

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



February 21, 2025

The Honorable City Council
City of Dana Point
33282 Golden Lantern St. Ste. 203
Dana Point, CA 92629

Re: Effective Certification of City of Dana Point LCP Amendment No. LCP-5-DPT-21-0079-2

Dear Council Persons:

We are pleased to notify you that on February 5, 2025, the Commission concurred with the Executive Director's determination that the action of the City of Dana Point accepting certification of Local Coastal Program (LCP) Amendment No. LCP-5-DPT-21-0079-2 with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(v).

City of Dana Point LCP Amendment No. LCP-5-DPT-21-0079-2 was submitted for Commission certification with City Council Resolution No. 20-06-16-02. The amendment allows for the replacement of the existing hotel with a new lower-cost hotel of equal room count and room rates ("Surf Lodge"), as well as the construction of a new 130-room market rate hotel ("Dana House Hotel"). In addition, the City is requesting reconfiguration of the existing boater service buildings and parking areas within Planning Area 3 to be incorporated into the planned hotel development.

On June 14, 2024, the Commission approved with modifications LCP Major Amendment No. LCP-5-DPT-21-0079-2 to assure protection of coastal resources including public access, lower-cost overnight accommodations, recreational opportunities, public coastal views, coastal-dependent development, and biological and marine resources. On September 3, 2024, within 180 days of Commission action on the LCP amendment, the Dana Point City Council unanimously adopted Ordinance No. 24-08 and passed Resolution No. 24-07-16-04, incorporating the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. LCP-5-DPT-21-0079-2, and submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's June 14, 2024 action. Then, as previously stated, on February 5, 2025, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of this LCP amendment. Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact Jeffrey Palm at Jeffrey.Palm@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "JP", with a stylized flourish at the end.

Jeffrey Palm
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
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(562) 590-5071 FAX
WWW.COASTAL.CA.GOV



W14

Prepared January 27, 2025 (for the February 05, 2025 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Orange County for February 2025**

The following coastal development permit (CDP) waivers, CDP extensions, and Executive Director Concurrence for the South Coast District Office are being reported to the Commission on February 05, 2025. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 5th.

With respect to the February 5th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on February 05, 2025 (see attached)

Waivers

- 5-24-0689-W, Dean - Remodel (Laguna Beach)
- 5-24-0861-W, Kreitenberg -New ADU (Laguna Beach)
- 5-24-0898-W, Mansour TR - New ADU (Laguna Beach)
- 5-24-0921-W, City of San Clemente - Construction of statue (San Clemente)
- 5-24-0926-W, Leisy - Convert storage area to ADU (Seal Beach)
- 5-25-1038-W, Walshe - Convert garage to ADU (San Clemente)
- 5-25-0006-W, Enmeier - New SFR (San Clemente)

CDP Extension

- 5-18-1002-A1-E5, City of Huntington Beach - Bridge Maintenance and repairs (Huntington Beach)

Executive Director Concurrence

- **LCP-5-DPT-21-0079-2, City of Dana Point - (Dana Point)**

CALIFORNIA COASTAL COMMISSION

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301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



January 21, 2025

W14

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Shannon Vaughn, District Manager
Jeffrey Palm, Coastal Program Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action by the City of Dana Point accepting certification of LCP Amendment No. LCP-5-DPT-21-0079-2 with suggested modifications is legally adequate.

On November 30, 2021, the City of Dana Point submitted a request to amend its Local Coastal Program (LCP) Implementation Plan (IP). The request was submitted to the Commission's South Coast District office with City Council Resolution No. 20-06-16-02.

The LCP amendment allows for the replacement of the existing hotel with a new lower-cost hotel of equal room count and room rates ("Surf Lodge"), as well as the construction of a new 130-room market rate hotel ("Dana House Hotel"). In addition, the City is requesting reconfiguration of the existing boater service buildings and parking areas within Planning Area 3 to be incorporated into the planned hotel development. On June 14, 2024, the Commission approved with modifications LCP Major Amendment No. LCP-5-DPT-21-0079-2 to assure protection of coastal resources including public access, lower-cost overnight accommodations, recreational opportunities, public coastal views, coastal-dependent development, and biological and marine resources.

On September 3, 2024, within 180 days of Commission action on the LCP amendment, the Dana Point City Council unanimously adopted Ordinance No. 24-08 and passed Resolution No. 24-07-16-04, incorporating the modifications suggested by the Commission pursuant to its approval. On September 30, 2024, the City submitted the adopted resolution and ordinance (see attachment) to the Executive Director for a determination that the City's action is consistent with the Commission's June 14, 2024 action.

The Executive Director has reviewed the City's September 3, 2024 action and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's February meeting on February 5, 2025 as part of the Deputy Director's Report for Orange County. The Commission meeting

LCP-5-DPT-21-0079-2 Certification Review
Page 2 of 2

starts at 9 am on February 5th, and the Deputy Director's Report for Orange County is item number 14 on the agenda for that day. Interested persons are welcome to submit comments and/or sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Deputy Director's Report for Orange County, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or SouthCoast@coastal.ca.gov.

Attachment: Dana Point City Council's September 3, 2024 Action

ORDINANCE NO. 24-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING ZONE TEXT AMENDMENT ZTA19-0003 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE DANA POINT HARBOR REVITALIZATION PLAN AND DISTRICT REGULATIONS FOR PLANNING AREA 3 AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0003 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: R.D. Olson Development
File No.: LCPA19-0003/ZTA19-0003

The City Council of the City of Dana Point does hereby ordain as follows:

WHEREAS, in 1993, the City of Dana Point approved, and the California Coastal Commission certified, the Zoning Ordinance of the City of Dana Point; and

WHEREAS, on October 6, 2011, the California Coastal Commission certified the Local Coastal Plan Amendment (LCPA) and Zone Text Amendment (ZTA) for the Dana Point Revitalization Plan & District Regulations (Revitalization Plan), and was incorporated by reference (9.25.010) into the Dana Point Zoning Code (DPZC), thus part of the City's Implementation Plan; and

WHEREAS, the proposal is for a LCPA and a ZTA to update the goals, policies, and provisions for Planning Area 3 (PA 3) of the Revitalization Plan; and

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

WHEREAS, on May 7, 2020, the proposed LCPA and ZTA were made available for public review at City Hall and locations within the City of Dana Point, provided to the Coastal Commission Long Beach office, and available on the City of Dana Point's website; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on May 27, 2020, to consider said LCPA and ZTA and unanimously approved a Resolution recommending approval; and

WHEREAS, the City Council did on June 16, 2020, held a duly noticed public hearing as prescribed by law to consider the Zone Text Amendment and Local Coastal Program Amendment; and

WHEREAS, the California Coastal Commission did on June 14, 2024, conducted a duly noticed public hearing as prescribed by law and approved the Implementation Plan with suggested modifications for the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA19-0003; and

WHEREAS, the City Council did on July 16, 2024, held a duly noticed public hearing as prescribed by law to consider the Coastal Commission's suggested modifications to the Dana Point Harbor Revitalization Plan and District Regulations and Local Coastal Plan Amendment LCPA19-0003/Zone Text Amendment ZTA19-0003; and

WHEREAS, at said public hearing, upon hearing and considering all documents, testimony and arguments, if any, of all persons desiring to be heard, the City Council introduced an Ordinance adopting the Coastal Commission's suggested modifications to ZTA19-0003 and LCPA19-0003 attached hereto as Exhibit A and incorporated herein by this reference, and authorized the forwarding of the revisions to LCPA19-0003 to the Coastal Commission by Resolution; and

WHEREAS, at the second reading on the 3rd of September, 2024, said Ordinance was duly adopted as Ordinance No. 24-08.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dana Point as follows:

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The City acknowledges receipt of the California Coastal Commission's certification of the LCP amendment with suggested modifications.
- C. The City accepts and agrees to the suggested modifications and agrees to take formal action to satisfy the suggested modifications by making conforming amendments as necessary to its ordinances, General Plan, LCP, and Zoning Code.
- D. The City agrees to issue Coastal Development Permits for the subject area included in the certified Local Coastal Program.
- E. The revisions to the Zoning Ordinance are attached hereto as Exhibit "A" showing all proposed changes in a strikethrough/underline format and incorporated herein by reference;
- F. That the proposed action complies with all other applicable requirements of state law and local Ordinances;
- G. That the ZTA19-0003 and LCPA19-0003 is in the public interest;
- H. That the California Environmental Quality Act (CEQA) CEQA does not apply to activities and approvals pursuant to the California Coastal Act pursuant to CEQA Guidelines Section 15265(a)(1) by any local government necessary for the preparation and adoption of a local coastal program;
- I. The proposed amendment to the DPZC is consistent with the General Plan;

- J. The City Council adopt Zone Text Amendment ZTA19-0003 for the reasons outlined herein including but not limited to: **providing a variety of visitor serving facilities within the Harbor Revitalization Plan including market rate and lower cost overnight accommodations.**
- K. That the City Council adopt the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA and ZTA process, **in that proper notice in accordance with the LCPA and ZTA procedures of the Dana Point Zoning Code (DPZC) has been followed.**
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act, **in that the amendments to the Revitalization Plan are consistent with the Coastal Act policies in that none of the modifications proposed will impact coastal resources or access to coastal resources. The provisions required in particular to lower cost overnight visitor accommodations is maintained, a new lower cost hotel is still being developed, and 6,800 square feet of new boater serving facilities are being provided.**
 - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses, **in that the Local Coastal Plan Amendments and Zone Text Amendments do not impact any land use provisions associated with coastal resources, hazard areas, coastal access concerns, and land use priorities contained in the certified Local Coastal Plan and thereby continues to be consistent with Coastal Act policies.**
 - 4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map, **in that the level and pattern of development as approved in these documents will be consistent with the original vision of PA 3 as the area will be primarily used for Visitor Serving Commercial uses, including a variety of low cost visitor serving facilities as required in both the Dana Point Harbor Revitalization Plan and District Regulations and the Coastal Act.**
 - 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA, **in that the procedures and regulations in Chapter 9.61 "Administration of Zoning",**

constitute minimum standards for LCPAs and ZTAs within the City's Coastal Zone and applicable notification and process requirements would be applied to subsequent development requests as applicable if these amendments are approved.

6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan, **in that the goal, policies, and regulations being modified in conjunction with the portions of the Dana Point Harbor Revitalization Plan and District Regulations not amended are sufficient to carry out the coastal policies of the Land Use Plan.**
7. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976, **in that a subsequent coastal development permit is required to implement the California Coastal Commission's suggested modifications to be including as part of the local coastal program amendment.**
8. The City certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out Chapter Three policies of the Coastal Act, **in that the California Coastal Commission's suggested modifications will be incorporated into the local coastal program amendment including policies in the Land Use Plan of the Dana Point Harbor Revitalization Plan and District Regulations related lower cost overnight accommodations and community benefits.**
9. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan, **in that the California Coastal Commission's suggested modifications include amendments to the implementation plan of the Dana Point Harbor Revitalization Plan and District Regulations consistent with those proposed to the Land Use Plan.**
10. The Ordinance of the City Council specifies that Local Coastal Program Amendment LCPA19-0003 be submitted to the Coastal Commission for final certification.
- L. The City Council adopts the suggested modifications to Local Coastal Program Amendment LCPA19-0003 via Zone Text Amendment ZTA19-0003 amending Appendix C of the City Zoning Code as shown in the attached Exhibit "A" of this Ordinance.
- M. That the City Council adopts Zone Text Amendment ZTA19-0003, which

would amend the Dana Point Local Coastal Program pursuant to LCPA19-0003. The City Council approves the amendment for the reasons outlined herein and in the City Council Agenda Report, including but not limited to: updating provisions within the Dana Point Harbor Revitalization Plan and District Regulations to accurately reflect potential development within PA 3 ensuring policy and requirements are relevant, accurate, and clear, thus the proposal is consistent with the General Plan, DPZC, and Coastal Act.

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

PASSED, APPROVED, AND ADOPTED this 3rd day of September, 2024



Jamey M. Federico, MAYOR

ATTEST:



SHAYNA SHARKE
City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 24-08 was duly introduced at a regular meeting of the City Council on the 16th day of July, 2024, and was duly adopted and passed at a regular meeting of the City Council on the 3rd day of September, 2024, by the following vote, to wit:

AYES: Frost, Gabbard, Pagano, Federico

NOES: None

ABSTAIN: None

ABSENT: Villar



SHAYNA SHARKE, CITY CLERK

EXHIBIT “A”

EXHIBIT A – COASTAL COMMISSION SUGGESTED MODIFICATIONS (IN-TEXT)

Normal Text= Existing unmodified language

~~Strikethrough Text~~= Proposed language to be removed (City)

~~Double Strikethrough Text~~= Scrivener's error

Underline Text= Proposed language to be added (City)

~~**Bold Strikethrough Text**~~= Proposed language to be removed (Commission)

~~**Bold Underline Text**~~= Proposed language to be added (Commission)

1.1 Description of Dana Point Harbor Revitalization Plan

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

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

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan provides for the future improvement of many of the existing Harbor facilities as funding sources are identified and jurisdictional approvals are obtained. Major components to enhance other Visitor Serving and Marine Commercial amenities are the replacement of the outdated Marina Inn with a new hotel complex which may include two new hotels; complex with an upgraded hotel; the future renovation and/or expansion of the boater facilities on the Island, including expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space; expansion of the OC Sailing and Events Center; and an upgraded boat shipyard. Other work anticipated to be performed includes the reconfiguration and/or reconstruction of the docks and needed repairs to portions of the seawall throughout the Marinas. Although specific ideas haven't been developed at this time, some harbor

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

users have identified a need to upgrade and expand facilities at Baby Beach to meet the growing needs of hand launched vessels and to expand the level of access for non-boating day use visitors as feasible. Policies in this plan encourage maintenance and improvement of such uses in the Harbor.

The proposed Dana Point Harbor Revitalization Plan Improvements are planned to occur in phases over approximately 5 to 20 years. The near-term improvements to the Commercial Core area (also referred to as Phase 1) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary Jurisdictional approvals. The long-term improvements (referred to as Phase 11) are anticipated to include revitalization of the marinas, renovations to existing structures, street and infrastructure improvements, the reconfiguration of the area presently used for non-shipyard related activities to provide space for boat storage.

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

2.1 Overview

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

Table 2-1
LAND USE SUMMARY TABLE

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

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

Outside the Commercial Core area, the Dana Point Harbor Revitalization Plan would provide for a number of future improvements (the remaining portion of Planning Area 1 and Planning Areas 3 through 7 [landside] and 8 through 12 [waterside]). Planning Area 3 currently houses one 136-room, lower cost hotel. This hotel may be replaced with a new lower cost hotel pursuant to the LCP policy requirements in Section 5.2 includes the potential for one new hotel with lower cost overnight visitor accommodations with a minimum of 136 rooms. In addition to the replacement lower cost hotel, and a second new market rate hotel with up to 130 market rate rooms. Planning Area 3 also includes the potential for conference facilities, and other visitor serving amenities may be constructed in Planning Area 3 as long as additional lower cost overnight accommodations are provided pursuant to the LCP policy requirements in Section 5.2. Planning Area 3 plans include the potential for a new hotel with conference facilities in addition to providing up to 220 new guest rooms and other visitor serving amenities. Plans for the Island area of the Harbor (Planning Area 4) would allow for the future renovation and/or expansion of the Dana Point and Dana West Yacht Club, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. Other work would be allowed to reconfigure and/or reconstruct the marina docks and portions of the seawall in Planning Areas 8 through 12 and to add additional guest boater docks closer to the Commercial Core with a dinghy dock area adjacent to Dana Wharf, subject to a separate permitting and environmental review process.

The anticipated improvements that would be allowed by Dana Point Harbor Revitalization Plan would occur in phases over approximately 5 to 20 years. The near-term improvements (referred to as Phase 1) are estimated to take approximately 2 to 5 years to complete after obtaining the necessary jurisdictional approvals and consists of the northerly portion of Planning Area 1 and all of Planning Area 2, collectively referred to as the "commercial Core area of the Harbor" ("Marine Services Commercial" - the Embarcadero and shipyard area and "Day Use Commercial" - The Dana Wharf and Mariners Village areas). The long-term improvements (referred to as Phase 11) are anticipated to commence as funding sources are identified and jurisdictional approvals are obtained and consists of future improvements in Planning Areas 3-12 including renovations to structures and street improvements on the Island and reconfiguration of the Marinas. Future improvements may also occur in the southern portion of Planning Area 1 and includes reconfiguration of the area used for non-shipyard related activities such as boat storage, boat brokerages, jet-ski rentals and sales and hand launch vessel rentals to be included as part of the Revitalization Plan's surface boat storage area. There is also an existing park at this location that will be maintained and protected.

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

2.2 Land Use Designations.

Commercial

VISITOR SERVING COMMERCIAL (VSC)

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

The VSC designation allows uses such as:

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

The Dana Point Harbor Revitalization Plan would allow the future replacement of the existing lower cost Marina Inn with a new lower cost hotel wherein the number of existing rooms is maintained or exceeded within the new lower cost hotel, and all new rooms are offered at lower cost rates in perpetuity facility; and thereafter, the construction operation of another new market rate hotel with both hotels located closer to the waterfront than the existing hotel to promote a stronger pedestrian connection to the anticipated Pedestrian Promenade and Festival Plaza.

~~The Dana Point Harbor Revitalization Plan would allow the future replacement of the existing lower cost Marina Inn with a new lower cost facility located in the present hotel location or relocated closer to the waterfront to promote a stronger pedestrian connection with the anticipated Pedestrian Promenade and Festival Plaza.~~

The boater facilities located adjacent to the revitalized Commercial Core and hotels would be allowed to be reconfigured to provide a linear park. Other enhancements to the boater facilities include upgrades to restrooms and laundry facilities, ~~expansion~~ consolidation of office ~~space~~ square footage and the reconfiguration of surface parking areas. Associated with the design of the hotel, several boater service buildings may be relocated, and/or ~~replaced~~ incorporated within the hotel buildings. Changes in the square footage of the boater service buildings may be allowed, so long as the quality and quantity of the services and fixtures provided are preserved in proportion to observed boater use.

5.2 Overnight Visitor Accommodations and Recreational Facilities (R)

The Dana Point Harbor Revitalization Plan contemplates the construction of two new hotels. One hotel will be a lower cost ~~overnight visitor accommodations and provide no fewer of not less than 136 lower cost rooms, plus additional lower cost overnight accommodations or lower cost amenities that may be required.~~ The lower cost hotel will replace at minimum the 136 rooms of the existing Marina Inn with a new facility located closer to the waterfront to promote a stronger pedestrian connection with the Pedestrian Promenade and Festival Plaza. The lower cost ~~hotel overnight visitor accommodations~~ is planned to provide additional guest in-house amenities, including an expanded lobby area with guest services, ~~a communal kitchen, microwaves and refrigerators in each guest room,~~ ground floor beverage service and seating, upper floor beverage and food services and seating, fitness center, retail space, swimming pool, lockers and ~~self-serve laundry facilities. A communal fenced barbecue area may be provided between the lower cost hotel and Island Way.~~

The second hotel is intended to be market rate and shall provide up to 130 rooms, in addition to floor area up to 8,275 square feet of public restaurant and kitchen space dining area, up to 68,000 square feet of special function and meeting rooms with a banquet kitchen available to guests of both hotels, 600 square feet of ancillary public retail space, and a 1,700 square foot fitness center, and other outdoor activity facilities. A minimum of one-quarter (25 percent) of the number of market rate rooms shall be offset by providing lower cost overnight accommodations. The additional lower cost overnight accommodations may be provided in the market rate hotel (resulting in up to 130 market rate rooms and at least 33 lower cost rooms) or provided in the lower cost replacement hotel (for a total of at least 169 lower cost rooms). Either ~~Within~~ or adjacent to the market rate hotel structure, boater service facilities of not less than 6,800 square feet will be provided, and parking designated for boaters will be provided, consistent with off-street parking standards and regulations set forth in the Dana Point Harbor Revitalization Plan & District Regulations.

~~The Dana Point Harbor Revitalization Plan contemplates the future replacement of the existing Marina Inn with a new facility located in the present hotel location or relocated closer to the waterfront to promote a stronger pedestrian connection with the Pedestrian Promenade and Festival Plaza. The new hotel is planned to provide up to a maximum of 220 guest rooms with full service guest amenities, including expanded lobby area with guest services, 2,750 square foot restaurant, and up to 12,000 square feet of special function and meeting rooms, 500 square feet of ancillary retail space, a 1,500 square foot fitness center, pool and other outdoor activity facilities.~~

The final design of the lower cost overnight visitor accommodations may also include connections to adjoining rooms, allowing multiple bedroom suite accommodations. All lower cost rooms shall include microwaves and refrigerators, guest available communal kitchen, outdoor barbecue facilities, and guest available communal, self-serve washers and dryers, and dormitory or hostel style accommodations. A majority of rooms would have private decks, Juliette balconies, or full balconies for guests to take advantage of the views and oceanfront climate.

~~In addition to traditional hotel accommodations, the proposed hotel may include suites (up to 20 percent of the total number of rooms) that provide families with a bedroom, living area, dining rooms, kitchens, clothes washers and dryers. The final design of the hotel may also include connections to adjoining rooms, allowing multiple bedroom suite accommodations. The new hotel rooms would have private decks or balconies for guests to take advantage of the views and~~

~~oceanfront climate. These suites would be intended to encourage longer visitor stays, particularly for families with children.~~

The Dana Point Harbor Revitalization Plan anticipates at some time in the future, plans will be prepared by interested parties to replace the existing Marina Inn. Conceivably, any future plans, in addition to offering overnight accommodations would also include ancillary services, including some open for public use, intended to enhance the financial viability of the facility and attract patrons and members of the general public.

The architectural character of the hotels will need to be compatible with the California Coastal theme of the new planned Commercial Core, possibly including terraced levels of buildings in various configurations to maximize views and break up building massing as viewed from surrounding vantage points. The design shall preserve view corridors as seen from Dana Point Harbor Drive towards the Harbor, between the two hotel buildings, and through Casitas Place, to the maximum extent feasible. Tree removal shall be minimized, shall not be used to enhance private views or to offset impacts to public views, and shall require mitigation as required by the Local Coastal Program. Landscaping and plant palette selection on the hotel site shall consist entirely of low-water, non-invasive, drought-tolerant vegetation, consistent with the landscaping provisions of the Local Coastal Program. The development shall minimize and control runoff and wastewater discharges, and water conservation or reclamation measures are encouraged when in accordance with all relevant local and state policies.

The hotel's building design would also ~~emphasize~~ providing adequate parking for guests and maintaining convenient access to parking areas for boaters, consistent with off-street parking standards and regulations set forth in the certified Dana Point Harbor Revitalization Plan & District Regulations. Parking areas may be provided using a combination of at-grade parking lots and some underground parking facilities, allowing direct access to the Harbor and hotel facilities. A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may also be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions. Hotel operators shall provide hotel guests with access to a free on-demand regional service shuttle connecting to a public regional trolley or public transportation service, and hotel employees who take public transit to work shall receive fully subsidized public transit passes. Electric vehicle (EV) charging stations and parking stalls shall be allocated throughout both hotel parking areas; in addition, onsite bicycle parking shall be provided, including racks and charging stations available to accommodate electric bicycles and scooters. To reduce long-term operation emissions from area sources, the hotel design shall implement energy conservation measures, such as roof-mounted solar panels, energy-efficient and bird/marine environment-safe lighting, fixtures, and appliances. Hotel operations shall minimize plastic consumption, waste, and litter. The two new hotels shall be sited, designed, and constructed in a manner that does not adversely impact public access and that prevents flood damage and seawater intrusion from sea level rise over the course of their life spans, consistent with the development and sea level rise policies of the Local Coastal Program and the Coastal Act, and as informed by the best available science.

Planning Area 5 includes a potential expansion of the OC Sailing and Events Center, which currently offers meeting rooms for recreational activities, community events and private parties, as well as sailing and ocean-related educational and instructional programs. The OC Sailing and Events Center may ultimately increase by approximately 6,000 square feet to a total of 17,000 square feet. There may be a seasonal water taxi pick-up/drop-off station adjacent to the facility. Additionally, locations for the provision of low-cost boating activities, including hand launch vessel

rentals and marine sightseeing excursions the operation of sports fishing and/or charter boat concessions may be provided. Other enhancements include picnic area improvements, upgraded restrooms and reconfigured parking areas.

Community benefits shall be included as part of the replacement of the existing hotel complex in Planning Area 3. As part of the Harbor revitalization coastal development permit (CDP No. 5-19-0971), an education and sailing program for underserved youth² is required per Special Condition 26. The program sets forth the provision of scholarships for underserved youth to participate in educational curricula for sailing, paddle boarding, swimming, surfing, bodyboarding, and/or kayaking, and a minimum of 10% of eligible students are provided the opportunity to participate in a hands-on, multi-day sailing experience. To complement these initiatives, the hotels planned for Planning Area 3 shall participate in these, or similar, programs annually, for the life of the hotel development, by contributing financially to expand and/or improve existing programming for underserved youth in Dana Point Harbor as required by the Harbor revitalization CDP. The hotels shall also directly participate in additional public access and recreational programs for underserved communities for the life of the hotel development as required in LUP Policy 5.2.1-22. The total value of contributions to these programs shall equal or exceed \$110,000 annually, and the hotels shall ensure adequate transportation for program attendees.

Additionally, if the lower cost replacement hotel will offer room rates higher than three-quarters (75 percent) of the peak season (average of July and August) statewide average daily room rate, adjusted by ten percent for each additional occupant above two persons, but equal to or less than the 2022 annualized average daily rate of the existing Marina Inn (adjusted for inflation using CPI), then the hotel development shall maximize the public's access to lower cost overnight accommodations on the coast by directly providing or funding lower cost overnight programming at no cost for underserved youth and their families, such as partnering with the Ocean Institute and/or OC Sailing and Events Center to provide a free coastal-themed overnight camping experience to underserved youth, expanding and upgrading lower cost overnight accommodation facilities at the OC Sailing and Events Center and/or Ocean Institute, providing hospitality internships, or any combination thereof.

The hotels in Planning Area 3 shall directly offer kayak, paddle board, bicycle, and similar recreational rentals at no or discounted costs to guests of the lower cost rooms; alternatively, collaboration with nearby businesses or co-operatives may be allowed. The hotel site shall provide a new designated launch location for hand-carry watercraft open and available to the public at no cost near the intersection of the Pedestrian Promenade and Island Way or at the nearest suitable location; or, alternatively, the hotel shall provide and conspicuously advertise free transport of hotel guests and their hand-carry watercraft to the existing launch site at Baby Beach. To increase public enjoyment of the Harbor, the hotel operators shall also construct and maintain, in perpetuity, at least one free public viewing station along Island Way, with accessory seating, telescopes, and signage that clearly

² The term "underserved youth" shall be defined as individuals up to the age of 18 years from underserved communities (including from inland and/or rural communities) that have been historically excluded from accessing the benefits of coastal opportunities and/or disproportionately impacted by environmental burdens that include, but are not limited to, low-income households; Black, Indigenous, and communities of color; people with disabilities; youth who attend Title I schools (and their caregiver/s); the unhoused; LGBTQIA+; carceral-impacted youth; and foster youth.

indicates public access and provides educational components. All public access signage shall be provided in multiple languages. Other public access ways and points required by the Local Coastal Program shall be identified in a Public Access Management Plan for Planning Area 3 and provided for in concert with redevelopment of the site.

Contemplated circulation and access improvements in future phases of the Harbor Revitalization Plan may include the realignment of Dana Point Harbor Drive adjacent to the proposed facility to remove the existing traffic circle to improve traffic circulation. Currently, Cove Road provides secondary access to the Harbor.

5.2.1-1 Harbor visitor serving and overnight accommodations (Planning Area 3) will be enhanced by potential replacement and/or remodelling of the hotel complex with two new hotels to include conference and recreational facilities and amenities, as well as beverage/food and retail service that is available to the general public.

5.2.1-2 If demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) in the Harbor is proposed, all 136 demolished units shall be replaced in the area designated as visitor serving commercial by the Dana Point Harbor Land Use Plan with a minimum of 136 of equal or lower cost hotel rooms, which shall remain available to the public as lower cost hotel rooms in perpetuity than the existing lower cost units to be demolished. A new and separate market rate hotel of up to 130 rooms may be constructed. The hotels may be constructed concurrently, but the market rate hotel may not open or be operational prior to the opening of the lower cost hotel to the public. To mitigate any absence of lower cost overnight accommodations at the new and separate market rate hotel, additional lower cost overnight accommodations or amenities above the 136 rooms may be required. A minimum of one-quarter (25 percent) of the number of market rate rooms shall be offset by providing lower cost overnight accommodations. The additional lower cost overnight accommodations may be provided in the market rate hotel (resulting in up to 130 market rate rooms and at least 33 lower cost rooms) or provided in the lower cost replacement hotel (for a total of at least 169 lower cost rooms). Conversion of any existing units to high cost, replacement of any existing units with anything other than lower cost and construction of any new additional units that are anything other than lower cost units shall require a Local Coastal Program Amendment to address Coastal Act issues associated with such proposals. Conversion of any lower cost overnight accommodations, as defined in LUP Policy 5.2.1-21, to anything other than lower cost, replacement of any lower cost overnight accommodations with anything other than lower cost, and construction of any new/additional units that are anything other than the overnight accommodation units heretofore described, shall require a Local Coastal Program Amendment.

5.2.1-3 The conversion of any existing overnight accommodations located on public tidelands to timeshares or condominium/hotel units or any other type of Limited Use Overnight Visitor Accommodations shall be prohibited. The construction of new timeshares or condominium-hotel units or any other type of Limited Use Overnight Visitor Accommodation on public tidelands shall be prohibited. Limited Use Overnight Visitor Accommodations are any hotel, motel or other similar facility that provides overnight visitor accommodations wherein some or all of the units, rooms, lots or parcels or other segment of the facility may be sold to a subsequent purchaser who receives the right in perpetuity for life or a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s) or segment of the facility, annually or on some other seasonal or periodic basis for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to timeshare, condominium/hotel, fractional ownership hotel or uses of a similar nature.

~~5.2.1-4 Harbor visiting serving and overnight accommodations (Planning Area 3) will be enhanced by potential remodeling and/or replacement (if remodeling isn't feasible) of the hotel complex to potentially include conference and recreational facilities in addition to providing up to 220 new guest rooms and amenities.~~

~~5.2.1-4 The design of the lower cost overnight visitor accommodation hotel may also include connections to adjoining rooms, allowing multiple bedroom suite accommodations. All lower cost rooms shall include microwaves and refrigerators, guest available communal kitchen outdoor barbecue facilities, and guest available communal, self-serve clothes washers and dryers to encourage longer visitor stays, particularly for families with children. Dormitory or hostel style accommodations may also be provided in addition to the lower cost overnight visitor accommodations provided as rooms.~~

~~5.2.1-5 The design of any renovated or new hotel in addition to traditional guest accommodations may encourage longer visitor stays, particularly for families with children by providing up to twenty percent (20%) of the total number of rooms with guest amenities in addition to a bedroom that include a living area, dining room, kitchen, clothes washers and dryers.~~

~~5.2.1-6~~ Some hotel rooms may provide accommodations for larger groups by offering connections to adjoining rooms allowing multiple bedroom suites.

~~5.2.1-7~~ The design of hotel rooms shall incorporate wherever possible the use of private decks, juliette balconies, or full balconies to allow guests to take advantage of the Harbor views and enjoy the oceanfront climate. To maximize the general public's access to views and enjoyment of the oceanfront climate, seating on common roof decks or terraces shall be open and free for the public to use at a minimum during hours of beverage/food service.

~~5.2.1-8~~ The design of the hotel will be compatible with the California Coastal design theme of the Commercial Core area and terraced levels of buildings in various configurations to maximize public views and break up building massing as viewed from the surrounding public vantage points shall be encouraged as part of the design. The design shall preserve view corridors as seen from Dana Point Harbor Drive towards the Harbor, between the two hotel buildings, and through Casitas Place, to the maximum extent feasible. To increase public enjoyment of the Harbor, the hotel operators shall also construct and maintain, in perpetuity, at least one free public viewing station along Island Way, with accessory seating, telescopes, and signage that clearly indicates public access and provides educational components.

~~5.2.1-8~~ Where glass or other clear material is used for guardrails or other architectural features, it shall be etched, tinted, or otherwise modified to make it visible to birds to prevent bird strikes.

~~5.2.1-9~~ Landscaping and plant palette selection on the hotel site shall consist entirely of low-water, non-invasive, drought-tolerant vegetation, consistent with the landscaping provisions of the Local Coastal Program. The development shall minimize and control runoff and wastewater discharges, and water conservation or reclamation measures are encouraged when in accordance with all relevant local and state policies. Tree removal shall be minimized, shall not be used to enhance private views or to offset impacts to public views, and shall require mitigation as required by LUP Policy 7.1.2-3 and IP Chapter 21.

~~5.2.1-9-810~~ The hotel building design shall emphasize providing adequate parking for guests and free parking for hotel employees, as well as maintain convenient access to parking areas

for boaters, consistent with off-street parking standards and regulations set forth in Chapter 14 of the Dana Point Harbor Revitalization Plan & District Regulations.

~~5.2.1-40-911~~ A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.

5.2.1-12 Hotel operators shall provide hotel guests with access to a free on-demand regional service shuttle connecting to a public regional trolley or public transportation service, and hotel employees who take public transit to work shall receive fully subsidized public transit passes.

5.2.1-13 Electric vehicle (EV) charging stations and parking stalls shall be allocated throughout both hotel parking areas in accordance with minimum CALGreen standards. The charging stations shall be available for use by the general public and provide multi-lingual signage to indicate this availability, shall provide multiple options for form of payment, and shall provide charging connectors and/or adapters to support the broadest charging access for various EVs possible. In addition, onsite bicycle parking shall be provided consistent with the requirements of the Local Coastal Program, including racks and charging stations available to accommodate electric bicycles and scooters.

5.2.1-14 To reduce long-term operation emissions from area sources, the hotel design shall implement energy conservation measures, such as roof-mounted solar panels, energy-efficient and bird/marine environment-safe lighting, fixtures, and appliances.

5.2.1-15 Hotel operations shall minimize plastic consumption, waste, and litter. Coordination of a Marine Debris Reduction Program is required, as is membership or certification via an established program. The Marine Debris Reduction Program shall ensure measures to avoid and divert food waste.

5.2.1-16 The hotels in Planning Area 3 shall directly offer kayak, paddle board, bicycle, and similar recreational rentals at no or discounted costs to guests of the lower cost rooms; alternatively, collaboration with nearby businesses or co-operatives may be allowed.

5.2.1-17 The hotel site shall provide a new designated launch location for hand-carry watercraft open and available to the public at no cost near the intersection of the Pedestrian Promenade and Island Way or at the nearest suitable location; or, alternatively, the hotel shall provide and conspicuously advertise free transport of hotel guests and their hand-carry watercraft to the existing launch site at Baby Beach. Other public access ways and points required by the Local Coastal Program shall be identified in a Public Access Management Plan for Planning Area 3 and provided for in concert with redevelopment of the site. All public access signage shall be provided in multiple languages.

~~5.2.1-44-4018~~ Future facilities providing overnight accommodations will be located in the area designated as Visitor Serving Commercial (Planning Area 3) by the Dana Point Harbor Land Use Plan.

5.2.1-19 The two new hotels shall be sited, designed, and constructed in a manner that does not adversely impact public access and that prevents flood damage and seawater intrusion from sea level rise over the course of their life spans, consistent with the development and sea level rise policies of the Local Coastal Program and the Coastal Act, and as informed by the best available science. Future adaptation measures may be necessary consistent with

any recommendations put forth by the City in the Shoreline Management Plan (or updates thereto) as required per LUP Policy 8.6.3-1 and IP Chapter 3.

5.2.1-20 Community benefits shall be included as part of the replacement of the existing hotel complex. Specific community benefit initiatives shall be included as conditions of approval for the requisite coastal development permit to replace the hotel complex. Any community benefits shall include or expand further on the programs described in LUP Policies 5.2.1-22 (related to public access and recreation) and 5.2.1-23 (related to lower cost overnight accommodations), and shall also enumerate specific benefits to underserved individuals and communities within the County of Orange. The total value of contributions to these programs shall equal or exceed \$110,000 annually in total for the life of the hotel development.

5.2.1-21 Pursuant to LUP Policy 5.2.1-2, the maximum average daily rate of the replacement hotel shall be equal to or less than the existing Marina Inn's annualized average daily rate for the year 2022 adjusted once annually for inflation using the Consumer Price Index (CPI). The rate of the lower cost rooms used to offset the market rate rooms shall be equal to or less than three-quarters (75 percent) of the peak season (average of July and August) statewide average daily room rate, adjusted by ten percent for each additional occupant above two persons.³ All lower cost and moderate cost overnight accommodations shall be subject to annual Coastal Commission reporting and auditing requirements, as conditioned in a future local coastal development permit. If any replacement hotel rooms are proposed to be priced equal to or less than the 2022 annualized average daily rate of the existing hotel (adjusted for inflation using CPI) but higher than three-quarters (75 percent) of the peak season statewide average daily room rate, adjusted by ten percent for each additional occupant above two persons, then the proportional difference between the rates, in conjunction with site-specific construction cost estimates for these rooms, shall determine the monetary value of the benefits necessary to offset the higher room rates.⁴ The monetary value shall only be used to fund programming as indicated in LUP Policy 5.2.1-23 and shall not be accepted as a simple payment of an in-lieu fee.

5.2.1-22 To complement existing Harbor initiatives for underserved youth,⁵ the hotels planned for Planning Area 3 shall participate in programs for underserved youth annually.

³ The maximum rate shall be calculated as such: $(\text{[number of occupants in room]} - 2) * 0.1 = \text{"occupancy allotment"};$ therefore, $(\text{\$ (75\% of peak-season statewide ADR)} * (1 + \text{[occupancy allotment]}) * \text{[number of rooms]}) / \text{[total number of lower cost rooms]} = \text{"maximum rate."}$

⁴ The rate differential offset shall be calculated as such: $(\text{[Actual ADR of replacement units (no higher than Marina Inn 2022 annualized ADR + CPI)]} - \text{[75\% of peak-season statewide ADR + 10\% increase per occupant above 2 guests]}) / \text{[75\% of peak-season statewide ADR + 10\% increase per occupant above 2 guests]} = \text{"markup,"}$ and $\text{[site-specific construction costs of lower cost rooms]} * \text{[number of required lower cost rooms]} = \text{"in-lieu fee"};$ therefore, $\text{[markup]} * \text{[in-lieu fee]} = \text{"rate differential offset."}$

⁵ The term "underserved youth" shall be defined as individuals up to the age of 18 years from underserved communities (including from inland and/or rural communities) that have been historically excluded from accessing the benefits of coastal opportunities and/or disproportionately impacted by environmental burdens that include, but are not limited to, low-income households; Black, Indigenous, and communities of color; people with disabilities; youth who attend Title 1 schools (and their caregiver/s); the unhoused; LGBTQIA+; carceral-impacted youth; and foster youth.

for the life of the hotel development, by contributing financially to expand and/or improve existing programming for underserved youth in Dana Point Harbor required by Coastal Development Permit (CDP) No. 5-19-0971. The hotels shall also directly participate in additional public access and recreational programs for underserved communities (such as those providing no-cost or low-cost boating and recreational activities within the harbor, sailing education for disabled persons, ocean access education for Title 1 students, exercise for fixed income seniors, indigenous land stewardship, or partnering with a local WHALE TAIL® grant recipient to provide annual community barbecues (food and beverage) at no cost). The hotels shall ensure adequate transportation for attendees of all programs.

5.2.1-23 If required per LUP Policy 5.2.1-21 in lieu of offering lower cost room rates for the replacement lower cost rooms, the hotel(s) shall directly provide or fund lower cost overnight programming at no cost for underserved youth and their families, such as partnering with the Ocean Institute and/or OC Sailing and Events Center to provide a free overnight camping experience located on the coast to underserved youth, expand and upgrade lower cost overnight accommodation facilities at the OC Sailing and Events Center and/or Ocean Institute, provide hospitality internships, or any combination thereof.

6.2 Principal and other Permitted Uses

The following principal and other permitted uses in Planning Area 3 are subject to the approval of a Coastal Development Permit as provided in Chapter 11-16, *Discretionary Permits and Procedures*.

a. Lower cost overnight ~~Overnight~~ visitor accommodations must provide a minimum of 136 lower cost hotel rooms, and additional lower cost overnight accommodations or amenities may shall be provided as required to offset the addition of any new market rate rooms. The second new market rate hotel shall not exceed 130 market rate rooms and shall offset the creation of new market rate rooms by providing a minimum of a quarter (25 percent) of the total number of new market rate rooms as lower cost overnight accommodations. The additional lower cost overnight accommodations may be provided in the market rate hotel (resulting in up to 130 market rate rooms and at least 33 lower cost rooms) or provided in the lower cost replacement hotel (for a total of at least 169 lower cost rooms).

....

6.5 Development Standards and Requirements

The following standards shall apply except as otherwise established by an approved Coastal Development Permit per Chapter 11-16, *Discretionary Permits and Procedures*.

....

p. Replacement of Existing Hotel Units: In the event that demolition of the existing lower cost overnight visitor accommodations (presently called the Marina Inn) are is proposed, all 136 demolished units shall be replaced in the area designated as Visitor Serving Commercial in the Dana Point Harbor Land Use Plan with 136 units that are of equal or lower cost in perpetuity than the existing lower cost units to be demolished. A new and separate market rate hotel of up to 130 rooms may be constructed. If the second new market rate hotel does not provide a minimum of 25 percent of new accommodations has no lower cost overnight on site at lower cost, additional lower cost rooms, lower cost overnight visitor accommodations or and no-cost amenities may shall be required to be provided in the new lower cost overnight accommodations hotel or market rate hotel, with the number of new lower cost rooms

provided equal to a quarter (25 percent) of the total number of new market rate rooms, in the event that demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) are proposed, all demolished units shall be replaced in the area designated as Visitor Serving Commercial in the Dana Point Harbor Land Use Plan with units that are of equal or lower cost than the existing lower cost units to be demolished. Conversion of any existing units to high cost, replacement of any existing with anything other than lower cost units or construction of any new/additional units that are anything other than lower cost units shall require a Local Coastal Program Amendment to address Coastal Act issues associated with such proposals. Conversion of any lower cost overnight accommodations, as defined in LUP Policy 5.2.1-21, to anything other than lower cost, replacement of any lower cost overnight accommodations with anything other than lower cost, and construction of any new/additional units that are anything other than the overnight accommodation units heretofore described, shall require a Local Coastal Program Amendment.

q. Longer Visitor Stays: The design of some of the lower cost overnight visitor accommodations hotel may also include connections to adjoining rooms, allowing multiple bedroom suite accommodations. All lower cost rooms shall include microwaves and refrigerators, guest available communal kitchen outdoor barbecue facilities, and guest available communal, self-service clothes washers and dryers, to encourage longer visitor stays, particularly for families with children. Dormitory or hostel style accommodations may also be provided in addition to the minimum of 136 lower cost accommodation rooms.

~~Longer Visitor Stays: The design of any renovated or new hotel in addition to traditional guest accommodations may encourage longer visitor stays, particularly for families with children, by providing up to twenty percent (20%) of the total number of rooms with guest amenities in addition to a bedroom, that includes a living area, dining room, kitchen, clothes washers and dryers. Some hotel rooms may provide accommodations for larger groups by offering connections to adjoining rooms or allowing multiple bedroom suites.~~

DANA POINT HARBOR REVITALIZATION PLAN STATISTICAL TABLE 17-A*

Land Use Category	Planning Area	Gross Acreage	Estimated Existing Square Footage	Maximum Square Footage ⁽¹⁾
Visitor-Serving Commercial	3	9.5	136 rooms	136 To Be
Select Service Lower Cost Hotel/Motel				Determined
				220 rooms +
				25 % of market
				rate rooms
- Function / Meeting			2,000	12,000
- Restaurant/ Food Service				4,200 2,750
- Accessory Retail				350
- Fitness / Health Center			450	700 1,500
<u>Market Rate (High-Cost) Hotel</u>				130 rooms
- Function / Meeting				8,000
- Restaurant/ Food Service				8,275
- Accessory Retail				600
- Fitness / Health Center				1,700
Boater Service Building 2			3,600	4,000 1,000
Boater Service Building 3			3,600	3,000 8,800
Boater Service Building 4			5,000	3,800 7,000
Planning Area 3 Subtotals		9.5	8,600	31,625 28,625
				31,360 ⁽³⁾

Footnotes: (1) Maximum Square Footage includes existing buildings to remain
 (2) May include a Marine Retail Store
 (3) For hotel, square footage subtotal includes ancillary uses only
 (4) Includes OC Dana Point Harbor offices on the upper floor
 (5) Boater Service Buildings in Planning Area 3 may be incorporated within hotel buildings
 (6) **The lower cost hotel rooms that constitute 25% of the number of market rate rooms may be incorporated within the lower cost hotel or the market rate hotel**