

CITY OF DANA POINT

AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	—

DATE: MARCH 18, 2025

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: BRENDA WISNESKI, DIRECTOR OF COMMUNITY DEVELOPMENT
JOHN CIAMPA, PLANNING MANAGER

SUBJECT: CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS TO THE CITY'S PRIOR APPROVAL OF GENERAL PLAN AMENDMENT 20-0002, ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001 THAT ARE INCLUSIVE OF LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR VICTORIA BOULEVARD SPECIFIC PLAN

RECOMMENDED ACTION:

That the City Council:

- 1) Conduct a public hearing; and
- 2) Review and forward adopted modifications to the California Coastal Commission (CCC) for final certification by adopting a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA20-0002, WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE GENERAL PLAN LAND USE ELEMENT BY MODIFYING THE LAND USE DESIGNATION OF "COMMUNITY FACILITIES" AND "RECREATION/OPEN SPACE" AND CREATE A NEW LAND USE DESIGNATION "VICTORIA BOULEVARD SPECIFIC PLAN." AND AUTHORIZE SUBMISSION OF LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD.

- 3) Introduce and hold the first reading of an Ordinance adopting the suggested modifications approved by the California Coastal Commission for Zone Change ZC24-0001, as part of Local Coastal Program Amendment LCPA20-0002 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE ZC24-0001 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND ZONING DESIGNATION FROM COMMUNITY FACILITY AND RECREATION TO "VICTORIA BOULEVARD SPECIFIC PLAN." AND AUTHORIZE THE SUBMISSION OF LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002) FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION AT 26126 VICTORIA BOULEVARD.

- 4) Introduce and hold the first reading of an Ordinance adopting the suggested modifications approved by the California Coastal Commission for Specific Plan SP24-0001, as part of Local Coastal Program Amendment LCPA20-0002 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE VICTORIA BOULEVARD SPECIFIC PLAN SP24-0001 AND INCORPORATE IT AS APPENDIX G OF THE ZONING CODE, WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY LOCATED AT 26126 VICTORIA BOULEVARD.

- 5) Review and forward adopted modifications to the California Coastal Commission for final certification by adopting a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002, FOR SUBMISSION OF GENERAL PLAN AMENDMENT 20-0002, ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 AND REQUESTING SUBMITTAL TO AND FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD.

BACKGROUND:

On June 18, 2024, the City Council approved General Plan Amendment GPA20-0002, Zone Change ZC24-0001, Specific Plan SP24-0001, Local Coastal Program Amendment LCPA20-0002, Development Agreement DA24-0001, Coastal Development Permit CDP20-0005, Site Development Permit SDP20-0007, and Tentative Parcel Map TPM20-0001 to construct a 306 unit apartment complex with an attached six story parking structure, associated amenities, and site improvements at 26126 Victoria Boulevard.

On July 2, 2024, the City Council conducted the second reading to approve the legislative items including the General Plan Amendment 20-0002, Zone Change ZC24-0001, Specific Plan SP24-0001, Local Coastal Program Amendment LCPA20-0002, and Development Agreement DA24-0001. Following the second reading, the City submitted the proposed LCPA to the California Coastal Commission (CCC) on August 5, 2024.

On February 5, 2024, the CCC approved, with modifications, Local Coastal Program (LCP) Major Amendment No. LCP-5-DPT-24-0033-1 amending the Specific Plan which would serve as the LCP for the project site.

DISCUSSION:

The modifications align with the Coastal Act and primarily include requirements for “Dark Skys” lighting and protections for archaeological and tribal cultural resources. The CCC suggested modifications are highlighted in **bold** and the incorporated edits are detailed in Exhibit A and B of Action Document C. The Planning Division and Toll Brothers Apartment Living have reviewed and concur with the CCC’s suggested modifications.

- 1. Suggested Modification No. 1:** Modify Chapter 4.7 Lighting Guidelines, to add a new guideline as follows:

Chapter 4.7 Lighting Guidelines

...

Outdoor lighting shall adhere to Dark Sky outdoor lighting requirements, in which outdoor lighting is directed downward to the ground and not to the sky where it can contribute to adverse impacts to biological resources and light pollution.

- 2. Suggested Modification No. 2:** Modify Chapter 6.5 Tentative Parcel Map, as follows:

An implementing Tentative Parcel Map is being processed through the city concurrently with this Specific Plan. The Tentative Parcel Map will be processed according to the City’s standard Tentative Map Review process (Chapter 7.05, Subdivisions, in Title VI, Planning and Zoning, of the City of Dana Point Municipal Code) and California’s Subdivision Map Act.

A Coastal Development Permit is required for a Tentative Parcel Map and any subsequent changes to the Tentative Parcel Map.

- 3. Suggested Modification No. 3:** Modify Chapter 6.4.3 Specific Plan Amendments, to add new sub-section H as follows:

...

H. Any Amendments to the Specific Plan, shall require review and approval from the California Coastal Commission.

- 4. Suggested Modification No. 4:** Add new section 5.14 to Chapter 5 Development Standards, as follows:

5.14 Archaeological and Tribal Cultural Resource Protection

All development within the project site, including remediation, site preparation, grading, and construction shall comply with the following:

a. Prior to ground disturbance, conduct project specific Native American consultation early in the development review process in accordance with all applicable local, state, and federal regulations and guidelines.

b. Prior to ground disturbance, conduct literature searches to identify any previously recorded cultural resources within the project area. If there are recorded resources on the project site, prepare and provide a plan to the City to conduct onsite investigations to identify resource boundaries. Site and design proposed development to avoid adverse impacts to known archaeological and tribal cultural resources, unless determined by the City in consultation with ancestrally affiliated Native American Tribes to be infeasible. If avoidance isn't feasible, evaluate project design alternatives and implement alternatives that would result in the fewest impacts to known archaeological and tribal cultural resources in consultation with Native American Tribes with ancestral ties to the land. Preservation of discovered tribal cultural resources in situ is preferred.

c. Comply with conditions of approval or mitigation measures for Unanticipated Discovery of Resources (Inadvertent Discovery) imposed by the City. When there is a potential impact to tribal cultural resources, prepare a treatment plan in consultation with ancestrally affiliated Native American Tribes.

d. During all ground disturbance, a qualified archaeologist and a Native American monitor with ancestral ties to the area, if an invitation to monitor is accepted, are required to be present onsite.

e. Provide adequate mitigation for any adverse impacts to archaeological and/or tribal cultural resources resulting from the development. Mitigation measures or treatment methods for tribal cultural resources shall be developed in coordination with Native American Tribes with ancestral ties to the area.

After the City Council adopts the suggested modifications, the amendments will be submitted to the CCC for final certification. The amended regulations will not be implemented until the date of final certification of the amendment by the CCC.

NOTIFICATION AND FOLLOW-UP:

The proposed General Plan Amendment, Zone Change, Specific Plan, and Local Coastal Program Amendment were noticed in compliance with DPZC Sections 9.61.050(a) and 9.61.080(e)(4). Public Hearing notices were published in a newspaper of general circulation on February 28, 2025, and posted on March 3, 2025, at Dana Point City Hall and the Dana Point and Capistrano Beach branch post offices.

STRATEGIC PLAN IMPLEMENTATION:

Strategic Goal 3: Foster Economic Health and Prosperity

FISCAL IMPACT:

None.

ACTION DOCUMENTS:

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B.	<u>Draft Ordinance No. 25-XX (Zone Change ZTA24-0001)</u>	12
C.	<u>Draft Ordinance No. 25-XX (Specific Plan SP24-0001)</u>	18
D.	<u>Draft Resolution No. 25-03-18-XX (Submittal of LCPA20-0002 to CCC)</u>	25

ACTION DOCUMENT A: Draft Resolution No. 25-03-18-XX (Submittal of GPA20-0002 to CCC)

RESOLUTION NO. 25-03-18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA20-0002, WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND THE GENERAL PLAN LAND USE ELEMENT BY MODIFYING THE LAND USE DESIGNATION OF "COMMUNITY FACILITIES" AND "RECREATION/OPEN SPACE" AND CREATE A NEW LAND USE DESIGNATION "VICTORIA BOULEVARD SPECIFIC PLAN" AND SUBMISSION OF GPA20-0002 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD

Applicant: Toll Brothers Apartment Living
Owner: Capistrano Unified School District

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

WHEREAS, on July 9, 1991, the City of Dana Point adopted its General Plan; and

WHEREAS, the City of Dana Point has prepared, pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH# 2021070304) for the Victoria Boulevard Specific Plan which has been reviewed, considered, and by way of adoption of Resolution No. 24-06-18-01, certified by the City Council; and

WHEREAS, the City may amend all or part of an adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, General Plan Land Use Element serves as a portion of the Local Coastal Program, adopted by the City of Dana Point on June 27, 1995, and was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the General Plan Amendment GPA20-0002 is the first General Plan Amendment processed for 2024; and

WHEREAS, the proposed amendment would make changes to the Land Use Map within the Land Use Element of the General Plan by amending the land use designation of “Community Facility” and “Recreation/Open Space” and creating a new land use designation of “Victoria Boulevard Specific Plan”; and

WHEREAS, the amendment is internally consistent with the other elements of the General Plan; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment has been evaluated in compliance with the California Environmental Quality Act pursuant to Section 21080.9 of the Public Resources Code; and

WHEREAS, the Planning Commission did on May 13, 2024 hold a duly noticed public hearing as prescribed by law to consider said amendments and recommended the City Council approve the General Plan Amendment and Local Coastal Program Amendment; and

WHEREAS, the City Council did on June 18, 2024 hold a duly noticed public hearing as prescribed by law to consider the General Plan Amendment and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, City Council considered all factors relating to GPA20-0002 and LCPA20-0002; and

WHEREAS, on August 5, 2024, the City submitted a request to amend the certified LCP consistent with City Council General Plan Amendment Resolution No. 24-06-18-01, Local Coastal Program Amendment Resolution No. 24-06-18-02, City Council Zoning Change Ordinance No. 24-03, and City Council Specific Plan Ordinance No. 24-04 to the California Coastal Commission; and

WHEREAS, California Coastal Commission staff provided suggested minor modifications to the City approved ordinance that were subsequently approved at the Coastal Commission hearing on February 5, 2025; and

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

- A. That the above recitations are true and correct;
- B. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- C. The City Council hereby adopts General Plan Amendment GPA20-0002;
- D. The adoption of General Plan Amendment GPA20-0002 is in the public interest;

- E. That the adoption of General Plan Amendment GPA20-0002, along with the City's concurrent adoption of Zone Change ZC24-0001, Specific Plan SP24-0001, and Local Coastal Program Amendment LCPA20-0002 and other remaining applicable sections of the City's General Plan and Zoning Code constitute the Local Coastal Program for the project area;
- F. That this General Plan Amendment GPA20-0002, as part of the Local Coastal Program for the project area, shall be submitted to the Coastal Commission for certification, along with the aforementioned Zone Change ZC24-0001, Specific Plan SP24-0001, and Local Coastal Program Amendment LCPA20-0002;
- G. That the City Council has reviewed, considered, and by way of adoption of Resolution No. 24-06-18-01, has certified the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) for this Project;
- H. That the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) prepared for the Project is complete and adequate for the consideration of the General Plan Amendment GPA20-0002;
- I. In adopting General Plan Amendment GPA20-0002, which is part of LCPA20-0002, the City Council makes the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process, in that proper notice has been provided to the public and affected agencies in accordance with State law, and further in compliance with the LCP Amendment procedures.
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the land use plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act in that the General Plan amendment establishes the Victoria Boulevard Specific Plan land use designation, which includes provisions that are adequate to carry out the Chapter Three policies of the Coastal Act and are in conformance with and adequate to implement the Land Use Plan.
 - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses. The General Plan Amendment, Zone Change, Specific Plan, Local Coastal

Program Amendment, and project for the development of a 306-unit apartment complex with recreation buildings, site improvements, and open space was evaluated with an EIR (SCH# 2021070304). The EIR evaluated coastal resources, hazard area, coastal access, land use priorities, intensity and water uses. The proposed amendments, Specific Plan, and development comply with the City's Local Coastal Program and do not result in any unmitigated environmental impacts.

4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map in that the General Plan amendment establishes the Victoria Boulevard Specific Plan land use designation.
 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the LCPA. Proper notice in accordance with the LCP Amendment procedures has been followed.
 6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The Victoria Boulevard Specific Plan is being amended concurrently with the LCP Amendment.
- J. That the City Council hereby adopts the amendments to the Land Use Map within the Land Use Element of the General Plan, thereby changing the land use designation of the subject Property from "Community Facility" and "Recreation/Open Space," and creating the new land use designation of "Victoria Boulevard Specific Plan", as shown in Exhibit "A".

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2025.

ATTEST:

City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Resolution No. 25-03-18-XX was duly introduced at a regular meeting of the City Council on the 18th day of March, 2025, and was duly adopted and passed at a regular meeting of the City Council on the 18th day of March, 2025, by the following vote, to wit:

AYES:

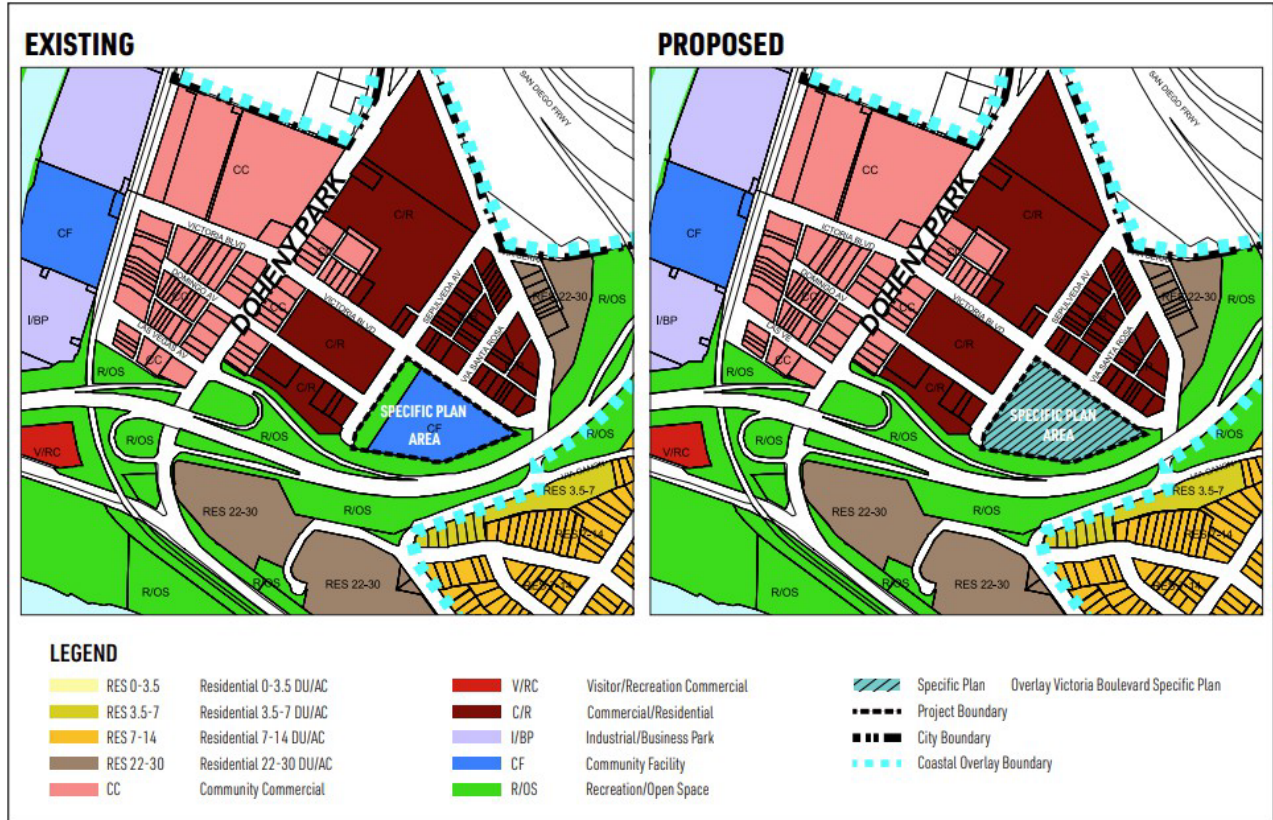
NOES:

ABSTAIN:

ABSENT:

EXHIBIT "A"

General Plan Amendment GPA20-0002



Source: KTDY, County of Orange, City of Dana Point

NOT TO SCALE



VICTORIA BOULEVARD APARTMENTS
ENVIRONMENTAL IMPACT REPORT

Existing and Proposed General Plan Land Use Designation

ACTION DOCUMENT B: Draft Ordinance No. 25-XX (Zone Change ZTA24-0001)

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE CHANGE ZC24-0001 WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND ZONING DESIGNATION FROM COMMUNITY FACILITY AND RECREATION TO "VICTORIA BOULEVARD SPECIFIC PLAN", AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT (LCPA20-0002) FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION AT 26126 VICTORIA BOULEVARD

Applicant: Toll Brother Apartment Living
Owner: Capistrano Unified School District

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

WHEREAS, in January 1994, the City of Dana Point adopted its Zoning Code and Zoning Map; and

WHEREAS, the Applicant seeks to amend the Zoning Map per Zone Change ZC24-0001 and Local Coastal Plan Amendment LCPA20-0002, affecting the property at 26126 Victoria Boulevard; and

WHEREAS, the proposal is for a Zone Change ZC24-0001 and Local Coastal Plan Amendment LCPA20-0002 to amend the zoning of the property located at 26126 Victoria Boulevard from Community Facilities (CF) and Recreation (REC) to Victoria Boulevard Specific Plan; and

WHEREAS, the Zone Change will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan, as such General Plan and Local Coastal Program would be amended pursuant to the recommendations of the Planning Commission; and

WHEREAS, the new zoning district designations of the project area will be harmonious with the zoning of the surrounding properties; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on May 13, 2024, to consider said amendments and recommended that the City Council approve said General Plan Amendment, Zone Change, and Local Coastal Plan Amendment; and

WHEREAS, the City Council did on June 18, 2024 hold a duly noticed public hearing as prescribed by law to considered the approval of all the above listed entitlements related to the Victoria Boulevard Apartments, including but not limited to Zone Change ZC24-0001.

WHEREAS, at said public height, upon hearing and considering all evidence, testimony and arguments, of all persons desiring to be heard, said Council considered all factors related to the Zone Change ZC24-0001 and introduced an Ordinance adopting said request; and

WHEREAS, at the second reading on 2nd of July, 2024, said Ordinance was duly adopted as Ordinance No. 24-03.

WHEREAS, on August 5, 2024, the City submitted a request to amend the certified LCP consistent with City Council General Plan Amendment Resolution No. 24-06-18-01, Local Coastal Program Amendment Resolution No. 24-06-18-02, City Council Zoning Change Ordinance No. 24-03, and City Council Specific Plan Ordinance No. 24-04 to the California Coastal Commission; and

WHEREAS, Coastal Commission staff provided suggested minor modifications to the City approved ordinance that were subsequently approved at a Coastal Commission hearing on February 5, 2025; and

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

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The City Council hereby adopts Zone Change ZC24-0001, thereby creating the "Victoria Boulevard Specific Plan" zoning designation, which applying to the property located at 26126 Victoria Boulevard (the "Property"), as shown in Exhibit "A" showing all proposed changes in a strikethrough/underline format, and Exhibit "B" showing a "clean" copy of the proposed modifications and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That the adoption of Zone Change (ZC24-0001) is in the public interest;
- E. That the City Council has reviewed, considered, and by way of adoption of Resolution No. 24-06-18-03, has certified the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) for this Project;

- F. That the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) prepared for the Project is complete and adequate for the consideration of the General Plan Amendment GPA20-0002;
- G. This Zone Change ZC24-0001, together with General Plan Amendment GPA20-0002, and Specific Plan SP24-0001 (each of which are adopted concurrently herewith) shall constitute the Local Coastal Plan Amendment LCPA20-0002 for the project area;
- H. This Zone Change ZC24-0001, as part of the Local Coastal Program for the project area, shall be submitted to the Coastal Commission for certification, along with the aforementioned General Plan Amendment GPA20-0002, Specific Plan SP24-0001 and Local Coastal Program Amendment LCPA20-0002;
- I. The preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code;
- J. The proposed amendment to the Zoning Code and Zoning Map is consistent with the amended General Plan, Specific Plan, and Local Coastal Program, each of which are being processed concurrently herewith;
- K. In adopting Zone Change ZC24-0001, which comprises a part of LCPA20-0002, the City Council makes the following findings:
1. That the public and affected agencies have had ample opportunity to participate in the LCPA process, **in that proper notice has been provided to the public and affected agencies in accordance with State law, and further in compliance with the LCP Amendment procedures.**
 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out policies of Chapter Three of the Coastal Act. **The Zone Change is to establish the Victoria Boulevard Specific Plan, which includes provisions that are adequate to carry out the Chapter Three policies of the Coastal Act.**
 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses **in that The General Plan Amendment, Zone Change, Specific Plan, Local Coastal Program Amendment, and project for the development of a 306-unit apartment complex with recreation buildings, site improvements, and open space was evaluated with an EIR (SCH# 2021070304). The EIR**

evaluated coastal resources, hazard area, coastal access, land use priorities, intensity and water uses. The proposed amendments, Specific Plan, and development comply with the City's Local Coastal Program and do not result in any unmitigated environmental impacts.

4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map **in that the General Plan amendment establishes the Victoria Boulevard Specific Plan land use designation.**
 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the LCPA. **Proper notice in accordance with the LCP Amendment procedures has been followed.**
 6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. **The City's Zoning Map is being amended concurrently with the LCP amendment.**
- L. That the City Council adopt the amendments to the City Zoning Code and Zoning Map designating the project site zoning designation as "Victoria Boulevard Specific Plan".

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

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2024

MATTHEW PAGANO, MAYOR

ATTEST:

SHAYNA SHARKE
City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 25-XX was duly introduced at a regular meeting of the City Council on the 18th day of March, 2025, and was duly adopted and passed at a regular meeting of the City Council on the 18th day of March, 2025, by the following vote, to wit:

AYES:

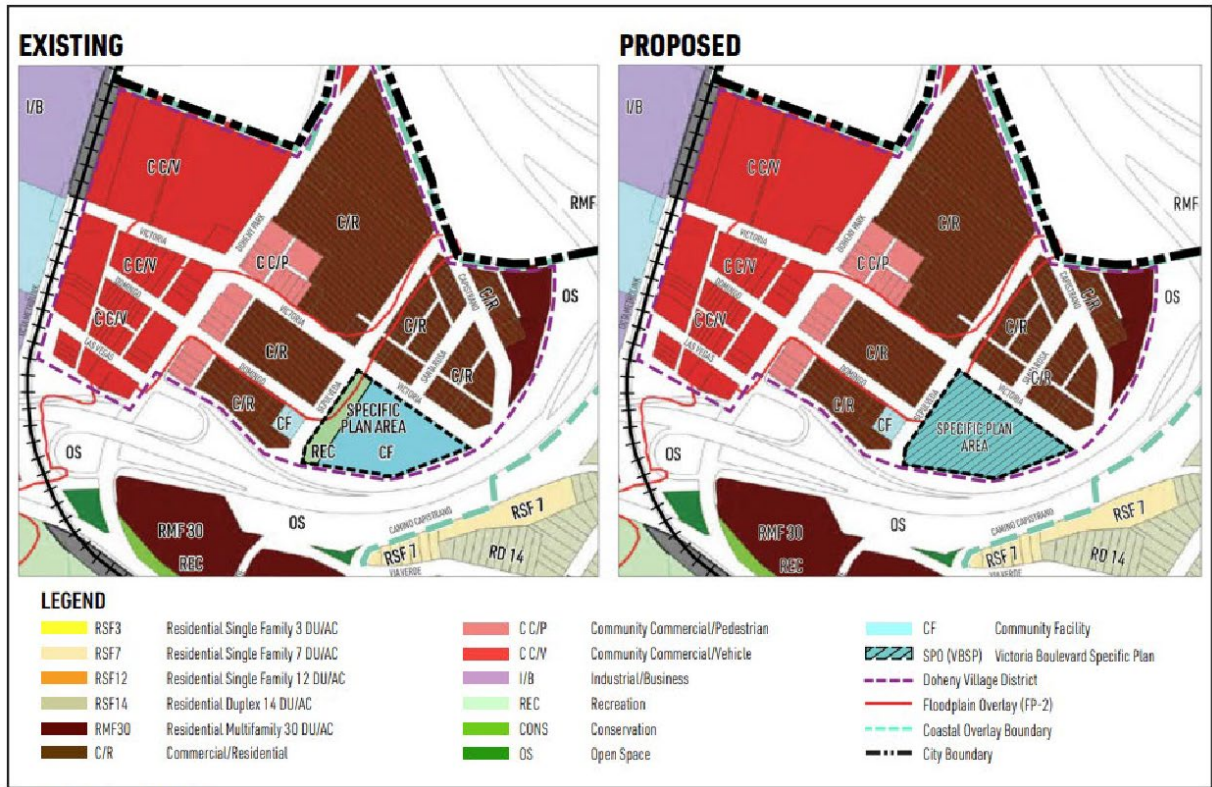
NOES:

ABSTAIN:

ABSENT:

SHAYNA SHARKE, CITY CLERK

EXHIBIT "A"



Source: KTOY, County of Orange, City of Dana Point

NOT TO SCALE



VICTORIA BOULEVARD APARTMENTS
 ENVIRONMENTAL IMPACT REPORT
Existing and Proposed Zoning

ACTION DOCUMENT C: Draft Ordinance No. 25-XX (Specific Plan SP24-0001)

ORDINANCE NO. 25-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING THE VICTORIA BOULEVARD SPECIFIC PLAN SP24-0001 AND INCORPORATE IT AS APPENDIX G OF THE ZONING CODE, WITH THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO AMEND AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY LOCATED AT 26126 VICTORIA BOULEVARD

Applicant: Toll Brothers Apartment Living
Owner: Capistrano Unified Schools District

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

WHEREAS, Toll Brothers Apartment Living has submitted the proposed Victoria Boulevard Specific Plan, which would serve both planning and regulatory functions including land use regulations, circulation patterns, public facilities and infrastructure requirements, and development standards; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on May 13, 2024, and upon hearing and considering all testimony and arguments of all persons desiring to be heard, the Planning Commission considered all factors relating to the Victoria Boulevard Specific Plan and Local Coastal Program LCPA20-0002 and recommended approval to the City Council; and

WHEREAS, the Victoria Boulevard Specific Plan will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan, as said General Plan is concurrently being amended pursuant to City Council Resolution No. 24-06-18-01; and

WHEREAS, the Specific Plan promotes creative approaches to the redevelopment of the property to address California's and Dana Point's housing shortage with a development of land while modifying the use of the property to a desirable use of open space area, variety in the physical development pattern of the City, and utilization of innovative land use programs; and

WHEREAS, the Victoria Boulevard Specific Plan is compatible with the character and density of the surrounding neighborhood through the incorporation of regulations to guide development and the provision of public facilities to serve the anticipated population and the surrounding area; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH# 2021070304) has been prepared and certified by the City Council for the proposed project; and

WHEREAS, the preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code.

WHEREAS, the City Council did on June 18, 2024 hold a duly noticed public hearing as prescribed by law to considered the approval of all the above listed entitlements related to the Victoria Boulevard Apartments, including but not limited to Specific Plan SP24-0001.

WHEREAS, at said public height, upon hearing and considering all evidence, testimony and arguments, of all persons desiring to be heard, said Council considered all factors related to the Specific Plan SP24-0001 and introduced an Ordinance adopting said request; and

WHEREAS, at the second reading on 2nd of July, 2024, said Ordinance was duly adopted as Ordinance No. 24-04.

WHEREAS, on August 5, 2024, the City submitted a request to amend the certified LCP consistent with City Council General Plan Amendment Resolution No. 24-06-18-01, Local Coastal Program Amendment Resolution No. 24-06-18-02, City Council Zoning Change Ordinance No. 24-03, and City Council Specific Plan Ordinance No. 24-04 to the California Coastal Commission; and

WHEREAS, Coastal Commission staff provided suggested minor modifications to the City approved ordinance that were subsequently approved at a Coastal Commission hearing on February 5, 2025; and

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

- A. That the above recitations are true and correct;
- B. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- C. That the adoption of the proposed Victoria Boulevard Specific Plan as an amendment to the Local Coastal Program is in the public interest;

- D. This Specific Plan SP24-0001, together with General Plan Amendment GPA20-0002, and Zone Change ZC24-0001 (each of which are adopted concurrently herewith) shall constitute the Local Coastal Plan Amendment LCPA20-0002 for the project area;
- E. That this Specific Plan SP24-0001, as part of the Local Coastal Program for the project area, shall be submitted to the Coastal Commission for certification, along with the aforementioned General Plan Amendment GPA20-0002, Zone Change ZC24-0001 and Local Coastal Program Amendment LCPA20-0002;
- F. Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH# 2021070304) has been prepared and certified by the City Council for the proposed project and is complete and adequate for the consideration of the Specific Plan;
- G. In approving the Victoria Boulevard Specific Plan, which comprises a part of LCPA20-0002, the City Council makes the following findings:
1. That the public and affected agencies have had ample opportunity to participate in the LCPA process, **in that proper notice has been provided to the public and affected agencies in accordance with State law, and further in compliance with the LCP Amendment procedures.**
 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act, **in that the Victoria Boulevard Specific Plan will serve as the LCP and has been evaluated to ensure consistency with the Coastal Act related to coastal resources, hazard area, coastal access, land use priorities, intensity and water uses.**
 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. **The Victoria Boulevard Specific Plan serves both planning and regulatory functions including land use regulations, circulation patterns, public facilities and infrastructure requirements, and development standards. The location and intensity of development allowed per the Victoria Boulevard Specific Plan is appropriate in that the location is in an urbanized area, predominantly built out, and is approximately 0.26 miles from the coast and is physically**

separated from the coast by Pacific Coast Highway. As such, there are no coastal resources in the site vicinity.

4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. **The applicable sections are being amended accordingly to be consistent with state law. The location and intensity of development allowed per the Victoria Boulevard Specific Plan is appropriate in that the location is in an urbanized area, predominantly built out, and is approximately 0.26 miles from the coast and is physically separated from the coast by Pacific Coast Highway.**
 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. **Proper notice in accordance with the LCP Amendment procedures has been followed.**
 6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. **The City's Zoning Code is being amended concurrently with the LCP amendment.**
- H. That the City Council hereby adopts the Victoria Boulevard Specific Plan SP24-0001 as shown in Exhibit "A" showing all proposed changes in a strikethrough/underline format, and Exhibit "B" showing a "clean" copy of the proposed modifications and incorporated herein by reference.

PASSED, APPROVED, AND ADOPTED this 18 day of March, 2025

MATTHEW PAGANO, MAYOR

ATTEST:

SHAYNA SHARKE
City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 25-XX was duly introduced at a regular meeting of the City Council on the 18th day of March, 2025, and was duly adopted and passed at a regular meeting of the City Council on the 18th day of March, 2025, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SHAYNA SHARKE, CITY CLERK

EXHIBIT A

VICTORIA BOULEVARD SPECIFIC PLAN

LINK TO DOCUMENT ON CITY WEBSITE

<https://www.danapoint.org/home/showpublisheddocument/39236/638768743782222445>

EXHIBIT B

VICTORIA BOULEVARD SPECIFIC PLAN

LINK TO DOCUMENT ON CITY WEBSITE

<https://www.danapoint.org/home/showpublisheddocument/39238/638768744545274008>

ACTION DOCUMENT D: Draft Resolution No. 25-03-18-XX (Submittal of LCPA20-0002 to CCC)

RESOLUTION NO. 25-03-18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002, FOR SUBMISSION OF GENERAL PLAN AMENDMENT 20-0002, ZONE CHANGE ZC24-0001, SPECIFIC PLAN SP24-0001 AS LOCAL COASTAL PROGRAM AMENDMENT LCPA20-0002 AND REQUESTING SUBMITTAL TO AND FINAL CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION FOR THE PROPERTY AT 26126 VICTORIA BOULEVARD

Applicant: Toll Brothers Apartment Living
Owner: Capistrano Unified School District

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

WHEREAS, Capistrano Unified School District (the "Owner"), owns the real property located at 26126 Victoria Boulevard and identified by Assessor's Parcel Number 668-361-01 (the "Property"); and

WHEREAS, the Toll Brothers Apartment Living (the "Applicant") filed a verified application to establish a Specific Plan at the subject property requiring a concurrent application with corresponding requests for a Coastal Development Permit to allow the proposed development within the Coastal Overlay District (Coastal Zone), Site Development Permits to allow the construction of a multi-family apartment complex and parking structure within the Floodplain Overlay (FP- 2), and Vesting Tentative Parcel Map to consolidate the underlying lots, incumbent upon City Council approval General Plan Amendment GPA20-0002, Zone Change ZC24-0001, Specific Plan SP24-0001, Local Coastal Plan Amendment LCPA20- 0002, and Development Agreement DA24-0001 at the Property; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code sections 21000 et seq., the State CEQA Guidelines, 14 C.C.R. section 15000 et seq., the City has prepared a Final Environmental Impact Report (EIR) for the Victoria Boulevard Apartments, State Clearinghouse No. 2021070304, (the "Final Project EIR"), a full, true and correct copy of which is on file with the City Clerk of the City of Dana Point; and

WHEREAS, on July 9, 1991, the City of Dana Point adopted its General Plan; and

WHEREAS, the City may amend all or part of an adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, on June 27, 1995, the City of Dana Point adopted a Local Coastal Program, which was certified by the California Coastal Commission and may be amended in whole or in part; and

WHEREAS, the Local Coastal Program Amendment LCPA20-0002 is the first Local Coastal Program Amendment processed for 2024; and

WHEREAS, the proposed amendment GPA20-0002 would make changes to the Land Use Map within the Land Use Element of the General Plan by amending the land use designation of "Community Facility" and "Recreation/Open Space" and creating new land use designations of "Victoria Boulevard Specific Plan" for the Property, per Exhibit "A". The Land Use Element is a component of the land use plan of the Local Coastal Program; and

WHEREAS, the proposed amendment ZC24-0001 would make changes to the Zoning Map by amending the zoning designation of "Community Facility" and "Recreation" and creating new zoning designation of "Victoria Boulevard Specific Plan" for the Property, per Exhibit "B". The Zoning Code and the Victoria Boulevard Specific Plan represents the implementation plan of the Local Coastal Program; and

WHEREAS, approval of SP24-0001 would establish the Victoria Boulevard Specific Plan which would serve both land use plan and implementation plan for the Property in that it provides planning and regulatory functions including land use regulations, circulation patterns, public facilities and infrastructure requirements, and development standards; and

WHEREAS, the amendment is internally consistent with the other elements of the General Plan; and

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission held public hearings on May 13, 2024, to consider the adoption of Dana Point Local Coastal Program Amendment LCPA20-0002 and recommended approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public hearing on June 18, 2024, regarding the proposed Dana Point General Plan Amendment GPA20-0002, Zoning Change ZC24-0001, Specific Plan SP24-0001 and Local Coastal Plan Amendment LCPA20-0002, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program, and the California Coastal Act; and

WHEREAS, at said public hearing, upon hearing and considering all evidence, testimony and arguments, of all persons desiring to be heard, said Council considered all factors related to the General Plan Amendment GPA20-0002, Zoning Change ZC24-0001, Specific Plan SP24-0001 and Local Coastal Plan Amendment LCPA20-0002 and introduced a Resolutions and Ordinances adopting said request; and

WHEREAS, at the second reading on 2nd of July, 2024, said Ordinances were duly adopted as Ordinance No. 24-03 and Ordinance No. 24-04.

WHEREAS, on August 5, 2024, the City submitted a request to amend the certified LCP consistent with City Council General Plan Amendment Resolution No. 24-06-18-01, Local Coastal Program Amendment Resolution No. 24-06-18-02, City Council Zoning Change Ordinance No. 24-03, and City Council Specific Plan Ordinance No. 24-04 to the California Coastal Commission; and

WHEREAS, Coastal Commission staff provided suggested minor modifications to the City approved ordinance that were subsequently approved at the California Coastal Commission hearing on February 5, 2025; and

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

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- C. The City Council hereby adopts Local Coastal Plan Amendment LCPA20-0002;
- D. That the City Council's adoption of General Plan Amendment GPA20-0002, Zoning Change ZC24-0001, Specific Plan SP24-0001 and Local Coastal Plan Amendment LCPA20-0002 is in the public interest;
- E. That the City Council's adoption of Local Coastal Program Amendment LCPA20-0002 is consistent with, and will be implemented in full conformity with the Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976;

- F. The City Council certifies that the Land Use Plan, as amended, is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act;
- G. The City Council certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan;
- H. That the City Council has reviewed, considered, and by way of adoption of Resolution No. 24-06-18-02, has certified the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) for this Project;
- I. That the Victoria Boulevard Apartments Environmental Impact Report (SCH# 2021070304) for the proposed project is complete and adequate for the consideration of the General Plan Amendment GPA20-0002, Zoning Change ZC24-0001, Specific Plan SP24-0001 and Local Coastal Plan Amendment LCPA20-0002;
- J. In adopting LCPA20-0002, the City Council makes the following findings:
 - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process, **in that proper notice has been provided to the public and affected agencies in accordance with State law, and further in compliance with the LCP Amendment procedures.**
 - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act, **in that the Victoria Boulevard Specific Plan will serve as the LCP and has been evaluated to ensure consistency with the Coastal Act related to coastal resources, hazard area, coastal access, land use priorities, intensity and water uses.**
 - 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses. **The General Plan Amendment, Zone Change, Specific Plan, Local Coastal Program Amendment, and project for the development of a 306-unit apartment complex with recreation buildings, site improvements, and open space was evaluated with an EIR (SCH# 2021070304). The EIR evaluated coastal resources, hazard area, coastal access, land use priorities, intensity and water uses. The proposed amendments, Specific Plan, and development comply with the City's Local**

Coastal Program and do not result in any unmitigated environmental impacts.

4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. **The applicable sections are being amended accordingly to be consistent with state law. The project is consistent with the proposed General Plan Amendment, Zone Change, and Specific Plan. The project complies with the Specific Plan's standards related to height, setbacks, lot coverage, open space, and landscape coverage requirements. The project also conducted an EIR that concluded all environmental impacts would be mitigated. The project is located within Doheny Village which has a diverse range of housing types, including multi-family, mobile homes, affordable housing, and live/work units, which is a unique feature within the City.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the LCPA. **Proper notice in accordance with the LCP Amendment procedures has been followed.**
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. **The City's Zoning Map is being amended concurrently and the Victoria Boulevard Specific Plan with the LCP amendment.**
7. That this Local Coastal Program Amendment LCPA20-0002, which also includes General Plan Amendment GPA20-0002, and Zone Change ZC24-0001, Specific Plan SP24-0001 shall be submitted to the Coastal Commission for certification.

The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2025.

ATTEST:

City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Resolution No. 25-03-18-XX was duly introduced at a regular meeting of the City Council on the 18th day of March, 2025, and was duly adopted and passed at a regular meeting of the City Council on the 18th day of March, 2025, by the following vote, to wit:

AYES:

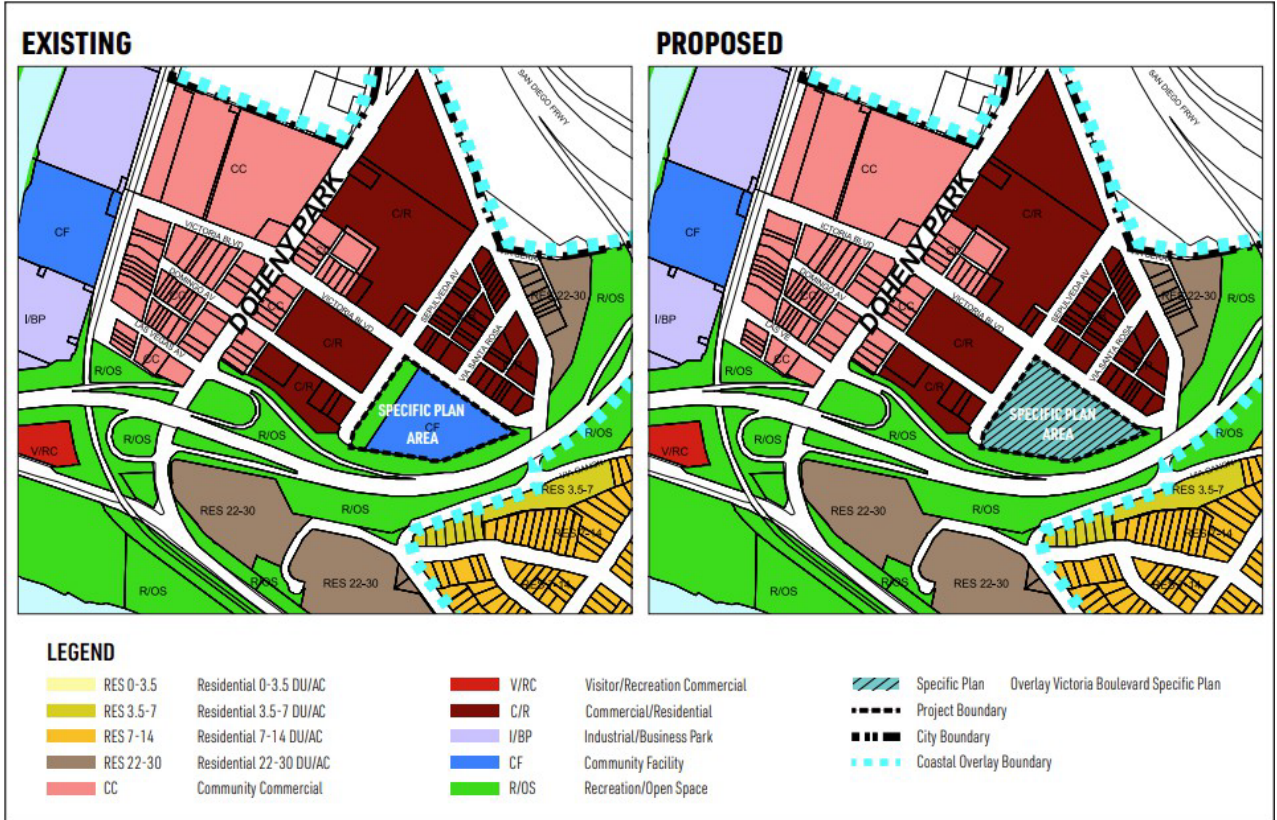
NOES:

ABSTAIN:

ABSENT:

EXHIBIT "A"

General Plan Amendment GPA20-0002



Source: KTDY, County of Orange, City of Dana Point

NOT TO SCALE

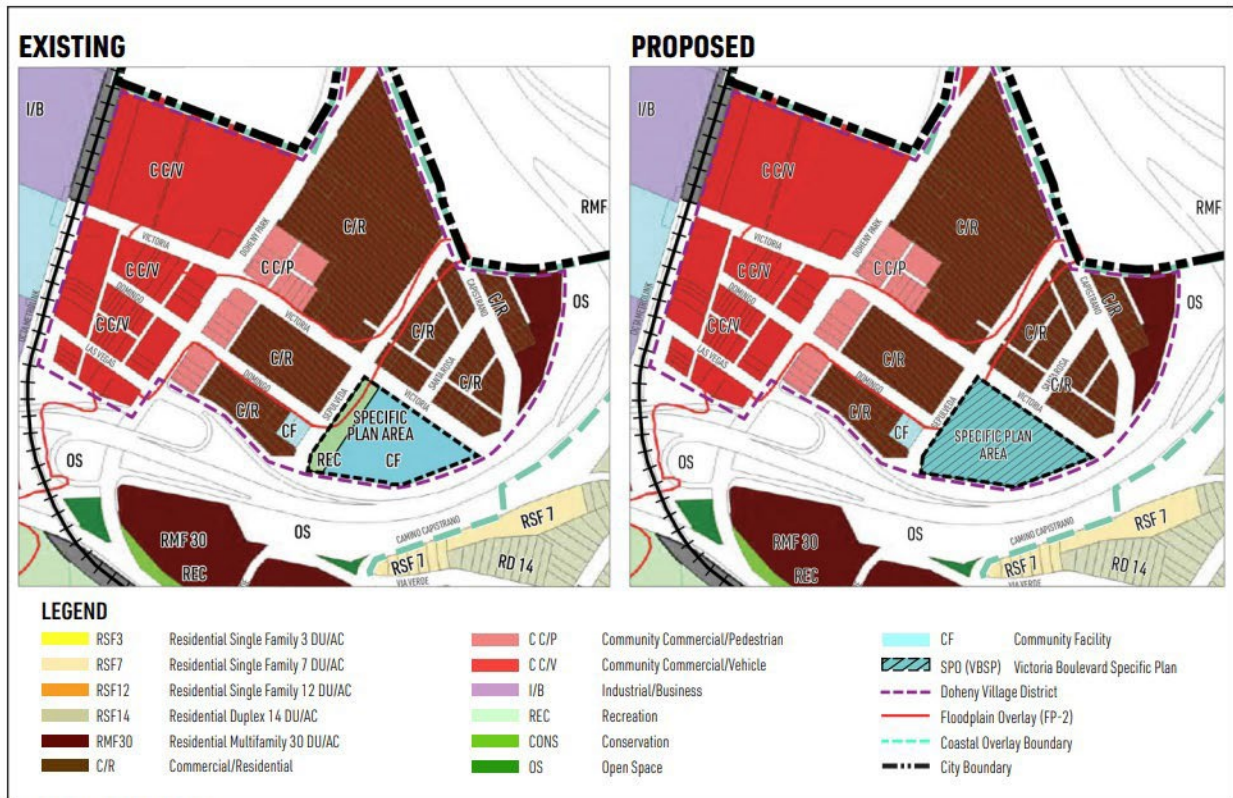


Existing and Proposed General Plan Land Use Designation

VICTORIA BOULEVARD APARTMENTS
ENVIRONMENTAL IMPACT REPORT

EXHIBIT "B"

Zone Change ZC24-0001



Source: KTDY, County of Orange, City of Dana Point

NOT TO SCALE



VICTORIA BOULEVARD APARTMENTS
ENVIRONMENTAL IMPACT REPORT
Existing and Proposed Zoning