H 2015 Town Center Initiative

Shall the 2015 Town Center Initiative, which changes the Town Center Plan previously approved by the City Council and the California Coastal Commission, as well as the amendments thereto approved by the City Council in 2015, be adopted?

What your vote means

YES	NO
A "yes" vote is a vote to change the Town Center Plan previously approved by the City Council and the California Coastal Commission, as well as the amendments thereto approved by the City Council in 2015.	A "no" vote is a vote not to change the Town Center Plan previously approved by the City Council and the California Coastal Commission, as well as the amendments thereto approved by the City Council in 2015.

For and against Measure H

FOR	AGAINST
Lester Hill Chairman & CEO (Retired), Pacific Scientific	John A. Tomlinson Mayor, City of Dana Point
Debra Lewis Former Mayor, Rancho Santa Margarita, CA	Richard A. Viczorek Mayor Pro Tem, City of Dana Point
Sandie Iverson Dana Point Residents for Responsible Development	Joseph L. Muller Dana Point City Councilman
Betty Hill President, Dana Point Residents for Responsible Development	Carlos N. Olvera Dana Point City Councilman
Roxanna Watrous Attorney Dana Point Residents for Responsible Development	

Ballot Measures-H

Full Text of Measure H
City of Dana Point

The people of the City of Dana Point, California do ordain as follows:

Title: The 2015 Town Center Initiative

Section 1. Name

This ballot measure shall be known and may be cited as "The 2015 Town Center Initiative," and shall be referred to herein as "the Act."

Section 2. Purpose

The people desire that the requirements and intent of the Town Center Plan, the "Plan", approved by the California Coastal Commission, be implemented through this ordinance to promote the area as a "primary business district in the city" with a "small town village atmosphere" containing pedestrian friendly businesses, shops and restaurants; and as a major center of social and economic activity with adequate and convenient public parking. To further these objectives, the Act recodifies and amends the Plan to better regulate future land use in the Town Center.

Section 3. Amendment and Readoption of 2008 Town Center Plan

A. By this Act, the People of Dana Point readopt and recodify the Town Center Plan in its entirety, included in full as Exhibit A to this Act, as amended as set forth below and as set forth identically in Exhibit A. New text is underlined; deleted text is shown by ~~strikeout~~.

B. The text on page 31 of the section of the Town Center Plan titled Maximum Building Height is amended as follows:

Building height impacts the overall quality of the buildings in the Town Center and the ground floor retail and upper floor residential uses, in particular. Height impacts not only the general identity and character of the Town Center, but also "blue water" views from upland residential areas. The Town Center Plan limits the height of buildings to 40 feet and three stories which would allow for an 18-foot ground floor height (measured floor to floor) that would improve store frontages and benefit retailers as depicted to the right and below. The 40 foot height limit is a maximum to be strictly applied, and includes guard rails, decorative features, stairwells, elevators and equipment serving ADA requirements, except for the required mechanical equipment as set forth in the section titled Permitted Encroachments into Maximum Building Height and Roof Decks. To inform the public, story pole staking is required for 20 days. The story pole staking shall, at a minimum delineate the 40 foot height limit for all sides of the building and a vertical drop to the ground at each corner of the proposed structure plus any proposed elements needing a variance. Story pole staking is not required for mechanical elements or chimneys.

C. Maximum Building Height (table) on page 31 is amended as set forth below:

MAXIMUM BUILDING HEIGHT	
• Maximum Height	40 feet 3 stories (1)~~(2)~~
• Building Height Measurement	~~Measure building height from the level of the sidewalk at the midpoint of the front property line.~~ The elevation of the 40 foot limit is to be determined by averaging the elevation of highest area of the ground in the plot and the lowest area and then adding 40 feet. Count 2 stories of above-grade structured parking as a single story when fronted by single story of usable groundfloor space, such as a shop front.

(1) Count two levels of above-grade parking as a single story when fronted by a single story of retail space not exceeding 20 feet in height (measured from floor to floor).
~~(2) Additional height permitted for encroachments with a Conditional Use Permit.~~

D. The text and table on pages 32 and 33 of the Town Center Plan titled Permitted Encroachments into Maximum Building Height and Roof Decks is amended as follows:

Encroachments beyond the maximum height limit are strictly prohibited except under the following conditions. Limited encroachments for such items such as mechanical equipment and chimneys require a Site Development Permit and shall not exceed the 40-foot height limit by more than 42 inches. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. Roof decks in the couplet shall not exceed the 40-foot height limit, including guardrails, stairwell, elevator shafts, and any ADA-required equipment. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.

2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.

PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit are strictly limited to required mechanical equipment and chimneys, and shall be reviewed as part of the Site Development Permit process. All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. All structures shall be staked at one time for a minimum of 20 days immediately prior to application for approval to the Planning Commission or the City Council. Staking shall be conducted as set forth in "Maximum Building Height ~~All encroachments beyond the maximum building height shall be included in the staking~~	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado) shall not exceed the 40 foot height limit including guardrails, stairwells, elevator shafts and any ADA requirements.	
• Guardrail	42" guardrail required in accordance with Uniform Building Code must be~~; conditionally permitted to exceed maximum building height if~~ setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	~~Conditionally permitted if~~ Must be setback minimum of 5 feet from face of building

E. The text and table on page 33 of the Town Center Plan in the section titled Design of Ground floor Building Frontage is amended as follows:

Retail at the street level is a critical component for creating a vibrant, pedestrian-oriented environment. To encourage this, buildings shall be developed in a manner which is conducive to retail-type uses. Buildings fronting on ~~Del Prado and Pacific Coast Highway~~ all streets in the Town Center between Blue Lantern and Golden Lantern (including Pacific Coast Highway, Del Prado Avenue, Ruby Lantern, Amber Lantern, Street of the Violet Lantern, San Juan Avenue, Blue Lantern, and Golden Lantern) shall comply with the design standards described below:

Design of Ground floor Building Frontage **~~Pacific Coast Highway and Del Prado~~ All Streets Between Blue Lantern and Golden Lantern**
• The floor-to-floor dimension between the finished floor of the ground floor of the structure and the floor above shall be at least 18 feet.
• The depth of ground floor commercial space from storefront to rear shall be at least 40 feet.
• The interior finished floor elevation shall be level with the adjacent sidewalk at least every 50 linear feet. Pedestrian access to the building shall be flush with the sidewalk.

F. The text on page 37 of the Town Center Plan in the section titled "Parking Requirements," is amended as followed:

In order to strengthen the concentration and continuity of retail within the Town Center, a number of modifications to the existing parking requirements are included. The minimum number of parking stalls by use, as detailed in the Dana Point Zoning Code, applies within the Town Center. However, within the proposed parking district, which extends from Blue Lantern to Golden Lantern within the Town Center (as shown on the Parking Strategy diagram on page 17), the developer may pay a fee for off-site public parking in lieu of providing on-site parking for retail and restaurant uses. The fee for in-lieu parking shall be the estimated costs to the city of providing replacement parking spaces, with a minimum of $40,000 per space, the cost estimated in Dana Point's Nelson-Nygaard parking study in 2013, and increasing according to the rate of inflation annually thereafter. Several diagrams of pedestrian-oriented parking solutions follow on the next page.

Section 4. **Amendments to Municipal Code section 9.26.010**

Municipal Code section 9.26.010 is amended as follows: "9.26.010 Town Center District and Regulations.

a. The land use and development regulations for this area are contained in the Dana Point Town Center Plan included as Appendix E of the Dana Point Zoning Code. (Added by Ord. 06-17, 12/13/06; amended by Ord. 08-08, 6/17/08; amended by this voter initiative.) These provisions shall apply to all Town Center projects seeking building permits or entitlements.

b. A maximum limit of three stories and 40 foot height, plus the required setbacks and step backs shall be strictly applied. Encroachments beyond the maximum height limit are strictly limited to required mechanical equipment and chimneys and may not exceed 42 inches.

c. Professional business/office uses are preferred uses on the second and third floors of all new construction in the Town Center area.

d. All parking requirements of Dana Point Municipal Code section 9.35.080, subdivision (e) shall be strictly enforced for each use within a

building, including requirements for guest spaces for residential units which cannot be shared with retail requirements. In the Town Center area, parking spaces for residences shall be provided on site; no reduction of required parking spaces shall be granted for bicycle spaces: no credit for parking spaces on public property shall be given.

e. All off-street loading facility standards of Dana Point Municipal Code section 9.35.090 shall be strictly enforced for loading spaces in the Town Center area. Loading spaces shall be provided on site or located along public streets only when lost public parking spaces are provided on site beyond other applicable parking requirements.

f. Review process for new projects: City shall provide the public with relevant project material for any proposed project in the Town Center area (including but not limited to building plans, elevations, site maps, story poling dates, staff reports, and parking analysis), on the city's official website, two weeks prior to any study sessions, public meetings, Planning Commission meetings or City Council meetings.

g. Requested variances for projects shall be supported by evidence that the underlying conditions meet the statutory requirements of Dana Point Municipal Code section 9.67.050. The Dana Point City Attorney shall provide a formal legal opinion for each requested variance in the Town Center area certifying whether the conditions of section 9.67.050 are fully met and whether evidence supports granting the variance.

h. If there is any conflicts between subdivisions (b) to (g) and the details within Dana Point Town Center Plan, subidivision (b) to (g) in total and separately shall be the governing requirements.

Section 5. Implementation

A. The date the notice of intention to circulate this initiative measure was submitted to the City's elections official is referenced herein as the "submittal date." Where zoning ordinances are cross-referenced in this initiative, the applicable version of those zoning provisions shall be the provisions in effect on the submittal date. The City General Plan, the Town Center Plan and Zoning Ordinances in effect on the submittal date and the Town Center Plan and Zoning Ordinances as amended by this initiative comprise an integrated, internally consistent, and compatible statement of policies for the City. In order to ensure that nothing in this initiative measure would prevent the City General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan, the Town Center Plan, or the Zoning Ordinance that is adopted between the submittal date and the date that the Town Center Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with any provisions of this initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this initiative and other elements of the General Plan.

B. The City Council is hereby authorized and directed to amend the City General Plan, all specific plans, including the Town Center Plan, the City Zoning Ordinance, the Zoning Map, and any other ordinances and policies, and to request Coastal Commission approval of any amendments to the Local Coastal Program, if necessary, to implement this initiative and to the extent any of the foregoing are affected by this initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this initiative and other elements of the foregoing laws and policies.

Section 6. Inconsistent Provisions Repealed

Any provisions of the Dana Point Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent with this Act, to the extent of such inconsistencies and no further, are hereby repealed. The amendments to the Town Center Plan and the Zoning Ordinance set forth in Sections 4 and 5, above, express the voters' intent to eliminate any possible inconsistency between the referenced plans and the referenced zoning. It is the voters' intent that the zoning regulations contained in Section 5 be read and construed in full harmony with the the General Plan and the Town Center Plan.

Section 7. Judicial Enforcement and Liberal Construction

Any aggrieved person or Dana Point registered voter shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or City failure to enforce the duties imposed on it by this Act. The provisions of this Act shall be construed liberally to effectuate its intent and purposes.

Section 8. Adoption Date and Effective Dates

If the City Council approves this measure, or if a majority of the voters pass this Act, it shall become a valid enactment of the City, binding on the City Council and all other City officials, as of the earliest date allowed by law.

Section 9. Competing Measures

If this initiative measure and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 10. Future Amendments

This Act may be amended or rescinded only by a vote of the People at a municipal election.

Section 11. **Severability**

This Act shall be interpreted so as to be consistent with all federal, state and local laws, rules and regulations, including the Local Coastal Program. If any section, subsection, subdivision, clause, sentence, phrase or portion of this Act is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases and portions shall remain in full force and effect, and to this end the provisions of this Act are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Act without the section, subsection, subdivision, clause, sentence, phrase or portion held unconstitutional or invalid.

2008 Town Center Plan

As Amended by This Initiative

Exhibit A

Dana Point Town Center Plan

CITY OF DANA POINT

JUNE 2008

Table of Contents

Page No.

Introduction and Overview

Executive Summary

This plan for the Dana Point Town Center focuses on the commercial area primarily contained within or immediately adjacent to the existing one-way Pacific Coast Highway (PCH) and Del Prado couplet. Located in the geographic center of the community, this area is also its historic heart. It evolved from a rest-stop along the Camino Real into a collection of restaurants and shops that have not met their full potential to serve the needs of today's residents for shopping, dining, entertainment, and the wide range of social activities that give meaning and identity to a town center.

This planning document is the culmination of years of effort and initiative on the part of the residents to wrest control from state and county agencies and to provide guidance to the City of Dana Point. It sets forth specific policies, standards and guidelines that will become the basis for amendments to the General Plan, Coastal Plan, and Zoning Ordinance. In keeping with the aspirations of the community, greater emphasis will be placed on the pedestrian and the bicyclist in addition to the needs of the automobile and buses in allocating the use of space within the public rights of way.

The Town Center Plan calls for a greater mix of uses in the Town Center. Adding residential uses and increasing pedestrian-oriented retail and commercial offices will help to create a more dynamic, interesting and attractive place for both residents and visitors.. A greater continuity of activities along the streets is encouraged through the development of public parking in central locations, making the Town Center more accessible and walkable for those arriving from outside the immediate vicinity. The plan supports the historic legacy of the Town Center and provides direction on detailed elements, such as public art and signage to enrich the Town Center and reinforce its pedestrian orientation and interest.

History of Dana Point's Town Center

Over the past century, the town of Dana Point has come into being and found its own identity as an independent municipality within the rapidly growing metropolitan region of Orange County. Early in the history of the

A mixed-use environment creates a more dynamic, interesting and attractive place for both residents and visitors

area, peaceful Native Americans benefited from abundant natural resources, and nearby San Juan Capistrano became an important center for dissemination of culture and religion for the Spanish missionaries. Later, cattle grazing lands supplied hides to sea traders, and the small town was visited briefly in 1835 by the notable Bostonian Richard Henry Dana, who mentioned Capistrano Bay in his book "Two Years Before the Mast" and for whom the town is named.

In the 20th century, improvements in rail and road connections opened up the area from the north and east, enabling enterprising individuals to begin the process of land speculation and development. In 1923, a financial syndicate purchased 900 acres for a planned town and constructed an overlook at the end of what is now Blue Lantern to showcase ocean views and beach access. Without a paved highway, the town failed to materialize; yet the dream of a seaside resort took root. In 1929, the Roosevelt Coast Highway was paved and completed. A Los Angeles developer, Sydney Woodruff, acquired the 900 acres, as well as land to the south totaling 1,400 acres. Capitalizing on coastal history, Woodruff promoted a new town evoking the romance of the past combined with modern amenities, such as underground utilities and colored street lanterns with matching street names, flower beds and house numbers. An initial street grid oriented to the bluff and ocean beyond was platted. "Lantern" streets crossing the downtown recalled coastal lore about lanterns illuminating the coastline for ships traveling offshore at night. Cross streets provided a well-scaled framework for pedestrian and vehicular connections as well as sweeping views of the ocean and the harbor below. Additional lookouts were later built at Amber Lantern, Violet Lantern and Old Golden Lantern, with connections to scenic bluff trails and to Heritage Park which cascades down the slope to the water.

As illustrated in the Woodruff plan to the left, the coastal town was to be built into the sloping hills, offering ocean views for all and recreational facilities along the beach and hillsides. A few Mediterranean-style houses were erected and several lots were sold, but again the town failed to materialize. As town building faltered, the Great Depression hit. Development came to an abrupt halt, leaving a handful of buildings and residents sparsely occupying parcels within the initial street grid in what is now the Town Center.

The Woodruff Plan, 1928

Changes in the coastal routes along the shoreline impacted the Town Center. In the 19th century, El Camino Real marked a route of travel for the Spanish missionaries, part of which was paved and named the Roosevelt Highway in the early 20th century, and later extended to become the Pacific Coast Highway, linking this part of the coast with towns and villages along 1,000 miles from Washington to Mexico. Del Prado, the promenade, connects with the Pacific Coast Highway at Blue Lantern and Copper

Lantern in a couplet that defines the center of Dana Point. Pacific Coast Highway, originally a two-way facility, now traverses the Town Center, forming a one-way couplet with Del Prado. Today, more than 30,000 commuters ply the Town Center couplet daily.

As the aerials to the right illustrate, it was not until the 1950s that development regained its momentum with the postwar economic boom and the advent of the motor age. A building frenzy ensued as apartment buildings, highways, and, briefly, an airport were erected. Orange groves were plowed under to make room for subdivisions. In 1962, Congress appropriated money for the construction of Dana Point Harbor which occurred in the 1970s. Several luxury hotel accommodations are located within the city, including the St. Regis and the Ritz Carlton. Immediately upcoast of the Town Center, one of the last coastal promontories, the Headlands, is now being developed with custom residential lots and a small inn in the midst of open spaces and steep bluffs. The hotels, together with Dana Point's beaches and parks, draw over two million visitors annually, enough tourists to fill its 1,820 hotel beds and generate over $8 million in occupancy tax revenue for the city's coffers. Today, with only 35,110 residents in 6.7 square miles, Dana Point is a small town, but it is dominated by a regional scale highway within the Town Center.

The Town Center is adjacent to established neighborhoods within the city as depicted below. Within the Town Center, there are over 200 retailers and businesses ranging in size from small storefronts of 600 square feet to larger tenants, such as the post office with 18,000

Development over a 50-year timeframe.

square feet and Ralphs with 35,000 square feet. Sixty are unique to Dana Point. Several well-established surf and sports shops reflect Dana Point's surfing heritage and destination appeal for surfing and ocean recreation. A cluster of plant nurseries, florists and landscaping services date to the 1940s and embody the landscape potential of the Southern California coastal environment. There are also a variety of restaurants and eating establishments within the center – the best of which offer not only good food, but also a sociable outdoor environment for eating and drinking. The Town Center also offers a range of local services including food markets, drugstores, a hardware store, a post office as well as medical/dental and professional offices and financial institutions. In addition, the Town Center is the location of special events such as the annual Festival of Whales Parade, Street Faire in March, the newly–established Saturday market in La Plaza and the First Friday Art Show.

Issues and Opportunities

Successful town centers provide local services and convenient shopping, afford opportunities for recreation and socializing, become the location for community-wide events and celebrations and project a strong sense of place. Readily recognized as the location where people enjoy public life, town centers play a significant role in the image and identity of the community. Typically, thriving town centers have a significant worker and resident population located within easy walking distance, creating a critical population density both in the daytime and in the evening. Seeing people on

TOWN CENTER PLAN AREA

the streets and in cafes or restaurants strengthens the appeal of a town center. Outdoor seating encourages people to stay and visit. While a town center that is enjoyed by residents is almost always attractive to visitors, a town center that only appeals to visitors may not be attractive to residents. Balancing a sense of local identity with a dynamic destination benefits both residents and visitors. Tourists offer direct value to the communities they visit by expanding economic support for retail uses and providing the basis for a more diverse range of goods and services as well as restaurants, entertainment or cultural venues.

Strong town centers build on the local natural, historic, and cultural qualities of a community, thus establishing a distinctive sense of place. Several conditions limit Dana Point's Town Center from realizing its full potential as a vibrant, engaging and sociable activity center and attractive destination for residents and visitors:

Pacific Coast Highway and Del Prado Traffic: Both PCH and Del Prado provide more roadway capacity than needed which encourages traffic to move quickly through the Town Center, giving drivers few clues that they have arrived at the community's core. The flow of traffic does not tempt the driver to stop and explore, nor does it allow the Town Center to reveal itself as a unique and memorable place.

Lack of a Strong Pedestrian Environment: There are few places in Dana Point's Town Center where the pedestrian is given priority over the automobile. Narrow sidewalks combined with traffic noise and fumes make pedestrians feel exposed and unwelcome. Frequent driveway curb cuts interrupt the continuity of the sidewalk environment, and the predominance

The highway environment of Del Prado and Pacific Coast Highway does not tempt the driver to stop and tarry.

The on-site parking requirement contributes to the fragmented pattern of development in the Town Center.

The post office is part of a distribution facility that divides the Town Center.

Readily recognized as the place where people enjoy public life, town centers play a significant role in the image and identity of the community.

of surface parking lots makes it clear that the automobile is the primary mode of transport.

Lack of a Critical Mass and Mix of Retail Uses: While there are a number of strong and unique retailers within the Town Center, market analysis indicates that there is significant unrealized retail potential. In Dana Point, many sectors of a well-established town center retail market are underrepresented, such as home improvement, apparel, and bookstores. In addition, the distribution of existing uses lacks the kind of clustering and organization that encourages synergy between similar activities.

Although there are underutilized or vacant sites within the Town Center, opportunities are limited for new larger "anchor" establishments that could further the diversity and appeal of the area. This is due in large part to the requirement for individual businesses to meet all of their parking needs on site which results in more than half of a typical parcel being dedicated to surface parking. In addition, this pattern of development has prevented Dana Point from achieving a critical retail mass and a pedestrian environment that encourages multidestination shopping and a sociable and attractive setting that extends and enhances the shopping experience.

Lack of Housing in the Downtown: Although adjacent to neighborhoods, there is very little housing within Dana Point's Town Center. The current zoning ordinance limits housing to the area south of Del Prado and limits the intensity of residential development to 10 units per acre, a density equivalent to a single-family neighborhood. The addition of a greater mix of housing types within the Town Center could broaden the diversity of activities, and provide a population of residents to support retail businesses. The presence of residents within the Town Center will generate activity and increase the number of eyes on the street, improving both the streetlife and the sense of security throughout the day and evening. Additional residents could also offer a range of lifestyle options, complementing the predominantly single-family nature of the surrounding community. In addition, multifamily residential could enhance the economic viability of new development on existing underutilized or vacant parcels by allowing residential uses above retail.

Lack of Cultural or Civic Role: Dana Point has limited civic and cultural activities in its Town Center. City Hall is located elsewhere, and the post office, which used to provide an informal meeting place, is now part of a larger distribution facility that is segregated from the surrounding area. The community has discussed organizing a surfing museum and private collections of unique art and artifacts to contribute a cultural dimension to the Town Center. As part of a streetscape improvement program, there is also the potential for open-air settings for artistic and interpretative installations.

Lack of Landscape Amenities and Open Space Linkages: Dana Point is known throughout the State and the country as a recreational destination with a spectacular beach and coastal environment. But, although lookouts have been built at several streets with a connection to the Dana Point Harbor at Heritage Park, a sense of separation from the coast persists. Improved connections and landscape enhancement of its streets would create an image of a garden-like setting that would reinforce its sense of orientation and linkage to the bluffs, the Harbor and surrounding beaches. The Town Center needs more convenient transportation linkages that augment the shuttle bus in peak summer periods and the pedestrian enhancements that would help integrate the Town Center with the Harbor and beaches.

Extensive public outreach and several public workshops were conducted to gain the community's input

Public Planning Process and Participation

In response to the community's long-standing recognition that the Town Center falls severely short of fulfilling its potential to be a vibrant, engaging and sociable activity center that is an attractive destination for residents and visitors, the City of Dana Point initiated a planning process and engaged urban design consultants ROMA Design Group to study the area and make recommendations for consideration by the Planning Commission and City Council for the enhancement and improvement of the Town Center.

From the inception of preparing this plan, the need for extensive public participation and involvement was recognized. Numerous public meetings were held to gain input and to consider the recommendations of the consultants, including four public forums, joint Planning Commission and City Council public workshops as well as a year of public meetings hosted by the Town Center Subcommittee, a 15-member group (including two City Council members and one Planning Commissioner) established by the Dana Point City Council for the purpose of furthering deliberation and community discourse on the plan. In all, 30 public meetings were held.

The Town Center Subcommittee worked diligently to review, augment and elaborate on the recommendations where necessary. Over the course of the year, it addressed a number of major topics, including the creation of a pedestrian scale and a unique identity, the appropriate mix and intensity of uses, the desire for strong linkages to the harbor, and a positive relationship to surrounding neighborhoods. Subcommittee deliberations went beyond broad

The Town Center Subcommittee

From left: Steven Weinberg, Jim Howard, Terry Walsh, Kirsten Reynolds, Wayne Rayfield, Karin Schnell, Beverly Sells, (Boris Litvinov, RCMA Design Group) Lael Anderson, Jim Miller, Alice Anderson, Tom Volkmann, Bonna Kincaid, not shown: Yvonne English, Bob Meredith, Georgia Theodor

statements of policy direction to encompass specific solutions and details of implementation. In all, the work of the Subcommittee demonstrated the eagerness of Dana Point residents, after years of state and county rule, to claim their right not only to envision a better future for the Town Center but also to craft a specific and uniquely local route for getting there.

An extensive public outreach program accompanied the Subcommittee's year-long efforts. The program included direct mailing of meeting notices to businesses and their property owners in the Town Center and residents in the surrounding neighborhoods. Ads were placed in the local papers with details about community workshops, joint meetings, individual subcommittee meetings and focused forums. Meeting notices and reminders were also hand distributed to Town Center businesses. Street banners, posted throughout the city entrances, reminded people of meeting dates, times, and locations. New databases were implemented to improve communication with existing businesses and residents in and around the planning area. A Town Center Web site was incorporated into the city's site, with public outreach resource links that included fact sheets about the project, traffic, frequently asked questions, maps, and presentations. An in-depth survey was implemented with a comment section, and a dedicated Town Center phone number and e-mail address were also implemented so people could request

additional information. All meeting agendas, minutes, and summaries of workshops, with details and visuals, were also posted on the Web site. Over 300 newspaper articles, scans, briefs, maps, drawings and feature stories were published in local papers, magazines, and the city's recreation guides. Fact sheets, maps, and flyers were converted and printed as handouts to inform, educate, and increase awareness about the Town Center Plan process and to solicit community input. Feedback was also solicited with the collection of meeting comment forms, presentations from local residents, and public outreach to local clubs and organizations throughout the community. Over 2,800 information packets were distributed. A downtown Shopping Guide was produced, highlighting the goal to create a vibrant, pedestrian-friendly downtown that will serve residents and visitors alike – a place to shop, work, live, play, and socialize. The publication included a detailed map listing all existing retail, shopping, and restaurant businesses to encourage visitors and locals to shop in Dana Point. These were available as handouts and were given to existing businesses with brochure holders to encourage their involvement and participation. A Town Center photo file was compiled and newsletters developed and mailed to every resident in the city. A Town Center resource library was established. There was also extensive networking with the Dana Point Harbor Association, Chamber of Commerce, and local resorts.

Guiding Principles

While the planning process for the Town Center generated a great deal of lively debate and discussion, it has been predicated upon significant agreement about its need for improvement. In June 2005, the City Council adopted ten principles that stemmed from public meetings and guided Town Center planning, and these are as follows:

1. Keep the family-oriented, beach community character of Dana Point.
2. Slow down the speed of traffic through the Town Center, maintaining efficient and safe vehicular, pedestrian and bicycle travel.
3. Create a distinct character and identity in the Town Center, while preserving public views and vistas.
4. Consider and mitigate the effects of traffic, noise and lights on residential areas.
5. Stress our surfing/coastal history – seven miles of beautiful coastline linking Capistrano Beach, Dana Point, Monarch Beach – five miles of beaches.
6. Encourage culture, arts and socializing – day and night.
7. Provide activities and attractions for visitors and residents alike.
8. Link the Town Center with the harbor businesses and activities.
9. Minimize disruption to existing businesses by City-sponsored improvements.
10. Create the Town Center without resorting to the creation of redevelopment planning areas or eminent domain.

Purpose and Intent of the Town Center Plan

The purpose of the plan is to establish a framework of policies and development standards that will help guide the transformation of the Town Center into a pedestrian-oriented, mixed-use district that serves the community more effectively and creates a more meaningful and memorable place that adds to the identity and quality of life in Dana Point. The plan represents a departure from other planning documents previously prepared by the city in that it focuses on a single district that is of broad community value and importance, and it addresses issues related to its future at a much greater level of specificity than the City's General Plan or Zoning Ordinance. It is a plan for a specific district that touches upon all of the elements that guide future change and addresses these holistically with an emphasis on how each element can be implemented.

A great level of detail is contained within this document, in the guiding framework of goals and policies and in the vision for the character of future development. Each of the following sections will be considered for adoption by the Planning Commission and City Council, as well as the Coastal Commission, as revisions and amendments to existing policies, standards, and guidelines and will be used as the basis for further development.

Relationship to other Regulatory Documents

The entire Town Center is within the Coastal Zone and is subject to the California Coastal Commission's larger authority over the public resource of the California coast. The General Plan, along with City's Zoning Ordinance, must be certified by the Commission as a Local Coastal Plan to ensure policy compatibility between state and local authorities, particularly with respect to specific issues related to public access and environmental quality related to coastal resources.

Adopted 15 and 20 years ago, the General Plan and Local Coastal Plan are in need of an update with respect to the Town Center area. Both planning documents envisioned creating a Town Center that would be the commercial center for the town and this Plan builds on that vision. Although the policies mentioned greater pedestrian orientation and a mix of uses, there was little recognition of the role that the couplet plays in defining the pattern of land uses and the character of the area.

As communities mature, they naturally become more complex, with additional layers of meaning and history contributing to their identity and to their success as a place. In Dana Point, it is time now to introduce a much greater focus on pedestrian needs and a mix of uses.

Review and Adoption Procedures

The Town Center area is currently zoned Coastal Couplet Commercial (C-CPC), Coastal Recreation Space (C-R), Coastal Minor Commercial (C-MC), and Coastal Residential Commercial (C-RC), per the Dana Point Specific Plan/Local Coastal Program. Adoption of the Town Center Plan would require a General Plan Amendment and Zone Change to modify land use and zoning designations to allow for commercial/residential mixed-use development. An amendment to the Local Coastal Program will also be required. The project would incorporate existing policies within the General Plan and formulate new policies in order to create a mechanism for establishing which uses should be permitted in the project area. To facilitate implementation of the proposed project, the General Plan would be amended concurrently with adoption of the Town Center Plan.

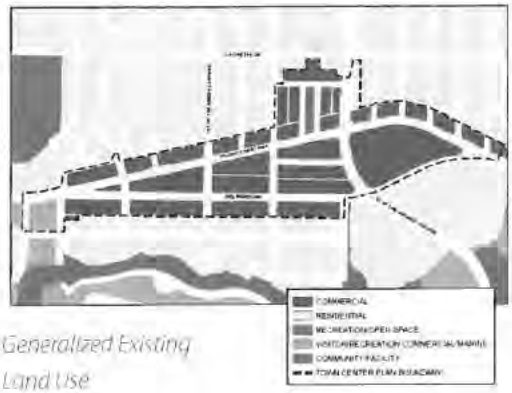
Additionally, changes to the development standards are proposed to support the objectives of greater residential development, retail concentration and continuity, and economic feasibility, while design guidelines would help implement the objectives of the proposed project. Individual development projects within the Town Center would be subject to review for consistency with the General Plan, Local Coastal Program, Town Center Plan, Town Center Development Standards, Town Center Design Guidelines, and other applicable development regulations on a project-by-project basis. All projects would require public hearings.

The Town Center Plan serves as a planning link between the General Plan and individual project-level development within the project area. The Town Center provides area-specific land use Development Standards and Design Guidelines. Upon adoption by the City, the Town Center Plan would provide the framework for development in the project area. The following Land Use Regulations, Design Standards and Design Guidelines provide a new regulatory framework supportive of the desire to build a mixed-use, pedestrian-friendly environment.

If an issue, condition, or situation arises that is not sufficiently covered or provided for by these regulations so as to be clearly understandable, the regulations of the Dana Point Municipal Code that are applicable for the most similar issue, condition, or situation shall be used with approval of the Community Development Director.

Goals and Policies

This chapter outlines a set of policies that guide the transformation of the Town Center into a sociable, pedestrian-oriented place. The recommended policies build on the existing General Plan and Local Coastal Plan to strengthen the role of the Town Center not only as a commercial center but also as an attractive, mixed-use environment. Both of these documents address the future of the Town Center as a specific place, defined geographically by the couplet. Each element is introduced by a goal, which is a broad statement of purpose, and a brief description of intent. The goal is then followed by a series of policies that are more definitive courses of action that support the achievement of a goal. Additionally, plan maps and illustrations are provided to further indicate the intent of goals and policies. Given the general scale of the illustrations in contrast with the more detailed scale at which plan policies must be applied, the illustrations are not meant to be applied literally to specific projects, but rather to provide general guidance.



Generalized Existing Land Use

Land Use

The type, range and intensity of activity are at the core of life within the Town Center and its successfulness as a place that is attractive and meets the needs of residents. The Town Center Plan emphasizes new residential uses along with strengthening existing retail uses. While existing land uses (diagram to the left) are separated into commercial and residential zones, the Town Center Plan encourages a new, mixed-use district (diagram on following page) in the Town Center.

GOAL: Achieve development in the Town Center area that enhances the area as a primary business district in the City.

Policy 1.1: Provide a diversity of retail, office and residential land uses that establish the Town Center as a major center of social and economic activity in the community.

Policy 1.2: Encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.

Policy 1.3: Establish patterns of land use and circulation that promote the desired pedestrian character of the area.

Policy 1.4: Encourage mixed-use development in the Town Center as illustrated in the Land Use Strategy on the following page.

Policy 1.5: Support street level uses that are pedestrian-oriented and contribute to the vibrancy of the street.

Policy 1.6: Promote professional business/office uses on the upper floors.

Policy 1.7: Periodically review entertainment uses in the Town Center to ensure that cumulative impacts are not detrimental to the city.

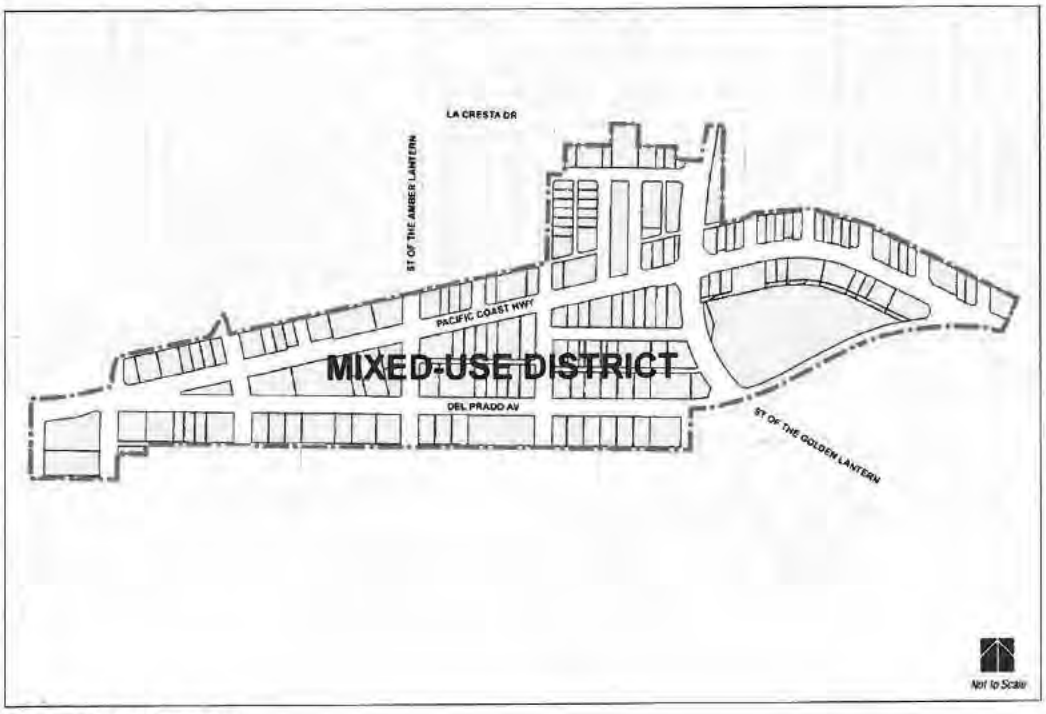
Policy 1.8: The Town Center shall be subject to the applicable requirements of California Government Code Section 65590 et seq. (the Mello Act).

Policy 1.9: Retail service commercial and visitor service commercial uses are priority uses which shall be encouraged within the Town Center.

Policy 1.10: Demolition of Existing Lower Cost Overnight Accommodations.

If demolition of the existing lower cost overnight accommodations in the Town Center planning area is proposed, a fee shall be required in-lieu of providing replacement lower cost motel units. If all the demolished units are replaced by lower cost motel units, the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit for demolition, in order to provide funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Orange County, and within 12 miles of the City of Dana Point's coastal zone.

The Town Center planning area does include one existing 24 room Motel which does provide



LAND USE STRATEGY

lower cost overnight accommodations. The Motel's location is at the northern section of the Town Center planning area and sits between two major three lane roadways, Del Prado and Pacific Coast Highway.

The in-lieu fee for the demolition of the existing motel shall be an amount sufficient to fund provision of lower cost overnight accommodations comparable in number to those that are lost. The required in-lieu fees shall be deposited into an interest-bearing account, to be established and managed by the California Department of Parks and Recreation (CDPR). The entire fee and accrued interest shall be used for renovation of existing structures not currently functioning as overnight accommodations to overnight beach cottages available to the public at the Historic District of Crystal Cove State Park (Cottages 14, 17 and 21). The renovated cottages shall provide at least the same number of beds as units that are demolished and will provide a lower cost beach front overnight experience. All development funded by this account will require review and approval of the Executive Director of the Coastal Commission. Any portion of the fee that remains after five years shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities or other organization acceptable to the Executive Director within 12 miles of the City of Dana Point's coastal zone.

Urban Design / Streetscape

The Town Center Plan endeavors to strengthen the pedestrian scale and character of the couplet area, while balancing the efficient movement of vehicles.

GOAL: Improve the Town Center as one of the city's primary shopping districts with a small town "village" atmosphere.

Policy 2.1: Improve pedestrian opportunities and create an attractive pedestrian environment within the Town Center. (Coastal Act/30250)

Policy 2.2: Create safety buffers of street trees, planters and street furniture between pedestrian walks and the street along both Pacific Coast Highway and Del Prado. Provide widened sidewalks with a special Town Center streetscape design.

Policy 2.3: Develop pedestrian courtyards and other outdoor spaces with planting and street furniture.

Policy 2.4: Encourage pedestrian-oriented building frontages with shops opening to the public sidewalk, and encourage a maximum amount of retail uses on the first floor.

Policy 2.5: Through effective design guidelines, encourage building designs, intensity and setbacks to be compatible with the desired scale and character of the area. (Coastal Act/30251)

Example of a fountain incorporating public art

Policy 2.6: Incorporate art features, including public art as an element of development and enhancements.

Policy 2.7: Encourage the use of small spaces for landscaping and mini-parks with art features.Landscaping shall be consistant with policy 2.11.

Policy 2.8: Provide centrally located public restrooms.

Policy 2.9: Develop a plan designing and locating enclosed trash containers in the Town Center.

Policy 2.10: Address the impact of delivery trucks on the circulation system for new development and for new businesses. Encourage deliveries to utilize the alleyways when feasible.

Policy 2.11: Establish a plant list for trees, shrubs, herbaceous materials and ground cover within the Design Guidelines for Town Center. Non-invasive, primarily drought tolerant plants shall be used.

Active ground level uses contribute to a walkable place.

Policy 2.12: Encourage the design of lighting that enhances the streetscape and facilitates nighttime use of the Town Center by pedestrians.

Policy 2.13: Increase the number of flowers in the Town Center by adding containers in the city right of way and on streetlights, and encourage businesses to plant flowers where possible, provided a maintenance program is established.

Policy 2.14: Utilize historical lantern design for lighting in public improvements and private development and 2-foot grid sidewalk pattern to reflect historic character.

Policy 2.15: Establish criteria and methods of measure for Levels of Quality (LOQ) for the pedestrian environment (similar to Level of Service for vehicular environment). Require minimum pedestrian LOQ for all new street improvement projects, and establish objectives for future improvements to pedestrian LOQ.

Policy 2.16: Give priority or incentives to businesses that reflect unique merchandise and architecture and promote the sense of character and identity.

Circulation

Circulation and parking are key in upgrading the Town Center. The Town Center Plan envisions the enhancement of existing streets, the provision of centralized public parking and

careful consideration of the phasing of streetscape improvements in order to minimize, to the extent possible, the impact of construction on existing merchants and residents.

GOAL: Slow down the speed of traffic through Town Center while maintaining efficient and safe vehicular, pedestrian and bicycle travel.

Policy 3.1: Reduce the disruptive and negative impact of traffic movements and high traffic speeds in the Town Center.

Policy 3.2: Establish patterns of land use and circulation that promote the desired pedestrian character of the area.

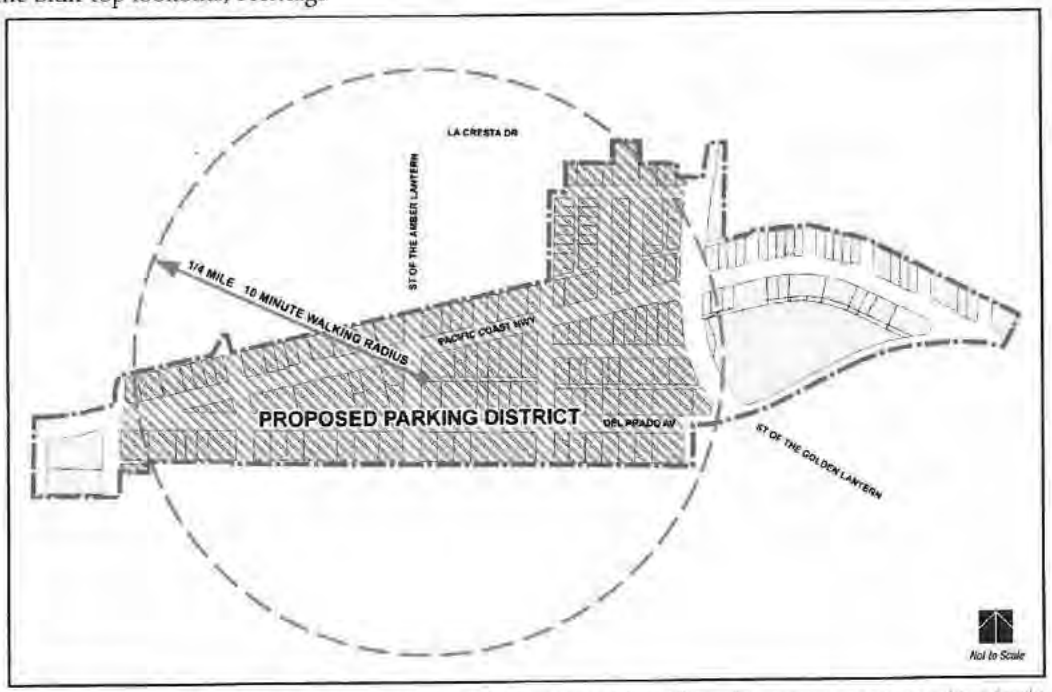
Policy 3.3: Improve pedestrian circulation in the Town Center, including pedestrian linkages with the bluff top lookouts, Heritage Park, and Dana Point Harbor.

Policy 3.4: Encourage the use of alleys as pedestrian pathways through alleyway beautification and through upgrades to the rear facades of buildings with alley frontage, when appropriate.

Policy 3.5: Create a convenient shuttle service to link the Town Center with the Harbor and hotels.

Policy 3.6: Where alley access is available, locate parking areas in the rear of the property.

Policy 3.7: Investigate other options for linking businesses and events in the Town Center and the Harbor, such as gondolas and escalators.



A 1/4 mile radius, a distance which is considered to be an acceptable walking distance to access a parking facility, is used to identify the portion of the Town Center which could utilize the In-Lieu Parking Program. The proposed parking facility(ies) would be located in this area.

Parking

Accessible and convenient public parking is essential to the health and vitality of the Town Center. Current zoning requirements for the provision of parking on individual parcels have contributed greatly to the fragmented pattern of activities and to the lack of pedestrian activity. The Town Center Plan outlines actions that would expedite parking improvements to support merchants and residents and encourage development on vacant and underutilized parcels. After analyzing the demand for parking, it is expected that the City Council would acquire land in the Town Center for a centralized public parking facility(ies) funded by fees from new building construction and located in a parking district. The preceding graphic depicts a parking district located within a 1/4 mile of the Town Center. Centralized parking would help to satisfy parking needs while providing for a more cohesive Town Center.

GOAL: Create and implement a parking program that ensures adequate and convenient parking is made available with the creation of centrally located public parking facilities.

Policy 4.1: Provide opportunities for shared parking facilities in the Town Center, such as through the establishment of an off-street parking district through a subsequent LCP amendment.

Policy 4.2: Develop land use and parking regulations to assure that adequate and reasonable standards are provided.

Policy 4.3: Develop a parking concept that emphasizes shared parking facilities through a subsequent LCP amendment.

Policy 4.4: Create a parking development and management program which assesses parking demand and requirements based on the Dana Point Zoning Code.

Policy 4.5: Create an in-lieu parking program which includes appropriate fees which consider the costs of land acquisition and construction costs associated with providing a parking space in the Town Center. Approval of a Local Coastal Plan Amendment from the California Coastal Commission shall be required for any zoning code amendments made for the purpose of implementing an in-lieu parking program for the Town Center.

Policy 4.6: Create additional public parking which would include one and preferably two facilities prior to beginning roadway construction.

Policy 4.7: Parking areas shall be located in the rear of properties, where alley access is available.

Policy 4.8: Prevent excessive Town Center parking in adjacent residential areas.

Economic Development

The vitality of a town center is dependent on its economic health. Bustling retail shops, thriving commercial offices and active residential units contribute to the energy in the town center, making it an area that people like to visit. It is important that public and private interests collaborate to improve Dana Point Town Center's economic position within Orange County.

GOAL: Promote an economically viable downtown through uses that serves both residents and visitors.

Policy 5.1: Increase the Town Center's economic vitality and its contribution to the City's economic development goals.

Policy 5.2: Encourage the formation of a Downtown Business Association. The purpose of the Downtown Business Association is to provide a coordinated forum for various private interests to work together to enhance economic development in the Town Center.

Policy 5.3: Promote public and private cooperative efforts to provide ongoing aesthetic improvements in the Town Center.

Policy 5.4: Create a program to help retain existing businesses.

Policy 5.5: Prepare an Economic Development Strategy to strengthen the business climate, foster retail activity and improve the tax base in Town Center.

Policy 5.6: Develop affiliations between civic and business associations and groups to promote a coordinated marketing effort that enhances business activity throughout the city. In particular, develop linkages between Town Center and other activity centers such as the beaches, hotels and harbor.

Policy 5.7: Give priority or incentives to businesses that reflect unique merchandise and architecture and promote the local character and identity of Dana Point.

Signage

Recognizing that signage impacts the character of a place, the Town Center Plan calls for a public signage program with a unified design and pedestrian-oriented signs.

GOAL: Require signs to contribute to the atmosphere and to serve as symbols of quality for commercial establishments.

Policy 6.1: Create a public signage and banner program, which creates a unified design reflecting the character of the Town Center for street signage, and direction signs to public parking locations and community serving uses (i.e., public buildings, parks, harbor, scenic attractions, coastal access points, bike and pedestrian paths, cultural/historic structures).

Policy 6.2: Encourage signage oriented to the pedestrian, such as projecting signs.

Historic Preservation

Enhancing the charm and romance of Dana Point and, at the same time, reinforcing its coastal history are important to the community. The Town Center Plan sets out guidelines to preserve historic structures and elements and to encourage preservation.

GOAL: Maintain and revitalize the character of designated historic structures in the Town Center.

Policy 7.1: Seek to protect and revitalize historic elements in the Town Center, such as the original lanterns and historic concrete stamps.

Policy 7.2: Encourage remodeling and renovating of historic structures and placement of the structures on the National Register of Historic Places.

Policy 7.3: Ensure that the Dana Point Historic Resources Inventory reflects the structures which have historic significance, as determined by the City Historic Resources Ordinance.

Policy 7.4: Provide incentives for re-use of historically significant buildings.

Policy 7.5: Develop incentives to promote improvements to historic structures and building façades and create programs to provide relocation assistance.

Building Design

Improving the overall quality of buildings and the identity and livability of the Town Center are important issues of longstanding concern to the community. The Town Center Plan establishes the appropriate building height, setbacks and stepbacks and discourages franchise architecture to create more pleasing and appropriately scaled structures. Special provisions are included to alleviate potential conflicts between neighbors. Recommendations related to building form and appearance are outlined in the Development Standards and Design Guidelines.

GOAL: Create a Town Center which reflects the unique natural, historic, and cultural qualities of the community.

Policy 8.1: New development shall comply with the Town Center Design Guidelines.

Policy 8.2: Pursuant to the City of Dana Point, Local Implementation Plan, all private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and water and materials Best Management Practices.

Landscape

Recognizing the importance of Dana Point's distinctive landscape identity, the design and implementation of landscape and streetscape improvements should be an integral part of the Del Prado and PCH improvements.

GOAL: Require landscape improvements and incorporated amenities that improve the pedestrian environment and create a strong sense of place for the Town Center.

Policy 9.1: Benches, kiosks or art features should be incorporated into the landscaping as amenities to pedestrians.

Policy 9.2: Nighttime illumination of landscaping, paths, trees or art features shall be designed to contribute to the safety and beauty of the downtown, but should not overflow onto residential areas.

Policy 9.3: Landscaping must be selected and maintained at a scale that is consistent with the building site and overall pedestrian scale of the downtown.

Policy 9.4: Landscaping shall be designed so it does not interfere with pedestrian circulation.

Policy 9.5: Best Management Practices (BMPs) for landscaping, in addition to those required by the City's Local Implementation Plan, shall be considered.

Policy 9.6: Landscaping shall not interfere with visibility of businesses and signage.

Policy 9.7: Temporary planters and pots placed by business owners in the public right of way shall be limited to items identified in an encroachment permit issued to the business owner by the Public Works Department.

Policy 9.8: Street trees shall be limited to the maximum allowed building height (40 feet).

Policy 9.9: Street landscaping elements (i.e., trees/ shrubs) shall be selected which are appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks.

Policy 9.10 In addition to the adopted Zoning Code Landscape Design Standards that encourage use of drought tolerant landscaping as well as protection, preservation and enhancement of native species, the use of non-invasive plant species shall be required.

Street trees, planters and flower beds give a street character and a sense of place.

The Town Center Water Quality Program

Goal: Continue the City's commitment to protecting water quality by seeking strict standards and subsequent enforcement of those standards for all new public and private development and significant redevelopment.

Policy 9.11: In addition to CEQA as applied to specific project development, projects will be consistent with Sections 30230 and 30231 of the California Coastal Act for water quality.

Policy 9.12: All development within the Town Center shall meet the requirements of the San Diego Regional Water Quality Control Board (SDRWQCB) National Pollutant Discharge Elimination System (NPDES) permit.

Policy 9.13: All development within the Town Center shall be consistent with water quality-related provisions in Chapter 15.10 of the City of Dana Point Municipal Code, the City's Standard Urban Stormwater Mitigation Plan (SUSMP) and the City's "Local Implementation Plan (LIP)."

Policy 9.14: All development shall incorporate Best Management Practices (BMPs) designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

Policy 9.15: In areas of new development and redevelopment, minimize the amount of impervious surfaces and directly connected impervious surfaces and where feasible maximize on-site infiltration of runoff, except where site conditions preclude infiltration (e.g., geologic

hazards would be exacerbated, or pollutant concentrations are high).

Policy 9.16: Businesses shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, suspended solids, and other pollutants to the storm drain system.

Policy 9.17: All development shall minimize erosion, sedimentation, and other polluted runoff from construction-related activities and land disturbing activities (e.g., clearing, grading, and cut-and-fill), especially in erosive areas, to the maximum extent feasible. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible. Development that requires a grading/erosion control plan shall include a plan and schedule for landscaping and re-vegetation of graded or disturbed areas.

Policy 9.18: Efficient irrigation practices shall be utilized within Town center to minimize the potential for nuisance water runoff.

Policy 9.19: A public awareness program shall be developed concerning water quality for future business owners, tenants, residents as well as property owners within the Town center. The program will emphasize the appropriate use of water with respect to landscaping, fertilizers and pesticides, irrigation, sewage control, overall business operations and public spaces.

Policy 9.20: All development projects will be required have a detailed Water Quality Management Plan requiring effective Site Design, Source Control and Treatment Control Best management Practices to the maximum extent practicable. In addition to common practices for reducing runoff, best available technology for catch basin inserts, filtration systems, diversion and/or biofiltration will be required.

Policy 9.21: When the combination of site design and source control BMPs is not sufficient to protect water quality as required by the LCP or Coastal Act, or when required by Regional Board per municipal permit provisions, structural treatment BMPs will be implemented along with site design and source control measures. Use multi-benefit, natural feature, stormwater treatment systems, such as landscape-based bioretention systems, bioswales and green roofs, in place of proprietary systems where feasible.

Policy 9.22: Post-construction structural BMPs (or suites of BMPs) shall be designed, sized and installed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs.

Land Use Regulations

The Town Center Plan identifies the land use designation and zoning for the project area as "Town Center Mixed-Use District". This is a unique designation in the city and only applies to the Town Center. Land uses are defined by zoning districts, and are listed as permitted, conditionally permitted and prohibited uses. The proper mix of land uses in this area, particularly at the street level, is a critical component for creating a vibrant, pedestrian-oriented environment. The following matrix indicates the uses which are permitted by right (i.e., no discretionary review); uses that are permitted subject to a Conditional Use Permit, and uses which are prohibited. Uses not listed are prohibited. The definitions are taken from the Dana Point Zoning Code.

Pattern and character of existing development.

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	**Town Center Mixed-Use District**
Administrative Office Uses – real estate, insurance, banks, travel agent		
-	Above the ground floor	P
-	On the ground floor	C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Adult Businesses – establishment which offer its patrons products, merchandise, services or entertainment relating to sexual activities.		X
Adult Day Health Care - facility providing nonmedical care to persons 18 years of age or older		X
Alcoholic Beverage Outlets – establishments which serve or sell alcohol		C
Animal Hospital - facility where animals are given medical treatment		X
Animal Shelter - facility providing boarding for stray animals		X
Automotive Sales and Rental Uses - establishments which offer motor vehicles for rent or sale.		C
Bed and Breakfast Inn - large dwelling unit which provides lodging.		P
Building Materials Sales and Service Uses – interior design shops, cabinet shops, carpet sales, nurseries, pool supply and equipment sales, glass and mirror sales, home improvement centers, paint and wallpaper stores, tile sales and drapery sales.		C
Business Service Uses - office products and supply stores, parcel/postal services, computer sales and service, and courier/messenger services.		
-	Above the ground floor	P
-	On the ground floor	C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Caretaker's Residence - dwelling unit accessory to the principal use on a site and intended for occupancy by a caretaker, security guard, or worker.		C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Clinical Services - medical and health clinics, chiropractic/physical therapy clinics, counseling services and emergency care centers.		C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Commercial Antennas		C*
Commercial Entertainment Uses - video game rooms, movie theaters, arcades, batting cages, skating rinks, shooting galleries, miniature golf courses, and bowling alleys.		C
Commercial Recreation Uses - bicycle rentals, billiard parlors, kayak rentals.		P
Community Care Facility – facility which provides nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults.		X
Congregate Care Facility - apartment housing which is arranged in a group setting that includes independent living accommodations and shared dining and recreational facilities.		X
Congregate Living Health Facility - with a noninstitutional, home-like environment which provides inpatient care		X

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	**Town Center Mixed-Use District**
Construction and Maintenance Services - construction companies, carpentry services, electrical contractors, handyman services, janitorial services, home and business maintenance services, lumberyards, painting contractors, pest control services, tree surgeons, landscape maintenance services, and plumbing contractors.		X
Convalescent Facility – State licensed facility which provides long-term nursing, dietary and other medical services.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Cultural Uses - public art galleries, museums, libraries, auditoriums, performance halls, amphitheaters and live arts theaters.		P
Dance Halls/Clubs - a public hall which is primarily intended for dancing		C
Day Treatment Facility - facility which provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services to persons under 18 years of age.		X
Drive - Through Uses - establishments which provide goods, services or food to persons who are occupants of a motor vehicle.		X
Drug Abuse Recovery or Treatment Facility – a facility which is operated exclusively to provide 24-hour residential nonmedical services in a group setting to adults.		X
Dwelling Unit, Multifamily		P(1)
Dwelling Unit, Single Family		X
Educational Uses - art schools, martial arts schools, dance schools, day care centers, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Emergency Shelter - facility that provides immediate and short-term housing and supplemental services.		X
Family Day Care Home, Large - home which provides family day care to seven to twelve children.		X
Family Day Care Home, Small - home which provides family day care to one to six children.		C (1)
Food Service Uses, Specialty - candy stores, bakeries, delicatessens, donut shops, sandwich shops, ice cream/yogurt shops and coffeehouses.		P
Fortune Telling		X
Fractional Ownership Facility		X
Group Dwelling/Group Home - retirement homes, boarding houses and lodging houses.		X
Health and Athletic clubs: youth clubs, dance studios.		C
Hospital, Acute Psychiatric - medical, nursing, rehabilitative, pharmacy, and dietary services.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Hospital, Chemical Dependency Recovery - facility which provides 24- hour inpatient care for persons who have a dependency on alcohol or other drugs.		X

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	**Town Center Mixed-Use District**
Hospital, General Acute Care - facility which provides 24-hour inpatient care.		X
Hospital, Special - specialized health facility which provides inpatient or outpatient care in dentistry or maternity.		X
Hotels located within the interior portion of the couplet: - portion of structure containing guest rooms, meeting rooms or suites offering transient lodging: - accessory uses to hotel such as lobby, restaurant, retail store. - Hotels located in the outer couplet along the alleys which are adjacent to surrounding residential zones – structure containing guest rooms or suites offering transient lodging		P (1) P X
Home Occupation – Commercial activity conducted solely by the occupants of a particular dwelling. Subject to Section 9.07.030 which states that only persons residing on the residence shall be involved in the business, no more than one room of the residence shall be used for business purposes. No portion of the business shall be conducted in garage or outdoors. No retail sales conducted on the premises.		P
Institutional Uses - libraries, public or private schools, hospitals, municipally owned or operated buildings, structures or lands used for public purposes.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Intermediate Care Facility - health facility which provides inpatient care		X
Kennel – Facility where four or more small animals are kept.		X
Live Entertainment Uses - dance halls, dinner theaters, discotheques, nightclubs, playhouses, theaters and restaurants with dance floors.		C
Liquor Store – establishment which sells alcohol containing beverages for off-site consumption.		C
Major Automotive Uses - auto body repair shops, auto glass shops, automotive painting shops, customizing shops, engine rebuilding, speed shops and transmission shops.		X
Marine Uses: boat sales and incidental rental, surfboard sales and repair, scuba equipment sales and service, marine supply sales, sail sales and incidental.		P
Massage Establishments – offering massages, baths, or health treatments involving massages, or baths as regular functions.		C(1)
Medical Office Uses - offices of doctors, dentists, chiropractors and veterinarians.		
- Above the ground floor		P
- On the ground floor		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Membership Organizations - union halls, fraternities and sororities, boys and girls clubs, and lodge halls.		C
Minor Automotive Uses - brake shops, tire stores, muffler shops, alignment shops, car washes (full service or self service), detail shops, radiator shops, upholstery shops, service stations, stereo installation shops, tune-up services and oil and lubrication services.		X
Minor Repair Service Uses - fix-it shops, jewelry and watch repair, household appliance repair, locksmith shops, stereo and television repair and upholstery shops.		C
Open Space		P

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	**Town Center Mixed-Use District**
Park, Public		P
Pawn Shop – establishment which loans money on the security of personal property and makes such property available to the general public for purchase.		C
Personal Service Uses - establishments which provide services to an individual related to personal care and appearance, or the cleaning or repair of personal effects such as antique restoration, barber shops and beauty salons, cosmetologists (including incidental facial and scalp massage) mortuaries and funeral parlors, shoe repair, dry cleaning, laundromats, reducing salons, nail salons, tailors, and pet grooming.		C
Photographic, Reproduction and Graphic Service Uses - printing establishments, blueprint companies, lithographic services, motion picture studios, photographic studios, photographic laboratories, photocopy companies, radio/television studios and recording studios.		C
Professional Office Use - accountants, architects, designers, engineers, interior decorators, landscape architects, photographers and planners.		
-	Above the ground floor	P
-	On the ground floor	C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Public Utility Use		X
Recreational Uses - athletic clubs, health clubs, dance studios, game courts, golf courses, golf driving ranges, gymnasiums, swimming pools, private or public recreational facilities and parks.		C
Recycling Facilities - center for the collection of recyclable materials.		X
Religious Uses - churches, synagogues and temples.		C*
Research and Development Uses - research, design or testing laboratories for aeronautics, automobiles, computer products development, controls, engineering services, materials testing, medical/dental, and electronics.		X
Residential Care Facility for the Elderly - housing for persons 60 years of age or over where varying levels of care are provided.		C
-	Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.	X
Residential Facility - family home established for 24-hour nonmedical care of persons		X
Restaurant - dining rooms, cafes, cafeterias, coffee shops, and pizza parlors.		P
Restaurant, Drive-Through -restaurant which includes one (1) or more drive-through lanes		X
Restaurant, Fast Food - restaurant whose principal business is the sale of a pre-prepared food in a ready-to-consume state for consumption either on or off the premises.		C
Restaurant, Take-Out - restaurant where foods and/or beverages are sold directly to the customer in a ready-to-consume state for consumption off-site.		P
Restaurant, Walkup - restaurant where the serving and consumption of foods and/or beverages is made available to patrons outside the confines of a building.		P

LAND USE MATRIX

P = Permitted Use C = Conditional Use T = Temporary Use X = Prohibited Use	P* = Permitted Use subject to special use standards C* = Conditional Use subject to special use standards T* = Temporary Use subject to special use standards A = Accessory Use (1) = Permitted or Conditionally Permitted above the street level only.	**Town Center Mixed-Use District**
Retail Sales Uses - antique sales, appliance sales and repair, art supplies, bicycle sales and service, bookstores, camera sales and service, clock sales, clothing sales, coin and stamp sales, computer and electronics stores, convenience stores, department stores, drugstores, fishing supply stores, florist shops, furniture sales, gift shops, grocery and food stores, hardware stores, hobby shops, interior design stores, jewelry stores, machine and tools sales, music stores, newsstands, optical products sales, pet shops and pet supply stores, photo finishing and photo supply stores, plant nurseries (garden center), shoe stores, sporting goods stores, stationery stores, surfboard sales and repair, television/stereo sales, toy stores and video sales/rental stores.		P
Senior Citizen Housing - licensed housing for persons 62 years of age or older, or unlicensed housing for persons 55 years of age or older, including such housing facilities as retirement villas, apartments, condominium.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Single Room Occupancy - cluster of guest units within a residential hotel for weekly or longer tenancy providing sleeping or living facilities for one person per unit.		C
- Within the first 40 ft depth of ground floor area fronting along Pacific Coast Highway and Del Prado between Street of the Blue Lantern and Street of the Golden Lantern.		X
Skilled Nursing Facility - health facility which provides skilled nursing care		X
Social Rehabilitation Facility - residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults		X
Tattoo Parlors - premises used for the business of marking or coloring the skin with tattoos		X
Temporary Uses		T
Timeshares		X
Transportation Uses - bus stations, ferry service facilities, train stations and park and ride facilities.		X
Video Arcades or Game Rooms - establishments which provide six (6) or more video games, virtual reality devices or computers for the use and enjoyment of the general public.		C

Development Standards

The Town Center Plan includes development standards that reinforce pedestrian friendliness and human scale. To support greater residential development, retail concentration and continuity, and economic feasibility, the Plan addresses density of development, building height, roof decks, design of ground-floor commercial space, setbacks, open space and parking. The following describes the background and intent of the development standards for the Town Center. The standards themselves appear in the tables below with footnotes at the end of this chapter. (See Chapter 9.75 of the Dana Point Zoning Code for definitions and illustrations of terms.)

View of Town Center in upcoast direction.

Minimum Lot Size, Maximum Lot Coverage and Density

The minimum requirements for the size and dimensions of building lots remain unchanged while the lot coverage standards have been removed. A more densely developed environment which offers a cohesive development pattern and uninterrupted fabric of activity is necessary for a successful Town Center. Coverage of close to 100% is necessary to achieve this pattern and is possible particularly when parking is located in centralized off-site facilities, as available through an in-lieu parking program. Instead of limitations on lot coverage, other standards are included to limit the size and density of development.

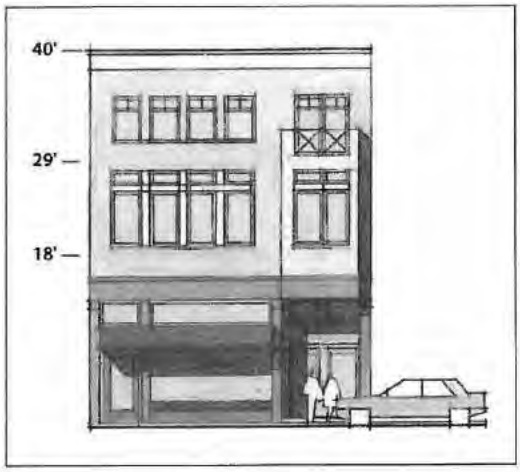
It is problematic to apply a maximum residential density in units per acre to mixed-use projects, as it does not take into account the proportions of residential and nonresidential uses or the size of the residential units. Maximum floor-area ratio (FAR), which governs the amount of development permitted relative to the amount of land for a given parcel, is a more appropriate tool with which to regulate mixed-use development. In the Town Center, where a mix of commercial and residential uses is desired, a maximum allowable FAR is stipulated. To promote a diverse residential population and provide housing for families in the Town Center, the unit mix for residential development is also regulated with maximum limits being placed on the numbers of studio units with minimum requirements for numbers of two-bedroom or larger units. The following table outlines regulations for lot size, coverage and density of development in Town Center.

MINIMUM LOT SIZE	
• Minimum Lot Size (1)	5,000 square feet
• Minimum Lot Width (1)	50 feet
• Minimum Lot Depth (1)	80 feet
MAXIMUM LOT COVERAGE	
• Maximum Lot Coverage	No maximum.
MAXIMUM DENSITY	
• Maximum Residential Density	See Unit Mix below which limits the minimum size of units.
• Unit Mix	No more than 20% of units to be studios. At least 20% of units to be 2-bedroom or larger.
• Standard Floor Area Ratio (FAR) - Nonresidential - Mixed Use	 2.5 2.5

(1) *Development standard applies to proposed subdivisions of land through a Site Development Permit. The standards may be modified by the Planning Commission when necessary to accommodate the parcel configuration for an integrated commercial development subject to the approval of a Conditional Use Permit pursuant to Chapter 9.65.*

Maximum Building Height

Building height impacts the overall quality of the buildings in the Town Center and the groundfloor retail and upper floor residential uses, in particular. Height impacts not only the general identity and character of the Town Center, but also "blue water" views from upland residential areas. The Town Center Plan limits the height of buildings to 40 feet and three stories which would allow for an 18-foot groundfloor height (measured floor to floor) that would improve store frontages and benefit retailers as depicted to the right and below. See Insert A on following page.



40-Foot Building Height

MAXIMUM BUILDING HEIGHT	
• Maximum Height	40 feet 3 stories (1)(2)
• Building Height Measurement	Measure building height from the level of the sidewalk at the midpoint of the front property line. See Insert B on following page. Count 2 stories of above-grade structured parking as a single story when fronted by single story of usable groundfloor space, such as a shop front.

(1) Count two levels of above-grade parking as a single story when fronted by a single story of retail space not exceeding 20 feet in height (measured from floor to floor).

(2) Additional height permitted for encroachments with a Conditional Use Permit.

Example of a 40' building with a ground floor café, upper story setbacks, balconies and architectural details that improve the pedestrian realm.

Insert A:

The 40 foot height limit is a maximum to be strictly applied, and includes guard rails, decorative features, stairwells, elevators and equipment serving ADA requirements, except for the required mechanical equipment as set forth in the section titled Permitted Encroachments into Maximum Building Height and Roof Decks. To inform the public, story pole staking is required for 20 days. The story pole staking shall, at a minimum delineate the 40 foot height limit for all sides of the building and a vertical drop to the ground at each corner of the proposed structure plus any proposed elements needing a variance. Story pole staking is not required for mechanical elements or chimneys.

Insert B:

The elevation of the 40 foot limit is to be determined by averaging the elevation of highest area of the ground in the plot and the lowest area and then adding 40 feet.

Permitted Encroachments into Maximum Building Height and Roof Decks

Paragraph to be replaced with Insert A on following page.

Encroachments beyond the maximum height limit shall be reviewed as part of the Site Development and Conditional Use Permit process. Limited encroachments for such items as mechanical equipment and chimneys require a Site Development Permit. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.

2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.

Area of Town Center Allowing Roof Decks

Insert A:

Encroachments beyond the maximum height limit are strictly prohibited except under the following conditions. Limited encroachments for such items such as mechanical equipment and chimneys require a Site Development Permit and shall not exceed the 40- foot height limit by more than 42 inches. Roof decks require a Conditional Use Permit and are only allowed within the inner portion of the Town Center couplet as depicted below. Roof decks in the couplet shall not exceed the 40-foot height limit, including guardrails, stairwell, elevator shafts, and any ADA-required equipment. In addition to the required findings as set forth in the Municipal Code, any CUP for roof top decks in the Town Center shall require the following two findings:

1. The approval will not result in an undue impact on the quiet use, enjoyment or privacy of surrounding properties.
2. The approval will not result in undue adverse impacts on ocean views from surrounding properties.

Table to be replaced by Insert A on following page.

PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit shall be reviewed as part of the Site Development Permit process. All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. All encroachments beyond the maximum building height shall be included in the staking	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado)	
• Guardrail	42" guardrail required in accordance with Uniform Building Code; conditionally permitted to exceed maximum building height if setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	Conditionally permitted if setback minimum of 5 feet from face of building

Design of Groundfloor Building Frontage

Retail at the street level is a critical component for creating a vibrant, pedestrian-oriented environment. To encourage this, buildings shall be developed in a manner which is conducive to retail-type uses. Buildings fronting on Del Prado and Pacific Coast Highway between Blue Lantern and Golden Lantern shall comply with the design standards described below: See Insert B on following page for replacement text.

DESIGN OF GROUNDFLOOR BUILDING FRONTAGE PACIFIC COAST HIGHWAY AND DEL PRADO ALL STREETS BETWEEN BLUE LANTERN AND GOLDEN LANTERN
• The floor-to-floor dimension between the finished floor of the ground floor of the structure and the floor above shall be at least 18 feet.
• The depth of groundfloor commercial space from storefront to rear shall be at least 40 feet.
• The interior finished floor elevation shall be level with the adjacent sidewalk at least every 50 linear feet. Pedestrian access to the building shall be flush with the sidewalk.

Building Setback, Build-to Lines and Allowed Projections

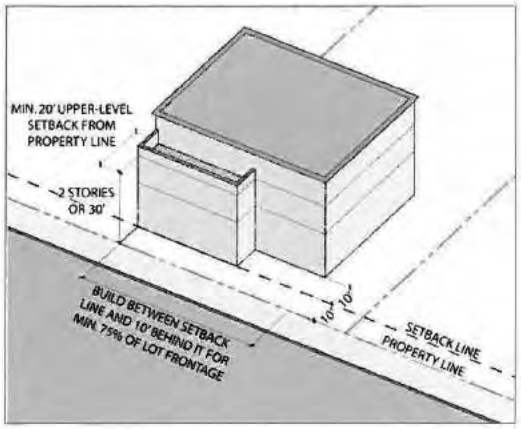
The following development standards are designed to allow development to contribute positively to the creation of a vibrant, pedestrian-oriented district with a mix of uses while, at the same time, repsect surrounding uses including existing historically significant buildings and existing residential uses within and outside of the Town Center. Front and street-side yards shall be treated like plazas. The intent is to create opportunities for sidewalk enhancements, outdoor dining, public art and landscaping that supports and does not inhibit active uses in groundfloor building space. These standards are uniquely tailored to the different areas and streets within the Town Center to allow for diversity in building design while responding to unique conditions of the area/street. The standards for setbacks and built-to lines are as follows:

Insert A:

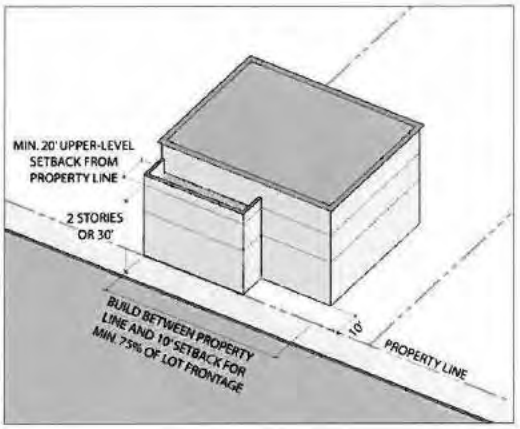
PERMITTED ENCROACHMENTS INTO BUILDING HEIGHT LIMIT	
All roof decks above the upper floor shall be subject to a Conditional Use Permit. Encroachments beyond the maximum building height limit are strictly limited to required mechanical equipment and chimneys, and shall be reviewed as part of the Site Development Permit process. All new development and additions which result in additional building height shall be staked with story poles as part of the review process, and abide by the following regulations. All structures shall be staked at one time for a minimum of 20 days immediately prior to application for approval to the Planning Commission or the City Council. Staking shall be conducted as set forth in "Maximum Building Height ~~All encroachments beyond the maximum building height shall be included in the staking~~	
• Mechanical Equipment Screening & Chimneys	Up to 42" above maximum height if setback 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
• Elevators Not Providing Access to Roof Decks	Up to 42" above maximum height if setback minimum of 5 feet from face of building and not exceeding 5 percent of horizontal roof area.
ROOF DECKS – Conditionally permitted only within the interior portion of the couplet (within PCH and Del Prado) shall not exceed the 40 foot height limit including guardrails, stairwells, elevator shafts and any ADA requirements.	
• Guardrail	42" guardrail required in accordance with Uniform Building Code must be ~~, conditionally permitted to exceed maximum building height if~~ setback 5 feet from roof edge. Roof decks require a Conditional Use Permit
• Stairwells and Elevators Providing Access to Roof Decks	~~Conditionally permitted if~~ Must be setback minimum of 5 feet from face of building

Insert B:

all streets in the Town Center between Blue Lantern and Golden Lantern (including Pacific Coast Highway, Del Prado Avenue, Ruby Lantern, Amber Lantern, Street of the Violet Lantern, San Juan Avenue, Blue Lantern, and Golden Lantern)



Setback and Built-to Lines: Pacific Coast Highway



Setback and Built-to Lines: Del Prado

This rendering depicts how a building adhering to the setback requirements could look

BUILDING SETBACKS AND MINIMUM BUILD-TO LINES	
• Minimum Front Yard Setbacks	PCH: Minimum 10-foot building setback with required dedication of 10-foot public access easement for pedestrian circulation and landscaping. For lots greater than 80 feet in width, the maximum length of an uninterrupted building facade shall be 80 feet; to break the façade plane, provide minimum additional setback of 10 feet for at least 20 feet of frontage. (5) DEL PRADO, LA PLAZA and NORTH/SOUTH STREETS: 0 feet setback. For lots greater than 80 feet in width, the maximum length of an uninterrupted building facade shall be 80 feet; to break the façade plane, provide minimum additional setback of 10 feet for at least 20 feet of frontage. SAN JUAN: Buildings shall be setback a minimum of 5 feet. (Note build-to requirements)
• Minimum Street-Front Build-To Lines	PCH: Building shall be built up to the front setback line or within 10 feet behind it for a minimum of 75% of the lot width. (1) DEL PRADO: Building shall be built up to the front property line or within ten feet behind it for a minimum of 75% of the lot width. ALL OTHER STREETS: No build-to lines.
• Minimum Side Yard Setback	ALL STREETS: 0 feet LANTERN STREETS: 0 feet ALL OTHERS: No setback or build-to requirement at 1st floor.
• Minimum Rear Yard Setback - Standard - Adjacent to Alley or Street - Adjacent to Residential Zoning District	 0 feet (2) 5 feet 20 feet

Building setbacks encourage interesting building design and create opportunities for sidewalk enhancement.

ADDITIONAL SETBACKS AT UPPER LEVELS (3)		
• Adjacent to a Street	PCH: Portions of building above 2nd floor or 30 feet (whichever is lower) shall be set back 20 feet. DEL PRADO, LA PLAZA and NORTH-SOUTH STREETS: Portions of building above 2nd floor or 30 feet (whichever is lower) shall be set back 10 feet. SAN JUAN: Portions of building above 2nd floor or 30 feet (whichever is lower) shall be set back 15 feet.	
• Adjacent to an Alley or Rear Property Line	Blocks north of PCH and south of DEL PRADO above first 20 feet: Minimum 15 feet setback from alley. ALL OTHER BLOCKS: None required.	
• Adjacent to a Residential District	Above the 2nd story: Additional 10-foot setback when immediately adjacent to a residential district.	
• Interior Side Property Line	Above 20 feet in height: Starting 40 feet back from the front building face, minimum 5 feet from interior side property line.	
ALLOWABLE PROJECTIONS INTO REQUIRED SETBACKS		
All items projecting into the public right of way shall require an encroachment permit from the Community Development and Public Works Departments. Projections not specifically identified below shall be subject to Dana Point Zoning Section 9.05.080.		
• Balconies and Bay Windows	Maximum 2'-6" into required setback areas adjacent to alleys. May project 2'-6" beyond property line above a height of 20 feet if permitted by Building Code.	
• Awnings/Canopies/Marquees	Rigid elements shall be at least 8 feet above the sidewalk (7 feet for soft valances). May be placed up to 12 feet from the curb, subject to approval of the Community Development Director and Public Works Director when designed in conjunction with outdoor cafes.	
	When not associated with outdoor seating areas, but over windows or doors, awnings/canopies/marquees may project 4 feet beyond the property line.	
• Outdoor Dining Areas (e.g., Sidewalk Cafés)	PCH, Del Prado, San Juan Road and La Plaza – Front and Exterior Side Yards: minimum 12 feet from curb. All Other Yards (interior side and rear): To property line.	
• Architectural Projections (i.e., cornices, eaves, roof overhangs, etc.)	Front: 2'-6" Rear: 2'-6" Side: 2'-6" Minimum from Property Line: 0 feet	
• Maximum Percentage of Building Elevation Length	Front: 60% Side: 40% Rear: 80%	Applies to balconies, bay windows, awnings, and exterior stairways and landings.
SITE VISIBILITY AREA		
Zoning Code Section 9.05.090	None Required in Town Center	

(1) Exceptions to minimum build-to-line requirements may be granted in cases of lots with smaller frontages in order to accommodate minimum driveway widths.

(2) Twenty (20) feet adjacent to residential zoning district.

(3) The height above which an additional setback at an upper level is required shall be measured to the floor of the deck and not the guardrail. To encourage terraces and "eyes on the street", parapets and guardrails around terraces may project up to 2 feet above the additional setback height requirement.

Residential Open Space Requirements

The nature of the proposed building types is such that it may not be possible to achieve the minimums for residential private and common open space individually. For flexibility, up to 50% of dwelling units may satisfy their open space requirement by adding it to the required common open space. The table below stipulates minimums for open space, landscape and storage for residential uses.

OPEN SPACE REQUIREMENTS	
• Minimum Open Space (Res Only) - Private - Common	 100 sf/du 100 sf/du 50% of units may combine common and public space requirements
• Min. Landscape Coverage	None
• Minimum Lockable Storage	250 cu.ft./unit

Parking Requirements

In order to strengthen the concentration and continuity of retail within the Town Center, a number of modifications to the existing parking requirements are included. The minimum number of parking stalls by use, as detailed in the Dana Point Zoning Code, applies within the Town Center. However, within the proposed parking district, which extends from Blue Lantern to Golden Lantern within the Town Center (as shown on the Parking Strategy diagram on page 17), the developer may pay a fee for off-site public parking in lieu of providing on-site parking for retail and restaurant uses. Several diagrams of pedestrian-oriented parking solutions follow on the next page. See Insert A on following page.

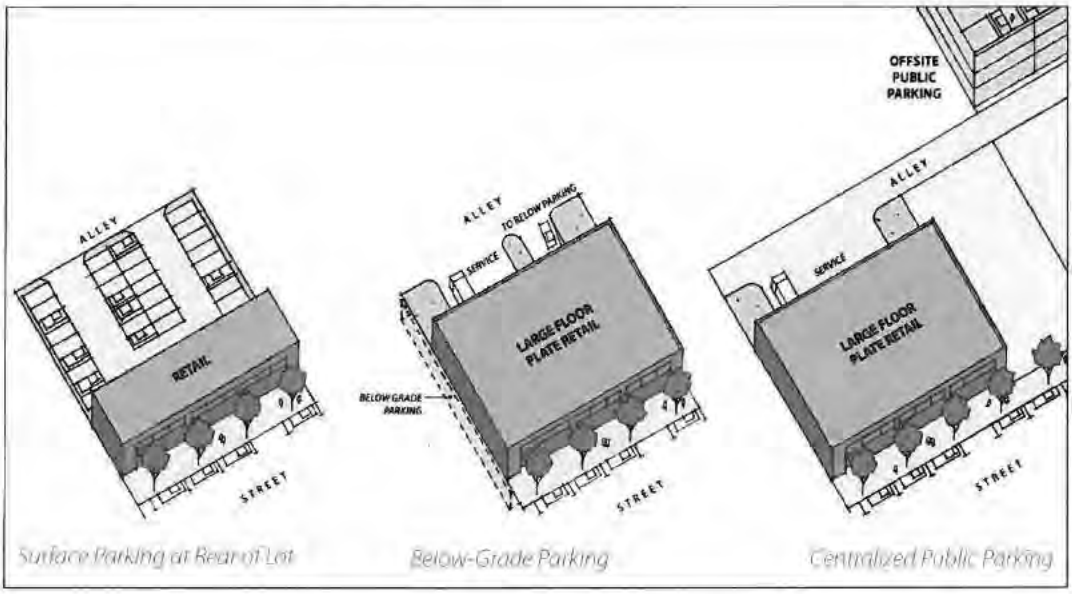
On-grade parking shall be set back from the property line on Pacific Coast Highway and Del Prado as stipulated. If groundlevel uses are not situated along the street frontage, the setback area shall be improved with landscaping and usable open space per the Design Guidelines. The graphics on the following page describe parking solutions that enhance the pedestrian realm.

On lots with alleys, access to parking shall be from the alley, and street curb cuts shall not be permitted. On lots that do not have alley access, curb cuts shall be permitted. Corner lots are permitted to take access from the side street, where appropriate; however, the driveway must be a minimum of 50 feet from the curb return on an adjacent intersection.

Insert A:

The fee for in- lieu parking shall be the estimated costs to the city of providing replacement parking spaces, with a minimum of $40,000 per space, the cost estimated in Dana Point's Nelson- Nygaard parking study in 2013, and increasing according to the rate of inflation annually thereafter.

PARKING	
• Driveway Location	Lots with alley access: No driveways from streets. Corner lots permitted to take access from side street, where appropriate. Corner lots with no alley access: No driveways on Pacific Coast Highway or Del Prado; set driveway back from curb return on Pacific Coast Highway or Del Prado 50 feet minimum.
• On-Grade Parking Lot – Minimum Setback	PCH and Del Prado 40 feet from property line. If no groundlevel uses in setback area, landscape per design guidelines. All Other Streets: No minimum.
• In-Lieu Fee for Off-Site Parking	Between Blue Lantern and Golden Lantern, allow retail and restaurant uses to pay fee in lieu of building on-site parking.
• Parking Requirements	Shall be in accordance with Dana Point Zoning Code, Section 9.
• Parking Structures	Development Standards detailed in Dana Point Zoning Code shall apply, but may be modified upon approval of the Director of Community Development and City's Traffic Engineer.



Pedestrian-oriented retail with alternative approaches to parking

Demolition of Existing Lower Cost Overnight Accommodations

A. If demolition of the existing lower cost overnight accommodations in the Town Center planning area is proposed, a fee shall be required in-lieu of providing replacement lower cost motel units. If all the demolished units are replaced by lower cost motel units, the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit for demolition, in order to provide funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Orange County, and within 12 miles of the City of Dana Point's coastal zone.

The in-lieu fee for the demolition of the existing motel shall be an amount sufficient to fund provision of lower cost overnight accommodations comparable in number to those that are lost. The required in-lieu fees shall be deposited into an interest-bearing account, to be established and managed by the California Department of Parks and Recreation (CDPR). The entire fee and accrued interest shall be used for renovation of existing structures not currently functioning as overnight accommodations to overnight beach cottages available to the public at the Historic District of Crystal Cove State Park (Cottages 14, 17 and 21). The renovated cottages shall provide at least the same number of beds as units that are demolished and will provide a lower cost beach front overnight experience. All development funded by this account will require review and approval of the Executive Director of the Coastal Commission. Any portion of the fee that remains after five years shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities or other organization acceptable to the Executive Director within 12 miles of the City of Dana Point's coastal zone.

B. As a condition of approval of a coastal development permit for demolition of the existing lower cost overnight accommodation in the Town Center planning area, the property owner (applicant) shall pay the required in-lieu fee as specified above. Prior to the issuance of the coastal development permit, but only after the City of Dana Point has indicated in writing, that the City has entered into an agreement with the California Department of Parks and Recreation (CDPR) (the "Agreement"), the applicant shall provide to CDPR, through a financial instrument subject to the review and approval of the City of Dana Point, a fee in an amount adequate to carry out the specific project identified in subsection A, payable to the CDPR. This fee shall be used for the purpose described in subsection A in accordance with the terms and conditions of the Agreement, which, at a minimum, shall include the following provisions: 1) CDPR shall submit a detailed final plan for the use of the funds to the City of Dana Point for review and approval within 24 months of the date on which the funds are transferred to CDPR; 2) the final plan shall provide for the submittal of renovation and conversion plans within 36 months of approval of the final plan by the City of Dana Point; 3) CDPR must obtain all necessary regulatory permits and approvals, including but not limited to a coastal development permit, for the renovation and conversion effort prior to commencement of the project; and 4) a deadline

not to exceed 5 years from the date of transfer of the funds to CDPR by which the funds shall be used by the CDPR to complete the project identified in the final plan, along with provisions to address any failure to complete the project.

Design Guidelines

The Town Center Plan includes design guidelines that reinforce pedestrian friendliness and human scale and the importance of using high quality materials and details to enhance Dana Point's unique sense of place. Furthermore, design guidelines for private property focus on humanizing the pedestrian environment within the Town Center, with consideration for courtyards, passages, and other provisions that help to link and extend the quality of public space into quasi-public and private areas. Standardized and/or formulaic buildings that diminish a sense of place and local identity are strongly discouraged.

The Town Center Design Guidelines complement the Zoning Ordinance provisions. While the latter are mandatory, the guidelines are advisory. They are intended to prompt developers and their architects to address specific issues of local concern and to guide City staff and commissions in their evaluation of proposed development projects subject to Discretionary Design Review.

Summary of Design Principles

- Create a "main street" environment along Del Prado with a continuous frontage of appropriately designed shops and restaurants.
- Provide active building frontages with large, transparent window openings. Avoid blank walls.
- The primary entrance to every groundfloor space and upper story use should be from the sidewalk. Entry courts are also encouraged if they are open, visible and public in character and contain active uses such as storefronts and outdoor cafés.
- "Dead" gaps along both Del Prado and Pacific Coast Highway should be avoided by discouraging new curb cuts and driveways and by requiring parking lots to be set back from the sidewalk.
- The ground level of buildings should be built on or near the front property line to maintain the continuity of the street edge and to create a more interesting pedestrian experience for strolling and window-shopping.
- Setback areas should be used to enhance the sidewalk and pedestrian environment with active uses such as outdoor cafés. Where landscaping is provided, it should convey the character of a beach community by using plants, paving and street furniture that are associated with the seashore and with Dana Point's history.
- Parking lots should be set back from Del Prado and Pacific Coast Highway. Preferably, buildings will separate parking from the sidewalk. Where this is not possible, parking should be screened with

Many existing buildings reflect two styles, an interpretation of Cape Cod architecture and Spanish Colonial Revival.

low decorative fences and landscaping, and the intervening setback area should be improved with active uses such as outdoor cafés or landscaping treatments that provide space for seating and other positive uses.

- Architectural design should encourage an open and informal style with a comfortable pedestrian scale that supports the character of a beach community.

Architectural Character and Massing

As depicted above, many existing buildings in the Town Center draw on two styles:

- From the Town Center's founding, there are buildings in the Spanish Colonial Revival style that was popular throughout California in the first half of the 20th century. It is characterized by irregular "picturesque" massing, solid stucco walls and pitched tile roofs. Detailing is provided in door and window surrounds, balconies, railings and wrought iron. Walls are usually white; woodwork is often dark brown; tile is used for opening surrounds, wainscoting and stair risers; and roofs are red "mission" tile.

- More recently, a loose interpretation of Cape Cod architecture has emerged in the Town Center, with irregular massing, steeply pitched shingle roofs (or mansards), dormers and bay windows. Walls are often wood siding painted gray. White is used as outlining and

accents around doors and windows, on stairs and railings and on corner boards.

These guidelines discourage application of any particular design theme or style, but rather promote an architecture that engages the public realm, conveys the informal and open character of this beachfront community, reinforces the pedestrian environment with a human scale, and utilizes high quality materials and detailing that promote durability and sustainability. More specifically:

- Buildings that rely upon standardized or formulaic designs and that diminish a sense of place and local identity should be discouraged.
- Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile as exemplified in a building type on the following page.
- The groundfloor should provide setbacks as appropriate for courtyards, building entrances and outdoor café areas. Setbacks should not yield dead space that does not activate or enhance the pedestrian environment.
- Upper stories should be stepped back, and balconies, bay windows, eaves and other architectural elements should project out or be recessed into the primary wall. Instead of a single stepback yielding a "wedding cake" form, portions of the upper story may be flush with the wall below to create an interesting and complex massing.
- Roof forms should be complex. Flat roofs should have stepped parapets, cornices and similar treatments. Pitched roofs should employ combinations of multiple hips and gables.

An open and airy character should be encouraged with large, operable windows and glazed doors, balconies, terraces, loggias and roof decks enlivened with overhangs, awnings, canopies, trellises and planting.

Materials should be authentic and not visibly artificial. Windows should be high quality with substantial frames, mullions and mentions. False mentions (glass dividers) are discouraged. Dark or reflective glass at the storefront should be avoided.

Retail Frontage

Retail frontage should be designed to enhance the pedestrian experience and to better serve the functional needs of businesses. Groundfloor retail and commercial uses should be considered the primary land use, particularly on Del Prado, and their design should not be compromised by upper story uses.

Well designed retail frontage enhances the sidewalk environment.

Del Prado. Retail frontage required along Del Prado between Blue Lantern and Golden Lantern shall have a minimum floor-to-floor dimension and a minimum depth pursuant to the Zoning Code. The retail frontage shall be built near the property line, the interior floor elevation should be flush with the sidewalk for the majority of frontage, and primary entrances should face the sidewalk.

All Other Streets: All other groundfloor frontage in the Town Center should have a minimum floor-to-floor dimension pursuant to the Zoning Code. Retail and similar active frontage should be built near the property or mandatory setback line, the interior floor elevation should be flush with the sidewalk for the majority of frontage, and primary entrances should face the sidewalk.

Transparency: Groundfloor spaces containing retail, restaurant and other active commercial uses should be visually open to the sidewalk. Large, blank walls should not exceed 25% of frontage and should be mitigated with trellises and climbing plants to extend the landscape character of the street. Storefront windowsills should be no more than table height (about 30" above the sidewalk), and window heads should be at least seven feet above the sidewalk. Glazing should not be tinted or reflective. Transom windows above the awning level or storefront windows that extend to the full height of the groundlevel space are encouraged to provide variation along the street.

Building Façade Encroachments into Setback Areas and Public Right of Way

Building façade encroachments are encouraged to provide variety and visual interest to buildings. Safety and growing area for trees require limitations on the extent of projections.

Architectural Projections: Bay and oriel windows, balconies, sun-control devices, unroofed porches, cornices, belt courses and appendages such as water tables, sills, capitals, bases and architectural projections may project into a setback area or over the public right of way provided that they meet the minimum requirements of the Building Code (typically no projections for the first 8 feet above sidewalk). Balconies and bay and oriel windows shall be limited in width (measured along the direction of the street) per the development standards.

Marquees: A marquee is a permanent, projecting structure that shelters entries and is sometimes faced with signage, as at theaters and cinemas. It is typically made of metal and glass and is attached to and fully supported by the building. Marquees should not be supported by posts. Marquees should be subject to the same limited projections into a required setback area or over the public right of way as awnings. They may be no wider (measured along the direction of the street) than the building entrances they cover and should have a minimum clearance of eight feet.

Awnings: Awnings overhanging the sidewalk are also encouraged to further enhance the life and variety of the street. Awnings shall be subject to the following minimum design guidelines:

1. Covering should be of canvas or fabric. High gloss materials are not permitted.
2. Backlit awnings are not permitted.
3. The valance, or front face, of an awning shall not exceed 16 inches in height.

4. The height of the awning shall not exceed the width of the awning.

5. Colors shall complement the storefront, signage and building colors.

6. Awnings used as signage shall also be subject to regulations governing signs.

7. Awning shape shall relate to the associated door or window opening.

8. Awnings shall not extend the length of the building facade. The building facade should clearly wrap around and visually contain the awning.

9. Awnings should be broken into segments that reflect the door and window openings beneath them. Exceptions may be required when used for outdoor seating.

10. Awnings shall be maintained in good repair and display a clean and attractive condition while installed on the building.

11. Awnings should be fully retractable, and no lighting or heating fixtures, windscreens or signs should be attached.

Canopies: Canopies are similar to awnings except that they are permanent and are supported by posts. Canopies should be limited in width and should provide clearance above sidewalk level per the development standards. No supporting posts should be placed in the public right of way.

Permanent Sidewalk-Level Encroachments into the Public Right of way

It is not the intent of these guidelines to create a hard edge between the public and private realms. Rather, building façades and storefronts that are varied and that promote activity and interest are encouraged. By revocable easement, the City may permit retail and restaurant activities to encroach into the public right of way, subject to the following guidelines:

Types of Uses: Uses should be confined to those that add activity and color to the street such as outdoor cafés or the selling of flowers, produce and newspapers/magazines.

Outdoor Cafés: Café areas should be limited in their projections into a sidewalk. The elevation of the café area should be the same as the public sidewalk. No permanent structures will be allowed within the public right of way. If a separation between the café and the sidewalk is desired, this should be achieved through low planters containing colorful flowers or a low hedge not permanently affixed to the sidewalk; the maximum height of such planters (including planting) should be no more than four feet. Planters should consist of high quality, durable materials of a weight and mass that will discourage theft, vandalism or easy movement. A fully retractable canvas awning may extend over the full depth of

A pedestrian friendly sidewalk consists of landscaping, space to promenade and a café zone.

Retailers, such as florists, enhance pedestrian life and the character of the street.

the café; no columns or supporting poles will be permitted within the public right of way. Awnings should comply with the design and height guidelines prescribed above. The use of removable umbrellas within sidewalk encroachment areas is also encouraged, provided that seven feet of clearance is provided above the sidewalk. Removable windscreens that are of a transparent material and that are an integral part of the planter will be permitted to extend the seasonal use of the café area. Such screens should not exceed a height of six feet and should be separated from the awning to provide for air movement.

Retailing Uses: Retailing uses within encroachment areas should be limited to the sale of newspapers, magazines, flowers and produce, and other products deemed by the City to be appropriate to the pedestrian life and character of the street. Such encroachments should not exceed three feet in depth and should not extend further than a line 12 feet from the nearest curb. Merchandise should be displayed against the storefront and be oriented toward the street on tables or stands that do not exceed 4 feet in height. No separation (e.g., planters or low walls) between the merchandise and the street will be permitted.

Design Materials. The design of materials and colors for chairs, tables, display standards, lighting, and other fixtures (including umbrellas and awnings) should be generally consistent with both the architectural style and colors used on the building façade and the quality of fixtures used in public streetscape improvements.

Lighting: Lighting should be incorporated into the façade of the building and should complement the style of the building. Lights on buildings should not be glaring to pedestrians and should illuminate only the encroachment area and activities within.

Historic Lantern

Pedestrian Passages, Courtyards and Open Space

Pedestrian passages ,courtyards, and open space can add a more intimate human scale to the urban fabric and improve pedestrian circulation throughout the Town Center as portrayed below.

Pedestrian Passages: North-south pedestrian passages can break up very long blocks and provide shorter and more direct access between parking and destinations. Opportunities include:

- Post Office site with its parking lot: Provide a pedestrian passage that connects Del Prado with Pacific Coast Highway and serves any public parking developed on that block.
- Through-block lots on the block bounded by Del Prado, Pacific Coast Highway, Ruby Lantern and Amber Lantern.
- Through-block lots on the block bounded by San Juan Road, Pacific Coast Highway, Violet Lantern and Golden Lantern.

Individual buildings with parking behind should provide passages, as primary retail entries are required to face the street.

Pedestrian passageways and courtyards can create important linkages and extend open space amenities.

Pedestrian passages should be clearly public in character, without gates or signage discouraging public usage. A view through the block eliminates uncertainty about the route, but more subtle and intriguing clues, like water features or lighting, can draw otherwise wary pedestrians. Passages should be mostly open to the sky, and the stories above should step back where necessary to allow natural light to penetrate. To the extent feasible, passages should be lined with shop windows and entries (although primary entries should always face the sidewalk), open stairs, fountains, landscaping, display windows and artwork.

Courtyards: Courtyards can provide an interesting and attractive intermediate space between the public sidewalk and building interior. They are more intimate in scale and provide a quiet and calm oasis from the bustle of the street. They can temper the climate by providing cooling shade and fountains in the summer and by sheltering from winter winds and rain. Courtyards offer opportunities for additional shops, restaurants and outdoor cafés, but care should be taken so that courtyards do not detract from the vitality of the street sidewalk. Businesses with frontage on both the street and courtyard should have their primary entrance on the street. Professional offices such as real estate, medical and dental, legal, accounting, insurance and brokerage are appropriate tenants in such spaces.

Courtyards should be visible from the street or linked to the street by clear pedestrian

access such as an open passage, arched entry or covered walkway. A courtyard that connects to the back of a lot or through the block should have the same public character recommended for pedestrian passages, as shown on the proceeding page.

Open Space: A network of smaller passageways and paseos, courtyards and pocket parks are anticipated that would connect Del Prado and PCH to the larger parks and beaches that form the open space system. More specifically, linkages to important public spaces such as the bluffs, Headlands, Harbor, Heritage Park, and La Plaza Park and other parks and open space areas are encouraged.

Landscaping

Street Furniture: Benches, kiosks or art features should be incorporated into the streetscape as amenities for pedestrians.

Illumination: Nighttime illumination of landscaping, paths, trees or art features should be designed to contribute to the safety and beauty of the downtown but should not flow onto residential areas.

Benches and other street furniture provides amenities for pedestrians.

Scale: Landscaping should be selected and maintained at a scale that is consistent with the building site and overall pedestrian scale of the downtown. Street trees and landscape within the Town Center should be in scale with existing buildings and should be selected from an approved list of recommended trees and plant materials appropriate to the Town Center. Street landscaping should be selected which is appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks, and/or appropriate planting details should be incorporated (e.g. structural soils) that allow adequate space for tree roots to grow within compacted pavement areas.

Environmental Quality: Best Management Practices (BMPs) for landscaping should be considered in the design of landscape areas, in addition to those required by the City's Local Implementation Plan.

Visibility and Encroachment: Landscaping should not interfere with visibility of businesses and signage. Temporary planters and pots placed by business owners in the public right of way should be limited to items identified in an encroachment permit issued to the business owner by the Public Works Department. Street trees and landscaping should be in scale with sidewalk areas, enhance pedestrian circulation and not create barriers to movement.

Landscaping in Setback Areas

These guidelines emphasize the importance of activating the pedestrian environment and avoiding gratuitous and unused (or abused) open space. Setback areas, courtyards, passageways

Street trees contribute more than any other element to the scale and character of the urban environment.

and gaps between buildings should be seen as extensions of the sidewalk realm, serving to extend, enhance and activate the pedestrian experience. Particularly to be avoided are seating areas removed from the pedestrian flow. Numerous studies have shown that people want to be where people are and will usually choose a busy corner or congested sidewalk over a secluded plaza to linger, converse or people-watch. In general, setback areas should only be provided where there is a clear benefit to the public realm, by providing additional sidewalk width, space for outdoor cafés and merchandise displays, entries to businesses and buildings, and connections to courtyards and pedestrian passages. Landscape planting materials should be carefully selected to extend and complement materials used for public streetscape improvements, with an emphasis on plants native to the Southern California coast and other regions with similar Mediterranean climates.

Parking

The Zoning Ordinance encourages parking lots to be located at the back of buildings and specifically requires parking lots to be set back at least 40 feet from the property line on Pacific Coast Highway and Del Prado. If groundlevel uses are not situated along the street frontage in front of a parking lot, the setback area should be improved with landscaping and usable open space per these design guidelines. On other street frontages, parking lots should be subject to the same setbacks as buildings. Parking lots should be screened from all street frontages by solid walls at least three feet in height, and the street side of the walls should be planted with trees and shrubs to create a softer and friendlier edge. The balance of a setback area should be improved as discussed above.

In the interior of a groundlevel parking lot, there should be at least one tree for each four parking spaces. Trees should be planted in tree pits at least five feet square which are distributed evenly throughout the parking lot to create a shade canopy over parking spaces and drive aisles. Trees should be protected from vehicle overhangs by curbs (at least three feet from the tree trunk) or bollards.

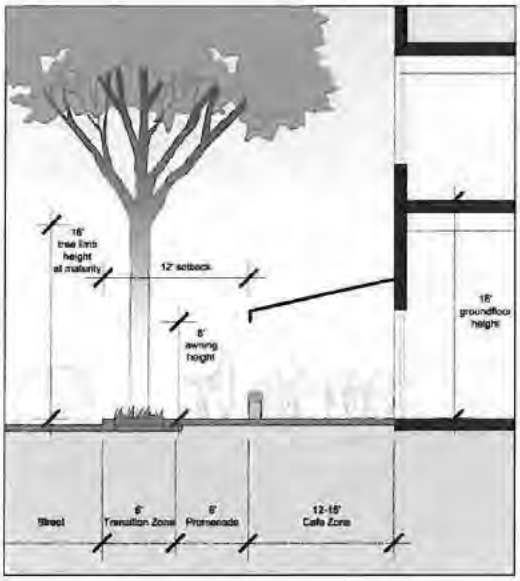
Service Areas

Trash receptacles and maintenance storage areas should be enclosed, located within buildings and obscured from public view. On all properties with alley access, they should be located adjacent to the alley. On properties without alley access that front on PCH and San Juan, they should be located on the San Juan side of the property. On properties which front on both PCH and Del Prado, they should be located on the PCH side of the property or, only if not feasible on the PCH side, on the Del Prado side.

On-site parking connects to retail by a pedestrian-friendly alley in Laguna Beach.

Elements of Streetscape Design

Sidewalks: Sidewalks provide for pedestrian accessibility and comfort, as well as landscaping, lighting and street furniture. In active commercial areas, they can also play an important role in providing additional space for outdoor cafes and retail activities. In Dana Point, sidewalks on both streets will generally be a minimum of 12 feet, expanding in width as setbacks allow and where bulb-outs occur. Sidewalks are comprised of a series of overlapping zones, each with specific demands and requirements as illustrated on the following page. The curbside zone is the transitional area adjacent to the street that is often active with people getting in and out of cars. This is where street trees, streetlights, trash receptacles, benches and other street furnishings are typically located. Within the center zone of the sidewalk, pedestrian movement is concentrated; therefore, this zone would be maintained relatively free and clear for that purpose. The zone adjacent to buildings is the place where pedestrians tarry, window shop and, if space permits, where cafes can spill out into outdoor spaces. In Dana Point, the sidewalks are envisioned as being constructed of architectural concrete, with scoring on a two-foot grid pattern, incorporating some of the details Sydney Woodruff initiated in his early development of Dana Point. Distinctive lighting, street furniture, signage, and artistic and interpretative elements that evoke a strong sense of place are recommended for inclusion as part of the streetscape improvements.



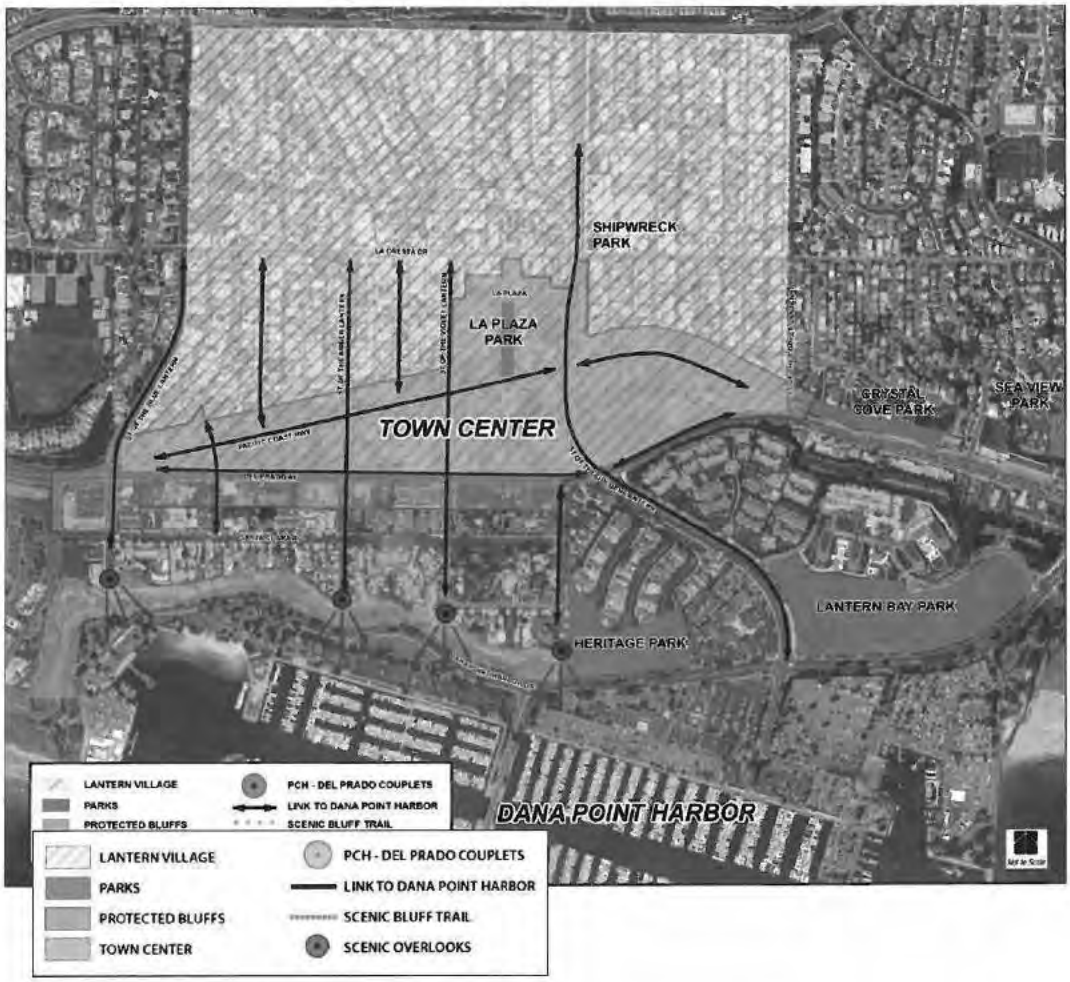
Sidewalks are comprised of a series of overlapping zones.

Street Trees and Landscaping: In urban environments, street trees significantly contribute to the perceived quality, comfort, appearance and sustainability of public places. In California, livability is often measured by the presence of street trees that arch over the street, provide scale, and heighten the sense of space. In Dana Point, parkway street trees are particu larly important in creating dappled shade that ameliorates the effect of heat gain and glare.

making the street a more pleasant environment for activity. The temperate climate offers a range of possible choices for street trees; however, trees would need to be selected or retained and planted in consideration of the challenges of an urban environment for them to flourish. In addition, trees need to be tall enough so that their limb structure and canopy does not limit visibility to store fronts and broad enough to provide needed shade as illustrated to the left. Care must be taken to ensure that there is adequate root space for the trees beyond the tree well itself and sufficient irrigation not only to establish the trees but to maintain their future growth and development. Finally, when trees are planted, a commitment needs to be made to maintain them properly so that they can attain the desired height, canopy and appearance. Best horticultural practices are recommended for both the existing trees and the new ones to avoid conflicts with pavement and for sustainability over the long term.

To create a pedestrian-oriented Town Center, significant landscape and streetscape enhancements on both PCH and Del Prado are required with street tree planting on both sides of the streets. In addition to street trees, the planting of ground cover and shrubs within tree wells, as well as flower baskets and plantings adjacent to individual shops and restaurants, would add color and vitality to the street environment. Merchants are encouraged to undertake landscape improvements in setback areas, courtyards and other semipublic areas to further enhance the environment and contribute to the verdant quality of the Town Center.

In addition to connections within the Town Center, visual and physical links need to be strengthened from the Town Center to the harbor.



Linkages to important public spaces are encouraged.

Implementation

Town Center Plan sets forth an assortment of land use controls in the form of policies, design guidelines and zoning regulations. Implementation of these elements will require a variety of actions involving private and publicly owned property.

While the Plan affects private property primarily through regulation of land uses and physical improvements, the Plan also includes policies to address the need for business retention, marketing and signage efforts.

Streetscape Improvements

Through its policies and Design Guidelines, the Town Center Plan identifies the need for a variety of physical improvements to public facilities. The following elements shall be incorporated into the streetscape improvement:

1. Encourage access from side streets for development located on corner lots.

2 Require new development to improve adjacent alleyways, as appropriate.

3. Select street furniture, lighting, landscaping, etc.

The specific design characteristics of the landscape, lighting, street furniture, and other streetscape improvements will be prepared following approval of the Town Center Plan by the City Council.

Parking Program

The following actions are designed to expedite parking improvements to support merchants and residents and to encourage development on vacant and underutilized parcels. After analyzing the demand for parking, it is expected that the City Council would acquire land in the Town Center for a centralized public parking facility funded by fees from new building construction. This approach would help to satisfy parking needs while providing for a more cohesive Town Center.

1. The City shall develop a Parking Management Program/Plan to evaluate public parking prior to roadway construction to establish a baseline parking condition (using a supply/demand analysis).

2. The City shall immediately take steps for a purchase option or long-term lease to acquire properties for additional public parking in Town Center. Additional public parking shall be established when a need is demonstrated in the Parking Management Plan.

3. Create additional public parking which would include one and preferably two facilities prior to Phase I and ensure adequate parking signage is provided. (Phase I is defined as any construction of public improvements that would result in the removal of any on-street parking.)

4. Establish appropriate parking time limits for public parking in the Town Center.

5. Meet with the business community to review parking issues.

6. Require new development to comply with current parking regulations defined in the Dana Point Zoning Code.

In Lieu Parking Program

Parking in-lieu fee programs are typically established when it is considered to be in the best interest of a city to develop public parking facilities, rather than have each property owner provide sufficient parking for each use. An in-lieu parking program may be developed to allow commercial businesses to reduce any portion of the parking spaces otherwise required to be provided on-site. The fee would be used to offset a portion of the cost required to construct public parking facilities in the Town Center area. Studies would be conducted to establish the cost of constructing the parking area and relative in-lieu parking fees. In-lieu parking fees may be charged as a one-time cost or on an annual basis. The following elements shall be considered in the development of the In-Lieu Parking Program.

1. Conduct a study to determine appropriate in-lieu fee(s).

2. Implement in-lieu parking program in areas between Golden Lantern and Blue Lantern.

3. Participation in the in-lieu parking program will be encouraged. The City shall work with developers to develop a parking analysis to ensure adequate parking is provided at the time of development.

4. Require that residential and guest parking be provided on-site.

Historic Preservation

To maintain and enhance the character of Dana Point, historic structures in the Town Center shall be preserved.

1. Update the City's Historical Resources Ordinance to require that the nine structures and gazebo located in the Town Center which were identified in the 1997 survey be placed on the Dana Point Historic Register and be subject to Section 9.07.250(g)(1)(C) for removal. Similar to the two structures which were required to be designated, removal of these structures in the Town Center would require review by the Planning Commission.

2. With the assistance of the Historical Society, identify other structures in the Town Center which satisfy the eligibility criteria and include these structures on the Register. These structures would also be subject to Section 9.07.250(g)(1)(C) for removal.

3. Update the Dana Point Historic Resources Inventory every five years.

4. Preserve portions of concrete sidewalks and curbs which have historical stamps from original development of the city, where feasible. Ensure that new sidewalks match the historic two-foot grid pattern.

5. Notify property owners of the benefits of registering their structures on the National Register of Historic Places.

6. Create incentives for structures which have been modified to reestablish historical characteristics.

7. Historic structures shall comply with the Secretary of the Interior's standards for rehabilitation with guidelines for rehabilitating historic buildings. These standards shall serve as guidelines for proposed exterior alterations, treatments, additions, and repairs made to historic properties.

Sign Code and Guidelines

As signage reflects the character of a place, the existing sign regulations shall be evaluated to ensure a unified design and that pedestrian-oriented signs be encouraged.

1. The Sign Code & Guidelines shall be evaluated and updated to ensure regulations encourage signage which is consistent with the goals of the Town Center Plan. Specific consideration shall be made for:

    a. Special consideration for businesses at corner locations,

    b. Clarify the distinction between window signage and window displays,

    c. Offer additional staff support for processing sign entitlements,

    d. Assess appropriate outdoor displays as related to streetscape design,

    e. Encourage residents & businesses to participate in the update of the Sign Code, and

    f. Ensure Sign Code and/or Sign Guidelines lead to the elimination of undesirable signs.

2. Develop an interim Sign Program to address signage needs for existing businesses during the construction of any public improvements and temporary signage at the old and new locations needed for businesses relocating.

Art in Public Places

Recognizing the need to tailor the City's existing Art in Public Places (AIPP) program for public arts to the Town Center area, the Plan advances the idea of a new seven-member Public Arts Advisory Committee that would be appointed by the City Council and have a City staff member assigned as a liaison to address public art within the Town Center. The Plan anticipates an increase in the contribution requirement to public art and would affect a larger number of projects. To more effectively demarcate the Town Center, public art features would be incorporated in new developments and streetscape design as much as possible, and artwork and landscaping would be utilized to create gateways at the Blue Lantern and Copper Lantern entry points. The existing AIPP program shall be updated to reflect the following:

1. Increase the minimum value requirement for the public art component of a development project from one-half (0.50) percent of the total construction costs of the subject project to one (1.00) percent. Subsection (c)(5).

2. Decrease the current threshold of projects with total construction costs of less than

one million dollars ($1,000,000.00) to seven hundred and fifty thousand dollars ($750,000). Subsection (d)(3).

3. Form a Public Arts Advisory Committee (PAAC) of seven members to be responsible for: a) Review and update policies, guidelines and procedures of AIPP Program, b) Provide technical and aesthetic recommendations for all public art projects for City Council, c) Serve as the selection panel for all public art projects, d) Serve as an advocate for the arts and as a partner in the community's artistic and cultural development.

IMPLEMENTATION TOPICS

TOPIC	Timeframe	Responsibility
Parking Program	6 months	Community Development Department
Streetscape Design & Improvement Plan	18 months	Public Works/Community Development Department
Historic Preservation	6 months	Community Development Department
Sign Code & Guidelines	12 months	Community Development Department
Update Art in Public Places Program	6 months	Community Development Department

Acknowledgements

City Council

Mayor Lara Anderson
Mayor Pro Tem Russ Chilton
Wayne Rayfield
James Lacy
Diane Harkey

Planning Commission

Chairman J. Scott Schoeffel
Vice Chairman Steven Weinberg
Commissioner Norman Denton
Commissioner April O'Connor
Commissioner Liz Fitzgerald

Town Center Subcommittee

Chair Wayne Rayfield
Vice Chair Lara Anderson
Alice Anderson
Yvonne English
Jim Howard
Ronna Kincaid
Bob Mardian
Jim Miller
Kirsten Reynolds
Beverly Sels
Georgia Theodor
Terry Walsh
Karin Schnell
Steven Weinberg
Thomas Volkmann, Advisor

Staff

Kyle Butterwick, Director of Community Development
John Tilton, City Architect/Planning Manager
Brenda Chase, Senior Planner
Brad Fowler, Director of Public Works
Kathy Barnum, Outreach Coordinator

Consultants

ROMA Design Group, Urban Designers
Boris Dramov, Design Principal in Charge
Bonnie Fisher
Jim Adams
Walter Rask
Yu-wen Huang
LeeLee Brown
Andrew Zimmerman

Kimley Horn, Traffic and Transportation
Jim Daisa
Deborah Fehr

Alfred Gobar Associates, Economics
Jim Wolf

Urban Advantage, Photo Simulation
Steve Price

Photography Credits

Dana Point Historical Society
Lamb Studio, Aerial Photography

Ballot Measures-H

Impartial Analysis
City of Dana Point
Measure H

Measure H, is known as the 2015 Town Center Initiative. If approved, this measure will result in several amendments to the Town Center Plan and associated provisions of the City's Municipal Code. Thus it will modify the Town Center Plan as approved by the City Council in December 2006 (and certified by the California Coastal Commission in 2008), as well as the amendments thereto approved by the City Council in September 2015.

The City Council commissioned a fiscal analysis of this measure, which was presented at the City Council's December 1, 2015 meeting. The analysis concluded this measure, if approved, would effectively make mixed use development in the Town Center Plan area financially infeasible. The analysis also concluded that the City could potentially lose approximately $673,000 in General Fund revenues per year if this measure is approved, and incur a one-time loss of $4.2 to $4.7 million. When making this conclusion, the analysis made the caveat that these figures are only estimates.

If approved, this measure will restrict the City Council's discretion with regard to height and parking requirements. In addition, if this measure is approved, the City Council will have limited flexibility to address future amendments to the Town Center Plan and related parking provisions as changes to any such matters amended by this measure will require a vote of the people at a City-wide election, and subsequent certification by the California Coastal Commission.

If approved, this measure would eliminate the City Council's ability to approve height modifications via use permits, or allow any encroachments by certain fixtures into height limits. Additionally, if approved, this measure would revoke all of the parking regulations that were approved by the City Council in September 2015. Finally, if approved, this measure would (i) require more ground-floor retail, (ii) would impose a ground-to-floor dimension of at least 18 feet on all retail uses, and (iii) would call out professional business/office as the preferred use on upper floors, in contrast to the existing Town Center Plan which encourages a diversity of land uses, including upper floor residential.

The September 2015 amendments to the Town Center Plan changed its name to the Lantern District Plan, but the term Town Center Plan is used in this analysis to avoid confusion. The Town Center Initiative has been placed on the ballot as a result of a petition signed by the number of voters required by the Elections Code. This measure provides that if it and any competing measure each receive a majority of votes cast, but this measure receives more votes than the competing measure, the voters intend that this measure will prevail in its entirety.

Ballot Measures-H

Argument in Favor of Measure H

The Citizens' 2015 TOWN CENTER INITIATIVE SUPPORTS RESPONSIBLE DEVELOPMENT. This Initiative **closes loopholes to strengthen the original 2008 Town Center Plan's requirements**. Residents want to enjoy new shops and restaurants in a village atmosphere with convenient parking. The community, working with professional city planning experts, developed the Town Center Plan. The City Council endorsed it and City government **SPENT $20,000,000 OF TAXPAYERS' MONEY** on Town Center.

Your YES vote on the Citizens' Initiative:

- **PROMOTES the desired vibrant BUSINESS DISTRICT, allowing residences on upper floors**
- **REQUIRES ADEQUATE PARKING**
- **MAKES DEVELOPERS PAY their FAIR SHARE for parking**
- **PROTECTS TAXPAYERS from burdensome future PARKING COSTS**
- **SHIELDS OUR NEIGHBORHOODS from OVERFLOW parking**
- **REINFORCES the 40 foot HEIGHT and 3 STORY LIMITS**
- **MANDATES VOTER APPROVAL for plan changes**
- **ADDS sales tax REVENUE and JOBS**
- **STRENGTHENS the original (2008) TOWN CENTER PLAN**

CITY GOVERNMENT consistently UNDERMINES the TOWN CENTER PLAN by:

- **ABANDONING the PLAN in favor of DEVELOPERS** who want **HIGH PROFITS from HIGH DENSITY RESIDENTIAL** developments
- **REDUCING PARKING REQUIREMENTS**
  - **REDUCING RESTAURANT PARKING FROM 10 to 2 spaces per 1,000 square feet, not even enough for employees**
  - **REDUCING OTHER COMMERCIAL PARKING BY 50%**
  - **REDUCING PARKING to 1 SPACE for ONE BEDROOM units**
  - **CAUSING PARKING TO OVERFLOW INTO NEIGHBORHOODS**
- **APPROVING a project with: 4 STORIES, 56 to 59 foot TOWERS, MILLIONS of dollars in PARKING REDUCTIONS and buildings that go over and under public alleyways**
- **SUBSTITUTING BICYCLE SPACES FOR AUTO SPACES**
- **TRANSFERRING COSTS from DEVELOPERS to TAXPAYERS**
- **INCREASING TRAFFIC CONGESTION**
- **REDUCING DEVELOPMENT FEES by 85%**
- **ALLOWING future Councils to CHANGE THE PLAN at WILL, WITH NO VOTER APPROVAL**

VOTE YES TO NEGATE THE COUNCIL'S IRRESPONSIBLE PARKING REDUCTIONS

VOTE YES TO REQUIRE VOTER APPROVAL OF PLAN CHANGES

VOTE YES TO REIN IN FUTURE CITY COUNCILS

www.SaveDanaPoint.com

s/ Lester Hill
Chairman & CEO (Retired), Pacific Scientific

s/ Debra Lewis
Former Mayor, Rancho Santa Margarita, CA

s/ Sandie Iverson
Dana Point Residents for Responsible Development

s/ Betty Hill
President, Dana Point Residents for Responsible Development

s/ Roxanna Watrous
Attorney
Dana Point Residents for Responsible Development

Rebuttal to Argument in Favor of Measure H

Do not be fooled. Measure H, also known as the 2015 Town Center Initiative, does not support responsible development in the Lantern District. Rather, it seeks NO IMPROVEMENTS to that area. In fact, many in the city are already calling Measure H the "Empty Lot Initiative."

Approval of this Measure would

- Make it IMPOSSIBLE to implement the Town Center Plan
- Make it FINANCIALLY INFEASIBLE for mixed-use development in the Lantern District
- ELIMINATE shared public parking
- REQUIRE an election for any necessary changes to the Town Center Plan
- FORFEIT fees to be charged to developers to offset the cost of investing in the Lantern District
- LOSE the City $4.2 - 4.7 million in one-time revenues and approximately $673,000 in annual revenues

Measure H would STOP the revitalization of the Lantern District. Additionally, loss of significant revenue to the City caused by this Measure will have ripple effects throughout Dana Point, jeopardizing projects such as Doheny Village revitalization as well as services in other parts of the city.

Put simply, Measure H would drastically amend the Town Center Plan making it no longer viable, hurt our city's future and economy, cost us jobs and revenue, and may result in tax increases. Further, any necessary adjustments to the Town Center Plan to assist with its implementation would require the City to spend tens of thousands of dollars conducting elections.

Join us in making Dana Point even better. The Dana Point City Council urges you to vote NO on Measure H.

s/ John A. Tomlinson
Mayor, City of Dana Point

s/ Richard A. Viczorek
Mayor Pro Tem, City of Dana Point

s/ Joseph L. Muller
Dana Point City Councilman

s/ Carlos N. Olvera
Dana Point City Councilman

Ballot Measures-H

Argument Against Measure H

In November 2014, the voters of Dana Point sent a strong message that they were tired of vacant lots and empty storefronts in the Lantern District. Rather, they wanted to move forward with the implementation of the Town Center Plan which envisioned transforming the Lantern District into a pedestrian-oriented, mixed-use district where residents and visitors could park once, stroll the area and enjoy newly added restaurants and shops which would replace those vacant lots and empty storefronts.

However, if passed, the 2015 Town Center Initiative would amend the Town Center Plan in a manner which would thwart its implementation and halt all the progress that has been made to date.

But don't just take our word for it. An independent review of the effects of the 2015 Town Center Initiative was conducted by Keyser Marston Associates and made the following determinations.

- Imposition of the Initiative's parking standards will have a stifling impact on development opportunities and effectively make mixed-use development in the Lantern District financially infeasible
- If Initiative requirements are enacted, the City could potentially forego approximately $673,000 in annual revenues and lose one-time revenues estimated at $4.2 - 4.7 million
- The Initiative imposes a mix of conflicting requirements that will make it impossible to successfully implement the Town Center Plan

We encourage you to view the complete report detailing the negative effects of this Initiative on the Town Center Plan at www.danapoint.org under "City News."

Essentially, a vote for the 2015 Town Center Initiative is a vote against the Town Center Plan. In other words, if you like vacant lots and empty storefronts in the Lantern District, then you should vote for this initiative. We do not, and that is why the Dana Point City Council urges you to vote NO on the 2015 Town Center Initiative.

s/ John A. Tomlinson
Mayor, City of Dana Point

s/ Richard A. Viczorek
Mayor Pro Tem, City of Dana Point

s/ Joseph L. Muller
Dana Point City Councilman

s/ Carlos N. Olvera
Dana Point City Councilman

Rebuttal to Argument Against Measure H

Measure H promotes the original intent of the 2008 Town Center Plan. It provides for a pedestrian-friendly mixed-use district in a coastal village atmosphere with restaurants, shops, and other businesses on the first floor, residences or businesses on upper floors, and adequate, convenient public parking.

PASSAGE OF MEASURE H:

- **PROMOTES RESPONSIBLE DEVELOPMENT** with **consistent rules** for developers and city councils to follow
- **REJECTS the flawed Keyser Marston report,** which has already been proven false by approved projects using the City's original parking standards, NOT the Council's newly reduced requirements (including a mixed-use project just approved at PCH and Golden Lantern)
- **CANCELS the COUNCIL'S IRRESPONSIBLE PARKING REDUCTIONS** and ensures adequate parking with **developers paying their fair share, not taxpayers**
- **INCREASES SALES TAX REVENUE AND JOBS** with appealing shops, restaurants, and other businesses
- **PREVENTS Town Center from becoming an OVERCROWDED RESIDENTIAL DISTRICT**
- **PRESERVES the QUALITY OF LIVING** valued by Dana Point residents and enjoyed by visitors while **limiting traffic congestion and parking shortages**
- **MANDATES VOTER APPROVAL** for Plan changes, instead of Council majority's whims or developers' demands

Council's actions are not filling vacant lots and empty storefronts, but eliminating popular businesses and replacing existing buildings! **Measure H STRENGTHENS the original Town Center Plan by closing loopholes to make developers follow the rules.**

Ensure that Dana Point will belong to all of us, NOT just developers and the Council that caters to them.

YES ON MEASURE H

www.SaveDanaPoint.com

s/ Lester Hill
Chairman & CEO, Pacific Scientific (Retired)

s/ Debra Lewis
Former Mayor, Rancho Santa Margarita

s/ Sandie Iverson
Dana Point Residents for Responsible Development

s/ Betty L. Hill
President, Dana Point Residents for Responsible Development

s/ Roxanna Watrous
Attorney
Dana Point Residents for Responsible Development