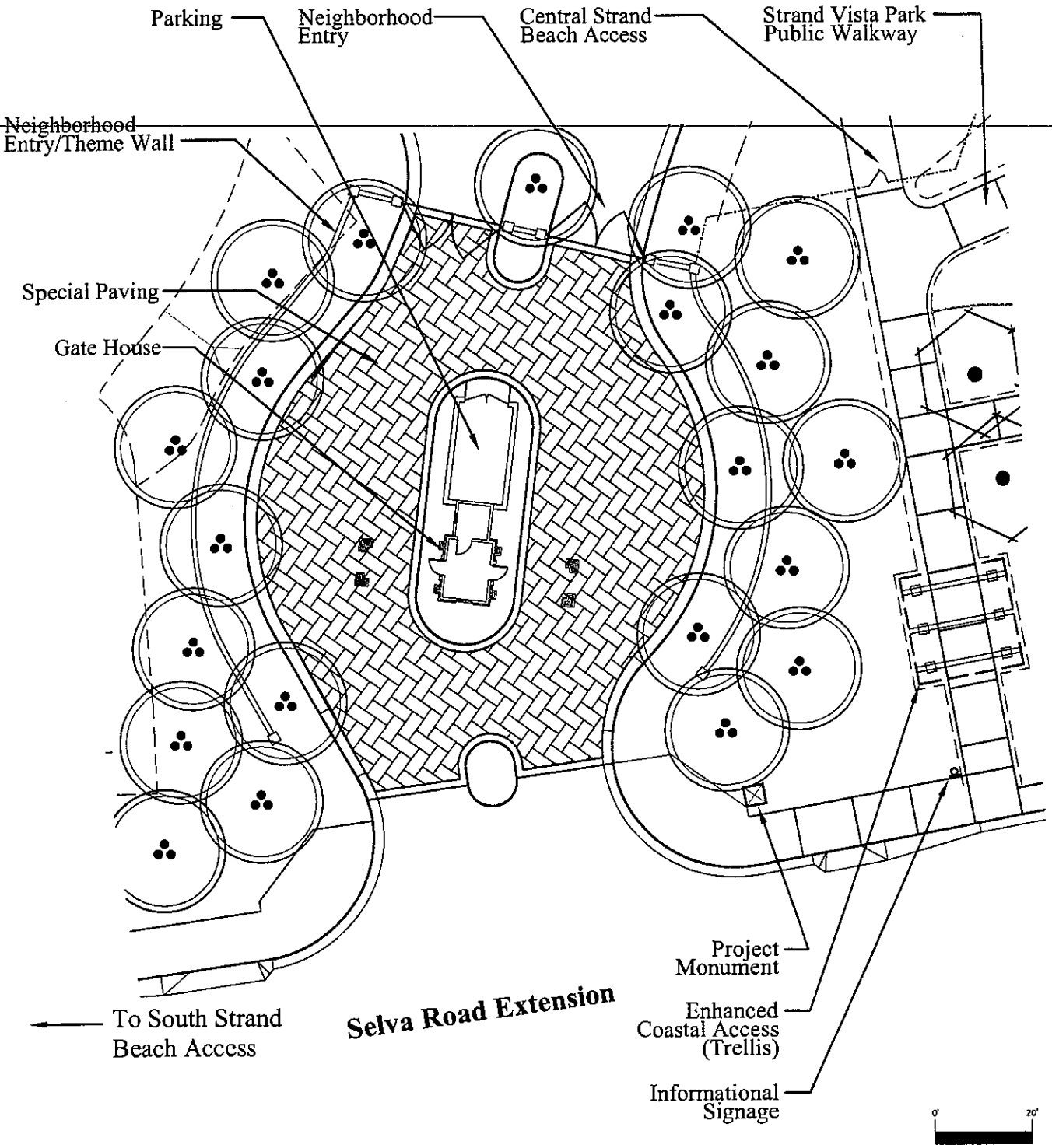


Strand Residential Neighborhood

Note: Drawing is diagramatic in nature and is subject to change based on final engineering, planning and design.

NEIGHBORHOOD ENTRY (STRAND RESIDENTIAL)

FIGURE 4.12.4



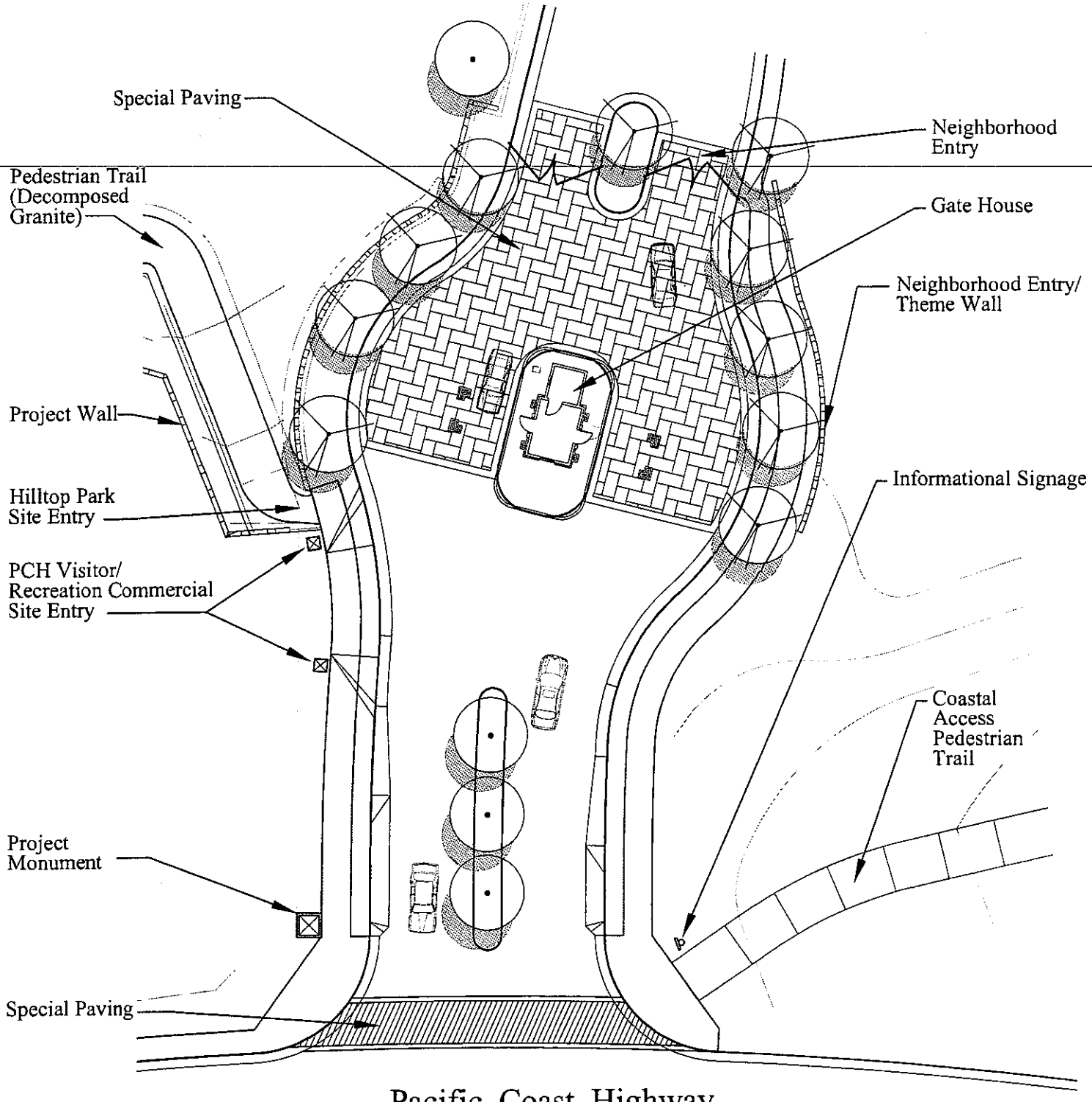
Note: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

ENHANCED COASTAL ACCESS
FIGURE 4.12.4a



THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

NEIGHBORHOOD ENTRY
(UPPER HEADLANDS RESIDENTIAL)
FIGURE 4.12.5



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

J. Walls and Fences

The location and design of walls and fences have been integrated into the planning and design of the HDCP. Figure 4.12.6, Conceptual Wall and Fencing Plan, designates the location of the different project walls and fences. Following are guidelines related to the design of project walls.

- As noted above, a project theme wall, consisting of slump stone with ledger stone pilasters reinforcing the reserved and rustic coastal character of the HDCP will be used at neighborhood and site entries. Stone material and accents, consistent with the public monuments establish a unified design theme throughout the community.

- Rear lot fencing of residential lots will incorporate private view fences. Stone pilasters will be located at the rear lot corners and fence panels shall utilize metal railings or glass.

- Interior privacy walls and/or view fencing will be located on the side of residential lots and shall be compatible with adjacent architecture. Stucco or rock surfaces are preferred material. Side yard property walls shall return to the building.

- Safety view fences will be located along the bluff top trail and other trail segments as necessary to separate pedestrian areas from adjacent steep slopes. Safety view fences shall consist of cast concrete or heavy pressure treated posts with cable safety rails.

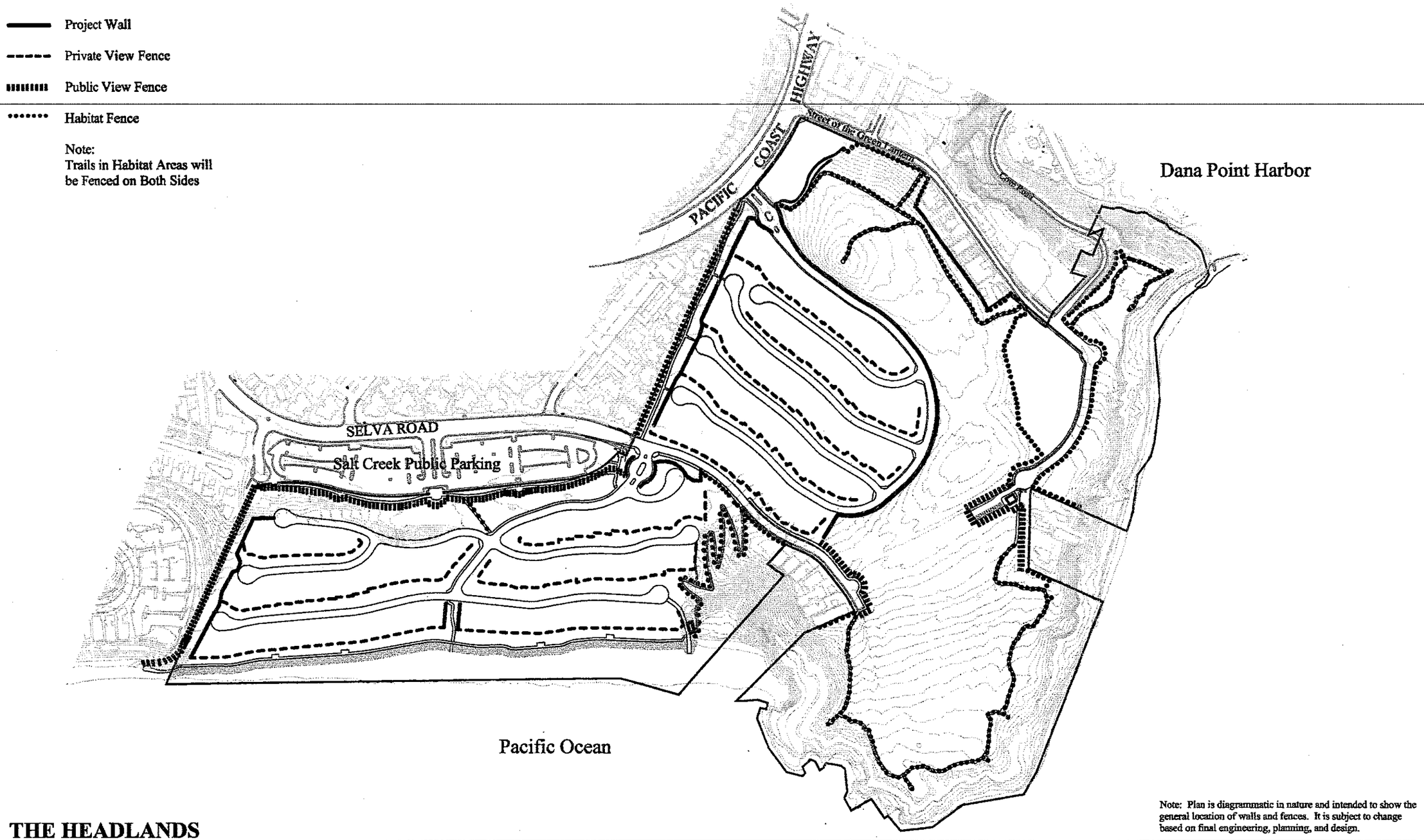
- Public view fences will be located along the western edge of Strand Vista Park and along the south side of the North Strand Beach access.

- Habitat fences will be located along the perimeter of designated environmentally sensitive habitat areas (ESHA) and along both sides of trails that fall within designated ESHA areas to protect sensitive habitat. These fences will be constructed of wood or pre-cast concrete posts and strands of steel cable in a manner that will allow movement of wildlife but be impervious to dogs. Chain-link fencing shall not be used. To minimize the potential for unauthorized entry into the Headlands Conservation Park at night, 6 ft. high view fencing will be utilized at the public parking lot and exposed entry areas to the Conservation Park at the east and west sides.

Figures 4.12.7 through 4.12. 10 illustrate the design parameters for the various project fences.

CONCEPTUAL WALL AND FENCING PLAN

FIGURE 4.12.6



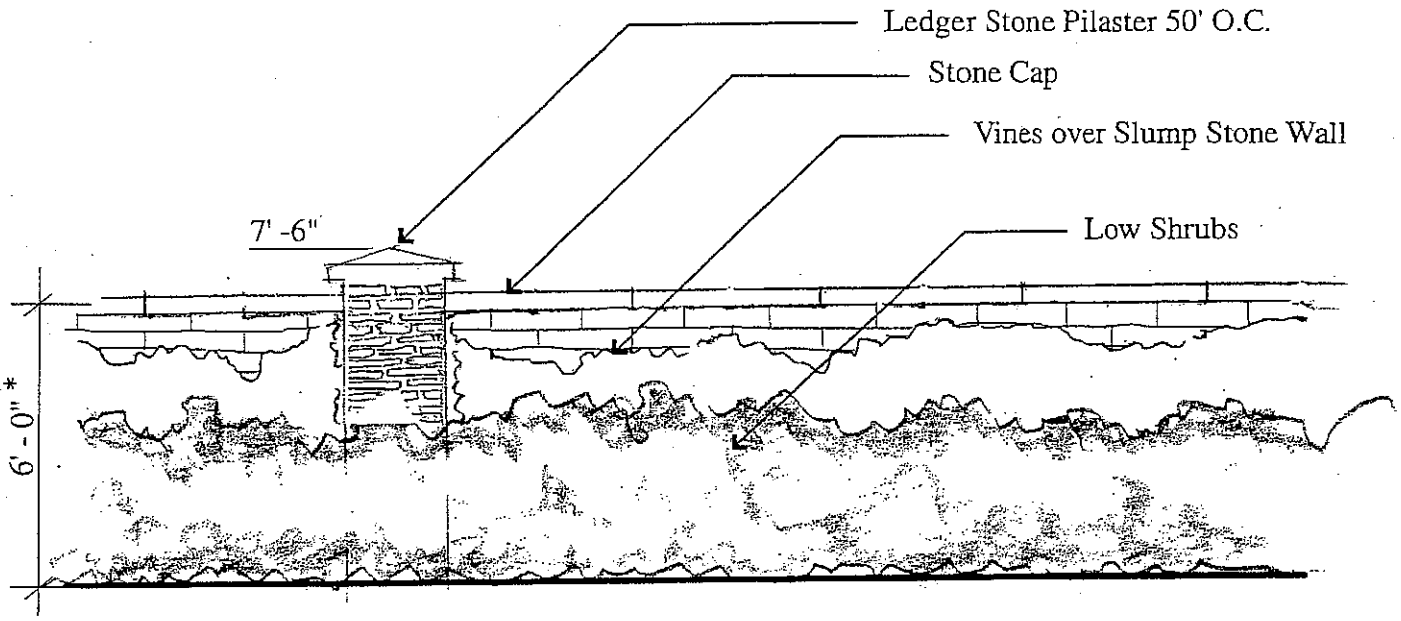
Note: Plan is diagrammatic in nature and intended to show the general location of walls and fences. It is subject to change based on final engineering, planning, and design.

0 100 200 300

NOTA

THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

PROJECT WALL
FIGURE 4.12.7

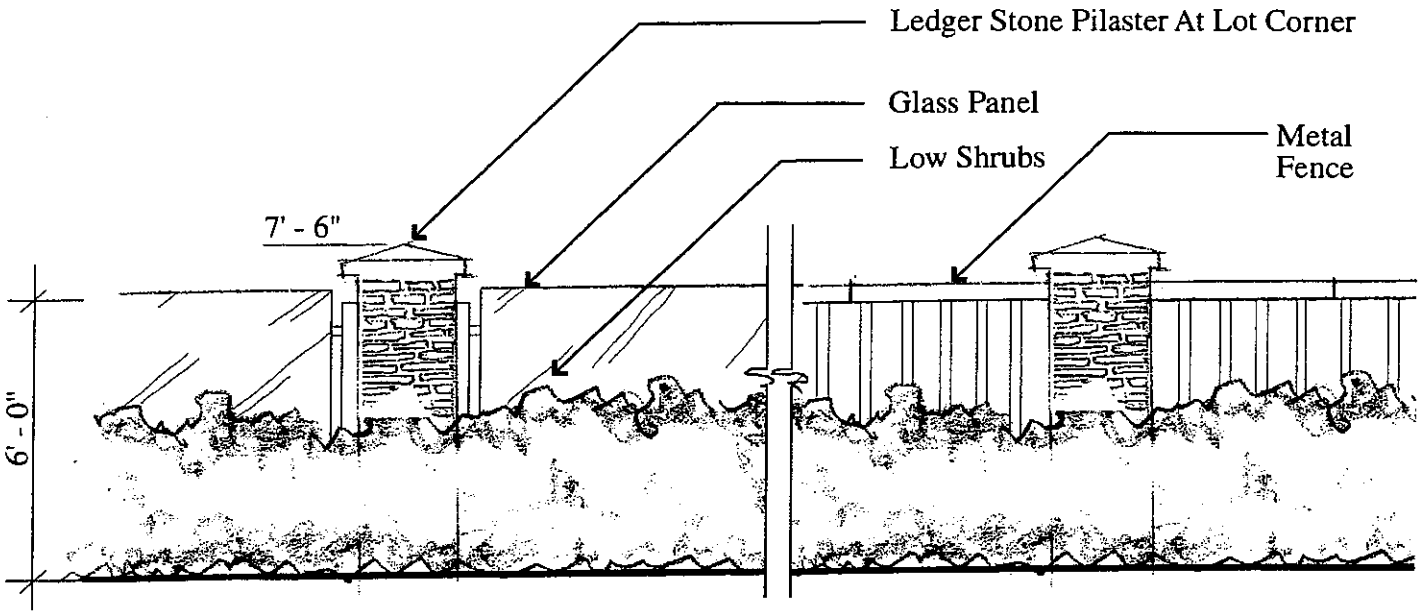


0 1

Note: Drawing is diagramatic in nature and is subject to change based on final engineering, planning and design.

* up to 7' – 0" allowed adjacent to ESHA in Planning Area 6.

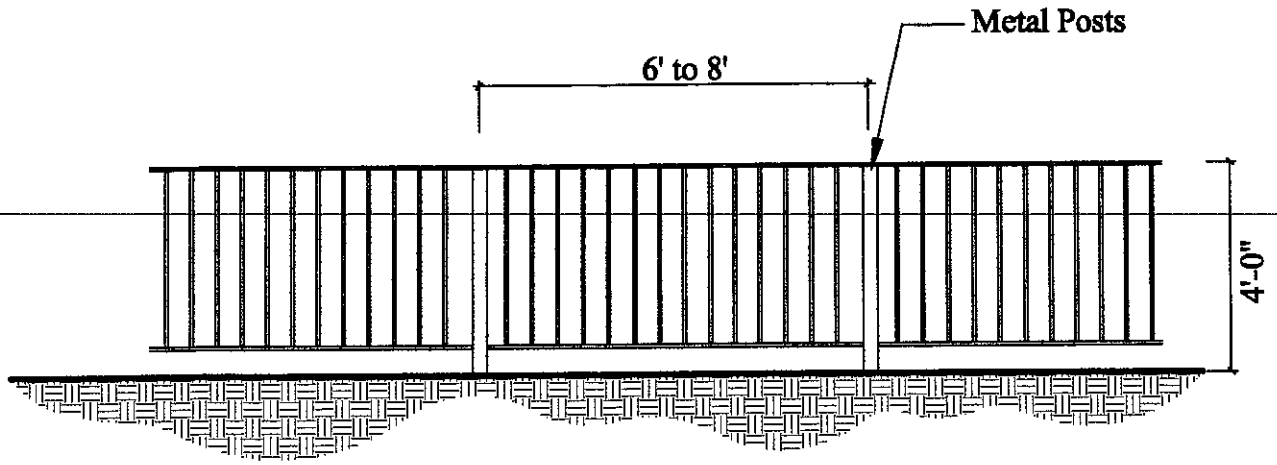
PRIVATE VIEW FENCE
FIGURE 4.12.8

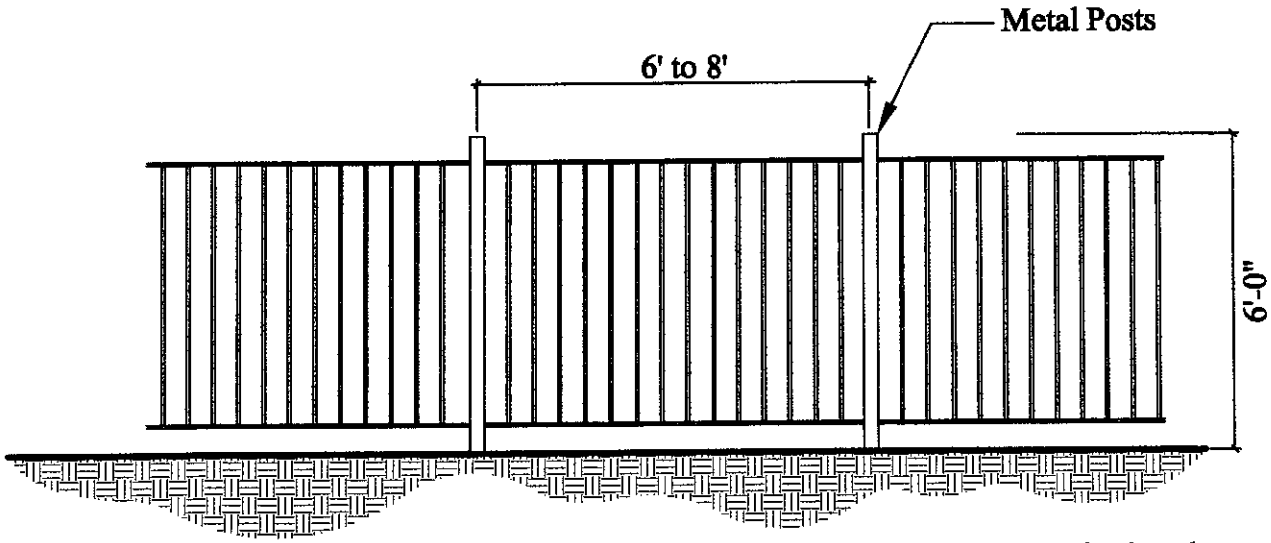


0 1

Note: Drawing is diagramatic in nature and is subject to change based on final engineering, planning and design.

PUBLIC VIEW FENCE
FIGURE 4.12.9



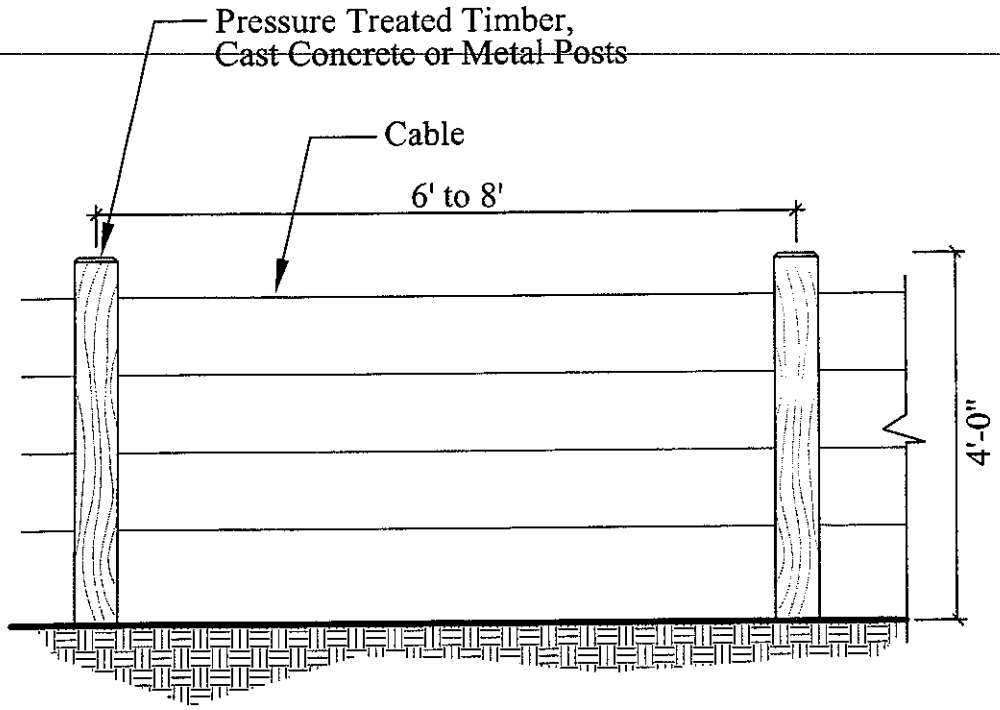


To be used where shown at the north project boundary, at the Nature Interpretive Center parking and at the Headlands Conservation Park entries

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

HABITAT / SAFETY VIEW FENCE

FIGURE 4.12.10

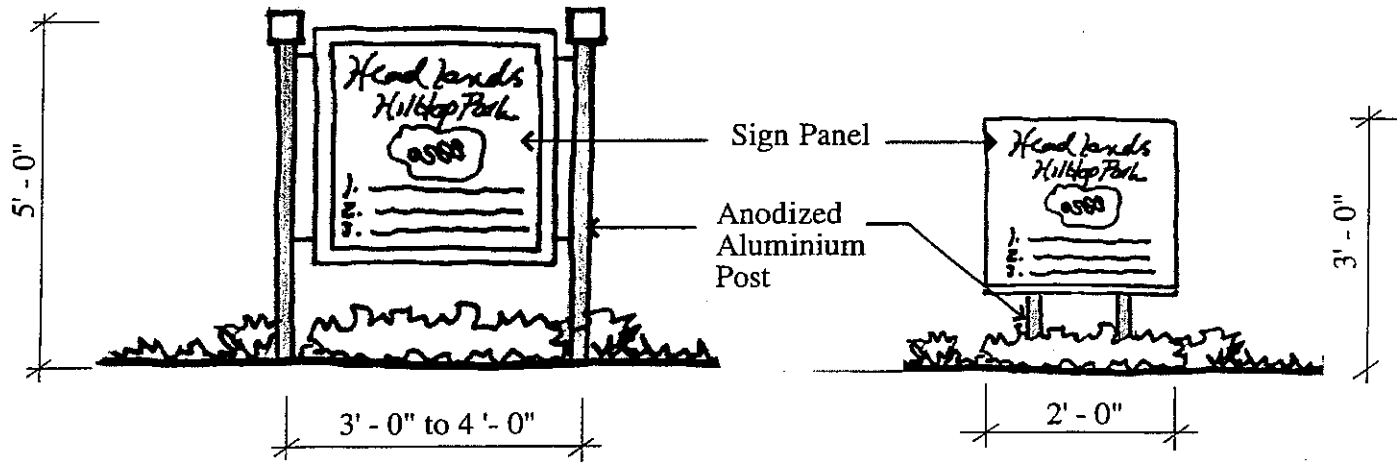


Note: Plan is diagrammatic in nature and intended to show the general location of land uses. It is subject to change based on final engineering, planning, and design.

K. Interpretive / Informational Signage:

Located at key areas throughout the HDCP, and particularly within the public trails, parks, and open space, is the Interpretive/Informational signage program. Signage shall provide information regarding coastal access and information concerning natural resources, and items of historic and educational interest. Figure 4.12.11, Interpretive/Informational Signage illustrates the two signs.

INTERPRETIVE / INFORMATIONAL SIGNAGE
FIGURE 4.12.11



0 1

Note: Plan is diagramatic in nature and is subject to change based on final engineering, planning and design.

4.13 COASTAL RESOURCES MANAGEMENT PROGRAM

The City General Plan and the California Coastal Act provide policies that recognize the importance of conserving environmental, scenic and visual resources along the coast. In addition to areas suitable for development, the Headlands includes unique landforms, natural habitats and scenic resources. The HDCP establishes a comprehensive Coastal Resources Management Program (Management Program) to conserve and manage the diverse resources that exist on site.

The Management Program provides for the management and protection of parks and natural open space areas, marine resources, coastal access and unique landforms. Specific policies have been established to manage their safety and conservation. The policies function as requirements and standards for future development. Additionally, the Management Program contains a construction monitoring and a post-construction monitoring program to ensure the successful implementation of the HDCP coastal resource policies.

A. Parks and Open Space Guidelines

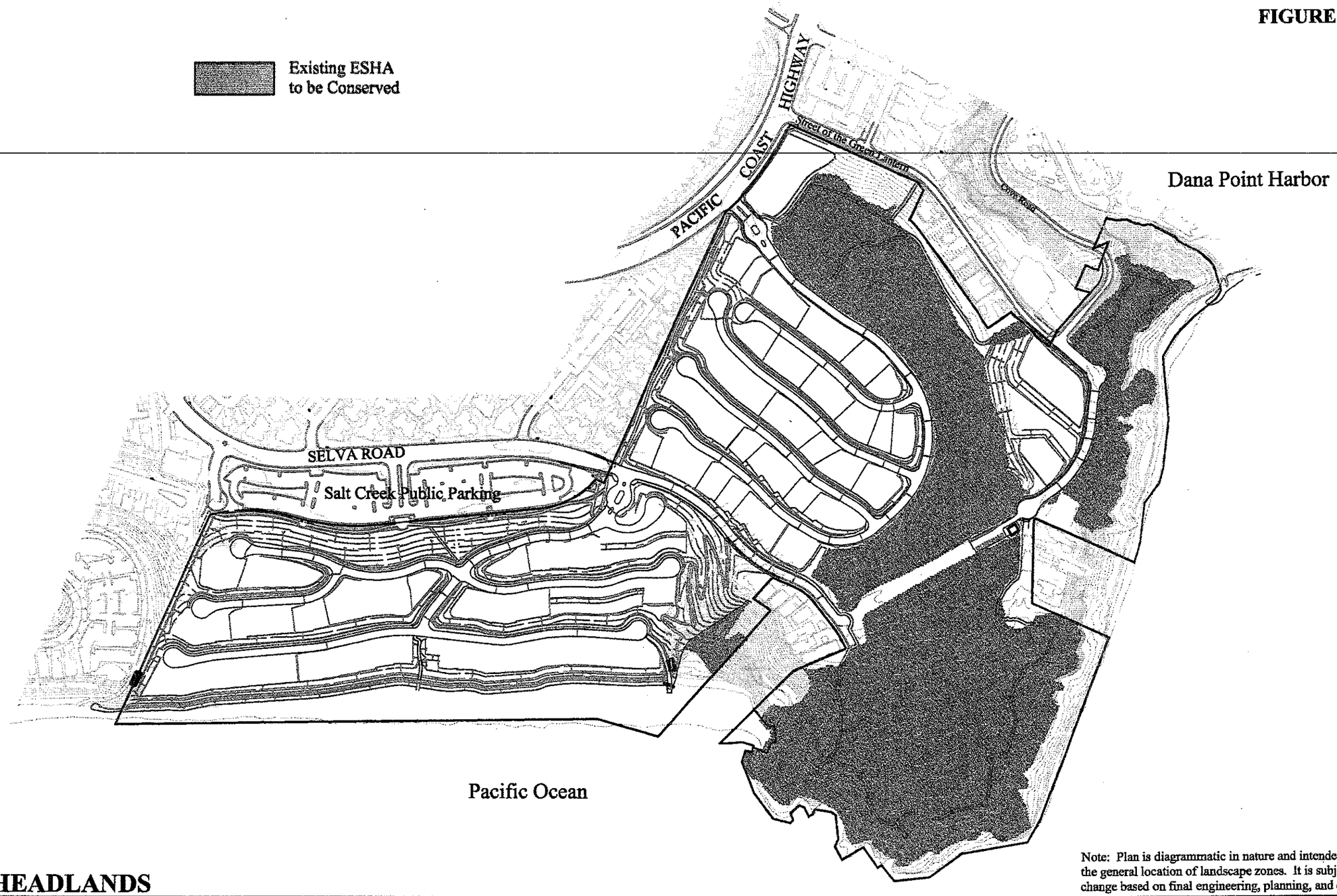
The Parks and Open Space Management Plan set forth in Section 4.14, provides guidelines for the avoidance and minimization of impacts to, and protection of, the designated parks and natural open space on the Headlands. These Guidelines will also ensure the protection of coastal access, unique landforms and scenic qualities of the parks and open space. The overall goal of the program is to provide for the short and long-term preservation of natural resources within the parks and open space areas while addressing appropriate public recreational use and enjoyment of the Headlands area on an ongoing basis. Specifically this will include the following:

- **Impact Avoidance:** The Project design has located development within areas identified as having lower natural and scenic resource value and has designated areas of higher natural and scenic resource value as public open space. Open space will consist of areas set aside for public recreation and conservation open space areas where public use is limited or restricted. In addition, park and open space areas will be deed restricted through recorded covenants to prohibit any opportunity for future development and to conserve biological values.

- **Impact Minimization/Resource Protection:** Existing ESHA, designated for conservation and the mitigation areas will be protected and enhanced through impact minimization and implementation of protection guidelines during both project construction and the long-term management of public open space areas. A Habitat Management and Monitoring Plan shall be prepared for the preservation and mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Executive Director of the Coastal Commission. The Habitat Management and Monitoring Plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the preservation and mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval for a minimum of 5 years following completion of habitat mitigation efforts. Figure 4.13.1, Existing ESHA to be Conserved, identifies sensitive

EXISTING ESHA TO BE CONSERVED

FIGURE 4.13.1



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

0 100 200 300

habitat that shall be protected and enhanced through the Coastal Resources Management Program and subsequent Habitat Management and Monitoring Plan.

1. Responsibilities

For existing ESHA designated for conservation and the mitigation areas other than the Headlands Conservation Park, during the grading and infrastructure construction phase of the Project, as well as during the first year of the minimum five-year post-construction period following completion of the parks and public open space, the Developer will be responsible for retaining a Monitor and other needed technical experts (i.e. biologist, landscape architect, landscape contractors, etc.) required to implement the open space management guidelines in the Management Program. For purposes of this Section, "completion" shall be the point in time when a park or public open space is made available for use by the public. For the remainder of the minimum five-year post-construction period and thereafter if performance criteria are not met or if desired by the City, the City is responsible for retaining the Monitor and other technical experts. For the Headlands Conservation Park, a non-profit trust/conservation entity will be established to implement the long-term resource protection guidelines pursuant to the requirements of the Natural Communities Conservation Plan and Habitat Conservation Plan Implementation Agreement and the Dana Point Local Coastal Program in cooperation with the U.S. Fish & Wildlife Service and California Department of Fish and Game. The non-profit will retain an experienced natural resource manager and a non-wasting endowment will be established for the perpetual maintenance of the Conservation Park. Similarly, a non-wasting endowment for the sensitive habitat areas other than the Headlands Conservation Park will also be established. The endowments are to be established and funded as follows: 1) A non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will not be owned by the City or other public agency; and 2) $2 million shall be used to initially establish a City controlled non-wasting endowment sufficient to maintain the biological values of the open space areas within the Headlands that will be owned and/or maintained by the City. The final amount of the endowments shall be identified and documented by a public agency or non-profit entity (e.g. Center for Natural Lands Management) experienced in the estimation of costs for open space management.

The Monitor implementing the management guidelines within both the park areas and natural open space areas shall have experience in biotic resource management and long-term open space management programs and restoration program implementation. For efficiency and consistency, the manager of the Headlands Conservation Park and the Monitor can be the same entity, although each must be funded separately. The Monitor will be responsible for:

- Coordinating with the City, the Developer and technical experts during initial construction activities of the parks and trails and the maintenance period for the landscaping and during post-construction monitoring;

- Identifying resource management issues as they arise during the construction maintenance period and post-construction period and providing appropriate remedial measure recommendations;

- Performing and overseeing periodic monitoring of maintenance activities within the parks and open space including the fuel modification areas;

- Providing periodic monitoring reports that summarize current activities and site conditions;

- Monitoring habitat restoration installation and growth performance.

B. Management Guidelines During Construction

The critical period for maintaining the high quality and value of existing open space resources is just prior to and during project construction. The timely implementation of the guidelines listed herein will minimize impacts to the protected resources and facilitate the long-term preservation of their value within the open space areas.

As identified above, the Monitor, the City, and the Developer will meet prior to and during construction to discuss the required resource protection measures and to identify resource protection/construction conflicts and the appropriate resolution of those conflicts. The Monitor will be responsible for monitoring construction activities to facilitate the ongoing protection of biotic resources. The following protective measures will be implemented and maintained throughout project grading and infrastructure construction.

- **Protective Fencing:** Fencing will be used to protect and delineate all protected natural open space areas adjacent to construction areas.

- **Construction Storage and Access:** Except for the purpose of constructing the proposed open space trails, amenities and required improvements, equipment storage, parking, and construction access will not be permitted in the fenced open space areas.

- **Erosion Control:** During the rainy season, appropriate erosion control measures (Best Management Practices, "BMPs") will be installed prior to construction within those areas located above natural open space areas to minimize erosion and sedimentation damage to preserved resources. This will include the use of sandbags, silt fencing, hay bales, sediment traps, desiltation basins, or similar devices. All erosion control measures will be maintained throughout construction to ensure that erosion and sedimentation does not occur within the open space areas. Refer to Section 4.7, Conceptual Drainage Plan, for more details of the required BMPs.

- **Dust Control:** Ensure dust does not accumulate on sensitive plants.

2. Coastal Resources Management Program Monitoring Plans

Monitoring and maintenance of the coastal resources within the HDCP area will be necessary to ensure their proper management and conservation. The Developer shall be required to prepare a construction monitoring plan and post-construction monitoring plan to protect and manage coastal resources within the HDCP Area.

A. Construction Monitoring Plan

~~When the application for a coastal development permit is filed, a construction monitoring~~ plan shall be submitted to the City to protect coastal resources adjacent to proposed development areas during construction phases of the project. The construction monitoring plan will identify measures for the protection of resources and monitoring procedures to determine compliance. At a minimum, the construction monitoring plan shall include, but shall not be limited to:

- All construction-related mitigation measures identified in the HDCP EIR
- Erosion control measures and storm water pollution prevention measures
- Best Management Practices
- Location of construction worker parking areas
- Street cleaning practices
- Controls over the disturbance of designated natural open space areas
- Orientation and education program for personnel
- Oil, gasoline, diesel fuel, and other chemical use controls
- Proper disposal of trash and garbage
- Dust Control
- Location of protective fencing
- Construction schedule and staging

A Monitor shall be retained by the Developer to ensure protection of the site's protected natural areas during construction of the project. The Monitor will be responsible for:

- Performing and overseeing periodic monitoring of construction activities as they relate to protection of sensitive habitat areas during grading, site improvements and landscaping for the proposed parks and open space.

- Provide periodic monitoring reports that summarize construction activities and site conditions.

To ensure protection of the site's designated natural open space areas; the following protective measures shall be implemented and maintained during construction:

- Fencing shall be used to protect and delineate all undisturbed natural areas designated for preservation. Fencing will be orange plastic snow fence. Damaged fencing will be repaired and re-installed on an as needed basis throughout project construction.

- The boundaries of protected natural areas shall be visible to construction personnel at all times.

- Erosion control measures shall be installed prior to construction within those areas located above undisturbed natural areas. Sandbags, silt fencing, hay bales, sediment traps, desiltation basins and other similar devices shall be utilized as identified in the project's NPDES plan to control erosion and sedimentation throughout construction.

- Sensitive vegetation adjacent to construction areas will be sprayed periodically with water at the direction of the Monitor to reduce dust accumulation.

Meetings between the Developer, Monitor and the City shall be conducted as necessary prior to and during construction activities to review the required resource protection measures and identify resource protection/construction conflicts and the appropriate resolution of those conflicts.

B. Post-Construction Monitoring Plan

Pursuant to the Management Program, prior to approval of final maps, a minimum five-year post-construction monitoring plan shall be submitted to and approved by the City to monitor the ongoing protection and maintenance of coastal resources. The minimum five-year monitoring plan shall begin after the grading and infrastructure construction activities within all or portions of a Planning Area are substantially completed. For purposes of this Section, with regard to parks and public open space, "completed" shall be the point in time when a park of public open space is made available for use by the public. The results of the minimum five-year monitoring plan shall be compiled annually and submitted to the City for review. The post-construction plan shall include but not be limited to the following components:

- Pollutant sampling surveys of storm water runoff.
- Maintenance schedules for structural Best Management Practices including storm water filtering systems.
- Erosion inspections.
- Long-term maintenance schedule of natural open space areas including maintenance of fuel modification areas.
- Applicable mitigation measures from the HDCP EIR.
- Mechanisms for remedial action, if necessary.

The minimum five-year post-construction monitoring program shall be implemented through the appropriate consultants(s) having expertise in the resource being monitored. The consultant(s) shall prepare monitoring reports on an annual basis for review by the City or as otherwise required by the HDCP EIR.

3. Long-Term Management Guidelines

As described above, portions of the site considered to have a high resource value have been designated as parks and natural open space areas. Except for the Headlands Conservation Park and the Strand Beach Park, the City will provide the long-term management of all of the public parks and trails. The parks and trails are part of the Headlands Coastal Access Plan that provides public access to coastal resources throughout the project site. Management will be pursuant to the Parks and Open Space Management Plan which is incorporated into the HDCP. The Headlands Conservation Park will be managed through an endowment by a private foundation established for its perpetual protection. Strand Beach will be offered for dedication to the County of Orange and if accepted, will be maintained by the County who also owns and maintains the adjoining Salt Creek Beach and park.

4. Ongoing Impact Minimization and Resource Protection Guidelines

Open space resources designated for conservation on the Headlands shall be protected to the extent feasible from ongoing impacts. These potential impacts include:

- Wildlife disturbance and habitat degradation due to human intrusion;
- ~~The deposition of potential sediment and pollutants due to uncontrolled runoff;~~
- The alteration of hydrological regimes due to urban runoff;
- Habitat degradation due to the establishment of invasive ornamental species;
- The potential for degradation resulting from litter.

The following guidelines will minimize these impacts:

- Upon the recordation of the final map covenants restricting parks and open space from future development shall be recorded.
- Define public access and increase public education through signage and visitor information programs;
- Fuel modification activities within ESHA or habitat mitigation areas is prohibited except as necessary to accommodate the development of a 65-90 room inn within Planning Area 9;
- Fuel modification/weed abatement activities may only occur in non-ESHA or non-habitat management areas such as where these activities have traditionally occurred adjacent to the existing residential enclaves (inclusive of the homes on Green Lantern) as well as within the manufactured slope westerly of Planning Area 9, necessary to accommodate the Seaside Inn.
- Prohibit the use of all invasive plant species within the project area;
- Design appropriate storm water conveyance systems that control erosion and sedimentation;
- Provide native vegetation management guidelines;
- Provide an appropriate maintenance program for litter control.

The City will be responsible for implementing these guidelines on an ongoing basis. The Monitor will evaluate and report on the implementation of these guidelines within the trail easement areas and natural open space areas.

4.14 PARKS AND OPEN SPACE MANAGEMENT PLAN

The Parks and Open Space Management Plan together with the subsequently prepared Habitat Management and Monitoring Plan provide for the post-construction management of conserved habitat, parks, greenbelts, coastal access, trails and other open spaces. Specific policies have been established to manage their conservation while providing for the appropriate public use and enjoyment of the Headlands area on an ongoing basis. Long-term resource protection guidelines pursuant to the requirements of the Natural Communities Conservation Plan Implementation Agreement, the Dana Point Local Coastal Program, and the impact minimization measures of the project EIR will be implemented through the Habitat Management and Monitoring Plan. This plan will address both the conserved ESHA as well as the proposed mitigation sites which will be revegetated and enhanced.

The following guidelines establish the long-term protection and management of the project's protected natural areas and the restoration of native habitats.

A. Fire Management

1. Context and Requirements

The Headlands site falls within an urbanized metropolitan area that was largely developed in the 1970s-1980s. Two sides of the property front the Pacific Ocean with no interface to offsite areas of typical fire hazard, such as native chaparral. Although native stands of coastal sage scrub occur onsite, these areas are generally discontinuous given the existing residential enclaves and public streets that occur on or adjacent to the project boundaries. As such, the property is not within a designated high fire severity zone. Other mitigating factors relative to the potential for fire safety issues is the fact that all new homes and other occupied structures in the City of Dana Point are required to be fire sprinkled; the prevailing wind direction for a Santa Ana condition (southeast) would tend to drive any onsite vegetation fire away from the proposed development areas, towards the ocean, and given the surrounding urban development, there is no threat of an offsite approaching vegetation fire. Finally, there are two fire stations within 2.2 miles of the site, the closest being 1.1 miles away.

Given the above considerations and the fact that the resource protection guidelines of the HDCP require minimization of impacts to protected habitat, typical high fire severity zone fuel modification zone setback criteria are not applicable. Rather, an "alternate means and methods" process will occur based on site specific conditions and modeling. Such alternate means and methods criteria may include architectural design features for certain perimeter lots such as 1-hour fire-resistive construction, restrictions on sizes of venting, use of multi-glazed windows, etc., and the use of perimeter walls in fuel interface areas.

All fuel modification activities, such as, but not limited to, trimming of native plants or removal of dead wood, are prohibited within ESHA designated for preservation or areas proposed for habitat restoration and mitigation. Fuel modification/weed abatement activities may occur within the manufactured slope westerly of the Seaside Inn in

Planning Area 9, and in non-ESHA areas such as where such activities have traditionally occurred adjacent to the existing residential enclaves (inclusive of the homes on Green Lantern). However, these areas can not be considered for mitigation credit for biological impacts. In locations where an interface occurs between designated ESHA and fuel modification areas, maps and ground markers shall delineate what areas may be fuel modified and those areas where it is prohibited (i.e., designated ESHA).

2. **~~Landscaped Slopes and Common Areas Outside of ESHA and Habitat~~ Restoration Areas Maintained by the Homeowners Association are Subject to the Following:**

- All irrigated areas shall be maintained on a quarterly basis to ensure proper coverage and that operation of the irrigation system is in good condition as it was originally installed.

- All common area landscaping (exclusive of designated ESHA and mitigation areas) shall be maintained in a manner that meets Orange County Fire Authority (OCFA) guidelines. The landscape areas shall be maintained in a fire safe condition as necessary as directed by OCFA, including the periodic removal and/or thinning of undesirable invasive vegetation; replacement of dead/dying plantings; maintenance of the operational integrity and programming of the irrigation system. Weeds and invasive species shall be removed from the landscape areas on a minimum biannual basis in late spring and early fall as directed by OCFA.

B. Native Vegetation Restoration and Management Guidelines

The following is intended to be a general guideline for native vegetation restoration. More specific guidelines will be developed as part of the preparation of the subsequent restoration/mitigation plan to be completed pursuant to Section 3.5.E.

The guidelines presented herein provide a framework for the restoration and salvage of sensitive resources. The ESHA onsite consists of coastal sage scrub and native grassland species. The plant palette for restoration and revegetation of disturbed and denuded areas, including areas selected for mitigation shall be from Table 4.14.1, Revegetation Plant Palette. Prior to disturbance of any ESHA, detailed restoration/mitigation plans will be developed pursuant to the requirements of Section 3.5.E relating to mitigation for impacts of up to 11.29 acres of ESHA. For the restoration/mitigation plan, native plants and seed stock shall be obtained, to the maximum extent practicable, from seed and vegetative sources on the project site. Information regarding coverage and frequency of plant species will be used to determine appropriate planting density and coverage and used as baseline data for comparison to restoration plant species growth performance in each site. Detailed specifications will address: 1) native vegetation and soils salvaging; 2) site preparation such as weed removal, native materials re-application, and irrigation installation; 3) native species transplantation into the restoration sites (for Blochman's dudleya, as determined by the California Department of Fish & Game, ["CDFG"]); 4) restoration plant species compositions and quantities; 5) seed mix application; 6) container species planting; 7) site specific performance goals; and 8) long-term site maintenance monitoring for a minimum

of five years following mitigation installation. If Blochman's dudleya is determined to be impacted, the Developer will be responsible for developing detailed specifications and for implementing the restoration program for the Blochman's dudleya, per the requirements of the mitigation and monitoring program of the Headlands Final EIR.

TABLE 4.14.1

REVEGETATION PLANT PALETTE

Shrubs

Botanical Name	Common Name
Antirrhinum nuttalinum	Nuttall's Snapdragon
Artemisia californica	Coastal Sagebrush
Atriplex lentiformis "Breweri'	Coastal Quail Bush
Baccharis pilularis	Coyote Brush
Baccharis salicifolia	Mulefat
Camissonia cheiranthifolia 'Suffruticosa'	Beach Evening Primrose
Corton californicus	California Croton
Dichelostemma capitatum 'Wood'	Wild Hyacinth
Dichondra occidetalis	Western Dichondra
Dudleya lanceolata	Coastal Dudleya
Dudleya pulverulenta	Chalk Dudleya
Encelia californica	California Sunflower
Erigonum fasciculatum	Common Buckwheat
Eriophyllum confertiflorum	Golden Yarrow
Euphorbia misera	Cliff Spurge
Gnaphalium californicum	California Everlasting
Isocoma menziesii	Cat's Ear
Isomeris arborea	Bladderpod
Lasthenia californica	Goldfields
Lotus scoparius	Deer Weed
Lupinus bicolor	Lupine
Lycium californicum	Box Thorn
Mirabilis californica	Wishbone Bush
Mimulus aurantiacus	Monkeyflower
Nemophila menziesii	Baby Blue Eyes
Plantago erecta	Dot-seed Plantain
Rhus integrifolia	Lemonadeberry
Ribes speciosum	Fucshia Flowering Currant
Solanum douglasi	Parish's Nightshade

Continued

TABLE 4.14.1

REVEGETATION PLANT PALETTE
(Continued)

Grasses	
Botanical Name	Common Name
Bromus carinatus	California Brome
Nassela lepida	Foothill Needlegrass
Stipa pulchra	Purple Needlegrass
Sisyrinchium bellum	Blue-eyed Grass

Cactus & Succulents	
Botanical Name	Common Name
Opuntia littoralis	Coast Prickly Pear
Opuntia prolifera	Coast Cholla

1. Native Plant Species Salvaging:

Reduction in the size of Planning Area 6 by 6.5 acres from the HDCP approved in 2001, will preserve the ridgeline area, adding it to the Hilltop Park. This will avoid impacts to known sites of Blochman's dudleya. However, should it be determined prior to the final map that impacts to Blochman's dudleya may occur, the following procedure shall be followed:

- **Blochman's Dudleya Transplantation:** Pursuant to the requirements of the Implementation Agreement of the Central/Coastal Orange County Natural Community Conservation Plan (NCCP) and in conjunction with CDFG's identification of a suitable site(s) within the time specified in the NCCP, if disturbed by the project, Blochman's dudleya shall be transplanted from development areas prior to construction initiation for re-use within the appropriate restoration sites. Both previously marked plants (corms), seeds and surrounding topsoil materials will be: 1) stored on-site in bags (if transplantation will occur immediately); or 2) planted in containers by a qualified nursery for a longer storage period (if transplantation will occur within one year). Pursuant to the terms and timing in the NCCP, grading operations shall not be permitted until the Blochman's dudleya are salvaged. Subject to the approval of CDFG and the U.S. Fish and Wildlife Service ("USFWS"), a seed collection and planting program in lieu of translocation of existing individuals may occur.

Regarding Other Native Plant Species:

- **Seed Collection:** Pursuant to the direction of a qualified biologist, seed shall be collected from the coastal sage scrub plants and native grasses onsite in sufficient quantities to provide sufficient seed stock and container stock fro use in the restoration, mitigation and native planting locations onsite. Such seed shall be stored for future use and propagation of container stock.

- **Vegetation Duff and Topsoil:** If feasible, appropriate native vegetation and top soil removed for trail construction and/or grading operations will be retained for re-use within restoration sites during site preparation. Areas with high quantities of weed species will be excluded from salvage operations. The re-use of native vegetative materials and soils will provide a source of site-specific propagates (seeds and root materials), beneficial fungi, nutrients, and beneficial soil organisms. Coastal sage scrub plant species for revegetation/mitigation include those species listed in Table 4.14.1, Revegetation Plant Palette, above.

- **Site Preparation:** Site preparation will consist of weed and invasive species removal, salvage materials application and temporary irrigation installation, where appropriate.

- **Weed Removal:** Weed and ornamental species may become established at the restoration sites prior to planting. Table 4.14.2, Invasive Plant Species, identify particularly troublesome plants that must be removed. Removal methods will include application of suitable herbicides and hand and mechanical removal of above ground vegetation and root material, as appropriate for specific species.

2. Native Plant Species Establishment for Restoration/Revegetation

Native plant species establishment will be accomplished through the use of seed mix application, transplants, if determined to be appropriate and feasible by the restoration biologist, and container planting grown from seed stock collected onsite to supplement the salvaged vegetative materials used within each site. To the extent practicable, planting (container and transplants) and seeding shall be performed during those periods when weather and soil conditions are suitable. In this way seasonal rains can be used to facilitate appropriate establishment and germination. Otherwise irrigation may be utilized for such purposes where it is appropriate.

- **Seed Mix Application:** Appropriate native seed mixes and native duff and soils will be applied. The seed mix will provide a mix of grass and herbaceous species as well as shrub species throughout each site. Application will be performed throughout each site by hand using a hand-held whirly-bird or similar device. All seed materials will be thoroughly raked in following application. The revegetation plant palette, Table 4.14.1, identifies the target native species for revegetation. Further details will be provided in the restoration/mitigation plan.

- **Container Species Planting:** If feasible, container planting will be utilized and will include a variety of shrub species randomly planted in groups throughout the site to provide immediate structural and age diversity for the newly established habitat. Container plant species will be obtained from salvaged materials and/or grown from seed stock collected onsite. The revegetation plant palette, Table 4.14.1, identifies the target native species for revegetation. Further details will be provided in the restoration/mitigation plan.

The following guidelines will be utilized during planting to facilitate successful establishment.

- **Blochman's Dudleya Salvage:** Subject to the requirements of the NCCP and in conjunction with the CDFG's identification of a suitable site(s) within the time specified in the NCCP, salvaged Blochman's dudleya plants and associated topsoils will be transplanted to the appropriate restoration site. Site selection for transplantation will be based on suitable soils, suitable slope aspect, suitable hydrological regimes, and as referenced above an alternative may be a seed collection and planting program as approved by CDFG and

USFWS.

- **Soil Amendments:** In the event of severe/deep soil compaction, appropriate soil amendment (gypsum, sand, etc.) as well as mechanical treatments such as deep ripping; plant hole auguring, etc. will be utilized to provide suitably friable and aerated soil conditions and to facilitate deep root development.

- **Invasive Plant Species:** Removal of the following plant species (and other species as identified by the project biologist, or manager of the habitat areas) will be conducted on an as needed basis within the designated ESHA areas and areas proposed for restoration/mitigation.

TABLE 4.14.2
INVASIVE PLANT SPECIES

Botanical Name	Common Name
Ailanthus altissima	Tree of Heaven
Arundo donax	Giant Reed Grass
Carpobrotus edulis	Hottentot Fig
Chrysanthemum coronarium	Garland Chrysanthemum
Cortaderia selloana	Pampas Grass
Cynara cardunculus	Artichoke Thistle
Cynodon dactylon	Bermuda Grass
Forniculum vulgare	Fennel
Mesembryantheumum ssp.	Iceplant
Myoporum	Myoporum
Nicotiana glauca	Tree Tobacco
Pennisetum setaceum	Fountain Grass
Ricinus communis	Castor Bean
Schinus terebinthifolia	Brazilian Pepper Tree
Senecio mikanioides	German Ivy
Spartium junceum	Spanish Broo
Vinca major	Periwinkle

- Broadleaf species such as mustard, tree tobacco, telegraph plant and other problem weed species shall be controlled, as necessary, using hand removal methods and spot or foliar treatments of appropriate herbicides. The Monitor and project biologist shall coordinate with the maintenance contractor to determine the most effective methods and schedules for removal.

- The use and type of soil amendments in the backfill mix will be based on soils tests performed in appropriate portions of the mitigation site. No nitrogen fertilizers shall be used. Fertilizer-rich soils are not appropriate for the

establishment of coastal sage scrub species, as these soil conditions encourage the establishment of invasive weed species.

- Techniques such as pre- and post watering-in, the proper use and manipulation of backfill materials, the creation of an irrigation basin, the use of top dressings, etc. will be used to create a suitable container planting site.

- **Irrigation:** Where appropriate, irrigation will be provided to the restoration sites to ensure the successful establishment of native plant species. Irrigation will be accomplished in such a way as to encourage deep root growth (periodic deep irrigation versus frequent light irrigation). Periodic maintenance will be required to inspect and repair any problems that may arise in the irrigation system. Remedial measures required to correct irrigation system malfunctions shall be performed by the landscape contractor immediately upon detection.

  Automatic irrigation controllers shall be used and will be adjusted seasonally according to historic weather patterns and water requirements for each specific plant zone. Controllers will have the capacity for manual override to enable landscape maintenance personnel the ability to make informed adjustments to watering schedules based on fluctuations of on-site microclimates and regional rainfall.

  Moisture sensors within slope areas shall be used to monitor soil moisture content and interrupt regularly scheduled watering when sufficient moisture content is available in the soil. Rain gauges will be connected to irrigation controllers to monitor rainfall volume and interrupt watering schedules in response to site-specific rainfall conditions. Rain gauges will be located adjacent to irrigation controllers.

3. Five-Year Maintenance Program

A minimum five-year maintenance program will be implemented to facilitate the successful establishment and restoration of self-sustainable native habitats and plant species. Pursuant to the Coastal Resources Maintenance Program, the City and the Developer will be responsible for implementing the measures listed below during the first five years following installation. If performance criteria for the restoration are not met the monitoring period shall be extended pursuant to the requirements of the subsequent restoration/mitigation plan.

- **Weed Control:** A weed control program should be implemented to minimize the establishment of invasive plant species and facilitate the establishment of a self-sustainable coastal sage scrub habitat.

- **Plant Replacement:** During the minimum five-year maintenance period, widespread plant failure, erosion damage, and/or poor-health shall be compensated for by replanting and /or reseeding using species and quantities

specified by the Monitor. No replanting or reseeding shall occur in any season definitely unfavorable for plant germination and establishment.

- **Pest Control:** Insects, plant disease, and other pests shall be closely monitored during the minimum five-year maintenance period. At the direction of the Monitor, diseased or infected plants shall be immediately disposed of off-site at an appropriate landfill to prevent infection of on-site resources. Where possible, biological controls shall be used instead of pesticides, herbicides, etc. Pesticide use shall be in accordance with local codes and regulations.

- **Project Performance Standards:** Performance goals will be used to measure the successful establishment and restoration of native habitats and plant species within the public open space areas. Performance goals for plant species coverage and survival rate standards listed in Table 4.14.3 shall be based on the comparison to growth patterns measured in pre-existing habitat areas prior to clearing activities. Some habitat areas on-site only have 40% - 60% coverage in their natural condition.

  The Monitor will evaluate compliance and noncompliance with coverage goals listed in Table 4.15.5 and suggest appropriate remedial measures, including an extension of the monitoring period if necessary.

TABLE 4.14.3

PERCENT COVERAGE AND SURVIVAL RATES

Year	Native Plant Species Coverage	Container Species Survival Rates
One	30%	90%
Two	50%	90%
Three	60%	90%
Four	70%	90%
Five	75%	90%

4.15 MARINE RESOURCES MANAGEMENT GUIDELINES

Marine resources associated with the area offshore the project site include several different habitat types that occur within two state marine life refuges. Marine resources in this area encompass habitat within the intertidal and subtidal zones, and include both rocky and sandy bottom habitats. The existing geologic conditions associated with the formation of the Headlands dominate the marine environment. The Headlands were formed by uplift of the coastal range through tectonic activity associated with the San Andreas Fault zone. The Headlands rock escarpment projects into the Pacific Ocean and creates a hard discontinuity along the coast between sand beaches to the north and south. As the rock face weathered and was eroded by waves and wind, boulders and cobbles collected at the base of the bluffs and extended out into the ocean. Prevailing currents flowing from north to south transported sand along Strand Beach where it was intercepted by the Headlands. As the existing pocket beach grew, sand moving off shore in deeper water around the Headlands was deposited in and around the boulders and remnants of the rock face.

Subtidal habitat within the Study Area includes a complex of platform reefs, boulder fields, sand patches, and offshore kelp beds. The nearshore movement of sand creates a mosaic of habitat with large boulders and platform reefs remaining exposed while smaller rocks and cobbles are periodically buried and exposed by the moving sand. The lack of protection from storm waves (due to the extension of the point to the west) results in a very high-energy environment. Storm waves tend to increase turbidity, reduce visibility, and prevent establishment of giant kelp within shallow (less than 20 feet) areas. However, in deeper water (30-60 feet), the reduced storm surge (with resultant decrease in sand movement) and hard bottom provide sufficient areas for kelp establishment and growth. In addition, strong currents (up to 3 knots) sweep through these areas increasing sand transport and turbidity. The combination of high waves, reduced visibility, strong currents, and lack of easy points of access has reduced human impacts within the subtidal zone and allowed the marine resources in this area to remain less impacted than other areas along the coast.

The following measures are intended to provide for the protection and conservation of marine resources adjacent to the Headlands Project. The intent of these measures is to encourage a comprehensive approach for marine resource preservation and to minimize and mitigate potential construction related impacts, operational impacts and increased public usage impacts that may be associated with implementation of the Project.

- Prior to issuance of grading permits, the Developer and/or Landowner shall prepare and submit a Water Quality Management Plan to the Director of Public Works for approval. The plan shall show compliance with the State Water Resources Control Boards General Construction Activity Storm Water Pollution Prevention Plan.

- All drainage facilities and erosion control measures within the Project shall be designed and constructed to protect coastal/marine resources in accordance with the Orange County flood Control District Design Manual and the City of Dana Point Grading Code. All proposed drainage facilities and erosion control measures shall be approved by the Director of Public Works.

- Concurrent with the submittal of any Tentative Tract Map, Parcel Map or Site Development Permit, a plan of Best Management Practices (BMPs) including structural and nonstructural controls for the drainage area under consideration shall be submitted to and approved by the Director of Public Works. The BMP plan shall identify the structural and nonstructural measures and the assessment of long-term maintenance responsibilities and shall reference the location of structural BMPs.

- Prior to approval of the first final map, the Developer shall prepare and submit a community awareness program to the Director of Community Development for approval. The program shall inform buyers of the impacts of dumping potentially harmful chemicals into storm drainage facilities.

- Urban runoff from the Specific Plan Area shall comply with all existing and applicable Federal, State, and local water quality laws and regulations.

- Prior to approval of any final maps, the Developer shall prepare a construction monitoring plan to monitor and protect marine resources during periods of construction. The construction monitoring plan shall be approved by the Director of Community Development.

- A signage program shall be prepared and coordinated with the California Department of Fish and Game and County of Orange, and implemented by the Developer and/or Landowner near rocky intertidal areas to inform the public that it is illegal to remove marine resources.

- A qualified Monitor shall be retained by the Developer to monitor near shoreline construction activities to ensure impacts to marine resources are minimized.

- All mitigation measures in the Headlands EIR providing for the conservation of marine resources shall be implemented.

- As part of the Coastal Resources Management Program, water quality testing will be performed during the three-year post-construction monitoring period. In the event water quality levels are reported below acceptable standards, the Developer/Landowner and/or Home Owners Association will be required to provide additional structural and non-structural Best Management Practices.

4.16 MASTER LANDSCAPE AND IRRIGATION GUIDELINES

The HDCP master landscape guidelines establish project-wide criteria that aesthetically complement the coastal setting. The primary goals are to maximize coastal views, maintain appropriate scale, utilize native and drought tolerant plant materials, and create pedestrian friendly environments. These landscape guidelines complement and work in conjunction with those found in Section 4.12, Design Guidelines.

The HDCP landscape improvements establish a cohesive visual image and provide appropriate transitions from natural areas primarily located in the parks, greenbelts and open space, to the more formalized landscaping within the development envelopes. Figure 4.16.1, Landscape Zone Master Plan, illustrates the primary landscape zones.

The Revegetation Palette, as identified in Table 4.14.1, includes coastal sage scrub and grassland species which will expand and enhance the conserved open space and ESHA, that enhance public views, conserve water, and avoid invasive plant materials. Restoration/mitigation activities shall follow the guidelines outlined in Section 4.14, Parks and Open Space Management Plan, which also include details concerning landscaping in native, indigenous or fuel modification areas.

The Native Landscape Plant Palette, Table 4.16.1, includes a broader range of Orange County coastal native plants, including site specific or nearby chaparral, woodland, coastal sage scrub, and native grassland species. This species list was developed following consultation with biologists, including the California Native Plant Society. The Native Landscaping Plant Palette is required for all areas of the site, with the exclusion of the ESHA and restoration/mitigation areas which are covered by the Revegetation Plant Palette, Table 4.14.1, and the private residential lots in Planning Areas 2 and 6, 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 Home Owners Association ("HOA") maintained common areas and slopes (residential plan areas only) and the PCH Commercial and Seaside Inn, Planning Areas 4 and 9, respectively. The private residential lots in Planning Areas 2 and 6, 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 PCH Commercial and Seaside Inn, Planning Areas 4 and 9 respectively, may utilize any species shown on Table 4.16.2, Drought Tolerant, Non-Invasive Landscape Palette, plus all species identified in Table 4.16.1.

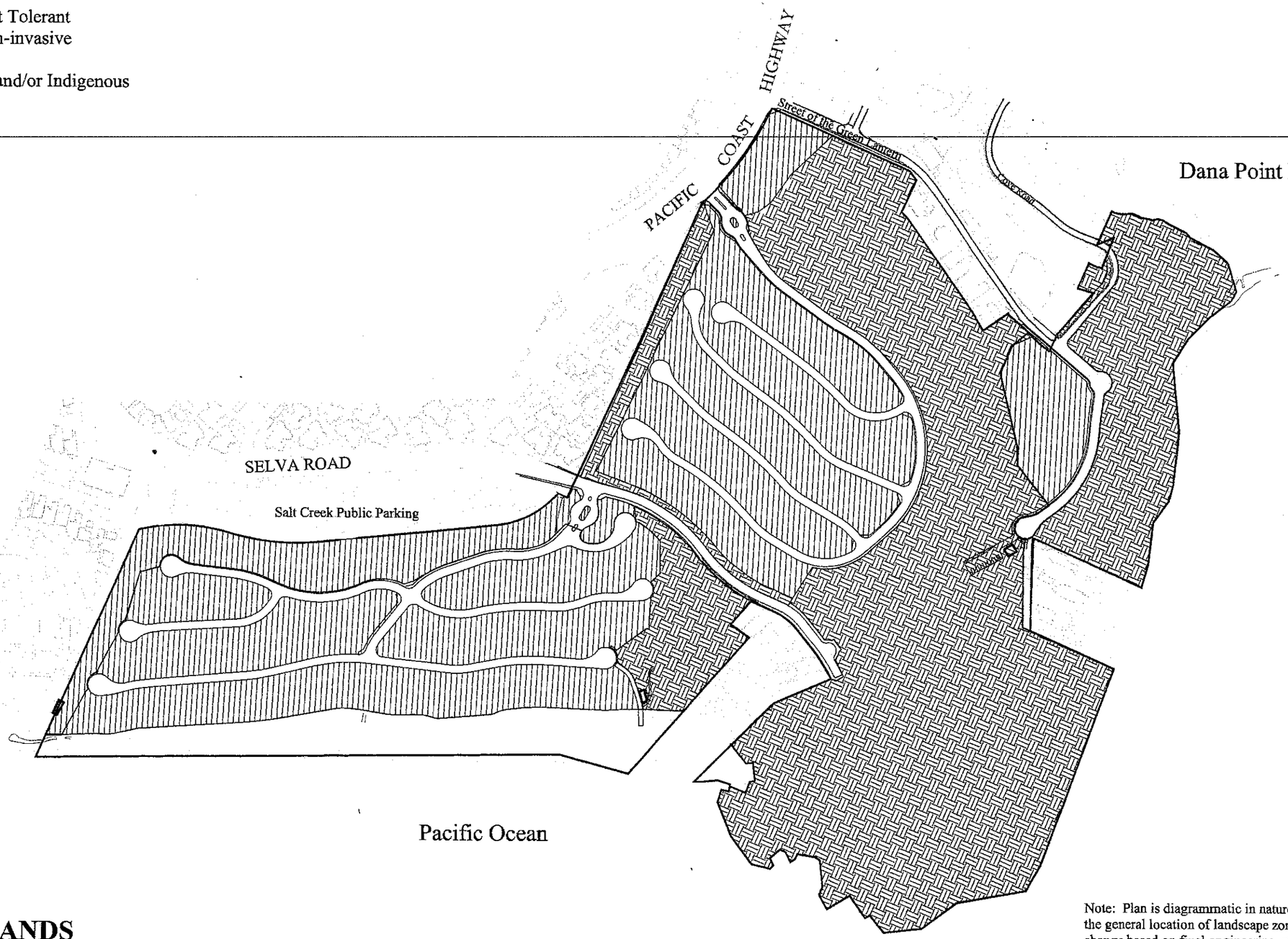
Utilizing vertical landscape elements such as trees to frame views shall enhance significant public coastal view opportunities. Private homeowners and the commercial development in Planning Areas 4 and 9 are encouraged to utilize plant species from Table 4.16.2. However, landscaping for residential lots 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 and HOA maintained common areas and slopes (residential plan areas only) shall be established at the Site Development Permit approval, and may vary from the list provided any plant utilized is both non-invasive and drought tolerant. In addition to the City approved Site Development Permit, in conjunction with the final maps, an architectural review board and conditions, covenants, and restrictions (CC&Rs) shall be established for the residential

neighborhoods and address landscape guidelines. All landscape guidelines shall restrict materials to ensure public views from public areas are maintained permanently. Furthermore, all landscape guidelines shall mandate the use of native plants appropriate to the habitat type throughout the Headlands, excepting 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, HOA maintained common areas and slopes (residential plan areas only) and within Planning Areas 4 and 9 where use of native plants shall be encouraged but where non-native, non-invasive, drought tolerant plants may be utilized. The South Strand Vista Park area designated for habitat revegetation will utilize the native species plant palette identified in Table 4.14.1, Revegetation Plant Palette.

LANDSCAPE ZONE MASTER PLAN
FIGURE 4.16.1

Drought Tolerant
and Non-invasive

Native and/or Indigenous



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

0 100 200 300

TABLE 4.16.1

NATIVE LANDSCAPE PLANT PALETTE

Trees	
Botanical Name	Common Name
Acer macrophyllum	Big Leaf Maple
Alnus rhombifolia	White Alder
Fraxinus velutuna	Chaparral Flowering Ash
Platanus racemosa	California sycamore
Populus fremontii	Western cottonwood
Prunus ilicifolia ssp. Ilicifolia	Hollyleaf Cherry
Quercus agrifolia	Coast Live Oak
Quercus engelmannii	Engelmann Oak
Salix gooddingii	Black Willow
Salix laevigata	Red Willow

Shrubs	
Botanical Name	Common Name
Achillea millefolium 'Californica'	Yarrow
Ambrosia chamissonis	Beach Burweed
Arbutus menziesii	Pacific Madrone
Arctostaphylos glandulosa spp. Glandulosa	Eastwood Manzanita
Arctostaphylos glauca	Bigberry Manzanita
Artemesia californica	Coastal Sagebrush
Atriplex californica	California Saltbush
Atriplex canescens	Saltbush
Baccharis pilularis	Coyote Brush
Baccharis salicifolia	Mule-Fat
Brickellia californica	California Brickellbush
Coreopsis gigantea	Giant Coreopsis
Encelia californica	Bush Sunflower
Epilobium canum ssp. canum	California Fucshia
Erigonum cinereum	Ashy Leaf Buckwheat
Erigonum fasiculatum	California Buckwheat
Eriogonum parvifolium	Bluff Buckwheat
Eriophyllum confertiflorum var. confertuflorum	Golden Yarrow
Eschscholzia californica	California Poppy
Helianthemum scoparium	Yellow Rock-Rose
Helianthus gracilentus	Slender Sunflower
Heliotropium curassavicum	Salt Heliotrope
Heteromeles arbutifolia	Toyon
Isocoma menziesii var. vernonioides	Coastal Goldenbush
Isomeris arborea	Bladderpod

TABLE 4.16.1

NATIVE LANDSCAPE PLANT PALETTE
(Continued)

Shrubs (Continued)

Botanical Name	Common Name
Lasthenia californica	Goldfields
Layia platyglossa	Tidy Tips
Lepidospartum squamatum	Scale-Broom
Limonium californicum	Coastal Statice
Lotus scoparius	Deer Weed
Lupinus albifrons	Silver Lupine
Lupinus excubitus	Guard Lupine
Lycium brevipes	No Common Name
Lycium californicum	California Boxthorn
Malacothamnus densiflorus	Many-Flower Bushmallow
Malacothamnus fasciculatus	Coastal Bushmallow
Malosma laurina	Laurel Sumac
Mimulus aurantiacus	Bush Monkeyflower
Mimulus cardinalis	Scarlet Monkeyflower
Oenothera californica	California Evening Primrose
Oenothera elata ssp. Hookeri	Marsh Evening Primrose
Penstemon centranthifolius	Scarlet Burger
Penstemon heterophyllus var. australis	Foothill Penstemon
Penstemon spectabilis	Scarlet Burger
Phacelia imbricatta	Northern Imbricate Phacela
Phacelia ramosissima	Beach Phacelia
Phacelia tanacetifolia	Tansy Phacelia
Pluchea odorata	Fragrant Marsh Fleabane
Prunus ilicifolia ssp. Lyonii	Catalina Cherry
Quercus dumosa	Coast Scrub Oak
Ranunculus californicus	California Buttercup
Rhamnus californica	California Coffeeberry
Rhamnus ilicifolia	Holly-Leaf Redberry
Rhus integrifolia	Lemonadeberry
Ribes speciosum	Fucshia Flowering Currant
Romneya coulteri	Coulter's Matilja Poppy
Rosa californica	California Wild Rose
Salix exigua	Narrow-Leaf Willow
Salvia apiana	White Sage
Salvia leucophylla	Purple Sage
Salvia mellifera	Black Sage
Sisyrinchium bellum	Blue-eyed Grass
Solidago californica	California Goldenrod
Trichostema lanatum	Wooly Blue Curls

TABLE 4.16.1

NATIVE LANDSCAPE PLANT PALETTE
(Continued)

Shrubs (Continued)	
Botanical Name	Common Name
Umbellularia californica	California Bay Laurel
Verbena lasiostachys	Western Vervain

Ferns	
Botanical Name	Common Name
Dryopteris arguta	Coastal Wood Fern
Pellaea andromedifolia	Coffee Fern
Woodwardia fimbriata	Giant Chain Fern

Grasses	
Botanical Name	Common Name
Carex praegracilis	Clustered Field Sedge
Carex triqueta	Triangular Fruit Sedge
Elymus glaucus	Blue Wild Rye
Juncus acutus	Spiny rush
Juncus patens	Spreading Rush
Melica imperfecta	Coast Range Melic
Muhlenbergia rigens	California Deergrass
Plantago elongata	California Alkali Plantain
Plantago erecta	California Plantain
Scirpus cernuus 'Californicus'	California Club Rush
Stipa lepida	Foothill Needlegrass
Stipa pulchra	Purple Needlegrass

Cactus & Succulents	
Botanical Name	Common Name
Opuntia littoralis	Coast Prickly Pear
Opuntia prolifera	Coast Cholla
Yucca whipplei	Whipple's Yucca

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE

The following native and non-native drought tolerant and non-invasive species are approved for use within each individual residential lot (Planning Areas 2 and 6), 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, and HOA maintained common areas and slopes ~~(residential plan areas only) and within Planning Areas 4 and 9, PCH Commercial and Seaside~~ Inn, respectively. Additional drought tolerant, non-invasive species may be utilized, subject to the review and approval of the SDRC and the Director of Community Development, City of Dana Point.

Trees	
Botanical Name	Common Name
Acacia baileyana	Bailey Acacia
Acacia pendula	Weeping Acacia
Acacia subporosa	River Wattle
Agonis flexuosa	Peppermint Tree
Albizia julibrissin	Persian Silk Tree
Aloe bainesii	No Common Name
Arbutus hybrid 'Marina'	Marina Strawberry Tree
Bauhinia variegata	Purple Orchid Tree
Brachychiton acerifolius 'Majestic Beauty'	Australian Flame Tree
Brachychiton populneus	Bottle Tree
Callistemon viminalis	Weeping Bottlebrush
Chitalpa tashkentensis	Chitalpa
Chorisia speciosa 'Majestic Beauty'	Floss Silk Tree
Cinnamomum camphora	Camphor Tree
Dombeya wallichii	Pink Ball Tree
Dracena draco	Dragon Tree
Dracena marginata	No Common Name
Elaeocarpus decipiens	Japanese Blueberry Tree
Eriobotrya deflexa	Bronze Loquat
Erythrina coralloides	Naked Coral Tree
Erythrina crista-galli	Cockspur Coral Tree
Erythrina humeana	Natal Coral Tree
Feijoa sellowiana	Pineapple Guava
Ficus lyrata	Fiddle Leaf Fig
Ficus nekbudu	Zulu Fig
Ficus rubiginosa	Rustyleaf Fig
Geijera parviflora	Australian Willow
Jacaranda mimosifolia	Jacaranda
Juniperus chinensis 'Torulosa'	Hollywood Juniper
Koelreuteria bipinnata	Chinese Flame Tree
Koelreuteria paniculata	Goldenrain Tree
Lagerstroemia indica 'Natchez'	White Crape Myrtle

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Trees (Continued)

Botanical Name	Common Name
Laurus nobilis 'Saratoga'	Sweet Bay
Lyonothamnus floribundus	Catalina Ironwood
Magnolia grandiflora hybrids	Southern Magnolia
Melaleuca nesophila	Pink Melaleuca
Metrosideros excelsus	New Zealand Christmas Tree
Michelia doltsopa	No Common Name
Pinus canariensis	Canary Island Pine
Pinus eldarica	No Common Name
Pinus halepensis	Aleppo Pine
Pinus pinea	Italian Stone Pine
Pinus torreyana	Torrey Pine
Pittosporum phillyraeoides	Willow Pittosporum
Pittosporum undulatum	Victorian Box
Platanus acerifolia 'Bloodgood'	London Plane Tree
Platanus racemosa	California Sycamore
Podocarpus gracilior	Fern Pine
Quercus ilex	Holly Oak
Quercus virginiana	Southern Live Oak
Rhus lancea	African Sumac
Spathodea campanulata	African Tulip Tree
Stenocarpus sinuatus	Firewheel Tree
Tabebuia chrysotricha	Golden Trumpet Tree
Tabebuia impetiginosa	Pink Trumpet Tree
Tristania conferta	Brisbane Box
Tristania laurina	No Common Name
Tupidanthus calyptratus	No Common Name

Palms & Cycads

Botanical Name	Common Name
Archontophoenix cunninghamiana	King Palm
Brahea armata	Mexican Blue Palm
Butia capitata	Pindo Palm
Ceratozamia latifolia	No Common Name
Ceratozamia mexicana	No Common Name
Chamaerops humilis	Mediterranean Fan Palm
Cycas revoluta	Sago Palm

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Palms & Cycads (Continued)

Botanical Name	Common Name
Howea forsterana	Paradise Palm
Phoenix reclinata	Senegal Date Palm
Phoenix roebelenii	Pygmy Date Palm
Ravenea glauca	Majesty Palm
Rhapis excelsa	Lady Palm
Syagrus romanzoffianum	Queen Palm
Trachycarpus fortunei	Windmill Palm
Washingtonia filifera	California Fan Palm
Zamia furfuracea	Cardboard Palm

Columns & Large Accents

Botanical Name	Common Name
Cupressus sempervirens	Italian Cypress
Juniperus chinensis 'Spartan'	Juniper
Laurus nobilis	Sweet Bay
Pittosporum tenuifolium 'Silver Sheen'	No Common Name
Podocarpus macrophyllus maki	Shrubby Yew Pine

Vines & Espaliers

Botanical Name	Common Name
Bougainvillea species	No Common Name
Calliandra haematocephala	Pink Powder Puff
Cissus antarctica	Kangaroo Treebine
Cissus voinieriana	No Common Name
Citrus limon 'Improved Meyer'	Meyer Lemon
Clytostoma callistegioides	Violet Trumpet Vine
Distictis buccinatoria	Blood-Red Trumpet Vine
Distictis 'Rivers'	Royal Trumpet Vine
Eriobotrya deflexa	Bronze Loquat
Ficus repens	Creeping Fig
Grewia occidentalis	Lavender Starflower
Hibbertia scandens	Guinea Gold Vine
Jasminum polyanthum	Jasmine

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Vines & Espaliers (Continued)

Botanical Name	Common Name
Macfadyena unguis-cati	Cat's Claw
Magnolia grandiflora hybrids	St. Mary's Magnolia
Pandorea jasminoides	Bower Vine
Podocarpus gracilior	Fern Pine
Pyrus kawakamii	Evergreen Pear
Rosa hybrids	Climbing Rose
Solandra maxima	Cup-of-Gold Vine
Tibouchina urvilleana	Princess Flower
Trachelospermum jasminoides	Star Jasmine
Wisteria sinensis	Chinese Wisteria

Shrubs, Perennials, and Annuals

Botanical Name	Common Name
Abutilon hybridum	Flowering Maple
Acanthus mollis	Bear's Breech
Achillea millefolium	Common Yarrow
Agapanthus africanus	Lily-Of-The-Nile
Alstroemeria hybrids	Peruvian Lily
Alyogyne huegelii 'Santa Cruz'	Blue Hibiscus
Ambrosia deltoidea	Bur-Sage
Anigozanthos flavidus	Kangaroo Paw
Arbutus unedo 'Compacta'	Strawberry Tree
Arctostaphylos uva-ursi 'Emerald Carpet'	Manzanita
Artemisia californica 'Canyon Grey'	California Sagebrush
Aspidistra elatior	Cast-Iron Plant
Bambusa multiplex 'Alphonse Karr'	Alphonse Karr Bamboo
Bougainvillea 'Crimson Jewel'	No Common Name
Buddleia davidii	Butterfly Bush
Bulbine frutescens	Shrubby Bulbine
Buxus microphylla japonica 'Green Beauty'	Japanese Boxwood
Calliandra haematocephala	Pink Powder Puff
Callistemon citrinus 'Little John'	Dwarf Bottlebrush
Camellia japonica	Camellia
Carex tumulicola	Berkely Sage
Carissa macrocarpa 'Green Carpet'	Prostrate Natal Plum
Ceanothus species	Wild Lilac

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Shrubs, Perennials, and Annuals (Continued)	
Botanical Name	Common Name
Ceratostigma plumbaginoides	Dwarf Plumbago
Cissus rhombifolia	Grape Ivy
Cistus salvifolius	Sageleaf Rockrose
Convolvulus cneorum	Bush Morning Glory
Cyrtomium falcatum	Japanese Holly Fern
Dasylirion longissima	Mexican Grass Tree
Dicksonia antarctica	Tasmanian Tree Fern
Dietes bicolor	Fortnight Lily
Dryopteris arguta	Coastal Wood Fern
Encelia californica	Coast Sunflower
Ensete ventricosum	Abyssinian Banana
Erigeron karvinskianus	Santa Barbara Daisy
Eriobotrya deflexa 'Coppertone'	No Common Name
Eriogonium fasciluatum 'Poliofolium'	Flattop Buckwheat
Euphorbia pulcherrima	Poinsettia
Fatsia japonica	Japanese Aralia
Festuca mairei	Moroccan Fescue
Festuca ovina 'Glauca'	Common Blue Fescue
Fuchsia triphylla 'Gartenmeister Bonstedt'	No Common Name
Gardenia jasminoides 'First Love'	Gardenia
Gaura lindheimeri	Gaura
Grewia occidentalis	Lavender Starflower
Helictotrichon sempervirens	Blue Oat Grass
Hemerocallis hybrids	Daylily
Heteromeles arbutifolia	Toyon
Heuchera micrantha 'Palace Purple'	Coral Bells
Ilex cornuta 'Willowleaf'	Chinese Holly
Ilex vomitoria 'Nana'	Yaupon
Juncus species	Rush
Juniperus species	Juniper
Kniphofia uvaria	Red Hot Poker
Laurus nobilis	Bay Laurel
Lavandula species	English Lavender
Leonotis leonurus	Lion's Tail
Leptospermum scoparium	New Zealand Tea Tree
Leucophyllum species	Texas Ranger
Ligustrum japonicum 'Texanum'	Texas Privet
Limonium perezii	Sea Lavender

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Shrubs, Perennials, and Annuals (Continued)	
Botanical Name	Common Name
Liriope gigantea	Big Blue Lily Turf
Loropetalum chinense 'Razzleberri'	No Common Name
Lotus berthelotii	Parrot's Beak
Mahonia aquifolium	Oregon Grape
Mandevillea splendens 'Red Riding Hood'	No Common Name
Melaleuca nesophila	Pink Melaleuca
Microlepia strigosa	Lace Fern
Miscanthus sinensis 'Morning Light'	Japanese Silver Grass
Muhlenbergia lindheimeri	Lindheimer Muhly
Muhlenbergia rigens	Deer Grass
Myoporum pacificum 'South Coast'	No Common Name
Nandina domestica 'Gulf Stream'	Heavenly Bamboo
Nephrolepis cordifolia	Southern Sword Fern
Pennisetum messiacum	AKA Seteria 'A'
Pennisetum setaceum 'Sterile Green'	Fountain Grass
Penstemon hybrids	Beard Tongue
Philodendron hybrid 'Xanadu'	Dwarf Philodendron
Phlomis fruiticosa	Jersaleum Sage
Phormium cookianum	Mountain Flax
Phormium tenax	New Zealand Flax
Pittosporum species	Pittosporum
Plumbago auriculata	Cape Plumbago
Podocarpus henkelii	Long-Leafed Yellow-Wood
Prunus caroliniana 'Bright and Tight'	Carolina Laurel Cherry
Pyracantha 'Santa Cruz'	Firethorn
Rhamnus californica	California Coffeeberry
Rhaphiolepis species	India Hawthorn
Rhaphiolepis umbellata minor 'Gulf Green'	No Common Name
Rhus species	Sumac
Romneya coulteri	Matilija Poppy
Rosa hybrids	Rose
Rosa 'Iceberg'	White Rose
Rosa 'White Carpet'	White Shrub Rose
Rosmarinus officinalis 'Lockwood de Forest'	Rosemary
Rosmarinus officinalis 'Tuscan Blue'	Rosemary
Rumohra adiantiformis	Leatherleaf Fern
Salvia species	Silver Sage
Santolina chamaecyparissus	Lavender Cotton

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Shrubs, Perennials, and Annuals (Continued)

Botanical Name	Common Name
Santolina virens	Santolina
Schefflera arboricola	Hawaiian Eld Schefflera
Scirpus species	Bulrush
Sesleria autumnalis	Autumn Deer Grass
Stachys byzantina	Lamb's Ear
Strelitzia nicolai	Giant Bird Of Paradise
Strelitzia reginae	Bird Of Paradise
Tecomaria capensis	Cape Honeysuckle
Thymus vulgaris	Common Thyme
Trachelospermum jasminoides	Star Jasmine
Tupidanthus calyptratus	No Common Name
Viburnum japonicum	No Common Name
Westringia fruticosa	Australian Rosemary
Xylosma congestum	Shiny Xylosma

Groundcover

Botanical Name	Common Name
Delosperma 'Alba'	White Trailing Ice Plant
Gazania 'Mitsuwa Yellow'	Trailing Green Leaf Yellow Gazania
Hypericum calycinum	Creeping St. Johnswort
Marathon 'III' or Medallion 'III'	Dwarf Tall Fescue
Sedum rubrotinctum	Pork and Beans
Senecio mandraliscae	No Common Name
Thymus praecox	Creeping Thyme
Trachelospermum jasminoides	Star Jasmine

Cactus & Succulents

Botanical Name	Common Name
Aeonium species	No Common Name
Agave attenuata	No Common Name
Agave vilmoriana	Octopus Agave
Aloe species	Aloe
Crassula argentea	Jade Plant

TABLE 4.16.2

DROUGHT TOLERANT AND NON-INVASIVE LANDSCAPE PALETTE (Continued)

Cactus & Succulents	
Botanical Name	Common Name
Echeveria crenulata	No Common Name
Echeveria elegans	Hen And Chicks
Echeveria hybrid 'Mauna Loa'	No Common Name
Echeveria x imbricata	Hen and Chicks
Euphorbia ingens	Candleabra Tree
Euphorbia 'Jerry's Choice'	Dwarf Euphorbia
Opuntia species	Opuntia
Portulacaria afra	Elephant's Food
Sedum species	No Common Name
Senecio mandraliscae 'Blue Chalk Sticks'	No Common Name
Yucca species	Yucca

Although these plant species will require watering during the initial plant establishment period, water requirements will decline as the plants mature. In addition to supporting responsible water conservation objectives, the landscape and irrigation guidelines strive to prevent the detrimental effects that irrigation might otherwise contribute to instability, excess runoff and leaching of nutrients into the marine environment. To support this effort, residential, commercial, common area and slope irrigation systems will include sophisticated technological components and the following guidelines shall be incorporated:

- State-of-the-art automatic irrigation controllers that incorporate real time weather data via a wireless communications system. These will be adjusted seasonally according to historic weather patterns and water requirements for each specific plant zone. Controllers will have the capacity for manual override to enable landscape maintenance personnel the ability to make informed adjustments to watering schedules based on fluctuations of on-site microclimates and regional rainfall.

- Moisture sensors within sensitive slope areas. These devices monitor soil moisture content and interrupt regularly scheduled watering during cooler climate periods that cause lower plant evapotranspiration and result in reduced irrigation demand.

- For common area landscaping, if not covered by the wireless communication system, rain gauges shall be connected to irrigation controllers. These will monitor rainfall volume and interrupt watering schedules in response to site specific rainfall conditions. Rain gauges will be located adjacent to controllers to facilitate monitoring by maintenance personnel.

- Multiple valves in plant associations. Plant species with similar water requirements shall be grouped together so that irrigation valves can be zoned according to the optimum water frequency and duration. Additionally, planting areas with similar exposures (i.e. north-facing vs. south-facing) shall be zoned together since similar plants with different sun or wind exposures will have different watering needs.

- Use of drip irrigation, efficient low-flow irrigation emitters and/or other appropriate technology to minimize irrigation requirements and over-irrigation.

- Education of maintenance personnel and homeowners in the proper use of fertilizers, pesticides and herbicides.

5.1 INTRODUCTION

The project site is located entirely within the Coastal Zone, as defined by the California Coastal Act (Coastal Act). The primary purposes of the Coastal Act are to protect, maintain, and, where feasible, enhance and restore the natural and scenic qualities of the coastal zone resources; assure an orderly and balanced use and conservation of coastal zone resources; maximize public access consistent with conservation principles and constitutionally protected private property rights; assure priority for coastal-dependent and coastal-related development; and encourage state and local cooperation concerning planning and development. No discussion of the Coastal Act policy issues concerning Industrial Development is included because no industrial development is proposed by the HDCP. The Coastal Act ensures the conservation of coastal resources through the implementation of series of coastal resources planning and management policies. The policies constitute the standards used by the Coastal Commission in its review of coastal development permit applications and local coastal programs prepared by local government.

The HDCP is consistent with the Coastal Act. This section provides an analysis of the Coastal Act consistency. The following Coastal Act policy issue areas are evaluated:

- Public Access
- Recreation
- Marine Environment
- Land Resources
- Development.

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

The HDCP will be submitted by the City to the Coastal Commission for certification as an amendment to the Dana Point Local Coastal Program.

5.2 PUBLIC ACCESS

A. Coastal Act Policy

Several provisions of the Coastal Act pertain to public access in the Coastal Zone. The following table outlines the public access Coastal Act policies and the method of implementing those policies through the HDCP.

B. Implementation Program

The HDCP public access program provides for the dedication or conveyance of 68.5-acres of public parks and open space, a majority of which borders the actual coastal edge or shoreline. This includes rocky and sandy beaches, the coastal bluffs, over three miles of public trails, five public parks, four public visitor recreational facilities, and 23 individual plan components related to coastal access. Included among these components are four beach access paths, scenic overlooks, informational kiosks, resting facilities, coastal view areas, public monuments, public rights-of-way, coastal bluff trails, visitor recreational facilities, public infrastructure, bicycle storage facilities, and an integrated greenbelt system. Coastal access components are described in Section 3.0, Planned Development District.

The California Coastal Commission's Access Plan (State Access Plan) states that *"turning offers to dedicate into useable public accessways is one of the Commission's highest priorities and one of its greatest challenges."* The HDCP provides for the dedication of the privately owned Strand Beach. The dedication and construction of all parks, trails, visitor recreational facilities, and coastal beach access facilities shall be completed prior to the issuance of the first certificate of occupancy for residential construction.

The State Access Plan identifies the completion of the California Coastal Trail as a top priority, stating that the California Coastal Trail is *"only 65% complete after 25 years of effort."* The project site is considered to be a significant missing link in the trail, and as detailed in Section 3.0, Planned Development Zoning, the HDCP includes over three miles of integrated trails that will be incorporated into the California Coastal Trail system. Additionally, the HDCP provides for the funding, dedication, design, and construction of the visitor recreational facilities identified in Section 3.0, Planned Development Zoning.

TABLE 5.1

COASTAL PUBLIC ACCESS POLICIES SUMMARY

Coastal Act Policies	Implementation Method of the HDCP
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. Coastal Act § 30210.	The HDCP's public access program provides for the dedication or conveyance of 68.5 acres of public open space, a majority of which borders the coastal edge or shoreline. Access and recreational opportunities include three miles of public trails, five public parks, five proposed public visitor recreational facilities, and 23 individual plan components related to coastal access. Included among these components are three beach access paths, emergency vehicle access to Strand Beach, scenic overlooks, informational kiosks, picnic and resting facilities, coastal view areas, public monuments, public parking, bicycle storage facilities, coastal bluff trails, visitor recreational facilities, informational and directional signage, public art, public infrastructure, and an integrated greenbelt and buffer system. The integrated public trail system maximizes public access to numerous coastal areas, currently unavailable to the public including the entire coastal bluff area that stretches nearly a mile in length. Fencing and signage will provide, as necessary, public safety and protect sensitive resources.
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. Coastal Act § 30211.	The project will not interfere with the public's right of access. The privately owned 5.4 acre Strand Beach will be offered for dedication to the County of Orange to maximize public access to coastal resources as well as to the adjacent Salt Creek County Beach. If the County doesn't accept the offer, Strand Beach will be dedicated to the City of Dana Point or other appropriate governmental agency. The existing, off-site accessway to Strand Beach (North Strand Beach access) will be rebuilt to add scenic overlooks and public restrooms. Three additional pedestrian accessways (Central Strand Beach Access, Mid-Strand Vista Park and South Strand Beach Access), and a public funicular (inclined elevator) to the Strand Beach Park will be provided. Currently, no public access to the coastal bluff top occurs onsite. The project will establish coastline access for the public through public parks, trails and related amenities which will serve local and regional visitors and create significant public recreational and educational opportunities.
Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the	The HDCP Circulation Plan consists of an on-site circulation system that provides public access, including numerous onsite pedestrian and bicycle access points, to the shoreline from the nearest public

Coastal Act Policies	Implementation Method of the HDCP
protection of fragile coastal resources, (2) adequate access exists nearby or (3) agriculture would be adversely affected. Coastal Act § 30212.	roadway. The Circulation Plan provides numerous opportunities for direct coastal access, and connects to multiple off-site roads, bikeways and trails.
Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Coastal Act § 30212.5.	The HDCP provides public facilities and parking that are well spaced throughout the project area, eliminating the potential for overcrowding of any specific area. Five new public parks and four proposed visitor recreation facilities provide recreational nodes that are served by an extensive trail system and multiple parking areas.
Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. Coastal Act § 30213.	The HDCP provides five public parks, three miles of public trails with coastal overlooks, four proposed visitor recreation facilities and other public open space areas that provide lower cost visitor and recreation facilities. All visitor recreational facilities will be available to the public at little or no cost.
Public access shall be implemented in a manner that takes into account the need to regulate the time, place and manner of public access depending on the facts and circumstances in each case including, but not limited to the following: (1) topographic and geologic site characteristics, (2) the capacity of the site to sustain use and what level of intensity, (3) the appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of natural resources and the proximity of the access area to adjacent residential uses, and (4) the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area. Coastal Act § 30214.	Public access within the HDCP responds to the topographic and geologic site characteristics. The significant landforms, Strand Beach, the Headlands coastal bluffs, the Hilltop and Harbor Point and Dana Point, are preserved as conservation open space and/or as public parks. The coastal access paths within these parks include conservation and safety fencing, where appropriate, for public safety or to protect natural resources. The HDCP describes a public access program for each of the public parks including regulations for protection and management of natural resources while accounting for the privacy of current and future property owners

5.3 RECREATION

A. Coastal Act Policies

Several provisions of the Coastal Act pertain to recreation in the Coastal Zone. Each policy and implementation program for the HDCP is outlined below.

B. Implementation Program

Section 4.17, Open Space Plan, provides for a variety of public recreational activities, within the total 68.5 acres of parks and open space. The program strives to accommodate a wide range of visitors, including activities for the very young and the elderly. The natural resources protected within the site are complemented by a number of passive recreation opportunities. The five parks are described in detail in Section 4.4, Park and Open Space Plan. The parks provide picnic areas, hiking, walking, biking, coastal access, scenic corridors, public parking, visitor recreational facilities, beachfront recreation, coastal view areas, and nature conservation areas. The parks are linked by the public trail system.

The integrated public trail system stretches over three miles. It encourages visitors to move throughout the project by linking major public destination points, such as the Strand Beach Park, the Strand Vista Park/Public Beach Access, the Headlands Conservation Park, the Hilltop Park and Greenbelt Linkages, the Seaside Inn Visitor/Recreation Commercial facility, the Pacific Coast Highway Visitor/Recreation Commercial facility, and the Harbor Point Park. The trail system includes pedestrian trails, lookouts, coastal view areas, visitor recreational facilities, and bikeways that are interspersed throughout the property. The public trail system links the public visitor recreational facilities.

Four visitor recreational facilities shall be constructed by the project developer to serve the project. Two of these facilities provide educational and interpretive activities. Proposed programs include the:

- **Public Information Center.** Located in Planning Area 4, possibly in conjunction with the hostel, will provide resources to coastal visitors.

- **Nature Interpretive Center.** A center to house natural resource educational materials, exhibits, tours, and management activities for the adjacent Headlands Conservation Park.

- **Strand Beach Park Restrooms.** Restroom and outdoor shower facilities located in the North and South Strand Beach Access immediately adjacent to Strand Beach Park.

TABLE 5.2

PUBLIC RECREATION POLICIES SUMMARY

Coastal Act Policies	Implementation Method of the HDCP
Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. Coastal Act § 30220.	Five points of public pedestrian access will be provided to Strand Beach within the scope of the project. Strand Beach will be offered for dedication to the County of Orange for public recreational activities in perpetuity. If the County doesn't accept the offer, Strand Beach will be dedicated to the City or other appropriate governmental agency.
Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. Coastal Act § 30221.	68.5 acres of oceanfront land, or over one-half of the project site, will be protected for public recreation and open space use. The HDCP provides for a variety of public recreational opportunities within the 68.5 acres of parks and open space. The program strives to accommodate a wide range of visitors, including activities for the very young and the elderly. The portions of the project site adjacent to the ocean will be protected for public recreational and conservation uses. The natural resources associated with the site are complemented by a number of passive recreation activities, including picnic areas, hiking, walking, biking, coastal access, scenic corridors, coastal view areas, and nature tours. The Headlands Conservation Park preserves natural resources while also providing dramatic coastal access and view opportunities. Harbor Point Park will maximize the public viewing opportunities to Dana Point Harbor, and Strand Beach Park will be dedicated to the public for recreational use in perpetuity. There are currently 31 recreational facilities in the City of Dana Point totaling 652.5 acres. Based on the City of Dana Point standards for park acreage need per resident, the project is required to provide 1.20 acres of park area. As described above, the project will provide 68.5 acres of parks and open space, obviously well in excess of the need created by the project. Finally, the project also includes 4.4 acres of visitor/recreation commercial uses, which will be oriented to both local and regional coastal visitors.
The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have a priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. Coastal Act § 30222.	The HDCP provides for the development of two visitor serving recreation/commercial areas, including a Seaside Inn overlooking the Harbor which will offer numerous visitor serving commercial uses to the general public, such as a restaurant, meeting rooms, gift shop, lodging, etc., and the Pacific Coast Highway visitor serving commercial area. These sites are the most suitable onsite for visitor serving commercial recreational uses due to their accessibility and proximity to public thoroughfares, such as Pacific Coast Highway, Cove Road and Green Lantern and

Coastal Act Policies	Implementation Method of the HDCP
	their proximity to similar visitor serving uses. The project also proposes five visitor recreational facilities available at a lower cost, designed to attract regional visitors to the coast.
Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses. Coastal Act § 30222.5	The ocean front land contained within the HDCP is not suitable for coastal dependent aquaculture.
Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Coastal Act § 30223.	The HDCP provides for the development of parks, recreation, and public open space within upland areas adjacent to the coastline that maximize coastal access and create public vistas and overlooks. This includes public pedestrian trails, parking facilities, and recreation/visitor serving commercial and related recreational uses. The project designates over half of the project site for public open space uses, including 34.7 acres designated specifically as recreation open space. In addition, 4.4 acres of visitor recreation/ commercial uses are proposed to serve the general public.
Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land. Coastal Act § 30224.	No recreation boating use of coastal waters is feasible within the HDCP. However, many of these opportunities exist in the adjacent Dana Point Harbor.

The four visitor recreational facilities, public information center, the nature interpretive center, and the Strand Beach Park restrooms, are located within portions of the property that directly abut the Pacific Ocean, Pacific Coast Highway or the Headlands Conservation Park. They are distributed throughout the project site, within the open space and parks, and linked by the public trail system. The centers will attract visitors to the coastal view areas, coastal access trails, the Dana Point Harbor, and Strand Beach Park.

The development of the Visitor/Recreation Commercial uses in Planning Areas 4 and 9 will further increase public recreational opportunities by providing overnight lodging and supplying regional commercial needs. Both of the Visitor/Recreation Commercial Planning Areas are linked to the public trail system

5.4 MARINE ENVIRONMENT

A. Coastal Act Policies

Several provisions of the Coastal Act pertain to the marine environment policies in the Coastal Zone. Each policy and implementation program for the HDCP is outlined below.

B. Implementation Programs

To address the Coastal Act marine environment policies, the HDCP contains site planning criteria, grading concepts, drainage concepts, and site development standards that have been developed to minimize construction and operational impacts to onshore and offshore coastal resources. One of the primary objectives of the HDCP is to provide for the conservation of coastal resources.

An Environmental Impact Report (EIR) evaluates potential projected-related impacts to marine resources. Specific design features and mitigation measures have been identified to minimize or avoid impacts to the marine environment, in accordance with CEQA. The project will be required to provide a mitigation monitoring plan to ensure that mitigation measures from the final EIR are implemented. Additionally, the final EIR requires a construction and post-construction monitoring plan to ensure that coastal resources protection measures are implemented.

TABLE 5.3

MARINE ENVIRONMENT POLICIES SUMMARY

Coastal Act Policies	Implementation Method of the HDCP
Marine resources shall be maintained, enhanced and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. Coastal Act § 30230.	The HDCP provides for the conservation of marine resources offshore and on the rocky beach at the base of the bluff by designating these areas as conservation open space. An extensive Water Quality Program is proposed by the HDCP which will provide multiple BMPs to protect the water quality of the ocean and Dana Point Harbor. The Nature Interpretive Center will include displays and educational materials to inform members of the public how to contribute to resource protection. Signage will be utilized in appropriate areas of biological significance to protect resources.
The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. Coastal Act § 30231.	No wetlands, riparian vegetated streams, estuaries or lakes exist within the project site. Water quality associated with the HDCP storm drain system results in net improvements after the project implementation. Coastal waters will be protected and enhanced through the implementation of the HDCP water quality program including extensive BMPs both during construction and during operation. The existing storm drain system that lacks proper outlet velocity control measures and water quality filters, is replaced by state of the art drainage control facilities. Drainage control facilities will be constructed in accordance with the detailed requirements of the Headlands Runoff Management Plan, the Orange County Drainage Area Management Plan, National Pollutant Discharge Elimination System (NPDES) requirements, and a Best Management Practices program to filter, divert, and control runoff. Reclaimed water is proposed for irrigation of parks and common area landscaping. Additionally, the HDCP designates 68.5 acres as parks and open space, with Planning Areas 7 and 8b designated as Conservation Open Space, which will be protected and retain its natural vegetation and drainage patterns.
Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. Coastal Act § 30232.	No transportation or development of crude oil, gas, petroleum products or hazardous substances is planned as part of the HDCP development. Appropriate NPDES or other regulatory measures will be applied during construction to ensure against any impacts resulting from accidental spills.
The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally	No diking, filling, or dredging of open coastal waters, wetlands, estuaries or lakes will occur as a result of the proposed project.

Coastal Act Policies	Implementation Method of the HDCP
damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Coastal Act § 30233.	
Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry. Coastal Act § 30234	No commercial fishing or recreational boating industries will be impacted as a result of the proposed project.
The economic, commercial, and recreational importance of fishing activities shall be recognized and protected. Coastal Act § 30234.5	Recreational fishing opportunities will be preserved through the dedication of Strand Beach to the County of Orange for perpetuity.
Revetments, breakwaters, groins, harbor channels, seawall, cliff retaining walls, and other construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline and sand supply. Coastal Act § 30235.	The HDCP Planning Area 2 provides for the reconstruction and repair of the existing sea revetment that currently protects the improvements associated with the former mobile home park, the public access stairway and storm drain just north of the project boundary. Such reconstruction and repair will minimize the potential for coastal slope erosion and enhance public safety and will not impact coastal processes. The reconstructed revetment will protect the following coastal-dependent uses: the North, South and Central public beach accessways, the lateral accessway along the top of the accessway, the storm water outlets and energy dissipation structures and the Strand Beach Park public restrooms/showers.
Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. Coastal Act § 30236.	No channelizations, dams or other substantial alterations of rivers or streams will occur within the scope of this project.
Coastal Act § 30237 only applies to the Bolsa Chica wetlands.	Not applicable.

5.5 LAND RESOURCES

A. Coastal Act Policies

The following table outlines the Coastal Act policies that pertain to Land Resources, and the implementation proposed by the HDCP.

B. Implementation Programs

The HDCP contains a Land Use Plan and accompanying policies and standards that provide for significant open space and conservation areas, preservation of sensitive biological resource areas, establish buffers, and minimize impacts to all significant biological resources onsite. The Headlands property owner is a participating landowner in the NCCP/HCP.

The Headlands Conservation Park has been established to conserve 27.9 acres of sensitive flora and fauna on the Headlands. To protect this natural habitat, only limited portions of the area will accommodate passive uses, such as a bluff top trail, security fencing, overlooks, seating, and signage. Times of access to the bluff top trail will be determined by the receiving public agency.

The Headlands Conservation Park also requires a long-term management program to conserve and enhance the sensitive plants and species. An endowment or annual budget will be established by the recipient public or non-profit agency to ensure the long-term maintenance and operations of the Headlands Conservation Park. The onsite programs will be coordinated with the California Resources Agency, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. These agencies have issued an Endangered Species, Section 10(a) permit in conjunction with the landowners' participation in the NCCP/HCP and will retain jurisdictional control until 2004.

TABLE 5.4

LAND RESOURCES POLICIES SUMMARY

Coastal Act Policies	Implementation Method of the HDCP
Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Coastal Act § 30240.	In terms of ESHA conservation, the HDCP includes the conservation of the Headlands promontory and other sensitive lands as well as institution of a non-wasting endowment to enhance and maintain the biological values of the open space areas. The HDCP assures that only passive conservation uses, consistent with the preservation of these areas, will be implemented. Without the consolidation of the underlying land subdivisions as called for in the HDCP, these areas may be vulnerable to piecemeal development, thus further fragmenting and degrading the remaining habitat. Additionally, the HDCP results in a significant portion of the site being subject to a comprehensive resource management program that is funded by a non-wasting endowment, and dedicated to research, maintenance and restoration of preserved and restored habitat onsite. Impacts to sensitive resources habitat are also significantly reduced by the HDCP through the clustering of development, the revegetation of previously disturbed habitat and the removal of Marguerita Road. While allowing development in some areas containing sensitive habitat, the proposed LUP, would redesignate land uses in other sensitive, high quality habitat areas as conservation open space, and require the merger of the legal lots, to ensure that no future development would occur. This would assure the long-term protection of these sensitive areas. Thus, the existing status quo would leave open the potential for development that would have far more serious consequences for the environment than the HDCP. Denial of the HDCP would prevent the resource protection policies of the HDCP from being upgraded to clearly protect ESHA. The Headlands property owner is a Participating Landowner in the NCCP/HCP that established the 38,000 acre Orange Reserve, including over 10,900 acres of significant habitat within the Coastal Zone and as a result, was issued a Section 10(a) Endangered Species Take Permit for the proposed project site. As detailed in the 1996 EIR/EIS conducted by the Orange County Environmental Management Agency in cooperation with U.S. Fish and Wildlife Service, the California Resource Agency, the California Department of Fish and Game, the California Department of Forestry and Fire, and the California Department of Parks and Recreation, the proposed project's impacts to habitat occupied by listed and other species "identified" in the

Coastal Act Policies	Implementation Method of the HDCP
	NCCP/HCP and the corresponding Implementing Agreement are considered to be fully mitigated under CEQA, the State NCCP Act and the State and federal Endangered Species Acts. By creating a series of greenbelt buffers between sensitive habitat areas, parks and adjacent development, potential indirect impacts which could significantly degrade the habitat areas or parks has been minimized.
The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses. Coastal Act § 30241.	No prime agricultural land will be impacted by the proposed project.
If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation. Coastal Act § 30241.5.	No existing agricultural uses will be impacted by the proposed project.
All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands. Coastal Act § 30242.	No lands suitable for agricultural use will be converted to nonagricultural uses.
The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities. Coastal Act § 30243.	No timberlands or productive soils for timberlands will be impacted by the proposed project.
Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Coastal Act § 30244.	No known archeological and paleontological resources exist on the areas to be developed, although CA-Ora-75 is located within the conservation open space of the HDCP. A subsurface test program will be initiated in the Ora-75 area prior to the approval of a tentative map. If cultural materials are encountered during grading in other parts of the HDCP, a qualified archaeologist shall be retained to assess their significance. No adverse impacts would result.

5.6 DEVELOPMENT

A. Coastal Act

The following table outlines the provisions of the Coastal Act that pertain to Land Resources, and the implementation programs proposed by the HDCP.

B. Implementation Programs

To address the Coastal Act development policies, the HDCP provides community design guidelines, grading criteria, drainage criteria, and site development standards that have been prepared to ensure public safety, land use compatibility, and the development of high quality land uses. The HDCP emphasizes the conservation of natural resources and the protection of public safety while providing for the development of high quality residential and visitor commercial land uses.

TABLE 5.5

DEVELOPMENT POLICIES SUMMARY

Coastal Act Policies	Implementation Method of the HDCP
New residential, commercial, or industrial development, except as otherwise provided in this division shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Coastal Act § 30250.	This section of the Coastal Act promotes concentration of development in or adjacent to existing developed areas in order to reduce sprawl and its attendant impacts to Coastal Zone resources. The project site is surrounded by urban development on its north and east sides and is served by five existing roadways including PCH. All necessary infrastructure is either already onsite or immediately adjacent to the property. The site previously was developed as a 90-lot mobile home park and with commercial uses. All public services and public utilities are available to serve the project. The HDCP provides new residential and recreation/visitor serving commercial development in areas that are contiguous or in close proximity to existing developed areas off-site, and to areas with adequate public services. Significant coastal resources have been protected through the project's participation in the NCCP/HCP preserving large, contiguous blocks of habitat with the highest natural resource value (including 10,960 acres in the Coastal Zone of which over 50 percent is coastal sage scrub) and locates development away from these areas.
The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coast areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. Coastal Act § 30251.	The HDCP Park and Open Space Plan provides for the development of parks, recreation, and public open space areas that maximize coastal access and create public vistas and scenic overlooks. The parks have been concentrated in locations that provide the most dramatic coastal view opportunities along the coastal frontage, maximizing views to and along the coast. The significant landforms on the project site, including the Headlands coastal bluffs, Harbor Point and Dana Point, Strand Beach and the Hilltop will be preserved. The uses and improvements proposed for the project respond to the existing natural landforms and incorporate regulations ensuring protection of on-site and off-site public views, through the siting and design of the structures and improvements. In addition, dilapidated fencing, structures and overgrown, unkempt ornamental landscaping will be removed, enhancing the cumulative visual quality of the site and creating public views where none exist today. The proposed visitor recreation/commercial and low density residential development will be visually compatible with the character of the surrounding areas which are made up of residential and commercial development. None of the proposed development is located in areas

Coastal Act Policies	Implementation Method of the HDCP
	designated as highly scenic areas in the California Coastline Preservation and Recreation Plan.
The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses, (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. Coastal Act § 30252.	The project enhances public access to the coast in many ways. A traffic signal and crosswalk is proposed at the project's entry at the intersection of "A" Street and PCH. The signal and crosswalk will provide a protected pedestrian crossing point and direct connection between an existing Class I bike lane on PCH and the project's South Strand Beach Access and to the Hilltop Park and greenbelt system. A public transit route utilizes PCH with two bus stops within about two blocks of the project site. Both the proposed visitor recreation/commercial and the residential uses in the project will be linked and served by three miles of public trails that will accommodate non-automobile circulation within the development. There are a broad variety of recreational opportunities to meet the needs of new residents and those of coastal visitors, including five new parks, 638.5 acres of public open space and extensive recreational uses. Adequate parking and on-site recreational facilities are distributed evenly throughout the site to accommodate the proposed uses and to assure that the recreational needs of new residents do not overload nearby coastal recreational areas. Based on the City of Dana Point's standards for park acreage need per resident, the project is required to provide 1.20 acres of park area. As described above, the project will provide 68.5 acres of public parks and open space, of which 34.7 acres are designated as recreation open space.
New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard, (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, (4) Minimize energy consumption and vehicle miles traveled, and (5) where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. Coastal Act § 30253.	The HDCP provides for the development of the project site in a manner which minimizes risks to life and property through the implementation of site specific recommendations and specifications prepared by professional engineers and others. Such recommendations and specifications include bluff setback requirements, remedial grading criteria, fuel modification plans, hydraulic calculations and designs, and similar measures. The HDCP will be developed in accordance with such recommendations and specifications. In doing so, not only is stability and structural integrity assured, but that conditions associated with erosion, geologic instability and other adverse conditions are not created. The project site is not in a designated high fire hazard area. The existing revetment onsite extends along the man-made terraces of the former trailer park area. The revetment currently minimizes the potential for coastal erosion, protecting the terraces and the onsite

Coastal Act Policies	Implementation Method of the HDCP
	infrastructure (storm drains, septic systems, pavement, buildings, utilities, etc.) that remains in this area. Based on the recommendations of professional engineers, the revetment needs to be rebuilt to bring the structure up to current engineering standards and to minimize issues associated with erosion and geologic stability and to enhance public safety and public access. As discussed in Section 4.5 Geology and Soils, Section 4.16 Coastal Processes, and Section 4.1 Aesthetics, the reconstruction of the revetment will not alter natural landforms along bluffs and cliffs. In fact, reconstruction of the revetment will enhance geologic stability, prevent erosion, protect existing and proposed improvements and protect new and existing coastal access. The development of the property will be conducted consistent with federal, State, and local rules and regulations addressing public health and safety, including requirements from the South Coast Air Quality Management District (SCAQMD). The HDCP will create, preserve and protect visitor serving recreation opportunities.
New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Coastal Act § 30254.	Public works facilities will be designed to serve the needs of the proposed development. No special districts will be formed in conjunction with this project that would induce new development inconsistent with this division. There are no planned public works facilities that have been identified as a limitation to development. Sufficient services for coastal dependent land uses, recreation, essential public services and visitor serving land uses, are available and will be provided for in the project.
Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412. Coastal Act § 30254.5	No sewage treatment plant is proposed as a part of this project.
Coastal-dependent developments shall have priority over other developments on or near the shoreline.	No coastal-dependent developments will be impacted by the proposed development project.

Coastal Act Policies	Implementation Method of the HDCP
Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. Coastal Act § 30255.	by the proposed development project.

RECORDING REQUESTED BY
AND WHEN RECORDED
RETURN TO:

City Clerk
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

Exempt recording pursuant to Government Code Section 6103

(Space above this line for Recorder's use)

HEADLANDS

DEVELOPMENT AGREEMENT (DA 01-01)

By and between

THE CITY OF DANA POINT

and

HEADLANDS RESERVE LLC

TABLE OF CONTENTS

Page

1. DEFINITIONS AND EXHIBITS. 2
   1.1 Definitions 2
   1.2 Exhibits 6
2. GENERAL PROVISIONS. 6
   2.1 Binding Effect of Agreement 6
   2.2 Ownership of Property 6
   2.3 Term 7
   2.4 Assignment 7
   2.5 Amendment or Cancellation of Agreement 7
   2.6 Termination 7
   2.7 Notices. 8
3. DEVELOPMENT OF THE PROPERTY 9
   3.1 Rights to Develop 9
   3.2 Effect of Agreement on Land Use Regulations 9
   3.3 Timing of Development 9
   3.4 Duration of Development Approvals 9
   3.5 Subsequent Development Approvals Implementing the Development Plan. 10
   3.6 Maximum Height and Size of Structures. 11
   3.7 Changes and Amendments to the Development Plan 11
   3.8 Reservations of Authority 11
   3.9 Development Exactions 12
   3.10 Regulation by Other Public Agencies 12
   3.11 Federal Endangered Species Act, California Endangered Species Act, California Natural Communities Conservation Planning Act and California Environmental Quality Act 12
   3.12 Vacation of Unnecessary Right-Of-Way Easements, Public Roadways and/or Irrevocable Offers to Dedicate 13
   3.13 Formation of Financing Districts 13
   3.14 Operation, Maintenance, Repair and Replacement 14
   3.15 Park Land Requirements 14

4. CONFLICTS OF LAW 15
4.1 Conflict with State or Federal Laws or Action of Other Governmental Jurisdiction 15
4.2 Notice 15
4.3 Modification Conference 15
4.4 City Council Consideration 15
4.5 Cooperation in Securing Permits or Approvals 16
4.6 Challenge Regarding New Law or Regulation 16
4.7 Tolling of Term During Suspension 16

5. PUBLIC BENEFITS 16
5.1 Dedication, Construction, Conveyance and/or Transfer of Public Park and Open Space Facilities 16
5.2 Dedication, Construction and Conveyance of Public Facilities 17
5.3 Assignment of the NCCP Take Authorization 17
5.4 City's Use of Conference Facilities 17

6. RESTRICTION ON FINANCING DISTRICTS. 17
7. ANNUAL REVIEW. 18
7.1 Procedure 18
7.2 Information to Be Provided OWNER 18
7.3 Failure to Perform Periodic Review 18
8. ESTOPPEL CERTIFICATES. 18
9. BREACH AND REMEDIES 19
9.1 Notice of Breach 19
9.2 Limitation on Remedies 19
9.3 Remedies for Breach by OWNER 19
9.4 Remedies for Breach by CITY 19
9.5 Attorneys Fees and Costs 19

10. MORTGAGEE PROTECTION. 20
11. TERMINATION OF AGREEMENT WITH RESPECT TO INDIVIDUAL RESIDENTIAL LOTS AND THE HEADLANDS CONSERVATIN PARK 21
12. MISCELLANEOUS PROVISIONS 21
12.1 Recordation of Agreement 21

12.2 Entire Agreement 21
12.3 Severability 21
12.4 Interpretation and Governing Law 21
12.5 Administration of Agreement 22
12.6 Section Headings 22
12.7 Rules of Construction 22
12.8 Consent 22
12.9 Time of Essence 22
12.10 Waiver 22
12.11 No Third-Party Beneficiaries 22
12.12 Force Majeure 22
12.13 Mutual Covenants 22
12.14 Constructive Notice and Acceptance 23
12.15 Counterparts 23
12.16 Project as a Private Undertaking 23
12.17 Further Actions and Instruments 23
12.18 Covenant of Good Faith and Fair Dealing 23
12.19 Integrated Project 23
12.20 Authority to Execute. 23
12.21 Indemnification 24
12.22 Geologic Failure 24
12.23 Interim Landscaping 24
12.24 Reimbursement of Specific Plan Costs 25
12.25 Strand Vista Park 25
12.26 Fractional Ownership 26
12.27 Recording. 26

HEADLANDS
DEVELOPMENT AGREEMENT (DA 01-01)

This Headlands Development Agreement (hereinafter "Agreement") is made and entered into this 12th day of February, 2002 by and between the CITY OF DANA POINT, a municipal corporation, organized and existing under the laws of the State of California ("CITY") and HEADLANDS RESERVE LLC, a Delaware limited liability company ("OWNER").

RECITALS

This Agreement is entered into based upon the following facts:

A. When used in these Recitals, each of the terms defined in Section 1 of this Agreement shall have the meaning given to it therein.

B. CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Government Code Section 65864 et seq.

C. CITY has adopted regulations for the consideration of development agreements, pursuant to Government Code Section 65865, which regulations are contained in Chapter 9.73 of CITY's Municipal Code.

D. OWNER has a legal or equitable interest in the Property, commonly known as the Headlands, located in the incorporated area of CITY.

E. OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Government Code Section 65864 et seq. and the rules and regulations of CITY.

F. By entering into this Agreement, CITY desires to obtain the binding agreement of OWNER to provide the benefits that will accrue to CITY and the general public in accordance with this Agreement. In consideration therefore, CITY agrees to limit the future exercise of certain of its governmental and proprietary powers to the maximum extent authorized by state law and as provided in this Agreement.

G. By entering into this Agreement, OWNER desires to obtain the binding agreement of CITY to permit development of the Property in accordance with this Agreement. In consideration therefore, OWNER agrees to waive its rights to legally challenge the limitations and exactions imposed upon development of the Property by or through this Agreement and to provide the benefits to CITY and the general public specified in the Agreement.

H. The provisions of this Agreement will assure development of the Property consistent with the uses, density, and intensity of development set forth in the Development Plan.

I. The provisions of this Agreement are fair, just and reasonable and the assurances provided by this Agreement provide the certainty that is needed for OWNER to make the long-term commitments involved in developing the Property and providing the benefits to CITY and the general public.

J. All of the procedures of CEQA have been met with respect to this Agreement.

K. This Agreement is consistent with CITY's General Plan adopted pursuant to the Planning and Zoning Law.

L. All actions taken and approvals given by CITY have been duly taken or given in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters.

M. OWNER has incurred and will in the future incur substantial costs in order to effectuate development of the Property. This Agreement will eliminate uncertainty in the planning process, provide for the orderly development of the Property for both public and private use, and generally serve the purposes for which development agreements are intended under Government Code Section 65864 et seq.

N. The Planning Commission considered this Agreement after a duly noticed public hearing and has made written findings and recommended to the City Council approval of the Agreement, as more particularly set forth in Resolution No. 01-12-12-78.

O. The City Council has considered this Agreement and the recommendation of the Planning Commission after a duly noticed public hearing and approves the Agreement, as more particularly set forth in Ordinance No. 02-02.

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "Building and Improvement Standards" means the generally applicable regulations and standards of CITY for the construction and installation of buildings, structures, facilities and associated improvements including, without limitation, CITY's building code, plumbing code, electrical code, mechanical code, fire code, sign ordinance and swimming pool ordinance.

1.1.3 "CEQA" means the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

1.1.4 "CEQA Guidelines" means the state regulations implementing CEQA, 14 California Code of Regulations Section 15000 et seq.

1.1.5 "CESA" means the California Endangered Species Act, Fish and Game Code, Section 2050 et seq.

1.1.6 "CITY" means the City of Dana Point, a municipal corporation organized and existing under the laws of the State of California.

1.1.7 "City Council" means the City Council of CITY, the legislative body of CITY.

1.1.8 "Coastal Act" means Public Resources Code Section 30000 et seq.

1.1.9 "County" means the County of Orange, a political subdivision of the State of California.

1.1.10 "Date of Adoption" means the date that this Agreement is approved by ordinance of the City Council.

1.1.11 "Development" and "develop" means the improvement of the Property for the purposes of completing the buildings, structures, facilities and associated improvements comprising the Project including, but not limited to, demolition of existing buildings and structures, grading; construction of infrastructure and public facilities related to the Project, whether located within or outside the Property; construction of buildings and structures; and installation of landscaping. "Development" also has the meaning set forth in Public Resources Code Section 30106, as the same exists on the date this Agreement is approved by the City Council.

1.1.12 "Development Agreement Regulations" means the regulations adopted by CITY pursuant to Government Code Section 65865 establishing procedures and requirements for the consideration of development agreements, which regulations are contained in Chapter 9.73 of CITY's Municipal Code.

1.1.13 "Development Approvals" means all permits, approvals, actions, and other entitlements approved or issued by CITY in connection with development of the Property including, but not limited to:

(a) Lot line adjustments or tentative and final subdivision and parcel maps;

(b) Coastal development permits, conditional use permits, site development permits, variances, and street vacations;

(c) Financing Districts;

(d) Grading permits and building permits.

(e) Occupancy permits.

1.1.14 "Development Exaction" means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of public improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.15 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

~~1.1.16 "Director of Community Development" means the officer of CITY~~ serving in that capacity pursuant to CITY's Municipal Code.

1.1.17 "Effective Date" means February 12, 2002, the effective date of Ordinance No. 02-02 approving this Agreement. The exercise of the development rights and obligations provided in this Agreement, however, shall be conditioned on the certification of a Local Coastal Plan Amendment by the California Coastal Commission, as stated in Ordinance No. 02-02.

1.1.18 "EIR" means the environmental impact report entitled Headlands Development and Conservation Plan, SCH 2001071015 that was certified by the City Council immediately prior to the Date of Adoption.

1.1.19 "ESA" means the federal Endangered Species Act, 16 U.S.C. Section 1531 et seq.

1.1.20 "Existing Development Approvals" means all Development Approvals approved or issued prior to the Date of Adoption. Existing Development Approvals include the Development Approvals incorporated herein as Exhibit "C" and all other Development Approvals that are a matter of public record on the Date of Adoption.

1.1.21 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Date of Adoption, including all rules, regulations, ordinances, policies, conditions, environmental regulations, exactions, entitlements, assessments and fees applicable to and governing development of the Property, except that OWNER and CITY may mutually agree that the Project will be subject to a later enacted or amended rule, regulation, ordinance, policy, condition, or environmental regulation that becomes effective after the Date of Adoption. All Existing Land Use Regulations applicable to development of the Property are listed on Exhibit "D" and incorporated herein by reference; however, if an Existing Land Use Regulation is inadvertently omitted from the listing on Exhibit "D" it nonetheless is considered an Existing Land Use Regulation for purposes of this Agreement.

1.1.22 "Financing District" means a community facilities district ("CFD") formed pursuant to the Mello-Roos Community Facilities District Act of 1982 (California Government Code Section 53311 et seq.), an assessment district formed pursuant to the Landscaping and Lighting Act of 1972 (California Streets and Highways Code Section 2250 et seq.), or other special tax district or assessment district formed pursuant to state law for the purpose of financing the cost of public improvements, facilities, services and/or public facilities fees within CITY or a distinct geographic area of CITY.

1.1.23 "GPA" means the General Plan amendment for the Property adopted by CITY immediately prior to the Date of Adoption.

1.1.24 "Headlands Development and Conservation Plan" means the GPA, Zoning Ordinance and LCP.

1.1.25 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land; the density or intensity of use; subdivision requirements; the maximum height and size of proposed buildings; Development Exactions; regulations regarding the rate, time or sequence of development; and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" includes any CITY ordinance or regulation adopted by initiative or referendum.

1.1.26 "LCP" means the Local Coastal Plan amendment for the Property adopted by CITY immediately prior to the Date of Adoption and certified by the California Coastal Commission immediately prior to the Effective Date.

1.1.27 "OWNER" means Headlands Reserve LLC, a Delaware limited liability company and its successors-in-interest to all or any part of the Property.

1.1.28 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other secured lender, and their successors and assigns.

1.1.29 "NCCP Act" means the Natural Communities Conservation Planning Act, Fish and Game Code Section 2800 et seq.

1.1.30 "Planning and Zoning Law" means Government Code Section 65000 et seq.

1.1.31 "Planning Commission" means the Planning Commission of CITY created and constituted pursuant to the Planning and Zoning Law.

1.1.32 "Project" means the development of the Property as provided by the Development Plan as such Development Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.33 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.34 "Provisions of this Agreement" means all of the covenants, conditions, terms, restrictions and requirements set forth in this Agreement.

1.1.35 "Public Facilities" means those certain portions of the property (other than Public Park and Open Space Facilities) and appurtenant improvements to be dedicated or conveyed to the public by OWNER as set forth in Section 5, including right of way, road improvements, landscaping, noise walls, storms drains (including retention and drainage

structures) and water and sewer facilities, including pump stations, pressure reducing stations and reservoirs, if any.

1.1.36 "Public Park and Open Space Facilities" means those certain portions of the Property and appurtenant improvements to be dedicated, conveyed or donated to a public agency or other non-profit entity, all as more particularly defined in Section 5.

1.1.37 "Quimby Act" means Government Code Section 66477.

1.1.38 "Subsequent Development Approvals" means all Development Approvals required subsequent to the Date of Adoption in connection with development of the Property that are consistent with the Development Plan.

1.1.39 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Date of Adoption.

1.1.40 "Zoning Ordinance" means the zoning regulations for the Property adopted by CITY immediately prior to the Date of Adoption.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit "A" ——Legal Description of the Property.

Exhibit "B" ——Map showing Property and its location.

Exhibit "C" ——Existing Development Approvals.

Exhibit "D" ——Existing Land Use Regulations.

Exhibit "E" ——Easements and Roads to be Vacated

Exhibit "F" ——Public Park and Open Space Facilities

Exhibit "G" ——Interim Landscaping Plan

Exhibit "H"——Description of Public Facilities

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out in accordance with the terms of this Agreement. The burdens of this Agreement are binding upon, and the benefits of the Agreement inure to the benefit of, the parties and their successors-in-interest and constitute covenants that run with the Land. Whenever the term "CITY" or "OWNER" is used herein, it shall include any successors-in-interest to that party.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of a legal or equitable interest in the Property.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for a period of twenty (20) years thereafter, unless this term is modified, extended, or terminated pursuant to the provisions of this Agreement.

2.4 Assignment. OWNER shall have the right to sell or otherwise transfer title to the Property, in whole or in part (provided that no partial transfer shall violate the Subdivision Map Act, Government Code Section 66410 et seq.), to any person, natural or legal, during the term of this Agreement. Any such sale or transfer shall include the assignment of those rights and obligations arising under or from this Agreement which are applicable to the portion of the Property being sold or transferred. No assignment of any right, duty or obligation under this Agreement shall be made unless made together with the sale or transfer of the portion of the Property to which the right, duty or obligation pertains. Any purchaser or transferee shall have all of the rights and obligations of OWNER under this Agreement insofar as such rights and obligations are applicable to the portion of the Property sold or transferred.

2.4.1 Release. Upon the sale or transfer of the Property, in whole or in part, OWNER shall be released from its duties and obligations with respect to the portion of the Property sold or transferred subsequent to the effective date of the sale or transfer, provided that (i) at the time of the sale or transfer OWNER was not in breach of this Agreement, (ii) prior to the sale or transfer OWNER delivered to CITY a written assumption agreement, duly executed by the purchaser or transferee and notarized by a notary public, whereby the purchaser or transferee expressly assumes the duties and obligations of OWNER under this Agreement with respect to the portion of the Property sold or transferred, (iii) at the time of the sale or transfer OWNER has no legal or equitable interest in the purchaser or transferee or the portion of the Property sold or transferred, and (iv) the purchaser or transferee delivers to CITY substitute security in a form reasonably acceptable to CITY and in an amount comparable to the security posted by OWNER for the Property being sold or transferred. Failure to provide a written assumption agreement or substitute security shall not negate or otherwise affect the liability of the purchaser or transferee to perform such duties and obligations. Nothing contained herein shall be deemed to grant to CITY discretion to approve or deny any sale or transfer, except as otherwise expressly provided in this Agreement.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled, in whole or in part, only by written consent of all parties in the manner provided for in Government Code Section 65868. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement or otherwise invalidating this Agreement.

(c) Adoption of a referendum measure overriding the ordinance approving this Agreement.

Termination of the Agreement shall not affect or constitute termination of any of the Development Approvals approved for the Property.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; or (ii) on the second business day after deposit in the United States mail, registered or certified mail, return receipt requested, with postage and with the envelope addressed to the recipient as shown below; or (iii) on the date of electronic confirmation of receipt after transmission by facsimile to the recipient as shown below. All notices shall be addressed as follows:

If to CITY:
City of Dana Point
33282 Golden Lantern
Dana Point, California 92629
Fax: (949) 248-9920
Attention: City Manager

With a copy to:
Michele R. Vadon, Esq.
City Attorney
Burke, Williams & Sorenson, LLP
18301 Von Karman Avenue
Suite 1050
Irvine, California 92612
Fax: (949) 863-3350

If to OWNER:
Headlands Reserve LLC
24849 Del Prado
Dana Point, California 92629
Fax: (949) 488-8808
Attention: Sanford Edward

With a copy to:
Latham & Watkins
701 "B" Street, Suite 2100
San Diego, California 92101
Attention: Allen D. Haynie, Esq.
Fax: (619) 696-7419

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. OWNER shall have a vested right, to the maximum extent allowed under California Development Agreement Legislation, California Government Code Sections 65864 et seq., to develop the Property in accordance with, and to the maximum extent allowed by, the Development Plan and this Agreement, provided that the development standards and the provisions of this Agreement are satisfied. In addition, the Project shall remain subject to all Subsequent Development Approvals required to complete the Project as provided by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation and dedication of land for public purposes and construction standards and specifications applicable to development of the Property shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided by this Agreement, the Land Use Regulations applicable to development of the Property shall be the Existing Land Use Regulations, and no Subsequent Land Use Regulation shall be applicable to the Project. If there is any conflict between any Existing Land Use Regulation and any other provision of this Agreement, such other provision of this Agreement shall be controlling.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which the Project will be developed. Such decisions depend upon numerous factors, which are not within the control of OWNER, such as business demand, interest rates, competition and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such increments and in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment, except that nothing in this paragraph shall relieve OWNER from the required timing for delivery of Public Facilities and Public Park and Open Space Facilities described in Section 5 below. In the event any Subsequent Land Use Regulation is enacted which relates to the rate, timing or sequencing of development of property within CITY, CITY agrees that such Subsequent Land Use Regulation shall not apply to the Project. In addition to and not in limitation of the foregoing, CITY agrees that no moratorium, allocation or other limitation affecting subdivision maps, building permits or other entitlements for use within CITY or any part of CITY, including any growth control ordinances or voter-approved growth initiatives, shall apply to the Project.

3.4 Duration of Development Approvals. Notwithstanding any provision of the Existing Land Use Regulations, all Existing Development Approvals and all Subsequent Development Approvals, with the exception of coastal development permits for Planning Areas 4 and 9 of the Development Plan, shall remain valid and effective for all purposes during the term of this Agreement, unless the expiration date is governed by state law or OWNER consents in writing to an earlier expiration date. The extensions of any approved or conditionally approved tentative map for the Project that is governed by Government Code section 66452.6(a)(1) shall extend the tentative map for the term of this Agreement, which term is set forth in Section 2.3.

3.5 Subsequent Development Approvals Implementing the Development Plan.

(a) General. In addition to the Existing Development Approvals, completion of development in accordance with the Development Plan will require the approval and issuance by CITY of Subsequent Development Approvals including, without limitation, coastal development permits, lot line adjustments, tentative subdivision and parcel maps, final subdivision and parcel maps, site development plans, conditional use permits, Financing Districts, street vacations, grading permits, building permits, and occupancy permits. CITY acknowledges and agrees that all such Subsequent Development Approvals required to implement and complete development in accordance with the Development Plan shall be acted upon in accordance with the vested rights granted to OWNER by this Agreement. In acting on such Subsequent Development Approvals, CITY shall act promptly, reasonably, and in accordance with the Development Plan.

(b) CEQA Review. CITY acknowledges and agrees that the EIR has been prepared as a project environmental impact report pursuant to CEQA Guidelines Section 15161. No new environmental document pursuant to CEQA shall be required by CITY with respect to any Subsequent Development Approval, except as expressly mandated by CEQA Guidelines Section 15162, 15163 or 15164 or any successor regulation. CITY shall not require environmental mitigation beyond that set forth in the Mitigation Monitoring and Reporting Program adopted in connection with the EIR, as certified, unless changes to the project or its circumstances occur or new information becomes available which requires additional environmental mitigation as set forth in CEQA Guideline Section 15162 or any successor regulation. In addition, CITY acknowledges the EIR/EIS and associated mitigation measures placed on the Property, as part of the 1996 Orange County Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan ("NCCP/HCP Program") as more fully described in Section 3.11 herein.

(c) Timing. No later than thirty (30) days after receipt of an application for any Subsequent Development Approval, CITY shall notify OWNER in writing whether the application is complete, specifying any information required to make the application complete. All ministerial Subsequent Development Approvals shall be approved and issued by CITY within thirty (30) days after CITY accepts an application therefor as complete, provided such application complies with the Development Plan. CITY agrees that all grading permits, building permits, occupancy permits, final subdivision maps, and final parcel maps are ministerial. Whenever an application for a non-ministerial Subsequent Development Approval does not require an environmental impact report under CEQA, CITY shall approve or conditionally approve such Subsequent Development Approval within one hundred five (105) days after CITY accepts an application therefor as complete, provided such application complies with the Development Plan. When an application for a non-ministerial Subsequent Development Approval requires an environmental impact report under CEQA, CITY shall approve and issue any such Subsequent Development Approval within nine (9) months after CITY accepts an application therefor as complete, provided such application complies with the Development Plan.

(d) Phased Final Maps. OWNER shall be entitled to record, and CITY shall approve the recording, of a final map for any portion of an approved tentative subdivision map or tentative parcel map provided only that the public facilities required to serve the development

within the area of such phased final map are provided and the final map substantially conforms to the relevant portion of the approved tentative subdivision map or tentative parcel map.

3.6 Maximum Height and Size of Structures. The maximum height and size for all structures shall be as provided in the Existing Land Use Regulations, unless otherwise indicated in the Development Plan.

3.7 Changes and Amendments to the Development Plan. The parties acknowledge that refinement and further development of the Project may require changes to the Development Plan. In the event OWNER finds that any such change is necessary or appropriate, OWNER shall apply for an amendment to the Development Plan to effectuate such change and CITY shall promptly process and act on such application for an amendment. Amendments to Development Approvals that do not also require an amendment to the Land Use Regulations shall be reviewed for consistency with the Existing Land Use Regulations and the Subsequent Land Use Regulations identified in Section 3.8. If approved, any such change in the Development Plan shall be incorporated herein as an addendum to Exhibit "C" or Exhibit "D", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, a change to the Development Plan shall be deemed "minor," and not require an amendment to this Agreement, provided such change does not:

(a) Change the permitted uses of the Property; or

(b) Transfer density or intensity of use from any Planning Area by more than 5% of that Planning Area; or

(c) Result in a boundary adjustment that exceeds 5% of the gross acreage of any Planning Area or reduce the maximum acreage established for total public open space; or

(d) Increase the maximum height and size of proposed V/RC buildings; or

(e) Delete any requirement for the reservation or dedication of land for public purposes within the Property as a whole.

3.8 Reservations of Authority. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Generally applicable processing fees and charges imposed by CITY to cover the actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued. Such processing fees and charges shall not exceed the actual and reasonable costs or estimated costs of providing such services.

(b) Generally applicable procedural provisions governing the processing of Development Approvals and Land Use Regulations such as requirements for notice, hearings, and hearing bodies.

(c) Regulations which are not in conflict with the Development Plan. Any Land Use Regulation which increases the costs of development and any Land Use Regulation limiting

the rate, timing or sequencing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(d) Regulations that are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to development of the Property.

(e) Regulations adopting Building and Improvement Standards that have been promulgated as uniform codes by any state or national regulatory body. Subsequent Land Use Regulations revising or supplementing, rather than simply implementing, such uniform codes shall not be applicable to the Project, unless required by the Orange County Fire Authority.

3.9 Development Exactions. All Development Exactions currently applicable to the Project are included in the Existing Development Regulations incorporated herein as Exhibit "D". CITY shall not impose any Development Exaction on development in accordance with the Development Plan, except as set forth in Exhibit "D". OWNER hereby waives any and all rights that it may now have or may acquire at any time during the term of this Agreement to challenge the imposition of any such Development Exactions, regardless of whether the right arises under federal or state constitutional law, statutory law, or case law.

3.10 Regulation by Other Public Agencies. The parties acknowledge that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY shall support any application by OWNER to any other public agency for any permit or approval, which is required for the Project. Within fifteen (15) days of any request, CITY shall provide to OWNER or to such other public agencies information possessed by CITY and necessary for processing such applications.

3.11 Federal Endangered Species Act, California Endangered Species Act, California Natural Communities Conservation Planning Act and California Environmental Quality Act. CITY and OWNER agree and recognize that the impacts to biological resources on the Property from the Project have been appropriately analyzed and fully mitigated for direct, indirect, and cumulative impacts under the 1996 Orange County Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan ("NCCP/HCP Program") and the EIR. CITY and OWNER agree and recognize that the County, California Department of Fish & Game, and U.S. Fish & Wildlife Service, through the NCCP/HCP Program Joint EIR/EIS No. 553 and related documents, analyzed the impacts to biological resources on the Property based on a development density and intensity and development area greater than that of the Project, and accordingly, the Project's biological impacts are less significant than those analyzed under the NCCP/HCP Program and are properly and sufficiently mitigated for under the NCCP/HCP Program. CITY agrees and recognizes that environmental circumstances have not changed since 1996 and no new information of significance has become available since 1996 to alter the validity of the analysis in the NCCP/HCP EIR/EIS. CITY agrees and recognizes that the EIR prepared and certified for the Development Plan confirms this analysis. The U.S. Fish & Wildlife Service, California Department of Fish & Game and County have all conducted this biological analysis and concur in the adequacy of the biological mitigation for the Project's impact set forth in the NCCP/HCP Program and imposed on the OWNER. CITY and OWNER agree and recognize that the federal government has issued to OWNER a Section 10(a) permit

("ESA Permit") under the ESA with respect to the Project's impact on and take of sensitive plant and animal species, including, but not limited to, those listed as endangered or threatened under the ESA, and their habitats. CITY and OWNER also agree and recognize that the State has issued to OWNER an authorization to take sensitive plant and animal species, and adversely modify their habitat, on the Property pursuant to authorization (herein, "CDFG Management Authorization") under the CESA and NCCP Act. Collectively, the ESA Permit and CDFG Management Authorization shall be referred to herein as the "NCCP Take Authorization." CITY and OWNER acknowledge and agree that (i) the Development Plan has incorporated the provisions of the NCCP/HCP Program and NCCP Take Authorization as conditions to the development of the Property in accordance with the Development Plan; (ii) as of the Effective Date the NCCP Take Authorization and NCCP/HCP Program have identified and addressed the Project's impact on all identified sensitive plant and animal species and their habitats located on the Property (from a direct, indirect, and cumulative perspective); and (iii) that no further Development Exactions or other development conditions for sensitive plants and animals and their habitat are required or should be imposed under any state or federal law.

3.12 Vacation of Unnecessary Right-Of-Way Easements, Public Roadways and/or Irrevocable Offers to Dedicate. CITY owns several right-of-way easements and public roads that currently traverse portions of the Property and has rights to other portions of the Property pursuant to irrevocable offers to dedicate. These areas subject to the irrevocable offers to dedicate, right-of-way easements, and public roads are described and shown on Exhibit "E". Upon development of the entire Property, certain of these irrevocable offers to dedicate, right-of-way easements, and public roads will become unnecessary due to relocation and, absent vacation, would interfere with the contiguous open space program of the Development Plan. CITY agrees to vacate these irrevocable offers to dedicate, right-of-way easements, and public roads upon the request of OWNER whenever such vacation is necessary, in OWNER's reasonable discretion, to facilitate the Project in accordance with this Agreement. CITY further agrees that the Development Plan provides for a comprehensive program for coastal access and that none of these areas subject to the irrevocable offers to dedicate, right-of-way easements, and public roads that will be vacated are needed to provide public access to coastal resources. Whenever appropriate, CITY shall use the summary vacation procedure set forth in California Streets and Highways Code Section 8330 et seq.

3.13 Formation of Financing Districts. Upon the request of OWNER, the parties shall cooperate in establishing one or more Financing Districts for financing OWNER's obligations to construct Public Facilities and Public Park and Open Space Facilities. Provided the Public Facilities and Public Park and Open Space Facilities to be financed by OWNER as provided in the preceding sentence are consistent with the Development Plan and this Agreement, CITY agrees to cooperate in good faith with OWNER in formation of such Financing District or Districts, and to serve as the lead agent, subject to CITY's discretion in the actual formation of such Financing District(s) in accordance with applicable California law.

Financing Districts, once established, shall acquire public facilities in multiple reaches and increments. If the Financing District is an acquisition-type district, the cost of facilities eligible for acquisition by the Financing District shall include a fee of 6% of verified design and construction costs to cover project administration which includes construction

management, construction supervision, construction office overhead, project purchasing, and project accounting.

OWNER shall reimburse CITY for the actual and reasonable costs incurred by CITY to process any such request. Costs shall include out-of-pocket expenses, CITY staff time at one hundred percent (100%) of the staff members hourly rate, and the direct cost of contract employees and consultants (including legal fees). For this purpose, CITY may require an advance deposit in the amount of Seventy Five Thousand Dollars ($75,000). Within thirty (30) days after the City Council takes its final action on the request, regardless of whether the Financing District is formed, CITY shall provide OWNER with a detailed written accounting showing the amount and basis for its claim for reimbursement. If the amount of such deposit exceeds the claim, CITY shall refund the difference to OWNER together with the claim. If the amount of the claim exceeds such deposit, OWNER shall pay CITY the difference within fifteen (15) days after delivery of the claim to OWNER. If OWNER fails to make the payment within the required period, CITY shall be entitled to recover such unpaid amounts from the proceeds of the Financing District's sale of bonds. Any costs incurred by CITY to process the request to form the Financing District that are reimbursed by OWNER shall, in the event the Financing District is formed, be included as a cost of the facilities along with all other reasonable costs associated with the formation of the Financing District that are incurred by OWNER prior to the formation of the Financing District.

3.14 Operation, Maintenance, Repair, and Replacement. OWNER shall not be responsible for the operation, maintenance, repair or replacement of any of the Public Facilities or Public Park and Open Space Facilities, or the cost thereof, after the completion and acceptance of the Public Facilities or Public Park and Open Space Facilities by CITY or other public agency or non-profit entity receiving title thereto. The replacement, repair, maintenance and operation of any of the Public Facilities or Public Park and Open Space Facilities after the completion and acceptance thereof by CITY, or other public agency or non-profit entity receiving title thereto shall not during the term of this Agreement be the subject of a fee with respect to, or a condition of, any Development Approval, and no fee, tax or assessment shall be levied by CITY on any portion of the Property for such purposes with respect to completed and accepted Public Facilities or Public Park and Open Space Facilities without the prior written consent of OWNER. Nothing in this section shall be construed as prohibiting CITY or any other public agency or non-profit entity from charging a user's fee to persons who use any of the Public Facilities or Public Park and Open Space Facilities.

3.15 Park Land Requirements. The parties understand and agree that the State of California has adopted the Quimby Act establishing guidelines and limitations governing any CITY requirement for the dedication of land or the payment of fees for park or recreational purposes incident to the development of the Property. CITY acknowledges and agrees that it could not lawfully impose upon OWNER requirements in excess of the Quimby Act, directly or indirectly. By entering into this Agreement, CITY intends to impose only the statutory maximum park land dedication and fee requirements on the development of the Property. Notwithstanding the preceding, the OWNER has agreed to transfer or donate to CITY, other public agency, or non-profit agency park land and provide park improvements in excess of the statutory limitations established by the Quimby Act for the benefit of the public, in expectation of tax or other monetary benefits which may be available. The parties understand that

notwithstanding the statutory limit on park land dedications and fees, that the OWNER has volunteered to contribute such additional park lands and facilities to CITY (or other public agency or non-profit entity), that such contribution is independent of, and is not in consideration for, the development rights granted to the OWNER hereunder. The parties acknowledge and agree that notwithstanding the Development Plan designating the Additional Park Facilities and the Headlands Conservation Park and limiting such use to park, recreation, conservation and open space purposes, that OWNER consented to such designation voluntarily as part of the donation described in this Section. The parties acknowledge and agree that absent CITY's agreement to, and acknowledgement of, the provisions of this Section 3.15, OWNER would not enter into this Agreement or consent to the Existing Land Use Regulations and Development Plan.

4. CONFLICTS OF LAW.

4.1 Conflict with State or Federal Laws or Action of Other Governmental Jurisdiction. In the event that any state or federal law or regulation enacted after the Date of Adoption, or any governmental action, other than an action by CITY, taken after the Effective Date, prevents or precludes compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended by CITY as may be necessary to comply with such state or federal law or regulation or non-CITY governmental action; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws, regulations or non-City governmental action and to the extent such laws, regulations or non-City governmental action do not render such remaining provisions impractical to enforce. CITY also agrees to process OWNER's proposed changes to the Project as may be necessary to comply with such Federal or State law and to process such proposed Project changes in accordance with CITY procedures and findings.

4.2 Notice. Neither party shall claim that a conflict, as described in Section 4.1, exists, unless that party has given the other party at least thirty (30) days written notice of the conflict. The notice shall identify the law, regulation or non-CITY governmental action, the date the law or regulation was enacted or the date the non-CITY governmental action was taken, and the manner in which the law, regulation or non-CITY governmental action conflicts with one or more provisions of this Agreement.

4.3 Modification Conference. Within thirty (30) days after notice is given as provided in Section 4.2, CITY staff and OWNER shall meet and confer in good faith in a reasonable attempt to modify this Agreement to comply with such law, regulation or non-City governmental action. In such negotiations, CITY and OWNER agree to preserve the terms of this Agreement and the rights of Owner as derived from this Agreement to the maximum feasible extent while resolving the conflict. CITY and OWNER agree to cooperate with each other in resolving the conflict in a manner that minimizes any financial impact of the conflict upon OWNER and CITY.

4.4 City Council Consideration. Within thirty (30) days after the modification conference, regardless of whether the parties reach an agreement on the effect of such law or regulation upon this Agreement, the matter shall be scheduled for hearing before the City Council. Notice of such hearing shall be given pursuant to Sections 65090 and 65091 of the Government Code. The City Council, at such hearing, shall consider the exact modification or

suspension that shall be necessitated by such law, regulation or non-City governmental action. OWNER shall have the right to offer oral and written testimony at the hearing. No modification or suspension of this Agreement shall be effective unless approved by the affirmative vote of not less than a majority of the authorized voting members of the City Council and by OWNER.

4.5 Cooperation in Securing Permits or Approvals. Provided City Council and OWNER agree to a modification or suspension of this Agreement pursuant to Section 4.4, CITY shall use its best efforts to assist OWNER in the timely securing of any permits or approvals which may be required as a result of such modifications to, or suspensions of, all or any part of this Agreement.

4.6 Challenge Regarding New Law or Regulation. OWNER or CITY shall have the right to challenge by appropriate judicial proceedings any such new law, regulation or non-City governmental action preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect

4.7 Tolling of Term during Suspension. The term of this Agreement, as provided in Section 2.3, shall be tolled during the period that any suspension of the Agreement imposed by Section 4.4 is in full force and effect.

5. PUBLIC BENEFITS.

5.1 Dedication, Construction, Conveyance and/or Transfer of Public Park and Open Space Facilities. OWNER agrees to improve the Public Park and Open Space Facilities and dedicate, convey, record a conservation easement on, or donate the Public Park and Open Space Facilities, as provided and described in this Section 5 and Exhibit "F".

OWNER and CITY acknowledge and agree that the Public Park and Open Space Facilities consist of:

(a) park land and park improvements to be dedicated to CITY in satisfaction of OWNER's obligations to provide park facilities ("Park Facilities") incident to the development of the Property as required by the Quimby Act;

(b) additional park and open space to be improved, voluntarily donated, and transferred by OWNER to a public agency or non-profit entity, all as described and recognized as a voluntary donation in the Headlands Development and Conservation Plan ("Additional Park Facilities");

(c) the "Headlands Conservation Park" to be improved, voluntarily donated, and transferred by OWNER to a non-profit entity, all as described and recognized as a voluntary donation in the Headlands Development and Conservation Plan.

Any part of the Public Park and Open Space Facilities to be improved and/or transferred by OWNER to a public agency or other non-profit entity selected by OWNER shall show evidence of the required funding mechanism necessary to maintain and manage such facilities for a minimum period of fifteen (15) years.

5.2 Dedication, Construction and Conveyance of Public Facilities. The Public Facilities shall be constructed in accordance with the provisions of the Development Plan and the description of the Public Facilities contained within Exhibit "H" and be advanced in time and thereafter dedicated or transferred to CITY or other appropriate public agency. If CITY, County, state or other public or private entity, as part of a CITY, County, state or federally funded project, construct, for the benefit of the public at large, a street, road or other traffic/transportation improvement which also has been identified as a mitigation measure of the Existing Development Approvals, OWNER is under no further obligation to construct such street, road, or other improvement or reimburse the constructing entity for the street, road or other improvement cost, unless such reimbursement is required by state law.

CITY cannot transfer construction/funding obligation of OWNER to another improvement not listed as a mitigation measure or collect in lieu fees to release OWNER's obligation to fund or build improvement if CITY, County, or state builds the improvement as described above for the public.

5.3 Assignment of the NCCP Take Authorization. Concurrent with the transfer of portions of the Property to CITY, OWNER shall assign to CITY any applicable rights and obligations of the Section 10(a) permit that the federal government has issued to OWNER under the ESA to take endangered and threatened plant and animal species from the Property ("ESA Permit") and the authorization that the state government has issued to OWNER under CESA and NCCP to take endangered and threatened plant and animal species from the Property ("CDFG Management Authorization") under the CESA and NCCP Act that pertain to those portions of the Property that are being transferred to CITY and are subject to the ESA Permit and CDFG Management Authorization. Collectively, the ESA Permit and CDFG Management Authorization shall be referred to herein as the "NCCP Take Authorization." Upon assignment of the NCCP Take Authorization to CITY for the transferred portions of the Property, CITY agrees to comply with the requirements of the Development Plan and the NCCP Take Authorization. CITY also agrees not to expand the area of take of endangered and threatened plant and animal species beyond the area in existence at the time of the transfer of portions of the Property from OWNER to CITY.

5.4 City's Use of Conference Facilities. After the completion of the Inn described in the Development Plan, OWNER agrees that CITY shall be entitled to use, at no cost to CITY, the conference facilities located at the Inn for one day during each calendar year. CITY shall provide OWNER with written notice three (3) months in advance of the date CITY desires to use the conference facilities. Within thirty (30) days after receipt of CITY's written notice, OWNER shall confirm in writing the availability of the conference facilities on the requested date or propose an alternate date. If the alternate date is not acceptable to CITY, CITY and OWNER shall confer in good faith to select a mutually agreeable date.

6. RESTRICTION ON FINANCING DISTRICTS

During the term of this Agreement, no Financing District including all or any part of the Property, will be created by CITY or any agency or instrumentality of CITY, nor shall all or any part of the Property be annexed to any Financing District, unless OWNER agrees in writing to

such creation or annexation and the terms and conditions of any assessments or special taxes to be levied thereunder.

7. ANNUAL REVIEW.

7.1 Procedure. CITY shall, every twelve (12) months during the term of this Agreement, review the extent of good faith compliance by OWNER with the provisions of this Agreement in accordance with Government Code Section 65865.1 and the Development Agreement Regulations; provided, however, the City shall not commence proceedings to modify or terminate the Development Agreement until OWNER has had an opportunity to fulfil the terms and conditions of the Development Agreement that the City Council found and determined, on the basis of substantial evidence, that OWNER was not in good faith compliance with. OWNER shall have thirty (30) days to fulfil such terms and conditions, unless the City Council decides, within its sole discretion, to grant OWNER more than thirty day. The time period to fulfil the terms and conditions shall commence upon the date that CITY gives OWNER written notice thereof. The notice shall specify the terms and conditions that need to be fulfilled and the time period in which they are to be fulfilled. CITY shall not terminate or modify this Agreement except upon substantial evidence showing a failure of OWNER to perform a material duty or obligation under this Agreement which has not been cured by OWNER as provided under Section 9.1 of this Agreement.

7.2 Information to Be Provided OWNER. CITY shall mail to OWNER a copy of all staff reports, exhibits and other evidence concerning Agreement compliance a minimum of ten (10) days prior to any proceeding before the City Council or the Planning Commission.

7.3 Failure to Perform Periodic Review. The failure of CITY to review, at least annually, OWNER's compliance with the Agreement, shall not constitute or be asserted by either party as a breach by the other party of this Agreement or render this Agreement invalid or void.

8. ESTOPPEL CERTIFICATES.

Either party may at any time, and from time to time, deliver written notice to the other party requesting that the other party certify in writing that to the knowledge of the certifying party:

(a) This Agreement is in full force and effect and is a binding obligation of the parties.

(b) This Agreement has not been amended or, if amended, identifying the each amendment.

(c) The requesting party is not in breach of this Agreement or, if in default, the nature and extent of each default.

The party receiving a request hereunder shall execute and return the certificate within thirty (30) days following receipt thereof. The City Manager shall have the right to execute any certificate requested by OWNER on behalf of CITY. The Managing Member of OWNER shall have the right to execute any certificate requested by CITY on behalf of OWNER. The failure to

deliver such a certificate within such time shall constitute a conclusive presumption that this Agreement is in full force and effect without amendment, except as may be represented by the requesting party, and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. CITY acknowledges and agrees that any certificate issued hereunder by CITY may be relied upon by OWNER's successors-in-interest and Mortgagees. OWNER acknowledges and agrees that any certificate issued hereunder by OWNER may be relied upon by CITY's successors-in-interest.

9. BREACH AND REMEDIES.

9.1 Notice of Breach. Subject to extensions of time by mutual consent in writing, or as otherwise provided herein, failure or delay by either party to timely perform any provision of this Agreement constitutes a breach of this Agreement. In the breach of this Agreement or any of its provision, the party alleging the breach shall give the other party not less than thirty (30) days notice in writing, specifying in detail the nature of the alleged breach and, to the extent the party giving the notice deems appropriate, the manner in which that breach may be satisfactorily cured. During any such thirty (30) day cure period, or if the cure cannot be completed within such thirty day period but the commencement of the cure has occurred within such cure period and diligent effort is made to effect the cure thereafter, the party charged shall not be considered in breach for purposes of the institution of legal action or proceedings.

Failure or delay in giving notice of breach pursuant to this Section 9.1 shall not constitute a waiver of any breach; nor shall it change the time of breach.

9.2 Limitation on Remedies. The parties acknowledge that remedies at law, including without limitation money damages, would be an inadequate remedy for breach of this Agreement or any of its provisions by either party due to the size, nature and scope of the Project. The parties also acknowledge that it would not be feasible or possible to restore the Property to its natural or pre-existing condition once implementation of the Agreement has begun. Therefore, the parties agree that the remedies for breach of the Agreement shall be limited to the remedies expressly set forth in Section 9.3 and Section 9.4. Each of the remedies made available to CITY by Section 9.3 and each of the remedies made available to OWNER by Section 9.4 shall be cumulative and not exclusive of one another, and the exercise of any one or more of the remedies shall not constitute a waiver or election with respect to any other available remedy.

9.3 Remedies for Breach by OWNER. The remedies available to CITY for breach of the Agreement by OWNER shall be declaratory relief, injunctive relief and specific performance. Nothing in this section shall be deemed to preclude CITY from prosecuting a criminal action against OWNER for violation of any provision of CITY's Municipal Code or state statute.

9.4 Remedies for Breach by CITY. The remedies available to OWNER for breach of the Agreement by CITY shall be declaratory relief, injunctive relief and specific performance.

9.5 Attorneys' Fees and Costs. In any action or proceeding brought by either party to interpret or enforce any provision of this Agreement, as provided in Sections 9.3 or 9.4, the prevailing party shall be entitled to reasonable attorneys' fees and all costs, expenses and disbursements in connection with such action or proceeding, including the cost of reasonable

investigation, preparation and professional expert consultation and arbitration fees and costs, which sums may be included in any judgment or decree entered in such action in favor of the prevailing party.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any legally subdivided portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property or its development. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to, and governed by, the following:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, shall be entitled to receive written notification from CITY of any breach by OWNER in the performance of OWNER's obligations under this Agreement, provided that Mortgagee has submitted a request in writing to CITY in the manner specified herein for giving notices and the notice makes specific reference to this subsection.

(c) If CITY receives a request from a Mortgagee in accordance with subsection (b) above, CITY shall provide Mortgagee with a copy of any notice of breach that is sent to OWNER concurrently with the sending of the notice to OWNER. The Mortgagee shall have the right, but not the obligation, to cure, or to commence to cure, the breach during the cure period allowed OWNER under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to all of the provisions of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder.

(e) Prior to coming into possession of the Property, or any part thereof, any Mortgagee who has submitted a request in writing to CITY in accordance with subsection (b) above may request a written interpretation of this Development Agreement. The request shall be

submitted to CITY in writing in the manner specified herein for giving notices, shall specify the specific sections and subsections of the Development Agreement for which an interpretation is requested, and shall specify the reasons why an interpretation is requested. CITY shall give its interpretation to Mortgagee within forty-five (45) days after the request was given to CITY.

11. TERMINATION OF AGREEMENT WITH RESPECT TO INDIVIDUAL RESIDENTIAL LOTS AND THE HEADLANDS CONSERVATION PARK. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any residential lot and such lot shall be released and shall no longer be subject to this Agreement without the execution and recordation of any further documentation once (i) the final tract map that created the lot has been recorded and (ii) fee simple title to the lot has been conveyed to the ultimate owner of the lot as evidenced by a deed recorded in the County Recorder. In addition, notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to the Headlands Conservation Park and the Headlands Conservation Park shall be released and shall no longer be subject to this Agreement without the execution and recordation of any further documentation once fee simple title to the Headlands Conservation Park has been conveyed to a non-profit entity, consistent with the requirements of the Headlands Development and Conservation Plan, as evidenced by a deed recorded in the County Recorder. For purposes of this section, "recorded" shall mean recordation in the office of the County Recorder.

12. MISCELLANEOUS PROVISIONS.

12.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Section 65868.5 of the Government Code.

12.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties regarding the subject matter hereof, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements that are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings, covenants, undertakings or agreements shall be admissible in any proceeding of any kind or nature to interpret or determine the provisions of this Agreement. This Agreement shall not be amended, except as expressly provided in Section 2.5.

12.3 Severability. If any provision of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement.

12.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, each party having been represented by counsel in the negotiation and preparation hereof.

12.5 Administration of Agreement. All decisions of CITY staff concerning the interpretation and administration of this Agreement and development of the Property in accordance herewith are appealable by OWNER to the City Council, provided that any such appeal shall be filed with the City Clerk of CITY within thirty (30) days after OWNER is notified in writing of the staff decision. The City Council shall render its decision to affirm, reverse or modify the staff decision within thirty (30) days after the appeal is filed, and OWNER shall be given not less than ten (10) days prior notice of the time and place at which the City Council shall consider the appeal. OWNER shall not seek judicial review of the staff decision without first having exhausted its remedies pursuant to this section.

12.6 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

12.7 Rules of Construction. As used herein, the singular of any word includes the plural and the masculine gender includes the feminine.

12.8 Consent. Where a consent or approval of either party is required or necessary under this Agreement, such consent or approval shall not be unreasonably withheld.

12.9 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

12.10 Waiver. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar; nor shall any waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be effective unless in writing and signed by a representative of the party against whom enforcement of a waiver is sought.

12.11 No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors-in-interest. No other person shall have any right of action based upon any provision of this Agreement.

12.12 Force Majeure. Neither party shall be deemed to be in breach where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control (including the party's employment force), government regulations, actions or omissions by government agencies other than CITY, court actions (such as restraining orders or injunctions), or other causes beyond the party's control, provided that the party claiming delay gives the other party notice thereof within ten (10) days after the commencement of the delay. If any such delay shall occur, the term of this Agreement and time for performance by either party of any of its obligations hereunder shall be extended by the parties for the period of time that such delay prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for a period that would cause this Agreement or provisions hereto to be void as violating the rule against perpetuities.

12.13 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

12.14 Constructive Notice and Acceptance. Every person who, now or hereafter, owns or acquires any right, title or interest in or to the Property, or part thereof, is, and shall be, conclusively deemed to have consented and agreed to be bound by every provision contained in this Agreement applicable to all or the portion of Property acquired, whether or not any reference to the Agreement is contained in the instrument by which such person acquired an interest in all or a portion of the Property.

12.15 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

12.16 Project as a Private Undertaking. It is understood and agreed by and between the parties hereto that the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the provisions of this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement.

12.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such instruments and other writings and take such actions as may be reasonably necessary to carry out the intent or fulfill the provisions of this Agreement or to evidence or consummate any transaction contemplated by this Agreement.

12.18 Covenant of Good Faith and Fair Dealing. Neither party shall do anything that shall have the effect of harming or injuring the right of the other party to receive the benefits of this Agreement. Each party shall refrain from doing anything that would render its performance under this Agreement impossible or impracticable. Each party shall do everything which this Agreement contemplates that such party shall do to accomplish the intent and to fulfill the provisions of this Agreement.

12.19 Integrated Project. CITY acknowledges, by executing this Agreement for the Project as a whole, that the Project is and shall be considered a single, integrated development project and that each component of the Project is dependent upon the completion and occupancy of each other component, and that the viability of each component of the Project is and shall be dependent of the completion and occupancy of each other component and the full performance of this Agreement.

12.20 Authority to Execute.

12.20.1 CITY. The City Council warrants and represents that it has the authority to adopt the ordinance that approves this Agreement and that the City Manager has the authority to execute this Agreement on behalf of CITY and bind CITY to the performance of its obligations hereunder.

12.20.2 OWNER. The persons executing this Agreement on behalf of OWNER warrant and represent that they have the authority to execute this Agreement and to bind OWNER to the performance of its obligations hereunder.

12.21 Indemnification. If any claim, action, or proceeding is filed against CITY or any of its officers, employees, servants or agents to attack, set aside, void, or annul the approval by CITY of this Agreement, or the design of the Headlands Development and Conservation Plan, or for damages for personal injury, including death, or property damage (including damage to property outside of the boundaries of the Development) which may arise from OWNER's, OWNER's contractors, subcontractors, or employees' operations or obligations under this Agreement, or by any one or more persons directly or indirectly employed by, or acting as agent for OWNER or OWNER's contractors or subcontractors under this Agreement, OWNER shall defend (with attorneys selected and directed by OWNER), indemnify and hold harmless CITY and its officers, employees, servants and agents. If the attorneys selected by Headlands Reserve request assistance from the City Attorney's Office, Headlands Reserve shall pay the City Attorney's Office for its time at the City's standard municipal litigation rate. CITY shall notify OWNER of any such claim, action or proceeding promptly after the receipt thereof and shall cooperate fully in the defense. If CITY fails to timely notify OWNER of such claim, action or proceeding, or if CITY fails to cooperate fully in the defense, OWNER shall not thereafter be responsible to defend, indemnify and hold harmless CITY and its officers, employees, servants and agents. Nothing contained in this Section prohibits CITY from participating in the defense of any such claim, action or proceeding, provided CITY bears its own attorneys' fees and costs and defends in good faith and provided OWNER shall not be required to pay or perform any settlement of any such claim, action or proceeding unless OWNER approves the settlement. As a condition of any Development Approval, CITY may require indemnification by OWNER, provided that any such indemnification condition shall be in the form, and subject to the limitations, of this Section.

12.22 Geologic Failure. OWNER agrees to hold CITY and its officers, employees, servants, and agents harmless for any property damage or claim for property damage resulting from a geologic failure, including but not limited to slope destabilization or soil subsidence, that may occur on the Property unless such failure is a result of negligence by the City in conducting maintenance or operation of the Public Facilities and Public Park and Open Space Facilities owned or maintained by CITY. OWNER also agrees to include in each purchase agreement and deed that the buyer of a residential lot agrees to hold CITY and its officers, employees, servants, and agents harmless for any property damage or claim for property damage resulting from a geologic failure, including but not limited to slope destabilization or soil subsidence, that may occur on the purchased lot unless such failure is a result of negligence by the City in conducting maintenance or operation of the Public Facilities and Public Park and Open Space Facilities owned or maintained by CITY. Prior to the issuance of a grading permit for the Project, OWNER shall deliver to CITY a certificate of errors and liability insurance maintained by OWNER's grading contractor with a combined single limit for property damage of at least Two Million Dollars ($2,000,000) or whatever higher limit OWNER may obtain, with CITY named as an additional insured.

12.23 Interim Landscaping. Unless there is a development application pending, OWNER agrees to submit to plan check and following approval to implement the interim

landscaping plan for ground cover and slope planting incorporated herein as Exhibit "G" within ninety (90) days after completion of the rough grading of the site designated for Planning Area 9 in the Development Plan. OWNER shall maintain the interim landscaping in a reasonable condition until such time that OWNER begins construction of Planning Area 9.

12.24 Reimbursement of Specific Plan Costs. Concurrent with the issuance of the grading permit for the Project, OWNER shall post a letter of credit (in a form reasonably acceptable to CITY) in favor of CITY, in the amount of Six Hundred Eighty Thousand Dollars ($680,000). Prior to drawing down on the letter of credit, CITY shall give OWNER thirty (30) days written notice of the intent to draw down on the letter of credit in a specified amount. Owner shall have the option of paying CITY the amount specified in the written notice during the thirty (30) day period, in which case CITY shall not draw down on the letter of credit. Rather, the letter of credit shall be reduced by the amount paid by OWNER to CITY. CITY may issue a notice of intent to draw down on the letter of credit only for the following improvements in the following priority:

(a) Structural best management practices improvements identified in the Project EIR for the regional improvements to remediate, enhance and maintain water quality conditions at Baby Beach in Dana Point Harbor and for the waters within the Dana Point and Niguel Marine Life Refuges adjacent to Strand Beach. The regional costs shall not exceed fifty-eight percent (58%) of the total costs.

(b) Landscaping and related improvements to the Street of the Green Lantern right-of-way in the vicinity of the project that could include, at the City's discretion, landscaped bulbs at street corners and street trees where appropriate, enhanced pavement strips, speed humps and other traffic calming improvements that may be identified by the City.

(c) Landscaping and related improvements to the Selva Road right-of-way in the vicinity of the Project.

(d) County of Orange/Strand Vista Park improvements. Landscaping, circulation, parking, monumentation, signage, and related improvements for those portions of Strand Vista Park on County owned lands.

The letter of credit shall remain posted for a period of three (3) years, after which time CITY shall relinquish any and all claims to any unused portion of the letter of credit and the letter of credit shall be returned to OWNER. If the OWNER spends any monies, based on City approved plans, towards the construction or implementation of these facilities, the letter of credit shall be reduced accordingly.

12.25 Strand Vista Park. OWNER agrees that the Home Owners' Association ("HOA") for the Property shall maintain the landscaped slope portion of the Strand Vista Park consistent with the Development Plan and to protect the public views from the Strand Vista Park overlooks. CITY shall grant an easement to the HOA to allow the HOA access to maintain the landscaped slope. In the event that the HOA fails to maintain the landscaped slope consistent with the

Development Plan, CITY may perform the maintenance and shall be reimbursed by the HOA for the cost of such maintenance. The HOA shall enter into an agreement with CITY to hold CITY and its officers, employees, servants, and agents harmless for any property damage or claim for property damage resulting from the HOA's maintenance of the landscaped slope unless such damage is a result of negligence by the City in conducting maintenance or operation of its facilities.

12.26 Fractional Ownership. Fractional Ownership is an allowable use in Planning Areas 4 and 9 pursuant to Section 3.0 of the Headlands Development and Conservation Plan. Prior to the sale of the first Fractional Ownership interest, OWNER shall execute an agreement with CITY which runs with the land 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. For purposes of this Agreement, "Fractional Ownership" is defined as a recorded property interest coupled with a right of occupancy in a segment of real property for a stated period of time.

12.27 Recording. The City Clerk shall cause a copy of this Agreement to be recorded with the office of the County Recorder of the County of Orange, California, within ten (10) days following the effective date of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

CITY:

CITY OF DANA POINT,
a municipal corporation

Dated: May 21, 2002

By: _____
City Manager

ATTEST:

By: _____
City Clerk,
City of Dana Point

APPROVED AS TO FORM:

_____
City Attorney

OWNER:

HEADLANDS RESERVE LLC, a Delaware limited liability company

Dated: _____

By: _____
Name: Sanford Edward
Its: Managing member

EXHIBIT "A"

1

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

LOTS 1 TO 30 INCLUSIVE, 34 TO 58 INCLUSIVE, LOTS 62 TO 66 INCLUSIVE, AND ALL OF LOT X LYING WESTERLY OF THE EASTERLY LINES OF LOTS 31 TO 34 INCLUSIVE AND LOTS 59 TO 66 INCLUSIVE AND SAID EASTERLY LINES EXTENDED, SAID LOT X HAVING BEEN VACATED BY ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, STATE OF CALIFORNIA, COPIES OF WHICH WERE RECORDED APRIL 18, 1928 IN BOOK 154, PAGE 106 OF OFFICIAL RECORDS; MARCH 20, 1929 IN BOOK 256 PAGE 55 OF OFFICIAL RECORDS; AND MAY 1, 1957 IN BOOK 3905, PAGE 6 OF OFFICIAL RECORDS, AND THAT PORTION OF SAN JUAN AVENUE LYING SOUTH OF THE NORTH LINE OF LOT 4 IN SECTION 22, TOWNSHIP 8 SOUTH, RANGE 8 WEST OF THE SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO AN OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 12, 1875, AS VACATED BY ORDER OF THE SAID BOARD OF SUPERVISORS ON MAY 1, 1957, A COPY OF WHICH WAS RECORDED MAY 10, 1957 IN BOOK 3905, PAGE 6 OF OFFICIAL RECORDS, ALL IN TRACT NO. 697 AS SHOWN ON A MAP RECORDED IN BOOK 21, PAGE 8 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING THE PORTION OF LOT X LYING BETWEEN LOT 31 AND LOT 59

NOTE: PARCEL 1 CONSISTS OF THE FOLLOWING ASSESSOR'S PARCEL NUMBERS:

672-241-01 THROUGH 672-241-30, 672-241-34 THROUGH 672-241-58,
672-241-59 THROUGH 672-241-61, 672-233-17 AND 672-233-01 THROUGH 672-233-12

PARCEL 2:

PARCEL 2 OF THAT CERTAIN LOT LINE ADJUSTMENT LL 89-005 RECORDED OCTOBER 2, 1989 AS INSTRUMENT NO. 89-529844, OFFICIAL RECORDS OF SAID ORANGE COUNTY, CALIFORNIA.

NOTE: PARCEL 2 CONSISTS OF ASSESSOR'S PARCEL NUMBER 672-241-64

PARCEL 3:

PARCEL A:

LOTS 7 TO 39 INCLUSIVE, 49 TO 101 INCLUSIVE 105 TO 130 INCLUSIVE, AND 133 TO 227 INCLUSIVE, TOGETHER WITH LINDA AVENUE, FERN AVENUE, ACACIA AVENUE, THE NORTHEASTERLY HALF OF ALESSANDRO AVENUE, THAT PORTION OF THE SOUTHWESTERLY HALF OF ALESSANDRO AVENUE LYING NORTHEASTERLY OF AND ADJOINING LOTS 122 TO 130 INCLUSIVE; THAT PORTION OF THE NORTHEASTERLY HALF OF MARGUERITA AVENUE LYING SOUTHWESTERLY OF AND ADJOINING LOTS 105 TO 116 INCLUSIVE; THAT PORTION OF THE SOUTHWESTERLY HALF OF MARGUERITA AVENUE LYING NORTHEASTERLY OF AND ADJOINING LOTS 90 TO 101 INCLUSIVE; THAT PORTION OF THE NORTHEASTERLY HALF OF LAS ROSAS AVENUE LYING SOUTHWESTERLY OF AND ADJOINING LOTS 90 TO 101 INCLUSIVE, ALL OF THE SOUTHWESTERLY HALF OF LAS ROSAS AVENUE, ALL OF LOMITA AVENUE, LAS FLORES AVENUE AND CLIFF AVENUE, AND THAT PORTION OF SUMMIT AVENUE LYING SOUTH OF TH EASTERLY PROLONGATION OF THE SOUTH LINE OF HELENA AVENUE AND THE RESERVATION FOR ALLEY ALONG THE LINE BETWEEN LOTS 26 AND 37, SAID AVENUE AND ALLEY HAVING BEEN VACATED BY ORDERS OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, COPIES OF WHICH WERE RECORDED APRIL 18, 1928 IN BOOK 154, PAGE 106 OF OFFICIAL RECORDS, AND SEPTEMBER 15, 1926 IN BOOK 29, PAGE 193 OF DEEDS, AND THOSE PORTIONS OF SAN JUAN

AVENUE, SUMMIT AVENUE, AND HELENA AVENUE ADJOINING LOTS 189 TO 227 INCLUSIVE, BOUNDED ON THE WEST BY THE PROLONGATIONS OF THE EASTERLY LINE OF SCENIC DRIVE, AS VACATED BY ORDER OF THE SAID BOARD OF SUPERVISORS, A COPY OF WHICH WAS RECORDED MAY 10,1957 IN BOOK 3905, PAGE 6 OF OFFICIAL RECORDS, ALL IN TRACT NO. 771 AS SHOWN ON A MAP RECORDED IN BOOK 22, PAGE 40 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING ANY PORTION THEREOF NOT INCLUDED WITHIN LOTS 2 AND 3 OF SECTION 21, TOWNSHIP 8 SOUTH, RANGE 8 WEST, OF THE SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO AN OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 12, 1875.

ALSO EXCEPTING ANY PORTION OF SAID LOTS 7 TO 34 INCLUSIVE LYING BELOW THE LINE OF ORDINARY HIGH TIDE OF THE PACIFIC OCEAN.

PARCEL B:

LOTS 40, 41, 102, 104 AND 131, TOGETHER WITH THAT PORTION OF THE SOUTHWESTERLY HALF OF ALESSANDRO AVENUE LYING NORTHEASTERLY OF AND ADJOINING LOT 131, ALL OF MARGUERITA AVENUE LYING BETWEEN AND ADJOINING LOTS 104 AND 102, THAT PORTION OF THE NORTHEASTERLY HALF OF LAS ROSAS AVENUE LYING SOUTHWESTERLY OF AND ADJOINING SAID LOT 102, SAID AVENUE HAVING BEEN VACATED BY ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, A COPY OF WHICH WAS RECORDED APRIL 18, 1926 IN BOOK 154, PAGE 106 OF OFFICIAL RECORDS, AND SEPTEMBER 15, 1926 IN BOOK 29, PAGE 193 OF DEEDS, ALL IN TRACT NO. 790 AS SHOWN ON A MAP RECORDED IN BOOK 24, PAGE 21 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALFIORNIA.

PARCEL C:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT THIRTY-FIVE (35) OF TRACT NO. 771, AS SHOWN ON A MAP RECORDED IN BOOK 22, PAGE 40 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; AND RUNNING THENCE NORTH 42° 25' WEST 270.00 FT. MORE OR LESS, TO AN INTERSECTION WITH THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE SOUTHWESTERLY ALONG SAID ORDINARY HIGH TIDE LINE 32 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF LOT 34 OF SAID TRACT NO. 771; THENCE SOUTH 42° 25' EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 34 TO THE MOST NORTHWESTERLY CORNER OF LOT 35 OF SAID TRACT NO. 771; THENCE SOUTH 89° 41' EAST 42.50 FEET TO THE POINT OF BEGINNING.

NOTE: PARCEL 3 CONSISTS OF THE FOLLOWING ASSESSOR'S PARCEL NUMBERS:

672-261-01, 672-262-05, 672-271-01, 672-271-02, 672-291-01 THROUGH 672-291-03, 672-291-11 THROUGH 672-291-16 AND 672-291-18 THROUGH 672-291-38

PARCEL 4:

LOT 5 OF SECTION 22, TOWNSHIP 8 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7 IN BLOCK C OF TRACT NO. 573 AS SHOWN ON A MAP RECORDED IN BOOK 20, PAGE 29 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND RUNNING THENCE SOUTH 73° 29' EAST 192.00 FEET TO A POINT NEAR THE TOP OF THE BLUFF; THENCE NORTHEASTERLY ALONG SAID BLUFF, 58.42 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; AND THENCE NORTH 89° 56' WEST 175.38 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION LYING WITHIN LOT 5 OF SAID SECTION 22, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 7 IN BLOCK C OF TRACT NO. 573 AS SHOWN ON A MAP RECORDED IN BOOK 20, PAGE 29 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE SOUTH 88° 56' EAST ALONG THE SOUTHERLY LINE OF SAID LOT 7 AND ITS PROLONGATION, 272.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE, FROM SAID TRUE POINT OF BEGINNING, NORTH 2° 13' 30" EAST 21.87 FEET TO A TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 66.00 FEET; THENCE NORTHERLY ALONG SAID CURVE A DISTANCE OF 34.78 FEET; THENCE SOUTH 46° 40' EAST 143.21 FEET; THENCE SOUTH 87° 13' WEST 111.74 FEET TO A POINT IN A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 46.00 FEET, THE RADIAL TO SAID CURVE AT SAID POINT BEARS NORTH 63° 49' 15" EAST; THENCE NORTHERLY ALONG SAID CURVE, 22.79 FEET TO A TANGENT WHICH BEARS NORTH 2° 13' 30" EAST; THENCE NORTH 2° 13' 30" EAST ALONG SAID TANGENT, 26.98 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION OF LOT 5 LYING SOUTHERLY OF THE NORTHERLY LINE OF SAID LOT 5; WESTERLY AND NORTHERLY OF THE LINE OF MEAN HIGH TIDE OF THE PACIFIC OCEAN; AND EASTERLY AND SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT DISTANT SOUTH 89° 56' 00" EAST 670.19 FEET FROM THE SOUTHWEST CORNER OF LOT 7 IN BLOCK C OF TRACT NO. 573 AS SHOWN ON A MAP RECORDED IN BOOK 20, PAGE 29 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS MEASURED ALONG THE SOUTHERLY LINE OF SAID LOT 7 AND ITS EASTERLY PROLONGATION, SAID SOUTHERLY LINE OF LOT 7 AND ITS EASTERLY PROLONGATION ALSO BEING THE NORTHERLY LINE OF SAID LOT 5; THENCE SOUTH 9° 23' 25" WEST 9.85 FEET; THENCE SOUTH 12° 53' 23" EAST 26.59 FEET; THENCE SOUTH 27° 29' 13" EAST 41.40 FEET; THENCE SOUTH 0° 45' 55" WEST 31.42 FEET; THENCE SOUTH 11° 59' 20" EST 42.39 FEET; THENCE SOUTH 37° 30' 49" EAST 18.74 FEET; THENCE SOUTH 10° 19' 31" EAST 16.74 FEET; THENCE SOUTH 08° 52' 58 WEST 26.60 FEET; THENCE SOUTH 02° 13' 09" WEST 66.95 FEET; THENCE SOUTH 26° 13' 59" WEST 22.76 FEET; THENCE SOUTH 03° 09' 30" WEST 91.57 FEET; THENCE SOUTH 13° 35' 46 WEST 63.18 FEET; THENCE SOUTH 35° 00' 16" WEST 8.94 FEET; THENCE SOUTH 49° 08' 28" WEST TO THE LINE OF MEAN HIGH TIDE OF THE PACIFIC OCEAN.

NOTE: PARCEL 4 CONSISTS OF ASSESSOR'S PARCEL NUMBERS 672-234-09, 672-251-01 AND 672-252-02

PARCEL 5:

LOT 2 OF SECTION 21, TOWNSHIP 8 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM, THAT PORTION OF LOT 2 INCLUDED WITHIN TRACT NO. 771 AS SHOWN

ON A MAP RECORDED IN BOOK 22, PAGE 40 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY.

ALSO EXCEPTING THAT PORTION OF LOT 2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 42 OF TRACT NO. 771, AS SHOWN ON A MAP RECORDED IN BOOK 22, PAGE 40 OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY, AND RUNNING THENCE NORTH 69° 07' 30" WEST TO AN INTERSECTION WITH THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE NORTHERLY ALONG SAID ORDINARY HIGH TIDE LINE, TO A POINT WHICH BEARS NORTH 71° 54' 30" WEST FROM THE MOST NORTHERLY CORNER OF LOT 46 OF SAID TRACT NO. 771; THENCE SOUTH 71° 54' 30" EAST TO THE SAID MOST NORTHERLY CORNER OF SAID LOT 46; THENCE SOUTH 51° 16' 30" WEST 184.70 FEET; AND THENCE SOUTH 20° 52' 30" WEST 53.47 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION OF LOT 2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 35 OF TRACT NO. 771, AS SHOWN ON A MAP RECORDED IN BOOK 22 PAGE 40 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; AND RUNNING THENCE NORTH 42° 25' WEST 270 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE SOUTHWESTERLY ALONG SAID ORDINARY HIGH TIDE LINE, 32 FFET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF LOT 34 OF SAID TRACT NO. 771; THENCE SOUTH 42° 25' EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 34 TO THE MOST NORTHWESTERLY CORNER OF LOT 35 OF SAID TRACT 771; THENCE SOUTH 89° 41' EAST 42.50 FEET TO THE POINT OF BEGINNING.

NOTE: PARCEL 5 CONSISTS OF ASSESSOR'S PARCEL NUMBERS 672-281-01 AND 672-281-17

PARCEL 6:

PARCEL A:

LOT 1 OF SECTION 21, TOWNSHIP 8, SOUTH, RANGE 8 WEST, OF THE SAN BERNARDINO BASE AND MERIDIAN.

PARCEL B:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, IN TOWNSHIP 8 SOUTH, RANGE 8 WEST, OF THE SAN BERNARDINO MERIDIAN, AS PER THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 12, 1875, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 0° 10' WEST 1320.00 FEET; THENCE EAST TO THE NORTHERLY PROLONGATION OF THE EAST LINE OF SCENIC DRIVE (NOW KNOWN AS DANA STRAND ROAD) AS SHOWN ON A MAP OF TRACT NO. 771 RECORDED IN BOOK 22, PAGE 40 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTHERLY ALONG SAID PROLONGATION TO THE NORTHEASTERLY LINE OF THE 50-FOOT STRIP OF LAND DECLARED A ROAD TO BE KNOWN AS SAN JUAN AVENUE BY THE BOARD OF SUPERVISORS OF SAID COUNTY AND DESCRIBED IN THE MINUTES OF THE SAID BOARD OF

SUPERVISORS, FILED IN BOOK 30, PAGE 19, IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE TO THE NORTHERLY LINE OF SAID SECTION 21; THENCE WESTERLY TO THE POINT OF BEGINNING.

~~EXCEPTING AND RESERVING TO THE GRANTORS, THEIR SUCCESSORS AND ASSIGNS, ALL OIL,~~ , GAS, AND OTHER HYDROCARBON SUBSTANCES BELOW A DEPTH OF ONE HUNDRED AND FIFTY FEET (150') MEASURED VERTICALLY BELOW THE SURFACE OF THE LAND HEREINABOVE DESCRIBED, TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO DRILL SLANTED WELLS FROM ADJACENT LAND INTO AND THROUGH THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED FOR THE PURPOSE OF PRODUCING SAID MINERALS THEREFROM OR FROM OTHER PROPERTIES; PROVIDED, HOWEVER, THAT THE SURFACE OF THE LAND HEREINABOVE DESCRIBED SHALL NEVER BE USED FOR THE EXPLORATION, DEVELOPMENT, EXTRACTION OR REMOVAL OF SUCH MINERALS OR SUBSTANCES FROM SAID LAND OR FROM OTHER PROPERTIES, AS RESERVED IN THE DEED FROM GEORGE M. CAPRON AND WIFE, RECORDED DECEMBER 28, 1961 IN BOOK 5958, PAGE 89 OF OFFICIAL RECORDS.

NOTE: PARCEL 6 CONSISTS OF ASSESSOR'S PARCEL NUMBER 672-091-03

EXHIBIT "B"

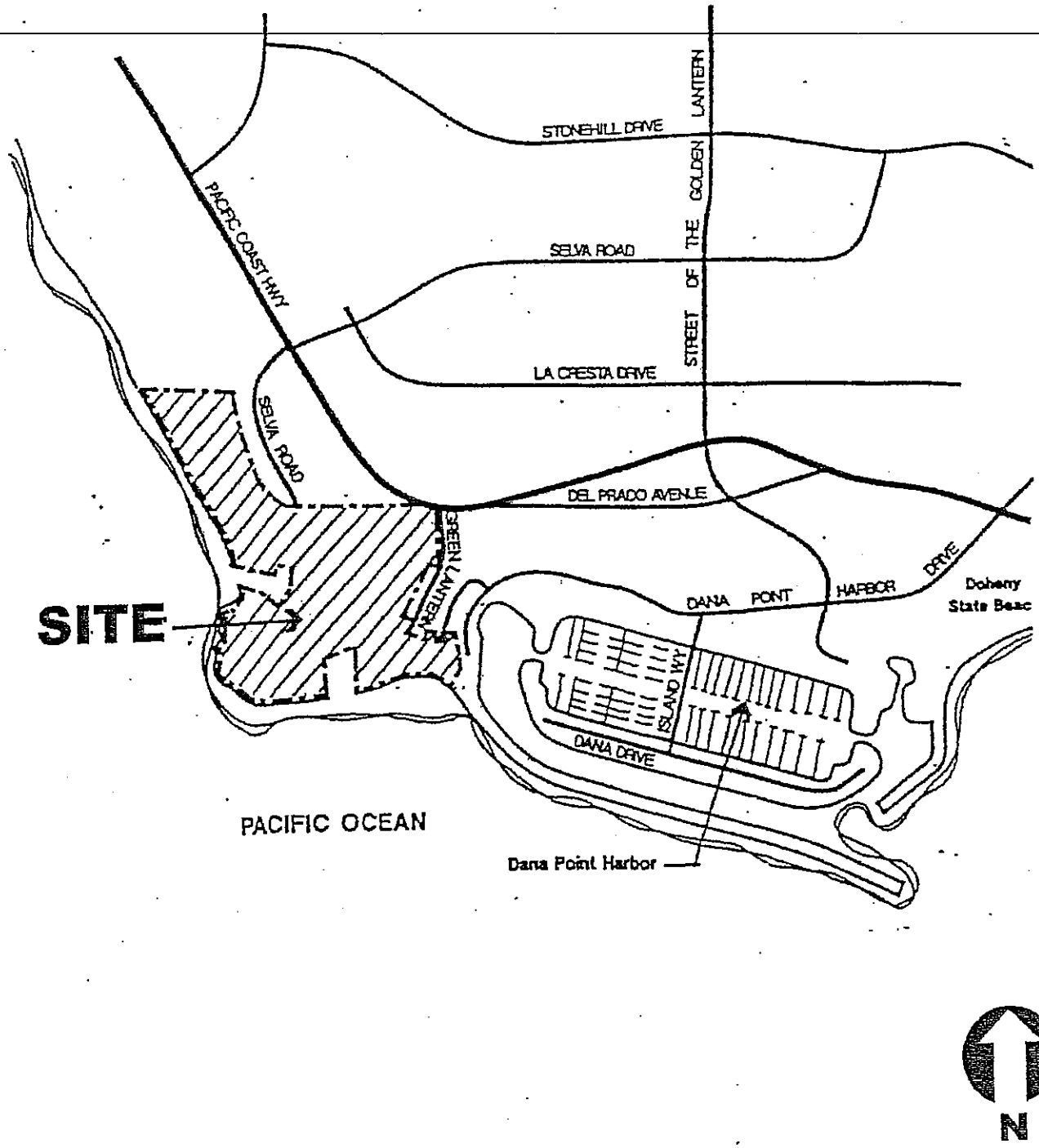

STONEHILL DRIVE
GOLDEN LANTERN
PACIFIC COAST HWY
SELVA ROAD
STREET OF THE
LA CRESTA DRIVE
SELVA ROAD
DEL PRADO AVENUE
GREEN LANTERN
SITE
DANA POINT HARBOR DRIVE
Doheny State Beac
ISLAND WY
DANA DRIVE
PACIFIC OCEAN
Dana Point Harbor
N

EXHIBIT "C"

EXISITING DEVELOPMENT APPROVALS

None.

EXHIBIT "D"

EXISTING LAND USE REGULATIONS

1. City of Dana Point, Headlands Development and Conservation Plan, July 24, 2002.

2. City of Dana Point General Plan, 1991 Resolution 91-07-09-8, as amended.

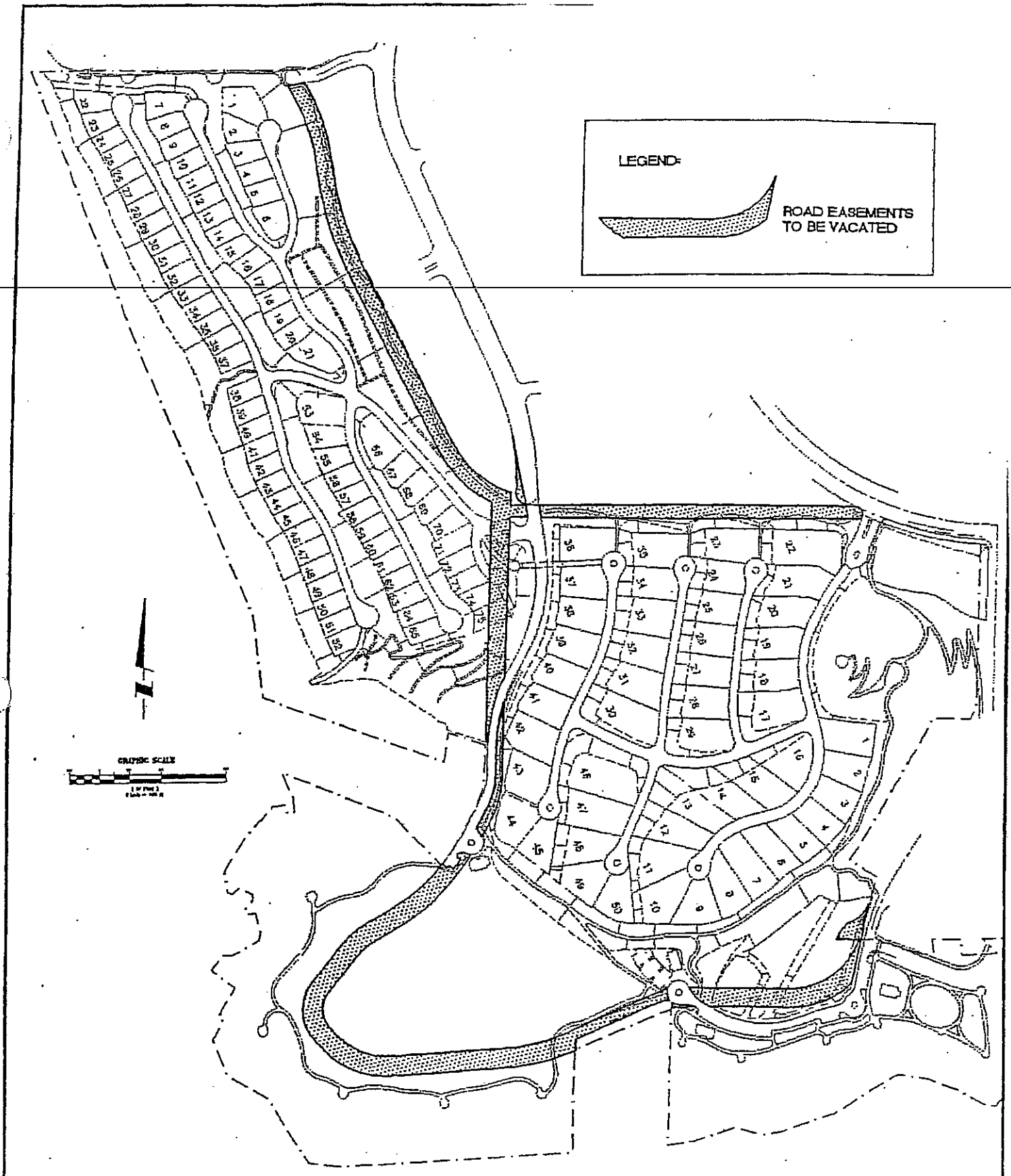
3. City of Dana Point, General Plan Amendment, Resolution 02-01-22-06.

4. City of Dana Point, Zoning Code (where applicable), 1993 Ordinance 93-16, as amended.

5. City of Dana Point, Local Coastal Program Amendment, Resolution 02-01-22-06.

6. City of Dana Point, Zone Text Amendment and Zone Change, Ordinance 02-01.

7. City of Dana Point, Planned Development District, Resolution 02-01-22-07.



The Keith Companies
TKC
2955 Red Hill Avenue, Costa Mesa, CA 92626 (714) 540-0800

J:\13266.00\dwg\Prex0096.dwg May 18 2001 10:20am By:s_novak

EXHIBIT 'E'

ROAD EASEMENTS TO BE VACATED

EXHIBIT "F"

PUBLIC PARK AND OPEN SPACE FACILITIES

The following outline summarizes the Public Park and Open Space Facilities, and details the timing and delivery of the facilities. The facilities correspond to and are more fully described in the Headlands Development and Conservation Plan ("HDCP"). The recipient public agency or non-profit entity for each park and open space area is designated in the HDCP, Section 4.4, Park and Open Space Plan.

A. Public Parks

The public parks and open space shall be offered for dedication and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent with the recordation of the Final Map(s).

1. Headlands Conservation Park: 24.2 acres, convey to non-profit trust
2. Harbor Point Park: 10.4 acres, convey to City
3. Hilltop Park: 12.3 acres, convey to City
4. Strand Vista Park: 9.9 acres, convey to City
5. Strand Beach Park: 5.2 acres, convey to County

B. Public Park and Open Space Amenities

All approved public park and open space improvements and amenities shall be constructed by the landowner/developer. All approved public park and open space improvements and amenities shall be bonded for final completion (@120% of estimated construction costs) prior to recordation of the Final Maps, and construction shall, at a minimum, reach substantial completion prior to the first residential certificate of occupancy or final inspection for the residential property.

"Substantial completion" shall be the point in time when a facility is essentially fully constructed, it is fully closed-in and can be secured, all finishing is complete, both interior and exterior, and mechanical, electrical, and plumbing has been installed. "Final Completion" shall be the point where the City issues a Certificate of Occupancy ("C of O") for the given public facility and the owner has met all of the obligations as shown in the construction documents or contracts related to that public facility. After Substantial Completion has been reached, the City and Owner shall prepare a list of incomplete or unsatisfactory items, and a schedule prepared showing when such items shall be corrected. The appropriate public agency or non-profit entity shall be responsible for the long-term maintenance of the public parks and open space including the proposed improvements and amenities.

1. Public trails: 3+ miles of integrated pedestrian and bicycle trails
2. Scenic view overlooks: 20 public overlook areas with seating facilities

3. Coastal Pedestrian Beach Access: 3 direct access paths to Strand Beach
   a. South Strand Beach Access (new)
   b. Central Strand Beach Access (new)
   c. North Strand Beach Access (improved)
4. Coastal Emergency Beach Access: Fire, emergency, and maintenance vehicle access to Strand Beach (new)
5. Coastal Pedestrian Access: numerous portions of the public trails (i.e., the Headlands Conservation Park) incorporate direct coastal access paths near the bluff top edge and other areas
6. Public informational signage, monuments, and maps

C. Public Visitor Recreation Facilities

Five public visitor recreation facilities shall be developed and constructed by the landowner/developer. The proposed facilities shall support recreational and/or educational activities, and encourage coastal access.

1. Maritime Historical Lighthouse: 2,000 sq.ft.
2. Nature Interpretive Center: 2,000 sq.ft.
3. Cultural Arts Center: 2,000 sq.ft.
4. Conservation Center: 2,000 sq.ft.
5. Strand Beach Restroom: 500 sq.ft.

Providing the City approves the public visitor facilities in question, square footage from one facility may be transferred to another facility, if both the City Council and Owner mutually agree. If a public visitor facility is eliminated by the City Council during the public hearing process, the corresponding square footage shall be subtracted from the total and not transferable to another facility, unless otherwise mutually agreed to by both parties.

The public visitor recreation facilities shall be designed and constructed as part of the park and open space improvements, and shall meet the City's building code requirements for a public facility as defined therein. The public visitor recreation facility building permits shall be approved, bonded for final completion (@ 120% of estimated construction costs), and construction shall, at a minimum, reach substantial completion prior to the issuance of the first project residential certificate of occupancy or final inspection for the first residential property. "Substantial completion" shall be the point in time when a facility is essentially fully constructed, it is fully closed-in and can be secured, all finishing is complete, both interior and exterior, and mechanical, electrical, and plumbing has been

EXHIBIT "F"

PUBLIC PARK AND OPEN SPACE FACILITIES
(Continued)

installed. "Final Completion" shall be the point where the City issues a C of O for the given public facility and the owner has met all of the obligations as shown in the construction documents or contracts related to that public facility. After Substantial Completion has been reached, the City and Owner shall prepare a list of incomplete or unsatisfactory items, and a schedule prepared showing when such items shall be corrected.

The construction budget for each facility (as referenced above) shall include interior furnishing and exhibit improvements, and shall budget the following costs:

1. $330,000
2. $280,000
3. $310,000
4. $ 90,000
5. $ 30,000

Total: $1,040,000

If a public facility is eliminated by the City Council during the public hearing process, the corresponding budget shall be subtracted from the total and not transferable to another facility, unless otherwise mutually agreed to by both parties. The public visitor recreation facilities shall be offered for donation to the appropriate public agency or non-profit entity. The appropriate public agency or non-profit entity shall be responsible for the long-term maintenance of the public visitor recreation facilities.

EXHIBIT "G"

INTERIM LANDSCAPING DESCRIPTION

For Planning Area 9, Seaside Inn, the following interim landscape improvements shall be provided on all ground cover areas and slopes.

The following seed mix shall be utilized in a hydro-seed application at the proportions indicated and irrigated utilizing above ground brown lines.

Botanical Name	Common Name	lbs / acre
Achillea milleforium	Common Yarrow	8
Encelia californica	Bush Sunflower, California Encelia	12
Eriophyllum confertiflorum	Golden Yarrow	6
Lasthenia californica	Dwarf Goldfields	8
Lotus scoparius	Deerweed	6
Lupinus	Sky Lupine	8
Oenthera ssp.	Primrose	10
Vulpia microstachys	Small Fescue	12
		70

This poundage and species selection list is subject to soils sampling and recommendations from the landscape architect.

EXHIBIT "H"

DESCRIPTION OF PUBLIC FACILITIES

The following outline provides a general description, including the timing and delivery, of the Public Facilities. The facilities correspond to and are more fully detailed in the Headlands Development and Conservation Plan ("HDCP"). The Public Facilities shall be constructed by the landowner/developer and bonded for final completion prior to the recordation of the Final Maps. All Public Facilities shall, at a minimum, reach substantial completion prior to the first residential certificate of occupancy or final inspection for the first residential property. "Substantial completion" shall be the point in time when a facility is essentially fully constructed, it is fully closed-in and can be secured, all finishing is complete, both interior and exterior, and mechanical, electrical, and plumbing has been installed. "Final Completion" shall be the point where the City issues a C of O for the given public facility and the owner has met all of the obligations as shown in the construction documents or contracts related to that public facility. After Substantial Completion has been reached, the City and Owner shall prepare a list of incomplete or unsatisfactory items, and a schedule prepared showing when such items shall be corrected. All Public Facilities shall be maintained by the appropriate public agency.

A. Public Streets

1. Selva Road: extend and improve onsite to connect to Dana Strand Road
   a. Public parking shall be provided on the east side of the street
2. Street of the Green Lantern: extend and improve onsite to connect to Scenic Drive realignment
   a. Public head-in parking shall be provided on east side of the street
3. Scenic Drive: realign and improve onsite to connect to the Street of the Green Lantern
   a. Public head-in parking shall be provided on the south side of the street.
4. "A" Street: improve and connect to Pacific Coast Highway 1
5. Pacific Coast Highway 1: improve, adjacent to the Project, as a major arterial (120' R.O.W.)

B. Public Sewer/Water Improvements

All water and sewer facilities (main lines, fire hydrants, pump stations, etc.) shall be constructed by the applicant to meet the specifications of the South Coast Water District and all applicable municipal codes and state statutes as well as the provisions of the HDCP.

EXHIBIT "H"

DESCRIPTION OF PUBLIC FACILITIES
(Continued)

C. Public Storm Drain Improvements

All storm drain facilities (main lines, catch basins, Best Management Practices structures, energy dissipation structures, etc.) shall be constructed by the applicant to conform to the City's Municipal Storm Water Permit requirements as issued by the Regional Water Quality Control Board as well as the provisions of the HDCP.

D. Public Utility Improvements

All utility improvements (gas, electric, cable, etc.) shall be constructed by the applicant and conform to all applicable municipal codes and state statutes as well as the provisions of the HDCP.

RESOLUTION NO. 05-02-23-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL OF SURFRIDERS FOUNDATION AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF MASTER COASTAL DEVELOPMENT PERMIT CDP04-23

File No.: FF# 0630-30/CDP04-23

WHEREAS, the City of Dana Point has an adopted and certified Local Coastal Program; and

WHEREAS, the Planning Commission did on January 19, 2005 hold a duly noticed public hearing as prescribed by law to consider Master Coastal Development Permit CDP 04-23 and approved the application, subject to certain conditions of approval; and

WHEREAS, on February 3, 2005 an appeal was filed with the City Clerk by Surfrider Foundation; and

WHEREAS, the City Council did on February 23, 2005 hold a duly noticed public hearing as prescribed by law to consider the appeal of Master Coastal Development Permit CDP 04-23; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the appeal of Master Coastal Development Permit CDP 04-23.

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

Section 1. That the above recitations are true and correct;

Section 2. The City Council having considered all testimony and written materials, finds the appeal is without merit and specifically rejects appellant's argument that the Master Coastal Development Permit is inconsistent with the Local Coastal Program and the proposed development's impact to ESHA violates the California Coastal Act.

Section 3. The City Council adopts the findings listed on Exhibit "A" of this Resolution, attached hereto and incorporated herein by this reference.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 39

Section 4. The City Council denies the appeal, thereby upholding the Planning Commission's approval of Master Coastal Development Permit CDP 04-23 subject to the conditions of approval shown in Exhibit "B" of this Resolution, attached hereto and incorporated herein by this reference.

Section 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of February, 2005.

Wayne Rayfield
WAYNE RAYFIELD

ATTEST:

SHARIE APODACA
INTERIM CITY CLERK

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

I, Sharie Apodaca, Acting City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 05-02-23-07 was duly adopted and passed at a regular meeting of the City Council on the 23rd day of February, 2005, by the following roll-call vote, to wit:

AYES: Council Members Chilton, Harkey, Lacy, Mayor Pro Tem Anderson, and Mayor Rayfield

NOES: None

ABSTAIN: None

ABSENT: None

SHARIE APODACA
INTERIM CITY CLERK

EXHIBIT A

MASTER COASTAL DEVELOPMENT PERMIT NO. CDP 04-23
FINDINGS

1. *The proposed development is in conformity with the certified Dana Point Local Coastal Program as defined in Chapter 9.75 of the Zoning Code (Coastal Act 30333, 30604(b), 14 Cal. Code of Regulations 13096).*

   The application requests approval to allow for the subdivision and development of 126 numbered lots and 27 lettered lots for the development of 118 single family dwellings and one private community facility; all related improvements associated with development of each of the residential lots and dwellings, all common area lots, and all lettered lots, 4.4 acres of Visitor/Recreation Commercial uses including a 65-90 room hotel, a maximum of 35,000 square foot commercial development with a 40-bed hostel, vacation and dedication of public rights-of-way; dedication/conveyance of 68.5 acres of public open space, all clearing and grading, and public and private improvements associated with the project with the exception of the private improvements proposed for the V/RC lots (but inclusive of grading, erosion control and related improvements required for the construction of building pads) which shall be subject to individual coastal development permits. The proposed development consists of 118 dwelling units, rather than the 125 dwelling units authorized in the certified Local Coastal Program, resulting in a reduction of approximately 5%. The request proposes uses that are consistent with the land use designations and are within the allowed deviation in area. Together with the conditions of approval, the proposed development will meet or exceed the requirements set forth in the Land Use Program and Local Implementation Plan of the Local Coastal Program.

2. *The proposed development is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act (Coastal Act 30333, and 30604(c), 14 Cal. Code of Regulations 13096).*

   The proposed development provides four new vertical beach public access routes in accordance with the certified Local Coastal Program. Provisions to provide a 5th access as a public funicular are also planned in accordance with the certified Local Coastal Program, because it is currently planned to close Planning Area 2 to public vehicular access. The development also provides increased public recreational opportunities in the form of approximately 68.5 acres of public open space that includes new public parks, trails and conservation areas in accordance with the certified Local Coastal Program.

3. *The proposed development conforms with Public Resource Code Section 21000 and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant impact that the activity may have on the environment (Coastal Act 30333, 14 Cal. Code of Regulations 13096).*

   An Environmental Impact Report and addendum were prepared and certified for the proposed project. The certified EIR and addendum includes a mitigation monitoring plan to mitigate identified impacts to the environment. All mitigation measures of the mitigation monitoring program are conditions of approval by reference. After mitigation, it was determined that there are three impacts to the environment that could not be mitigated below a level of significance and a Statement of Overriding Considerations was adopted by the Dana Point City Council.

4. *The proposed project will provide five public vertical access ways and public lateral access in accordance with the certified Local Coastal Program, and the Headlands Development and Conservation Plan.*

   Project plans show the five public vertical access ways (one vertical access is the funicular that is required for the closure of Planning Area 2 to public vehicular access) and the public lateral access required in the certified Local Coastal Program. The conditions of approval further require that the access ways and lateral access be constructed. Maintenance and appropriate insurance is also required for the funicular and the lateral access.

5. *The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources, except as is provided for in the certified Local Coastal Program, located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.*

   The proposed development is sited in accordance with the certified Local Coastal Program, thereby limiting any impacts to ESHA to those provided for in the certified Local Coastal Program. Numerous measures to protect and enhance the preserved on-site ESHA are part of the project, including but not limited to, perimeter walls, trail fences, construction monitoring and temporary construction fencing, deed restrictions, replacement of disturbed ESHA at a ratio of 3:1 (including 1:1 creation), and an endowment for the management and maintenance of the ESHA. Scenic resources are enhanced by the removal of dilapidated structures and non-native vegetation that currently obscures views, provision of new public access to the Strand Beach and Dana Headlands promontory and up to

three miles of public access, provision of controlled access within ESHA, and restoration of disturbed ESHA within public open space areas.

6. *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.*

The development is designed to avoid disturbance and protect the prominent natural landforms, specifically the Dana Point Headlands promontory and cliffs, Harbor Point, the Strand Beach, and the prominent hilltop and ridge located in the south east portion of the project site. The Environmental Impact Report prepared for the project concluded that the project will not result in undue geologic and erosional conditions and/or flood and fire hazards. Extensive site-specific geotechnical studies have been completed and reviewed by the City. Prior to the issuance of a grading permit, to ensure that no undue risk is present during and after development of the project, final recommendations from the geotechnical engineer will be incorporated into the project.

7. *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.*

The project is generally designed to be screened by and conform to the significant natural landforms in the area. The project includes specific design guidelines for development of the residential, Visitor/Recreational Commercial and public open space portions of the site. The guidelines specify developable lot area, height and general design features to be incorporated that ensure the development is compatible with the character of the surrounding areas. The project also includes restoration of ESHA areas that will enhance the visual quality of certain areas that have been degraded by uncontrolled public use. In addition, dilapidated structures in the abandon mobile home park and existing extensive razor wire and chain link fencing will be eliminated through development of the project.

8. *The proposed development will conform with the General Plan, Zoning Code, applicable specific plans, Local Coastal Program, the Headlands Development and Conservation Plan, and any other applicable adopted plans and programs.*

The project has been reviewed by City staff and the Planning Commission for compliance with the General Plan, Zoning Code, the certified Local Coastal Program, and the Headlands Development and Conservation Plan. City staff and the Planning Commission found the project to be in compliance with those documents as it is consistent with the uses, regulations and policies put forth by those documents. Further, the

conditions of approval require continued conformance with these documents.

9. *The proposed development substantially conforms to the project analyzed in the certified Environmental Impact Report, the Addendum and Statement of Overriding Considerations; and therefore, no further environmental documentation is required.*

An Addendum to the certified Environmental Impact Report ("EIR"), minor changes to the mitigation monitoring and reporting program, and a new Statement of Overriding Considerations were prepared and adopted by the City at the time it approved modifications to the Local Coastal Program, as recommended by the California Coastal Commission, and the Headlands Development and Conservation Plan. The certified Environmental Impact Report and the Addendum were intended to satisfy the requirements of CEQA for all aspects of the project and any additional discretionary approvals absent the occurrence of conditions described in Section 15162 of the CEQA Guidelines. As it turns out, the certified EIR and Addendum analyzed a project that was slightly denser (five percent more dwelling units) than the proposed project. The proposed project substantially conforms to the project described in the certified EIR and Addendum and would result in the same or lesser environmental impacts. Moreover, no new information has been discovered since the certification of the EIR and adoption of the Addendum that would require any additional environmental review pursuant to Section 15162 of the CEQA Guidelines. Therefore, no further environmental documentation is necessary.

EXHIBIT B

MASTER COASTAL DEVELOPMENT PERMIT NO. CDP 04-23
MASTER SITE DEVELOPMENT PERMIT NO. SDP 04-69
CONDITIONS OF APPROVAL

General Conditions

1. Approval of this application is to allow for the subdivision and development of 126 numbered lots and 27 lettered lots for the development of 118 single family dwellings and one private community facility; all related improvements associated with development of each of the residential lots and dwellings, all common area lots, and all lettered lots, 4.4 acres of Visitor/Recreation Commercial uses including a 65-90 room hotel, a maximum of 35,000 square foot commercial development with a 40-bed hostel, vacation and dedication of public rights-of-way; dedication/conveyance of 68.5 acres of public open space, and all clearing and grading, public and private improvements associated with the project with the exception of the private improvements proposed for the V/RC lots (other than grading, erosion control and related improvements required for the construction of building pads) which shall be subject to individual coastal development permits. Subsequent submittals for this project shall be in substantial compliance with the submitted plans presented to the Planning Commission and in compliance with the applicable provisions of the Headlands Development and Conservation Plan (HDCP), the Dana Point Local Coastal Program, the Dana Point General Plan (General Plan) and the Dana Point Municipal Code (Municipal Code). (Planning)

2. Within sixty (60) days of this approval, all costs incurred in processing this application by the City shall be paid by the applicant or in accordance with Development Agreement DA 01-01. The costs to be paid by the applicant include the fees and costs of the City's attorneys for all applicable legal work performed concerning the project, in accordance with Development Agreement 01-01. (Planning, City Attorney, Finance)

3. All development shall be consistent and comply with all requirements of the HDCP as approved and Local Coastal Program Amendment 01-02 (LCPA 01-02) whether or not such requirements are identified herein. (Planning)

4. The Mitigation Monitoring Program (MMP) of the Final Environmental Impact Report and Addendum prepared for the project shall be conditions of approval by reference. Where there is a conflict between these conditions and the MMP, the more restrictive shall apply as determined by the Community Development Director. (Planning)

5. The applicant and successors in interest shall protect, defend, indemnify, and hold harmless the City, its officers, employees, and agents from any claim, action, or proceeding against the City, its officers, employees, or agents to attack, set aside, void, or annul the approval granted by this Resolution, including attorney's fees and costs, in accordance with Development Agreement 01-01.

   The applicant and successors in interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents employees, or contractors, including attorney's fees and costs, in accordance with Development Agreement 01-01. (Planning, City Attorney)

6. The applicant and successors in interest shall comply with all conditions of approval. The applicant shall submit to City staff any conditions from other agencies that may arise from future governmental permits or actions on the project site. (Planning)

7. Pursuant to Development Agreement DA 01-01, the applicant and successors in interest shall be responsible for payment of all applicable fees for all future applications and permits. (Planning)

8. All construction shall be performed in accordance with the guidelines established by the City and State building regulations and the Uniform Building Code (UBC) as they relate to energy conservation. (Building)

9. Grading activities, including the removal and hauling operation, shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays when no grading shall be permitted. Construction activity shall be limited to the hours specified in the Municipal Code. Any deviations from these hours or days are subject to approval by the Director of Public Works prior to deviation from the standard. (Public Works)

10. The construction site shall be posted with signage indicating that construction may not commence before 7 a.m. and must cease by 8 p.m., Monday through Saturday, and no construction activity is permitted on Sundays or holidays. (Building)

11. The development shall not impact more than 11.29 acres of designated Environmentally Sensitive Habitat Area pursuant to Dana Point Local Coastal Program Amendment No. 01-02. The development shall comply with all other requirements regarding sensitive habitats as set forth in LCPA 01-02. (Planning)

12. A minimum of 12 residential units within the project shall provide employees' quarters that are available for occupancy by individual lot owners' employees who qualify as low or moderate income persons or families as defined in Section 50093 of the California Health & Safety Code. Any residential unit that does not provide for such an employees' quarters shall be required to participate in the City's affordable housing in-lieu fee program by paying $2,500 to the City prior to the issuance of a building permit for that residential unit. The City shall implement a monitoring program to ensure that at all times a minimum of 12 employees' quarters within the development are available for occupancy exclusively by individual lot owners' employees who qualify as low or moderate income persons or families. (Planning, City Attorney)

Prior to Approval of a Final Tract Map

13. The applicant shall submit "will serve" letters from the applicable water and sewer districts if not previously provided. (Public Works)

14. The applicant shall submit proof to the satisfaction of the Director of Public Works that the area covered by the Tentative Tract Map has been annexed into the appropriate sanitary sewer improvement district if not currently in the sanitary sewer improvement district service area. (Public Works)

15. Utility easements shall be provided to the specifications of the appropriate utility companies or agency, and subject to review and approval by the Director of Public Works. (Public Works)

16. The applicant shall supply the City with adequate documentation to ensure legal access is provided to all lots, existing and proposed, for the duration of the development of the project. (Public Works, City Attorney)

17. The applicant shall submit a 1" = 100' reproducible scale map of the subdivision to the Engineering Department. Said map shall show all lots and streets within, and adjacent to the project. (Public Works)

18. Final Tract Map No. 16331 is subject to approval by the City Council. The Final Map must be in substantial compliance with the Tentative Tract Map, as determined by the Director of Community Development and the Director of Public Works. If the final map is approved, the map shall be recorded with the Office of the County Recorder. Once recorded, the applicant shall submit, to the Public Works Department, a reproducible 24" x 36" mylar copy of the recorded final map as approved by the City Council and recorded with the Office of the County Recorder. (Planning, Public Works)

19. Prior to Final Map approval, the Applicant shall demonstrate to the satisfaction of the Director of Public Works that the County of Orange has agreed to the construction of proposed Stormwater Media Filters and any other associated BMPs to be located on County property, and that the required level of stormwater treatment can be achieved as outlined in the WQMP. (Public Works)

20. Prior to Final Map approval, the Applicant shall submit, to the satisfaction of the Director of Public Works, verification of a maintenance agreement or maintenance program for the proposed project stormwater BMPs. (Public Works)

21. All existing easements shall be shown and labeled on the map. The map shall also include a note to identify any easements proposed to be vacated with the map. (Public Works)

22. A note shall be placed on the Final Map, or a notice recorded with the map that states:

    "The private streets constructed within this map shall be owned, operated and maintained by the applicant, successors or assigns. The City of Dana Point shall have no responsibility therefore unless pursuant to appropriate sections of the Streets and Highways Code of the State of California, the said private streets have been accepted into the City Road System by appropriate Resolution of the City Council of the City of Dana Point." (Public Works)

23. All street names shall be submitted for administrative review and approval by the Director of Community Development and the Fire Authority. (Planning, Public Works, Fire)

24. All private streets shall be substantially consistent with the standards contained in the HDCP and shall be reviewed and approved by the Public Works Director and Community Development Director prior to approval of the Final Map. (Public Works, Planning)

25. Prior to Final Map approval, the Applicant shall provide to the satisfaction of the Director of Public Works, a written statement from a registered Traffic Engineer to address requirements for the mitigation of traffic safety issues arising from the proposed intersection street grades in excess of those allowed per the Municipal Code. (Public Works)

26. Lots 120, 121, and 122 shall relinquish direct vehicular access rights to Pacific Coast Highway. (Public Works, Planning)

27. Lots 72 through 80 shall relinquish direct vehicular access rights to Dana Strand Road. Emergency vehicle access to Dana Strand Road is allowed. (Public Works, Planning)

28. The surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. (Public Works)

29. The surveyor/engineer preparing the map shall submit, to the County Surveyor, a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Said digital graphic file shall also be submitted to the Director of Public Works. (Public Works)

30. Improvements including, but not limited to the following, shall be designed and constructed in accordance with plans and specifications meeting the approval of the Director of Public Works. Security may be provided to the City in lieu of constructing the facilities:
    - All required streets and street improvement appurtenances, traffic signals, street names, street signs, street lights, roadway striping, red curbing and stenciling on roadways within the map and outside the map boundaries, if required.
    - All required drainage improvements.
    - The water distribution system and appurtenances which shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief.
    - Sewer distribution system and appurtenances.
    - Monumentation.
    - Undergrounding of utilities located throughout the subdivision.
    - Street striping and signing plans shall be prepared by a registered civil engineer to the satisfaction of the Director of Public Works and submitted at the time along with the required street improvement plans.
    - Public and private improvements as shown on the tentative tract map.
    - Shoring devices and improvements.
    - Grading plans. (Public Works)

31. Maintenance of all public and/or private infrastructure facilities shall be addressed either in the Covenants Conditions & Restrictions (CC&Rs) or in a development/maintenance agreement approved by the City Council prior to recordation of the Final Map. Separate CC&Rs may be developed for the residential area and the two commercial areas depending on the

number of owner's associations that are created. (Planning, Public Works)

32. Prior to Final Map approval, all public parks and public open space improvements and amenities, including the Nature Interpretive Center and public parking, shall be bonded for final completion at 120% of the estimated construction cost and contingency costs as approved by the Director of Public Works. The improvements and amenities shall be completed and available to the public prior to the issuance of a certificate of occupancy for the first residential dwelling unit. (Public Works)

33. An offer to dedicate all public parks, public open space and public trails shall be made with the Final Map and/or conveyed by the landowner/developer to the appropriate public agency or non-profit entity concurrent with the recordation of the final map in accordance with the HDCP and LCPA 01-02. Acceptance of the dedication need not occur until all improvements have been completed. (Planning, Public Works)

34. The applicant shall prepare a deed restriction for review and approval by the City Attorney for those properties that will be subject to potential bluff retreat as determined by the Public Works Director in consultation with the project geologist. The deed restriction shall provide that; (1) the applicant understands that the subject site is subject to bluff retreat and that the owner(s) assumes the liability from these hazards; (2) the owner(s) unconditionally waive any claim of liability on the part of the City or any other public agency from any damage from such hazards; and (3) the owner(s) assume all liability for damages incurred as a result of any required off-site grading. The deed restriction shall be recorded, free of prior liens, to bind the owner(s) and any successors in interest or otherwise recorded to the satisfaction of the City Attorney. (Public Works, City Attorney)

35. The applicant shall participate in the Master Plan of Drainage in a manner meeting the approval of the Director of Public Works, including payment of fees and/or construction of the necessary facilities and dedication of necessary easements. (Public Works)

36. If deemed necessary by the Director of Public Works, a drainage and maintenance agreement, in a form suitable for recording, shall be obtained from the upstream and/or downstream property owner(s) permitting drainage diversions and/or unnatural concentrations. (Public Works)

37. All preserved ESHA and ESHA mitigation areas, on- and off-site, shall be secured through dedication of a conservation easement to the City, Coastal Conservancy, or wildlife agency, prior to or concurrent with recordation of a final map.

38. A habitat management plan shall be prepared and submitted for review and approval by the Community Development Director, wildlife agencies and Executive Director of the Coastal Commission prior to disturbance of any ESHA. The plan shall include provisions for a non-wasting endowment sufficient to maintain the biological values of the retained ESHA/habitat areas within the Headlands that will not be owned by the City or other public agency, and $2 million paid by the developer to the City, all of which shall be used to establish a non-wasting endowment sufficient to maintain the biological values of retained ESHA/habitat areas within the Headlands that will be owned by and/or maintained by the City. The amount of the endowments shall be identified and documented by a public agency or non-profit entity (e.g. Center for Natural Lands Management) experienced in the estimation of costs for open space management. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be prepared and submitted to the Planning Department for at least 5 years after habitat mitigation efforts are completed.

39. The final map shall establish an easement in favor of the Home Owners' Association for retaining wall and slope maintenance purposes along the easterly edge of A, B, D, I, J, K and L streets, from the edge of property line to the approximate top of slope on the adjacent residential lots, to encompass the proposed MSE walls and adjacent slopes. (Public Works)

Ongoing Conditions

40. An encroachment permit application and fee shall be filed with the City, and a permit issued, prior to the commencement of any improvements within a public right-of-way. (Public Works)

41. No significant degradation of public views as provided for in the HDCP shall be permitted. (Planning)

42. All utility services to the residential enclaves shall be maintained during construction. Temporary outages should not exceed four (4) hours during service transfers unless required by the utility provider. A minimum of one (1) week notice will be given to the owners and occupants of all effected dwellings for planned outages. Notice shall also be provided to the Fire and Police Departments. Should it be necessary for an outage to exceed four (4) hours, the Director of Public Works shall be notified. (Public Works, Fire, Police, Planning)

43. All public park, public open space and public trail improvements and amenities within a proposed public park or trail easement shall be constructed by the landowner/developer to the satisfaction of the Director of Public Works and accepted by the City of Dana Point and/or the County

of Orange prior to transfer of ownership to a public agency. The improvements shall include all such public parks, public open space, public trails and associated improvements and amenities as described in the HDCP. (Public Works, Planning)

44. Temporary events shall minimize impacts to public access, recreation and coastal resources. A Coastal Development Permit shall be required for temporary events that meet all of the following requirements:
    a. Are held between Memorial and Labor Day.
    b. Occupy any portion of a public sandy beach area.
    c. Involve a charge for general public admission where no fee is currently required.

    A Coastal Development Permit shall also be required for temporary events that do not meet all these requirements, but have the potential to significantly adversely impact public access or coastal resources as determined by the Community Development Director. (Planning)

45. No development shall be permitted on sandy public beaches except that life guard stations, small visitor serving concessions, restrooms, trash and recycling receptacles, and improvements for handicapped access may be permitted when there is no less environmentally damaging feasible alternative and the development is sited and designed to minimize adverse impacts to public access, visual resources, and ESHA. (Planning)

46. A maximum of 6.5 acres of designated ESHA along the slopes of Planning Area 6 (the "bowl"), 0.75 acres in Planning Area 1 (Strand bluffs at southerly end of the Strand) and 4.04 acres in Planning Area 9 (Seaside Inn) may be displaced to accommodate development. The maximum impacts cited do not pertain to or limit vegetation removal necessary to construct and maintain public trails as identified in the Dana Point Local Coastal Program. (Planning)

47. Excepting development in Planning Area 1 and Planning Area 2 where development is contemplated on the bluff face and notwithstanding the minimum bluff edge setback identified in Zoning Code Section 9.27.030(c), all development shall be located a minimum of fifty (50) feet from the bluff edge or a sufficient setback to ensure the proposed development is safe from a threat of erosion and bluff retreat/failure for seventy-five (75) years, whichever is most restrictive. (Planning, Public Works)

48. All future residential development shall be consistent with the design guidelines set forth in "Design Guidelines" dated November 2004. (Planning)

49. An eight (8) foot-wide concrete public access path shall be constructed seaward of the Planning Area 2 residential development on top of the revetment. The path shall be along the entire length of the revetment and contain a minimum of two (2) benches, two (2) picnic tables, and trash receptacles at regular intervals. The picnic tables may also be provided within the public open space/public access that is part of lot 59 of Tentative Tract Map 16331. (Planning, Public Works)

50. The Strand Vista Park shall include five vertical public access pathways: South Strand Beach Access; Mid-Strand Vista Park Access; Central Strand Beach Access; North Strand Access; and if gates, guardhouses, barriers or other development designed to regulate or restrict public access are approved for Planning Area 2, a public funicular (inclined elevator). (Planning, Public Works)

51. A pedestrian trail of decomposed granite/gravel shall provide controlled access to the coastal bluff top in the Conservation Park (Planning Area 7). The bluff top trail alignment shall be designed to minimize impacts to areas of natural resource value, including coastal bluff scrub habitat. The trail shall be located a minimum of 25 feet from the edge of the Coastal Bluff Scrub habitat.

52. Safety fencing shall separate trails from adjacent coastal bluffs. Fencing and/or barrier plantings shall be placed around the entire perimeter of the designated ESHA and along trails that are adjacent to or pass through ESHA to discourage human and domestic animal intrusion into ESHA, direct people toward trails and confine users to trails. The fencing shall be both subordinate to the open space character of the ESHA and impervious to dogs. (Planning, Public Works)

53. Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from ESHA. (Planning)

54. Existing disturbed areas in the Hilltop Park area (Planning Area 5), including unnecessary trails shall be re-vegetated prior to acceptance of the park by the City. (Public Works, Planning)

55. Fuel modification of any form, including but not limited to thinning, pruning, native vegetation removal, irrigation or plant palette controls, shall be prohibited within retained ESHA and mitigation/restoration areas. (Planning, Public Works)

56. To the extent feasible, existing utilities, including water lines, crossing through open space areas containing ESHA shall be removed or abandoned in place, provided that any alternative alignment minimizes or avoids impacts upon ESHA. (Planning, Public Works)

57. Applicants for food preparation establishments in Planning Areas 4 and 9 shall have contained areas or sinks with sanitary sewer connections and grease traps for disposal of wash waters containing kitchen and food wastes. If located outside, the contained areas and sinks shall be structurally covered to prevent entry of storm water. (Building)

CC&R's

58. At least 45 days prior to the approval of a Final Map, the applicant shall submit three copies of the proposed Covenants, Conditions and Restrictions (CC&Rs) and Articles of Incorporation of the Owners' Association for review and approval of City related issues by the Directors of Public Works and Community Development, and the City Attorney. The CC&Rs shall be recorded with the Final Map. Separate CC&Rs for the visitor/recreational commercial areas (Planning Areas 4 and 9) may be prepared and recorded prior to approval of individual Coastal Development Permits for the commercial areas. (Planning, Public Works, City Attorney)

59. CC&R's shall include a statement that prohibits amendment of the document as it relates to City related issues without review and approval by the City Attorney and the Directors of Public Works and Community Development. Within thirty (30) days of any amendment to the CC&R's, copies of the revised document shall be submitted to the directors of Public Works and Community Development. (Planning, Public Works, City Attorney)

60. CC&R's shall reflect common access easements, and maintenance responsibility of all private recreation areas, common walls, accessways, trails, parking areas, landscaping, grounds and BMPs by the parties common to the CC&R's. The CC&Rs should also include prohibited activities. (Planning, Public Works, City Attorney)

61. The applicant shall provide an acceptable means for maintaining the easements within the subdivision and all the streets, sidewalks, street lights, storm drain facilities and other common area improvements located therein and to distribute the cost of such maintenance in an equitable manner among the owners of the units within the subdivision. An appropriately worded statement clearly identifying these responsibilities shall be placed in CC&R's. Notwithstanding the above, maintenance of such facilities may be provided through one or more maintenance districts, if established by the City. (Planning, Public Works, City Attorney)

62. All concrete terrace drains shall be maintained by the owner's association (if on commonly owned property) or the individual property owner (if on an individually owned lot). An appropriately worded statement clearly

identifying these responsibilities shall be placed in the CC&R's. (Public Works, City Attorney)

63. CC&R's shall provide environmental awareness education materials, made available by the City of Dana Point, the County of Orange or other responsible agencies to all members periodically. These materials will describe the use of chemicals (including household type) that should be limited to the property, with no discharge of specified wastes via hosing or other direct discharge to gutters, catch basins, and storm drains. (Planning, Public Works, City Attorney)

64. CC&R's shall require implementation of trash management and litter control procedures in all common areas, aimed at reducing pollution of drainage water. The owner's associations may contract with landscape maintenance firms to provide this service during regularly scheduled maintenance, which shall consist of litter patrol, emptying of trash receptacles in common areas, and noting trash disposal violations by homeowners or businesses and reporting the violations to the Association for investigation. (Planning, Public Works, City Attorney)

65. CC&R's shall require privately owned catch basins to be inspected monthly during the rainy season and cleaned as needed, with at least one cleaning prior to the storm season, beginning October 1 of each year. Records of inspection and maintenance shall be kept a minimum of five (5) years and provided to the City upon request. (Planning, Public Works, City Attorney)

66. CC&Rs shall include provisions for elimination of potential vector concerns discovered during the inspection of stormwater BMPs to the satisfaction of the Director of Public Works. (Public Works, City Attorney)

67. CC&R's shall require privately owned streets to be swept on the same periodic schedule as the City provided it is not less than weekly as required by the project's mitigation monitoring program. (Planning, Public Works, City Attorney)

68. CC&Rs shall include provisions, which prohibit obstructions within fire protection access easements. The approval of the Fire Chief is required for any modifications such as speed bumps, control gates or other changes within said easement. (Planning, Public Works, City Attorney, Fire)

69. CC&Rs shall include a fire lane map and provisions, which prohibit parking in the fire lanes. A method of enforcement shall also be included. (Planning, Public Works, City Attorney, Fire)

70. CC&Rs shall include provisions for maintenance of all required public art located in areas common to the subdivision. (Planning)

Demolition Permit

71. A City demolition permit and building permit shall be obtained prior to demolition of any structure on the site. (Building, Planning, Public Works)

72. The following measures shall be implemented by the applicant prior to commencement of grading or demolition and carried out throughout the construction period to reduce fugitive dust from construction activities:

- During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- During construction, water trucks or sprinkler systems shall be used 4 times a day to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the late morning, watering during soil placement, after work is completed for the day, and whenever the wind exceeds 15 mph.
- All materials excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- After excavation is completed, the entire area of disturbed soil shall be treated immediately with soil bonding agents until the area is landscaped, paved, or otherwise developed so that dust generation will not occur.
- Soil stockpiled for more than one week shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.
- Wash mud-covered tires and undercarriages of trucks leaving construction sites.
- Provide for street sweeping, as needed or four times a week at a minimum, on adjacent roadways to remove dirt dropped by construction vehicles or mud that would otherwise be carried off site by trucks departing the project site.
- If dust is visibly generated that travels beyond the site boundaries during periods of high wind (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes, clearing,

grading, earth moving, or excavation activities that are generating dust shall cease.

- On-site vehicle speed shall be limited to 15 mph.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of fugitive dust. (Public Works, Building)

Prior to Rough Grading Permit Approval

73. A plan demonstrating compliance with the Environmentally Sensitive Habitat Area (ESHA) mitigation per the HDCP and LCPA 01-02 shall be submitted to the Planning Department for review and approval prior to the disturbance of any designated ESHA. (Planning, Public Works)

74. The applicant shall obtain coverage under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) from the State Regional Water Quality Control Board (RWQCB). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation of one or more acres of land. Under the permit, the applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request. Prior to the issuance of any clear and grub, grading or building permits, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the Regional Water Quality Control Board and a copy of the subsequent notification of the issuance of a wastewater Discharge Identification (WDID) Number, or other proof of filing. The SWPPP shall be fully implemented at all times, even during periods without activity, until a Notice of Termination (NOT) has been submitted and approved by the RWQCB. (Public Works)

75. All public and private street structural sections shall be submitted for review and approval by the Director of Public Works. Private streets shall be designed to the standard of a public street per the Municipal Code, unless otherwise provided for in the HDCP. (Public Works)

76. The grading/drainage plan shall include the following notes:

    a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

b. All operations shall comply with all City of Dana Point Noise regulations.
c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from existing dwellings. (Public Works)

77. The applicant shall provide evidence to the Community Development Department that, during the project site preparation and construction phases, a screen fence will be installed on the project site. The screen fence will be to substantially block views of those portions of the project site affected by site preparation and grading activities. The portions of the site not under construction or not visible from adjacent public view points are not required to be screened to block views of on-site construction activity. The fencing shall remain in place until construction is completed or interim site preparation and grading is no longer active, subject to review and approval by the Community Development Director. (Planning, Public Works)

78. To reduce short-term construction impacts from emissions from equipment and vehicles, prior to issuance of grading permits, the permit applicant shall include the following measures on construction plans, to the satisfaction of the Director of Public Works:

- The General Contractor shall organize construction activities so as not to interfere significantly with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The General Contractor shall provide ridesharing and transit incentives for the construction crew, such as free bus passes and preferred carpool parking.
- The General Contractor shall utilize electric or diesel powered stationary equipment in lieu of gasoline powered engines where feasible.
- The General Contractor shall provide a statement in construction grading plans that work crews will shut off equipment when not in use. (Planning, Public Works)

79. The Civil Engineer shall include a statement on construction grading plans requiring that all construction equipment be tuned and maintained in accordance with the manufacturer's specifications. Prior to issuance of grading permits, the Director, Community Development Department, shall ensure that such a statement is on construction grading plans. (Planning, Public Works)

80. A construction activity monitor satisfactory to the Director of Community Development shall be retained by the applicant prior to issuance of

grading permit. The monitor shall monitor all activity on a daily basis, keep written daily records, and file monthly activity reports with the Director of Community Development for the duration of grading and infrastructure construction. The monitor shall provide immediate notification of any violation to the Community Development Director. The monitor shall be employed by the applicant or the applicant's contractor. The monitor shall report on the following strategies:

- Construction equipment exhaust shall be minimized by use of:
  - NO_X control technologies, such as fuel injection timing retard for diesel engines and air to air after cooling.
  - Low sulfur fuel (where available).
  - Well maintained equipment and proper planning to minimize trips/use.
  - Log fuel use, hours of operation, and periodic maintenance.
- Fugitive dust shall be controlled as specified in Mitigation Measure 2-2.A and SCAQMD rules and regulations.
- Restrict delivery of construction supplies and off-site hauling of debris to non-peak travel periods whenever feasible, except for concrete and earthwork related activities.
- Construction worker travel in carpools shall be encouraged by:
  - Common carpool registry maintained at the construction site and managed by the applicant or the applicant's contractor.

(Public Works, Planning)

81. The following construction related minimization measures shall be implemented as part of the project:
    a. To the maximum extent practicable, and provided that the biological needs of the Pacific Pocket Mouse do not require restrictions on grading any time between July 15 and February 15 of the following year, unless authorized by USFWS no grading of Coastal Sage Scrub habitat that is occupied by nesting gnatcatchers will occur during the breeding season (February 15 through July 15).
    b. It is expressly understood that the foregoing provision and the remaining provisions of these "construction-related minimization measures" are subject to public health and safety considerations. These health and safety considerations include unexpected slope stabilization, erosion control measures, and emergency facility repairs. In the event of such public health and safety circumstances, project applicant will provide USFWS/CDFG with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens, and any other CSS Identified Species that are not otherwise flushed and will carry out the following measures only to the extent

practicable in the context of the public health and safety considerations.

c. Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP shall be identified with temporary fencing or other markers clearly visible to construction personnel.

d. Additionally, prior to the commencement of grading operations or other activities involving disturbance of CSS, a survey will be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of project soils disturbance activities, and the locations of any such species shall be clearly marked and identified on the construction/grading plans.

e. The landowner will advise USFWS/CDFG at least seven (7) calendar days (and preferably fourteen [14] calendar days) prior to the clearing of any habitat occupied by Identified Species to allow USFWS/CDFG to work with the monitoring biologist in connection with bird flushing/capture activities.

f. A monitoring biologist acceptable to USFWS/CDFG will be on site during any clearing of CSS.

g. The monitoring biologist will flush Identified Species (avian or other mobile Identified Species) from occupied habitat areas immediately prior to brush clearing and earthmoving activities. If applicable birds cannot be flushed, they will be captured in mist nets, if feasible, and relocated to areas of the site being protected or to the NCCP/HCP Reserve System. It will be the responsibility of the monitoring biologist to assure that Identified Species (bird) will not be directly impacted by brush clearing and earth moving equipment in a manner that also allows for construction activities on a timely basis.

h. All areas of CSS habitat to be avoided by construction equipment and personnel will be marked with temporary fencing or other appropriate markers clearly visible to construction personnel.

i. No construction access, parking, or storage of equipment or materials will be permitted within such marked areas.

j. Waste dirt or rubble will not be deposited on CSS adjacent to development sites that are identified in the NCCP/HCP for protection.

k. Preconstruction meetings involving the monitoring biologist, construction supervisors, and equipment operators will be conducted and documented to ensure maximum practicable adherence to these measures. (Planning, Public Works)

82. The developer shall submit written evidence to the Community Development Director that a certified paleontologist and archaeologist have been retained to observe grading activities and to salvage and

catalog resources, should they be present. The paleontologist and archaeologist shall be present at the pre-grade conference, shall establish procedures for paleontological and archaeological resource surveillance, and shall establish, in cooperation with the developer/landowner, procedures for temporarily halting or redirecting work to permit sampling and identification and evaluation of the findings. The paleontologist and archaeologist may be the same person. (Planning)

83. If a "unique archaeological/paleontological resource" is encountered during grading that cannot feasibly remain in an undisturbed state, the Community Development Director, with the assistance of the certified paleontologist/archaeologist, will determine whether studies or testing of the potential site have adequately recovered the scientifically consequential information about the unique archaeological resource. A non-unique archaeological resource, artifact, object, or site need be given no further consideration, other than the recording of its existence. The archaeologist and/or paleontologist shall submit a follow-up report for approval by the Community Development Director that shall include the period of inspection, a catalog and analysis of the artifacts found, and a repository listing for each of the found items. (Planning)

84. If human remains are encountered, the County Coroner shall be notified of the find immediately in accordance with California Health and Safety Code Section 7050.5. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. (Planning)

85. Any grading required outside of the tract boundaries will require the applicant to either obtain slope easements or off-site grading agreements from the affected property owner(s) in a form acceptable to the City Attorney. (Public Works)

86. Unreinforced fill slopes shall not exceed a gradient of 2:1 (horizontal:vertical). Proposed fill slopes steeper than 2:1, including proposed MSE walls/slopes, shall require site specific design. Appropriate subdrain provisions shall be incorporated in the slope designs to maintain potential groundwater levels at acceptable elevations. Design, grading, and construction of proposed fill slopes shall conform to the requirements of the Uniform Building Code, appropriate City grading regulations and the recommendations of the Geotechnical Consultant of record for the project. (Public Works)

87. If a determination is made that hazardous materials are present on site, removal of the contaminated soils or materials described below shall occur prior to issuance of grading permits, or if a grading permit is required to remove the contaminated soils or materials, such removals shall occur concurrent with grading, as approved by the Public Works Director.

    a. Prior to grading of the former nursery area, ten representative surface soil samples shall be collected at approximately one foot below the ground surface. These soil samples shall be analyzed for chlorinated pesticides and herbicides (that are listed in the EPA Region IX Preliminary Remediation Goals). If these contaminants are found to be present in significant amounts in subsurface soils, a soil remediation plan shall be submitted for approval to OCHCA. The approved remediation plan shall be implemented prior to issuance of final grading permits. During removal of the above ground storage tank and concrete pad, soils underneath the concrete pad shall be inspected for discoloration or staining. If discoloration or staining is present, the soil below and adjacent to the concrete pad shall be tested for contamination using such analytical methods as EPA 8015M (gasoline/diesel fuel) and EPA 8020 (benzene/toluene/ethyl benzene/xylene [BTEX] compounds). If contamination is found, soil remediation measures as recommended by OCHCA shall be implemented.

    b. Five oil filled, wall mounted high-voltage switches in the former mobile home park, two floor mounted electrical transformers in the former mobile home park, and two transformers mounted on a utility pole in the former nursery shall be removed by professionals experienced in PCB handling, removal, and disposal. Soils beneath the utility poles and building floors where transformers were located shall be tested for potential PCB contamination using such analytical methods as EPA 8080. If contamination is found, soil remediation measures as recommended by OCHCA would be implemented. (Public Works)

88. The applicant shall submit a complete hydrology and hydraulic study prepared by a qualified engineer for review and approval by the Director of Public Works. (Public Works)

89. Drainage facilities outletting onto adjacent properties, if any, shall be designed in such a manner as to imitate the manner in which the stormwater is presently crossing said property, or a drainage acceptance and maintenance agreement suitable for recording shall be obtained by the applicant from the downstream property owner. (Public Works)

90. The applicant shall design the following improvements and provide the necessary dedications in a manner meeting the approval of the Director of Public Works:
    a. All provisions for grading and surface drainage.
    b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.
    c. As determined necessary by the Director of Public Works, the associated easements shall be dedicated to the City or other appropriate agency. (Public Works)

91. The applicant shall submit the following drainage studies for review and approval by the Director of Public Works:
    a. A drainage study of the subdivision, including off-site areas that drain onto and/or through the subdivision, and justification for any diversions.
    b. A drainage study evidencing that proposed drainage patterns will not overload existing storm drains.
    c. Detailed drainage studies indicating how the tract/parcel map grading, in conjunction with the drainage conveyance systems, including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will protect building pads from inundation by rainfall runoff, which may be expected from all storms up to and including the projected 100-year flood. (Public Works)

92. The applicant shall submit erosion control plans for all slopes adjacent to major arterial and local collector roadways, as shown in the General Plan, for review and approval by the Director of Public Works. (Public Works)

93. All grading and improvements on the subject property shall be made in accordance with the Grading Ordinance and to the satisfaction of the Director of Public Works. Grading shall be in substantial compliance with the tentative tract map and the proposed grading that is approved by the Planning Commission. Surety to guarantee the completion of the project grading and drainage improvements, including erosion control, shall be posted to the satisfaction of the Director of Public Works and the City Attorney. (Public Works, City Attorney)

94. The applicant shall obtain coverage under the NPDES Statewide Industrial Stormwater Permit for General Construction Activities from the Regional Water Resources Control Board. Evidence of receipt of permit coverage must be presented to the Director of Public Works. (Public Works)

95. The applicant shall include in the grading plans, any urban runoff control measures deemed necessary by the Director of Public Works and shall

submit to the City for review and approval a Water Quality Management Plan (WQMP) that:

1. a. Fulfills all the requirements of the City's Standard Urban Stormwater Mitigation Plan (SUSMP, also known as the City's WQMP is Exhibit 7.V of the City's Local Implementation Plan).
2. b. Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

c. Incorporates the applicable Routine Source Control BMPs as defined in the SUSMP.

d. Incorporates Treatment Control BMPs as defined in the SUSMP.

e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.

g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs. (Public Works)

96. 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 as identified in the SWPPP. The erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. Prior to the removal of any erosion control devices so constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures, and other methods as may be required by the SWPPP. The applicant shall maintain the erosion control devices until the Public Works Director approves of the removal of said facilities. (Public Works)

97. The applicant shall prepare a spill contingency plan for hazardous materials used on-site that mandates stockpiling of cleanup materials, notification of responsible agencies, disposal of cleanup materials, and other efforts determined necessary by the Public Works Director. (Public Works)

98. Prior to the issuance of any grading permit, the developer shall prepare a plan for continuous public access to Strand Beach during periods of construction operations utilizing alternate pathways, if necessary, and

submit the plan for review and approval by the Community Development Director. (Planning, Public Works, Building)

99. Prior to issuance of a grading permit, the applicant shall submit a construction area traffic management plan to the City Traffic Engineer for review and approval. The plan shall be designed by a registered civil engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation. The plan shall identify the routes that construction vehicles will utilize to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging and parking areas, and proposed construction phasing for the project. The construction traffic management plan will ensure that no new exceedances or worsening of existing exceedances of the City's thresholds criteria for intersections are generated at intersections affected by construction traffic. (Public Works)

100. The developer shall submit a habitat creation, restoration, management, maintenance and monitoring plans for the proposed mitigation area prepared by a qualified biologist and/or resource specialist for review and approval of the Community Development Director prior to the disturbance of any designated ESHA. Any new development that includes impacts to ESHA as permitted under the LCP shall include mitigation for unavoidable impacts. ESHA impact mitigation shall include, at a minimum, creation or substantial restoration of ESHA of the same type as the affected ESHA or similar type. The acreage of ESHA impacted shall be determined based on the approved project. The applicant shall identify an area of disturbed or degraded ESHA of equivalent type and acreage sufficient to provide mitigation of the ESHA impacts at a minimum 3:1 ratio (number of acres of created or restored habitat required for each acre of ESHA impacted). At least 1:1 of the 3:1 ratio shall consist of habitat creation/substantial restoration (i.e. no net loss) preferably on-site within the coastal zone. Habitat creation/restoration shall be located on-site to the maximum extent feasible, but may include an off-site component for the portion that is infeasible to provide on-site. Mitigation measures on land outside the coastal zone may be acceptable if it would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios. The 3:1 mitigation ratio shall be the minimum standard. The removal of vegetation for new trail construction shall comply with the 3:1 mitigation ratio, except where vegetation removal is necessary to re-align an existing trail or informal footpath in which case the mitigation ratio shall be 1:1. The plans shall, at a minimum, include ecological assessment of the mitigation site and surrounding ecology; goals, objectives and performance standards; procedures and technical specifications for habitat planting; methodology and specifications for removal of exotic species; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and

schedules; temporary irrigation measures; restoration success criteria; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas in perpetuity. The area of habitat to be restored shall be restricted from future development and permanently preserved through the recordation of a conservation open space deed restriction that applies to the entire restored area. In addition to the deed restriction, the area may also be dedicated or offered to be dedicated to a public agency or non-profit entity. (Planning)

101. The final grading plans shall include statements regarding the proposed development and any potential impacts to off-site properties to the satisfaction of the Public Works Director. (Public Works)

102. The shoring, geogrid reinforcement, setbacks due to geogrid, MSE walls and the soil nail wall (commercial site) shall be submitted for review and approval by the Public Works Director prior to the issuance of a grading permit. (Public Works)

103. An as graded geotechnical report shall be submitted to the Public Works Department following grading of the site. The report shall include the results of all field density testing, laboratory testing, depth of reprocessing and recompaction, and a map depicting the limits of grading, locations of all density testing, subdrains, and geologic conditions exposed during grading. The report shall include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. (Public Works)

104. The Developer shall submit a construction sequencing plan for review and approval by the Public Works Director prior to the issuance of a grading permit. (Public Works)

105. Prior to the issuance of a grading permit for repairs or additions to a shoreline protection structure in the Strand, either of which can only occur consistent with the provisions of the LCP, the property owner shall record a deed restriction that provides that no further repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective structure which extends the seaward footprint of the subject structure shall be undertaken and that the property owner waives any right to such activities that may exist under Coastal Act Section 30235 and/or equivalent policies.

Prior to Public/Private Improvement Plan Approval

106. The applicant shall submit to the satisfaction of the City Engineer an operation and maintenance (O&M) plan for the proposed Stormwater

BMPs, including, but not limited to the proposed media filters and low flow diversion facilities. The O&M Plan shall include the approvals/agreements from sewer district, diversion deactivation protocol; mechanism for continuing education for contractors/staff and residents, commercial tenants; the Water Quality Monitoring Program; among the other requirements, as identified in the City's November, 2003 WQMP. (Public Works)

107. The applicant shall submit plans for any gated entryway(s) or other access control devices for review and approval by the Director of Public Works and Fire Chief. Said controls shall comply with the standards of the Engineering Department and the Orange County Fire Department. The approved plan shall include the following elements:
   a) The plan shall provide for the installation of a master key override switch system. Extra copies of the master key shall be paid for by the applicant as part of the application fee.
   b) There shall be a minimum 100 foot setback from the adjacent public street to the gate location. This requirement shall be treated as a general standard. Other setbacks require the approval of the Director of Public Works.
   c) There shall be a minimum of thirty-eight (38) feet radius turnaround area to ensure unrestricted access to and from the gate area and public street system. This requirement shall be treated as a general standard. Other radii require the approval of the Director of Public Works.
   d) Fire department review and approval is required.
   e) The Director of Public Works shall review the plan for other site and topographical layout considerations to ensure that the design of the gate system does not create health and safety hazards.
   f) The plan shall show the layout of adjacent utility facilities. Any utilities which are in conflict with the proposed gate system, or need to be relocated to provide accessibility as determined by the utility company, shall be relocated at the applicant's expense. (Public Works)

108. All street lights shall be of a quality that meets City standard, installed in compliance with City standards. All street lights on public streets shall be dedicated to the City at the discretion of the Director of Public Works. If not dedicated to the City, the street lights shall be maintained by the adjacent owner's association(s) or by a maintenance district if formed by the City. (Public Works)

109. The phrase "No Dumping - Drains to Ocean" or similar phrase shall be stenciled on catch basins to alert the public to the destination of pollutants discharged into storm water. (Public Works)

110. All street widths and parking shall meet the requirements of OCFA and the City, except as may be allowed by the HDCP. (Fire, Public Works, Planning)

111. Traffic signal preemption equipment plans shall be submitted for review and approval by the Fire Department and the Public Works Director. The equipment shall be installed prior to the acceptance of streets. (Fire, Public Works)

112. Water improvement plans shall be submitted for review and approval by the Fire Chief. The water improvement plans shall provide for adequate fire protection, financial security posted for installation, adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants. (Fire, Public Works)

113. The Fire Department shall review and approve fire hydrants locations on the street improvement plans. (Fire, Public Works)

114. The applicant shall submit evidence of the availability of an adequate water supply for fire protection for review and approval by the Fire Department. All required fire hydrants, water mains, and appurtenances shall be in place and operational to meet fire flow requirements before any combustible building materials are stored at the project site. (Fire, Public Works)

115. All service roads and fire lanes, as determined by the Fire Department, shall be posted and marked prior to opening the street for public use or building occupancy, whichever applies. (Fire, Public Works)

116. The applicant shall obtain an Encroachment Permit from Caltrans for any work that will occur within a State Department of Transportation (Caltrans) right-of-way. (Public Works)

117. The applicant shall execute an agreement with the City of Dana Point to fully fund construction of a traffic signal at the intersection of Street "I" and Pacific Coast Highway prior to the approval of public improvement plans. (Public Works, City Attorney)

118. The applicant shall submit sanitary sewer and water plans for review and approval by the SCWD prior to the approval of public improvement plans by the City. SCWD will forward copies of the approved plans to the City's Director of Public Works.

119. The "first flush" (the initial 0.69 inches of rain within a 24-hour period) shall be captured and filtered to reduce sediment, bacteria and other water quality pollution. Sand filters or BMPs with equivalent or better treatment

capacity shall be located to allow the treatment of on-site development areas and adjacent off-site first flush storm flows. A secondary treatment system utilizing zeolite, clay or similar media filters to minimize nutrients (nitrates/phosphates) from reaching Dana Point Harbor shall be provided. In conjunction with the City and Orange County, the maintenance responsibilities for the filtering devices and similar BMPs shall be determined. BMP devices, that may include separators, sand filtering systems or other features, shall be incorporated into the storm water conveyance design to reduce oil, grease sediment, debris and other pollutants. All storm drain inlets shall include catch basin filters. (Public Works)

120. Facilities to divert low-flow "nuisance" run-off to the sanitary sewer system for treatment to avoid dry weather flows to the beach or harbor shall be provided.

Prior to Issuance of Building Permits

121. When a building permit application is filed for any lot, except those in Planning Areas 4 and 9 which are subject to a separate CDP, the building plans shall be reviewed individually for conformance with the Master Site Development Permit (SDP 04-69), the Master Coastal Development Permit (CDP 04-23), the HDCP, the Design Guidelines and LCPA 01-02. Planning shall verify conformance prior to the issuance of a building permit. (Planning)

122. Coastal Development Permits, including detailed site plans, elevations and floor plans, shall be reviewed and approved by the Planning Commission prior to issuance of a building permits for Planning Areas 4 and/or 9. The CDPs may be submitted separately and shall not affect issuance of building permits for any residential lot. (Planning)

123. The applicant shall prepare and record a Reciprocal Parking, Access and Drainage Agreement for the commercial portions of the project prior to the issuance of a building permit for any lot within commercial Planning Areas 4 and 9 (Planning Area 4: lots 120, 121, and 122; Planning Area 9: lots 123, 124 and 125). A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. The applicant shall submit a copy of the recorded agreement to the Community Development Department. (Planning, City Attorney, Building, Public Works)

124. A rough grade certification is required from the Director of Public Works by separate submittal. (Public Works)

125. The applicant shall submit payment for all applicable fees, which may include but not be limited to school, park, public facilities, affordable housing in-lieu, water and sewer fees. (Building)

126. All proposed habitable structures shall have finished pad elevations higher than 20 to 25 feet above mean sea level. Design recommendations of the Project Coastal Engineer shall be implemented for those elements of the proposed design and construction that are located along the shoreline. (Building, Public Works)

127. The applicant shall comply with the following prior to issuance of a building permit unless otherwise approved by the Director of Public Works:

- Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications,
- Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
- Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite. (Public Works)

128. Mechanical ventilation, such as air conditioning, shall be provided for those residences in Planning Area 6 (PA 6) that are within the 65 dBA CNEL noise contour, unless it can be demonstrated in an acoustical analysis that other measures, such as a sound wall, can provide adequate mitigation and such measures are incorporated into the project. (Building, Planning)

129. All applicable building plans shall indicate by note that an interior fire sprinkler system is required in the structures(s). Plans for the fire sprinkler system shall be submitted for review and approval by the Fire Department. (Fire, Building)

130. As applicable, the applicant shall submit plans for an automatic fire extinguishing system, including any underground piping, for review and approval by the Fire Department. (Fire, Building)

131. The applicant shall submit construction details for any controlled entry access for review and approval by the Fire Department. These details shall include width, clear height, and means of emergency vehicle override. (Fire, Building)

132. Fire access lanes shall be permanently maintained and kept clear of obstructions. If fire lane violations occur and the services of the Fire Department are required, the applicant shall be liable for all expenses. (Fire, Building, Public Works, Code Enforcement)

133. The applicant shall enter into a secured fire protection agreement with OCFA to mitigate impacts to existing fire and rescue services. (Fire, Building)

134. Unless already recorded by the Developer, the applicant for a building permit shall execute and record a deed restriction acknowledging and assuming all risk related to wave action, erosion, flooding, landslides or other coastal and/or geological hazards associated with development on a beach, shoreline or bluff as applicable in a form acceptable to the City Attorney prior to the issuance of a building permit. If the deed restriction was previously recorded by the developer, the applicant shall submit evidence of the deed restriction with his building permit application. Consistent with the provisions of Development Agreement 01-01, the deed restriction shall waive any future claims of damage or liability against the City and agree to indemnify the City against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. (Planning, City Attorney, Building)

Prior to Landscape and Irrigation Plan Approval

135. Landscaping adjacent to street intersections and driveways shall be maintained to ensure adequate sight distance visibility. (Public Works)

136. Private commercial mechanical equipment, such as elevator enclosures, cooling towers, mechanical ventilators, utility vaults, transformers, meter boxes, air conditioning, heating units, or similar mechanical equipment in Planning Areas 4 and 9, shall be screened from the public and adjacent property. All such equipment shall be contained within an enclosed structure or within a portion of the building having walls or visual screening, and integrated with the building architectural design. (Planning)

137. Street trees, 24-inch box size or larger, shall be shown on the plans with the species, location and planting details. The street trees shall be installed in accordance with the approved landscape plans prior to final inspection/acceptance of the streets. (Public Works)

138. The applicant shall execute and record a Landscape and Maintenance Agreement, or as may be provided for in Development Agreement DA 01-01, for landscaping and irrigation located in the public right-of-way. (Public Works)

139. A uniform public sign program that assists the public in locating public visitor facilities such as trail access points, parks, open space, parking

shall be submitted for review and approval by the Community Development Director prior to the approval of landscape plans. (Planning)

140. Except for landscaping on the private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point, all landscaping (including temporary erosion control and final landscaping) for all development 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 on the project site. All landscaping shall be drought tolerant. Use of native plant species is encouraged within the private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point. If a future amendment to the LCP modifies the above requirements, this condition of approval shall be amended accordingly. (Planning)

141. 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 project site, including the landscaping within the private residential lots and the visitor/recreation commercial (i.e. 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 any development area, including within any private residential lots and the visitor/recreation commercial (i.e. Seaside inn) site adjacent to Harbor Point. (Planning)

Prior to Issuance of Occupancy Permits

142. A funicular shall be provided in accordance with the Headlands Development and Conservation Plan if the streets into the Strand residential area (Planning Area 2) are to be closed to public vehicular traffic following final street inspection/acceptance. Following final street inspection/acceptance of "E" Street, as shown on Tentative Tract Map 16331, "E" Street shall not be closed before a certificate of occupancy is issued for the funicular. Maintenance of the funicular shall be provided by the residential Home Owner's Association(s), a maintenance district or other mechanism that ensures adequate maintenance acceptable to the Public Works Director and City Attorney. Maintenance provisions shall be in place before issuance of a building permit for the funicular. The City shall not be responsible for any costs associated with the construction, operation, or maintenance of the funicular. (Planning, Building, Public Works, City Attorney)

143. The developer shall comply with Dana Point Municipal Code Section 9.05.240, Art in Public Places, and shall provide public art according to the terms and provisions established therein. (Planning)

144. Marguerita Road shall be removed and restored, or security provided to ensure the removal and restoration will occur, to a natural state after the completion of Selva Road such that it will allow access to the northern residential enclave and before issuance of a certificate of occupancy for the seaside inn (Planning Area 9). (Public Works, Planning, Fire)

145. Access to the existing residential enclaves shall be maintained at all times. (Public Works, Planning, Fire)

146. The CATV operator is responsible to the applicant for the labor, material, engineering, and installation of the CATV conduit. (Public Works)

147. The applicant shall provide separate sewer, water, gas, and electric services with meters as required to each of the dwelling units. (Building, Public Works)

148. All required fire extinguishing systems shall be operational. (Fire, Building)

149. All fire hydrants shall have a "Blue Reflective Pavement Marker" indicating location on the street or drive, per the OCFA standard. (Fire, Public Works)

150. All street signage and striping shall be installed per the approved signage and striping plan. (Public Works)

151. Prior to issuance of the first building permit for an occupied structure, the project applicant shall execute an agreement with the City of Dana Point to contribute a fair share portion of the total construction costs for street improvements identified at the intersections of Niguel Road and Pacific Coast Highway and Del Obispo/Dana Point Harbor Drive and Pacific Coast Highway. The amount of the fair share fees shall be commensurate with the project's traffic contribution to these intersections. These fees shall be determined by the Public Works Director, based on estimates developed for the City's Capital Improvement Plan, and shall be paid incrementally per lot or development site prior to the issuance of a Certificate of Occupancy for said structure. (Public Works, City Attorney)

152. Prior to issuance of a certificate of occupancy for the Seaside Inn (Planning Area 9 only), the developer shall install water quality BMPs that treat runoff from Planning Area 9 and 17 acres of off-site development, if not previously installed. (Public Works)

153. A certificate of occupancy for the Seaside Inn (Planning Area 9 only) shall not be issued unless a certificate of occupancy for lower cost overnight accommodations (e.g. hostel) within Planning Area 4 of the Headlands has been issued or will be issued concurrently. The lower-cost accommodations shall have a minimum of 40-beds available to the public. (Planning)

154. Solid decorative masonry walls, a minimum of seven (7) feet high, for habitat protection and fire hazard management shall be required between Planning Areas 4 and 6, and designated ESHA within Planning Area 5 prior to the issuance of an occupancy permit for any habitable structure within those planning areas adjacent to a designated ESHA. (Planning, Public Works)

155. A minimum of six (6) parking spaces exclusively for serving visitors to the open space areas shall be provided in Planning Area 4 prior to issuance of a certificate of occupancy for any habitable structure in Planning Area 4. The parking spaces shall be provided in excess of what is required by the zoning ordinance for any use proposed on the site. (Planning)

156. The Developer shall form a Community Facilities District prior to the issuance of a certificate of occupancy for any residential dwelling, which shall consist of existing and future residential and commercial property owners within the project boundaries; such property owners shall pay an annual special assessment in an amount that provides for all of the maintenance costs associated with the public funicular, including but not limited to any costs associated with providing liability insurance therefore. However, any user fees associated with the public funicular shall be first utilized to pay for annual maintenance costs, and only the balance (if any) of such costs shall be paid by the CFD. The City shall not be responsible for any costs associated with the construction, operation, or maintenance of the funicular. (Planning, Public Works, City Attorney)

157. The Developer shall form a Community Facilities District prior to the issuance of a certificate of occupancy for any residential dwelling, which shall consist of existing and future residential and commercial property owners within the project boundaries; such property owners shall pay an annual special assessment in an amount that provides for all of the maintenance costs, including but not limited to any costs associated with providing liability insurance, associated with the public access path referenced in condition 48 and the revetment. (Planning, Public Works, City Attorney)

During Construction

158. Prior to the release of the footing inspection for the development of individual lots, the applicant shall submit certification, by survey or other appropriate method, that the structure will be constructed in compliance with the dimensions approved in the Master Coastal Development Permit and Master Site Development Permit for the building being constructed and in compliance with the setbacks of the Headlands Development and Conservation Plan. (Building, Public Works, Planning)

159. Repair and maintenance of the revetment shall be in accordance with plans reviewed and approved by the Director of Public Works and consistent with the HDCP including but not limited to the following:

a. The shoreline protective device shall be located at or landward of the existing revetment toe (depicted on Figure 1, Existing Revetment Alignment (TOE), The Keith Companies dated January 8, 2004), such that, the average position of the shoreline protective device is moved at least 5 feet landward or easterly.

b. At the time of repair and maintenance of the shoreline protective device, all components of the existing revetment located seaward of the above identified toe and landward of the location of the intertidal zone shall be removed from the beach and recycled into the repaired and maintained shoreline protective device or properly disposed at an approved disposal site.

c. The top edge of the repaired and maintained revetment shall not exceed the top edge of the existing revetment located at +17 feet NGVD.

d. A shoreline protective device maintenance and monitoring plan shall be implemented that, at minimum, provides for the periodic retrieval and re-use or proper disposal of any rock or other components of the device that has become dislodged and/or has fallen to the beach as well as the retrieval and re-use or proper disposal of any rock or other component of any pre-existing device that becomes exposed on the beach for any reason. (Public Works, Planning)

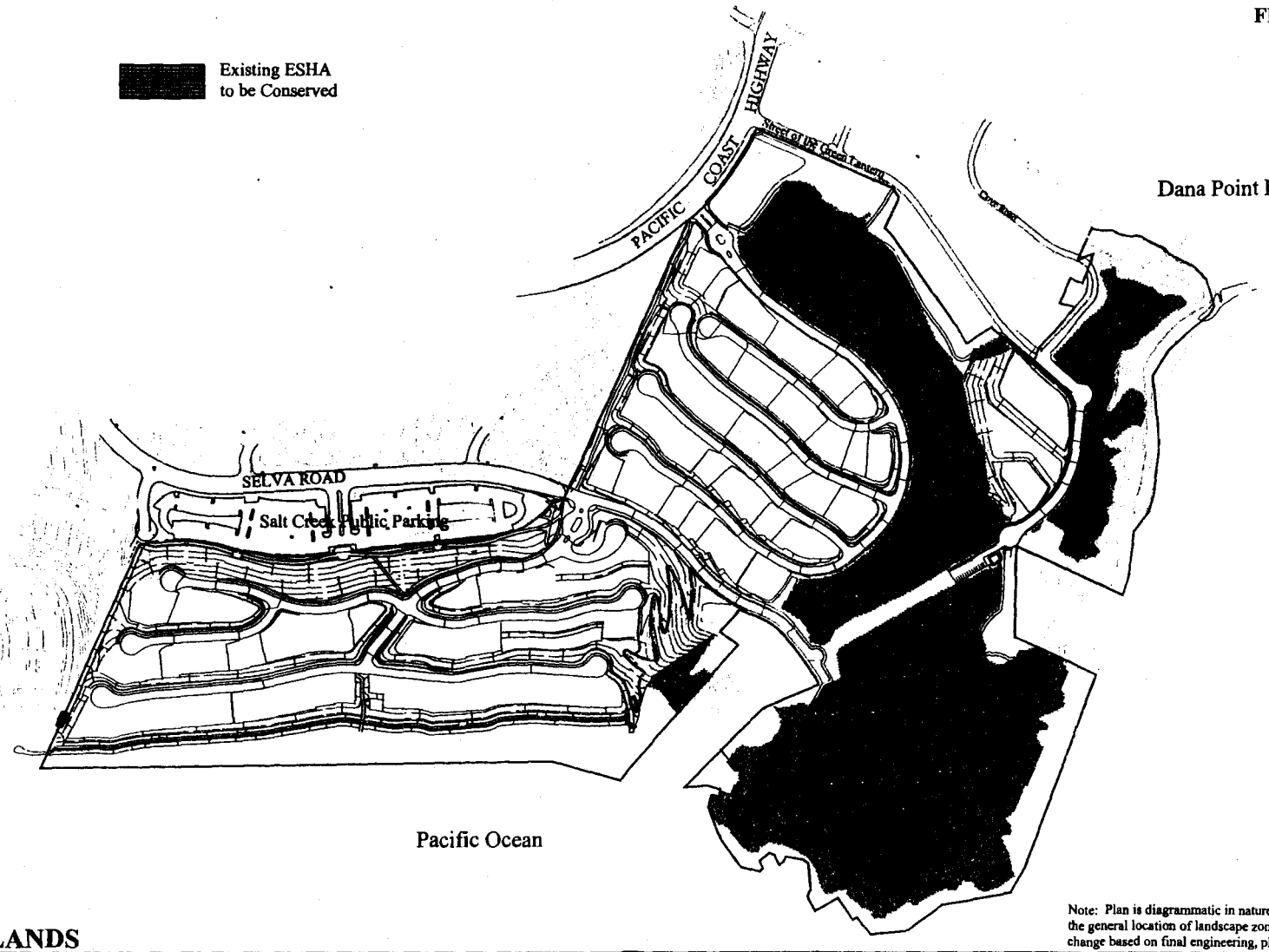
Prior to Sale of Residential Lot

160. Prior to conveyance of any residential lot, the developer shall affirmatively demonstrate to the satisfaction of the City Attorney that the project's Department of Real Estate Public Report ("White Report") shall disclose to each prospective homeowner that: "This property is part of a larger project, Coastal Development Permit CDP04-23, that requires certain public and private improvements be constructed prior to the issuance of the first residential occupancy permit. Should the required public and

private improvements not be completed, the Owner acknowledges that a Certificate of Occupancy shall not be issued until said improvements are completed. The Owner further acknowledges that the dwelling can not be occupied until a Certificate of Occupancy is obtained." Or words to that effect, as determined by the Department of Real Estate. (Planning, City Attorney)

EXISTING ESHA TO BE CONSERVED

FIGURE 4.13.1



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

0 100 200 300

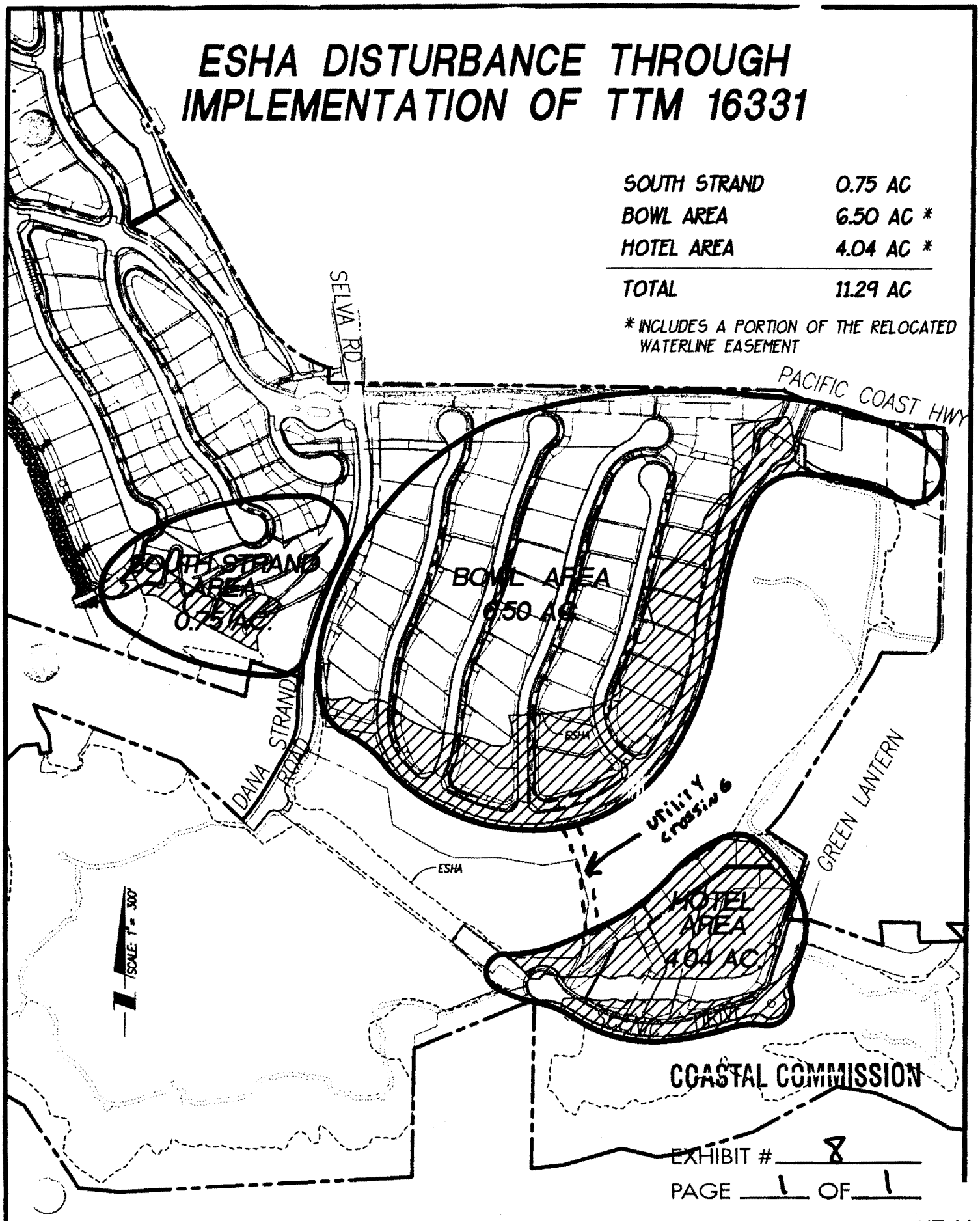
THE HEADLANDS
DEVELOPMENT AND CONSERVATION PLAN

COASTAL COMMISSION
EXHIBIT # 7
PAGE 1 OF 1

ESHA DISTURBANCE THROUGH IMPLEMENTATION OF TTM 16331

SOUTH STRAND	0.75 AC
BOWL AREA	6.50 AC *
HOTEL AREA	4.04 AC *
TOTAL	11.29 AC

* INCLUDES A PORTION OF THE RELOCATED WATERLINE EASEMENT



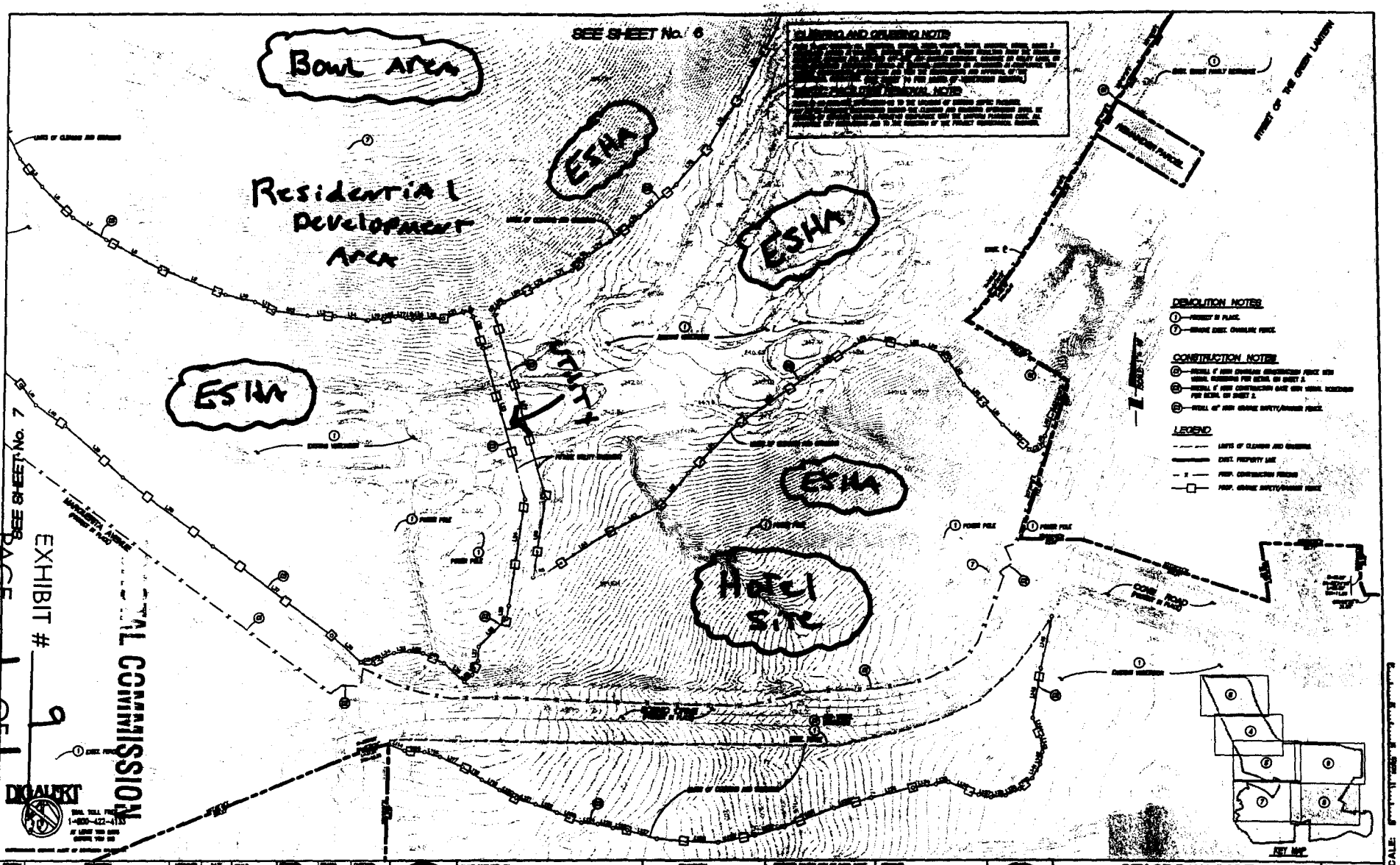
COASTAL COMMISSION

EXHIBIT # 8

PAGE 1 OF 1

V:\projects\13266.10\DWG\PREX0248.dwg 01/11/2005 12:59:35 PM PST

SUPPORTING DOCUMENT 11
ESHA Disturbance Exhibit


SEE SHEET No. 6
Bowl Area
ESHA
Residential Development Area
ESHA
ESHA
ESHA
Hotel Site
CLEARING AND GRUBBING NOTE
DEMOLITION NOTES
CONSTRUCTION NOTES
LEGEND
SEE SHEET No. 7
EXHIBIT # 9
PAGE 1 OF 1
CALIFORNIA COASTAL COMMISSION
DIGALERT
CITY OF DANA POINT
DANA POINT HIGHLANDS DEVELOPMENT AND CONSERVATION PLAN
DEMOLITION PLAN
CLEARING AND GRUBBING PLAN FOR TRACT 16331
THE KEITH COMPANIES
10 TECHNOLOGY DRIVE
IRVINE, CA 92618
TKC
13266.10
PLAN CHECK NO. 04-02191 - 1ST SUBMIT: 06/16/04; 2ND SUBMIT: 8/27/04; 3RD SUBMIT: 10/07/04; 4TH SUBMIT: 11/03/04 REVISED 11/16/04
ORIGINAL SCALE: 1" = 100'

NOBLE
CONSULTANTS, INC.

PROJECT MEMORANDUM

2201 DUPONT DRIVE, SUITE 620, IRVINE, CA 92612 (949) 752-1530
FACSIMILE (949) 752- 8381

To: Kevin Darnall
From: Chia-Chi Lu
Date: January 7, 2005
RE: Estimate of Maximum Allowable New Revetment Material for Strand Revetment Repair

As requested, we have performed an estimate of the volume of the existing Strand revetment structure and thus, an estimate of the maximum amount of new revetment material that can be utilized in the revetment repair so as to not exceed the 50% limitation on new material as set forth in Section 13252 of the Natural Resources Code.

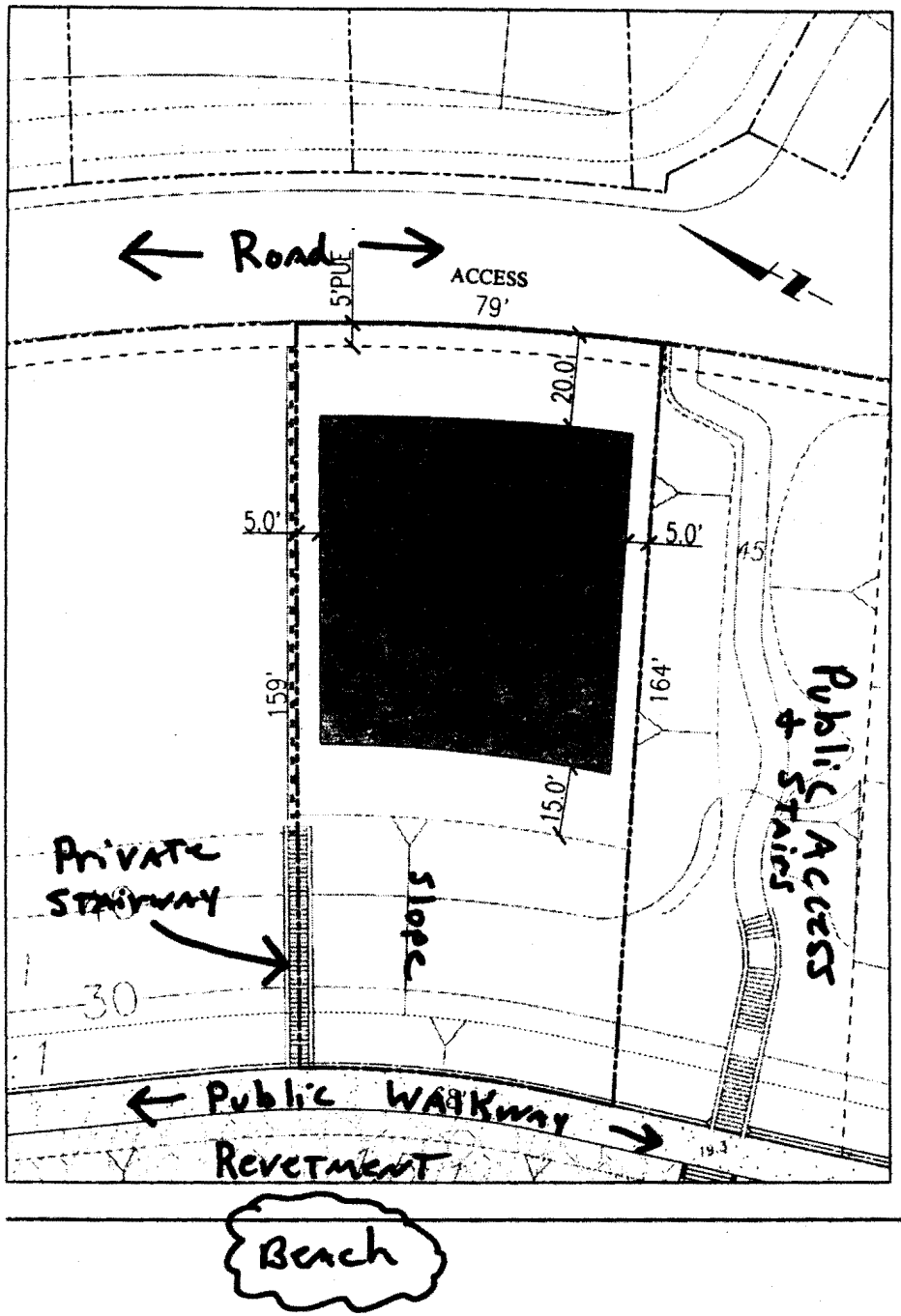
The quantity estimate for the existing revetment was based on available documentation from past revetment repair scenarios as well as recent field observations and surveys of the configuration and extent of the revetment structure at Strand Beach. Typical profiles of the existing revetment section have an average crest elevation at +17 feet, NGVD; and the total alongshore length of the revetment structure is approximately 2,240 feet. Using an average cross-section area of 184 square feet calculated from the profile survey conducted by Hunsaker & Associates[1], the total volume of the existing revetment is approximately 15,300 cubic yards[2].

In order to conform to the requirements of Section 13252 as referenced above, less than 7,650 cubic yards (50% of 15,300) of new revetment material (rip rap rock) shall be utilized in the Strand Beach revetment repair. Based on our evaluation of the existing Strand revetment, the proposed repair of the revetment to a maximum height of +17 feet, NGVD as designed, can be accomplished utilizing less than the maximum allowable quantity of 7,650 cubic yards of new rip rap rock. Thus, the repair meets the criteria for repair and maintenance as set forth in Natural Resources Code 13252.

COASTAL COMMISSION

EXHIBIT # 10
PAGE 1 OF 1

[1] Hunsaker & Associates, 2002. "Beach Profile survey data at Stand Beach" dated March 26, 2002.
[2] AMEC, 2003. "Estimated Volume of Existing Revetment, Headlands Development and Conservation Plan (HDCP), Dana Strand Area" dated December 19, 2003.



LOT 58

LOT SIZE: 11,801 SF
MAXIMUM LOT COVERAGE: = 4,627 SF
PAD ELEVATION: 48.5
FINISHED FLOOR: 49.0

NOTES:

MAXIMUM BUILDING ENVELOPE WITHOUT SIDE LOADED GARAGE
- 1ST STORY (90%) = 4,164 SF
- 2ND STORY (85%) = 3,933 SF

MAXIMUM BUILDING HEIGHT
- 2-STORIES: 28-FEET

MINIMUM FRONT YARD SETBACK
- FROM STREET RIGHT-OF-WAY:
  - 20-FEET RESIDENCE
  - 20-FEET GARAGE FACING STREET
  - 10-FEET SIDE ENTRY GARAGE

MINIMUM SIDE YARD SETBACK: 5-FEET

MINIMUM REAR YARD SETBACK: 15-FEET [1]

MINIMUM OPEN SPACE (PRIVATE): (30%) = 3,540 SF

MINIMUM LANDSCAPE COVERAGE: (25%) = 2,950 SF [2]

MINIMUM BUILDING SEPARATION: 10-FEET [3]

1 As measured from the top of slope for the building pad.
2 Includes patios, pools, fountains, and decorative landscaping.
3 Between primary and secondary buildings, if applicable.

FINAL ELEVATIONS AND SQUARE FOOTAGE SHALL BE IN SUBSTANTIAL CONFORMANCE

EXHIBIT # 11
PAGE 1 OF 1

COASTAL COMMISSION

LOT 58

0' 20' 40'

Habitat Management and Monitoring Plan For Dana Point Headlands Biological Open Space

Prepared for:

City of Dana Point and Headlands Reserve, LLC

Prepared by:

URS Corporation
Patrick Mock, Ph.D.
1615 Murray Canyon Road, Suite 1000
San Diego, CA 92108
619.294.9400
619.293.7920 fax

and

Center for Natural Lands Management
425 E. Alvarado Street, Suite H
Fallbrook, CA 92029-2960
760.731.7790
760.731.7791 fax
www.cnlm.org

April 18, 2005

Table of Contents

Section I Introduction 1
- A. Goals and Objectives 1
- B. Conservation Easement 3
- C. Coordination and Partnerships 3
- D. Permits and Legal Requirements 4

Section II Background 5
- A. Project Description 5
- B. History of Project Site 5
- C. Pre-Construction Project Area and Surrounding Area Characteristics 5

Section III Regional and Local Habitat Conservation Programs / Related Programs and Plans 7
- A. NCCP/HCP Program 7
- B. Local Coastal Program 7
- C. Project Mitigation Programs/Conditions 8
- D. Prohibited Activities 11

Section IV Biological Open Space Characteristics 12
- A. Physical Characteristics 12
- B. Biological Characteristics 12
- C. Physical Improvements, Previous Enhancement and Management History 18
- D. Current Issues and Constraints to Management 20

Section V Long-term Management Goals and Objectives 21
- A. Ecological Objectives 21
- B. Programmatic Objectives 21

Section VI Habitat and Species Management 22
- A. Marine Habitat Monitoring Associated with Revetment Repair 22
- B. Terrestrial Habitat Creation and Enhancement 26
- C. Long-Term Habitat Maintenance, Inventory and Monitoring 28
- D. Plant Species Population Monitoring 28
- E. Animal Species Monitoring 29
- F. Invasive Pests/Exotic Plant Species Control 31
- G. Adaptive Management 32
- H. Public Use 32
- I. Public Access Control 33
- J. Real Estate Issues 34
- K. Implementation of Short-Term Strategies 34
- L. Reporting Requirements 34
- M. Funding and Staffing 34

Section VII List of Preparers 38

Section VIII References 39

Section IX Appendices..... 40
A. Dana Point Headlands Revegetation Plant Palette 40
B. Dana Point Headlands Floral List..... 41
C. Dana Point Headlands Faunal List..... 47
D. PAR Detailed Budget Tables..... 52
E. Onsite Revegetation Plan
Onsite Mitigation and Revegetation Plan, The Headlands Dana Point, California, April 15, 2005..... Provided under separate cover
F. Offsite Mitigation Revegetation Plan
Coastal Sage Scrub Restoration and Monitoring Plan, Fairview Park, City of Costa Mesa, March 28, 2005..... Provided under separate cover

Tables

Table 1 Biological Open Space Areas to be Managed
Table 2 Pre-construction Vegetation Communities within Biological Open Space
Table 3 Strand Beach Study Plan Schedule
Table 4 PAR Initial Year & Capital Budget, including start-up costs
Table 5 PAR Ongoing Tasks and Costs
Table 6 PAR Financial Summary

Figures

Figure 1 Dana Point Headlands Vicinity Map
Figure 2 Dana Point Headlands Project Site Plan
Figure 3 Dana Point Headlands Existing Vegetation and Sensitive Species Locations within Biological Open Space
Figure 4 Dana Point Headlands Revegetation Areas
Figure 5 Dana Point Headlands Trails Fencing and Signage within Biological Open Space

List of Acronyms

ACOE	U.S. Army Corps of Engineers
BMP	Best Management Practices
CCC	California Coastal Commission
CDFG	California Department of Fish and Game
CE	State of California-listed endangered species
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNLM	Center for Natural Lands Management
CNDDB	California Natural Diversity Data Base
CR	State of California-listed rare species
CSS	Coastal Sage Scrub
CT	State of California-listed threatened species
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESHA	Environmentally Sensitive Habitat Area
FE	Federally endangered species
FESA	Federal Endangered Species Act
FPA	Focused Planning Area
FT	Federally listed threatened species
HCP	Habitat Conservation Plan
HDCP	Headlands Development and Conservation Plan
LCP	Local Coastal Plan
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation and Monitoring Reporting Plan
MOA	Memorandum of Agreement
NCCP	Natural Community Conservation Planning
NEPA	National Environmental Policy Act
PAR	Property Record Analysis
PE	Proposed for Federal listing as endangered species
PPM	Pacific Pocket Mouse
PT	Proposed for Federal listing as threatened species
SAP	Subarea Plan
SSC	State of California - species of special concern
SPA	Specific Planning Area
ssp.	Subspecies
USFWS	United States Fish and Wildlife Service

I. INTRODUCTION

The goal of this Habitat Management Plan ("Plan") is to provide a comprehensive, cost-effective plan that establishes the information, short- and long-term management and funding requirements necessary to ensure ecologically sustainable habitat conservation areas within the Headlands project boundaries. This plan has been developed to monitor and manage the area designated for habitat conservation and management as "Biological Open Space[1]" which encompass approximately 50.0 acres and consists of three types of long-term management areas

1. Native habitat requiring little to no enhancement
2. Native habitat, but requires enhancement (e.g., non-native species abatement)
3. Non-native/disturbed ruderal habitat requiring creation/substantial habitat restoration

In addition a separate program is included to monitor Strand Beach and the adjacent inter-tidal and sub-tidal areas, before, during and after the revetment repair, to assess the effects, if any, of the repair work and propose corrective action, if required.

The planned measures to achieve the goals of this plan are to maintain the overall biotic carrying capacity by enhancing areas within conserved space. Other measures include minimizing the "edge effect" by implementing monitoring programs addressing issues such as litter removal, control of invasive pest species, sensitive species populations, monitoring of restricted access areas, support of environmental education, and public outreach. This Plan will also provide the protocols to ensure the conservation of marine habitat values adjacent to Strand Beach during repair of the revetment.

This Plan was prepared in response to the requirements of the Local Coastal Program Amendment and the Central Coastal Orange County Native Communities Conservation Plan/Habitat Conservation Plan Implementing Agreement, of which Headlands Reserve LLC is a participating landowner.

A. Goals and Objectives

The list of goals and objectives discussed below can not be considered in isolation, but rather are inter-related and mutually inclusive. Tasks designed to reach any one of the goals or objectives may impact other goals and objectives, therefore each task must be weighted to minimize impacts to other sensitive resources. Through an adaptive management approach whereby each goal and objective is assessed using quantifiable monitoring methods, the goals and monitoring methods are continually re-evaluated based on the monitoring results. This process allows the Habitat Manager to adjust management approaches to prevent an unbalanced weighting of one goal over another that may jeopardize the success of attaining the latter goal.

[1] Biological Open Space includes those areas designated in the Headlands Development and Conservation Plan ("HDCP") as conservation or recreation open space and designated as Environmentally Sensitive Habitat or proposed for habitat creation or enhancement. Biological Open Space does not include areas such as the Nature Interpretative Center and parking areas, or areas where fuel modification has historically occurred adjacent to existing structures, the Fuel Modification Area (manufactured slope) adjacent to the Hotel, City Park areas which will not be maintained as habitat (e.g., greenbelt north of the Upper Headlands Residential Area) and inaccessible bare cliff faces on the Headlands.

The general priorities for the Dana Point Headlands Biological Open Space are:
1) Survival and enhancement of endangered and threatened species;
2) Expand and retain functionality of coastal scrub ecological processes;
3) Survival and enhancement of non-listed sensitive species;

1. Coastal Scrub Ecosystem

Goal: Maintain the site to permit ecological processes to function.
Objective: Protect the quality and integrity of the upland habitats.

Strategies

- Eliminate activities that disturb soils or otherwise reduce vegetation quality.
- Monitor abiotic variables that influence hydrogeology.
- Create and enhance coastal sage scrub habitats. Onsite and offsite mitigation revegetation plans are being prepared and submitted as separate documents (URS 2005).
- Remove invasive exotic species.
- Monitor and maintain trals and fencing to minimize the potential for off-trail use and to reduce the potential for trail induced erosion to degrade habitat.
- Patrol and enforce trespassing restrictions to maintain hours of operation and discourage off-trail use.
- Ensure that maintenance for public amenities such as bathrooms and appropriately designed trash receptacles occurs on a regular basis to discourage the presence of non-native pest animals, such as argentine ant, house mouse, black rat, and common scavenger species, such as opossum and skunk.

2. Endangered and Threatened Species

Goal: Contribute to the preservation and restoration of endangered or threatened speciesand their habitats that are present in the Biological Open Space.
Objective: Maintain habitat and ecological resources for each species.

Strategies:

- Accurately inventory and map the distribution of rare plants in Biological Open Space.
- Assess opportunities to augment populations of sensitive species using stock from onsite.
- Minimize disturbance inside the Biological Open Space during reproductive seasons.
- Monitor populations of listed species.
- Coordinate with the Wildlife Agencies regarding invasive species and habitat management to minimize the potential for such project to adversely affect listed species.
- Keep informed of research on the preferred habitat conditions of listed species and , when appropriate, augment or allow for habitat conditions to be augmented by the Wildlife Agencies to safeguard list species populations.
- Allow the Wildlife Agencies to propose to augment the existing population of Pacific Pocket Mouse or re-introduce Pacific Pocket Mouse to the

Conservation Park to assist in the recovery of this species.

3. Other Sensitive Species

Goal: Contribute to the preservation and restoration of non-listed sensitive species that contribute to biodiversity.

Objective: Maintain habitat and ecological resources for species covered by the subregional NCCP plan.

Strategies: (Most strategies listed in the previous sections will help attain this objective.)

- Assess and monitor the needs for weed control within the Biological Open Space.
- Monitor habitat conditions as a surrogate for population monitoring.
- Minimize disturbance to migratory and breeding birds.

4. Public Use and Education

Goal: Develop a public awareness program.

Objective: Inform local residents and open space visitors of the sensitivity and ecological importance of the Biological Open Space.

Strategies:

- Develop and disseminate an informational brochure describing the purpose of the Biological Open Space, the sensitive resources found within the Biological Open Space, and ways to prevent impacting these resources.
- Maintain communications with the Home Owners Associations, City of Dana Point and nearby Ocean Institute.
- Utilize the Nature Interpretative Center as a focal point for the public awareness program.

B. Conservation Easement

The Biological Open Space shall be owned in fee title by Center for Natural Lands Management (CNLM) or the City of Dana Point and the conserved habitat lands placed into a recorded conservation easement held by either the City of Dana Point, the wildlife agencies, or the Coastal Conservancy. The wildlife agencies shall be named as third-party beneficiaries, unless such agency desires not to be named.

C. Coordination and Partnerships

Headlands Reserve LLC has entered into an agreement with the Steele Foundation to ensure the perpetual management of the Biological Open Space of the Conservation Park. In turn, the Steele Foundation has selected CNLM as the habitat manager for the Headlands Conservation Park. Further, given CNLM management activities on behalf of the Headlands Conservation Park, it is anticipated that the City of Dana Point will also utilize CNLM as the designated Habitat Manager for the City-owned Biological Open Space. CNLM will work with the City, USFW, and CDFG to ensure that habitats on these lands are adequately maintained in compliance with this Habitat Management Plan, Project EIR MMRP requirements, the HDCP, Dana Point Local Coastal Plan ("LCP"), City permits, the NCCP/HCP Implementation Agreement, and ESA Section 10(a) permit.

D. Permits and Legal Requirements

Implementation of this Habitat Management Plan will comply with and conform to the relevant requirements listed in the Project EIR MMRP requirements, the HDCP, Dana Point LCP, City permits, the NCCP/HCP Implementation Agreement, and ESA Section 10(a) permit. The Habitat Manager will have all required permits and licenses for species monitoring and habitat maintenance.

II. BACKGROUND

A. Project Description

1. Overall Project Characteristics

The Project Site is governed by the land use designation of the Headlands Development and Conservation Plan ("HDCP"), and the certified Dana Point Local Coastal Program (LCP) as amended in 2004. The Land Use Plan for the site includes the following (Figures 1 and 2):

- 125 single-dwelling residential lots,
- 4.4 acres of Visitor/Recreational Commercial land uses comprised of a 65-90 room inn at the terminus of Green Lantern and 35,000 square foot commercial building along Pacific Coast Highway;
- 34.0 acres of Conservation Open Space that have public safety constraints, environmental resources, and/or scenic value, and includes the 27.9 acre Headlands Conservation Park;
- 34.5 acres of Recreation Open Space that includes a greenbelt trail system, passive public parks, a Nature Interpretative Center, parking areas, and a 5.4-acre public beach.

2. Project Biological Open Space

Managed Biological Open Space covered by this Habitat Management and Monitoring Plan includes most of the southern portion of the Project Site exclusive of the hotel site (Planning Area 9), the Nature Interpretative Center, parking areas, bare cliff faces, and streets. Table 1 indicates the four areas to be managed for habitat conservation purposes.

B. History of Project Site

The Project Site consists of approximately 121.3 acres of coastal-front property within the City of Dana Point (Figure 1). The site includes a series of coastal bluffs and terraces overlooking the Pacific Ocean and Dana Point Harbor (Figures 2 and 3). The Project Site is privately owned by Headland Reserve LLC. The existing land uses on the project site consist of a former plant nursery, a storage area, greenhouse, and the remains of a mobile home park and the privately-owned Strand Beach, vacant land, and an on-site road network. The only use currently in place is storage of building materials, RV and boat storage, and related uses. The Strand Beach Area of the project site consists of a wide, sandy beach surrounded by terraced slopes. The Strand Residential Area was formerly developed as a 90-lot mobile home park, which closed in 1988. A riprap revetment was installed in the 1950s along the western edge of the former mobile home park adjacent to the beach.

C. Pre-Construction Project Area and Surrounding Area Characteristics

The Project Site is bounded by the Pacific Ocean, including the Dana Point Marine Life Refuge and the Niguel Marine Life Refuge, to the south; Breaker Isle, Niguel Terrace, and Chelsea Point residential areas and a County-owned beach parking lot on Selva Street to the north and northeast; and PCH area and visitor serving commercial uses, such as Blue Lantern Plaza, and the Cannons and Chart House restaurants to the east and southeast on Green Lantern (Figures 2 and 3).

Table 1
BIOLOGICAL OPEN SPACE AREAS TO BE MANAGED

Location	Area (acres)*	Current Habitat Condition	Ultimate Owner
Harbor Point Park	**6.9**	**1, 2 and 3**	City of Dana Point
Headlands Conservation Park	**27.9**	**1, 2 and 3**	Non-Profit Foundation
Hilltop Park	**11.5**	**1, 2, and 3**	City of Dana Point
South Strand Biological Open Space	**3.7**	**2 and 3**	City of Dana Point
Total Biological Open Space Acreage	**50.0**		

Current Habitat Condition
1. Native habitat requiring little to no enhancement
2. Native habitat, but requires enhancement (e.g., weed abatement)
3. Non-native/disturbed/ruderal habitat requiring creation/restoration

* Acreages excludes other open space such as the Nature Interpretative Center and parking areas, or areas where fuel modification has historically occurred adjacent to existing structures, the Fuel Modification Area (manufactured slope) adjacent to the Hotel, City park areas which will not be maintained as habitat (e.g., greenbelt north of Planning Area 6) and inaccessible bare cliff faces on the Headlands.

The Hilltop Park and Upper Headlands areas are located in the northeast portion of the site. This area is adjacent to urban development and a small portion directly fronts PCH. This portion of the project site was previously occupied by commercial uses and contains structures that were previously used for horticulture operations. This area includes a hilltop that, at 288 feet above mean sea level, is the highest elevation on the Project Site and provides a 360 degree view of the Pacific Ocean and coastal areas.

The Headlands Conservation Park area supports the most extensive area of intact coastal sage brush and bluff scrub and includes the area that historically supported Pacific pocket mice, of which a small number are believed to still reside. Two existing residential enclaves bound the Conservation Park area.

III. REGIONAL AND LOCAL HABITAT CONSERVATION PROGRAMS / RELATED PROGRAMS AND PLANS

A. NCCP/HCP Program

The Project Site is included in the NCCP/HCP EIR/EIS as a Covered Project, and the proposed project is included as a "Planned Activity" of a "Participating Landowner." An Endangered Species Act incidental take (Section 10a) permit (TE810581-1) that authorizes incidental take of 44 covered species was issued to Headlands Reserve, LLC on January 21, 2000 (USFWS 2000). Therefore, development impacts on federal- and state-listed species, Identified Species designated in the NCCP/HCP EIR/EIS, Covered Habitats designated in the NCCP/HCP EIR/EIS, removal of up to 30 acres of coastal sage scrub, and impacts on species dependent on or associated with the Covered Habitats are authorized and considered mitigated to less than a significant level, consistent with the NCCP/HCP guidelines under the NCCP Act, state and federal ESAs, and CEQA.

Relevant mitigation measures and conditions under the NCCP/HCP included:

- Contribute $500,000 toward the NCCP/HCP 'Non-Profit Corporation' and 'Adaptive Management Program';
- Contribute $350,000 to fund Pacific pocket mouse population propagation, enhancement, relocation and recovery efforts upon issuance of Section 10(A)(1)(A) permit for pocket mouse;
- Establish the 22.0 acre PPM reserve for a period of 8 years, with possible extensions of 4 years;
- Contribute to the cost of preparation of the NCCP/HCP; and,
- Commit to transplant, at CDFG's request, any Blochman's dudleya populations at Headlands Reserve's expense (not to exceed $23,000) that would be directly impacted by development on the property. Subject to CDFG approval, the landowner may collect and sow seed, rather than translocate individual plants.
- Provide the Wildlife Agencies the opportunities to acquire the Temporary Pacific Pocket Mouse Preserve at Fair Market Value if the Service determines at or prior to expiration of the 80year preserve period that continuance of the Preserve is necessary to ensure the survival and recovery of the pocket mouse.

B. Local Coastal Program

Adopted in 1976, the purpose of the California Coastal Act is to generally protect the natural and scenic qualities of the California Coastal Zone. Approximately one-half (approximately 2,158 acres) of the City's land area lies within the California Coastal Zone and is therefore, subject to requirements of the California Coastal Act (Division 20 of the Public Resources Code commending with Section 30000). To meet these requirements, the City must have a California Coastal Commission certified Local Coastal Program (LCP) consisting of its "(a) land use plans, (b) zoning

ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions of policies of, this division at the local level." (Public Resources Code § 30108.6). Therefore, the portions of the City's General Plan, Zoning Ordinance, Zoning Map and other implementing actions effectively certified by the Coastal Commission will constitute its LCP for that portion of the Coastal Zone within its jurisdiction.

California Coastal Commission certification of the City's LCP allows the City to assume responsibility for administering coastal development permits in those areas of its coastal zone that are not on submerged lands, tide lands, public trust lands, or state universities or colleges. As a component of the City's LCP, the portions of the General Plan effectively certified by the Coastal Commission includes required coastal resources planning and management policies which are in conformance with and intended to carry out the Chapter Three policies of the California Coastal Act of 1976. These coastal resources planning and management policies are to be applied in a manner which is most protective of coastal resources and public access.

On January 15, 2004, the California Coastal Commission approved, with suggested modifications, an amendment to the Dana Point LCP to certify the presently uncertified Dana Strand area and replace the 1986 Dana Point Specific Plan LCP as it pertains to the remainder of the 121.3 acre project site with the LCP that consists of the City's 1996 Zoning Code and the Land Use Element, Urban Design Element, and the Conservation/Open Space Element of the City's General Plan and amend those documents, through the Headlands Development Conservation Plan (HDCP) and to authorize creation of a Planned Development District for the site that could allow development of up to 125 single family residential lots, a maximum of 110,750 square feet of visitor serving commercial land uses including a 65-90 room inn, a 35,000 square foot commercial site with visitor information center and a minimum 40-bed hostel and 68.5 acres of public parks, coastal trails and open space and a funicular to serve Strand Beach. The amendment affects the City's certified Land Use Plan and Implementation Plan. In addition to other changes, the LCP Amendment designated 49.3 acres of the Project Site as Environmentally Sensitive Habitat Area ("ESHA"). All but 11.29 acres of the designated ESHA must be conserved and protected. Mitigation requirements for impacts to designated ESHA are identified below in the LCP implementation plan section.

C. Project Mitigation Programs/Conditions

Numerous controls are imposed on new developments through the permitting process. In general, public agencies regulate development (and reduce potential biological resource impacts) under the requirements of the conservation planning elements, natural community and habitat conservation planning, local land use policies and zoning, and project specific mitigation measures. The project proponent has developed extensive guidelines for development that will be implemented in conjunction with the proposed project. Existing applicable HDCP, NCCP, LCP and City of Dana Point requirements are described. The following requirements are assumed to be in place when evaluating the characteristics of the proposed project and the potential environmental impacts to biological resources resulting from its implementation.

1. Headlands Development and Conservation Plan Mitigation, Monitoring and Reporting Program (Certified EIR, City of Dana Point 2002)

PC 3-1 Adherence to the Project Landscape Plan. The Landscape Plan provides design guidelines for each project Planning Area. The Landscape Plan includes sensitive habitat protection, preferential use of native vegetation, native vegetation restoration and management guidelines (HDCP, City of Dana Point, 2002).

PC 3-2 Adherence to the Project Irrigation Plan. The Irrigation Plan provides irrigation guidelines that are designed to promote vegetation relocation, recovery, and enhancement; define appropriate irrigation use in the different planning areas and vegetation types for habitat, aesthetic, and safety purposes; minimize unwarranted or wasteful water use; and avoid throughout the project site any potential erosion and structural problems associated with over watering (HDCP, City of Dana Point, 2002).

PC 3-3 Adherence to the Project Park and Open Space Management Plan. The Park and Open Space Management Plan is described in Section 4.14 of the HDCP (City of Dana Point, 2002). The Park and Open Space Management Plan specifies the type, location, and extent and coverage of native vegetation in each of the project planning areas.

2. LCP Implementation Plan[2] Suggested Modifications Relevant to Habitat Management

- ***(Biology) Section 3.5.D.7, Walls and Fencing for Habitat Protection Purposes:*** Walls and/or fencing shall be placed between all residential and commercial development and any adjacent environmental sensitive habitat area for habitat protection and fire hazard management purposes. Walls and/or fencing shall be designed to be impervious to dogs. Where necessary for habitat protection, fencing and barrier plantings shall be placed around ESHAs and along trails to provide physical barriers to human intrusion and domestic pets. Fencing that is both subordinate to the open space character and impervious to dogs shall be placed along trails that are adjacent to or pass through ESHA

- ***(Biology) Section 3.5E. Environmentally Sensitive Habitat Areas (ESHA):*** Excepting up to 0.75 acres of impact in Planning Area 1, 6.5 acres of impact within Planning Area 6 and 4.04 acres of impact to accommodate construction of the seaside inn within Planning Area 9 (all of which are only allowable as provided in Conservation Open Space Element Policy [Suggested Mod 78], new development shall be sited and designed to avoid impacts to ESHA. The maximum impacts to ESHA Identified herein do not pertain to or limit vegetation removal necessary to construct and maintain public trails. Impacts to up to 11.29 acres of ESHA shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Onsite and offsite mitigation revegetation plans are being prepared and submitted as separate documents (URS 2005). The onsite plan was prepared by URS and titled: "Onsite Mitigation and Revegetation Plan" (April 15, 2005). The other offsite plan was prepared by Glenn Lukos Associates, Inc. and titled: "Coastal Sage Scrub Restoration and Monitoring Plan, Fairview Park, City of Costa Mesa" (March 28, 2005).

2 Proposed as suggested modifications by the California Coastal Commission and incorporated into the HDCP by the City of Dana Point.

- Any new development that includes impacts to ESHA as permitted under the LCP shall include mitigation for unavoidable impacts. ESHA impact mitigation shall include, at a minimum, creation or substantial restoration of ESHA of the same type as the affected ESHA or similar type. The acreage of ESHA impacted shall be determined based on the approved project. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall identify an area of disturbed or degraded ESHA of equivalent type and acreage sufficient to provide mitigation of the ESHA impacts at a minimum 3:1 ratio (number of acres created or restored habitat required for each acre of ESHA impacted). At least 1:1 of the 3:1 ratio shall consist of habitat creation/substantial restoration (i.e., no net loss) preferably on-site within the coastal zone. Habitat creation/restoration shall be located on-site to the maximum extent feasible, but may include an off-site component for the portion that is infeasible to provide on-site. Onsite and offsite mitigation revegetation plans are being prepared and submitted as separate documents (URS 2005).

- Mitigation measures on land outside the coastal zone may be acceptable if it would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios. The 3:1 mitigation ratio shall be the minimum standard. The removal of vegetation for new trail construction shall comply with the 3:1 mitigation ratio, except where vegetation removal is necessary to re-align an existing trail or informal footpath in which case the mitigation ratio shall be 1:1. Prior to issuance of the coastal development permit authorizing the ESHA impact, the applicant shall submit habitat creation, restoration, management, maintenance and monitoring plans for the proposed mitigation area prepared by a qualified biologist and/or resource specialist. The plans shall, at a minimum, include ecological assessment of the mitigation site and surrounding ecology; goals, objectives and performance standards; procedures and technical specifications for habitat planting; methodology and specification for removal of exotic species; soil engineering and soil amendment criteria; identification of plant species and density; maintenance measures and schedules: temporary irrigation measures; restoration success criteria; measures to be implemented in success criteria are not met; and long-term adaptive management of the restored area in perpetuity. The area of habitat to be restored shall be restricted from future development and permanently preserved through the recordation of a conservation open space deed restriction that applies to the entire restored area. In addition to the deed restriction, the area may also be dedicated or offered to be dedicated to a public agency or non-profit entity.

- For impacts that are allowed to sensitive habitat, (11.29 acres), mitigation shall include a creation component, which requires establishment of new habitat area at a ratio of at least 1:1 in order to achieve a no net loss standard. In certain cases, substantial restoration may also be substituted for creation. Restoration and enhancement will also be acceptable for satisfying any mitigation requirement beyond the 1:1 creation requirement. Onsite or offsite open space areas may be utilized to satisfy required mitigation for habitat impacts, if the open space areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of habitat.

- The removal of vegetation for new trail construction shall comply with the 3:1 mitigation ratio, except where vegetation removal is necessary to re-align an existing trail or informal footpath in which case the mitigation ratio shall be 1:1.

- ***(Biology/Access) Section 4.3, Planning Areas, Planning Area 5:*** "…….natural resources (blochman's dudleya) habitat will be preserved in the vicinity of the Hilltop Park and managed by the City of Dana Point pursuant to the recommendation and approval of the CDFG. Furthermore, all ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, pursuant to the requirements of this LCP. Fuel modification shall be prohibited within ESHA. Habitat restoration may occur. The ESHA area shall be preserved in perpetuity and endowed to cover the cost of management and maintenance. The area will require a long-term management programs to help facilitate the survival of the sensitive plants and animal species.

- ***(Biology) Figure 4.14.1 and 4.14.2, Fuel Modification Plan:*** Revise Development Plan such that no modification is necessary within Environmentally Sensitive Habitat Areas except as necessary to accommodate the development of a 65-90 room inn within Planning Area 9.

- To mitigate the impacts to the 11.29 acres of ESHA, create replacement habitat and restore existing degraded ESHA, and develop, implement and fund a habitat management plan for all of the preserved, created and restored habitat in perpetuity. The habitat management plan would provide a vehicle for public education, informative signs, weed control, trail maintenance, and on-going needs for repair and restoration.

D. Prohibited Activities

Public access into the Biological Open Space is limited to the designated trails. No activities that are incompatible with the conservation and management goals of biological open space and species covered by the NCCP plan and the Local Coastal Program and related permits will be allowed.

IV. BIOLOGICAL OPEN SPACE CHARACTERISTICS

This section discusses the Project Site's physical and biological characteristics, ecosystem processes, existing and planned physical improvements, enhancements, and management history. In addition, this section addresses current issues and future constraints to the management of the Project's Biological Open Space during and post development.

A. Physical Characteristics

1. Topography

The Project Site is an irregular shaped parcel with varied topographic features including sandy coastal strand, coastal bluffs, bluff terraces, and knolls overlooking the Pacific Ocean. Elevations range from approximately sea level to 288 feet above mean sea level (MSL).

2. Jurisdictional Waters Delineation

The delineation of jurisdictional waters on the site was conducted by Glenn Lukos Associates, Inc. (GLA 2001). On September 28, 2000, a regulatory specialist from GLA surveyed and mapped the jurisdictional "waters of the U.S." present on the site pursuant to accepted U.S. Army Corps of Engineers (Corps) regulations and jurisdictional streambed areas subject to CDFG regulations. Additionally, the site was evaluated for the presence of wetlands subject to the jurisdiction of the CCC, as defined by the California Coastal Act. The survey determined that the site contains no jurisdictional wetlands, but does contain three ephemeral drainage channels totaling 0.073 acres of Corps and CDFG jurisdiction (Figure 3). None of the areas supported vegetated riparian habitat. Drainage A and C fall within the proposed development areas of the site. Only Drainage B is within a preserved Biological Open Space area. For drainages A and C, a 401 Water Quality certification was issued by the California Regional Water Quality Control Board, San Diego Region, allowing impacts to jurisdictional waters.

3. Site Hydrology

A drainage study was completed in 2001 for this project by The Keith Companies (TKC 2001). Approximately 60% of the project area flows to Strand Beach, 30% over the bluff edges, and 10% flows to Dana Point Harbor . As identified in the GLA delineation study, only Drainage B is within the Biological Open Space within the Headlands Conservation Park. In the planned post-construction developed condition, little change is anticipated to surface flows within the sub-watershed associated with Drainage B. The TKC (2001) report noted that the removal of pavement on Marguerita Road and restoration of open space areas are anticipated to reduce runoff surface flows by 0.7 cubic feet per second (cfs). The overall tributary area flowing over the bluff would be decreased. The report also predicted a decrease in the rate of erosion at the end of Dana Strand Road within the Biological Open Space. The project, as proposed with numerous Best Management Practices ("BMPs"), is not anticipated to degrade water quality. Implementation of the specific combination of BMPs and other project design features would reduce and control the concentrations of runoff constituents to the maximum extent practicable.

B. Biological Characteristics

Information summarized below is largely from the Biological Resources Report prepared by URS in February 2002 for the City of Dana Point and included in the Final EIR (URS 2002). Vegetation mapping was refined during the Coastal Commission LCP Amendment process.

Many of the vegetation communities supported within the Biological Open Space are native to the southern California area (Holland, 1986), while others exist due to past human disturbance and landscaping. Coastal bluff scrub and coastal sage scrub dominate the southwest portion of the Project Site (Figure 3). One hundred eighty-two plant species have been recorded on the Headlands, including 72 (40 percent) non-native species (Appendix B). Table 2 summarizes the pre-construction vegetation communities supported within the 50.0 acres of Biological Open Space.

Given the level of urban development that surrounds the Project Site and the project vicinity, there are no wildlife corridors or other biotic linkages between the property and regional biological open space areas, which are located several miles from the Project Site.

1. Vegetation Communities within Biological Open Space

Coastal sage scrub (28.7 acres) is composed of low, soft-woody subshrubs to about one meter (three feet) high, many of which are facultatively drought-deciduous. This association is found typically on dry sites such as steep, south-facing slopes. Dominant shrub species in this vegetation type may vary depending on local site factors and levels of disturbance. The coastal sage scrub within the Project Site is dominated by California sagebrush (*Artemisia California*) and flat-topped buckwheat (*Eriogonum fasciculatum*). Other less dominant shrubs include orangebush monkeyflower (*Mimulus aurantiacus*), California encelia (*Encelia californica*), coastal goldenbush (*Isocoma menziesii*), coastal prickly pear (*Opuntia littoralis*), lemonadeberry (*Rhus integrafolia),* and coyote bush (*Baccharis pilularus).* In some locations, the herbaceous cover within the openings between the shrubs is dominated by southern needlegrass. The main elements of this herbaceous layer include purple needlegrass (*Nassella pulchra*), needlegrass (*N. lepida*), fascicled tarplant (*Deinandra fasciculata*), *Vulpia myuros*, purple false brome (*Brachypodium distachyon*), and golden-rayed pentachaeta (*Pentachaeta aurea*). Purple needlegrass and non-native grasses are also present in the area that supports Blochman's dudleya (*Dudleya blochmaniae*) and are scattered near the ridgeline in the Hilltop Park.

Table 2
PRE-CONSTRUCTION VEGETATION COMMUNITIES
WITHIN BIOLOGICAL OPEN SPACE

Vegetation Association	Approximate Existing Area (acres)
Coastal Sage Scrub	28.7
Disturbed Coastal Sage Scrub	0.8
Southern Coastal Bluff Scrub	5.5
Maritime Succulent Scrub	0.3
Southern Mixed Chaparral	2.5
Disturbed Native Grassland	0.1
Developed/Ornamental	5.5
Disturbed/Ruderal Habitat	6.6
Total	**50.0**

Disturbed coastal sage scrub (0.8 acre) is also present within the Biological Open Space. A disturbed qualifier is placed on coastal sage scrub (or any other native habitat) based on mechanical disturbance (e.g., brushing or clearing, heavy use by hikers and bicycles, and off-road vehicle activity). Disturbed coastal sage scrub typically has a high percent cover of non-native species and is fragmented to some degree by trails. The species present in the disturbed coastal sage scrub in the Harbor Point Park area include California sagebrush, flat-topped buckwheat, deerweed (*Lotus scoparius*), and non-native species such as mustard (*Brassica* spp.) and tarweed (*Hemizonia* spp.).

Southern Coastal Bluff Scrub (5.5 acres) is composed of prostrate woody and/or succulent plants that are found on the cliffs, ridgelines, and bluffs adjacent to the ocean on the western and southern edges of the Project Site. The coastal bluff scrub found on the Project Site is distinguished from the more common coastal sage scrub primarily by the presence of cliff spurge (*Euphorbia misera*). California box thorn (*Lycium californicum*) is also present. Southern Coastal Bluff scrub occurs along the bluff top areas, notably in the Headlands Conservation Park.

Maritime Succulent Scrub (0.3 acres) is found on south-facing slopes in the northeastern portion of the project site. This community is a low, open vegetation type with a poorly developed understory. The dominant shrub species in this community include some of the coastal sage scrub dominants and a high percentage of coastal cholla (*Opuntia prolifera*) and prickly pear (*O. littoralis*).

Southern Mixed Chaparral (2.5 acres) is found along the eastern boundary of the site on east-facing slopes. This association consists of a mix of chaparral species and occurs below 5,000 feet in elevation. The dominant species found in this plant community are toyon (*Heteromeles arbutifolia*), laurel sumac (*Malosma laurina*), and lemonadeberry with a large patch of the non-native, ornamental *Hypericum canariense* in the chaparral in the northwest corner of the site.

Disturbed Southern Needlegrass Grassland (0.1 acres) is found along the northeastern boundary of the site. Southern needlegrass grassland is characterized by a relatively low (between 10 and 30 percent cover) to dense herbaceous cover of the perennial, tussock-forming species, purple needlegrass (*Nassella* (*Stipa*) *pulchra*). Native and introduced annuals are found between the needlegrass, often actually exceeding the bunchgrass in cover (Holland, 1986). This association is found generally on fine-textured clay soils that are moist or wet in winter but very dry in summer. Shrubs are infrequent, probably due to the unstable clay soils. The degree of habitat quality in native grasslands varies greatly depending on the history of grazing, cultivation, or other disturbance factors. The disturbed southern needlegrass grassland onsite is composed of purple needlegrass, foothill needlegrass (*N. lepida*), melic grass (*Melica imperfecta*) common goldenstar (*Bloomeria crocea*), and blue dicks (*Dichelostemma capitatum*) with a significant cover of non-native annual grasses such as *Vulpia myuros*, brome grasses (*Bromus* spp.) and purple false brome (*Brachypodium distachyon*).

Developed/Ornamental (5.5 acres) Developed areas support no native vegetation due to past disturbances associated with the presence of buildings, roads, and other infrastructure. The level of soil disturbance is such that only the most ruderal plant species would be expected. Ornamental areas include historically maintained landscaped areas that support species from previous developments (e.g., ice plant, myoporum, etc.). Species found in these areas include pepper tree (*Schinus molle*), ice plant (*Gasoul crystallinum*), and Eucalyptus (*Eucalyptus* spp.).

Disturbed/Ruderal Habitat (6.6 acres) is any land on which the native vegetation has been significantly altered by land-clearing activities, and the species composition and site conditions are not characteristic of any disturbed phase of native plant association. Such habitat is typically found in recently cleared areas, vacant lots, roadsides, and construction staging areas and is dominated by a lack of vegetation (bare ground) or an inclusion of non-native broadleaf species, including castor bean (*Ricinus communis*), fennel, iceplant, and tree tobacco (*Nicotiana glauca*).

2. Wildlife within Biological Open Space

Wildlife species that have been recorded on the Project Site include Pacific tree frog (*Hyla regilla)*, western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), mourning dove (*Zenaida macroura*), California gnatcatcher (*Polioptila californica californica*), white-throated swift (*Aeronautes saxatalis*), western kingbird (*Tyrannus verticalis*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), orange-crowned warbler (*Vermivora celata*), deer mouse (*Peromyscus maniculatus*), Pacific pocket mouse (*Perognathus longimembris pacificus*), western harvest mouse (*Reithrodontomys megalotis*), San Diego desert woodrat (*Neotoma lepida intermedia*), cactus mouse (*Peromyscus eremicus*), California vole (*Microtus californicus*), California mouse (*Permyscus californicus*), house mouse (*Mus musculus*), black rat (*Rattus rattus*)California ground squirrel (*Spermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*), long-tailed weasel (*Mustela frenata*) and coyote (*Canis latrans*). There are also domestic cats and dogs on the Project Site. No raptor nests were observed onsite during surveys. A total of 92 wildlife species have been recorded on the Project Site since 1993.

3. Sensitive Resources within Biological Open Space

Sensitive Habitats Sensitive habitats are plant communities or species that are considered rare or seriously declining within the region, are listed by the California Natural Diversity Database (CNDDB), or are habitats that support sensitive plants or wildlife. The designated ESHA encompasses most of the Biological Open Space that supports native vegetation. Figure 3 shows the distribution of sensitive species found within the Biological Open Space, including current and historical locations of California gnatcatcher and historical locations of cactus wren. Information from surveys of the PPM on the Headlands in 1997 and 1998 by S.C. Dodd Biological Consulting was used to map PPM-occupied habitat in this figure.

Sensitive Plants Plants are considered sensitive if they are considered rare, California Native Plant Society ("CNPS") as list 1B or list 2 species, or listed as threatened or endangered by state or federal government. Blochman's dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*), Palmer's grappling hook (*Harpagonella palmeri*), Coulter's saltbush (*Atriplex coulteri*), and Nuttall's scrub oak (*Quercus dumosa*) are list 1B species. Western Dichondra (*Dichondra occidentalis*), , cliff spurge (*Euphorbia misera*), California box-thorn (*Lycium californicum*), golden rayed pentachaeta (*Pentachaeta aurea*), vernal barley (*Hordeum pusillum*), woolly sea blite (*Suaeda taxifolia*), and small-flowered microseris (*Microseris douglasii* var. *platycarpha*) are all CNPS list 4 species (watch list) and were detected during various surveys conducted since 1991 through to 2003 (Figure 3). Prostrate spine-flower (*Chorizanthe procumbens*) is a former List 4 species also included as a NCCP/HCP species that occurs on the Headlands.

Blochman's Dudleya is a herbaceous perennial found in dry, stony places below 450 meters (1,500 feet) elevation. It is associated with coastal sage scrub and found near the coast from San Luis

Obispo County south to northern Baja California. In southern California, this species is rare (fewer than 20 known locations). A population of 250 plants was reported by PSBS (1991) near the hilltop in the eastern portion of the project site. Numbers of reported plants have fluctuated over the years. The Blochman's Dudleya are in conserved areas of the Hilltop Park, either in or adjacent to areas of disturbed coastal sage scrub. This area currently has heavy foot traffic, bicycle traffic and occasional off-road traffic.

Coulter's saltbush is a perennial herb. It inhabits coastal bluff scrub, coastal dunes, and alkaline grasslands from Santa Barbara County south to Baja California and is on many of the Channel Islands. Coulter's saltbush is rare and declining in its range. In Orange County, it is known from fewer than 12 occurrences, and perhaps only 6 are extant. The Coulter's saltbush (fewer than ten individuals onsite) was found in Hilltop Park and Harbor Point Park, within Biological Open Space.

Nuttall's scrub oak a species of scrub oak. Populations are restricted to coastal sage scrub and chaparral habitats typically within ten miles of the coast. A single individual Nuttall's scrub oak is found near the former plant nursery within the Biological Open Space.

Cliff Spurge is an irregularly branched shrub restricted to sea bluffs in coastal bluff scrub. Its coastal range extends from Corona Del Mar to Baja California and the Channel Islands. In 1991, several thousand individuals were found on the coastal bluff edges of the Biological Open Space.

Palmer's Grapplinghook is a widely distributed, diminutive annual found in Los Angeles, Orange, Riverside, and San Diego counties; on San Clemente Island; and in Arizona Baja California, and Sonora, Mexico. This species is found generally on clay slopes and recent burns below 1,000 meters (3,280 feet) elevation. Fewer than ten plants were found within the Hilltop Park area in 1983. Subsequent surveys have not detected the plant.

California box-thorn is a rigidly branched shrub. It inhabits coastal bluff scrub and coastal sage scrub from Santa Barbara County to Baja California and is on many of the Channel Islands. This species was observed onsite in 1991, 1998, and 2000 in the coastal bluff scrub along the bluff top within Biological Open Space.

Golden-rayed pentachaeta is a small annual that flowers from March through July. It inhabits grassy areas, openings in coastal scrub, and cismontane woodland and forests from San Bernardino County to Baja California. This species was observed onsite in 1991 and 2000 in the coastal sage scrub within the Hilltop Park Biological Open Space.

Vernal barley is an annual grass that flowers from March through June. It inhabits grasslands and vernal pool areas from Mono County west to San Mateo County and south into Baja California. This species was not detected during surveys in 1991, 1998, and 2000. Fewer than 100 total plants were reported onsite in two small patches, primarily within the Hilltop Park, and Biological Open Space.

Woolly seablite is an evergreen shrub that inhabits coastal bluff scrub, coastal dunes, and marshes from Santa Barbara County to San Diego County and on many of the Channel Islands. In 2003, GLA estimated that fewer than 10 plants were located onsite. Woolly seablite was observed along the sea bluffs within Biological Open Space.

Small-flowered microseris is a small, annual that inhabits grassland and coastal sage scrub. This species was not officially observed on the Headlands during the past surveys, and its presence has not been confirmed.

Western dichondra is a perennial herb found in chaparral, scrub associations, and rock outcrops in grasslands and often found in recent burn areas. Scatterings of this species have been observed along the west facing slope of the Hilltop Park, primarily within Biological Open Space.

Prostrate Spineflower (formerly CNPS List 4) is found within openings of scrub and chaparral associations. The prostrate spineflower's range includes southern California and Baja California. The CNPS has removed this species from its sensitive plant rankings, which indicates that this species is sufficiently widespread and abundant or insulated from significant impacts to be relatively secure in the near future. This plant species was identified on bluffs at the Headlands before 1998, but not in the 1999 and 2000 surveys performed by URS.

Additional plant species that were not observed but have the potential to be found onsite due to the presence of suitable habitat are Aphanisma (*Aphanisma blitoides*), Pacific saltbush (*Atriplex pacifica*), and Robinson's peppergrass (*Lepidium virginicum* var. *robinsonii*).

Sensitive Wildlife Listed animal species detected onsite were coastal California gnatcatcher (*Polioptila californica californica*) and Pacific pocket mouse (*Perognathus longimembris pacificus*). Cactus wren and orange-throated whiptail, both California Species of Concern, are also historically recorded on the Project Site, but have not been observed recently. Other potentially occurring sensitive species include Coronado Island skink and northern red diamond rattlesnake.

The USFWS lists the **coastal California gnatcatcher** as a threatened species, and the CDFG considers this bird a species of special concern. The coastal California gnatcatcher population is estimated at nearly 5,000 pairs within the United States (USFWS, 2000). The primary cause of this species' decline is the cumulative loss of coastal sage scrub vegetation to urban and agricultural development. This species is declining with the continued loss of remaining coastal sage scrub habitat in the four southern California counties located within the coastal plain. Gnatcatcher territory size requirements vary with habitat quality. Documented home ranges have varied from 2 to 45 acres in San Diego County (Preston et al., 1998). Studies of the species' habitat preferences in San Diego County indicate that California sagebrush (*Artemisia californica*), and flat-topped buckwheat (*Eriogonium fasciculatum*) are the primary plants used by gnatcatchers when foraging for insects. The gnatcatcher survey conducted by URS biologists on February 9, 2000, resulted in confirmation of seven of the eight previously documented gnatcatcher territories. At least three gnatcatcher territories will be conserved within Biological Open Space of the Headlands Conservation Park. Two or three gnatcatchers territories are also expected to occupy other areas of Biological Open Space.

Cactus wren, a NCCP focal species, was detected in 1991 surveys, but not in the 1998 or 2000 surveys, although suitable habitat is present onsite. Characteristic wren nests were absent in 2000.

Historically, the **Pacific Pocket Mouse** (PPM) was endemic to the coast of southern California from Marina del Rey and El Segundo in Los Angeles County, south to the Mexican border in San Diego County. Currently, only four populations of the PPM are known to exist in southern California.

During focused surveys, one population of 39 individuals was originally detected on the Project Site in 1993, 10 to 25 individuals were detected in 1999 and two individuals were detected during 2003 surveys. The remaining PPM populations exist on U.S. Marine Corps Base, Camp Pendleton in three geographically distinct populations. This subspecies is restricted to sandy substrates within open coastal sage scrub habitats, less than 4 kilometers from the coast. The USFWS listed this subspecies as an endangered species in 1994 and has developed a recovery plan since its detection on the Project Site. The CDFG lists the PPM as a Species of Concern. The entire 22-acre Temporary PPM reserve established under the NCCP/HCP is contained within the 27.9 acre Headlands Conservation Park.

Orange-throated whiptail is a Species of Special Concern in California. This species uses open areas of coastal sage scrub with gravelly soils in San Bernardino, Orange, Riverside, and San Diego counties. One whiptail was observed onsite in 1991 surveys, but has not been observed in subsequent surveys.

Other sensitive species that have the potential to occur, but have not been observed onsite include:

Coronado island skink (*Eumeces skiltonianus interparietalis)* is a species of special concern known from San Diego County and Baja California. It is most commonly found in open areas, sparse brush, and in oak woodlands – usually under rocks, leaf litter, logs, debris, or in the shallow burrows it digs. Prey consists of insect eggs and larval insects.

Northern red diamond rattlesnake (*Eumeces skiltonianus interparietalis)* is a species of special concern restricted to southern California and Baja California from Morongo Pass to the tip of the Baja Peninsula, with most of its California range in San Diego County. Habitat preferences include dense vegetation in rocky areas with a supply of burrowing rodents for prey. It is often found in chaparral, coastal sage scrub, along creek banks, and in rock outcrops or piles of debris.

Predatory birds, such as northern harrier (*Circus cyaneus*), sharp-shinned hawk (*Accipiter striatus*), white-tailed kite (*Elanus leucurus*), and Cooper's hawk (*Accipiter cooperii*), potentially use the habitat within the Project Site. An American kestrel (*Falco sparverius*) and a pair of red-tail hawks (*Buteo jamaicensis*) were detected onsite in 2000. No raptor nesting sites have been detected onsite.

C. Physical Improvements, Previous Enhancement and Management History

1. Existing and Planned Infrastructure within Biological Open Space

Pre-Construction infrastructure Marguerita Road currently traverses the designated Headlands Conservation Park and serves the northern residential enclave. Water and dry utilities also occur along this alignment. With implementation of the project, Marguerita Road will be removed and the area regraded to natural contours. The waterline and dry utilities will be relocated into a new alignment that will minimize impact to sensitive species. Areas of Marguerita Road not necessary for the Nature Interpretive Center and adjoining parking area will be revegetated with appropriate coastal sage scrub species and managed as part of the Headlands Conservation Park. Where practicable, imported fill during the recontouring of Marguerita Road will utilize topsoil salvaged from the grading of intact sage scrub elsewhere onsite. Topsoils in the abandoned road alignment should be composed of loamy sand suitable for Pacific Pocket Mouse habitat.

Existing power poles that occur outside of designated public rights-of-way and within designated Biological Open Space will be removed as part of project implementation. The poles within the PPM preserve shall be cut down at their base and the buried portion left in place. Use of heavy machinery will be minimized to the maximum extent practicable.

Post Construction infrastructure The HDCP designates fencing and walls to protect Biological Open Space. Fencing will be installed along the perimeter of the Headlands Conservation Park and Harbor Point Park, including safety fencing seaward of the proposed bluff top trails. In addition, fencing and masonry walls will be constructed for the Hilltop Park. Masonry walls, 7 ft. high, will be constructed along the perimeter of the common boundary of Planning Areas 4 and 6, and the Hilltop Park as required (Figure 5). Habitat fencing will be installed along Green Lantern and the Hotel Site and a masonry wall will be built behind the existing homes on Green Lantern. A network of trails consisting of native soils or Class II road base will be constructed in the designated 5-foot-wide alignments. Within the Hilltop Park, Headlands Conservation Park and Harbor Point Park the trail fencing will be 5 ft wide and the trails within the fencing will be 4 ft wide except at designated overlook areas. The Wildlife Agencies shall be notified prior to the commencement of trail construction within the Headlands Conservation Park. In areas where southern coastal bluff scrub is present (cliff spurge), the trails will be aligned to maintain a minimum distance or 25 feet from the cliff spurge. A 48-inch tall, 8-strand visually unobtrusive fence that is impervious to dogs, shall be constructed along either side of the trails. Trail fence posts will use inert materials, such as concrete. To prevent entry into the Conservation Park after operating hours, a 6 ft. high wrought iron fence will be constructed along the perimeter of the park where it meets Dana Strand Road, Scenic Drive and the Nature Interpretive Center and parking lot. A new, shorter alignment for utilities currently in Marguerita Road will be constructed along an existing dirt road/trail alignment from Scenic Drive to Planning Area 6, Upper Headlands Residential. The construction of the utilities into this previously disturbed area will minimize impacts to the habitat within the Hilltop Park.

Signage for visitors to the Biological Open Space of an educational or informational nature will occur in appropriate areas of the trail system and overlooks. Overlooks will also include benches. Trash receptacles will be provided at trail-head locations. Although not within any Biological Open Space or designated ESHA, a Nature Interpretative Center of approximately 2,000 sq. ft. and parking will occur at the east end of the existing Marguerita Road. The Nature Interpretive Center will serve as management headquarters for the Biological Open Space and will include dioramas or other educational exhibits and public restrooms.

Given the natural terrain, trails to serve the Hilltop Park in the vicinity of Green Lantern are steep and stairs constructed of either timbers or concrete are anticipated to be necessary to avoid erosion and other potential concerns. Minor drainage improvements for the Headlands Conservation Park near the terminus of both Dana Strand Road and Scenic Drive are anticipated to minimize erosion impacts which have occurred historically. Such improvements may consist of small culverts and energy dissipation materials such as rock. Use of temporary irrigation may be utilized in revegetation areas for plant establishment.

The habitat restoration and enhancement measures will be implemented by the project developer during the construction phase of the project. Long-term habitat management activities will be focused on invasive species control, species population monitoring, habitat monitoring and remedial restoration, and monitoring of public access within the Biological Open Space

2. Previous Enhancement and Management History:

Large portions of the Harbor Point and the Headlands Promontory areas have previously been graded, these areas of the site are currently vacant land. Similarly, a large portion of the Upper Headlands was also graded in the mid-1960's, in conjunction with development of the site as a plant propagation/nursery facility. Although this facility is no longer in operation, the remaining buildings and much of the surrounding area have been used for offices and storage. The Strand area was original developed as the Dana Strand Club Mobile Home park in the mid-1950's, and continued operations until the late 1980's. The mobile home pads and associated infrastructure improvements still exist on the Strand site, including several buildings associated with the Club's operations. Two existing residential enclaves with roads and infrastructure to serve them are located adjoining the northerly and easterly portions of the Headlands Promontory, but these properties are not part of the project site. Similarly, existing residential uses adjoin the northerly side of the Upper Headlands.

Since 1996, the wildlife agencies have conducted various PPM surveys and habitat modification treatments as part of their management of the PPM population within the Temporary PPM reserve. Given the most recent (2002) survey results, PPM may be extirpated from the site. No other enhancement or management activities have occurred in recent years. In the future, the Resource Agencies will work in conjunction with CNLM to monitor/manage the PPM habitat in the Headlands Conservation Park.

D. Current Issues and Constraints to Management

The portions of the Biological Open Space that will have trails will receive a substantial amount of public use, especially the trail at the south Strand that leads down to the beach. The Habitat Manager will be monitoring the consequences of this public access, and making recommendations to the City, which will be responsible for controlling public access for all areas other than the Headlands Conservation Park. Control of public access to the Headlands Conservation Park will be the responsibility of CNLM in consultation with the City of Dana Point. Hours of operation for the Headlands Conservation Park and other areas of Biological Open Space will be 7:00 am to sunset. Community outreach and education will be important tools to minimize habitat disturbance. Informational signage at trailheads and fencing along the trail alignments will help to minimize impacts to sensitive species (Figure 5). Dogs (except for service dogs) are restricted from the Headlands Conservation Park trails. Dogs on other trails are required to be kept on a leash at all times. Control of public access must be consistent with the coastal development permit for the project area.

V. LONG-TERM MANAGEMENT GOALS AND OBJECTIVES

A. Ecological Objectives

The proposed goal of this Habitat Management Plan is to provide habitat management and monitoring with associated funding necessary to ensure the long-term maintenance of ecologically sustainable conservation areas within the Project boundaries after project implementation. The area conserved as Biological Open Space encompasses approximately 50.0 acres and consists of three types of management areas:

- Native habitat requiring little to no enhancement
- Native habitat, but requires enhancement (e.g., non-native species abatement)
- Non-native/disturbed/ruderal habitat requiring creation/substantial habitat restoration

Planned measures to achieve the goals of this plan include the creation of native habitat in areas where non-native species or on-going disturbance is the dominant characteristic, and the restoration of disturbed habitat thereby increasing the total biotic carrying capacity of the Biological Open Space. Other measures include minimizing "edge effect" by implementing programs addressing issues such as litter removal, pest species control, fence repairs, education, and public outreach. This plan also includes a monitoring program to ensure the conservation of marine habitat values during revetment repair. To succeed in these goals, the project's Biological Open Space will require management practices and land-use restrictions on conserved lands. Adaptive management measures will minimize impacts to individuals or populations of NCCP covered species due to public access of Biological Open Space. The restoration program for the offsite open space is addressed in a separate document, "Coastal Sage Scrub Restoration and Monitoring Plan, Fairview Park, City of Costa Mesa", Glenn Lukos Associates, March 28, 2005.

Monitoring of Strand Beach and the adjacent inter-tidal and sub-tidal areas of the marine environment will also be monitored prior to, during, and following the revetment repair construction.

B. Programmatic Objectives

The Biological Open Space will provide other benefits to the City of Dana Point, its residents, and visitors to the area each year. The Biological Open Space will help maintain the City's quality of life and provide the City with passive recreational and educational opportunities while conserving the City's unique biodiversity and maintaining populations of sensitive resources. The Interpretive Area will provide educational materials to increase the Public's environmental awareness of the conserved habitats.

VI. HABITAT AND SPECIES MANAGEMENT

A. Marine Habitat Monitoring Associated with Revetment Repair

Approximately 2,100 linear feet of existing revetment will be repaired by processes that may involve the use of heavy construction equipment on or near the beach. This would have the potential to change the characteristics of the beach including grain-size, beach width, and beach slope if best management practices (BMPs) are not implemented during construction. However, most of the construction activities will take place in the very highest reaches of the tides with remote chance for any negative interactions. To ensure protection of the resources, the project developer will implement BMPs during the construction phase to reduce the possibility of any damage to core habitat values to the intertidal zone, shallow subtidal, and the existing giant kelp beds offshore. It is not expected that any damage to the subtidal and intertidal marine habitats could occur based on expected tidal ranges; However, the project developer will conduct pre-construction surveys as required to provide a baseline to determine the habitat values of the site prior to the construction process, monitor water quality conditions and potential grunion spawning activity during the construction, and post-construction monitoring to insure the habitat values have not changed as a result of the construction activities. As beach slope, grain-size, and beach width are dynamic processes in flux, monitoring of these aspects will be on a quarterly basis for a period of three years following the final grading.

In overview, the proposed marine monitoring program will ultimately segregate the effort into four major elements:

1. Pre-Construction Characterization
2. Revetment Repair Construction Monitoring of BMPs
3. Post-Revetment Repair Construction Monitoring
4. Long-term Beach Recovery Monitoring

1. Pre-Construction Characterization

The following surveys would be conducted prior to and immediately after the revetment repair activities have taken place to ensure that habitat values present prior to implementation of the project were protected during the repair process.

- **Intertidal Survey**. An intertidal survey will be conducted by biologists familiar with the intertidal fauna. This survey will establish baseline environmental conditions and identify and chart the location of sensitive resources within the intertidal area that could be affected by the construction operations. As most of the area is expected to be large grained sand that could be conducive to grunion or pismo clams, surveys will be conducted for their presence. The intertidal survey will consist of several replicated intertidal core samples from corers 20 cm wide by 50 cm deep. These core samples will be taken every 5 m along a 20 m wide corridor (5 replicates) centered on the middle of the Strand work area and at either end at +5 ft, +3 ft, +1 ft, and -1ft MLLW. Core samples will be sieved through a 4 mm screen to document the number and density of large macrofaunal species (such as pismo clams, sand crabs, etc.) in the sediment. If grunion (*Leuresthes tenuis*) eggs are detected, they will be noted and marked to ensure that they are not disturbed during construction operations.

- **Intertidal Control Site** - To document that the beach has recovered, it will be necessary to have a nearby control site with the same littoral cell to evaluate whether a recovery has succeeded or failed. This will serve an important function as it will determine whether the construction site is typical of the surrounding area, and, should the post-construction survey of the site indicate the area may have been impacted, it will provide a means to determine whether the failure is at the site only or is due to a wide-scale environmental perturbation. This site will be located nearby, but out of the zone of influence of the construction activities, and mirror the construction site in beach front exposed to the swell and the angle of the slope of the beach. The beach that best fits this criteria is Salt Creek Beach, north of the Ritz Carlton Hotel.

- **Kelp and Surfgrass Survey**. As the giant kelp beds located offshore and surfgrass located in the intertidal zones are considered sensitive resources, these areas shall be monitored during the construction and the post-construction period to determine whether the construction activities had any impact upon these resources. Prior to and during construction, kelp bed size will be determined from aerial photographs taken on a quarterly basis. Any changes in kelp bed size not related to normal oceanographic conditions will be evaluated to determine the cause. Photographs of surfgrass taken at low tides will be compared on a quarterly basis during construction to ensure the beds are not inundated by construction activities.

- **Beach/Sand Monitoring**. On a quarterly basis, beginning with the pre-revetment repair-construction survey, measurements will be made by a coastal engineer/civil engineer of beach width, beach slope, and grain-size. As the beach, as it currently exists, is in dynamic equilibrium based on these parameters, it will be critical that these parameters do not change during the life of the construction project or for any period thereafter. To ensure the stability of these factors, and the near-by control site, the beach will be monitored quarterly for width, slope, and grain size during construction and yearly thereafter for a period of three years following construction. These will be used to determine whether the beach retains its pre-construction condition.

- **Pre-Revetment Repair Report.** A brief report to the City of Dana Point will describe procedures, methodologies employed, and results of the surveys referenced above. The report will provide tables keyed to the chart in which pre-construction resources will be presented, as appropriate. The report will provide the data and supporting analyses for the control site for the subsequent monitoring of the beach recovery.

2. Monitoring During Revetment Repair Construction

During construction, water quality and erosion control measures will be monitored pursuant to the project SWPPP to ensure that best management practices are being followed to minimize the potential for runoff, contaminants, or inundation of any of the critical habitats in the intertidal zone. If any construction activity is required on the beach below the mean higher high water mark, during the months of March through August (inclusive), shall necessitate the participation of a biological monitor to determine the shoreward extent of grunion spawning activity and egg-laying; the monitor shall have the authority to divert construction activity below the mean Higher High Water Mark, to avoid such spawing and egg-laying areas. Monitors shall be present during the two nights of highest predictive tides of each high tide sequence and mark the actual reach of the tides. A temporary barrier shall be constructed at the highest tide mark to insure that no construction activities occur below this mark. Alternatively, experienced biologists can monitor the beach at night during the first

three nights of the predicted grunion run, determine if grunion are present, and mark the highest reach of any grunion activity. If grunion are present, construction activities would be excluded from grunion occupied areas of the beach. If grunion are absent, construction activities can continue on the beach until two days prior to the next predicted grunion run.

3. Post-Revetment Repair Construction Surveys

Within 60-days following the construction period, in consultation with the City of Dana Point, biologists, coastal engineering/civil engineering professionals shall conduct post-construction surveys of the inter-tidal areas, beach and the control beach as identified under #1 above and follow up monitoring report to ensure the habitat value of the site returns to pre-construction conditions. If monitoring determines a problem exists or that other/additional BMPs are necessary, a recommendation shall be made for such corrective action shall be made and implemented including such remedial measures required by the City of Dana Point.

4. Post-Repair Report

Based on the surveys identified in #3 above, brief report to the City of Dana Point shall be prepared and shall describe procedures, methodologies employed, and results of the surveys. The report will provide tables keyed to the chart in which pre-construction resources will be presented, as appropriate. The report will provide an analysis of the study and supporting documentation to determine the level of impact to the beach and adjoining habitat areas and whether the habitat has subsequently recovered. On a quarterly basis during construction and yearly thereafter for a period of three years, beach characteristic reports will be sent to the City of Dana Point within 30 days of receipt of laboratory samples. The following tentative schedule (Table 3) is proposed for the pre-construction survey and their respective reports.

Table 3
STRAND BEACH STUDY PLAN SCHEDULE

PRE-REPAIR SURVEYS Intertidal survey Subtidal survey Kelp survey Surfgrass survey Beach Characterization Monitoring	Prior to start of Revetment Repair
CONSTRUCTION SURVEYS	
BMP monitoring survey	Pursuant to requirements of the project SWPPP
Beach characteristics survey	Quarterly during construction, annually thereafter for a period of three-years.
Grunion monitoring survey	Feb.-Jul. if construction is below the MHHW mark
Annual report	End of the year
POST-CONSTRUCTION SURVEYS Intertidal survey Subtidal survey Kelp survey Surfgrass survey Beach Characterization Monitoring	60-days following repair
Annual Report	End of Year
THREE-YEAR MONITORING SURVEY Beach Characterization Annual Report	Each year following repair for 3 years

B. Terrestrial Habitat Creation and Enhancement

Habitat creation and enhancement is the process of re-establishing or enhancing historical biological functions and values to degraded or non-existent habitats. Creation/enhancement within the Biological Open Space will consist of actively establishing native habitat in areas which are currently nonnative habitat or disturbed lands, based on a minimum five-year Restoration/Mitigation Plan (URS 2005) to be developed for the project site in consultation with the City, resource agencies, and the California Coastal Commission. The duration of the restoration monitoring is at least five years that can be extended to meet established success criteria. Preparation and review of the Restoration Mitigation Plan must occur prior to disturbance of the 11.29 acres of designated ESHA. Figure 4 depicts 13.3 acres of habitat creation and 11.1 acres of habitat enhancement that have been identified within the Biological Open Space. Following completion of the creation/enhancement activity, the sites will be monitored for a period of five years to ensure success. The monitoring of restoration areas will be parallel to the long-term habitat monitoring conducted by Habitat Manager (Section VI-C below).

Active restoration of non-native habitats and disturbed lands will require removal of existing non-native vegetation, planting of container stock grown from seed collected onsite to the extent practicable, seeding with native species, from seed collected onsite to the extent practicable, and monitoring the restoration effort for five years. The habitat restoration program will focus on the creation of habitat for sensitive species with the objective of increasing the overall habitat carrying capacity for the sensitive species populations. Primary habitat for restoration is CSS, the preferred habitat for California gnatcatcher and PPM. Restoration is necessary to increase the quantity and quality of native habitat in the Biological Open Space. This will improve the viability of the Biological Open Space and provide additional habitat for sensitive species.

1. Restoration Design

A specified plant palette will be used in the restoration effort; this palette is provided as an appendix. The plant cover goal within revegetation areas is an approximate vegetation cover of 30% *Artemisia californica*, 30% *Eriogonum fasciculatum/Encelia californica*, 15% *Rhus integrifolia*, and 25% bare ground or herbs and subshrubs, such as *Nassella/Lotus/Sisyrinchium.* Exotic species should not exceed 10% cover. This plant palette may be modified by the restoration biologist to make it more site-specific in terms of species composition and shrub density and correspond to site-specific restoration goals, such as increasing the population size or extent of selected sensitive plant species. All final plant palettes should indicate species that are designated as dominant or secondary.

Additional activities to enhance the success of the restoration effort include:

- Topsoil associated with undisturbed CSS within the development footprint will be stockpiled and used in enhancement/restoration projects within the Biological Open Space.
- To the extent practicable, plants/seeds utilized in the creation/substantial restoration shall be that found in the onsite habitat areas.
- Erosion-control measures will include, but are not limited to, straw wattles, blown straw, crimped straw, and/or erosion-control matting. No erosion control devices shall be used that contain seed from non-native plants.

- Incorporation of local plant species of concern into the restoration program wherever possible and appropriate to the site conditions. Plan ahead when adding a sensitive species to the restoration plan to be able to obtain enough seed to have a viable restoration effort.
- When possible, weed control should begin in the summer before installation in the fall.
- A restoration ecologist will oversee any use of herbicide to control weeds, following the recommendations of a licensed Pest Control Advisor and will be applied by a qualified applicator.

2. Habitat Creation/Enhancement Monitoring and Maintenance Program

A habitat restoration plan has been developed for those areas of Biological Open Space that require habitat creation or enhancement (Figure 4; URS 2005).

- Habitat creation/enhancement activities for the Headlands Conservation Park shall be coordinated with the Wildlife Agencies.
- The project developer will maintain the restoration sites for five years following installation.
- Perform maintenance during the 5-year period on an as-needed basis, as recommended by the habitat restoration/mitigation plan and restoration biologist.
- Remove or control invasive exotic species. Weed control will require constant diligence by the maintenance personnel. Invasive exotic species, such as pepper trees (*Schinus* spp.), gum tree (*Eucalyptus* spp.), castor bean (*Ricinus communis*), tree tobacco (*Nicotiana glauca*), and fennel (*Foeniculum vulgare*), will be removed wherever they occur within the restoration area. Annual weeds such as mustard (*Brassica* spp.), wild radish (*Raphanus sativus*), and annual grasses may also need to be controlled. The restoration/mitigation plan and restoration biologist will determine which annual weeds need to be controlled to ensure restoration success.
- Control erosion as necessary. The Restoration Biologist will assess the need for erosion control during regular site visits.
- Control access to restoration sites. To the extent practicable, access to restoration sites should be on existing trails. Unless otherwise adequately fenced at the perimeter of the biological Open Space, the restoration sites should be fenced and signs indicating the site is restricted from public access shall be posted.

3. Habitat Restoration Success Criteria

Success parameters will include characteristics such as plant percent cover that replicate the existing cover percentage for natives in adjoining undisturbed habitat. Special consideration shall be given to replicate conditions that benefit PPM and plant species of concern. Generally speaking coverage of the following percentages is anticipated: 30% *Artemisia californica*, 30% *Eriogonum fasciculatum/Encelia californica*, 15% *Rhus integrifolia,* and 25% bare ground/herbs/subshrubs, such as *Nassella/Lotus/Sisyrinchium.* Exotic non-invasive species should not exceed 10% cover. However, final success criteria shall be developed in the Restoration/Mitigation Plan and may vary depending on location and species of concern, (e.g., PPM prefer CSS areas without a dense canopy and with bare areas of sandy substrate).

C. Long-Term Habitat Maintenance, Inventory, and Monitoring

1. Photodocumentation

Permanent photodocumentation points shall be established for all monitored plots. Photodocumentation points will be established at least three vantage points adjacent to the subject population(s). Digital cameras will be used and photographs will be taken at the same time of year to minimize discrepancies resulting from phenology. Additionally, cameras should maintain the same orientation and focal length from year to year. Photographs should be taken during each monitoring period.

2. Timing

Monitoring of plots should be conducted at the most phenologically appropriate time for the habitat type, usually in May.

3. Monitoring Frequency

Monitoring plots should be monitored during the spring season after the area experiences an annual rainy season that exceeds 75-90 percent of the long-term average annual precipitation. This will allow for an unbiased assessment of the population status under comparable weather conditions between monitoring years. Longer-lived shrubs should typically be monitored once every three years.

D. Plant Species Population Monitoring

Eleven sensitive plant species occur or were historically reported to occur within the Project limits. These include Blochman's dudleya, Coulter's saltbush, Nuttall's scrub oak, western dichondra, Palmer's grappling hook, cliff spurge, California box-thorn, golden rayed pentachaeta, vernal barley, woolly sea blite, prostrate spine-flower, and small-flowered microseris were detected in 1991, 1998, 2000, 2001, and/or 2003. If other sensitive plant species, such as Aphanisma, Pacific saltbush, and Robinson's peppergrass, are detected on-site in the future, monitoring efforts may be expanded to include these additional species

1. Inventory

During the initial monitoring effort, a reconnaissance survey will be conducted for all populations included in the field-monitoring program. The purpose of this survey will be to refine existing information and establish baseline conditions. Specific objectives of this survey will be to define population limits, estimate population sizes, and map populations onto base maps. The reconnaissance survey is expected to be a one-time effort, and can be eliminated if recent and sufficiently detailed baseline information is available. Field monitoring will include a qualitative assessment of disturbance factors that may threaten the population. These factors will be recorded on the appropriate data sheets and monitored over time to determine their effect on the target population. Where adverse effects are obvious, however, remedial measures may be implemented immediately.

2. Monitoring

Field monitoring will focus on detecting both immediate threats to population viability and long-term trends that indicate population decline. Immediate threats may include habitat loss or degradation (e.g., vehicles, trampling, plant collecting, illegal trash disposal and erosion) and will be measured through visual assessments. Natural events that temporarily affect plant populations (e.g., fire) will be recorded but typically will not be considered detrimental to the long-term survival of a population.

Population declines may be more difficult to assess because many species experience natural fluctuations in population size over time. Efforts will be made to correlate apparent changes in population status with environmental or ecological factors.

Most of the existing populations of plant species of concern are currently small enough (< 1,000 individuals) that direct counts can be made to determine both population size and density, and all populations can be monitored. For some species occur it is not feasible to establish transects to census because of the inaccessibility of occupied sites (e.g., cliff faces). In this case, population size and/or density will be assessed by direct counts in sample plots or estimates using binoculars from vantage points or by photodocumentation, as discussed below.

3. Monitoring Frequency

Monitoring frequency for plant species of concern will vary according to species' habit (e.g., annual versus perennial). Other considerations in monitoring frequency may include population trends noted over time and budget and personnel available for monitoring. It is recommended that annuals and herbaceous perennials be monitored during the spring season after the area experiences an annual rainy season that exceeds 75-90 percent of the long-term average annual precipitation. This will allow for an unbiased assessment of the population status under comparable weather conditions between monitoring years. However, the monitoring interval should not be allowed to exceed three growing seasons regardless of a series of low precipitation years. Longer-lived shrubs should typically be monitored once every three years. Opportunistic monitoring in the early spring and during routine maintenance activities should also be conducted. Evidence of dramatic change in the populations of covered plant species will be reported to the Resource Agencies by the Habitat Manager and recommendations will be developed by the Habitat Manager to address any concerns raised.

E. Animal Species Monitoring

Monitoring of focal wildlife populations is focused toward species that are considered indicators of ecosystem function and species whose population status is of concern to the USFWS and CDFG. Listed animal species detected onsite include coastal California gnatcatcher (*Polioptila californica californica*) and Pacific pocket mouse (*Perognathus longimembris pacificus).* Cactus wren and orange-throated whiptail were historically recorded on the Project Site. Because of their small population size, concentrated distributions in this small area, and isolation from other populations, these wildlife species may be particularly vulnerable to local extirpation.

Specific monitoring details, survey protocol population density studies, reporting, etc., for PPM is unique and is currently directed by USFWS. USFWS will continue to be responsible for monitoring the on-site PPM population. However, USFWS may authorize the Habitat Manager to conduct trapping surveys for PPM. The California gnatcatcher and other species, if warranted, will be monitored by the Habitat Manager.

The goal of population monitoring is to implement a monitoring program sufficient to detect significant long-term declines in population levels of focal species within a given area. Survey of all potential habitat within the Biological Open Space for California gnatcatcher will be conducted every three years, per standard survey protocols. It is assumed that monitoring of gnatcatchers will facilitate a general qualitative assessment of CSS habitat quality throughout the Biological Open Space. A standard protocol for surveying California gnatcatchers has been developed and will be used by the

monitoring program to develop comparable trends. This monitoring survey protocol is detailed below.

- **Survey Frequency.** Gnatcatchers are difficult to detect and can easily be missed with just one site visit. At a minimum, a given area within a habitat patch will be surveyed three times with at least a seven-day interval between site visits during January through mid-March. An additional twosite visits to the habitat patch will focus on relatively large areas of the patch (i.e., >5 acres) that lack any gnatcatcher sightings after three site visits.

- **Time of Day.** Surveys will begin within one hour after sunrise and end by noon. Surveys will begin later on cold mornings if ambient morning temperatures are less than 40°F.

- **Areal Coverage of Survey.** The calling rate of California gnatcatchers is highly variable (Preston et al. 1998). Relatively slow, methodical transects through presumptive gnatcatcher habitat are required to maximize the potential for detecting gnatcatchers. Surveys are most effective when pairs of biologists survey an area together to distinguish between pairs and minimize double counting of the same pair/individual.

- **Survey Weather Conditions.** Gnatcatchers may be more difficult to detect under windy (> 10 mph) and/or cold (< 40°F) conditions. Very hot conditions (> 95°F) also seem to depress activity. Surveys should not be conducted under these extreme weather conditions.

- **Taped Vocalizations.** Taped vocalizations will be used on all surveys because there may be extensive inter-observer variation in pishing. Volume of tape players should be similar to that of a quiet mew call or contact note produced by a California gnatcatcher. Excessive volume can either draw in or scare off birds from their normal territory and thus influence the estimate of population size. Use of the tape should be infrequent in both time and space. Allow sufficient time for the birds to respond (e.g., 5 to 10 minutes) before playing the tape again. Do not induce detected birds to follow the taped call, thereby minimizing potential double counting. Do not use taped recording in habitat patches recently documented as being occupied.

- **Survey Routes.** Survey routes through the habitat patch will be systematic so that the area is completely covered. Survey routes within habitat patches not recently documented as being occupied will be varied relative to time of day between visits. A zigzag pattern that starts from the center of the habitat patch and moves toward the periphery of the patch is highly recommended. Distinct topographical features (e.g., ridge lines or major trails) often form the boundaries between gnatcatcher territories. Note the location of territorial behavior if observed.

- **Detailed Recording of Sighting Information.** Gnatcatcher and other sensitive species sightings will be recorded on a standard field data form as well as on a standard field aerial photo of the site. Attribute and location data should be stored digitally in such a way that it can be easily incorporated into the statewide monitoring database currently being developed by CDFG and others. Information to be recorded for each sighting will include, at a minimum, the following:
  - Date and start/stop time of sighting.
  - Sex and age of individual(s).

- Are any of the birds detected color-banded? -- record the color code.
- Habitat type, dominant plant species, and vegetative condition (i.e., extent of disturbance).
- Is the sighting a single bird, a pair, or a family group?
- Is there any evidence of breeding activity (e.g., nesting behavior)?
- Are there any other sensitive CSS species near the sighting?
- List other bird species detected during the survey

F. Invasive Pests/Exotic Plant Species Control

1. Feral and Domestic Animal Control

Feral or domestic animals, such as cats or dogs can cause adverse impact to sensitive wildlife, including gnatcatchers and mice. These measures shall be included in the Predator Control Program for the Biological Open Space:

- Document evidence of feral and domestic predator use of the Biological Open Space.
- Establish an education program for homeowners regarding responsible pet ownership. The program should encourage (1) keeping pets indoors, especially at night; (2) having pets neutered or spayed to reduce unwanted reproduction and long-range wanderings; ; (3) keeping dogs on leashes when walking them on trails (4) discouraging release of unwanted pets into the wild; and (5) prohibiting the feeding of feral animals.
- Fence the Biological Open Space adjacent to housing to keep pets out of particularly sensitive areas. A seven-foot tall masonry wall will be constructed along the southerly perimeter of Planning Areas 4 and 6. Habitat fencing along the perimeter of the Biological Open Space and along trails will be installed as well.
- Establish a feral animal removal program, as necessary. This program shall consist of trapping and removal at regular intervals throughout the year. Success criteria would be a documented reduction of feral animal sightings within the Biological Open Space.

2. Targeted Exotic Plant Removal

Each year, the Habitat Manager shall perform a survey of Biological Open Space to identify locations where exotic species are prevalent. A plan will be developed and provided to the City of Dana Point annually, selecting sites for weed removal. The plan will:

- Prioritize areas for exotic species control based on aggressiveness of invasive species and degree of threat to flora and fauna.
- Eradicate species based on biological desirability and feasibility of successful implementation..
- Use an integrated pest management approach (i.e., use the least biologically intrusive control methods), at the most appropriate period of the growth cycle to achieve the desired goals.
- Consider both mechanical and chemical methods of control. Only herbicides compatible with biological goals should be used. Only licensed pest control advisers are permitted to make specific pest control recommendations.
- Properly dispose of all exotic plant materials removed from the Project Site (e.g., in offsite facilities).

- Coordinate all proposed exotic plant removal with the Conservation Park with the Wildlife Agencies prior to implementation.

G. Adaptive Management

In addition to annual summary reports, a comprehensive management and monitoring report shall be prepared by the Habitat Manager and submitted to the City of Dana Point and the Wildlife Agencies every three years to provide specific management recommendations to reverse any declining trends in habitat or species' populations. The Habitat Manager shall follow through with implementing these recommendations. Although it is difficult to anticipate the types of adaptive remediation that will be required before monitoring, potential actions may include the following:

- Additional fencing, signage, or redirecting trails to protect habitat or species populations from trampling or other adverse impacts.
- Removal or control of nonnative animal species (e.g., cowbirds, feral cats) to protect native animal populations.
- Erosion-control measures to protect key habitats or populations of species of concern.
- Habitat enhancement to provide pollinator habitat, breeding areas for cover species, of concern or structural diversity for species of concern.
- Additional habitat restoration to reverse the effects of habitat disturbance and/or improve habitat quality for species of concern where natural regeneration processes are expected to be unacceptably slow or delayed.
- Plant population enhancements where conserved population numbers become so low, because of human- or environmentally induced factors, as to threaten the continued viability of the population, and where suitable unoccupied habitat and other factors necessary for survival still exist.
- Coordination with USFWS and CDFG regarding adaptive management for PPM, including reintroduction, if necessary.
- Plant population reintroductions in areas where species populations have been previously extirpated.

Adaptive management may include re-prioritizing monitoring efforts, as indicated by monitoring results and the resultant degree of management required for a given resource. For example, if a specific population proves stable over a period (e.g., 10 to 20 years), the frequency of monitoring may be reduced, particularly if a species' habitat and physical site characteristics remain unchanged and another species or populations requires more intensive monitoring because of declining trends. The remediation and adaptive management program will achieve the objectives of providing correcting actions where (1) resources are threatened by public uses within the Biological Open Space, (2) current management activities are not adequate or effective, or (3) enforcement difficulties are identified.

H. Public Use

Public access is limited to fenced trails that pass through the Biological Open Space to allow entry for passive recreational purposes and to promote understanding and appreciation of natural resources.

Excessive or uncontrolled access, however, can result in habitat degradation through trampling and erosion and disruption of breeding and other critical wildlife functions at certain times of the year. Passive recreational activities (e.g., hiking, and bird watching) are anticipated within the Biological Open Space along designated trails and are generally compatible with conservation goals.

I. Public Access Control

1. Fencing and Trails

Dismantle existing unnecessary fencing inside the Biological Open Space, except where removing the fence would damage particularly sensitive species or habitats and habitat restoration areas. Direct human access away from sensitive resource areas (Figure 5). Prior to aligning the trail near the buff edge, a qualified biologist shall conduct field reconnaissance for cliff spurge (coastal bluff scrub). The 4-ft wide trail and overlooks shall be aligned a minimum of 25 ft away from the cliff spurge and bluff edge. In other locations, trails should be aligned into areas of existing disturbance to minimize impacts to intact habitats. When required, efforts to limit human access should involve the use of natural vegetation, topography, signs, and fencing to protect open space visitors from natural hazards or other public safety needs. Design for fencing shall be visually unobtrusive, impervious to dogs, but also provide for movement of wildlife. Chain-link fencing shall not be used. The fence design calls for a 8-strand steel cable fence 48" high with concrete posts or comparable material, 8 ft on center. To minimize the potential for inappropriate use of the trails at night, especially in locations along the bluff top, lockable gates at the trailheads should be utilized. Perimeter fencing for the Headlands Conservation Park, where the park meets Scenic Drive, Dana Strand Road and the Nature Interpretive Center and parking lot, shall be a 6 ft. high wrought iron fence. Hours of operation shall be set by the City of Dana Point in consultation with the Habitat Manager, however, the Biological Open Space shall not be open to the public after dark and the anticipated hours of operation would be 7:00 am to sunset.

2. Public Information

- Through the Nature Interpretative Center, provide educational brochures, interpretive exhibits and signs to educate the public about the resources and goals of the Biological Open Space.
- Establish signs for access control and education at the periphery of the Biological Open Space that are accessible to individuals (Figure 5). Post signs to prohibit firearms and unleashed pets. No dogs except service dogs may enter the Headland Conservation Park
- Install small unobtrusive educational signs for nature trails.
- Limit the use and/or language of signs that might attract attention to specific sensitive species locations, since such designations may invite disturbance of their habitat.
- Install temporary signs to indicate habitat restoration or erosion-control areas.
- Install barriers and informational signs to discourage shortcuts between established trails.
- Include, where appropriate, contact information for law enforcement, and management staff.

3. Lighting

- Eliminate unnecessary lighting in or adjacent to the Biological Open Space except where essential for roadways, facility use, safety, and security purposes.
- Use low-pressure sodium illumination sources. Do not use low voltage outdoor or trail lighting, spot lights, or bug lights within Biological Open Space. Light sources adjacent to the Biological Open Space within the adjoining residential and commercial areas shall be shielded so that the lighting is focused downward and away from habitat areas.

- Avoid excessive lighting in developments adjacent to the Biological Open Space through appropriate placement and shielding of light sources.

J. Real Estate Issues

Property taxes or assessments are not applicable, since the Biological Open Space is owned by either the City of Dana Point or a 501(c) 3 non-profit entity. Utility easements or other encroachments will be minimized or eliminated through the implementation of the project.

K. Implementation of Short-Term Strategies

The highest priority management issues to be addressed in the early years of Biological Open Space establishment/management are control of public access and consistent weed control in areas adjacent to development.

L. Reporting Requirements

An annual a report (with accompanying maps and photographs) will provide a concise summary of ongoing habitat and population monitoring, weed control, any ongoing management issues and proposed adaptive management actions, their purpose and priority, schedule for implementation, habitat maintenance frequency, labor and materials, and cost estimate for implementing any new proposed actions. The annual report will also include the status of the endowment and yearly expenditures. A work plan that describes the intended program objectives will be prepared annually. A comprehensive management and monitoring report shall be prepared every three years. This Habitat Management Plan will be reviewed and updated once every five years. All reports shall be submitted to the City of Dana Point and the Wildlife Agencies.

M. Funding and Staffing

The project developer (Headlands Reserve LLC) is required to establish a $2 million endowment for monitoring, managing, establishing and restoring the city-owned areas of the Biological Open Space. In addition, for the Headlands Conservation Park, the Steele Foundation will also establish an appropriately funded endowment for similar purposes. The habitat restoration mitigation program is funded by the project developer, Headlands Reserve, LLC and is separate from the long term management funding.

Funding for management of the Biological Open Space is provided through two Endowment Accounts. Management of the Biological Open Space will be the responsibility of the CNLM and will be performed by existing staff. The U.S. Fish and Wildlife Service Carlsbad Field Office, the California Department of Fish and Game, and the City of Dana Point will oversee the CNLM's activities and review annual reports and work plans. Staffing and personnel issues will be at the sole discretion of the CNLM and its Board of Directors.

1. Total Cost

The Property Record Analyses (PAR; Appendix D, specialized budgeting software developed by CNLM) were prepared by CNLM that summarize and categorize the costs of managing two administrative units of the Biological Open Space (Conservation Park and City-owned open space). These costs are funded by the Steele Foundation and Headlands Reserve LLC to a sum of $1.411M and $815K (in 2004 dollars) in two separate accounts. These totals include Initial and Capital Costs

of $156K and $87K and Endowment Accounts of $1.254M and $728K. Initial and Capital Costs are expenses and capital costs such as expenses for first three years of wages and one-time major improvements or investments needed during the establishment phase, new signs, baseline biological assessments, permit acquisition, development of the management plan and other documentation, access control and monitoring, vegetation management planning, administrative costs, and equipment. Initial and Capital Costs are used to avoid withdrawal from the Endowment Accounts before that account has an opportunity to generate income. The Endowment Accounts are invested in a diversified portfolio (assuming a 4.5% annual return) to generate $56K and $33K annually for general operational costs, including administrative overhead, while also generating enough income, on average, to reinvest into the Endowment Account to compensate for inflationary declines in the value of a dollar. A 20 percent contingency allowance is assumed in the cost estimates. Based on the PAR analyses, the $2 million endowment is considered adequate funding for the long term management program. The habitat restoration program is funded by the project developer separate from the long term management program.

2. Budgets

PAR analyses for the Conservation Park and City-owned open space were developed by CNLM. The initial and ongoing budgets are presented in Tables 4, 5, and 6. Annual ongoing operational budgets are estimated to be $56K and $33K in 2004 dollars. This includes $38K and $22K operating budgets that consist of on-site tasks and expenses, 20% contingency funds for use in unexpected circumstances, and 24% Administrative Overhead charges.

3. Staff and Benefits Budgets

The level of work outlined in this management plan is not sufficient to warrant the hiring of full-time staff. However, CNLM staff will be onsite daily on a part-time basis. This presence will be augmented by City of Dana Point staff and the anticipated use of volunteer docents. CNLM and the City will be able to utilize the nature Interpretive Center as an operations base. Contractors overseen by the CNLM will be used to complete some tasks. The cost of employee benefits and Worker's Compensation insurance is included in the hourly billing rate.

Table 4. PAR Initial Year & Capital Budget, including start-up costs

Task List	Conservation Park	City-owned Open Space
Acquisition	$1,824.00	$4,911.30
Biotic Surveys	$38,950.00	$8,765.30
Habitat Restoration	$16,083.30	$2,254.78
Habitat Maintenance	$300.00	0
Public Services	$31,650.00	$19,024.10
General Maintenance	$620.10	$309.20
Reporting	$8,410.00	$3,965.50
Office Maintenance	$3,275.00	$3,373.25
Field Equipment	$9,075.00	$9,619.75
Operations	$4,319.48	$6,168.33
Contingency and Administration	$41,680.51	$28,543.65
Total	**$156,187.39**	**$87,035.36**

Table 5. PAR Ongoing Tasks and Costs

Task List	Conservation Park	City-owned Open Space
Site Construction/Maintenance	$3,139.37	3,111.00
Biotic Surveys	$13,400.00	$4,150.90
Habitat Restoration	$4,329.50	$1,030.00
Habitat Maintenance	$60.00	0
Public Services	$11,300.97	$9,353.64
General Maintenance	$403.86	$160.72
Reporting	$2,643.33	$1,363.03
Office Maintenance	$1,018.75	$1,049.31
Field Equipment	$1,615.00	$1,771.45
Operations	$23.16	$30.44
Contingency and Administration	$18,511.00	$10,746.00
Total	**$56,444.94**	**$32,766.49**

Table 6. PAR Financial Summary

Task List	Rate %	Conservation Park	City-owned Park
INITIAL FINANCIAL REQUIREMENTS			
I & C Revenue		0	$0
I & C Management Costs		$114,506	$56,591
I & C Contingency Expenses	20.00	$11,451	$11,698
Total I& C Management Costs		$125,957	$70,189
I & C Administrative Costs of Total I & C Management Costs	24.00	$30,230	$16,845
Total I & C Costs		$156,188	$87,035
Net I & C Management and Administrative Costs		$156,188	$87,035
ANNUAL GOING FINANCIAL REQUIREMENTS			
Ongoing Costs		$37,933	$22,020
Ongoing Contingency Expenses	20.00	$7,586	$4,404
Total Ongoing Management Costs		$45,519	$26,424
Ongoing Administrative Costs of Total Management Costs	24.00	$10,925	$6,342
Total Ongoing Costs		$56,445	$32,766
ENDOWEMENT REQUIREMENTS FOR ONGOING STEWARDSHIP			
Endowment to Provide Required Income	4.50	$1,254,311	$728,133
Total Contribution (Initial Costs + Endowment)		**$1,410,500**	**$815,168**

VII. LIST OF PREPARERS

Center for Natural Lands Management

Sherry Teresa, President
Ed Stanton, Biologist
Edith Reed
David Monroe

URS Corporation

Patrick Mock, Ph.D., Sr. Biologist
Phil Richards, Staff Biologist
Lisa Garvey, Staff GIS Specialist

MBC Environmental Services

Mike Curtis, Marine Biologist

VIII. REFERENCES

California Coastal Commission. 2004. Exhibit 26A. Depiction of Environmentally Sensitive Habitat Area boundaries (ESHA).

City of Dana Point. 2002. Final Headlands Development and Conservation Plan.

City of Dana Point. 2002. Final EIR for the Dana Point Headlands.

Dodd Biological Consulting. 1999. Final Report 1998 Pacific Pocket Mouse (*Perognathus longimembris pacificus*) Surveys on the Dana Point Headlands, Orange County, California.

Glen Lukos Associates [GLA]. 2001. Jurisdictional Delineation for the Dana Point Headlands, Dana Point, Orange County, California.

Holland, R.F. 1986. Preliminary descriptions of the terrestrial natural communities of California. State of California, The Resources Agency.

The Keith Companies [TKC]. 2001. Dana Point Headlands drainage study.

Pacific Southwest Biological Services, Inc. 1993. Report of a Biological Assessment of the Dana Point Headlands.

Preston K.L., P.J. Mock, M.A. Grishaver, E.A. Bailey, and D.F. King. 1998. California Gnatcatcher Territorial Behavior. Western Birds 29: 242-257.

United States Fish and Wildlife Service. 2000. Endangered Species Act incidental take permit for the Dana Point Headlands Project (TE810581-1).

United States Fish and Wildlife Service. 2000. Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Coastal California Gnatcatcher; Proposed Rule. Federal Register 65: 5946-5976.

URS Corporation. 2002. Dana Point Headlands Biological Technical Report.

URS Corporation. 2005. Dana Point Headlands Onsite Mitigation and Revegetation Plan.

IX. APPENDICES

A. Dana Point Headlands Revegetation Plant Palette

Botanical Name	Common Name
Antirrhinum nuttallinum	Nuttall snapdragon
Artemisia californica	California sagebrush
Atriplex lentiformis breweri	Coastal quail bush
Camissonia cheiranthifolia	Beach Evening Primrose
Castilleja exserta	Purple Owl's Clover
Chorizanthe procumbens	Prostrate Spine-flower
Croton californicus	California Croton
Dichelostemma capitatum	Wild Hyacinth
Dichondra occidentalis	Western Dichondra
Dudleya lanceolata	Coastal Dudleya
Dudleya pulverulenta	Chalk Dudleya
Dudleya blochmanni	Blochman's Dudleya
Encelia californica	California Sunflower
Eriogonum fasciculatum	Flat-topped buckwheat
Euphorbia misera	Cliff Spurge
Gnaphalium californicum	California Everlasting
Isomeris arborea	Bladderpod
Lasthenia california	Goldfields
Lotus scoparius	Coastal Deerweed
Lupinus truncatus.	Collar Lupine
Lycium californicum	California Box Thorn
Mirabilis californica	Wishbone Bush
Mimulus aurantiacus	Monkey Flower
Nassella (Stipa) lepida	Foothill Needle Grass
Nassella (Stipa) pulchra	Purple Needle Grass
Opuntia littoralis	Coast Prickly Pear
Opuntia prolifera	Coast Cholla
Plagiobothrys collinus	California Popcorn Flower
Plantago erecta	Dot-seed Plantain
Rhus integrifolia	Lemonadeberry
Scrophularia californica	California Bee Plant
Sisyrinchium bellum	Blue-eyed Grass
Solanum douglasii	Douglas Nightshade

B. Dana Point Headlands Floral List

Species[1] Scientific name	Common Name
ARECACEAE	**Palm Family**
Washingtonia sp.	exotic planting
CUPRESSACEAE -	
**Juniperus* sp.	exotic planting
IRIDACEAE	**Iris Family**
Sisyrinchium bellum	Blue-eyed grass
JUNCACEAE	**Rush Family**
Juncus bufonius L.	Toad-Rush
LILIACEAE	**Lily Family**
**Agave americana* L.	American agave
**Agave attenuata* Salm.	Dyck
Bloomeria crocea (Torr.) Cov. ssp. *crocea*	Common goldenstars
Calochortus splendens Dougl. ex Benth.	Splendid mariposa-lily
Chlorogalum parviflorum Wats.	Small-flower soap plant
Dichelostemma capitatum Wood ssp. *capitatum*	Wild hyacinth
PINACEAE	**Pine Family**
**Pinus* sp.	exotic planting
POACEAE	**Grass Family**
**Arundo donax*	giant reed grass
**Avena barbata*	slender wild oat
**Bromus diandrus*	ripgut brome
**Bromus hordaceous* L	soft chess
**B. madritensis* ssp. *rubens*	foxtail chess
**Cynodon dactylon*	bermuda grass
**Gastridium ventricosum*	nitgrass
**Hordeum murinum* ssp. *leporinum*	hare barley
**Lolium perrene*	english ryegrass
Melica imperfecta	coast range melic
Muhlenbergia microsperma	little-seed muhly
Nassella (*Stipa*) *lepida*	foothill needlegrass
Nassella (*Stipa*) *pulchra*	purple needlegrass
**Pennisetum setaceum*	fountain grass
**Phalaris canariensis*	Mediterranean canary grass
**Piptatherum milliaceum*	smilo grass
**Poa annua*	annual bluegrass
**Polypogon monspeliensis*	annual beardgrass
**Schismus barbatus*	Mediterranean schismus

**Vulpia myuros* var. *myuros*	foxtail fescue
TYPHACEAE	**Cat Tail Family**
Typha latifolia	soft flag
AIZOACEAE	**Carpet-weed Family**
**Carpobrotus edulis* (Molina)N.E. Brit	
**Carpobrotus edulis*	hottentot fig
**Mesembryanthemum crystallinum*	crystal ice plant
** Mesembryanthemum nodiflorum*	little ice plant
**Mesembryanthemum* sp.	exotic planting
**Tetragonia tetragonioides* (Pallas)Kuntz	
ANACARDIACEAE	**Sumac Family**
Rhus integrifolia	lemonadeberry
**Schinus terebinthifolius*	Brazilian pepper
APIACEAE	**Carrot Family**
Apiastrum angustifolium	wild celery
**Daucus carota*	wild carrot
**Foeniculum vulgare*	fennel
Sanicula arguta	sharp-tooth sanicle
Sanicula crassicaulis Poepp. ex DC.	
APOCYNACEAE	**Dogbane Family**
**Nerium oleander*	oleander
**Vinca major* L.	
ASTERACEAE	**Sunflower Family**
Ambrosia psilostachya	western ragweed
Artemisia californica	California sagebrush
Baccharis pilularis	coyote brush
B. salicifolia (*glutinosa*)	mulefat
**Centaurea melitensis*	tocalote
Chaenactis glabriuscula	San Diego pincushion
**Chamomilla suaveolens*	pineapple weed
**Chrysanthemum coronarium*	garland chrysanthemum
**Cirsium vulgare*	bull thistle
**Conyza canadensis*	horseweed
**Coreopsis gigantea*	giant sea dahlia
**Cynara cardunculus*	artichoke thistle/cardoon
Encelia californica	common encelia
Erigeron foliosus var. *foliosus* (*stenophyllus*)	leaf daisy
Filago californica	California filago
Gnaphalium bicolor	bicolor cudweed
Gnaphalium californicum	California everlasting
Gnaphalium chilense	

Gnaphalium canescens	white everlasting
Grindelia camporum Green var.*bracteosum*	gum plant
**Hedypnois cretica*	crete hedypnois
Hemizonia fasciculata	tarweed
Heterotheca grandiflora	telegraph weed
**Hypochaeris glabra*	cat's ear
Isocoma menziesii	
Lasthenia californica	goldfields
Lessingia filaginifolia var. *filaginifolia*	
Malacothrix saxatilis ssp. *tenuifolia*	cliff malacothrix
Osmadenia tenella	rosinweed
Pentachaeta aurea	golden daisy
Senecio californicus	California butterweed
**Sonchus asper*	spiny-leaf sow-thistle
**Sonchus oleraceus*	common sow-thistle
Stephanomeria diegensis	San Diego wreath plant
Stylocline gnaphalioides	everlasting nest straw
Uropappus lindleyi	silver puffs

BORAGINACEAE	**Borage Family**
Amsinckia menziesii var. *intermedia*	rancher's fiddleneck
Cryptantha intermedia	nievitas
**Echium plantagineum*	
Harpagonella palmeri	
Plagiobothrys collinus var. *californicus*	California popcorn flower
Plagiobothrys collinus var.*gracilis*	small California popcorn flower

BRASSICACEAE	**Mustard Family**
**Brassica nigra*	black mustard
**Cakile maritima* ssp. *maritima*	sea-rocket
**Hirshfeldia incana*	short-pod mustard
Lepidium lasiocarpum var. *lasiocarpum*	sand peppergrass
Lepidium nitidum	peppergrass
**Lobularia maritima*	sweet alyssum
**Sisymbrium irio*	London rocket

CACTACEAE	**Cactus Family**
Opuntia littoralis	coastal prickly pear
Opuntia oricola	
Opuntia prolifera	coast cholla

CAPPARACEAE	**Caper Family**
Isomeris arborea	bladderpod

CARYOPHYLLACEAE	**Pink Family**
Cardionema ramosissima	tread lightly
Polycarpon depressum	California polycarp
**Polycarpon tetraphyllum*	four-leaf polycarp

**Silene gallica*	common catchfly
**Spergularia villosa*	
CHENOPODIACEAE	**Goosefoot Family**
Atriplex breweri	brewer's saltbush
Atriplex californica	California saltbush
Atriplex watsonii	Watson saltbush
Atriplex leucophylla	seaside saltbush
Chenopodium murale	nettle-leaf goosefoot
**Salsola tragus* (*iberica*)	Russian thistle
Suaeda taxifolia	sea blite
CONVOLVULACEAE	**Morning-Glory Family**
Calystegia macrostegia	morning glory
Dichondra occidentalis	western ponyfoot
CRASSULACEAE	**Stonecrop Family**
**Crassula argentea*	exotic planting
Crassula connata var. *connata*	dwarf stonecrop
Dudleya blochmeniae ssp. *blochmaniae*	Blochman's dudleya
Dudleya caespitosa	
Dudleya lanceolata	coastal dudleya
Dudleya pulverulenta	chalk dudleya
CUCURBITACEAE	**Gourd Family**
Marah macrocarpus	manroot, wild cucumber
EUPHORBIACEAE	**Spurge Family**
Croton californicus	
Euphorbia misera	cliff spurge
**Euphorbia peplus*	petty spurge
**Ricinus communis*	castor bean
FABACEAE	**Pea Family**
** Acacia* sp.	exotic planting
**Bauhinia* sp.	exotic planting
Lotus scoparius	coastal deerweed
Lotus strigosus	bishop's lotus
Lupinus truncatus	collar lupine
**Medicago polymorpha*	California bur clover
**Melilotus indicus*	Indian sweet clover
FAGACEAE	**Oak Family**
Quercus dumosa	scrub oak
GERANIACEAE	**Geranium Family**
**Erodium botrys*	long-beak filaree
**Erodium cicutarium*	red-stem filaree

Erodium macrophyllum	large-leaf filaree
**Pelargonium zonale*	zonal geranium
HYDROPHYLLACEAE	**Waterleaf Family**
Phacelia distans	wild heliotrope
HYPERICACEAE	
Hypericum canariense	St. john's wort
LAMIACEAE	**Mint Family**
**Marrubium vulgare*	horehound
Stachys ajugoides var. *rigida*	hedge nettle
MALVACEAE	**Mallow Family**
**Hibiscus* sp.	exotic planting
**Lavatera assurgentiflora*	malva rose
**Malva parviflora*	cheeseweed
MUSACEAE	
Musa sp.	exotic planting
MYOPORACEAE	**Myoporum Family**
**Myoporum laetum*	ngaio
MYRTACEAE	**Myrtle Family**
Eucalyptus sp.	exotic planting
NYTAGINACEAE	**Four O'Clock Family**
Mirabilis californica	wishbone bush
ONAGRACEAE	**Evening Primrose Family**
Camissonia bistorta	southern sun cup
Camissonia cheiranthifolia ssp. *suffruticosa*	beach evening primrose
OXALIDACEAE	**Oxalis Family**
Oxalis albicans	wood sorrel
PLANTAGINACEAE	**Plantain Family**
Plantago erecta	dot-seed plantain
PLANTANACEAE	**Sycamore Family**
Plantanus racemosa	western sycamore
PLUMBAGINACEAE	**Leadwort Family**
Limonium californicum	sea lavender
POLEMONIACEAE	**Phlox Family**
Linanthus dianthiflorus	ground pink

POLYGONACEAE	**Buckwheat Family**
Chorizanthe procumbens	prostrate spine flower
Chorizanthe staticoides	
Eriogonum elongatum	tall buckwheat
Eriogonum fasciculatum	flat-topped buckwheat
Eriogonum gracile	slender buckwheat
Eriogonum parvifolium	coastal buckwheat
Pterostegia drymarioides	granny's hairnet
**Rumex crispus*	curly dock
PORTULACACEAE	**Purslane Family**
Calandrinia ciliata	red maids
PRIMULACEAE	**Primrose Family**
**Anagallis arvensis*	scarlet pimpernel
ROSACEAE	**Rose Family**
**Raphiolepis indica*	Indian hawthorn
RUBIACEAE	**Madder Family**
Galium angustifolium ssp. *angustifolium*	narrow-leaf bedstraw
**Galium aparine*	common bedstraw
SAPINDACEAE	
**Dodonea* sp.	exotic planting
SCROPHULARIACEAE	**Figwort Family**
Antirrhinum nuttallinum	Nuttall's snapdragon
Castilleja exserta ssp. *exserta*	purple owl's clover
Linaria canadensis	large blue toadflax
Mimulus aurantiacus	monkeyflower
Mimulus aurantiacus (*puniceus*)	red bush monkey flower
Scrophularia californica ssp. *floribunda*	California bee plant
SOLANACEAE	**Nightshade Family**
Datura wrightii	western jimsonweed
Lycium andersonii	waterjacket
Lycium californicum	California desert thorn
**Nicotiana glauca*	tree-tobacco
Solanum douglasii	Douglas' nightshade
**Solanum nigrum*	black nightshade
Solanum parishii	Parish's nightshade

[1] Nomenclature from Hickman (1993).

* Non-native species

C. Dana Point Headlands Faunal List

Scientific Name	Common Name
REPTILES AND AMPHIBIANS	
Order Salientia	**Frogs and Toads**
Family Hylidae	
Hyla regilla	Pacific treefrog
Family Iguanidae	
Sceloporus occidentalis	Western fence lizard
Uta stansburiana	Side-blotched lizard
Family Scincidae	
Eumeces skiltonianus	Western skink
Family Teiidae	
Cnemidophorus hyperythrus	Orange-throat whiptail
BIRDS	
Order Pelecaniformes	**Tropicbirds, Pelicans and Relatives**
Family Pelecanidae	
Pelecanus occidentalis	Brown pelican
Family Phalacrocoracidae	
Phalacrocorax auritus	Double-crested cormorant
Phalacrocorax pelagicus	Pelagic cormorant
Family Ardeidae	
Ardea herodias	Great blue heron
Butorides striatus	Green-backed heron
Order Falconiformes	**Vultures, Hawks, and Falcons**
Family Cathartidae	
Cathartes aura	Turkey vulture
Family Accipitridae	
Buteo jamaicensis	Red-tailed hawk
Family Falconidae	
Falco sparverius	American kestrel
Order Galliformes	**Megapodes, Curassows, Pheasants, and Relatives**
Family Phasianidae	
Callipepla californica	California quail

Order Columbiformes	**Pigeons and Doves**
Family Columbidae	
Zenaida macroura	Mourning dove
Columba livia	Rock dove
Order Apodiformes	**Swifts and Hummingbird**
Family Apodidae	
Aeronautes saxatalis	White-throated swift
Family Trochilidae	
Calypte anna	Anna's hummingbird
Calypte costae	Costa's hummingbird
Order Piciformes	**Woodpeckers and Relatives**
Family Picidae	
Picoides nuttallii	Nuttall's woodpecker
Colaptes auratus	Northern flicker
Order Charadriiformes	**Shorebirds, Gulls, and Relatives**
Family Charadriidae	
Pluvialis squatarola	Black-bellied plover
Family Scolopacidae	
Catoptrophorus semipalmatus	Willet
Numenius phaeopus	Whimbrel
Limosa fedoa	Marbled godwit
Arenaria melanocephala	Black turnstone
Aphriza virgata	Surfbird
Calidris alba	Sanderling
Family Laridae	
Larus heermanni	Heermann's gull
Larus delawarensis	Ring-billed gull
Larus californicus	California gull
Larus occidentalis	Western gull
Larus glaucescens	Glaucous-winged gull
Sterna caspia	Caspian tern
Order Passeriformes	**Perching Birds**
Family Corvidae	
Corvus brachyrhynchos	American crow
Corvus corax	Common raven

Family Aegithalidae

Psaltriparus minimus	Bushtit

Family Muscicapidae

Regulus calendula	Ruby-crowned kinglet
Polioptila californica californica	Coastal California gnatcatcher
Catharus guttatus	Hermit thrush

Family Tyrannidae

Contopus sordidulus	Western wood peewee
Empidonax hammondii	Hammond's flycatcher
Empidonax difficilis	Pacific-slope flycatcher
Sayornis nigricans	Black pheobe
Sayornis saya	Say's phoebe
Myiarchus cinerascens	Ash-throated flycatcher
Tyrannus vociferans	Cassin's kingbird
Tyrannus verticalis	Western kingbird

Family Hirundidae

Stelgidopteryx serripennis	Northern rough-winged swallow
Hirundo rustica	Barn swallow

Family Mimidae

Mimus polyglottos	Northern mockingbird
Toxostoma redivivum	California thrasher

Family Troglodytidae

Campylorhynchusbrunneicapillus cousei	Coastal cactus wren
Thryomanes bewickii	Bewick's wren
Troglodytes aedon	House wren

Family Sturnidae

Sturnus vulgaris	European starling

Family Emberizidae

Geothlypis trichas	Common yellowthroat
Pipilo erythrophthalmus	Spotted towhee
Pipilo crissalis	California towhee
Melospiza melodia	Song sparrow
Agelaius phoeniceus	Red-winged blackbird
Molothrus ater	Brown-headed cowbird

Pheucticus melanocephalus	Black-headed grosbeak
Wilsonia pusilla	Wilson's warbler
Carduelis psaltria	Lesser goldfinch
Carpodacus mexicanus	House finch
Vermivora celata	Orange-crowned warbler
Vermivora ruficapilla	Nashville warbler
Dendroica coronata	Yellow-rumped warbler
Dendroica nigrescens	Black-throated warbler
Dendroica townsendii	Townsend's warbler
Dendroica occidentalis	Hermit warbler
Oporornis tolmiei	MacGillivray's warbler
Spizella passerina	Chipping sparrow
Melospiza lincolnii	Lincoln's sparrow
Zonotrichia atricapilla	Golden-crowned sparrow
Zonotrichia leucophrys	White-crowned sparrow
Sturnella neglecta	Western meadowlark
Euphagus cyanocephalus	Brewer's blackbird
Icterus galbula	Northern oriole

MAMMALS

Order Lagomorpha	**Rabbits, Hares, and Pikas**
Family Leporidae	
Sylvilagus audubonii	desert cottontail
Order Rodentia	**Squirrels, Rats, Mice, and Relatives**
Family Sciuridae	
Spermophilus beecheyi	California ground squirrel
Family Cricetidae	
Peromyscus maniculatus	deer mouse
Reithrodontomys megalotis	western harvest mouse
Neotoma lepida intermedia	San Diego desert woodrat
Family Heteromyidae	
Perognathus longimembris pacificus	Pacific pocket mouse
Family Muridae	
Peromyscus eremicus	cactus mouse
Mus musculus	house mouse
Microtus californicus	California vole

Order Carnivora **Carnivores**

Family Phocidae
Phoca vitulina harbor seal (offshore)

Family Otariidae
Zalophus californianus California sea lion (offshore)

Family Canidae
Canis latrans coyote (scat)

******Amphibian, reptile, bird, and mammal nomenclature follows Laudenslayer et al., 1991.

D. PAR Detailed Budget Tables

STEELE

Section 8 - Initial & Capital Tasks and Costs

Property Title: Dana Point - Headlands Reserve Dataset: CA004 PAR ID: P063 02/24/2004

Budget: Phase Budget 001 Headlands Park

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Times Years	Total Cost
ACQUISITION							
Legal Assistance	Prepare/review documents	C. Hours	6.00	200.00	1,200.00	1.0	1,200.00
Legal Assistance	Prepare/review documents	L. Hours	12.00	52.00	624.00	1.0	624.00
Sub-Total							1,824.00
BIOTIC SURVEYS							
Project Management	Supervise/coordinate	L. Hours	25.00	40.00	1,000.00	3.0	3,000.00
Plant Ecologist	Monitor vegetation community	L. Hours	60.00	40.00	2,400.00	3.0	7,200.00
Mammalogist	PPM/mammals, feral animals	L. Hours	170.00	40.00	6,800.00	3.0	20,400.00
Ornithologist	CAGN CAWR surveys	L. Hours	48.75	40.00	1,950.00	3.0	5,850.00
Other	Adaptive Management	Item	0.50	5,000.00	2,500.00	1.0	2,500.00
Sub-Total							38,950.00
HABITAT RESTORATION							
Erosion Control	Silt Fence for trails	Lin. Ft.	300.00	2.00	600.00	1.0	600.00
Exotic Plant Control	Hand Removal, Labor	L. Hours	250.00	25.00	6,250.00	2.0	12,500.00
Exotic Plant Control	Rodeo	Gal.	4.00	143.10	572.40	2.0	1,144.80
Feral Animal Control	Trap, 16lb. Cat96	Item	3.00	79.50	238.50	1.0	238.50
Feral Animal Control	Trap, Labor	L. Hours	40.00	40.00	1,600.00	1.0	1,600.00
Sub-Total							16,083.30
HABITAT MAINTENANCE							
Feral Animal Control	Trap	Item	3.00	100.00	300.00	1.0	300.00
Sub-Total							300.00
PUBLIC SERVICES							
Patrolling	Patrol trash maint 3x/d 7d/wk	Month	6.00	1,250.00	7,500.00	3.0	22,500.00
Sign, Redwood	Interpretive 4'X 6'	Item	1.00	750.00	750.00	1.0	750.00
Volunteer Coordinator	Meetings	L. Hours	10.00	40.00	400.00	3.0	1,200.00
Community Outreach	Meetings	L. Hours	60.00	40.00	2,400.00	3.0	7,200.00
Sub-Total							31,650.00
GENERAL MAINTENANCE							
Trash Container, Rubbermaid	18" X 24" toter	Item	3.00	90.10	270.30	1.0	270.30
Trash Liners	Liners	Item	60.00	5.83	349.80	1.0	349.80
Sub-Total							620.10

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Times Years	Total Cost
REPORTING							
Database Management	Data Input	L. Hours	18.00	40.00	720.00	3.0	2,160.00
GIS/CAD Management	Data Management	L. Hours	18.00	40.00	720.00	3.0	2,160.00
Photodocumentation	Field Survey	L. Hours	1.00	40.00	40.00	1.0	40.00
Aerial Photo, 2 sets color	Digital aerials	Item	0.50	500.00	250.00	1.0	250.00
Annual Reports	Agency Report	L. Hours	21.00	40.00	840.00	3.0	2,520.00
Annual Work Plan	Plan and PAR Budget	L. Hours	4.00	40.00	160.00	3.0	480.00
Management Plan	Initial Report	L. Hours	20.00	40.00	800.00	1.0	800.00
Sub-Total							8,410.00
OFFICE MAINTENANCE							
Administrative	Operations	L. Hours	20.00	40.00	800.00	3.0	2,400.00
Computer, PC & Monitor	computer and peripherals	Item	0.25	3,500.00	875.00	1.0	875.00
Sub-Total							3,275.00
FIELD EQUIPMENT							
GPS, Rover & Base Unit	GPS/Corrected	Item	0.25	3,500.00	875.00	1.0	875.00
Vehicle	Small pickup	Item	0.25	24,000.00	6,000.00	1.0	6,000.00
Vehicle	Gas, insurance, maintenance	Mile	1,500.00	0.30	450.00	3.0	1,350.00
Cellular Phone 3 watt	Monthly charges	Month	3.00	75.00	225.00	3.0	675.00
Chemical Sprayer	backpack	Item	1.00	75.00	75.00	1.0	75.00
Uniforms	Uniform Allowance	Item	0.50	200.00	100.00	1.0	100.00
Sub-Total							9,075.00
OPERATIONS							
Insurance	General	Acres	27.90	0.58	16.18	3.0	48.55
Insurance	Liability/Conserv. Easement	Acres	27.90	0.25	6.98	3.0	20.93
Research/Development Fund	Establish Fund	.5% endow.	0.25	17,000.00	4,250.00	1.0	4,250.00
Sub-Total							4,319.48
CONTINGENCY & ADMINISTRATION							
Contingency							11,450.69
Administration							30,229.82
Sub-Total							41,680.51
Total							156,187.39

Section 9 - Ongoing Tasks and Costs

Property Title: Dana Point - Headlands Reserve Dataset: CA004 PAR ID: P063 02/24/2004

Budget: Phase Budget 001 Headlands Park

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Divide Years	Total Cost
SITE CONSTRUCTION/MAINT.							
Fence - installed	Chainlink VC 6'	Lin. Ft.	2,500.00	20.14	50,350.00	25	2,014.00
Fence - installed	Post & Cable 6' -	Lin. Ft.	2,500.00	14.84	37,100.00	35	1,060.00
Gate, Classic	Chain link with locks 12'wi	Item	1.00	980.50	980.50	15	65.37
Sub-Total							3,139.37
BIOTIC SURVEYS							
Project Management	Supervise/coordinate	L. Hours	25.00	40.00	1,000.00	1	1,000.00
Plant Ecologist	Monitor vegetation community	L. Hours	60.00	40.00	2,400.00	1	2,400.00
Mammalogist	PPM/mammals, feral animals	L. Hours	170.00	40.00	6,800.00	1	6,800.00
Ornithologist	CAGN CAWR surveys	L. Hours	48.75	40.00	1,950.00	1	1,950.00
Other	Adaptive Management	Item	0.50	5,000.00	2,500.00	2	1,250.00
Sub-Total							13,400.00
HABITAT RESTORATION							
Erosion Control	Trail Stabilization	L. Hours	40.00	25.00	1,000.00	1	1,000.00
Erosion Control	Silt Fence for trails	Lin. Ft.	300.00	2.00	600.00	4	150.00
Exotic Plant Control	Hand Removal, Labor	L. Hours	60.00	25.00	1,500.00	1	1,500.00
Feral Animal Control	Trap, 16lb. Cat95	Item	3.00	79.50	238.50	3	79.50
Feral Animal Control	Trap, Labor	L. Hours	40.00	40.00	1,600.00	1	1,600.00
Sub-Total							4,329.50
HABITAT MAINTENANCE							
Feral Animal Control	Trap	Item	3.00	100.00	300.00	5	60.00
Sub-Total							60.00
PUBLIC SERVICES							
Patrolling	Patrol trash maint 3x/d 7d/wk	Month	6.00	1,250.00	7,500.00	1	7,500.00
Trail	Maintenance	Mile	0.50	3,500.00	1,750.00	2	875.00
Trail	Decomposed Granite	Cu. Yd.	5.00	20.14	100.70	3	33.57
Sign, Redwood	Interpretive 4'X 6'	Item	1.00	750.00	750.00	15	50.00
Bench	Recycled Plastic	Item	2.00	318.00	636.00	15	42.40
Volunteer Coordinator	Meetings	L. Hours	10.00	40.00	400.00	1	400.00
Community Outreach	Meetings	L. Hours	60.00	40.00	2,400.00	1	2,400.00
Sub-Total							11,300.97

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Divide Years	Total Cost
GENERAL MAINTENANCE							
Trash Container, Rubbermaid	18" X 24" toter	Item	3.00	90.10	270.30	5	54.06
Trash Liners	Liners	Item	60.00	5.83	349.80	1	349.80
Sub-Total							403.86
REPORTING							
Database Management	Data Input	L. Hours	18.00	40.00	720.00	1	720.00
GIS/CAD Management	Data Management	L. Hours	18.00	40.00	720.00	1	720.00
Photodocumentation	Field Survey	L. Hours	1.00	40.00	40.00	1	40.00
Aerial Photo, 2 sets color	Digital aerials	Item	0.50	500.00	250.00	3	83.33
Annual Reports	Agency Report	L. Hours	21.00	40.00	840.00	1	840.00
Annual Work Plan	Plan and PAR Budget	L. Hours	4.00	40.00	160.00	1	160.00
Management Plan	Subsequent Man plans	L. Hours	10.00	40.00	400.00	5	80.00
Sub-Total							2,643.33
OFFICE MAINTENANCE							
Administrative	Operations	L. Hours	20.00	40.00	800.00	1	800.00
Computer, PC & Monitor	computer and peripherals	Item	0.25	3,500.00	875.00	4	218.75
Sub-Total							1,018.75
FIELD EQUIPMENT							
GPS, Rover & Base Unit	GPS/Corrected	Item	0.25	3,500.00	875.00	7	125.00
Vehicle	Small pickup	Item	0.25	24,000.00	6,000.00	8	750.00
Vehicle	Gas, insurance, maintenance	Mile	1,500.00	0.30	450.00	1	450.00
Cellular Phone 3 watt	Monthly charges	Month	3.00	75.00	225.00	1	225.00
Chemical Sprayer	backpack	Item	1.00	75.00	75.00	5	15.00
Uniforms	Uniform Allowance	Item	0.50	200.00	100.00	2	50.00
Sub-Total							1,615.00
OPERATIONS							
Insurance	General	Acres	27.90	0.58	16.18	1	16.18
Insurance	Liability/Conserv. Easement	Acres	27.90	0.25	6.98	1	6.98
Sub-Total							23.16
CONTINGENCY & ADMINISTRATION							
Contingency							3,793.39
Administration							10,014.56
Sub-Total							13,807.95
Total							51,741.89

Section 10 - Financial Summary

Property Title: Dana Point - Headlands Reserve Dataset: CA004 PAR ID: P063 02/24/2004

Phase Budget 001 Headlands Park (28 ac.)

	Rate %	Total $
INITIAL FINANCIAL REQUIREMENTS		
I & C Revenue		0
I & C Management Costs		114,506
I & C Contingency Expense	10.00	11,451
Total I & C Management Costs		125,957
I & C Administrative Costs of Total I & C Management Costs	24.00	30,230
Total I & C Costs		156,188
Net I & C Management and Administrative Costs		156,188
ANNUAL ONGOING FINANCIAL REQUIREMENTS		
Ongoing Costs		37,933
Ongoing Contingency Expense	10.00	3,793
Total Ongoing Management Costs		41,727
Ongoing Administrative Costs of Total Ongoing Management costs	24.00	10,014
Total Ongoing Costs		51,741
ENDOWMENT REQUIREMENTS FOR ONGOING STEWARDSHIP		
Endowment to Provide Income of $51,741		1,034,820
Endowment per Acre is $ 36,958.		
Ongoing Management Costs Based on 5.00% of Endowment per Year.		
Ongoing Management Funding is $51,741 per Year Resulting in $1,848 per Acre per Year.		
TOTAL CONTRIBUTION		1,191,008

Section 8 - Initial & Capital Tasks and Costs

Property Title: Dana Point - Headlands Reserve Dataset: CA005 PAR ID: P063 CIT 11/03/2004

Budget: Phase Budget 004 City Owned Inflated

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Times Years	Total Cost
ACQUISITION							
Legal Assistance	Prepare/review documents	C. Hours	9.00	212.18	1,909.62	1.0	1,909.62
Legal Assistance	Prepare/review docs PSTC	L. Hours	12.00	250.14	3,001.68	1.0	3,001.68
Sub-Total							4,911.30
BIOTIC SURVEYS							
Project Management	Supervise/coordinate	L. Hours	15.00	42.44	636.60	3.0	1,854.00
Plant Ecologist	Monitor vegetation community	L. Hours	15.00	42.44	636.60	3.0	1,854.00
Mammalogist	PPM/mammals, feral animals	L. Hours	27.00	42.44	1,145.88	2.0	2,224.80
Ornithologist	CAGN CAWR surveys	L. Hours	12.50	42.44	530.50	3.0	1,545.00
Other	Adaptive Management	Item	0.50	2,652.25	1,326.13	1.0	1,287.50
Sub-Total							8,765.30
HABITAT RESTORATION							
Exotic Plant Control	Hand Removal, Labor	L. Hours	50.00	21.22	1,061.00	2.0	2,060.00
Exotic Plant Control	Rodeo	Gal.	1.00	151.81	151.81	2.0	294.78
Sub-Total							2,354.78
PUBLIC SERVICES							
Patrolling	Patrol trash maint 3x/d 7d/wk	Annual	0.23	33,948.80	7,808.22	2.0	15,161.60
Sign, Redwood	Interpretive 4'X 6'	Item	1.00	795.68	795.68	1.0	772.50
Volunteer Coordinator	Meetings	L. Hours	10.00	42.44	424.40	3.0	1,236.00
Community Outreach	Meetings	L. Hours	15.00	42.44	636.60	3.0	1,854.00
Sub-Total							19,024.10
GENERAL MAINTENANCE							
Trash Container, Rubbermaid	18" X 24" toter	Item	2.00	95.58	191.16	1.0	185.60
Trash Liners	Liners	Item	12.00	10.61	127.32	1.0	123.60
Sub-Total							309.20
REPORTING							
Database Management	Data Input	L. Hours	7.00	42.44	297.08	3.0	865.20
GIS/CAD Management	Data Management	L. Hours	7.00	42.44	297.08	2.0	576.80
Aerial Photo, 2 sets color	Digital aerials	Item	0.50	530.45	265.23	1.0	257.50
Annual Reports	Agency Report	L. Hours	9.00	42.44	381.96	3.0	1,112.40
Annual Work Plan	Plan and PAR Budget	L. Hours	6.00	42.44	254.64	3.0	741.60
Management Plan	Initial Report	L. Hours	10.00	42.44	424.40	1.0	412.00
Sub-Total							3,965.50

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Times Years	Total Cost
OFFICE MAINTENANCE							
Administrative	Operations	L. Hours	20.00	42.44	848.80	3.0	2,472.00
Computer, PC & Monitor	computer and peripherals	Item	0.25	3,713.15	928.29	1.0	901.25
Sub-Total							3,373.25
FIELD EQUIPMENT							
GPS, Rover & Base Unit	GPS/Corrected	Item	0.25	3,713.15	928.29	1.0	901.25
Vehicle	Small pickup	Item	0.25	25,461.60	6,365.40	1.0	6,180.00
Vehicle	Gas, insurance, maintenance	Mile	1,000.00	0.54	540.00	3.0	1,560.00
Cellular Phone 3 watt	Monthly charges	Month	3.00	79.57	238.71	3.0	695.25
Chemical Sprayer	backpack	Item	1.00	79.57	79.57	1.0	77.25
Uniforms	Uniform Allowance	Item	0.50	424.36	212.18	1.0	206.00
Sub-Total							9,619.75
OPERATIONS							
Insurance	General	Acres	35.40	0.62	21.95	3.0	63.72
Insurance	Liability/Conserv. Easement	Acres	35.40	0.27	9.56	3.0	27.61
Research/Development Fund	Establish Fund	.5% endow.	0.25	25,037.24	6,259.31	1.0	6,077.00
Sub-Total							6,168.33
CONTINGENCY & ADMINISTRATION							
Contingency							11,698.30
Administration							16,845.55
Sub-Total							28,543.85
Total							87,035.36

Section 9 - Ongoing Tasks and Costs

Property Title: Dana Point - Headlands Reserve Dataset: CA005 PAR ID: P063 CIT 11/03/2004

Budget: Phase Budget 004 City Owned Inflated

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Divide Years	Total Cost
SITE CONSTRUCTION/MAINT.							
Fence - Installed	Chainlink VC 8' annual repair	Lin. Ft.	150.00	21.36	3,204.00	1	3,111.00
Sub-Total							3,111.00
BIOTIC SURVEYS							
Project Management	Supervise/coordinate	L. Hours	15.00	42.44	636.60	1	618.00
Plant Ecologist	Monitor vegetation community	L. Hours	15.00	42.44	636.60	1	618.00
Mammalogist	PPM/mammals, feral animals	L. Hours	27.00	42.44	1,145.88	1	1,112.40
Ornithologist	CAGN CAWR surveys	L. Hours	12.50	42.44	530.50	1	515.00
Other	Adaptive Management	Item	0.50	2,652.25	1,326.13	1	1,287.50
Sub-Total							4,150.90
HABITAT RESTORATION							
Erosion Control	Trail Stabilization	L. Hours	40.00	26.52	1,060.80	2	515.00
Exotic Plant Control	Hand Removal, Labor	L. Hours	20.00	26.52	530.40	1	515.00
Sub-Total							1,030.00
PUBLIC SERVICES							
Patrolling	Patrol trash maint 3x/d 7d/wk	Annual	0.23	33,948.80	7,808.22	1	7,580.80
Trail	Maintenance	Mile	0.50	2,758.34	1,379.17	2	669.50
Sign, Redwood	Interpretive 4'X 6'	Item	1.00	795.68	795.68	15	51.50
Bench	Recycled Plastic	Item	1.00	337.37	337.37	15	21.84
Volunteer Coordinator	Meetings	L. Hours	10.00	42.44	424.40	1	412.00
Community Outreach	Meetings	L. Hours	15.00	42.44	636.60	1	618.00
Sub-Total							9,353.64
GENERAL MAINTENANCE							
Trash Container, Rubbermaid	18" X 24" toter	Item	2.00	95.58	191.16	5	37.12
Trash Liners	Liners	Item	12.00	10.61	127.32	1	123.60
Sub-Total							160.72
REPORTING							
Database Management	Data Input	L. Hours	7.00	42.44	297.08	1	288.40
GIS/CAD Management	Data Management	L. Hours	7.00	42.44	297.08	1	288.40
Aerial Photo, 2 sets color	Digital aerials	Item	0.50	530.45	265.23	3	85.83
Annual Reports	Agency Report	L. Hours	9.00	42.44	381.96	1	370.80
Annual Work Plan	Plan and PAR Budget	L. Hours	6.00	42.44	254.64	1	247.20
Management Plan	Subsequent Man plans	L. Hours	10.00	42.44	424.40	5	82.40
Sub-Total							1,363.03

Task list	Specificaton	Unit	Number of Units	Cost / Unit	Annual Cost	Divide Years	Total Cost
OFFICE MAINTENANCE							
Administrative	Operations	L. Hours	20.00	42.44	848.80	1	824.00
Computer, PC & Monitor	computer and peripherals	Item	0.25	3,713.15	928.29	4	225.31
Sub-Total							1,049.31
FIELD EQUIPMENT							
GPS, Rover & Base Unit	GPS/Corrected	Item	0.25	3,713.15	928.29	7	128.75
Vehicle	Small pickup	Item	0.25	25,461.60	6,365.40	8	772.50
Vehicle	Gas, insurance, maintenance	Mile	1,000.00	0.54	540.00	1	520.00
Cellular Phone 3 watt	Monthly charges	Month	3.00	79.57	238.71	1	231.75
Chemical Sprayer	backpack	Item	1.00	79.57	79.57	5	15.45
Uniforms	Uniform Allowance	Item	0.50	424.36	212.18	2	103.00
Sub-Total							1,771.45
OPERATIONS							
Insurance	General	Acres	35.40	0.62	21.95	1	21.24
Insurance	Liability/Conserv. Easement	Acres	35.40	0.27	9.56	1	9.20
Sub-Total							30.44
CONTINGENCY & ADMINISTRATION							
Contingency							4,404.10
Administration							6,341.90
Sub-Total							10,746.00
Total							32,766.49

Section 10 - Financial Summary

Property Title: Dana Point - Headlands Reserve Dataset: CA005 PAR ID: P063 CIT 11/03/2004

Phase Budget 004 City Owned Inflated (36 ac.)

	Rate %	Total $
INITIAL FINANCIAL REQUIREMENTS		
I & C Revenue		0
I & C Management Costs		58,491
I & C Contingency Expense	20.00	11,698
Total I & C Management Costs		70,189
I & C Administrative Costs of Total I & C Management Costs	24.00	16,845
Total I & C Costs		87,035
Net I & C Management and Administrative Costs		87,035
ANNUAL ONGOING FINANCIAL REQUIREMENTS		
Ongoing Costs		22,020
Ongoing Contingency Expense	20.00	4,404
Total Ongoing Management Costs		26,424
Ongoing Administrative Costs of Total Ongoing Management costs	24.00	6,342
Total Ongoing Costs		32,766
ENDOWMENT REQUIREMENTS FOR ONGOING STEWARDSHIP		
Endowment to Provide Income of $32,766		728,133
Endowment per Acre is $20,226.		
Ongoing Management Costs Based on 4.50% of Endowment per Year.		
Ongoing Management Funding is $32,766 per Year Resulting in $910 per Acre per Year.		
TOTAL CONTRIBUTION		815,168

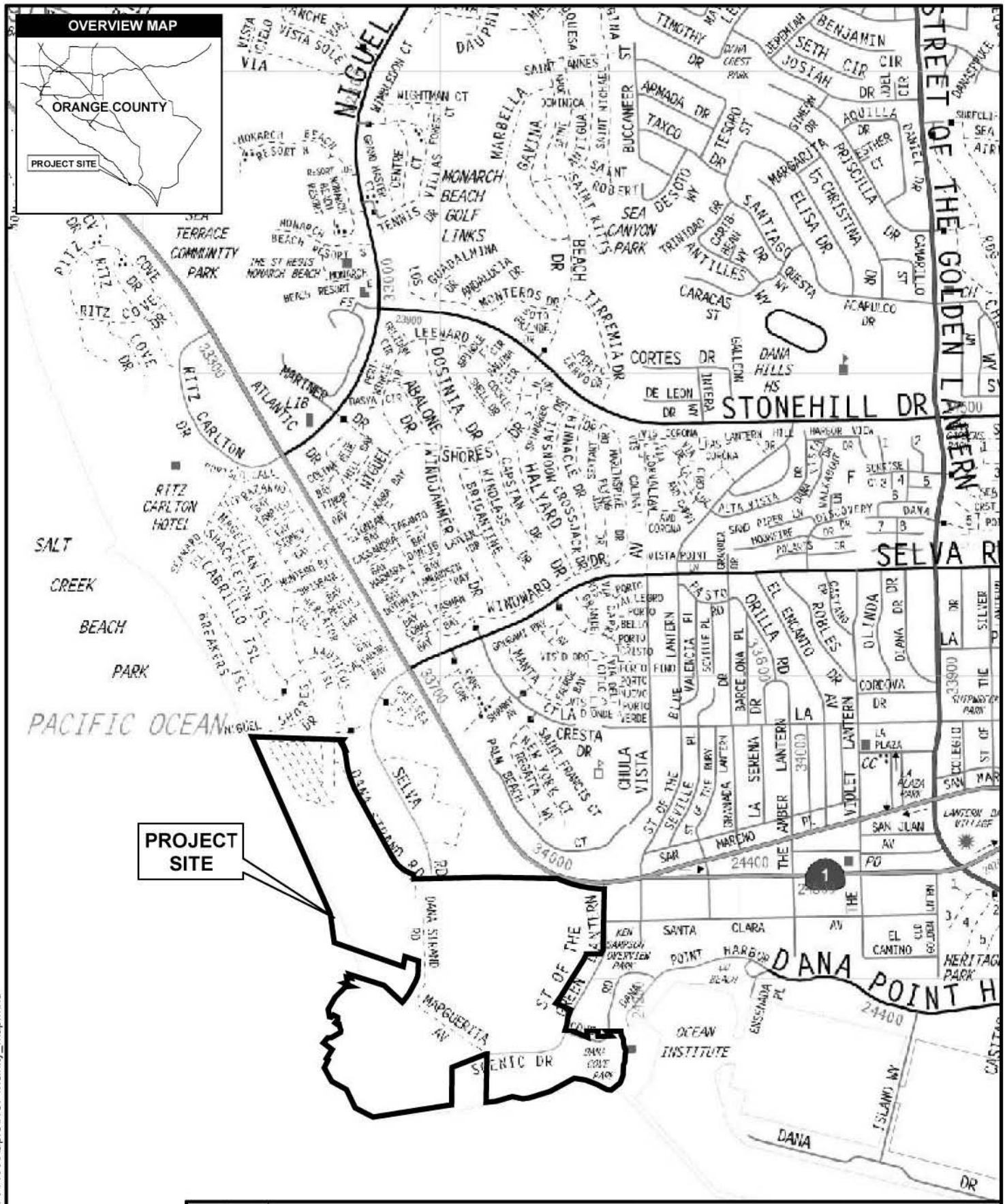
E. Onsite Mitigation Revegetation Plan

"On Site Mitigation and Revegetation Plan, The Headlands, Dana Point, California", April 15, 2005. Prepared by: URS Corporation. Provided under separate cover

F. Offsite Mitigation Revegetation Plan

"Coastal Sage Scrub Restoration and Monitoring Plan, Fairview Park, City of Costa Mesa",

March 28, 2005. Prepared by: Glenn Lukos Associates, Inc. Provided under separate cover



SOURCES: Thomas Bros 2003;
Keith Co. (project boundary);
ESRI (base features).

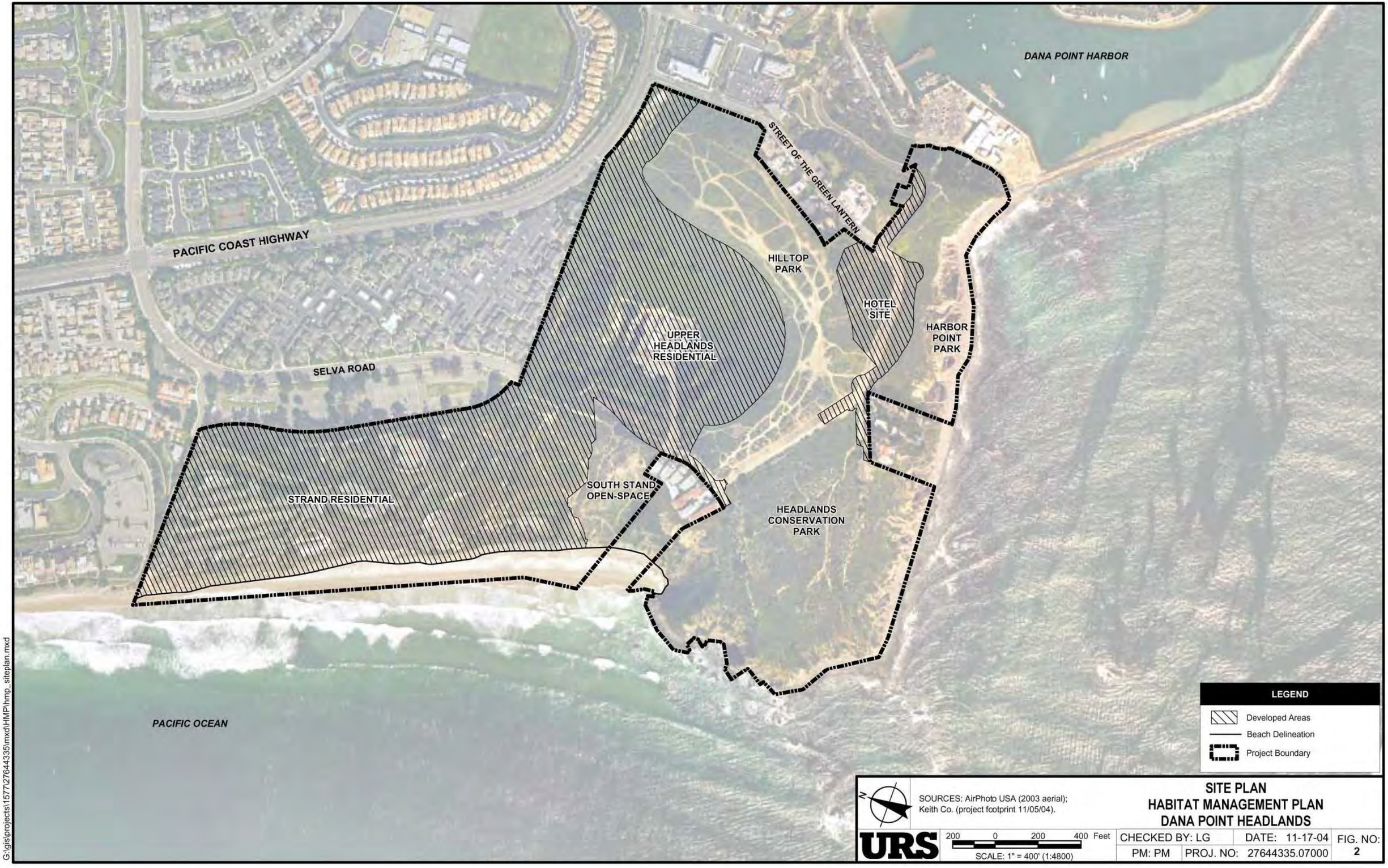
PROJECT LOCATION MAP
HABITAT MANAGEMENT PLAN
DANA POINT HEADLANDS

URS

NO SCALE

CHECKED BY: LG	DATE: 5-26-04	FIG. NO:
PM: PM	PROJ. NO: 27644335.07000	1

G:\gis\projects\1577\27644335\aprs\HCP\vicinity_map.mxd



SOURCES: AirPhoto USA (2003 aerial); Keith Co. (project footprint 11/05/04).

SITE PLAN
HABITAT MANAGEMENT PLAN
DANA POINT HEADLANDS

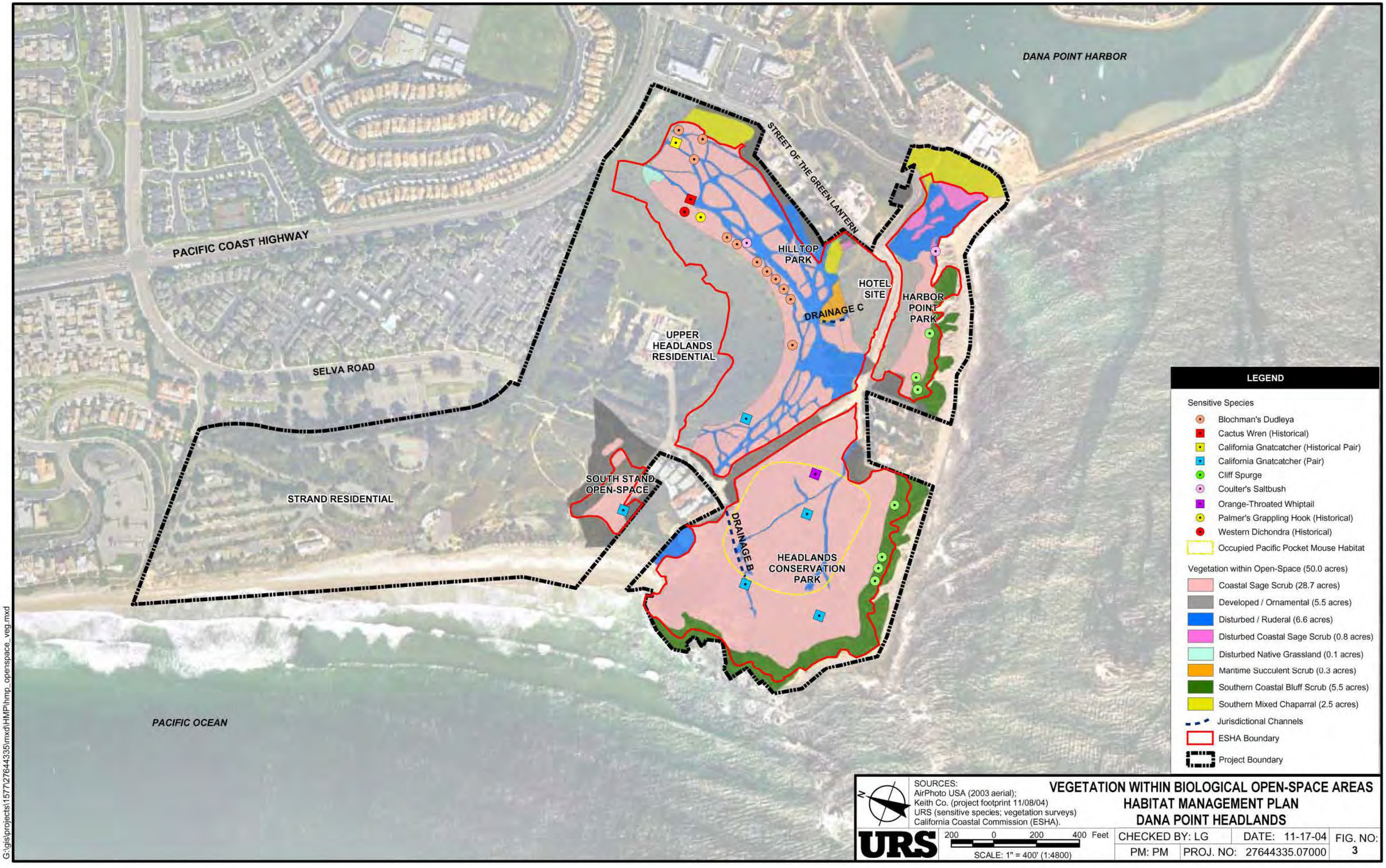
URS

200 0 200 400 Feet

SCALE: 1" = 400' (1:4800)

CHECKED BY: LG		DATE: 11-17-04	FIG. NO: 2
PM: PM	PROJ. NO: 27644335.07000		

G:\gis\projects\157\27644335\mxd\HMP\hmp_siteplan.mxd



G:\gis\projects\15772\7644335\mxd\HMP\hmp_openspace_veg.mxd

SOURCES:
AirPhoto USA (2003 aerial);
Keith Co. (project footprint 11/08/04)
URS (sensitive species; vegetation surveys)
California Coastal Commission (ESHA).

VEGETATION WITHIN BIOLOGICAL OPEN-SPACE AREAS
HABITAT MANAGEMENT PLAN
DANA POINT HEADLANDS

URS

200 0 200 400 Feet
SCALE: 1" = 400' (1:4800)

CHECKED BY: LG	DATE: 11-17-04	FIG. NO: 3
PM: PM	PROJ. NO: 27644335.07000	

LEGEND

Revegetation Areas (26.2 acres)

- Creation (13.3 acres)
- Enhance (11.1 acres)
- Fuel Modification Zone (1.8 acres)
- Biological Open-Space (50.0 acres)
- Trail
  Note: Trail alignments were field verified by Glen Lukos & Assoc.
- Boundary Between Hilltop Park and Headlands Conservation Park
- Project Boundary

STRAND RESIDENTIAL

SOUTH STRAND OPEN-SPACE

HILLTOP PARK

UPPER HEADLANDS RESIDENTIAL

HOTEL SITE

HEADLANDS CONSERVATION PARK

HARBOR POINT PARK

SOURCES: Glen Lukos / URS (revegetation areas), Keith Co. (trails, project boundary 11/05/04).

REVEGETATION AREAS
HABITAT MANAGEMENT PLAN
DANA POINT HEADLANDS

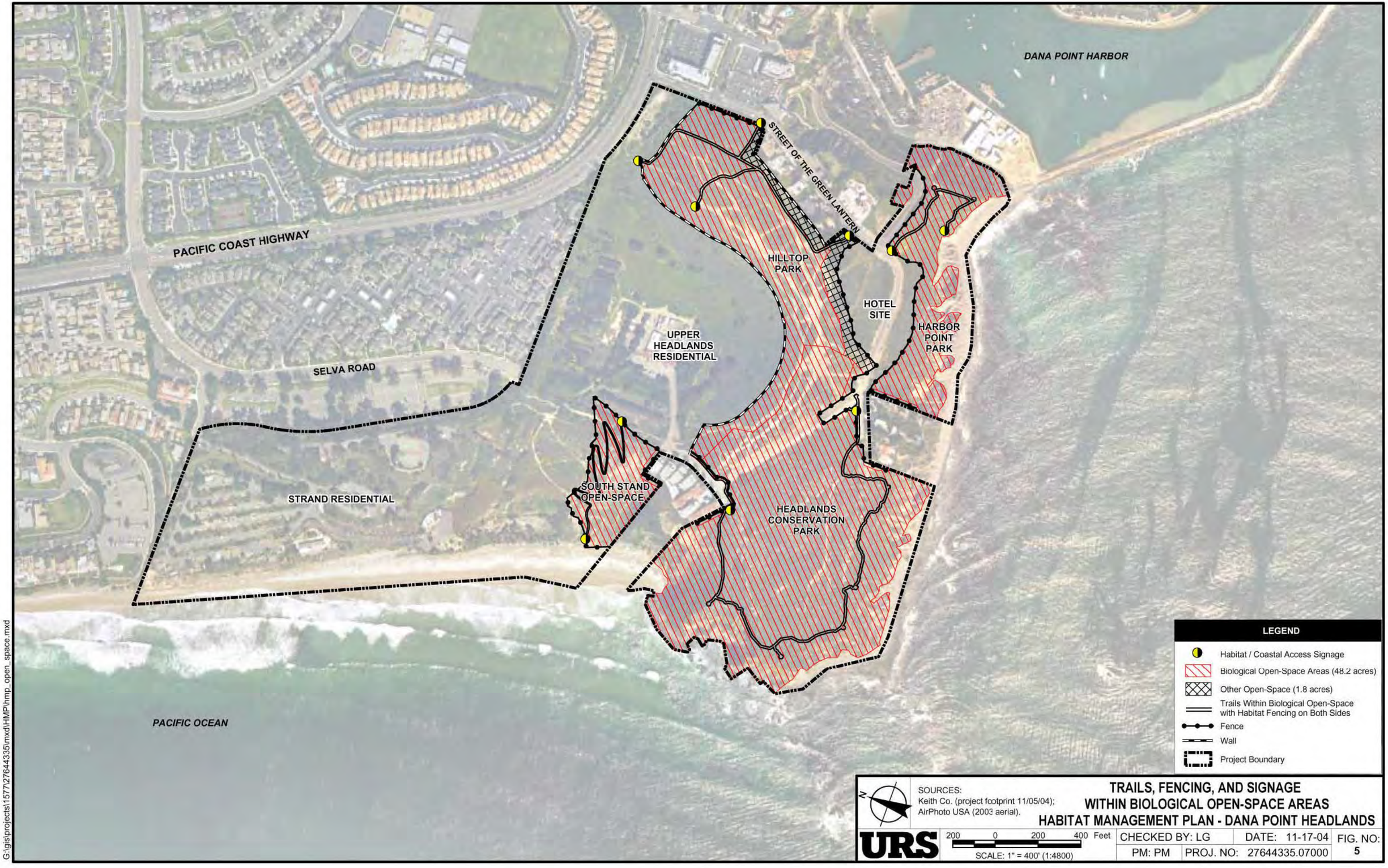
URS

100 0 100 200 Feet

SCALE: 1" = 200' (1:2400)

CHECKED BY: LG	DATE: 11-22-04	FIG. NO: 4
PM: PM	PROJ. NO: 27644335.07000	

G:\gis\projects\1577\27644335\mxd\HMP\hmp_revegetation.mxd


DANA POINT HARBOR
PACIFIC COAST HIGHWAY
STREET OF THE GREEN LANTERN
HILLTOP PARK
HOTEL SITE
HARBOR POINT PARK
UPPER HEADLANDS RESIDENTIAL
SELVA ROAD
SOUTH STAND OPEN-SPACE
HEADLANDS CONSERVATION PARK
STRAND RESIDENTIAL
PACIFIC OCEAN
LEGEND
Habitat / Coastal Access Signage
Biological Open-Space Areas (48.2 acres)
Other Open-Space (1.8 acres)
Trails Within Biological Open-Space with Habitat Fencing on Both Sides
Fence
Wall
Project Boundary
N
SOURCES:
Keith Co. (project footprint 11/05/04);
AirPhoto USA (2003 aerial).
TRAILS, FENCING, AND SIGNAGE
WITHIN BIOLOGICAL OPEN-SPACE AREAS
HABITAT MANAGEMENT PLAN - DANA POINT HEADLANDS
URS
200 0 200 400 Feet
SCALE: 1" = 400' (1:4800)
CHECKED BY: LG
DATE: 11-17-04
FIG. NO: 5
PM: PM
PROJ. NO: 27644335.07000
G:\gis\projects\1577\27644335\mxd\HMP\hmp_open_space.mxd

From:	David A Monroe
To:	Jeff Andrews (jeffrey.a.andrews1@usmc.mil)
Subject:	Dana Pt PPM
Date:	Wednesday, October 12, 2005 4:05:00 PM
Attachments:	Headlands HMP.pdf

Jeff:

The attached document is dated; it has been finalized, but I do not have an electronic copy. Use this for background purposes only since it has been amended. I will get you a final version (which correctly does not give attribution to CNLM) later.

-Dave

David A. Monroe
General Counsel
Center for Natural Lands Management

3074 Heavenly Ridge Street
Thousand Oaks, CA 91362
805-531-5423 (telephone/facsimile)

425 E. Alvarado Street, Ste. H
Fallbrook, CA 95691
760-731-7790 (telephone)
760-731-7791 (facsimile)

CONFIDENTIALITY NOTICE: The information contained in this e-mail transmission is intended only for use of the individual or entity named above. This e-mail transmission, and any documents, files, previous e-mail transmissions, or other information attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient of this e-mail transmission, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, copying or other use of this transmission or any of the information contained in or attached to it is strictly prohibited. If you have received this e-mail transmission in error, please immediately notify me by return e-mail transmission or by telephone at (805) 531-5423, and destroy the original e-mail transmission and its attachments without reading or saving it in any manner. Thank you.

Annual Report for the 2007-08 Fiscal Year
(October 2007 - September 2008)

on the

Dana Point Preserve
(S033)

Prepared for:

U.S. Fish and Wildlife Service
California Department of Fish and Game
City of Dana Point

Prepared by:

Lee Ann Carranza
Preserve Manager

The Center for Natural Lands Management
215 West Ash Street
Fallbrook, CA 92028-2904
Phone: 760-731-7790
Fax: 760-731-7791
Web: www.cnlm.org

SUMMARY of 2007-08 ACTIVITIES

- Coastal California gnatcatcher surveys were completed. A total of four coastal California gnatcatcher pairs were observed. All four pairs produced three to four fledglings each.
- No cactus wrens were observed.
- A western ringsnake was documented on the Preserve.
- Duff was removed to enhance Pacific pocket mouse habitat.
- Shana Dodd et al conducted small mammal trapping under contract to the Center. Thirty unique individual Pacific pocket mouse were captured on the Preserve.
- Vegetation and ground cover characteristics were measured at Pacific pocket mouse trap locations.
- Fred Roberts conducted a floristic inventory of the Preserve including a rare plant inventory under contract to the Center. A total of 144 taxa were recorded on the Preserve. Of which, 48 taxa were introduced species and 8 species were rare or sensitive.
- Predator use was monitored using remote cameras.
- A Dana Point Preserve newsletter was prepared and mailed to nearby residents.
- Staff worked with the City of Dana Point and local residents regarding various issues adjacent to the Preserve.
- Staff coordinated with URS Corporation and Natures Image regarding creation and enhancement activities on the Preserve.



Figure 1: Aerial of Dana Point Preserve created by Eagle Aerial. Photo taken 4/10/08.

INTRODUCTION

The Dana Point Preserve (Preserve) is in the City of Dana Point, Orange County, California. The Preserve has been owned and managed by the Center for Natural Lands Management (Center) since December 2005. The Preserve was created via the Headlands Development Project. The Headlands Development Project (Project) consists of 125 residential homes, a 65-to-90 room seaside inn, and public open space. The Project is guided by the "Headlands Development and Conservation Plan" (HDCP) which was approved through the California Coastal Commission's certification of the 2004 amendments to the City of Dana Point's Local Coastal Program.

The Preserve consists of 29.4 acres of native coastal habitat. Another 11.5 acres of natural open space preserve, currently owned by Headlands Reserve, LLC but later to be owned and managed by the City of Dana Point as the Hilltop Park, are adjacent to the Preserve. A habitat management plan was prepared by URS Corporation for all preserve lands associated with the Project, including the Center owned and managed Dana Point Preserve. The Habitat Management and Monitoring Plan (HMMP) for Dana Point Headlands Biological Open Space prepared by URS Corporation was reviewed by the California Coastal Commission, United States Fish and Wildlife Service (USFWS), California Department of Fish and Game, and the City of Dana Point. However, we have no record that the final HMMP, dated April 18, 2005, was approved by the California Coastal Commission, USFWS, or California Department of Fish and Game. Despite this uncertainty, the Center has been managing the Dana Point Preserve according to the HMMP and will continue to do so until the Center revises the management plan in consultation with the USFWS and California Department of Fish and Game (Wildlife Agencies).

This document details the management activities for the Fiscal Year (FY) 2008 (October 2007 - September 2008) on the Preserve. Four primary management objectives for the Preserve identified in the HMMP are presented below. These objectives will direct the management on the Preserve until the Center has a revised management plan approved by the Wildlife Agencies:

1. Maintain the Preserve to permit ecological processes to function.
2. Contribute to the preservation and restoration of the endangered or threatened species and their habitats that are present on the Preserve.
3. Contribute to the preservation and restoration of non-listed sensitive species that contribute to biodiversity.
4. Develop a public awareness program that informs local residents and visitors of the sensitivity and ecological importance of the Preserve.

The specific tasks to be undertaken to serve these objectives for FY2008 were to:

1. Encourage better public compliance with restrictions on the Preserve through increased patrolling activity, repair of fence failures, and more effectively placed signs.
2. Conduct a plant species inventory, including the mapping of all rare plant locations.
3. Monitor predator use of the Preserve.
4. Conduct presence-absence monitoring of coastal California gnatcatcher (*Polioptila californica californica*: gnatcatcher) and coastal cactus wren (*Campylorhynchus brunnecapillus sandiegensis*: cactus wren).

5. Conduct a small mammal trapping program throughout the Preserve to collect baseline data on Pacific pocket mice (*Perognathus longimembris pacificus*). Such an effort includes coordination with the U.S. Fish and Wildlife Service.
6. Remove duff to enhance Pacific pocket mouse habitat.
7. Control exotic plant species on the Preserve.
8. Oversee habitat creation/enhancement activities that the developer implements on the Preserve.
9. Oversee developer activities with regards to the public use trail and protective fencing and prepare for public use of the Preserve via the trail.
10. Expand the GIS database as necessary.
11. Initiate development of a public outreach program and educational opportunities within the Preserve, including working with the City of Dana Point, Homeowner's Association(s) and Ocean Institute.
12. Other tasks as necessary to effectively establish the Preserve and the presence of the Center for Natural Lands Management in the City of Dana Point.

The implementation of these tasks in FY2008 is described below. They are organized within the following budget categories: 1) Capital Improvements, 2) Biotic Surveys, 3) Habitat Maintenance and Restoration, 4) Public Service and General Maintenance, 5) Reporting, and 6) Endowment.

CAPITAL IMPROVEMENTS

Objective: *Oversee developer activities with regards to the public use trail and protective fencing and prepare for public use of the Preserve via the trail.*

The Project is not yet complete. Several activities associated with development infrastructure and public use infrastructure remain the responsibility of Headlands Reserve, LLC. Such activities conducted in FY2008 included roadwork on Dana Strand Road, roadwork at the cul de sac area of Scenic Drive, and removal of Marguerita Road. Implementation of these actions were not coordinated with the Center, but when such activities were observed on-site by the Preserve Manager, the Preserve Manager helped ensure natural resources within the Preserve were not damaged via direct impacts from large equipment, resulting trash, and water run-off from water trucks.

Activities that will be conducted in FY2009 include the installation of the new perimeter wrought iron fence, removal of the existing chain link fence, removal of telephone poles, construction of the Nature Interpretive Center, construction of public trails and trail fencing along Dana Strand Road and Scenic Drive, and construction in the drainage on the Preserve to address storm water runoff from Dana Strand Road. Such activities were discussed and coordinated to a limited extent this Fiscal Year among Headlands Reserve LLC, Natures Image,
and the Preserve Manager.

BIOTIC SURVEYS

Objective 1: Conduct a plant species inventory, including mapping all rare plant locations.

Fred Roberts, botanist, was contracted to conduct a floristic inventory of the Preserve, including documenting all rare plant species and locations within the Preserve. He recorded 144 plant taxa, including 142 species, an additional one intraspecific taxa (subspecies and varieties), and one hybrid (Appendix A). A historical summary of botanical discoveries on the Preserve and nearby conserved areas was also provided in the report. F.M. Roberts concluded that about 10 percent of all rare and sensitive species known to occur in Orange County, California have been reported from the Preserve (Roberts 2008).

Of the 144 taxa recorded, 96 taxa were of native origin and 48 taxa were introduced.

Table 1 identifies ten rare and sensitive species observed during the 2008 surveys. No State or Federally listed threatened or endangered plant species were identified on the Preserve.

Table 1: List of Rare and Sensitive Species Observed during 2008 Surveys (Roberts 2008)

Scientific Name	**Common Name**	**Family**	**Rank**	**Populations/Individuals**
Aphanisma blitoides	Aphanisma	Amaranthaceae	CNPS 1B.2	12/935
Calandrinia maritima	Seaside calandrinia	Portulacaceae	CNPS 4.2	5/624
Chorizanthe procumbens	Prostrate spineflower	Polygonaceae	LC	32/21,809
Dichondra occidentalis	Western dichondra	Convolvulaceae	CNPS 4.2	none[1]
Euphorbia misera	Cliff spurge	Euphorbiaceae	CNPS 2.2	1/1,500
Lycium californicum	California boxthorn	Solanaceae	CNPS 4.2	16/232
Malacothrix saxatilis var. *saxatilis*	Cliff malacothrix	Asteraceae	CNPS 4.2	9/316
Pentagramma triangularis subsp. *viscosa*	Silverback fern	Pteridaceae	LC	1/1
Quercus dumosa	Nuttall's scrub oak	Fagaceae	CNPS 1B.1	1/1
Suaeda taxifolia	Woolly sea-blite	Amaranthaceae	CNPS 4.2	none[2]

CNPS List 1B: Plants Rare, Threatened or Endangered in California and elsewhere.
CNPS List 2: Plants Rare, Threatened or Endangered in California but more common outside California.
CNPS List 4: Plants of limited distribution, sometimes locally rare.
LC: Local Concern in Orange Co., often more common elsewhere in State.
[1] Reported by Roberts and Allen in Adjarian and Marsh (1983) and observed by author and other individuals prior to 2005.
[2] Reported by GLA (2002).

Objective 2: Conduct a small mammal trapping program throughout the Preserve to collect baseline data on Pacific pocket mice.

Shana Dodd, small mammal biologist, was contracted to conduct small mammal trapping throughout the Preserve. Ms. Dodd shared responsibility with Phil Brylski and Steven Montgomery, small mammal biologists. They are all intimately familiar with the Preserve due to past monitoring efforts they have conducted on-site. The Center has an interest and responsibility to coordinate with the USFWS regarding activities associated with the Pacific pocket mouse (*Perognathus longimembris pacificus*; PPM). Thus, Ms. Dodd and Mr. Brylski met with USFWS representatives and corroborated on the study design. A grid-based live-trapping effort was chosen.

An imaginary 24x24 meter grid with 104 individual cells were overlaid on the surface area of the Preserve south/west of Marguerite Road. Nine Sherman live traps were placed in each 16x16 cell: one at each corner (four traps), the midpoints of the perimeter (four traps), and at the center of the cell (one trap) in each cell at 16x16 meter cell size to provide a separation of eight meters between trap stations in adjoining cells among the 24x24 meter grid.

The grid-based live-trapping effort covered 64 cells (63 percent of the 104 cells). In addition to live-trapping within randomly selected grid cells, traps were also set along several auxiliary transects. Two sessions of trapping were conducted. For the first (May 2-7), three transects were set in areas of relatively high historical captures but which were not within cells selected for live-trapping. For the second (June 6-11), one transect was located east of Marguerite Road where coastal sage scrub re-vegetation efforts were underway.

The trapping effort within and outside the cells was carried out for five consecutive nights. The first session covered 34 grids and three transect lines (27 traps total): The second session covered 32 grids and two transects east of Marguerite Road (35 traps). The total trap effort was for 3,280 trap-nights in two sessions.

The cell-based surveys yielded captures of 348 individuals belonging to seven mammalian species. PPM was the third most commonly captured species on the cells (14% of all captures), behind the harvest mouse (43%) and desert woodrat (34%). Table 2, on the next page, summarizes the captures for all species in the two sessions for the 16x16 cells and auxiliary transects.

The survey yielded 64 total PPM captures (including recaptures) and 30 unique PPM captures. Fifty-one PPM were captured on the 16x16 cells and 13 were captured on the auxiliary transects. The individuals in session 1 appeared to be entirely adults whereas the session 2 captures appeared to be largely young born that year. The abundance estimate for PPM in the study area for session 1 is 15 or 16 individuals (population estimates based on two different models for extrapolating from sampled size to population estimate, and 20 or 27 individuals for session 2. The PPM captured in the two sessions differed in age structure and sex ratio. For session 1, all 14 unique captures were adults and the sex ratio was skewed toward females (10F:4M). The males were scrotal in session 1, and females in both sessions showed obvious signs of pregnancy. For session 2, the 16 unique captures were almost entirely young of the year and the sex ratio was at parity (8M:8F).

Table 2: Summary of Small Mammal Captures (Brylski, Dodd, & Montgomery 2009)

	Species							
	PPM	**RMEG**	**NLEP**	**MCAL**	**PMAN**	**MMUS**	**RRAT**	
Cells								**total**
Session 1	26	38	51	0	10	0	0	125
Session 2	25	112	66	7	8	2	3	223
subtotal	51	150	117	7	18	2	3	348
% of total	15	43	34	2	5	1	1	100
Auxiliary Transects*								
Session 1	13	2						15
Session 2		44			20			64
subtotal								

PPM, Pacific pocket mouse (*Perognathus longimembris pacificus*)
RMEG, harvest mouse (*Reithrodontomys megalotis*)
NLEP, desert woodrat (*Neotoma lepida*)
MCAL, California vole (*Microtus californicus*)
PMAN, deer mouse (*Peromyscus maniculatus*)
MMUS, house mouse (*Mus musculus*)
RRAT, Norway rat (*Rattus rattus*)
* Auxiliary transects were located outside of the 16x16 grids, west of Marguerite Road during the first trap session and east of Marguerite Road in the second trap session.

More detailed information regarding the trapping program and results are provided in the following report: Pilot Monitoring Project for the Pacific Pocket Mouse CNLM Dana Point Preserve Orange County, California (Brylski, Dodd, Montgomery, 2008).

Due to the positive results of capturing 30 unique individual PPM on-site, habitat conditions found at occupied and unoccupied sites were measured for the following purposes: 1) describe occupied PPM habitat, 2) detect differences in the habitat conditions of occupied grid cells from unoccupied grid cells, and 3) determine whether there are habitat covariates that improve the ability to predict whether a given grid cell, using the Proportion Area Occupied sampling methodology, is occupied by PPM.

As described above, 9 traps were set within each of the 66 grid cells surveyed. Twenty-five of these grid cells had at least one trap where a PPM was captured. In total, 38 trap locations captured a PPM (excluding all sign set trap locations). Habitat characteristics were measured at all 38 trap locations where PPM were captured (i.e. occupied). In addition, one randomly selected trap location from each of the 66 cells sampled were planned to be measured. However, since none of the 38 occupied trap locations already sampled were not randomly selected, it would have required 66 additional trap locations to be measured. Due to time constraints of field staff, the Center only sampled the randomly selected trap location from each grid cell that did not have an occupied trap location already sampled. In total, 84 trap locations were sampled, 45 of which were unoccupied and 38 were occupied.

The data at each trap location was collected using point intercept methodology every 0.5 meter along two 8-m transects. The transects were set in a North-South orientation using a compass.

The 4-meter mark of each transect was one meter away from the trap location marker flag (i.e. the marker flag was the center point of the transect (see Figure 2).



Figure 2: Vegetation transects at PPM trap location

The following habitat characteristics were measured at each trap location sampled:

- Plant species
  - Plant genus and species
  - Plant phenology (vegetative, flowering, in seed, or desiccated)
  - Height in centimeters
  - Diameter of stems of shrubs
- Type of litter and depth:
  - Leaf
  - Duff
  - Woody <5 mm
  - Woody >5 mm
  - Trash
  - Other
- Type of Bare Ground:
  - Fine loose sand (>2.5 cm deep)
  - Stable sand
  - Cryptogram
  - Compacted sand
  - Soil
  - Other

All the data have been entered into excel spreadsheets, however, adequate time for data analysis was not available in FY2008 to allow results and conclusions to be provided in this report. The data will continue to be analyzed in FY2009 and all results will be coordinated with the Wildlife Agencies and provided in our FY2009 Annual Report.

The USFWS and the Center for Research on Endangered Species (CRES) are jointly operating a research program to evaluate the efficacy of a population reintroduction and augmentation program as part of the recovery plan for PPM. The Preserve was one of the areas targeted to be included in this study. It is unclear how the results of the FY2008 trapping effort will influence this program. Neither CRES nor USFWS has expressed interest to the Center regarding population augmentation on the Preserve this year.

Objective 3: Conduct presence-absence monitoring of coastal California gnatcatcher and coastal cactus wren.

A total of four gnatcatcher family groups were observed on the Preserve in 2008 (Appendix D). This represents an increase of one pair from the three pairs identified in 2006 and 2007. The entire Preserve was surveyed using standard USFWS protocol by Lee Ann Carranza under USFWS 10(a)1(A) Recovery Permit (TE-166357). The HMMP for Dana Point states that gnatcatcher surveys should be conducted every three years and between the months of January and March. However, due to the ongoing construction activity in the general area and rare plant surveys, PPM monitoring, and exotic species removal occurring within the Preserve during gnatcatcher breeding season, gnatcatcher surveys were conducted this year as well. The surveys were conducted on March 4, March 21, April 13, May 18, June 3, and July 3, 2008. No audio-taped vocalizations of gnatcatchers were used. The data recorded for the four pairs is summarized in Table 3.



Figure 3: Abandoned CAGN nest (Pair 3)

Table 3: S033 CAGN Data GIS Attribute Table

ID	OBSERVER	GPS_NORTHI	EASTING	STATUS	DATE
1	Lee Ann Carranza	3702737	433619	Pair	March 4, 2008
2	Lee Ann Carranza	3702679	433541	Pair (Nest building)	March 4, 2008
3	Lee Ann Carranza	3702627	433743	Pair (Nest building)	March 4, 2008
4	Lee Ann Carranza	3702768	433864	Pair	March 4, 2008
2	Lee Ann Carranza	3702714	433561	Pair	March 21, 2008
3	Lee Ann Carranza	3702627	433743	Pair on nest	March 21, 2008
4	Lee Ann Carranza	3702802	433782	Pair	March 21, 2008
1	Lee Ann Carranza	3702731	433641	Male	April 13, 2008
2	Lee Ann Carranza	3702629	433578	Pair (bringing food to nest)	April 13, 2008
3	Lee Ann Carranza	0	0	Male of pair	April 13, 2008
4	Lee Ann Carranza	3702772	433864	Pair	April 13, 2008
1	Lee Ann Carranza	3702768	433642	Family Group (2)	May 18, 2008
2	Lee Ann Carranza	0	0	Family Group (3)	May 18, 2008
3	Lee Ann Carranza	3702577	433720	Pair (Nest building)	May 18, 2008
4	Lee Ann Carranza	3702711	433899	Family Group (4)	May 18, 2008
1	Lee Ann Carranza	3702701	433720	Pair	June 3, 2008
2	Lee Ann Carranza	3702611	433573	Pair (nest w nestlings)	June 3, 2008
3	Lee Ann Carranza	3702571	433725	Pair	June 3, 2008
4	Lee Ann Carranza	0	0	Pair (only saw male)	June 3, 2008
J5	Lee Ann Carranza	3702768	433642	Juvenile	June 3, 2008
J6	Lee Ann Carranza	3702617	433573	Juvenile	June 3, 2008
1	Lee Ann Carranza	0	0	Pair	July 3, 2008
2	Lee Ann Carranza	0	0	Family Group (3)	July 3, 2008
3	Lee Ann Carranza	0	0	Pair	July 3, 2008
4	Lee Ann Carranza	0	0	Pair (only saw male)	July 3, 2008
5	Lee Ann Carranza	0	0	Family Group (3)	July 3, 2008

Nest monitoring activities were conducted to a limited extent throughout the Preserve during the survey dates identified above and at additional times when on the Preserve for other purposes (Table 4). I did not approach active nests for gnatcatcher pairs 1 and 4 because it would have been too intrusive and there were no signs of cowbirds in the area. I did check nests for gnatcatcher pairs 2 and 3. My nest monitoring efforts were minimal due to a busy field season in 2008. My main concern was to note the general location of nests for all gnatcatcher pairs on-site so that they could be avoided by biologists conducting rare plant surveys, trapping for Pacific pocket mice, and conducting vegetation transect surveys. More time has been budgeted for gnatcatcher monitoring on the Preserve in 2009 to enable weekly monitoring of the gnatcatchers on-site to better identify their nesting status. No brown headed cowbird parasitism was documented on the Preserve this year.

Gnatcatcher pair 2 had two successful nest attempts with at least 3 fledglings per nest. The first nest was approached by me on one occasion and by Rick Bailey on two occasions. I did not approach pair 2's second nest. I was unaware that Rick Bailey was conducting surveys on our Preserve when

he conducted the first nest check. He is working under his own permit with URS Corporation who is a contractor to Headlands Reserve, LLC. Headlands Reserve, LLC and their contractors are required to coordinate with the Center regarding their activities on the Preserve. I will continue to remind URS Corporation of the need to coordinate in order to avoid duplicative efforts in the future.

Gnatcatcher pair 3 had two different nests that I monitored. The first nest was identified on March 3, 2008 and was visited twice: once to confirm no cowbird eggs were in the nest and the second time to confirm it had been predated. The second nest attempt by pair 3 was checked three times. On April 3, 2008 and May 1, 2008, I approached the nest to confirm 4 gnatcatcher eggs and no cowbird eggs were in the nest. On May 12, 2008, I confirmed 4 eggs were still present in the nest, but the adults abandoned the nest. The adults were building a third nest as of May 18, 2008. I did not approach pair 3's third nest attempt, but I determined it to be successful when I observed 3 fledglings with the pair on August 7, 2008.

Mapping of the extent of the area used by each pair of gnatcatchers was attempted by marking the extent of the locations where each pair was observed during each survey. Such information could be used to infer the pairs' use area. The same effort was conducted in 2006 and 2007. All gnatcatcher pairs use areas in 2008 decreased in size from that which was documented last year.

Table 4: S033 CAGN Nest Monitoring Results

ID	# Nesting Attempts	# Nestlings Observed	# Fledglings
1	1 confirmed, expect 2 nesting attempts occurred	Not approached	Only 2 confirmed
2	2 successful nests confirmed	4 nestlings observed on 1st nest by Rick Bailey via his permit. 2nd nest was not approached.	3 confirmed from 1st nest (may have been 4) and 3 from 2nd nest.
3	3 confirmed	1st and 2nd nests were approached but failed. 3rd nest attempt was not approached.	3 confirmed from 3rd nest (may be been 4) on August 7, 2008.
4	2 confirmed, maybe 3	Not approached	4 confirmed

On May 26, 2008, I requested in writing to collect the abandoned nest of gnatcatcher pair 3 and its 4 eggs to use for educational purposes in the Nature Interpretive Center that will be constructed adjacent to the Preserve (Figure 3). However, the nest was predated prior to receiving approval from the USFWS to remove the nest. I did, however, receive approval from California Department of Fish and Game to remove the nest prior to the nest being predated.

Objective 4: Monitor predator use of the Preserve.

Predator monitoring activities included identification of tracks and mounting two infrared cameras (Cuddeback EXpert® and Cuddeback No Flash®). The cameras have become a valuable tool to identify animal species on the Preserve and also trespass. The species documented by the wildlife cameras are provided in Table 5 below. On all occasions, except one where the bobcat was

recorded, the cameras have been mounted on the trail fencing to avoid theft and maximize chance for unobstructed photos.

Table 5: Predator species recorded on wildlife cameras in FY 2008

	Common Name	**Latin Name**	**Date First Recorded**
1	Bobcat	*Lynx rufus*	12-27-07
2	Raccoon	*Procyon lotor*	02-08-08
3	Domestic dog	*Canis familiaris*	03-04-08
4	Skunk	*Mephitis mephitis*	05-02-08
5	Coyote	*Canis latrans*	05-14-08
6	Opossum	*Didelphis virginiana*	09-10-08



Figure 4: Coyote photo taken by wildlife camera 8-22-08

Objective 5: Maintain an inventory of flora and fauna on the Preserve.

All new recognized flora and fauna are recorded. Appendix A presents a list of vascular plants documented on the Preserve by Fred Roberts in 2008. Appendix C presents a list of all animal species known to occur or have occurred on the Preserve to date. The botanical list in Appendix A will now represent the only botanical list for the Preserve. It will replace the lists in previous reports for the following reasons: 1) the previous lists never identified the location of the species recorded and did not differentiate their presence among the three preserves associated with the Project (Conservation Park, Hilltop Park, and Harbor Point Park); 2) the integrity of the list was not able to be confirmed since most species were not photo-documented and/or vouchered; and 3) some species need botanical expertise to confirm their identity and, as a result, some of the species on the old lists were misidentified.

No cactus wrens (*Campylorhynchus brunneicapillus cousei*) were heard or seen.

A western ringneck snake (*Diadophis punctatus*) was observed and photographed on May 27, 2008, in the middle of the Preserve in one of the open old trails (Figure 5).



Figure 5: Western ringneck snake

HABITAT MAINTENANCE AND RESTORATION

Objective 1: Oversee habitat creation/enhancement activities that the developer implements on the Preserve.

Headlands Reserve, LLC has an obligation under the Onsite Mitigation and Revegetation Plan, dated April 15, 2005, prepared by URS Corporation, to restore a total of 26.2 acres to coastal sage scrub through enhancement and creation activities throughout the natural open space associated with the Project. Some of the restoration areas are located within the Preserve and consist of both creation and enhancement. According to the California Coastal Commission documents and the Onsite Mitigation and Revegetation Plan, no container plants or irrigation are to be used within the Preserve. Thus, the activities consist of treating exotic plants (through hand pulling and/or chemical treatment), raking in native seed (from an approved seed mix), and removing trash. Minimal soil disturbance is allowed within the Preserve to help minimize impacts to Pacific pocket mice.

Headlands Reserve, LLC has maintained a contractor, Nature's Image, to maintain the revegetation areas (creation and enhancement) weed free over the monitoring period of five years, as required in the Onsite Mitigation and Revegetation Plan. Nature's Image retreated all of the areas previously treated on the Preserve and removed new weedy species that were identified by Center staff. Nature's Image did not seem to proactively periodically check the Preserve for non-natives in need of removal/treatment, but they did respond to requests by Center staff. Natures Image also conducted weed control without concern for nesting gnatcatchers unless directed to avoid a specific

area by the Preserve Manager. URS Corporation did not provide monitoring services for Natures Image to ensure they did not adversely affect breeding gnatcatchers within the Preserve.

Active restoration, including use of irrigation systems and container plants, continued on the East side of Marguerita Road in FY 2008. It looks as though non-natives are continuing to be treated in this portion of the Preserve, but erosion at the cut bank adjacent to Marguerita Road continues to be a concern because no actions have been taken to address the issue.

The greater concern of FY2008 was that the revegetation area on the Preserve was overwatered. It was watered the entire summer of 2008 and exhibited the following issues associated with over-watering: wet soil below 2 inches, fungal crust on top of open sand (Figure 6) in the area watered, and mulefat (*Baccharis salicifolia*) and *ambrosia* growing in the restoration area. The Preserve Manager coordinated with Natures Image staff and URS Corporation staff to attempt to rectify the problem with no success. The California Native Plant Society identified the same problem, among others, and notified the City of Dana Point, with no resulting change.

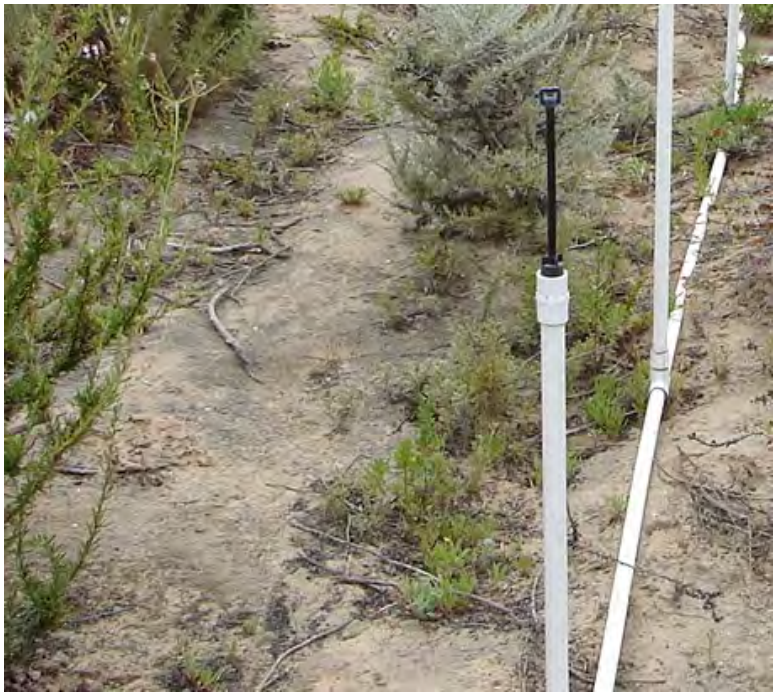


Figure 6: Fungal crust in open sand areas East of Marguerita Road taken 5-12-08

Please note that the above information is that which Center staff has gained by patrolling the Preserve at least once per week. No formal coordination or reports are provided to the Center from Headlands Reserve, LLC or their contractors. However, when encountered on-site, the contractors share information on the activities they are conducting on-site. Center staff will continue to encourage more proactive coordination among all parties.

Objective 2: Control exotic plant species on the Preserve.

Center staff regularly pulled resprouting and newly germinating weedy plants encountered during patrols. However, as stated above, the Center has little obligation to control weeds during the 5-year monitoring period. One exotic plant species of concern identified by Fred Roberts on-site is Sahara mustard (*Brassica tournfortii*). It was removed by the Preserve Manager by hand and disposed off-site.

Objective 3: Remove duff to enhance Pacific pocket mouse habitat.

It is expected that having more open sand on the Preserve would benefit PPM. In order to maximize the amount of open sand on the preserve, the Preserve Manager conducted a limited amount of duff, woody debris, and leaf litter (duff) removal. Duff removal was conducted January through March 2008, before the PPM surveys were initiated, and consisted of using the back (blunt) side of a garden rake to push the duff sitting on top of the sand into a pile and then removing the duff by hand and hauling it off-site. The back of the rake was used to minimize the potential for soil disturbance. Most of the material removed consisted of duff under *Artemisia californica* and woody debris. The location of all areas treated was identified using a Trimble GPS unit and is mapped in Appendix E. The total area treated was 4,487.48 square feet (approximately 0.1 acre).

At the same time, the Preserve Manager coordinated with Headlands Reserve, LLC to have them remove duff in areas where non-native species were previously treated by Natures Image. The duff in these areas was mostly the dead remains of *Acacia* species and iceplant (*Carpobrotus* and *Mesembryanthemum* sp.). Eight areas were identified as described in Table 6 below. The location of all areas treated was identified using a Trimble GPS unit and is mapped in Appendix E. Headlands Reserve, LLC contracted Natures Image to remove the duff from all eight areas. The Preserve Manager visited the Natures Image crew repeatedly to help ensure the appropriate areas were being treated and soil disturbance would not occur as a result of the project. The work entailed several men on-site for multiple days in January 2008. Truckloads of materials were removed from the site. The total area treated was approximately 0.31 acres.

Table 6: Areas where duff was removed prior to PPM surveys

Map Location	Features	Center Point GPS Coordinates	Acreage of Area Treated	Depth	Composition of Duff
1	Trail runs through area	433804 / 3702623	3,943.40 ft^2	1.25 inches	Acacia leaves and branches
2	Trail runs through area	433773 / 3702612	505.61 ft^2	1 - 2 inches	Acacia leaves and branches
3	Between berm and trail	433757 / 3702610	312.10 ft^2	1 inch	Acacia leaves and branches
4	Between old and new trail	433657 / 3702596	1,185.93 ft^2	about 1 inch	Iceplant
5	At overlook 2	433694 / 3702578	4,426.06 ft^2	.75 inch	Iceplant
6	Along old trail	433630 / 3702615	707.54 ft^2	.5 to 1 inch	Iceplant and palm tree
7	Off old trail	433702 / 3702667	1,017.82 ft^2	1 - 2 inches	Acacia leaves and wood
8	Near drainage	433605 / 3702733	1,409.30 ft^2	1 inch	Acacia leaves and wood



Figure 7: Location 3 prior to duff removal



Figure 8: Location 3 post duff removal

In September 2008, after the PPM surveys were completed, duff removal was continued on the Preserve. The same methods were used to remove the duff, but a more systematic approach was used in identifying which areas would be treated in order to provide potential for analyzing whether such measures benefit PPM. The same grid cell layout used for identifying trap locations for PPM surveys were used to mark the geographic limits of where duff would be removed. The selection of which grid cells to treat was based on the following:

- Only grid cells that did not capture PPM in the 2008 trapping effort would be considered.
- No grid cells along the outer edge of the Preserve would be considered in order to minimize potential erosion issues along the slope/edge of the bluff top.
- No grid cells were considered along the chain link fence line since these areas will undergo

changes when the chain link fence is removed in the near future by Headlands Reserve, LLC.

- No grid cells were considered along Marguerita Road since the road would be removed and various activities would occur along the edge of those grid cells.
- Of the 66 grid cells trapped for PPM, 28 were available for duff removal. Among those, 50% were randomly selected using a random numbers program.

As a result, the grid cells identified in Table 7 were treated. Center staff conducted all the duff removal in these areas. Five grid cells were treated in September 2008. The remaining grid cells were completed in FY2009.

Table 7: Grid Cells selected and not selected for duff removal

	Grid Cell	**Randomly Selected (X)**
1	B6	X
2	B9	X
3	C4	
4	C5	
5	C6	
6	C7	X
7	C8	X
8	C9	
9	D4	
10	E3	
11	E6	
12	F2	
13	F6	
14	F12	X
15	G3	
16	G8	X
17	G9	X
18	G10	
19	G11	X
20	H5	X
21	H7	X
22	H9	X
23	H10	X
24	I4	
25	I7	X
26	I10	
27	I11	
28	I12	X



Figure 9: Duff removed from one grid cell

PUBLIC SERVICE AND GENERAL MAINTENANCE

Objective 1: Encourage better public compliance with restrictions on the Preserve through increased patrolling activity, repair of fence failures, and more effectively placed signs.

The Preserve was closed to general public access in FY2008. A majority of the Preserve remains protected by chain link fencing with 3-strand barbed wire at the top of the fence. A new gate was installed by Headlands Reserve, LLC at the end of Dana Strand Road in April 2007; making a total of three gates available to enter the Preserve. All gates are locked to prevent access by the general public. Existing perimeter fences are expected to be removed as part of Headlands Reserve, LLC habitat restoration responsibilities, but this cannot be done until Marguerita Road is vacated, removed, and permanent perimeter fencing is in place. In the interim, the Center is maintaining the temporary perimeter fence and signage that identifies the Preserve as a nature preserve that is managed by the Center.

The Preserve, fence, and signs are patrolled weekly by the Preserve Manager. Trash is collected from inside the fenced area and any holes or damage to the fence and signs are repaired as soon as they are identified. The fence was cut a few times and some new trash was encountered, but in general trespass problems were substantially less than experienced in FY2007. The neighbors to the Preserve have provided good oversight and information to help the Preserve Manager readily resolve any such problems.

Objective 2: Expand the GIS database as necessary.

Several GIS coverages were acquired from URS Corporation to expand our GIS database of spatial information for the Preserve. Such coverages included the following: Revegetation and seed mix coverages from URS corporation, species points taken by the Preserve Manager, the 16x16 grid overlay created by the USFWS to set up the PPM trapping layout, rare plant locations prepared by Fred Roberts, constructed trail alignment, and an updated aerial photo (Table 9). We also received a shape file of all PPM trap locations from the Service.

Table 9: GIS Coverages on File

Coverage	**Source**	**Source Year**
Aerial Photo	Eagle Aerial	2008
Final Trail Route	Center	2008
Rare Plant Points	Fred Roberts	2008
PPM 16x16 Grid	USFWS	2008
Gnatcatcher (points, use area, nests locations)	Center	2008
Bobcat Point	Center	2007
Revegetation Areas & Seedmix	URS Corporation	2007
Gnatcatcher (points, use area, nests locations)	Center	2007
General Wildlife (whiptail and red racer)	Center	2007
Cliff Spurge Points	Center	2006
Veg Baseline Transect Locations	Center	2006
Aerial Photos	URS Corporation	2006 and 1991
PPM Habitat Areas	URS Corporation	
Vista Points	URS Corporation	
Pacific Pocket Mouse Points	USFWS	1993-2007
Cliff Spurge Points	URS Corporation	2007
Trail Location Options	URS Corporation	2007
Sensitive Species (Cliff spurge and Boxthorn)	URS Corporation	2006
Vegetation Communities	URS Corporation	unknown
Gnatcatcher Locations	URS Corporation	unknown
Coastal Commission ESHA Boundaries	URS Corporation	unknown
Jurisdictional Channels	URS Corporation	unknown
Open Space	URS Corporation	unknown
Headlands LLC Project Boundaries	URS Corporation	unknown
Headlands LLC Revegetation Areas	URS Corporation	unknown

Objective 3: Initiate development of a public outreach program and educational opportunities within the Preserve, including working with the City of Dana Point, Homeowner's Association(s) and Ocean Institute.

The Preserve Manager continues to interact with the existing homeowner's on Dana Strand and Scenic Drive. A newsletter was provided in April to all residents nearby the Preserve and other interested parties such as the Ocean Institute, Fire Stations, and Police Stations (Appendix F).

In October, 2007, Jacqueline Cain, a Dana Point resident and active advocate for preservation of the Dana Point Headlands, died. A memorial gathering was held on the Preserve November 10, 2007. Jacqueline Cain's family asked that in lieu of flowers, money be donated to the Center for the Preserve. A total of $1,360.00 was received, of which $673.86 was used to purchase two infrared wildlife cameras and associated supplies. Such cameras were not previously identified in the property analysis record for the Preserve. The cameras have become invaluable tools as described earlier in this report under Biotic Surveys, Objective 4: Monitor predator use of the Preserve.

Guided tours of the Preserve are available per request by the Preserve Manager. Some of the tours conducted in FY2008 were for nearby residents, members of the Steele family (Harry and Grace Steele Foundation), California Native Plant Society, and City of Dana Point staff.

REPORTING

Objective: Draft a Five Year Management Plan, an Annual Report, and a Work Plan.

A low effect HCP draft permit application was submitted by the Center to the USFWS in FY 2008 to address the potential for take of gnatcatchers and Pacific pocket mice from future management actions. The process was not completed and will continue in FY 2009. As stated in our FY 2008 Workplan, the Center intends to prepare a new habitat management plan that addresses only the portion of land that the Center owns and manages, utilizes the results of the rare plant and small mammal surveys completed in 2008, and addresses the inadequacies of the April 18, 2005 HMMP prepared by URS Corporation. However, the low effect HCP process and Center-prepared management plan may ultimately become one in the same. There is no target date established for completing the new habitat management plan. However, it will be completed before the updated HMMP is required in 2010.

A Work Plan and budget for the 2009 fiscal year (October 2008 through September 2009) were completed and provided to the USFWS, CDFG, and City of Dana Point.

A comprehensive management and monitoring report is required every three years. To provide specific management recommendations to reverse any declining trends in habitat or species' populations. Such a report will be produced in FY 2009.

ENDOWMENT

The original endowment provided to the Center was in the amount of $1,747,844.00. The endowment balance as of September 30, 2008 was $1,747,579.00.

EXPENDITURES

The expenses for the 2008 Fiscal Year are provided in Appendix G. The expenditures were only 81.86 percent of the budget for FY2008. This is because the Preserve was not open to the public in FY2008.

REFERENCES

Brylski, Phil; Dodd, Shana; and Montgomery, Steve (2008). DRAFT Pilot Monitoring Project for the Pacific Pocket Mouse CNLM Dana Point Preserve, December 12, 2008. Draft.

Headlands Reserve, LLC and City of Dana Point (2004). The Headlands Development and Conservation Plan, September 22, 2004.

Roberts, Fred M. Jr. (2008). A Botanical Assessment of the Dana Point Preserve, Dana Point, California: A Survey of Sensitive, Rare, and Endangered Plants, and Floristic Inventory, December 2008.

URS Corporation (2005). Onsite Mitigation and Revegetation Plan for The Headlands, Dana Point, California, April 15, 2005.

URS Corporation (2005). Habitat Management and Monitoring Plan for Dana Point Headlands Biological Open Space, April 18, 2005.

APPENDIX A: Catalog of Flora (Roberts 2008)

PTERIDOPHYTES - FERNS AND ALLIES

POLYPODIOPHYTA - FERNS

POLYPODIACEAE - POLYPODY FAMILY

Polypodium californicum Kaulf. CALIFORNIA POLYPODY. Perennial from rhizome. Scarce, patchy, found only in openings, along trails, and under shrubs in mesic coastal bluff scrub; western rim and north slopes. [*F.M. Roberts 6907* (RSA)].

PTERIDACEAE - LIP FERN FAMILY

Pellaea andromedifolia (Kaulf.) Fee COFFEE FERN. Perennial rhizome. Scarce on north-facing slopes along western rim; mesic coastal bluff scrub. [*F.M. Roberts 6908* (RSA)].

Pentagramma triangularis (Kaulf.) Yatsk., Windh., & Wollenw. subsp. ***viscosa*** (D.C. Eat.) Yatsk., Windh., & Wollenw. [*Pityrogramma t.* var. *viscosa* (D.C. Eat.) Weath.] SILVERBACK FERN. Perennial. Scarce on north-facing slopes along western rim; mesic coastal bluff scrub. Rare: LC. [*F.M. Roberts 7009* (RSA)].

MAGNOLIOPHYTA - FLOWERING PLANTS

MONOCOTYLEDONS - MONOCOTS

ARECACEAE (PALMAE) - PALM FAMILY

****Washingtonia robusta*** H. Wendl. MEXICAN FAN PALM. Tree. A single individual found on the xeric rock cliffs at the southeastern border of the Preserve; coastal bluff scrub. Not documented due to lack of access.

ASPHODELACEAE - ASPHODEL FAMILY [Liliaceae, sensu The Jepson Manual, 1993]

.

****Asparagus asparagoides*** (L.) Druce SMILAX. Twining perennial. Local and patchy, not uncommon where found on open disturbed sand at border of coastal sage scrub and residential housing near Main Gate, central bluff top. [*F.M. Roberts 7002* (RSA)].

****Asparagus densiflorus*** (Kunth) Jessop [*A. sprengeri* Reg.]. EMERALD FERN. Perennial. Scarce. A single individual growing at border of irrigated landscaping and sumac chaparral at the Western Gate, central bluff top. Only a waif here but well established in giant thickets along southern cliffs below homes just east of Preserve. [*F.M. Roberts & C.A. Roberts 7118* (RSA)].

ASPHODELACEAE - ASPHODEL FAMILY
[Liliaceae, sensu The Jepson Manual, 1993]

****Aloe saponaria*** (Ait.) Haw. *vel aff.* SOAP ALOE. Succulent perennial. Scarce garden escape found in a single large clump on west-facing bluff slope along rim between Northwest Overlook (4) and West Overlook (3); coastal bluff scrub. [*F.M. Roberts 6735* (RSA)].

IRIDACEAE - IRIS FAMILY

Sisyrinchium bellum S. Watson CALIFORNIA BLUE-EYED GRASS. Perennial. Uncommon to scattered, mostly in openings of coastal sage scrub north, north ridge. Possibly established from seed mix. Not seen outside of irrigation areas. [*F.M. Roberts 6985* (RSA)].

POACEAE - GRASS FAMILY

****Agrostis viridis*** Gouan [*A. semiverticillatus* (Forssk.) C. Chr.; *Polypogon s*. (Forssk.) Hylander] WATER BENTGRASS. Perennial. Scarce in irrigated areas north of Marguerita Ave. [*F.M. Roberts 6987* (RSA)].

****Arundo donax*** L. GIANT REED. Perennial. Uncommon at base of bluffs above Dana Strand Beach in disturbed border between coastal bluff scrub and coastal strand and along southern cliffs. [*F.M. Roberts 7121* (RSA)].

****Avena fatua*** L. WILD OAT. Annual. Mostly scattered and uncommon in sandy openings, especially along trails. [*F.M. Roberts 6717* (RSA)].

****Bromus diandrus*** Roth COMMON RIPGUT GRASS. Annual. Overall uncommon but locally in dense patches, mostly found in coastal bluff scrub along rim. [*F.M. Roberts 6724* (RSA)].

****Bromus hordeaceus*** L. SOFT CHESS. Annual. Uncommon to scattered weed, mostly in lightly disturbed sites. [*F.M. Roberts 6914* (RSA)].

****Bromus madritensis*** L. subsp. ***rubens*** (L.) Husnot FOXTAIL CHESS or RED BROME. Annual. Scattered along trails and in openings. [*F.M. Roberts 6715* (RSA)].

Distichlis spicata (L.) E. Greene [Incl. *D. spicata* subsp. *stricta* (Torr.) Thorne] SALT GRASS. Perennial. Local and patchy, often forming dense stands where found as on the rim adjacent to the West Gate, or at seepy sites along the lower slopes and cliff bases at Dana Strand Beach and the southern cliffs. [*F.M. Roberts 7124* (RSA)].

****Ehrharta erecta*** Lam. PANIC VELDT GRASS. Perennial. Uncommon, found only at margin of irrigated landscaping and in the ravine near West Gate. [*F.M. Roberts & E. Maher 6798* (RSA)].

Elymus condensatus J.S. Presl [*Leymus c.* (J.S. Presl) Love] GIANT WILDRYE. Perennial. Uncommon in stand of sumac chaparral adjacent to ravine at West Gate, central bluff top. [*F.M. Roberts 6945* (RSA)].

****Lamarckia aurea*** (L.) Moench GOLDENTOP. Annual. Uncommon weed in sandy openings. [*F.M. Roberts & E. Maher 6713* (RSA)].

Melica imperfecta Trin. SMALL-FLOWERED MELIC GRASS. Perennial. Occasional, mostly along rim in mesic coastal bluff scrub, northern slopes. Uncommon elsewhere. [*F.M. Roberts 6906* (RSA), *F.M. Roberts 6985* (RSA)].

Muhlenbergia microsperma (DC.) Kunth LITTLESEED MUHLY. Annual. Uncommon in sandy openings in coastal bluff scrub on slopes along southern rim. [*F.M. Roberts & E. Maher 6811* (RSA)].

****Schismus barbatus*** (L.) Thell. MEDITERRANEAN SCHISMUS. Annual. Widespread and Fairly common in open areas. [*F.M. Roberts & E. Maher 6805* (RSA)].

Stipa lepida A. Hitchc. [*Nassella l.* (A. Hitchc.) Barkworth] FOOTHILL NEEDLEGRASS. Perennial. Uncommon but scattered mostly found at south margin of central bluff top and along southern rim. [*F.M. Roberts 6865* (RSA)]].

Stipa pulchra A. Hitchc. [*Nassella p.* (A. Hitchc.) Barkworth] PURPLE NEEDLEGRASS. Perennial. Scarce in coastal bluff scrub on slopes along rim. A few individuals on north ridge, especially near Hilltop Park boundary. [*F.M. Roberts 6863* (RSA)].

****Vulpia myuros*** (L.) C.C. Gmelin var. ***myuros*** RATTAIL FESCUE. Annual. Occasional to fairly common along trails and in open areas, especially along rim in mesic coastal bluff scrub. [*F.M. Roberts 6854* (RSA), *F.M. Roberts 6911* (RSA)].

THEMIDACEAE - BRODIAEA FAMILY
[Liliaceae, sensu The Jepson Manual, 1993]

Dichelostemma capitatum Alph. Wood subsp. *capitatum* WILD HYACINTH or SCHOOL BELLS. Perennial from corm. Uncommon to scattered on central bluff top and along rim; mostly in coastal sage scrub. Not seen on northern ridge although noted in this area in the past. Possibly impacted by restoration project. [*F.M. Roberts 6718* (RSA)].

EUDICOTYLEDONS - EUDICOTS

ADOXACEAE - ELDERBERRY FAMILY
[Caprifoliaceae, sensu The Jepson Manual, 1993]

Sambucus nigra L. subsp. ***caerulea*** (Raf.) Bollie [*S. mexicana* C. Presl ex D.C., *S. caerulea* Raf.] BLUE ELDERBERRY. Shrub or small tree. A few scattered individuals found on the central bluff top in coastal sage scrub; rarely in mesic coastal bluff scrub of the north slope. [*F.M. Roberts 6944* (RSA)].

AIZOACEAE - CARPET-WEED FAMILY

****Carpobrotus edulis*** (L.) Rotm. HOTTENTOT-FIG. Suffruticose succulent perennial. Widespread but mostly patchy, the patches occasionally dense. Most frequently found in on the slopes along the rim, cliffs, and other areas with poor access. Until recently fairly common but aggressive weeding has significantly reduced presence. [*F.M. Roberts & E. Maher 7067* (RSA)].

****Malephora crocea*** (Jacq.) Schwantes CROCEUM ICE PLANT. Succulent perennial. Occasional escape, mostly found along rim and at base of south cliffs. [*F.M. Roberts et al. 7126* (RSA)].

****Mesembryanthemum crystallinum*** L. CRYSTAL ICE PLANT. Annual. Uncommon in open sandy places, mostly found on slopes and cliffs along rim, less common on central bluff top. [*F.M. Roberts 6864* (RSA)].

****Tetragonia tetragonioides*** (Pallas) Kuntze NEW ZEALAND SPINACH. Succulent annual. Scarce in disturbed areas, seen along Marguerita Ave. and at base of north slope at Dana Strand Beach. [*F.M. Roberts 6840* (RSA)].

AMARANTHACEAE - AMARANTH FAMILY
[includes Chenopodiaceae, sensu The Jepson Manual, 1993]

Aphanisma blitoides Moq. APHANISMA. Annual. Local and patchy on sandy soils, in openings and sprawling over shrubs on slopes along western and southern rim; coastal bluff scrub. CNPS List 1B.2. [*E. Maher s.n., 2 May 2006* (UCR), *F.M. Roberts 6736* (RSA)].

Atriplex californica Moq. CALIFORNIA SALTBUSH. Perennial. Fairly common on sandy slopes along rim and steep cliffs down to the shore from Dana Strand Beach to the SE corner of the Preserve; coastal bluff scrub. [*F.M. Roberts 904, 10 Mar 1983* (IRVC, UCSB), *F.M. Roberts 6731* (RSA), *F.M. Roberts 7073* (RSA)].

Atriplex lentiformis (Torr.) S. Watson subsp. ***lentiformis*** [incl. *A.l.* subsp. *breweri* (S. Watson) Hall & Clements] BREWER'S SALTBRUSH. Shrub. Uncommon in somewhat disturbed sites on central bluff top near Main Gate and along ravine on north slope above Dana Strand Beach. Possibly originating from non-native plantings and seed dispersal. [*F.M. Roberts & C.A. Roberts 7112* (RSA)].

****Atriplex semibaccata*** R. Br. AUSTRALIAN SALTBUSH. Shrubby perennial. Scattered on eroded soils, mostly along south rim and at base of cliffs. [*F.M. Roberts 7070* (RSA)].

Chenopodium californicum (S. Watson) S. Watson CALIFORNIA GOOSEFOOT. Perennial. Ocassional to locally fairly common on north ridge, central bluff top, north slope, and along rim in more mesic situations, especially toward the west. [*F.M. Roberts 893, 10 Mar 1983* (IRVC, UCSB), *F.M. Roberts et al. 5856, 11 May 2003* (RSA), *F.M. Roberts 6909* (RSA)].

****Chenopodium murale*** L. NETTLE-LEAVED GOOSEFOOT. Annual. Scarce, found only along disturbed roadside habitat on Marguerita Ave. [*F.M. Roberts 6808* (RSA)].

****Salsola tragus*** L. RUSSIAN-THISTLE. Annual. Scattered on eroded soils, mostly below bluff rim and on southern cliffs; disturbed coastal bluff scrub. [*F.M. Roberts 7069* (RSA)].

Suaeda taxifolia Standl. WOOLLY SEA-BLITE. Shrub. Scarce, possibly extirpated. Reported to occur at base of steep sandy slope adjacent to Dana Strand Beach (GLA, 2002). Not seen at this location during 2008 surveys. Also reported to occur just NW of Preserve above Dana Strand Beach (GLA, 2002). CNPS List 4.2. Not vouchered.

ANACARDIACEAE - SUMAC FAMILY

Rhus integrifolia (Nutt.) Benth. & Hook.f. ex Rothr. LEMONADE BERRY. Shrub. Uncommon and patchy on bluff top in coastal sage scrub and sumac chaparral; widespread and locally abundant on slopes along rim and north slope in coastal bluff scrub, especially on north-facing mesic slopes where large, dense stands occur. [*F.M. Roberts 6722* (RSA)].

APIACEAE (UMBELLIFERAE) - CARROT FAMILY

Apiastrum angustifolium Nutt. MOCK PARSLEY. Annual. Scattered to fairly common on sandy soils, often under shrubs on central bluff top, less common along rim. [*F.M. Roberts 6734* (RSA)].

Daucus pusillus Michx. RATTLESNAKE WEED. Annual. Occasional on central bluff top in coastal sage scrub. [*F.M. Roberts 6857* (RSA)].

ARALIACEAE - GINSENG FAMILY

****Hedera helix*** L. ENGLISH IVY. Woody vine. Scarce, escaping from irrigated landscaping along NW edge of Preserve near Western Gate. [*F.M. Roberts & C.A. Roberts 7115* (RSA)].

ASTERACEAE (COMPOSITAE) - SUNFLOWER FAMILY

Amblyopappus pusillus Hook. & Arn. COAST WEED. Annual. Fairly common along bluff rim in sandy soils and eroded silty clay soils, open areas; coastal bluff scrub. [*F.M. Roberts 6862* (RSA)].

Ambrosia chamissonis (Less.) E. Greene BEACH-BUR. Perennial. Uncommon on steep, sandy slopes, north slopes above Dana Strand Beach in open coastal bluff scrub. [*F.M. Roberts 6976* (RSA)].

Ambrosia psilostachya DC. WESTERN RAGWEED. Perennial. Uncommon on mesic sites, especially in ravines, slopes above Dana Strand Beach in disturbed coastal bluff scrub. Becoming locally common and spreading along old dirt roads in irrigated coastal sage scrub on north ridge. [*F.M. Roberts 7066* (RSA)].

****Argyranthemum foeniculatum*** (Willd.) Schultz-Bip. CANARY ISLAND MARGEURITE. Shrubby perennial. Uncommon escape from cultivation near homes on the central bluff top. [*F.M. Roberts & L. Carranza 6451, 25 Oct 2006* (RSA), *F.M. Roberts 6814* (RSA)].

Artemisia californica Less. COASTAL SAGEBRUSH. Shrub. Widespread and abundant dominant in coastal sage scrub, less frequent along rim in coastal bluff scrub. [*F.M. Roberts 6453* (RSA)].

Baccharis pilularis DC. subsp. ***consanguinea*** (DC.) C.B. Wolf. COYOTE BRUSH or CHAPARRAL BROOM. Shrub. Occasional on central bluff top and northridge; coastal sage scrub. Less common on

mesic slopes north slopes overlooking Dana Strand Beach. Especially common in irrigated area on northern ridge where heavily seeded on old dirt roads. [*F.M. Roberts 7098* (RSA)].

Baccharis salicifolia (Ruiz & Pav.) Pers. MULE FAT. Shrub. Uncommon on slopes associated with a mesic ravine on north slopes above Dana Strand Beach and along ravine at West Gate on central bluff top. Recently becoming established in coastal sage scrub within irrigated areas on northern ridge. [*F.M. Roberts & E. Maher 6799* (RSA)].

Chaenactis glabriuscula DC. var. ***glabriuscula*** YELLOW PINCUSHION. Annual. Fairly common to abundant, especially in open sand and along trails. Mostly seen just north of Marguireta Ave. on northern ridge and along rim. A 4 Apr 1955 collection [*E.K. Balls 20424* (RSA)] described as "coastal sage scrub, locally abundant on dry grassy slopes overlooking sea just north of point" possibly came from the Preserve or just to the north. [*F.M. Roberts C21, 4 Apr 1977* (SDKC), *F.M. Roberts 1950, 13 May 1983* (IRVC), *F.M. Roberts et al., 5847, 11 May 2003* (RSA), *F.M. Roberts 6975* (RSA)].

Conyza canadensis (L.) Cronq. COMMON HORSEWEED. Annual. Uncommon, found mostly in disturbed habitat along Marguerita Ave. and on north slopes just above Dana Strand Beach. [*F.M. Roberts & C.A. Roberts 7113* (RSA)].

Conyza coulteri A. Gray [*Laennecia c.* (A. Gray) Nesom] COULTER'S HORSEWEED. Annual. Scarce. Known only from disturbed coastal sage scrub along Scenic Drive near future Visitor Center site. [*F.M. Roberts & C.A. Roberts 7111* (RSA)].

Corethrogyne filaginifolia var. ***virgata*** (Benth.) A. Gray [*Lessingia f.* (Hook. & Arn.) M.A. Lane var. *filaginifolia*] VIRGATE SAND ASTER. Perennial. Uncommon in sandy openings of coastal sage scrub; northern ridge and central bluff top. [*F.M. Roberts & E. Maher 7072* (RSA)].

Deinandra fasciculata (DC.) E. Greene [*Hemizonia fasciculata* (DC.) Torr. & A. Gray] FASCICLED TARPLANT. Annual. Uncommon to scattered but overall widespread, often on more compacted soils. [*F.M. Roberts 7109* (RSA), *F.M. Roberts 7064* (RSA)].

Encelia californica Nutt. CALIFORNIA ENCELIA. Shrub. Overall common to locally abundant and widespread. A dominant species in coastal sage scrub and coastal bluff scrub throughout the Preserve. [*F.M. Roberts & E. Maher 6452* (RSA)].

Filago californica Nutt. [*Logfia filaginoides* (Hook. & Arn.) Morefield] CALIFORNIA FILAGO or FLUFFWEED Annual. Occasional in openings and along trails. [*F.M. Roberts 6853* (RSA)].

Heterotheca grandiflora Nutt. TELEGRAPH WEED. Summer annual or biennial. Uncommon on sand along dirt roads and in openings, northern ridge and central bluff top near Main Gate. More common north of Marguerita Ave. in former years. [*F.M. Roberts & C.A. Roberts 7110* (RSA)].

****Hypochaeris glabra*** L. SMOOTH CAT'S EAR. Annual. Scattered weed about trails and openings, espcially along the rim. [*F.M. Roberts 6867* (RSA), *F.M. Roberts 7008* (RSA)]].

Isocoma menziesii (Hook. & Arn.) Nesom var. ***sedoides*** (E. Greene) Nesom PROSTRATE GOLDENBUSH. Succulent-leaved shrub. Uncommon on steep slopes above Dana Strand Beach, often in disturbed soils; coastal bluff scrub. A few individuals appear to be relatively good representatives of this taxon but most plants on this slope appear intermediate to *I.m.* var. *vernonioides* in having taller stature and thickened succulent leaves. [*F.M. Roberts 7123* (RSA)].

Isocoma menziesii var. ***vernonioides*** (Nutt.) Nesom COASTAL GOLDENBUSH. Shrub. Fairly common, especially along the ridge north of Marguerita Ave. [*F.M. Roberts & E. Maher 6458* (RSA)].

Lasthenia gracilis (DC.) E. Greene [*L. californica* DC. ex Lindl. of County refs.; *L. chrysostoma* (Fischer & C. Meyer) E. Greene] COASTAL GOLDFIELDS. Annual. Very local on sandy slopes below rim near Northwest Overlook (4); coastal bluff scrub. Formerly common on northern ridge but not seen at this location during this survey. [*F.M. Roberts & E. Maher 6732*

Layia platyglossa (Fischer & C. Meyer) A. Gray [*L. p.* subsp. *campestris* Keck] COMMON TIDY TIPS. Annual. Scarce, known from a few individuals on small patch of clay on north northern ridge near the boundary with the Hilltop Park. Site recently disturbed and plants possibly originating from seed mix.