

**CALIFORNIA COASTAL COMMISSION**

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

**W8b**

January 11, 2011

**ADDENDUM****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SOUTH COAST DISTRICT STAFF****SUBJECT: Item W8b. DPT-MAJ-1-10 (Dana Point Harbor Implementation Plan Amendment) for the January 12, 2011 Commission Meeting in Long Beach****A. Changes to the Staff Recommendation**

Local government language shown in straight text;  
Original suggested additions are shown in **bold, underline**;  
Original suggested deletions are shown in ~~striketrough~~;  
New suggested additions are shown in **bold, double underline**;  
New suggested deletions are shown in ~~double striketrough~~.

Make the following changes to the Suggested Modifications, Exhibit 5:

1. *Exhibit 5, page 6, Dana Point Harbor District Regulations, Chapter 2, Purpose and Objectives:*

These regulations are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act in that a certified ~~Local Coastal Program~~ **Land Use Plan Local Coastal Program** and all local implementing ordinances regulations and other actions may be amended by the appropriate local government subject to certification by the **California** Coastal Commission.

**Reason for Modification:**

This modification was requested by the local government and reflects the language used in the referenced Coastal Act section.

2. *Exhibit 5, page 7, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, General Regulation 4. Noise Control:*

**4. Noise Control**

**Noise levels generated by Harbor land uses during their operation shall be in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). Noise impacting underwater marine life shall be minimized**

**to the greatest extent feasible during construction activities and be conducted in accordance with all applicable requirements of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) and any state or local regulations protecting marine life in effect at the time of construction.**

**Reason for Modification:**

The modification adds specificity to the regulation.

3. *Exhibit 5, page 8, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, General Regulation 9. Application of Regulations:*

**9. Application of Regulations**

If an issue, condition, or operational situation **or question regarding the appropriate classification of a particular use** arises that is not sufficiently covered or provided for in these Dana Point Harbor District Regulations so as to be clearly understandable, the Director, County of Orange—Dana Point Harbor Department **OC Dana Point Harbor** shall determine how to resolve the unclear issue, condition or situation. **Decisions of the Director, OC Dana Point Harbor may be appealed to the Director of Community Development, City of Dana Point. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.**

**Reason for Modification:**

As requested by the local government, the modification combines General Provision 9 and General Provision 12 into a single provision.

4. *Exhibit 5, page 8, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, General Regulation 12. Ambiguity:*

**~~12. Ambiguity~~**

~~If ambiguity arises regarding the appropriate classification of a particular use, or with respect to specific matters of height, building site or other development standards, the City of Dana Point Director of Community Development shall resolve the issues, condition or situation. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.~~

**Reason for Modification:**

As requested by the local government, General Provision 12 is now combined with the General Provision 9, resulting in the elimination of this provision.

5. *Exhibit 5, page 11, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 2d), Planning Area Boundaries:*

## 2. Planning Area Boundaries

d) ~~Minor Adjustments in the boundaries of Planning Areas 1, 2, and 3 boundaries~~ resulting in an acreage change of ~~ten~~ **five** percent (~~10~~ **5** %) or less of the total Planning Area for final street realignments, **parking area reconfiguration**, landscaping, geotechnical or other engineering related reasons, **may be approved as part of a Coastal Development Permit approval and** will not require amendment of the Dana Point Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II- 17, *Revitalization Plan and Statistical Table Regulations and Procedures*. Such adjustments shall not have the effect of exceeding the total permitted development intensity **for each affected Planning Area or combined for all individual Planning Areas or the Dana Point Harbor in total** **modify the land uses permitted by the Dana Point Harbor Land Use Plan. Any adjustments to Planning Area boundaries that result in acreage changes greater than five percent (5%), intensifying or modifying land uses in Planning Areas 1, 2 or 3 shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.**

### Reason for Modification:

The modification further narrows the minor changes that can occur, subject to a CDP as opposed to a LCP amendment, to the boundaries of certain Planning Areas and provides the purpose of the changes.

6. *Exhibit 5, page 12, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 3, Construction Phasing:*

## 3. Construction Phasing

Construction phasing for implementation of all Dana Point Harbor Revitalization Plan improvements shall minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. In the event of temporary closures, alternate routes and clear directional signage shall be provided. ~~Any parking loss temporarily during construction shall be replaced prior to its removal, and shall be located in reasonable proximity to the uses it serves, to the maximum extent feasible. Temporary replacement parking spaces, located in reasonable proximity to the uses they serve, to the maximum extent feasible, shall be provided prior to the removal of any existing parking spaces due to construction, in accordance with an approved Construction and Temporary Operations Plan (Section II-14.6e). Additionally, no construction shall be permitted to block the main navigational channels in the Harbor and should minimize the disruption or loss of existing docks by providing temporary facilities to the greatest extent feasible.~~

**Reason for Modification:**

The modification adds clarity to the original suggested modification.

7. *Exhibit 5, page 12, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 4, Water Conservation Regulations:*

**4. Water Conservation Regulations**

Interior and exterior water conservation measures shall be incorporated into all projects as improvements occur. Measures shall include, but are not limited to, installation of low-flush toilets, low-flow faucets, ~~planting of drought-tolerant/low water use native or non-invasive and drought tolerant plant species as identified by California Department of Water Resources (See <http://www.owue.water.ca.gov/docs/wucols00.pdf>) that are also non-problematic/non-invasive plant species as defined by the California Native Plant Society (<http://www.CNPS.org>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org>) or as may be identified from time to time by the State of California~~ and the installation of efficient irrigation systems in landscaping areas to minimize runoff and evaporation.

**Reason for Modification:**

The modification makes it clear that plant species to be used must be native or non-native, non-invasive and drought tolerant.

8. *Exhibit 5, page 13, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 7, Grading Plans:*

**7. Grading Plans**

Grading Plans for all projects within Dana Point Harbor shall be consistent with the Dana Point Harbor Revitalization Plan and include the following provisions:

- a. An approved Grading Plan shall show all areas of grading, including remedial grading, inside and outside of the immediate area of development. Grading shall be permitted within all Planning Areas of the Harbor, except Planning Area 7, unless specifically authorized by a Coastal Development Permit for grading of public roads, park facilities, infrastructure or other Dana Point Harbor Revitalization Plan improvements necessary to support development permitted within the Planning Area. ~~Grading and any impacts to sensitive habitat, which shall be mitigated and shall be minimized to the maximum extent feasible.~~ Remedial grading for development shall be permitted in all landside Planning Areas except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or soils engineering problems. Remedial grading for development shall be permitted in all landside Planning Areas

**except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or soils engineering problems and which shall minimize any adverse impacts to coastal sage scrub, to the maximum extent feasible, and provide mitigation for any unavoidable adverse impacts.** The Grading Plan shall include provisions for temporary erosion control on all graded sites in accordance with the County of Orange Grading and Excavation Code and the Regional Water Quality Control Board (San Diego Region).

**Reason for Modification:**

The modification clarifies that any remedial grading permitted in Planning Area 7, Conservation, shall be for limited purposes and shall minimize and mitigate impacts to coastal sage scrub located in the Planning Area.

9. *Exhibit 5, page 15, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 10, Bluff Preservation:*

**10. Bluff Preservation**

The Dana Point Harbor Revitalization Plan provides for the protection of the natural bluffs (Planning Area 7) by restricting the siting of any structures **on and** adjacent to the bluffs with the exception of drainage control structures and recreational structures (i.e., picnic areas and shelters) **located adjacent to Dana Point Harbor Drive**. In areas that abut the bluffs, a landscape buffer shall be maintained. All plant material shall be native or ~~naturalized~~ **non-native** drought tolerant, **non-invasive** species to provide a transition between natural and ornamental landscaped areas.

**Reason for Modification:**

The modification clarifies that all plant materials must be either native or non-native, non-invasive and drought tolerant.

10. *Exhibit 5, page 20, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 21, Tree Trimming Procedure for Harbor Bird Habitat:*

**21. Tree Trimming Procedures for Harbor Bird Habitat**

**In accordance with the acknowledgement that the City of Dana Point, County of Orange and OC Dana Point Harbor have an obligation to protect the public health and safety, while ensuring the long-term protection of wading bird heronries; breeding, roosting and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and all bird species of special concern, the County of Orange has developed the following Tree Trimming Procedures for Harbor Bird Habitat have been developed. These provisions govern the trimming or removal of any tree that is part of a heronry that has been used in the last five (5) years or of any tree that has been used for roosting, breeding and nesting within the past five (5) years as determined by a**

**qualified biologist. Further, these provisions shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act. Tree trimming or removal activities can be accomplished through a Harbor-wide**

**Reason for Modification:**

As requested by the local government, the modification clarifies that the local government is not the author of the subject Tree Trimming Procedures for Harbor Bird Habitat. The procedure was developed by Commission staff, including Commission staff ecologist Dr. Jonna Engel, and has been used by the Commission in Channel Islands Harbor, Marina del Rey and Long Beach to protect similar bird habitat.

*11. Exhibit 5, page 24, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 26, Street Parking Restrictions:*

**26. ~~Street~~ Public Parking Restrictions**

**Parking shall be maintained throughout the Dana Point Harbor Revitalization Plan area to support public lower cost recreational uses (e.g. Baby Beach, picnicking and park uses in Planning Areas 1, 4, and 5). The implementation of restrictions on public parking along Dana Point Harbor Drive and Street of the Golden Lantern (including, but not limited to the posting of “no parking” signs, red curbing and placement of physical barriers) that would impede or restrict public access to lower cost recreational uses (i.e., trails, picnic and recreation areas, Baby Beach and hand-launch water-craft facilities) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Changes to existing time limits or hours of operation and substantial changes to parking fees shall require approval of a Coastal Development Permit. A substantial change is a twenty-five percent (25%) or greater change in fees in a one (1) year period or a fifty percent (50%) change in a three (3) year period.**

**Reason for Modification:**

As requested by the local government, Special Provision 26 Street Parking Restrictions is being combined with Special Provision 39, Public Parking, into this single provision.

*12. Exhibit 5, page 26, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 30, Vessel Maintenance and Operation:*

**30. Vessel Maintenance and Operation**

**Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner as certified on an annual and are subject to inspection on a**

periodic basis by the U.S. Coast Guard Auxiliary or similar organization. On an ongoing basis, the number of live-aboard permits in the Harbor shall not exceed more than ten percent (10%) of the total vessels on any one dock and no more than three percent (3%) of the total vessels allowed in the Harbor overall.

**Reason for Modification:**

The modification reduces the frequency of inspection and eliminates the required certification, as requested by the local government.

*13.Exhibit 5, page 26, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 33, Wetland Survey:*

**33. Wetland Survey**

A survey and analysis with the delineation of all wetland areas shall be required when an initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries contained in Chapter II-18, *Definitions* and Section 13577(b) of Title 14 of the California Code of Regulations. Any required wetlands survey shall also include recommendations for appropriate mitigation measures to protect the wetland, including the establishment of vegetated wetland buffer areas to protect areas if delineated. Wetland buffer areas are typically one hundred (100) feet in width but may be reduced on a case-by-case basis in consultation with the California Department of Fish and Game if a smaller buffer will is proposed to protect the wetland from significant adverse impacts.

**Reason for Modification:**

The provision is modified to require consultation with the Department of Fish and Game on any reduction in the width of wetland buffers.

*14.Exhibit 5, page 27, Dana Point Harbor District Regulations, Chapter 3, General Regulations and Special Provisions, Special Provision 39, Public Parking:*

~~**39. Public Parking**~~

~~Parking shall be maintained throughout the Dana Point Harbor Revitalization Plan area to support public lower cost recreational uses (e.g. Baby Beach, picnicking and park uses in Planning Areas 1, 4, and 5). Changes to existing time limits or hours of operation and/or substantial changes to parking fees shall require approval of a Coastal Development Permit. A substantial change is a twenty five percent (25%) or greater change in fees in a one (1) year period or a fifty percent (50%) change in a three (3) year period.~~

**Reason for Modification:**

As stated above in Modification 11, this provision is being combined with Special Provision 26, Street Parking Restrictions, thereby eliminating the need for this separate provision.

15. *Exhibit 5, page 30, Dana Point Harbor District Regulations, Chapter 4, Marine Services Commercial, Planning Area 1, 4.5c) Development Standards and Requirements:*

- c) Building height limit: **Thirty-five (35) feet maximum.** For the Dry Boat Storage building, **an exception to the thirty-five (35) foot maximum height limit may be approved, to a maximum of sixty-five (65) feet** ~~sixty-five (65) feet~~ **provided significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit I-8.1 of the Land Use Plan, are protected and enhanced.** ~~maximum. for the potential lighthouse, seventy (70) feet maximum; for all other buildings, thirty-five (35) feet maximum.~~ Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted. The limitations on height for Planning Area 1 shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

**Reason for Modification:**

The modification adds the maximum height that may be granted for this Planning Area through an exception which requires additional criteria to be met.

16. *Exhibit 5, page 31, Dana Point Harbor District Regulations, Chapter 4, Marine Services Commercial, Planning Area 1, 4.5 f), Development Standards and Requirements:*

- f) Dry boat storage building: The design of the dry boat storage building **may** include ~~marine retail uses and~~ covered areas for boat maintenance **where dust collection systems may be provided to help reduce the amount of particulates released into the atmosphere.**

**Reason for Modification:**

The modification eliminates marine retail uses within a future dry boat storage facility. Marine retail uses can be allowed in this Planning Area within a Boater Service Building.

17. *Exhibit 5, page 32, Dana Point Harbor District Regulations, Chapter 4, Marine Services Commercial, Planning Area 1, 4.5 l), Development Standards and Requirements:*

- l) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height **shall be eight (8) feet,** provided that site distances for vehicular safety purposes are not obstructed ~~shall be eight (8) feet.~~

**Reason for Modification:**

The modification is to correct a typographical error.

18. *Exhibit 5, page 33, Dana Point Harbor District Regulations, Chapter 4, Marine Services Commercial, Planning Area 1, 4.5 p), Development Standards and Requirements:*

- p) **Ship Yard: A shipyard shall be maintained in the Marine Services Commercial Planning Area and shall be no less than 1.6 acres in size, excluding any water area. The expansion, modification or renewal of the shipyard lease shall be required to demonstrate that the proposed size of the lease area is adequate to maintain a full-service shipyard facility that includes boat haul-out and repair services.**

**Reason for Modification:**

The modification makes it clear that the minimum 1.6 acre shipyard lease area refers to land area only. Any water area included in the shipyard lease cannot be used to reduce the required minimum landside acreage.

19. *Exhibit 5, page 34, Dana Point Harbor District Regulations, Marine Services Commercial, Planning Area 1, 4.5 r), Development Standards and Requirements:*

- r) **Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least four hundred and ninety-three (493) boats to be stored on dry land in the Marine Services Commercial area (Planning Area 1); four hundred (400) of these spaces may be provided in a dry stack storage facility (dry stack building, deck and/or surface storage areas). The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent feasible. Additionally, a minimum of ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible.**

**Reason for Modification:**

The modification clarifies that the future dry boat storage facility in this Planning Area may include a single dry stack boat storage building, but is not limited to this option, as long as the required minimum number of dry storage spaces are provided.

20. *Exhibit 5, page 37, Dana Point Harbor District Regulations, Chapter 5, Day Use Commercial, Planning Area 2, 5.2 l), Principal and Other Permitted Uses:*

- l) **Facilities and structures providing for the operation of Sport fishing and/or charter boat concessions, including office, ticketing, dockage space and associated retail sales space.**

**Reason for Modification:**

The modification makes this permitted use consistent with that permitted in Planning Area 5.

*21. Exhibit 5, page 38, Dana Point Harbor District Regulations, Chapter 5, Day Use Commercial, Planning Area 2, 5.5c), Development Standards and Requirements:*

- c) Building height limit: For new Commercial Core buildings fronting on Festival Plaza, pedestrian bridge connected to Festival Plaza or structures fronting on the East Marina Boat Basin (Planning Area 10), sixty (60) feet maximum; for all other buildings, thirty-five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.

**All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation, up to a maximum of sixty (60) feet, shall be required to demonstrate all of the following:**

**Reason for Modification:**

The modification adds the maximum height that may be granted for this Planning Area through an exception which requires additional criteria to be met.

*22. Exhibit 5, page 39, Dana Point Harbor District Regulations, Chapter 5, Day Use Commercial, Planning Area 2, 5.5c)4, Development Standards and Requirements:*

4. **The Any additional height above the forty (40) feet feet height limit shall be for architectural features only that do not increase the gross floor area for the purpose of determining parking requirements.**

**Reason for Modification:**

This modification is necessary to correct typographical errors and clarify that any additional height above forty (40) feet in this Planning Area must be for architectural purposes only and cannot be used for additional gross floor area which would require additional parking. The maximum height limit is not being changed from 35 feet. However, development standard 5.5 c) allows for an exception to the maximum height limit, up to sixty (60) feet, provided certain specified criteria are met.

23. *Exhibit 5, page 47, Dana Point Harbor District Regulations, Chapter 6, Visitor Serving Commercial, Planning Area 3, 6.5c), Development Standards and Requirements:*

- c) Building height limit: ~~Fifty (50) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted.~~

**All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation, up to a maximum of fifty (50) feet, shall be required to demonstrate all of the following:**

**Reason for Modification:**

The modification adds the maximum height that may be granted for this Planning Area through an exception which requires additional criteria to be met.

24. *Exhibit 5, page 59, Dana Point Harbor District Regulations, Chapter 7, Marine Commercial, Planning Area 4, 7.5 t), Development Standards and Requirements:*

- t) **Hand Launch Facilities: maintain, enhance, and where feasible, expand places to hand launch small non-motorized watercraft and provide necessary parking and designated drop-off areas; as well as opportunities to rent and store such watercraft. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.**

**Reason for Modification:**

The modification adds an additional requirement that designated drop-off areas for hand launched vessels be provided within this Planning Area.

25. *Exhibit 5, page 65, Dana Point Harbor District Regulations, Chapter 8, Recreation Planning Area 5, 8.5 q), Development Standards and Requirements:*

- q) **Hand Launch Facilities: Provisions for providing low cost public boating facilities, such as a designated hand launch area at Baby Beach during peak usage periods and designated drop-off areas; make publicly accessible areas of the docks available for hand launching; and ~~providing~~ adequate locations for vendors renting kayaks, paddleboards or other similar human powered watercraft shall be maintained and**

**enhanced wherever feasible. Storage of hand launch vessels shall be provided as close to the hand launch areas as practicable.**

**Reason for Modification:**

The modification adds an additional requirement that designated drop-off areas for hand launched vessels be provided within this Planning Area.

*26. Exhibit 5, page 78, Dana Point Harbor District Regulations, Chapter 11, Education Basin, Planning Area 8, 11.5 j), Development Standards and Requirements:*

- j) **Anchorage: The existing amount quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.**

**Reason for Modification:**

The modification restores the terminology used in the certified LUP with regards to anchorages, as requested by the local government.

*27. Exhibit 5, page 80, Dana Point Harbor District Regulations, Chapter 11, Education Basin, Planning Area 8, 11.5 p), Development Standards and Requirements:*

- p) **~~Pump-out Disposal facilities: Pump-out facilities shall be incorporated into any new marina to serve individual boat slips, to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all disposal facilities shall be determined based on site-specific data related to vessel size and record of use, among other things.~~**

**Reason for Modification:**

The modification expands the requirement for the provision of disposal facilities to include both pump-out facilities and dump stations for smaller boats. The exact number and locations of disposal facilities shall be determined at the time of an actual coastal development permit application that will take into consideration site-specific information including record of use of existing disposal facilities and other data.

*28. Exhibit 5, page 84, Dana Point Harbor District Regulations, Chapter 12, West and East Marinas, Planning Area 12, 12.5 j), Development Standards and Requirements:*

- i) **Anchorage: The existing amount quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.**

**Reason for Modification:**

The modification restores the terminology used in the certified LUP with regards to anchorages, as requested by the local government.

29. *Exhibit 5, page 86, Dana Point Harbor District Regulations, Chapter 12, West and East Marinas, Planning Area 12, 12.5 s), Development Standards and Requirements:*

- s) **Pump-out Disposal facilities: Pump-out facilities shall be incorporated into any new marina to serve individual boat slips, to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all disposal facilities shall be determined based on site-specific data related to vessel size and record of use, among other things.**

**Reason for Modification:**

The modification expands the requirement for the provision of disposal facilities to include both pump-out facilities and dump stations for smaller boats. The exact number and locations of disposal facilities shall be determined at the time of an actual coastal development permit application that will take into consideration site-specific information including record of use of existing disposal facilities and other data.

30. *Exhibit 5, page 87, Dana Point Harbor District Regulations, Chapter 13, Marine Services and Harbor Entrance, Planning Areas 11 and 12, 13.2 h), Principal and Other Permitted Uses:*

- h) **Sport fishing and/or charter boat concessions and passenger ferry.**

**Reason for Modification:**

As requested by the local government, the modification is to make the permitted use in these Planning Areas, 11 and 12, consistent with these uses that is allowed in Planning Area 5.

31. *Exhibit 5, page 90, Dana Point Harbor District Regulations, Chapter 13, Marine Services and Harbor Entrance, Planning Areas 11 and 12, 13.5 j), Development Standards and Requirements:*

**j) Anchorages: The existing ~~amount~~ quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.**

**Reason for Modification:**

The modification restores the terminology used in the certified LUP with regards to anchorages, as requested by the local government.

32. *Exhibit 5, page 91, Dana Point Harbor District Regulations, Chapter 13, Marine Services and Harbor Entrance, Planning Areas 11 and 12, 13.5 p), Development Standards and Requirements:*

**p) ~~Pump-out Disposal facilities: Pump-out facilities shall be incorporated into any new marina to serve individual boat slips, to the maximum extent feasible, and an adequate number of conveniently located dump stations to serve smaller boats, shall be incorporated into any new marina. The location and amount of all disposal facilities shall be determined based on site-specific data related to vessel size and record of use, among other things.~~**

**Reason for Modification:**

The modification expands the requirement for the provision of disposal facilities to include both pump-out facilities and dump stations for smaller boats. The exact number and locations of disposal facilities shall be determined at the time of an actual coastal development permit application that will take into consideration site-specific information including record of use of existing disposal facilities and other data.

33. *Exhibit 5, page 93, Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations, 14.2 c), General Provisions:*

c) Joint-use or shared parking – In recognition of the unique characteristics of the Harbor and its uses, a comprehensive **parking management plan (prepared in accordance with the requirements in Section II-14.6, Parking Management Plan, of this Chapter)** may be processed with a Coastal Development Permit to demonstrate the aggregate total of otherwise required parking spaces is adequate for

the range of commercial and recreational uses proposed. **Required designated boater parking shall not be used in joint-use or shared parking plans. The public boat launch ramp facility may be included as part of a joint-use or shared parking plan when all of the following criteria are satisfied:**

1. **The facility may be used only during the non-peak Harbor season (October 1 through May, but excluding Memorial Day weekend).**
2. **The facility may be used only for other boating uses (e.g., sportfishing, whale watching, cruises, charter boat concessions and commercial ferry service).**
3. **At no time shall the total number of parking spaces used exceed ~~twenty-five~~ twenty percent (25 20%) of the spaces in the boat launch ramp facility, as determined through a parking study that demonstrates that the proposed number of the parking spaces are available for such use.**
4. **None of the spaces immediately adjacent to the boat launching area shall be used.**

**Reason for Modification:**

The joint-use/shared parking provisions are being further modified to cite the requirement for the preparation of a Parking Management Plan that may allow limited joint-use/shared parking of the public boat launch facility by specific uses. Further, the provision is being modified to reduce the percentage of parking spaces that can be used for other boating uses, provided a parking study demonstrates that the proposed number of parking spaces are available for the other boating uses.

*34. Exhibit 5, page 95, Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations, 14.2 i), General Provisions:*

**i) Commercial Development Phasing – New commercial development shall be phased such that required parking for higher priority uses (e.g., marina boat slips, public boat launch facility, surface boat storage, beach, picnic and parks) is provided and maintained. Parking for these higher priority uses shall be provided as follows:**

**Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher**

priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (j) below. ~~Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development outside of the Commercial Core.~~ The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

Marine Service Commercial, Marine Commercial and Recreation Areas – The location and amount of new development adjacent to park and beach areas shall not adversely impact public use of the low cost water-oriented recreation, park and beach uses by ensuring that adequate parking spaces are maintained for these uses. Accordingly, all Coastal Development Permits for new development in Planning Areas 1, 4 and 5 shall demonstrate that the intensity of the proposed development and the proposed hours of operation will not adversely impact public use of the beach or park area within the Planning Area.

**Reason for Modification:**

The modification removes the requirement that parking for the Commercial Core development be provided within the Commercial Core from this provision which deals with commercial development phasing. As written it contained a typographical error. The error has been corrected and the requirement moved to the section of this chapter that deals with the Parking Management Plan, 14.6 d) 5 (see modification 36, below).

*35. Exhibit 5, page 101, Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations, 14.4 5) Joint-Use or Shared Parking:*

**14.4 Joint-Use or Shared Parking**

A reduction in the aggregate total of otherwise required parking spaces for principal uses within Dana Point Harbor shall be permitted for either joint-use or shared parking upon approval of a Detailed Parking Management Plan pursuant to Section II-14.6 when submitted as part of a comprehensive Traffic Management Plan approved as part of a Coastal Development Permit by the City of Dana Point. The approval of a parking reduction due to joint-use or shared parking shall be based on the following findings:

...5. Subsequent individual ~~new~~ uses which result in a parking demand more than is provided by the existing parking shall be required to provide additional parking adequate to meet the demand and/or provide alternative means to meet the parking demand through a Coastal Development Permit and prepare a revision to the

Detailed Parking Plan for approval by the ~~County of Orange~~ — Dana Point Harbor Department Director, OC Dana Point Harbor.

**Reason for Modification:**

The modification, which removes the word “new” makes it clear that all subsequent uses, whether they currently existing or not or if an existing use intensifies, must provide parking to meet its demand.

*36. Exhibit 5, page 102/104, Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations, 14.6 d) 5, Parking Management Plan:*

**14.6 Parking Management Plan**

**A Dana Point Parking Management Plan (PMP) shall be prepared under the direction of OC Dana Point Harbor to identify and address the parking requirements and locations for all areas and land uses throughout the Harbor, including an operation and implementation program. The Parking Management Plan will implement all applicable parking and traffic management policies set forth in the Dana Point Harbor Revitalization Plan Land Use Plan, the provisions of this Chapter and fully satisfy the requirements of the County of Orange Parking Code.**

**The Dana Point Harbor Parking Management Plan will be updated on a routine basis (every 5 years) or as determined by the Director, OC Dana Point Harbor and/or the City of Dana Point Director of Community Development or as Coastal Development Permit application(s) are processed for Dana Point Harbor Revitalization Plan improvements that affect a significant number of parking spaces or utilization management of parking areas in the Harbor.**

**A Parking Management Plan shall be submitted with the first Coastal Development Permit for development of the Commercial Core area improvements and establish a baseline assessment of the current and future parking demands throughout the Harbor. The PMP shall take into account weekday, weekend and seasonal variations in the use of the Harbor facilities to make the best possible use of the parking, while prioritizing parking usage to avoid adverse impacts on designated boater parking and boat launch ramp parking areas, in addition to balancing parking area usage in such a way as to minimize overcrowding of high demand areas. The PMP shall also address specific compliance measures to implement the requirements included in the Southern California Air Quality Management District’s Regulation XV of the Air Quality**

**Management Plan, including transportation demand management strategies (i.e., preferential parking for vanpooling/carpooling, employee subsidy program(s) for use of transit passes or vanpooling/carpooling, flextime work schedules, etc.) that will be implemented by Harbor businesses and facilities to reduce traffic congestion and parking demand.**

**The Dana Point Harbor Parking Management Plan shall be organized to include the following information at a minimum:**

**...d)Design and Operational Plans – providing detailed information on the modification of any Harbor parking areas to address specific user demand and/or operational methods and responsibilities for controlling, monitoring and adjusting management procedures for parking area usage.**

**Parking area design criteria shall include, but are not limited to the following:**

**...5. Providing adequate parking in close proximity to the land uses the parking is intended to support. Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development inside of the Commercial Core.**

**Reason for Modification:**

As stated in modification 34 above, the added language that was moved to this section to make it clear that Commercial Core development is required to provide adequate parking to meet its demand and the parking shall also be located within the Commercial Core.

*37. Exhibit 5, page 122, Dana Point Harbor District Regulations, Chapter 17, Revitalization Plan and Statistical Table, 17.2 Dana Point Harbor Revitalization Plan:*

**17.2 Dana Point Harbor Revitalization Plan**

The Dana Point Harbor Revitalization Plan covers those areas of Dana Point Harbor granted to the County of Orange by the California State Legislature in 1961 as part of the Tidelands and Submerged Lands Acquisition Act (Chapter 321 of the Statutes of 1961). As shown on Exhibit 17.1, *Dana Point Harbor Revitalization Plan* identifies Planning Areas and corresponding land uses.

~~The acreages in the Dana Point Harbor Statistical Table may vary without requiring a LCP Amendment provided that the variation is consistent with the total acreage and boundaries of the *Dana Point Harbor District Zoning Map and Statistical Summary* (Exhibit 1.1 and Table 1-A). Such adjustments shall not~~

have the effect of exceeding the total permitted development intensity combined for all individual Planning Areas or ~~for~~ the Dana Point Harbor in total.

**Minor adjustments up to in the boundaries of Planning Areas 1, 2 and 3 resulting in an acreage change of five percent (5%) in the Planning Area acreages shown on the Dana Point Harbor Statistical Table for final street realignments, parking area reconfiguration, landscaping, geotechnical or other engineering-related reasons may be approved as part of a Coastal Development Permit and will not require amendment of the Dana Point Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II-17, Revitalization Plan and Statistical Table Regulations and Procedures. Any adjustments to Planning Area boundaries that results in acreage changes greater than five percent (5%), for any intensifying or modifying land uses in Planning Areas 1, 2 and 3 Planning Area shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.**

**Reason for Modification:**

The provision is being further modified to limit the amount, locations and purposes for minor changes to the Planning Area boundaries that can be done through a coastal development permit as opposed to an LCP amendment.

*38. Exhibit 5, page 126, Dana Point Harbor District Regulations, Chapter 17, Revitalization Plan and Statistical Table, Add new provision, 17.3 d) Dana Point Harbor Statistical Table:*

**d) Any adjustment in Planning Area boundaries shall not reduce the total size of any area designated as a Recreation land use.**

**Reason for Modification:**

The modification adds a new provision that requires that any adjustments to the Planning Area boundaries must be limited to protect recreational land use.

**B. Additional Findings**

Add the additional findings below to the staff report dated, December 29, 2010:

1. Section D. Findings for Approval of Implementation Plan Amendment 1-10 if Modified as Recommended, b. Locating New Development, 1) Visual Resources Protection, page 38, add the following at the end of the second full paragraph:

**An exception to the 35 foot maximum height limit may be allowed in Planning Areas 2, up to a maximum of sixty feet, if the required criteria is met in order to protect public scenic views and community character. However, any additional building height above forty feet cannot not be used for additional gross floor area that requires additional parking. The additional height is allowed only to provide architectural features.**

2. Section D. Findings for Approval of Implementation Plan Amendment 1-10 if Modified as Recommended, b. Locating New Development, 2) Parking, top of page 41, make the following correction:

**25% 20%** of the parking spaces to be used, **provided that a parking study demonstrates that the proposed number of parking spaces are available for such use**, not including those spaces adjacent to the boat launching area.

3. Section D. Findings for Approval of Implementation Plan Amendment 1-10 if Modified as Recommended, b. Locating New Development, 2) Parking, page 41, add the following at the end of the paragraph that ends on the top of the page.

**Section 14.6 requires that adequate parking to support the Commercial Core development be provided within the Commercial Core.**

9. Section D. Findings for Approval of Implementation Plan Amendment 1-10 if Modified as Recommended, b. Locating New Development, pg. 41, add a new subsection 3) Water Quality and add the following:

**In order to maintain and enhance water quality of the Harbor, the Commission is requiring that the City of Dana Point include adequate disposal facilities in the reconstruction of the marinas throughout the Harbor. Both pump-out facilities to serve each boat that has on-board sanitary facilities and dump stations for the smaller boats should be assessed at the time of marina reconstruction. The record of use of the existing pump-out facilities is one factor that should be considered in determining the appropriate numbers and locations of disposal facilities. Suggested modifications have been added to the Dana Point Harbor District Regulations to carry out this requirement.**

### **C. Correspondence Received**

#### **1. Boaters for Dana Point Harbor**

Letters were received from Boaters for Dana Point Harbor dated December 30, 2010, January 2, January 5 and January 7, 2011.

The following is a summary of the concerns raised in the four letters (Pages 84-97):

- Disagree with criteria for allowing exemptions from Coastal Development Permit requirement for temporary events;
- Minimum shipyard lease area should exclude any water areas and expand services provided;
- Development standards and requirements for PA 3 need to be tighter and maximum height limit through exception process specified;
- Object to potential changes to boater parking within PA 3 that may occur with redevelopment of the existing hotel;
- Object to public use of underutilized parking areas in PA 4;
- Wants revisions to Commercial Core construction phasing and the provision of replacement parking for any parking lost temporarily due to construction;
- 35 ft. height limit and exceptions allowed; the provision of additional parking when uses are intensified;
- Potential multiple reallocation of square footage between Planning Areas without a public hearing;
- Require parking utilization study before allowing a reduced level of joint-use/shared use of launch ramp facility;
- Dry storage, sport fishing, passenger ferry and charter boat concession parking rate are inadequate;
- The number of existing slips in the marina, the number of existing dry boat storage spaces, and the number of existing parking spaces throughout the Harbor as indicated by the City/County are inaccurate;
- Annual vessel inspection and certification is unrealistic;
- Joint use/shared parking use of public boat launch facility during non-peak use period should be reduced and assessed as a part of the required Parking Management Plan; and
- Public hearing notices should be distributed more broadly.

Many of the standards, requirements and provisions of concern to the Boaters for Dana Point Harbor are modified in this addendum. However, no changes are proposed on the issues of temporary events; the future hotel location and design for Planning Area 3; parking ratios for commercial boating uses; public hearing noticing procedures or verification of the number of marina slips, dry boat storage spaces or the existing number of parking spaces.

2. We received 145 letters (144 form letters) from the public on January 10, 2011. The form letters are summarized as follows:
  - a) We received a total of one-hundred forty four (144) form letters from the public in two different formats that both state support of the IP. In these letters, the individuals identified themselves as active members of the community that are visitors as well as users of the facilities found in the

Harbor (i.e., restaurants, retail, fishing, etc.). (Sample form letters, page 99-100).

- b) One letter in support of the IP (Page 98).
- 3. Email from Anthony Princiotta, received January 3, 2011 raising concerns over the requirement to have boat inspected and certified annually (Special Provision 30). (Page 83).
- 4. Steven Alan Fry, representing the Human Powered Watercraft Association (HPWA), received on January 5, 2011 (Page 79-82).

The concerns of HPWA are summarized as follows:

- 1) Nothing is mentioned in the IP about parking for Human Powered Watercraft. IP language states "*Required designated parking shall not be used in joint-use or shared parking plans.*" They are willing to have shared use parking with other non-boating uses, but want dedicated parking spots located closer to the point of water access for vehicles towing human powered vessels;
- 2) No parking allocation provided for "dry kayak storage" as there is for "dry boat storage" (0.25 parking ratio);
- 3) Parking spaces for human powered watercraft need specific engineering; larger in width and length;
- 4) Better lighting at Baby Beach is necessary to serve those individuals who paddle late at night and to assist with wash down and loading of vessels and gear; and
- 5) Against any channel narrowing, which favors bigger boats, as it will adversely impact navigation of the inner channel.

Likewise, many of the concerns of the Human Powered Watercraft Association (HPWA) have been addressed in this addendum. Hand launched vessel drop-off areas are required in the Planning Areas adjacent to new and expanded the launching areas. Additionally, vehicles towing boats as well as hand launched vessels can park in the public boat launch ramp facility that is required by the certified LUP to provide a minimum of 334 parking spaces. Dry storage for hand launched vessels is located throughout the Harbor and additional locations, in close proximity to launching areas, will be added.



PROJECT DIMENSIONS, INC.

**W 8b**

January 10, 2011

Teresa Henry, District Manager  
**CALIFORNIA COASTAL COMMISSION**  
South Coast Area Office  
200 OceanGate  
Suite 1000  
Long Beach, CA 90802-4302

**Subject: City of Dana Point Major Amendment Request No. 1-10  
Dana Point Harbor LCP Implementation Plan**

Dear Ms. Henry:

Since publication of the Coastal Commission Staff Report, dated December 29, 2010 for the above referenced application to be heard by the California Coastal Commission at its January 12, 2011 hearing, the applicant's team has had the opportunity to meet with several of the Commissioner's and representatives of several local Harbor user groups to provide an overview of Dana Point Harbor Revitalization Plan objectives as well as understand any remaining concerns regarding the subject Implementation Plan Amendment document. As a direct result of these meetings and on behalf of the City of Dana Point and OC Dana Point Harbor, we have prepared a list of requested revisions to the document that represent a concurrence of the viewpoints of the Commissioner's and Harbor user group representatives we have consulted with over the last week.

For ease of review, the attached list of requested revisions includes a page reference to the Dana Point Harbor Implementation Plan Component dated December 29, 2010 (Exhibit 5 of the Staff Report), applicable Chapter and Section reference, an explanation for the requested revision and highlighted text showing the changes in bold, underline or strikethrough text.

Should you have any questions regarding the requested revisions or the explanations provided in the attached table, please do not hesitate to call.

Best Regards,

A handwritten signature in black ink, appearing to read "Craig Hoffman", with a long horizontal stroke extending to the right.

Craig Hoffman  
**PROJECT DIMENSIONS, INC.**

copies: Sherilyn Sarb, South Coast Deputy Director, California Coastal Commission (via e-mail)  
Brad Gross, Director, OC Dana Point Harbor  
Kyle Butterwick, Director of Community Development, City of Dana Point

City of Dana Point Major Amendment Request No. 1-10  
DANA POINT HARBOR LCP IMPLEMENTATION PLAN COMMENTS AND REQUESTED REVISIONS

Note: Page references correspond to Coastal Commission Staff Report Exhibit #5 Implementation Plan Component dated December 29, 2010

Exhibit 5 Page Ref.	IP Chapter/ Section Ref.	Explanation
<b>Chapter 1 – No comments</b>		
6	Chapter 2	The applicant is unclear as to the purpose of staff’s suggested modification in the first paragraph to delete the reference to Local Coastal Program and substitute the reference to Land Use Plan. Section 30514(a) specifically references a certified Local Coastal Program and not just the Land Use Plan component. To address this concern, the additional revision to the text of Chapter 2 is offered for consideration.
<p><b>Requested Revision:</b>  These regulations are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act in that a certified <u>Local Coastal Program Land Use Plan</u> and all local implementing ordinances, regulations and other actions may be amended by the appropriate local government subject to certification by the <u>California Coastal Commission</u>.</p>		
7	Chapter 3 Gen. Reg. 4	In the meeting with Commissioner Wan, the comment was provided to include more specific underwater marine noise impact criteria/standards (potential source reference: NMFS). NMFS is in the process of developing guidelines for determining sound pressure level (SPL) thresholds for acoustic harassment based on the best available science. In the interim, NMFS generally considers 180 and 190 dB root mean square (rms) as the level at which cetaceans and pinnipeds, respectively could be subjected to Level A (injurious) harassment. Level B (behavioral) harassment has the potential to occur if marine mammals are exposed to pulsed sounds (e.g., impact pile driving) at or above 160 dB rms, but below injurious thresholds. These thresholds are considered conservative. (Paragraph Citation 75 FR 61427) Recognizing the lack of specific published standards, the applicant proposes that the General Regulation include a reference to the Marine Mammal Protection Act requirements that are in effect at the time of construction. To address Commissioner Wan’s comment, the additional revision to the suggested modification is offered for consideration.

Requested Revision:

**4. Noise Control**

Noise levels generated by Harbor land uses during their operation shall be in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). Noise impacting underwater marine life shall be minimized to the greatest extent feasible during construction activities **and be conducted in accordance with all applicable requirements of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) and any state or local regulations protecting marine life in effect at the time of construction.**

8	Chapter 3 Gen. Reg. 6	The applicant does not agree with the Coastal staff suggested modification to include the word "existing" as a modifier to the referenced community character; this General Regulation is specific to the criteria for review/approval of building height exceptions. The description of "Community Character" does not describe the "existing" Community Character, but rather how the Harbor Revitalization Plan improvements will be integrated into the desired Community Character of this significant day use and visitor serving resource in the City of Dana Point. To address this comment, the additional revision to the suggested modification is offered for consideration.
---	--------------------------	--

Requested Revision:

**6. Building Height Requirements**

The building height requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations. The method used for measuring building height is set forth in Chapter II-18, *Definitions*. All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation shall be required to demonstrate that: (1) significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced; (2) adequate facilities have been provided to enhance boating use, including but not limited to designated boater parking; (3) public/boater access to dry boat storage/public launching facilities are maintained and enhanced; (4) design features have been incorporated into the buildings to promote a village atmosphere and maintain the **existing** community character of the area; and (5) elevated public viewing areas of the waterfront are provided.

8	Chapter 3 Gen. Reg. 8	<p>Reference to community character should be limited to the physical character of a building. As referenced by the National Trust for Historic Preservation, CHARACTER refers to all of the visual aspects and physical features that comprise the appearance of a building. Character-defining elements include the overall shape of a building (including openings, roof and related features, projections, trim), its function, materials, craftsmanship, decorative details, interior spaces and features, as well as the various characteristics of the site and environment it is located in. It should be noted that the height of the building is not included as an element for determining character.</p> <p>While we do not oppose the incorporation of City design guideline language into the last two sentences of Special Provision Number 8, we do question the purpose of staff’s suggested modification to the description of “Community Character”. The language added (including references to retail merchants and restaurants) does not describe the “existing” Community Character, but rather the desired Community Character of the new commercial buildings and would seem to be more relevant to the architectural design criteria contained in the Site Development Standards for Planning Area 2 (Section 5.5e), where this criteria is also listed.</p> <p><i>New development within the Harbor shall provide a scale and setting for retail merchants and restaurants that encourages pedestrian opportunities through the use of widened sidewalks, outdoor plazas, promenades, courtyards and landscape design. Long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered and stepped-back exterior building facades and the incorporation of a variety of building designs, materials and colors.</i></p> <p>To address this concern, the language contained in the previous suggested modification for this General Regulation should be substituted for general harbor-wide usage.</p>
---	--------------------------	---

Requested Revisions:

**Community Character – All new buildings in the Harbor shall promote consistency with the character of the community by being compatible in architectural form, bulk and height with other structures located in the Coastal Zone boundary of the City of Dana Point and encourage pedestrian opportunities through the use of widened sidewalks, outdoor plazas, promenades, courtyards and landscape design.**

8	Chapter 3 Gen. Reg. 9	As modified by Coastal staff, this General Regulation is largely redundant to General Regulation Number 12, Ambiguity; suggest deletion of number 12 with the suggested revision to General Regulation Number 9. To address this comment, the additional revision to the suggested modification is offered for consideration.
---	--------------------------	---

Requested revision:

9. Application of Regulations

If an issue, condition, ~~or~~ operational situation **or question regarding the appropriate classification of a particular use** arises that is not sufficiently covered or provided for in these Dana Point Harbor District Regulations so as to be clearly understandable, the Director, ~~County of Orange – Dana Point Harbor Department~~ OC Dana Point Harbor shall determine how to resolve the unclear issue, condition or situation. ~~Decisions of the Director, OC Dana Point Harbor may be appealed to the Director of Community Development, City of Dana Point. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.~~

10	Chapter 3 Spec. Pro. 12	As previously noted, Special Provision Number 12 is redundant with Special Provision Number 9; suggest deletion and renumbering of the remainder of Section.
----	----------------------------	--

Requested revision:

~~12. Ambiguity~~

~~If ambiguity arises regarding the appropriate classification of a particular use, or with respect to specific matters of height, building site or other development standards, the City of Dana Point Director of Community Development shall resolve the issues, condition or situation. Decisions of the Director of Community Development may be appealed to the City of Dana Point Planning Commission. Decisions of the Planning Commission are appealed to the Dana Point City Council.~~

11	Chapter 3 Spec. Pro. 1	Correct typographic error.
----	---------------------------	----------------------------

Requested Revision:

1. Planning Area Land Uses

All land uses, sizes and general locations shall be in conformance with these Dana Point Harbor District Regulations, ~~and~~ the Land Use Plan (Dana Point Harbor Revitalization Plan) and Statistical Table contained herein. No Planning Area shall exceed the maximum allowable square footage of land uses indicated within an individual Planning Area and **the** land use district.

11	Chapter 3 Spec. Pro. 2	<p>In the meeting with representatives of Boaters for Dana Point Harbor, the comment was provided that the provision to allow minor adjustments to the boundaries of Planning Areas up to 5% for street alignment changes, reconfigurations of parking areas, landscaping, geotechnical or other engineering-related reasons should be limited to Planning Areas 1, 2 and 3 as these are the only Planning Areas potentially requiring refinements for the stated reasons. To address this comment, additional revisions to the suggested modification are offered for consideration.</p> <p>It should also be noted that IP Chapter II-17, Revitalization Plan and Statistical Table Regulations and Procedures requires a similar revision to be consistent with proposed suggested modifications to this Special Provision.</p>
----	---------------------------	--

Requested revisions:

d) Minor adjustments in the boundaries of Planning Areas 1, 2 and 3 boundaries resulting in an acreage change of ten five percent (10-5%) or less of the total Planning Area for final street realignments, parking area reconfiguration, landscaping, geotechnical or other engineering-related reasons may be approved as part of a Coastal Development Permit approval and will not require amendment of the Dana Point Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II-17, Revitalization Plan and Statistical Table Regulations and Procedures. Such adjustments shall not have the effect of exceeding the total permitted development intensity for each affected Planning Area or combined for all individual Planning Areas or the Dana Point Harbor in total. modify the land uses permitted by the Dana Point Harbor Land Use Plan. Any adjustments to the Planning Area boundaries that result in acreage changes greater than five percent (5%), intensifying or modifying land uses in any Planning Areas 1, 2 and 3 shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.

12	Chapter 3 Spec. Pro. 3	A sentence was modified in the IP document distributed 12-29-2010 that is unclear and should be clarified. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	---------------------------	---

Requested revision:

Construction phasing for implementation of all Dana Point Harbor Revitalization Plan improvements shall minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. In the event of temporary closures, alternate routes and clear directional signage shall be provided. Any parking loss temporarily during construction shall be replaced prior to its removal and shall be located in reasonable proximity to the uses it serves, to the maximum extent feasible. Any parking loss due to construction shall be replaced with temporary spaces located in reasonable proximity to the uses they serve, to the maximum extent feasible in accordance with an approved Construction and Temporary Operations Plan (Section II-14.6e) Additionally, no construction shall be permitted to block the main navigational channels in the Harbor and should minimize the disruption or loss of existing docks by providing temporary facilities to the greatest extent feasible.

12	Chapter 3 Spec. Pro. 4	The description of native or non-invasive and drought tolerant plant species as stated is somewhat inconsistent with the land use district Site Development Standards for landside Planning Areas. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	---------------------------	---

Requested revision:

4. Water Conservation Regulations

Interior and exterior water conservation measures shall be incorporated into all projects as improvements occur. Measures shall include, but are not limited to, installation of low-flush toilets, low-flow faucets, planting of ~~drought-tolerant/low water use native or non-invasive and drought tolerant~~ plant species as identified by California Department of Water Resources (See <http://www.owue.water.ca.gov/docs/wucols00.pdf>), ~~that are also non-problematic/non-invasive plant species~~ as defined by the California Native Plant Society (<http://www.CNPS.org>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org>) or as may be identified from time to time by the State of California and the installation of efficient irrigation systems in landscaping areas to minimize runoff and evaporation.

13	Chapter 3 Spec. Pro. 7	In the meeting with Commissioner Wan, the comment was provided that the sentence pertaining to the grading of sensitive habitat in Planning Area 7 is confusing, given that the Conservation land use designation is specifically established to provide protection for these habitat areas. To address this comment, the additional revision to the suggested modification is offered for consideration.
----	---------------------------	---

Requested revision:

b) An approved Grading Plan shall show all areas of grading, including remedial grading, inside and outside of the immediate area of development. Grading shall be permitted within all Planning Areas of the Harbor, except Planning Area 7, unless specifically authorized by a Coastal Development Permit for grading of public roads, park facilities, infrastructure or other Dana Point Harbor Revitalization Plan improvements necessary to support development permitted within the Planning Area. ~~Grading and any impacts to sensitive habitat, which shall be mitigated and shall be minimized to the maximum extent feasible.~~ Remedial grading for development shall be permitted in all landside Planning Areas except Planning Area 7, unless authorized by a Coastal Development Permit to address geotechnical or soils engineering problems. The Grading Plan shall include provisions for temporary erosion control on all graded sites in accordance with the County of Orange Grading and Excavation Code and the Regional Water Quality Control Board (San Diego Region).

15	Chapter 3 Spec. Pro. 10	In the meeting with Commissioner Wan, the comment was provided that the reference to "naturalized" plant material should be deleted. To address this comment, the additional revision to the Special Provision is offered for consideration.
----	----------------------------	--

Requested revisions:

10. Bluff Preservation

The Dana Point Harbor Revitalization Plan provides for the protection of the natural bluffs (Planning Area 7) by restricting the siting of any structures on and adjacent to the bluffs with the exception of drainage control structures and recreational structures (i.e., picnic areas and shelters) located adjacent to Dana Point Harbor Drive. In areas that abut the bluffs, a landscape buffer shall be maintained. All plant material shall be native or ~~naturalized non-native~~, drought tolerant ~~non-invasive~~ species to provide a transition between natural and ornamental landscaped areas.

20	Chapter 3 Spec. Pro. 21	The description provided as part of the Special Provision regarding Tree Trimming Procedures for Harbor Bird Habitat indicates that the County of Orange has developed these procedures is incorrect and not necessary; these procedures were developed by Coastal Commission staff. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	---

Requested revision:

Tree Trimming Procedures for Harbor Bird Habitat

In accordance with the acknowledgement that the City of Dana Point, County of Orange and OC Dana Point Harbor have an obligation to protect the public health and safety, while ensuring the long-term protection of wading bird heronries; breeding, roosting and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act; and owls, raptors and all bird species of special concern, ~~the County of Orange has developed~~ the following Tree Trimming Procedures for Harbor Bird Habitat. These provisions govern the trimming or removal of any tree that is part of a heronry that has been used in the last five (5) years or of any tree that has been used for roosting, breeding and nesting within the past five (5) years as determined by a qualified biologist. Further, these provisions shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act. Tree trimming or removal activities can be accomplished through a Harbor-wide Program Coastal Development Permit that incorporates the following parameters:

24	Chapter 3 Spec. Pro. 26	This Special Provision for Street Parking Restrictions and Special Provision number 39, Public Parking are very similar requirement and should be combined, thereby deleting number 39 in its entirety. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	--

Requested revisions:

26. ~~Street Public~~ Parking Restrictions

**Public parking shall be maintained throughout the Dana Point Harbor Revitalization Plan area to support public lower cost recreational uses (e.g., trails, picnic and recreation areas, Baby Beach, picnicking and hand launch water craft facilities in Planning Areas 1, 4 and 5).** The implementation of restrictions on public parking along Dana Point Harbor Drive and Street of the Golden Lantern (including, but not limited to the posting of “no parking” signs, red curbing and placement of physical barriers) that would impede or restrict public access to lower cost recreational uses ~~(i.e., trails, picnic and recreation areas, Baby Beach and hand launch water craft facilities)~~ shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Changes to existing time limits or hours of operation and substantial changes to parking fees shall require approval of a Coastal Development Permit. A substantial change is a twenty-five percent (25%) or greater change in fees in a one (1) year period or a fifty percent (50%) change in a three (3) year period.

26	Chapter 3 Spec. Pro. 30	In the meeting with representatives of Boaters for Dana Point Harbor the comment was provided that the requirement to have all vessels in the Harbor inspected on an annual basis by the U.S. Coast Guard Auxiliary is potentially unrealistic, given inspection staff limitations. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	--

Requested revision:

30. Vessel Maintenance and Operation

Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner ~~as certified on an annual and are subject to inspection on a periodic~~ basis by the U.S. Coast Guard Auxiliary or similar organization. On an ongoing basis, the number of live-aboard permits in the Harbor shall not exceed more than ten percent (10%) of the total vessels on any one dock and no more than three percent (3%) of the total vessels allowed in the Harbor overall.

26	Chapter 3 Spec. Pro. 33	In the meeting with Commissioner Wan, the comment was provided that any modification to the wetland buffer should be approved in consultation with the California Department of Fish and Game. To address this comment, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	---

Requested revision:

33. Wetland Survey

A survey and analysis with the delineation of all wetland areas shall be required when an initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries contained in Chapter 11-18, *Definitions* and Section 13577(b) of Title 14 of the California Code of Regulations. Any required wetlands survey shall also include recommendations for appropriate mitigation measures to protect the wetland, including the establishment of vegetated wetland buffer areas to protect areas if delineated. Wetland buffer areas are typically one hundred (100) feet in width but may be reduced on a case-by-case basis **in consultation with the California Department of Fish and Game** if a smaller buffer **will be proposed to** protect the wetland from significant adverse impacts.

30	Chapter 4 Section 4.5 c	<p>The Development Standards for PA 1 should be revised to be consistent with LUP Chapter 8, Bulk and Height Limitation Policy 8.5.1-3 and Chapter 3, General Regulation 3, Building Height Requirements that specifies: "building height requirements shall be specified by each land use district". Presently the maximum building heights have been omitted as a Suggested Modification from each Planning Area potentially allowing the exceptions criteria described by this same Special Provision to be applied. This development policy (that was extensively considered by both the Coastal Commission and Dana Point City Council, in follow-up to the Commission's clarification action on this policy to include references to Community Character) specifically establishes maximum building heights for PA 1 of 65 feet; PA 2 of 60 feet; and PA 3 of 50 feet. Additionally, each of these building height limitations are consistent with the numerous discretionary actions taken by the local decision makers, including the County of Orange Planning Commission and Board of Supervisors (certifying the Revitalization Plan EIR No. 591 and approving the Revitalization Plan), the City of Dana Point Planning Commission and the Dana Point City Council (after receiving extensive public testimony and making refinements to reduce building heights before adopting the Revitalization Plan by Resolution and Ordinance) prior to submitting the LCPA for Coastal Commission consideration. To address this concern, the additional revision to the suggested modification is offered for consideration.</p> <p>This omission was also noted in our recent conversation with Commissioner Wan, indicating that the absence of a maximum building height standard made the building height exception criteria confusing as currently provided in each of the Chapters reference above.</p>
----	----------------------------	--

**Requested revision:**

c) Building height limit: Thirty-five (35) feet maximum. For the Dry Boat Storage building, an exception to the thirty-five (35) foot maximum height limit may be approved to a maximum of sixty-five (65) feet provided significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit I-8.1 of the Land Use Plan, are protected and enhanced. maximum. for the potential lighthouse, seventy (70) feet maximum; for all other buildings, thirty five (35) feet maximum. Elevators, appropriately screened mechanical units and chimneys that do not exceed ten percent (10%) of the total roof area for all new and existing, remodeled structures not in excess of thirty-five (35) feet, nor exceed the height limit by more than five (5) feet shall be permitted. The limitations on height for Planning Area 1 shall not apply to shipyard cranes and/or other equipment necessary to provide for boat maintenance and repair.

31	Chapter 4 Section 4.5 f	As presently worded, this Development Standard is inconsistent with Principal and Other Permitted Uses Section 4.2 d and should be revised. To address this inconsistency, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	--

Requested revision:

f) Dry boat storage building: The design of the dry boat storage building may include ~~marine-retail uses and~~ covered areas for boat maintenance where dust collection systems may be provided to help reduce the amount of particulates released into the atmosphere.

32	Chapter 4 Section 4.5 l	Inserted reference "shall be eight (8) feet" is stated twice in the same sentence of this Development Standard. To address this duplication, the additional revision to the Development Standard is offered for consideration.
----	----------------------------	--

Requested revision:

l) Fences, Walls: All fences and walls will be designed to have a minimum impact on coastal and scenic views from public areas. Maximum height shall be eight (8) feet, provided that site distances for vehicular safety purposes are not obstructed. ~~shall be eight (8) feet.~~

33	Chapter 4 Section 4.5 n	To allow for the future implementation of the improvements in the Marine Services Commercial Planning Area, the applicant requests the ability to remove trees with or without nests during the non-breeding and non-nesting season on a limited basis in areas impacted by construction subject to the replacement of trees containing nests elsewhere in the Harbor at a ratio of 2:1. To address this concern, the additional revision to the Development Standard is offered for consideration.
----	----------------------------	---

Requested revision:

5. **Trees identified as containing a nest that are removed during construction in the non-breeding and non-nesting season will be replanted at a ratio of 2:1 in the Harbor.**

33	Chapter 4 Section 4.5 p	In meetings with Commissioner Wan and representatives of Boaters for Dana Point Harbor, the comment was made that clarification should be provided that the referenced 1.6 acres applies to the landside area of the shipyard. To address this comment, the additional revision to the suggested modification is offered for consideration.
----	----------------------------	---

Requested revision:

p) Ship Yard: A shipyard shall be maintained in the Marine Services Commercial Planning Area and shall be no less than 1.6 acres **of land** in size. The expansion, modification or renewal of the shipyard lease shall be required to demonstrate that the proposed size of the lease area is adequate to maintain a full-service shipyard facility that includes boat haul-out and repair services.

34	Chapter 4 Section 4.5 r	In the meeting with Boaters for Dana Point Harbor, the comment was made to expand the description for providing capacity for the storage of 400 boats in a dry stack storage facility to include alternative boat storage designs such as the construction of an extended parking deck area or a combination of deck and surface storage areas. To address this comment, the additional revision to the Development Standard is offered for consideration. Providing this flexibility is also supported by representatives of the Dana Point Boaters Association.
----	----------------------------	---

Requested revision:

r) Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least four hundred and ninety-three (493) boats to be stored on dry land in the Marine Services Commercial area (Planning Area 1); four hundred (400) of these spaces may be provided in a dry **stack boat** storage facility (**dry stack building, deck and/or surface storage areas**). The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent feasible. Additionally, a minimum of ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible.

37	Chapter 5 Section 5.2 l	To provide consistency with the Principal and Other Permitted Uses contained in Chapter 8 (II-8.2 l), the applicant requests that the reference to "Sport fishing and/or charter boat concessions" be revised. To address this concern, the additional revision to the Development Standard suggested modification is offered for consideration.
----	----------------------------	--

Requested revisions:

l) Facilities and structures providing for the operation of sport fishing and/or charter boat concessions, including office, ticketing, dockage space and associated retail sales space.

38	Chapter 5 Section 5.5 c	The Development Standards for PA 2 should be revised to be consistent with LUP Chapter 8, Bulk and Height Limitation Policy 8.5.1-3 and IP Chapter 3, General Regulation 3, Building Height Requirements that specifies: "building height requirements shall be specified by each land use district". To address this concern, the additional revision to the suggested modification is offered for consideration.  This omission was also noted in our recent conversation with Commissioner Wan, indicating that the absence of a maximum building height standard made the building height exception criteria confusing as currently provided.
----	----------------------------	---

Requested revision:

c) All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation **to a maximum of sixty (60) feet** shall be required to demonstrate all of the following:

39	Chapter 5 Section 5.5 c-5	The criteria for allowing exceptions to the 35-foot height limit for future Commercial Core area improvements includes provisions for the protection of views, providing irregular building massing as part of the architectural design, restricting height exceptions to only those buildings connected to the parking deck podium structure, limiting usable interior square footage to below the 40-foot height limit. Additionally, to ensure that larger buildings with a footprint over 5,000 square feet are designed to provide for variations in sloped roof design (minimizing the potential for flat roofs of the same height), an additional Development Standard was included as a suggested modification to restrict the total roof area of these larger buildings by including additional height restrictions. To clarify that the additional sloped roof design criteria should specifically apply to the larger buildings in excess of a 5,000 square foot building footprint as was intended, the additional revision to the suggested modification is offered for consideration.
----	------------------------------	---

Requested revision:

5. **For all new structures with a building footprint in excess of five-thousand (5,000) square feet, no ~~no~~ more than fifty percent (50%) of the total roof area of the structures shall exceed forty (40) feet in height and no more than twenty-five percent (25%) of the same roof area shall exceed fifty (50) feet in height.**

39	Chapter 5 Section 5.5 c-7	The applicant does not agree with the Coastal staff position that building height is an architectural element (see Chapter 3, Gen. Reg. 8 comments) and should not be included as part of this Development Standard. To address this concern, the additional revision to the suggested modification is offered for consideration.
----	------------------------------	---

Requested revision:

7. **Architectural elements (see Site Development Standard e) ~~below~~ including building heights** have been incorporated into the design of the buildings to promote a village atmosphere and maintain the existing community character of the area.

43	Chapter 5 Section 5.5 q	To allow for the future implementation of the improvements in the Day Use Commercial Planning Area, the applicant requests the ability to remove trees with or without nests during the non-breeding and non-nesting season on a limited basis in areas impacted by construction subject to the replacement of trees containing nests elsewhere in the Harbor at a ratio of 2:1. To address this concern, the additional revision to the Development Standard is offered for consideration.
----	----------------------------	---

Requested revision:

5. **Trees identified as containing a nest that are removed during construction in the non-breeding and non-nesting season will be replanted at a ratio of 2:1 in the Harbor.**

47	Chapter 6 Section 6.5 c	<p>The Development Standards for PA 3 should be revised to be consistent with LUP Chapter 8, Bulk and Height Limitation Policy 8.5.1-3 and IP Chapter 3, General Regulation 3, Building Height Requirements that specifies: "building height requirements shall be specified by each land use district". To address this concern, the additional revision to the suggested modification is offered for consideration.</p> <p>This omission was also noted in our recent conversation with Commissioner Wan, indicating that the absence of a maximum building height standard made the building height exception criteria confusing as currently provided.</p>
----	----------------------------	--

Requested revision:

c) All new development shall not exceed a maximum building height of thirty-five (35) feet; any exceptions to this height limitation **to a maximum of fifty (50) feet** shall be required to demonstrate all of the following:

50	Chapter 6 Section 6.5 n	<p>To allow for the future implementation of the improvements in the Visitor Serving Commercial Planning Area, the applicant requests the ability to remove trees with or without nests during the non-breeding and non-nesting season on a limited basis in areas impacted by construction subject to the replacement of trees containing nests elsewhere in the Harbor at a ratio of 2:1. To address this concern, the additional revision to the Development Standard is offered for consideration.</p>
----	----------------------------	--

Requested revision:

**5. Trees identified as containing a nest that are removed during construction in the non-breeding and non-nesting season will be replanted at a ratio of 2:1 in the Harbor.**

59	Chapter 7 Section 7.5 t	<p>In meetings with Commissioner Wan and representatives of Boaters for Dana Point Harbor, the comment was provided that hand launching facilities in the Harbor should be enhanced to include designated drop off areas. As was described to Commissioner Wan, OC Dana Point Harbor has implemented a number of operational measures to improve access for launching and use of human powered watercraft. These measures include posting an area of Baby Beach to provide unobstructed access to and from the water, providing designated drop-off areas and promoting safe operation practices through public information campaigns (see Attachment A).</p> <p>To address this comment, the additional revision to the Development Standard is offered for consideration. This enhancement is also supported by representatives of Boaters for Dana Point Harbor and the Human Powered Watercraft Association.</p>
----	----------------------------	--

Requested revision:

t) Hand Launch Facilities: maintain, enhance and where feasible, expand places to hand launch small non-motorized watercraft and provide necessary parking and designated drop-off areas as well as opportunities to rent and store such watercraft. Storage for hand launch vessels shall be provided as close to hand launch areas as feasible.

65	Chapter 8 Section 8.5 q	In meetings with Commissioner Wan and representatives of Boaters for Dana Point Harbor, the comment was provided that hand launching facilities in the Harbor should be enhanced to include designated drop off areas. To address this comment, the additional revision to the Development Standard is offered for consideration. This enhancement is also supported by representatives of Boaters for Dana Point Harbor and the Human Powered Watercraft Association.
----	----------------------------	--

Requested revision:

q) Hand Launch Facilities: Provisions for providing low cost public boating facilities, such as a designated hand launch area at Baby Beach during peak usage periods; designated drop-off areas; make publicly accessible areas of the docks available for hand launching; and providing adequate locations for vendors renting kayaks, paddleboards or other similar human powered watercraft shall be maintained and enhanced wherever feasible. Storage of hand launch vessels shall be provided as close to the hand launch areas as practicable.

78	Chapter 11 Section 11.5 j	In the meeting with representatives of Boaters for Dana Point Harbor, the comment was provided that reference to the existing "amount" of acreage space should be revised to be consistent with LUP Policy 4.2.2-3. To address this comment, the additional revision to the Development Standard is offered for consideration.
----	------------------------------	--

Requested revision:

j) Anchorage: The existing amount quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.

80	Chapter 11 Section 11.5 p	<p>During the site visit meeting with Sherilyn Sarb the addition of a Development Standard to provide pump-out facilities as part of any new marina improvements was discussed and subsequently included as a new suggested modification in the 12-29-2010 Implementation Plan document. Given the current lack of regulatory standards adopted to address this topic, Brad Gross, Director, OC Dana Point Harbor was requested to provide some background information to Coastal Commission staff that could potentially be useful in establishing a Development Standard to be used for Dana Point Harbor (see Attachment B for electronic mail transmittals dated 12-28-2010 and 01-04-2011).</p> <p>To address this new requirement, a revision to the Development Standard for pump-out facilities in the Harbor is offered for consideration. The approach is also supported by representatives of Boaters of Dana Point Harbor and Dana Point Boaters Association.</p>
----	------------------------------	---

Requested revision:

p) Pump-out facilities: Pump-out facilities shall be incorporated into any new marina in conformance with the following standards to serve individual boat slips to the maximum extent feasible.

1. One pump station shall be required for every four hundred (400) vessels 26-feet and less and may be located on the same dock as a pump-out station;
2. One pump-out station shall be required for every three hundred (300) vessels 27 to 50 feet;
3. Pump-out stations shall be installed at every dock for vessels over 51-feet when other in-lieu actions are not implemented;
4. In-lieu actions for vessels 51-feet and over shall consist of contracting with a mobile pump-out/dock side service and the cost to be paid by the boat owner and managed on a continuing basis by the marina operator;
5. All vessels 51-feet and over and/or vessels with live aboards shall be required to maintain a record of pump-outs. The records shall be continually maintained and provided upon request of the marina operator or Coastal Commission for review. Annual pump-out reports shall be maintained for five (5) years by the marina operator and made available for review to the public upon request.

84	Chapter 12 Section 12.5 j	<p>In the meeting with representatives of Boaters for Dana Point Harbor, the comment was provided that reference to the existing "amount" of acreage space should be revised to be consistent with LUP Policy 4.2.2-3. To address this comment, the additional revision to the Development Standard is offered for consideration.</p>
----	------------------------------	---

Requested revision:

j) Anchorage: The existing amount quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.

85	Chapter 12 Section 12.5 o	In the meeting with Boaters for Dana Point Harbor, the comment was made to expand the description for providing capacity for the storage of 400 boats in a dry stack storage facility to include alternative boat storage designs such as the construction of an extended parking deck area or a combination of deck and surface storage areas. To address this comment, the additional revision to the Development Standard is offered for consideration. Providing this flexibility is also supported by representatives of the Dana Point Boaters Association.
----	------------------------------	---

Requested revision:

o) Protection of Existing Quantity of Boat Slips: Removal of any existing boat slips prior to construction and full operation of the dry boat storage facility (dry stack building, deck and/or surface storage areas) shall only occur pursuant to an approved Coastal Development Permit for revitalization of the marinas that addresses impacts associated with any temporary or permanent loss of slips.

86	Chapter 12 Section 12.5 s	During the site visit meeting with Sherilyn Sarb the addition of a Development Standard to provide pump-out facilities as part of any new marina improvements was discussed and subsequently included as a new suggested modification in the 12-29-2010 Implementation Plan document. Given the current lack of regulatory standards adopted to address this topic, a revision to the Development Standard for pump-out facilities in the Harbor is offered for consideration. The approach is also supported by representatives of Boaters of Dana Point Harbor and Dana Point Boaters Association
----	------------------------------	---

Requested revision:

s) Pump-out facilities: Pump-out facilities shall be incorporated into any new marina in conformance with the following standards to serve individual boat slips to the maximum extent feasible.

1. One dump station shall be required for every four hundred (400) vessels 26-feet and less and may be located on the same dock as a pump-out station;
2. One pump-out station shall be required for every three hundred (300) vessels 27 to 50 feet;
3. Pump-out stations shall be installed at every dock for vessels over 51-feet when other in-lieu actions are not implemented;
4. In-lieu actions for vessels 51-feet and over shall consist of contracting with a mobile pump-out/dock side service and the cost to be paid by the boat owner and managed on a continuing basis by the marina operator;
5. All vessels 51-feet and over and/or vessels with live aboards shall be required to maintain a record of pump-outs. The records shall be continually maintained and provided upon request of the marina operator or Coastal Commission for review. Annual pump-out reports shall be maintained for five (5) years by the marina operator and made available for review to the public upon request.

87	Chapter 13 Section 13.2 h	To provide consistency with the Principal and Other Permitted Use contained in Chapter 5 (II-5.2 I), the applicant requests that the reference to "Sport fishing and/or charter boat concessions" be revised. To address this concern, the additional revision to the Development Standard suggested modification is offered for consideration.
----	------------------------------	---

Requested revision:

h) Sport fishing and/or charter boat concessions and passenger ferry.

90	Chapter 13 Section 13.5 j	In the meeting with representatives of Boaters for Dana Point Harbor, the comment was provided that reference to the existing "amount" of acreage space should be revised to be consistent with LUP Policy 4.2.2-3. To address this comment, the additional revision to the Development Standard is offered for consideration.
----	------------------------------	--

Requested revision:

j) Anchorage: The existing amount quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available.

91	Chapter 13 Section 13.5 p	During the site visit meeting with Sherilyn Sarb the addition of a Development Standard to provide pump-out facilities as part of any new marina improvements was discussed and subsequently included as a new suggested modification in the 12-29-2010 Implementation Plan document. Given the current lack of regulatory standards adopted to address this topic, a revision to the Development Standard for pump-out facilities in the Harbor is offered for consideration. The approach is also supported by representatives of Boaters of Dana Point Harbor and Dana Point Boaters Association.
----	------------------------------	--

Requested revision:

p) Pump-out facilities: Pump-out facilities shall be incorporated into any new marina in conformance with the following standards to serve individual boat slips to the maximum extent feasible.

1. One dump station shall be required for every four hundred (400) vessels 26-feet and less and may be located on the same dock as a pump-out station;
2. One pump-out station shall be required for every three hundred (300) vessels 27 to 50 feet;
3. Pump-out stations shall be installed at every dock for vessels over 51-feet when other in-lieu actions are not implemented;
4. In-lieu actions for vessels 51-feet and over shall consist of contracting with a mobile pump-out/dock side service and the cost to be paid by the boat owner and managed on a continuing basis by the marina operator;
5. All vessels 51-feet and over and/or vessels with live aboards shall be required to maintain a record of pump-outs. The records shall be continually maintained and provided upon request of the marina operator or Coastal Commission for review. Annual pump-out reports shall be maintained for five (5) years by the marina operator and made available for review to the public upon request.

93	Chapter 14 Section 14.2 c	In the meeting with Commissioner Wan, the comment was provided that the reference to preparation of a Parking Management Plan to determine joint or shared use parking include that the recommendation be based on data obtained as part of a Parking Study. To address this comment, the additional revision to the General Provisions is offered for consideration.
----	------------------------------	---

Requested revision:

c) Joint-use or shared parking – In recognition of the unique characteristics of the Harbor and its uses, a comprehensive parking management plan (prepared in accordance with the requirements in Section II-14.6, Parking Management Plan of this Chapter) may be processed with a Coastal Development Permit to demonstrate the aggregate total of otherwise required parking spaces is adequate for the range of commercial and recreational uses proposed. Required designated boater parking shall not be used in joint-use or shared parking plans. The public boat launch ramp facility may be included as part of a joint-use or shared parking plan when all of the following criteria are satisfied:

93	Chapter 14 Section 14.2 c-2	To provide consistency with the Principal and Other Permitted Uses contained in Chapter 4, the applicant requests that the reference to “commercial ferry service” be revised. To address this comment, the additional revision to the General Provisions is offered for consideration.
----	--------------------------------	---

Requested revision:

2. The facility may be used only for other boating uses (e.g., sportfishing, whale watching, cruises, charter boat concessions and **commercial passenger** ferry service).

94	Chapter 14 Section 14.2 c-3	In the meeting with representatives of Boaters for Dana Point Harbor, the comment was provided that the percentage use of the Boat Launch Ramp facility would be acceptable to their membership if reduced to not exceed 20% during non-peak usage periods of the year. To address this comment, the additional revision to the General Provisions is offered for consideration.
----	--------------------------------	--

Requested revision:

3. At no time shall the total number of parking spaces used exceed twenty-five percent (**25** ~~20~~%) of the **total** spaces in the boat launch ramp facility.

95	Chapter 14 Section 14.2 i	In meetings with Commissioner Wan and representatives of Boaters for Dana Point Harbor, the comment was provided that the sentence reading: “Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development outside of the Commercial Core” does not relate to the topic of commercial development phasing and should be deleted. To address this concern, the additional revision to the suggested modification is offered for consideration and was supported by both Commissioner Wan and representatives of Boaters for Dana Point Harbor.
----	------------------------------	---

Requested revision:

Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (j), ~~below. Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development outside of the Commercial Core.~~ The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

97	Chapter 14 Section 14.2 j	In the meeting with Boaters for Dana Point Harbor, the comment was made to expand the description for providing dry stack storage facility to include alternative boat storage designs such as the construction of an extended parking deck area or a combination of deck and surface storage areas. To address this comment, the additional revision is offered for consideration. Providing this flexibility is also supported by representatives of the Dana Point Boaters Association.
----	------------------------------	--

Requested revision:

Dry Boat Storage - Maintain space for at least four hundred ninety-three (493) boats to be stored on dry land in Planning Area 1; 400 of these spaces may be provided in a dry **boat** storage facility (**dry stack building, deck and/or surface storage areas**). Maintain a minimum of ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be stored in a dry stack storage building, within the Harbor at all times; additional spaces shall be provided where feasible.

101	Chapter 14 Section 14.4	In meetings with Commissioner Wan and representatives of Boaters for Dana Point Harbor, the comment was provided that the reference to "individual new uses" is confusing and should be deleted. The PMP (Section 14.6) includes the requirement that a baseline analysis be provided to allocate parking and establish operational standards. To address this comment, the additional revision is offered for consideration.
-----	----------------------------	---

Requested revision:

5. Subsequent individual ~~new~~ uses which result in a parking demand more than is provided by the existing parking shall be required to provide additional parking adequate to meet the demand and/or provide alternative means to meet the parking demand through a Coastal Development Permit and prepare a revision to the Detailed Parking Plan for approval by the County of Orange—Dana Point Harbor Department Director, OC Dana Point Harbor.

106	Chapter 15 Section 15.2 a	Correct typographic error.
-----	------------------------------	----------------------------

Requested revision:

a) A written description of the **propose purpose** and type(s) of signs proposed.

122	Chapter 17 Section 17.2	IP Chapter 17, Revitalization Plan and Statistical Table Regulations and Procedures should be revised to be consistent with proposed suggested modifications incorporated into Chapter 3, Special Provision 2-d. The provision to allow minor adjustments to the boundaries of Planning Areas 1, 2 and 3 up to 5% for street alignment changes, reconfigurations of parking areas, landscaping, geotechnical or other engineering-related reasons is supported by Commissioner Wan and representatives of Boaters for Dana Point Harbor.
-----	----------------------------	--

Requested revisions:

Minor adjustments up to in the boundaries of Planning Areas 1, 2 and 3 resulting in an acreage change of ten five percent (10-5%)five percent (5%) in the Planning Area acreages shown on the Dana Point Harbor Statistical Table for final street realignments, parking area reconfiguration, landscaping, geotechnical or other engineering-related reasons may be approved as part of a Coastal Development Permit and will not require amendment of the Dana Point Harbor Revitalization Plan or Statistical Table, provided such adjustments are in compliance with Chapter II-17, Revitalization Plan and Statistical Table Regulations and Procedures. Any adjustments to Planning Area boundaries that results in acreage changes greater that five percent (5%) intensifying or modifying land uses in any Planning Areas 1, 2 and 3 shall require approval of a Local Coastal Program Amendment by the California Coastal Commission.

126	Chapter 17 Section 17.3	In the meeting with Commissioner Wan, the comment was provided that any changes to the Planning Area boundaries should not have the effect of reducing the size of any area designated for Recreational use. Since the inclusion of the limitation that only Planning Areas 1, 2 and 3 are subject to this provision, the Marine Services Commercial land use designation (PA 1) is the only Planning Area subject to modifications of the boundary containing a Recreational component. To address Commissioner Wan's comment, the additional provision is offered.
-----	----------------------------	--

Requested revision:

d) Any adjustment in Planning Area boundaries shall not reduce the total size of any area designated as a Recreation land use.

**Attachment A**

Human Powered Hand Launch Operational Enhancements in Dana Point Harbor



Designated Hand Launch Area at Baby Beach



Hand Launch Information Guidelines Sign at Baby Beach



Designated Drop-Off Space adjacent to OC Sailing & Events Center

**Attachment B**  
Marine Pump-Out and Dump Stations Correspondence

---

**From:** Gross, Brad  
**Sent:** Tuesday, January 04, 2011 6:52 PM  
**To:** Peter Douglas (pdouglas@coastal.ca.gov)  
**Subject:** FW: Response to pump-out question-  
**Importance:** High

Peter,

I hope you are feeling well and I wish you a happy and healthy New Year.

Before I jump into my issue, I want to tell you, and I know you know this, but I have to say it, your staff in Long Beach has been working diligently and cooperatively with us and the City of Dana Point to get all possible issues resolved and I truly appreciate their hard work and dedication to getting a quality product out.

There remains a minor issue or two with our IP, and I believe we will be able to work them out before an addendum is issued prior to the hearing next Wednesday. I sent the attached letter to Teresa Henry prior to the release of the staff report and final draft of the IP for the Dana Point Harbor Revitalization Plan based on an inquiry by Sherilyn Sarb the day prior to the release. I know how hard staff was working to get the document out and I do not believe they had a chance to read and consider my email letter. I hope we are able to resolve this issue and see some revised language in the upcoming addendum.

I have discussed this with a few boaters who have been active in commenting on our project and have received good feedback and the commitment for support from one or two on our recommendations. I hope to discuss with you via email or telephone prior to the meeting next week and hope you would, at the very least, consider my suggestions and more importantly consider evaluating this type of language on a case by case basis depending on the project. Unfortunately, I truly believe that the mandate to install pump-outs at every dock in new projects in the California Coastal Zone could have detrimental effects on water quality if those types of system are not properly engineered, installed and maintained. This can be a great environmental additive to the right projects, but for something like this, one size does not fit all.

I can go into more detail if you wish when we talk. I believe my letter to your staff covers our position and the reasons for that position very well not to mention provides some language that would accomplish the same goal.

I look forward to hearing from you.

Best regards,

Brad Gross, Director  
OC Dana Point Harbor  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

---

**From:** Gross, Brad  
**Sent:** Tuesday, December 28, 2010 4:58 PM  
**To:** Teresa Henry  
**Cc:** 'Sherilyn Sarb'; Smith, Lisa; 'Jon Conk'; Craig Hoffman; KYLE BUTTERWICK; JOHN TILTON  
**Subject:** Response to pump-out question-

Teresa,

For ease of delivery, I have cut and pasted my letter into an email.

Thanks,

Brad

Teresa Henry, District Manager  
California Coastal Commission  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

Dear Teresa,

Yesterday, we had a discussion with Deputy Director Sherilyn Sarb, regarding sewage pump-out stations. She mentioned that a recent CDP for a marina in Marina del Rey included a pump-out stations located at each dock. She mentioned that some staff might be considering recommending a similar requirement for other future marina construction or renovation projects. Sherilyn asked whether or not I believed this was a good idea. I responded that such a requirement would have detrimental effects on a project such as the scale of Dana Point Harbor's related to both construction and operation. Sherilyn asked that I share my concerns with you. I have also reached out to a number of my colleagues who share these same concerns as outlined below.

1. In consideration of the County's specific project in Dana Point Harbor, 75% of the slips in Dana Point Harbor are less than 30'. Many small vessels in our Harbor do not have marine heads that require a pump-out station. Installing a pump-out station at each slip in Dana Point Harbor doesn't seem to make sense as not all boats use them. This might be more appropriate in a marina with very large slips and with a significant live aboard population, but not in Dana Point Harbor where the average slip size is less than 32 feet.
2. In past reports by the California Department of Boating and Waterways, a clear line of division has been established at the 26' and under vessel size. Facilities catering to that size of vessel are recommended to install dump station for porta-pottys rather than pump-out stations. Therefore, marina slips for vessels of this size would not require dock side pump-out stations.
3. In a facility such as Dana Point Harbor, we do not experience congestion or lines at our existing pump-out stations, and the pump-out stations are conveniently located throughout the Harbor. Even with this level of convenience, in our proposed marina renovation, we plan on adding pump-out and dump stations in a few new locations to make it even more convenient for boaters to use them as the leave and

return to the Harbor.

4. Limiting the number of sewage lines over the water reduces the risk of a direct sewage spill into the Harbor. The potential for a leak or a spill at 2,400 locations and the effort to maintain pump-out stations in 2,400 locations is significant. Controlling and maintaining pump-out stations in a few convenient locations seems like a much more efficient and environmentally conscious approach. As long as boaters find them easy to access and maintained for proper operation and without having to wait in a long line, they will use them and the potential for a release or spill is minimized.

5. The cost to replace our dock facilities is already daunting. As we work towards keeping costs down so we can have a viable marina revitalization project, such a requirement on our project would result in a significant increase to our construction costs to replace +/- 2,400 slips. A conservative estimate is \$750.00 per slip, or an additional \$2 million. An increase such as this could require us to minimize other necessary upgrades and improvements, and could potentially be detrimental to the project.

Evaluations should be done project by project. A commercial marina with 200 fishing vessels in Crescent City will not have the same sewage pump-out demand as a 200 slip large yacht facility in San Diego. Guidelines can be easily established and should be based on location, type of facility, and size and type of vessels berthed there.

In lieu of a policy requiring sewage pump-out infrastructure at each slip, I would recommend adding the following policy language to be include in future marina improvement projects.

- A. Pump-out and dump stations shall be installed in new and expanding marinas where needed to prevent sewage discharges directly to State waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.
- B. Pump-out and dump stations installed shall be equipped with a meter to monitor their use and an annual report documenting their use shall be prepared by the Marina Operator. All inspection and maintenance reports shall be available for public review at the Marina office.
- C. Failure to maintain appropriate inspections, maintenances and use records will result in punitive penalties up to and including the requirement to install pump out stations at every dock 51' and over.

Finally, and again in consideration of the Dana Point Harbor Marina Improvement project, I would recommend the following requirements related to adequate pump-out and dump stations be included:

- One dump station shall be required for every 400 vessels 26' and less (may be located on same dock as pump-out station)
- One pump-out station shall be required for every 300 vessels 27'-50'
- Pump-out stations shall be installed at every dock for vessels over 51' if other in lieu actions are not implemented.
- In lieu actions shall be the requirement that vessels 51' and over are required to contract with a mobile pump-out/dock side service and payment for such service shall be an added cost to their berthing fees and managed through their respective Marina Operator.
- All vessels 51' and over and/or Live Aboards shall be required to maintain a record of pump-outs. Records shall include date, location and approximate quantity of material pumped. Said record shall be made available annually or upon request by the Marina Office or Coastal Commission for review. Annual pump-out reports shall be maintained for five years by each marina operator and made available to the public upon request.

Thank you for giving me the opportunity to comment on this important question. I look forward to our continued efforts in establishing policies that protect our environment and resources.

If you require any additional information, please feel free to contact me at your convenience.

Sincerely,

Brad Gross, Director  
OC Dana Point Harbor

cc Sherilyn Sarb, Deputy Director, California Coastal Commission

January 7, 2011

Teresa Henry, District Manager  
CA Coastal Commission  
200 OceanGate, 10<sup>th</sup> FL  
Long Beach, CA 90802-4416

Ms. Henry-

I am writing on behalf of the Association of Marina Industries (AMI) in support of comments made by Brad Gross of Dana Point Harbor in response to the proposal to require marinas to install pumpouts in every slip in their facilities.

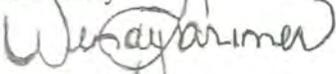
AMI is a non-profit membership organization representing marinas and marina product and service providers across the US and worldwide. In this capacity we are well versed in activities of boaters and at marinas and therefore add our comments to Brad's on the above issue.

First, it is under rare circumstances that a marina has lines of boaters waiting for a turn at the pumpout. More often, pumpouts occur infrequently due to the very fact that boaters do not use their boats every day at all hours. A recent survey by the US Fish and Wildlife Service cited that on average boaters spend just nine days on the water (from *Casting Beyond the Bow: An Examination of Anglers Fishing From Boats 2006*). These boaters are generally out for a day trip. Such use of a vessel does not produce the volume of on-board sewage that would necessitate a pumpout in every slip for proper disposal.

Second, the CVA grant program provides funding for facilities to install pumpouts that are adequate, reasonably available, easily accessible and open reasonable hours. The goal is to have pumpouts distributed throughout boating regions to minimize the potential of sewage being pumped overboard. As funding for this program is limited and because installing pumpouts to every slip is so much costlier than simply installing one or two pumpouts at a facility, the money would be spent in a much more limited area. One or two marinas could easily use all the funding that is available for the state in any given year. This would contrast to typical use of the grant monies in CA. In 2009 the grant funded 11 pumpouts, 3 pumpout vessels, 10 floating restrooms and 1 dumpstation. In past years, the figures for installations were about the same (information taken from the USFWS website). In addition, the cost burden to the marina that has to foot 25% of the cost of the pumpout under the grant match would be excessive.

While I applaud the state of California for its forward thinking in keeping sewage out of our waters, I feel the programs and processes in place for installation and use of pumpouts are adequate for handling the volume of waste that boaters produce. Boaters are becoming more and more aware of the pollutants their recreational choice can carry if they are not responsible, and more than likely, even if there was a line, a boater would choose to use a pumpout instead of dumping into the same waters they fish, swim and boat in.

Sincerely



Wendy Larimer  
Legislative Coordinator



GRAND CHARGE

# OC DanaPointHarbor

**W 8b**

## Local Coastal Program Amendment Implementation Plan

January 2011



# Issues for Discussion

- **Community Character & Building Height Exceptions**
- **Sewage Pump Outs**

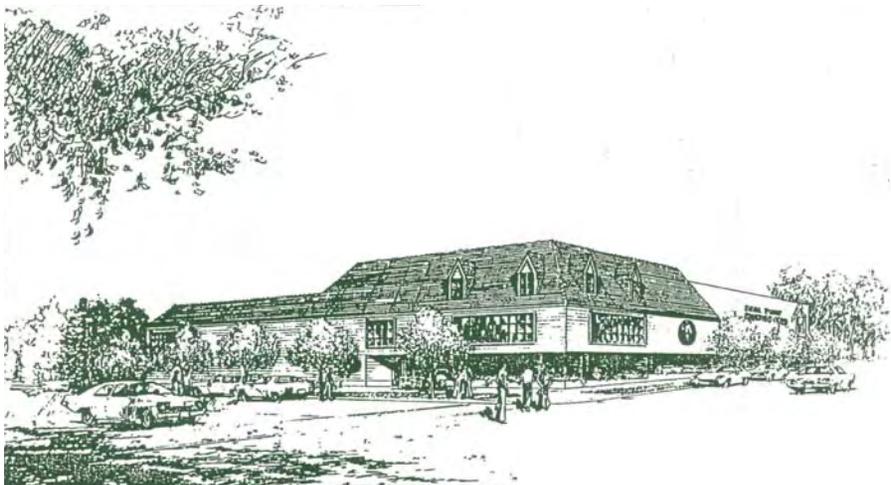
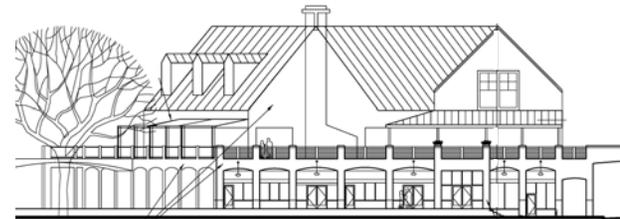
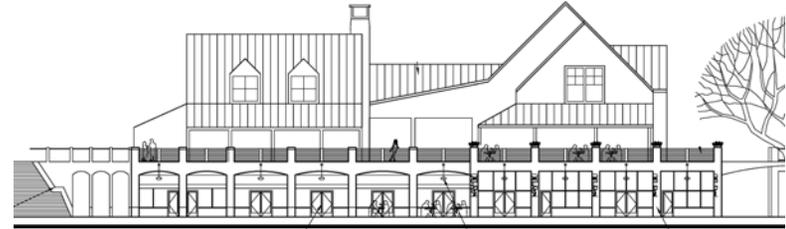
## I. Introduction

*The Dana Point Design Guidelines* are to be used in the planning of new development projects and major renovations in the City. The *Guidelines* communicate the qualities and characteristics expected of development in Dana Point. Although they are adopted and amended by Resolution of the City Council, the *Guidelines* are guidelines, and not fixed regulations. The City will use these guidelines to evaluate the design quality of development proposals which require discretionary approval. The *Guidelines* are also intended to promote economic efficiency and the long-term economic development objectives of the City.

### **The Purpose of Design Review in the Development Permit Process**

Discretionary Design Review is one of several procedures used by the City in the Development Permit process to protect the public welfare and environment. Discretionary Design Review is a comprehensive evaluation of those characteristics of a development which have an impact on neighboring properties and the community as a whole. The process makes a careful examination of the quality of site planning, architecture, landscape design and important details such as signage and lighting. The purpose is to insure that every new development will carefully consider the community context in which it takes place and make a conscientious effort to make a positive relationship to neighboring properties and the City as a whole. Through sensitive quality design, the vitality and livability of the City can be improved. The *Guidelines* provide a positive framework for design review. Design review is conducted together on design issues such as driveways and parking lots, public spaces, and visual elements. By sharing and coordinating

See Implementation Plan reference 5.5.e) on pages II-5.4 & 5



City of Dana Point Design Guideline Examples

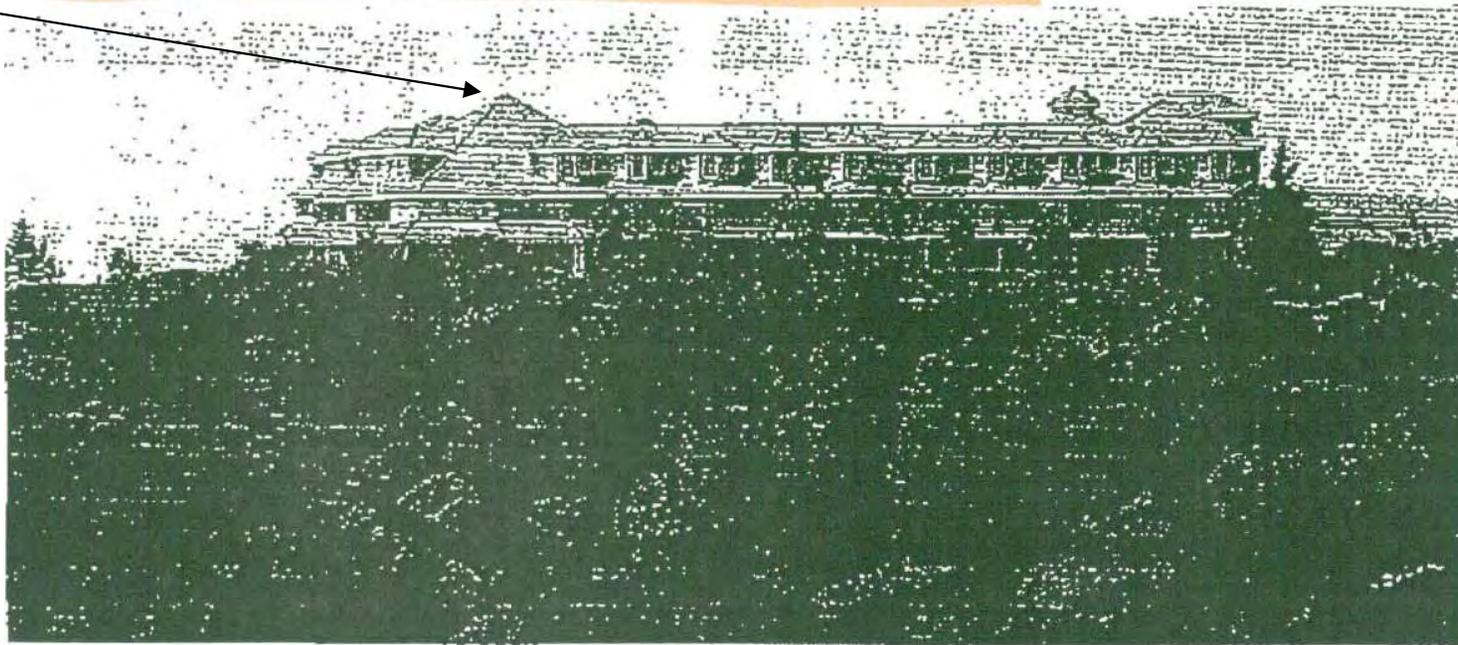
Proposed Dana Point Harbor Buildings

## Appendix A.

### Examples of Recent Architecture in Dana Point

The following pages contain examples of recent architecture which illustrate positive qualities desired of new projects in Dana Point. The examples represent a variety of building types, architectural character and functions. Desirable elements found in all examples are sensitive site design in relationship to the natural setting, high-quality pedestrian spaces and carefully-scaled architecture which reflects the city's coastal "village" atmosphere.

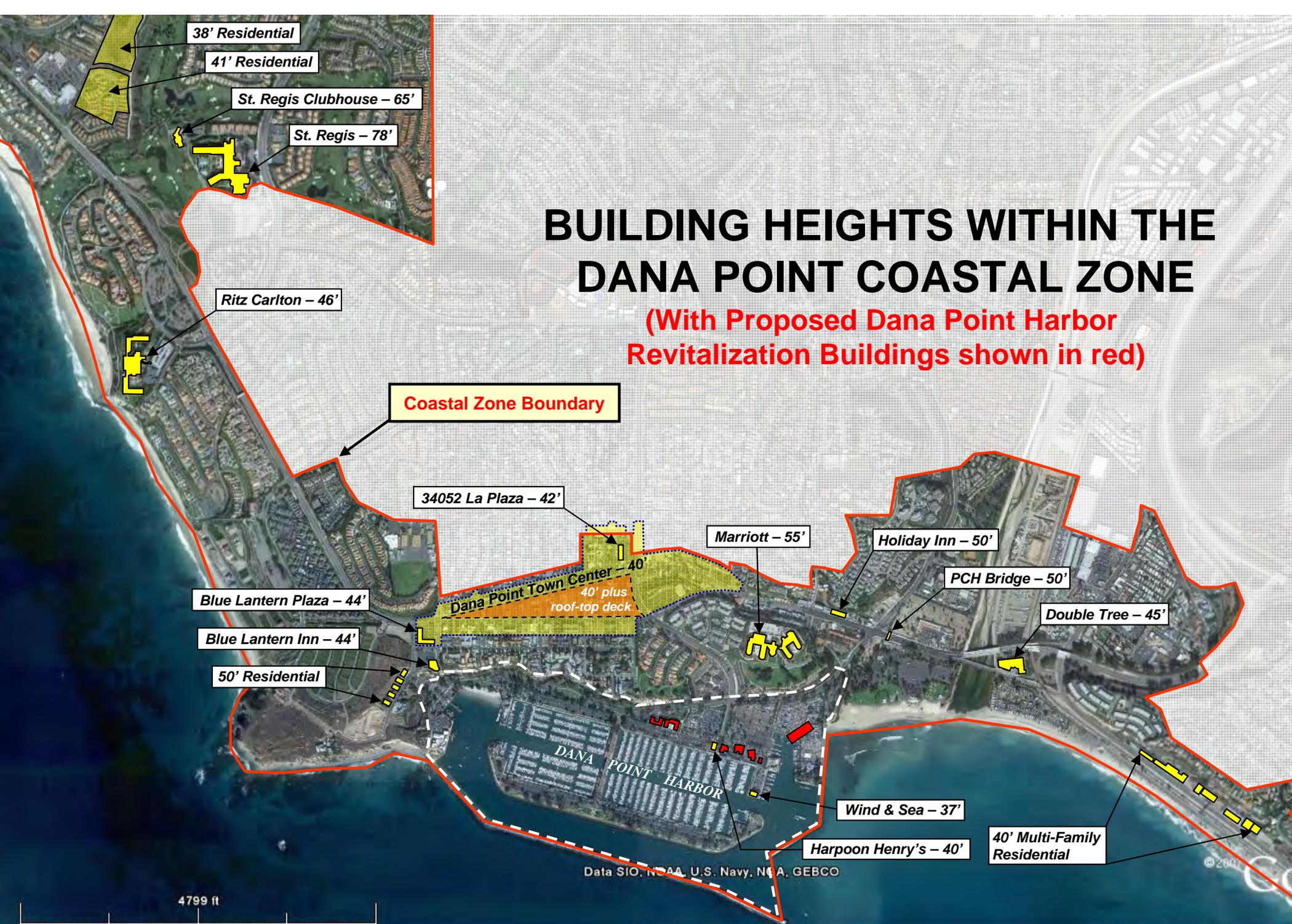
55' tall



*Dana Point Resort. Strong relationship to the blufftop natural setting, high-quality open spaces and excellent landscape design. The building mass has depth and scale created by the recessed balconies and strong shadow patterns.*

# BUILDING HEIGHTS WITHIN THE DANA POINT COASTAL ZONE

(With Proposed Dana Point Harbor Revitalization Buildings shown in red)



38' Residential  
41' Residential  
St. Regis Clubhouse – 65'  
St. Regis – 78'

Ritz Carlton – 46'

Coastal Zone Boundary

34052 La Plaza – 42'

Marriott – 55'

Holiday Inn – 50'

PCH Bridge – 50'

Double Tree – 45'

Blue Lantern Plaza – 44'

Dana Point Town Center – 40'  
40' plus roof-top deck

Blue Lantern Inn – 44'

50' Residential

Wind & Sea – 37'

Harpoon Henry's – 40'

40' Multi-Family Residential

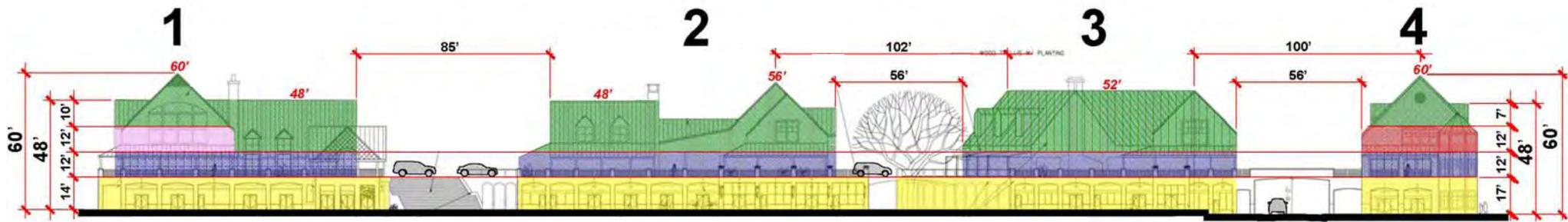
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

4799 ft

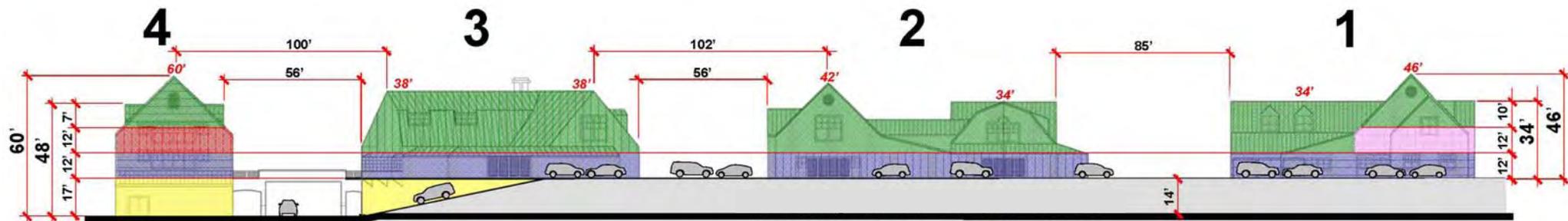
Pointer 33°28'14.36" N 117°41'40.88" W elev 179 ft

Streaming ||||| 100%





**South Elevation** – (from the water)



**North Elevation** – (from Dana Point Harbor Drive)

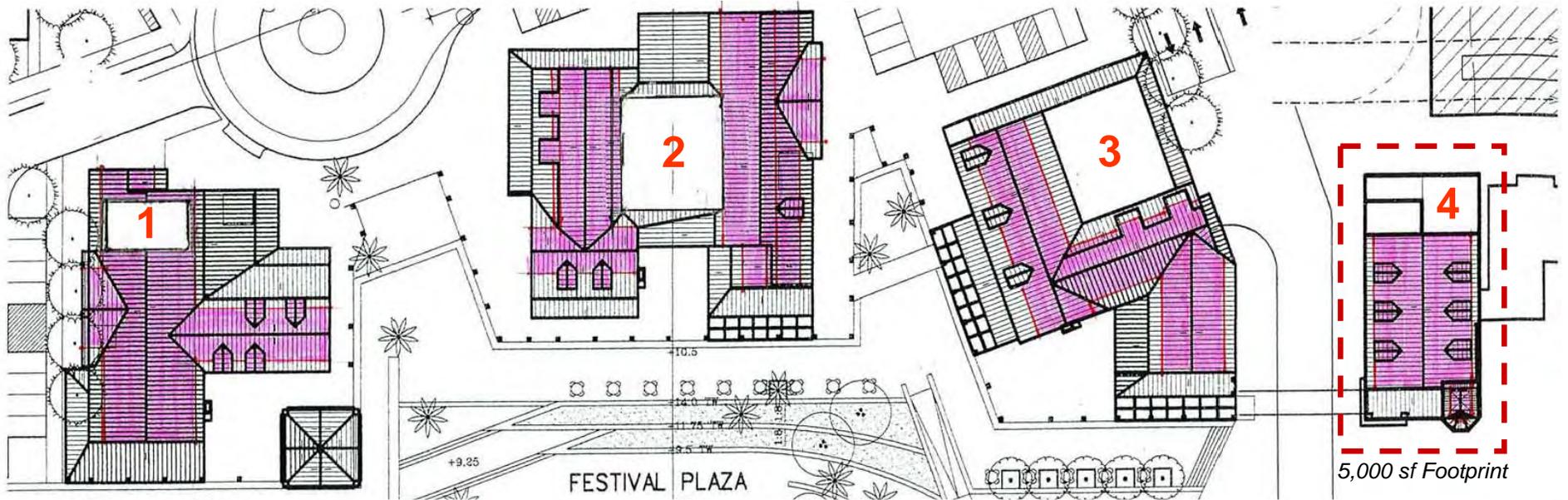
- 1<sup>st</sup> Floor
- 2<sup>nd</sup> Floor
- 3<sup>rd</sup> Floor
- Mezzanine
- Volume Ceilings



**1st Floor** **2nd Floor** **3rd Floor** **Mezzanine** **Volume Ceilings**



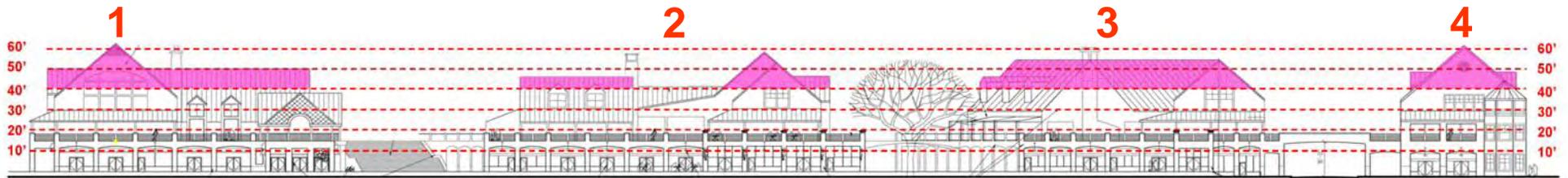
1<sup>st</sup> Floor
  2<sup>nd</sup> Floor
  3<sup>rd</sup> Floor
  Mezzanine
  Volume Ceilings



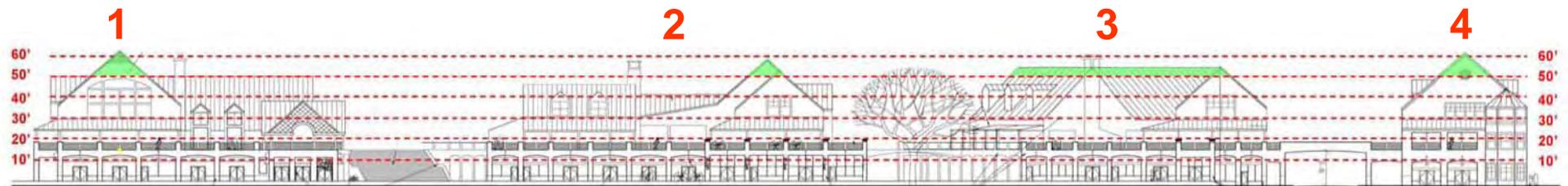
# ROOF AREA MORE THAN 40' HIGH



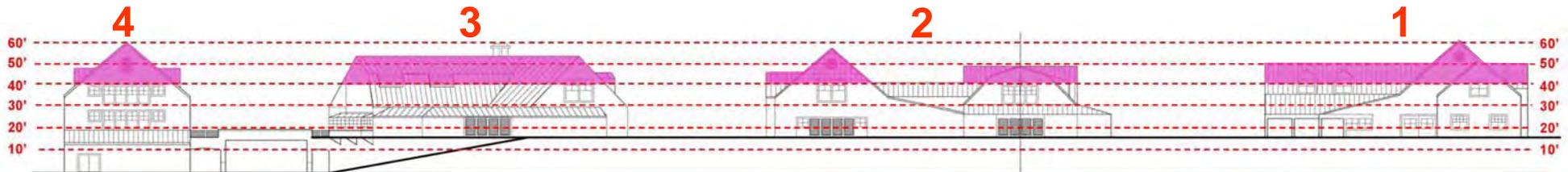
# ROOF AREA MORE THAN 50' HIGH



**North Elevation - (from waterside) Roof Area More Than 40' High**



**North Elevation - (from waterside) Roof Area More Than 50' High**



**South Elevation - (from landside) Roof Area More Than 40' High**



**South Elevation - (from landside) Roof Area More Than 50' High**

## 5.5.c)5 - Roof Area Exceeding 40' and 50' Feet

### Staff Proposed IP Language 5.5.c)5.

- No more than fifty percent (50%) of the total roof area of the structures shall exceed forty (40) feet in height and no more than twenty five percent (25%) of the same roof area shall exceed fifty (50) feet in height.

### Applicant Proposed IP Language 5.5.c)5.

- **For new structures with a building footprint in excess of of five thousand (5,000) square feet, no more than fifty percent (50%) of the total roof area of the structures shall exceed forty (40) feet in height and no more than twenty five percent (25%) of the same roof area shall exceed fifty (50) feet in height.**

W 96

January 7, 2011

Teresa Henry, District Manager  
CA Coastal Commission  
200 Oceangate, 10<sup>th</sup> FL  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region

JAN 7 2011

**CALIFORNIA  
COASTAL COMMISSION**

Ms. Henry-

I am writing on behalf of the Association of Marina Industries (AMI) in support of comments made by Brad Gross of Dana Point Harbor in response to the proposal to require marinas to install pumpouts in every slip in their facilities.

AMI is a non-profit membership organization representing marinas and marina product and service providers across the US and worldwide. In this capacity we are well versed in activities of boaters and at marinas and therefore add our comments to Brad's on the above issue.

First, it is under rare circumstances that a marina has lines of boaters waiting for a turn at the pumpout. More often, pumpouts occur infrequently due to the very fact that boaters do not use their boats every day at all hours. A recent survey by the US Fish and Wildlife Service cited that on average boaters spend just nine days on the water (from *Casting Beyond the Bow: An Examination of Anglers Fishing From Boats 2006*). These boaters are generally out for a day trip. Such use of a vessel does not produce the volume of on-board sewage that would necessitate a pumpout in every slip for proper disposal.

Second, the CVA grant program provides funding for facilities to install pumpouts that are adequate, reasonably available, easily accessible and open reasonable hours. The goal is to have pumpouts distributed throughout boating regions to minimize the potential of sewage being pumped overboard. As funding for this program is limited and because installing pumpouts to every slip is so much costlier than simply installing one or two pumpouts at a facility, the money would be spent in a much more limited area. One or two marinas could easily use all the funding that is available for the state in any given year. This would contrast to typical use of the grant monies in CA. In 2009 the grant funded 11 pumpouts, 3 pumpout vessels, 10 floating restrooms and 1 dumpstation. In past years, the figures for installations were about the same (information taken from the USFWS website). In addition, the cost burden to the marina that has to foot 25% of the cost of the pumpout under the grant match would be excessive.

While I applaud the state of California for its forward thinking in keeping sewage out of our waters, I feel the programs and processes in place for installation and use of pumpouts are adequate for handling the volume of waste that boaters produce. Boaters are becoming more and more aware of the pollutants their recreational choice can carry if they are not responsible, and more than likely, even if there was a line, a boater would choose to use a pumpout instead of dumping into the same waters they fish, swim and boat in.

Sincerely



Wendy Larimer  
Legislative Coordinator

**W8B**  
**RECEIVED**  
South Coast Region

JAN 7 2011

CALIFORNIA  
COASTAL COMMISSION

**Fernie Sy**

**From:** Bruce Heyman [bruceheyman@cox.net]  
**Sent:** Friday, January 07, 2011 11:14 AM  
**To:** Teresa Henry; Fernie Sy; Karl Schwing  
**Subject:** Letter for Adendum

Teresa,

We receive this letter with a request that it be forwarded to the Commission for item W8B.

Thank you,

Bruce Heyman

Boaters for Dana Point Harbor

[www.boaters4dph.com](http://www.boaters4dph.com)

[bruceheyman@cox.net](mailto:bruceheyman@cox.net)

949 289-8400

***Hi Boaters for Dana Point Harbor-***

***Having just read your reply letter, among the concerns that I find most interesting is this:***

***Section 30—Vessel Maintenance and Operation***

***Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner as certified on an annual basis by the U.S. Coast Guard Auxiliary or similar organization...***

***I note the requirement is for all vessels be certified... I am lucky (I guess) to be a live aboard in the marina, and I have had a similar requirement forced upon me in my rental agreement to maintain my status... the problem is that the USCGA does this inspection as a volunteer service, and apparently they have 'thinned ranks' so now it is difficult to make arrangements for this (required) inspection.***

***I wonder, does the local USCGA realize that the county/harbor dept. is going to call upon their minimal staff to inspect every boat in the harbor annually? I find it hard to believe they would go along with this plan if they can't even keep up with the current demand of just inspecting the handful of live aboards who require this inspection now.***

***And what would be a 'similar organization' that could do the inspections?***

***Thanks, and Happy New Year!***

***Name withheld on request***

WOB

COUNTY OF ORANGE

# DanaPointHarbor

Brad Gross, Director  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Telephone: (949) 923-2236  
Fax: (949) 923-3792

January 6, 2011

Teresa Henry, District Manager  
California Coastal Commission  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

**RECEIVED**  
South Coast Region

JAN 6 2011

**CALIFORNIA  
COASTAL COMMISSION**

Dear Teresa,

Yesterday, we had a discussion with Deputy Director Sherilyn Sarb, regarding sewage pump-out stations. She mentioned that a recent CDP for a marina in Marina del Rey included a pump-out stations located at each dock. She mentioned that some staff might be considering recommending a similar requirement for other future marina construction or renovation projects. Sherilyn asked whether or not I believed this was a good idea. I responded that such a requirement would have detrimental effects on a project such as the scale of Dana Point Harbor's related to both construction and operation. Sherilyn asked that I share my concerns with you. I have also reached out to a number of my colleagues who share these same concerns as outlined below.

1. In consideration of the County's specific project in Dana Point Harbor, 75% of the slips in Dana Point Harbor are less than 30'. Many small vessels in our Harbor do not have holding tanks or marine heads that require a pump-out station. Installing a pump-out station at each slip in Dana Point Harbor doesn't seem to make sense as not all boats use them. This might be more appropriate in a marina with very large slips and with a significant live aboard population, but not in Dana Point Harbor where the average slip size is less than 32 feet.
2. In past reports by the California Department of Boating and Waterways, a clear line of division has been established at the 26' and under vessel size. Facilities catering to that size of vessel are recommended to install dump station for porta-pottys rather than pump-out stations. Therefore, marina slips for vessels of this size would not require dock side pump-out stations.
3. In a facility such as Dana Point Harbor, we do not experience congestion or lines at our existing pump-out stations, and the pump-out stations are conveniently located throughout the Harbor. Even with this level of convenience, in our proposed marina renovation, we plan on adding pump-out and dump stations in a few new locations to make it even more convenient for boaters to use them as the leave and return to the Harbor.
4. Limiting the number of sewage lines over the water reduces the risk of a direct sewage spill into the Harbor. The potential for a leak or a spill at 2,400 locations and the effort to maintain pump-out stations in 2,400 locations is significant. Controlling and maintaining pump-out stations in a few convenient locations seems like a much more efficient and environmentally conscious approach. As long as boaters find them easy to access and maintained for proper operation and without having to wait in a long line, they will use them and the potential for a release or spill is minimized.

5. The cost to replace our dock facilities is already daunting. As we work towards keeping costs down so we can have a viable marina revitalization project, such a requirement on our project would result in a significant increase to our construction costs to replace +/- 2,400 slips. A conservative estimate is \$750.00 per slip, or an additional \$2 million. An increase such as this could require us to minimize other necessary upgrades and improvements, and could potentially be detrimental to the project.

Evaluations should be done project by project. A commercial marina with 200 fishing vessels in Crescent City will not have the same sewage pump-out demand as a 200 slip large yacht facility in San Diego. Guidelines can be easily established and should be based on location, type of facility, and size and type of vessels berthed there.

In lieu of a policy requiring sewage pump-out infrastructure at each slip, I would recommend adding the following policy language to be include in future marina improvement projects.

- A. Pump-out and dump stations shall be installed in new and expanding marinas where needed to prevent sewage discharges directly to State waters. Design these facilities to allow ease of access and post signage to promote use by the boating public.
- B. Pump-out and dump stations installed shall be equipped with a meter to monitor their use and an annual report documenting their use shall be prepared by the Marina Operator. All inspection and maintenance reports shall be available for public review at the Marina office.
- C. Failure to maintain appropriate inspections, maintenances and use records will result in punitive penalties up to and including the requirement to install pump out stations at every dock 51' and over.

Finally, and again in consideration of the Dana Point Harbor Marina Improvement project, I would recommend the following requirements related to adequate pump-out and dump stations be included:

- One dump station shall be required for every 400 vessels 26' and less (may be located on same dock as pump-out station)
- One pump-out station shall be required for every 300 vessels 27'-50'
- Pump-out stations shall be installed or vessels shall be provided the ability to pump out at every dock for vessels over 51' if other in lieu actions are not implemented.
- In lieu actions shall be the requirement that vessels 51' and over are required to contract with a mobile pump-out/dock side service and payment for such service shall be an added cost to their berthing fees and managed through their respective Marina Operator.
- All vessels 51' and over and/or Live Aboards shall be required to maintain a record of pump-outs. Records shall include date, location and approximate quantity of material pumped. Said record shall be made available annually or upon request by the Marina Office or Coastal Commission for review. Annual pump-out reports shall be maintained for five years by each marina operator and made available to the public upon request.

Page 3

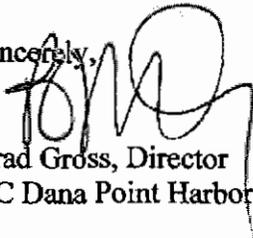
Teresa Henry, District Manager

January 6, 2011

Thank you for giving me the opportunity to comment on this important question. I look forward to our continued efforts in establishing policies that protect our environment and resources.

If you require any additional information, please feel free to contact me at your convenience.

Sincerely,



Brad Gross, Director  
OC Dana Point Harbor

- cc Peter Douglass, Executive Director, California Coastal Commission  
Sherilyn Sarb, Deputy Director, California Coastal Commission  
Board of Directors, California Association of Harbor Masters and Port Captains  
Board of Directors, Association of Marina Industries

**RECEIVED**  
South Coast Region

WOB

Fernie Sy

JAN 5 2011

**From:** Steven Alan Fry [stevenalanfry@sbcglobal.net]

**Sent:** Wednesday, January 05, 2011 1:37 PM

**To:** Fernie Sy

**Cc:** Brad Gross

CALIFORNIA  
COASTAL COMMISSION

**Subject:** URGENT UPDATE - Dana Point Harbor I P Errors and Omissions - Human Powered Watercraft

Mr. Fernie Sy  
Coastal Program Analyst  
California Coastal Commission

Greetings Fernie,

I hope you will recall my communications and meetings with you, Teresa and Karl as a former Director of the Dana Point Boaters Association.

I subsequently launched the Human Powered Watercraft Association during our debut presentation to the Commissioners at the October 8, 2009 meeting in Oceanside.

The HPWA has quickly grown to over 1,800 members who support our mission to protect and expand coastal access for these most ideal recreational vessels - the most environmentally friendly, most affordable, and healthiest form of boating. You may view our coastal activist program at [www.LetsPaddle.org](http://www.LetsPaddle.org).

We have been working closely day-by-day with Brad Gross on revisions to address certain errors and omissions within the harbor's Implementation Plan. Unfortunately I am not sure his actions will get to you in the most timely manner, so I am making this late effort to make you aware of some evident gaps that persist largely due to human powered watercraft just being formally recognized as a prominent member of the boating community. While you and the county have done an outstanding job of adding HPW operations into the LUP and IP, some important details are missing.

Here is my latest communication with Brad; where possible I have provided suggested language changes or additions for your assistance:

### **Human Powered Watercraft Parking Standards**

Chapter 14 provides development rules for a wide variety of parking including bicycles, handicapped, trailer boater, dry boat storage, and others.

Nothing is mentioned about parking for Human Powered Watercraft. This appears to be an omission.

I am also very concerned about the implications of language in **14.2 c) stating "Joint Use or Shared Parking - In recognition of the unique characteristics of the harbor and its uses, a comprehensive parking management plan may be processed with a Coastal Development Permit to demonstrate the aggregate total of otherwise required parking spaces is adequate for the range of commercial and recreational uses proposed. Required designated boater parking shall not be used in joint-use**

**or shared parking plans."**

This provision's final sentence is likely not compatible or perhaps confusing with future HPW storage amenities currently anticipated to be constructed at Baby Beach and on "The Point" at the East end of the prior Beach House parking lot in Planning Area 4. When HPW storage is provided at these shared parking sites we do need to set aside a reasonable number of dedicated parking spots for them. A window sticker or the like would take care of managing that. We also need to plan for and add-in the reasonable sum of car-topped users for each area. Example: Paddlers are willing to utilize shared parking, but only if their needs are met before non-boating users. A more specific example would be using "The Point" in Planning Area 4 to park Catalina Flyer customers will work to the extent that HPW parking would be generally oriented closest to the point of water access and the numbers of shared-with-commercial spaces adjusted down or eliminated during peak use days as you have done in other parking areas. **We request clarification, alteration or elimination of the conflicting sentence.**

**A Question:** Is there a difference between parking allocation for dry storage boats vs. dry storage kayaks or SUPs? Each represents a vessel operator paying for storage space and ready access to the water.

It is really important that this revitalization plan not overlook vital details missing for the HPW boating community. Each is a space-renting boater requiring parking.

- **With the long-standing dry storage parking precedent, the HPW would expect at least the same 0.25 ratio of boater protected parking. Separate designated parking should be provided for dry storage HPW's whether in a dedicated or shared-use location. This is an important design criteria because boaters who rent vessel storage and easy access are not served properly if their parking lot fills with non-boating users. A side note, these particular designated spaces need not be at the front line of water access because the racks for storage will need to be set back a bit to limit impact on views and some pedestrian traffic and the rack storage renters are not porting the boat from their vehicle.**

I understand the concern about connecting the number of storage spaces to parking as limiting the amount of dry storage racks. But isn't that inherent in the process if the ratio is realistic? We shouldn't provide more storage than parking can handle anyway. Let's get the ratio right and it is in reasonable balance.

**Human Powered Watercraft parking spaces also need important engineering development rules:**

- **HPW's need extra large parking spaces.** We need to keep HPW parking space sizes quite large in width and length because our vehicles are the launch ramps! We drive a lot of extra large vehicles with huge racks. As you know personally, we have to walk between our vehicles while carrying quite large boards and boats! So, we must prevent any attempt to reduce parking stall sizes in areas where HPW operation competes with non-boater parking because a compact parking space would preclude safe or practical HPW activity. Let's clearly define this important criteria as it reaches the same level of importance as defining the minimum size of trailer boater parking spaces.
- **HPW parking needs to be placed with the highest priority to water front access.**

Car top loading and unloading and portage of boards and boats places a serious physical burden vs. non-boating users.

- **HPW lighting needs to be engineered to provide safe and convenient use.** The current lighting at Baby Beach was not designed for those who paddle late and need to wash down their vessels and load up their gear. This has been a scenario I've done many times. We need criteria for adequate lighting. It wouldn't take much...but lighting for HPW operations needs to be more than occasional walkway spots or a distant parking light pole.

Next,

### **SECTION 12.5 g) Development Standards and Requirements; Docks, slips and water oriented facilities**

Added: This section focuses on channel narrowing that is currently projected to remove 40 feet in width from our main channel, and would immediately and significantly reduce the operating space for the harbor's diverse group of boaters who are primarily comprised of day use vessels. There is already a concern from all types of boaters that narrowing the channel could unfavorably lead to overcrowding and pressure to place restrictions on the use of the inner channel. Any such action or result would forever alter the public's access, and we must have the county's pledge that **"the channel will not be narrowed or encroached upon in such a way as to limit the continued and anticipated use of the vessels within the harbor."** Here are my latest comments to Brad:

Our counsel concludes a vessel is a vessel, and all have equal constitutional rights to navigate and fish on Harbor waters. All vessels in-motion are navigating regardless of destination and whether they leave the harbor or stay within these Federally protected waters. This is all-inclusive, and the paddlers' concerns about narrowing the channel apply equally or greater to larger vessels who may have a harder time navigating in a narrowed channel. In essence, the navigational properties of the inner channel should not be encroached so as to disrupt current and future anticipated navigational needs for all our vessels.

It will never be acceptable to reduce the channel's width in any way that will impede navigation within our small boat harbor. HPW's will not yield the inner channel so that bigger boats and arbitrary marina development standards can eat up our navigable waters.

In the interest of protecting our harbor's navigable waterways for all our boaters we suggest the following language for 12.5 g) ***"Docks, slips and water oriented facilities: All docks, slips, wharfs, piers and end / side tie facilities will be designed by a licensed professional engineer who will reference the Department of Boating and Waterways design guidelines when planning for the harbor's unique location and design as appropriate in accordance with the County of Orange grading and building permits. The design shall accommodate all current types and sizes of vessels, particularly in the main channel, so as not to infringe on the people's constitutional right to navigate and fish on Harbor waters."***

Fernie - My last "Errors and Omissions" email to you regarding the LUP was valuable and utilized, and I hope this is also clearly of value.

My finest regards to you, Teresa and Karl for taking these items into the process. Please contact me if you have any questions. I will also forward to you comments I receive separately from Brad Gross and copy him here.

Best,

Steven Alan Fry  
Director  
Human Powered Watercraft Association  
[www.LetsPaddle.org](http://www.LetsPaddle.org)  
949.636.3211

W 8 b

**Fernie Sy****RECEIVED**  
South Coast Region

JAN 3 2011

CALIFORNIA  
COASTAL COMMISSION**From:** Anthony Princiotta [ajprinciotta@msn.com]**Sent:** Monday, January 03, 2011 7:47 PM**To:** Fernie Sy**Subject:** Section 30 recommendation

Good evening Mr. Sy,

Just a brief note concerning a proposed correction of Section 30 of the Dana Point Harbor District Regulations / General Regulations and Special Provisions that you may wish to consider. Section 30 as written is an apparent unintended misrepresentation of the purpose and scope of the courtesy vessel safety checks offered by the the Coast Guard Auxiliary and the Power Squadron. Vessel Safety Checks should not be confused with a Marine Survey which is the proper approach to determining the relative seaworthiness of a vessel. Vessel Safety Checks are intended to be as much educational as they are a check of very basic equipment operation (lights, horn, power ventilation etc.) and outfitting (pfd, flares, fire extinguishers etc.). The Coast Guard Auxiliary and the Power Squadron are neither trained nor authorized to certify any vessel as "seaworthy and navigable".

The requirement that each vessel docked in the harbor receive a vessel safety check on an annual basis may be difficult to implement due to the significant number of vessels situated in the harbor versus the availability of qualified volunteer vessel examiners. At roughly 20 minutes to conduct a vessel safety check for an average size vessel, it would likely require between 800 to 1,000 man hours to conduct the annual vessel safety checks. As a result, well intentioned slip renters may find it difficult to comply with this requirement.

While I commend the intent of Section 30 to promote responsible boat ownership and recognize and appreciate the value of a Vessel Safety Check, a re-examination of the section may be in order.

Respectfully submitted,

Tony Princiotta  
34300 Lantern Bay Drive #3  
Dana Point, California

**"30. Vessel Maintenance and Operation**

Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner as certified on an annual basis by the U.S. Coast Guard Auxiliary or similar organization. On an ongoing basis, the number of live-aboard permits in the Harbor shall not exceed more than ten percent (10%) of the total vessels on any one dock and no more than three percent (3%) of the total vessels allowed in the Harbor overall."

W8b

January 7, 2011

Ms. Teresa Henry, District Manager  
South Coast District  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

**RECEIVED**  
South Coast Region

JAN 7 2011

**CALIFORNIA  
COASTAL COMMISSION**

RE: Item W8b-1-2011  
Major Amendment Request No. 1-10 (Dana Point Harbor LCP  
Implementation Plan) to the City of Dana Point Certified Local Coastal  
Program

Dear Teresa:

Thank you for your e-mail yesterday regarding section 5.5c4 of the IP. Yesterday afternoon, we also met with representatives of both the City and County and discussed our comments on the entire IP text included in our letters to the Commission on December 30, January 3 and January 5.

While there are still some areas where we agree to disagree, Boaters for Dana Point Harbor is very pleased to have the opportunity to understand the applicant's position. We also believe we reached agreement on several contentious areas. In this letter we will describe those, although the City and County will provide their own letter(s), so this should be considered only our understanding of their position.

#### **Major Issues**

1. Chapter 3 Special Regulations 30—Vessel Maintenance and Operation. The applicant may try to find better language, but we agreed that the word "annual" should be replaced by "periodic" so that the inspection requirement for vessels can be practically achieved. We would prefer to see this section dropped entirely from the IP or simply replaced with exactly the same language that is in the LUP.
2. Chapter 14 Section 14.2c3—Joint-use or Shared Parking. After discussion, it was agreed that 20% of the launch ramp parking (change from 25%) would initially be available for out-of-season boating related commercial use, with the understanding that this number would be reviewed as part of the specified Parking Management Plan.
3. Chapter 17 Section 17.4e—Procedures for Revisions. We believe that there was agreement on the language that we proposed in our letter of January 3 to prevent multiple revisions from violating the 5% rule without an LCPA.

#### **Minor Revisions**

There were a number of smaller issues where we are in agreement with the applicant:

4. Chapter 3 Special Regulations 3—Construction Phasing. We seem to agree that the language in the 12/15 draft is actually clearer than the later draft, and prefer that.
5. Chapter 3 Special Regulations 7—Grading Plans. The applicant may offer clearer language to indicate the special status of Planning Area 7.

6. Chapter 4 Section 4.5—Development Standards and Requirements. There is agreement on the need to specify 1.6 acres as the land side portion of the shipyard. We agreed to remove the words “all of” (twice) from that section, but otherwise disagree on the more specific language for the shipyard.
7. Chapter 6 Section 6.5c—Development Standards and Requirements. We now agree that additional language is not necessary.
8. Chapters 11-13 Sections 11.5p 12.5s 13.5p—Pumpouts. Boaters for Dana Point Harbor does not take a position on these sections.
9. Chapter 12 Section 12.5o—Protection of the Existing Quantity of Boat Slips. We agreed that the term “dry boat storage facility” should have “or similar” appended. The applicant may propose new language.
10. Chapter 14 Section 14.2i—Commercial Core Area. We agree that the sentence added in the 12/29 draft is unclear and should be removed.
11. Chapter 14 Section 14.4.5—Joint-use or Shared Parking. We agree that the word “new” added in the 12/29 draft should be removed.
12. Chapter 14 Section 14.5.4—Exceptions and/or Modifications to Off-Street Parking Requirements. We agree that OC DPH will notify harbor users of CDP notices, by whatever means they typically use for communicating with boaters, at least by electronic means.

While there are still issues on which we disagree with the applicant, we hope that the resolution of the items above will allow us to focus on the smaller number of critical issues that remain to be resolved during the hearing on the 12<sup>th</sup>. We would be happy to discuss any of this with you, and thank you and the rest of the Commission staff for your very hard work to bring us to this point.

Please include this and our previous correspondence in the staff report addendum for this item.

Yours faithfully,

Boaters for Dana Point Harbor  
[leaders@boaters4dph.com](mailto:leaders@boaters4dph.com)  
(949) 289-8400

Cc: Kyle Butterwick, City of Dana Point

Brad Gross, OC Dana Point Harbor

W8b

**RECEIVED**  
South Coast Region

JAN 5 2011

**CALIFORNIA  
COASTAL COMMISSION**

January 5, 2011

California Coastal Commission  
South Coast Area Office  
Attn: Sherilyn Sarb, South Coast Deputy Director (Orange County)  
Teresa Henry, District Manager  
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area  
Attn: Fernie Sy, Coastal Program Analyst II  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

RE: Item W8b-1-2011 Staff Report  
Major Amendment Request No. 1-10 (Dana Point Harbor LCP Implementation Plan) to the City of Dana Point Certified Local Coastal Program

Dear Sirs and Madams:

Boaters for Dana Point Harbor (B4DPH) are very appreciative of the significant work undertaken by the Long Beach Commission staff. The effort to try to bring this project into compliance with the Coastal Act, given the developer's and applicant's LCPA submittals, should be clear to everyone. We believe our comments submitted earlier on both the 12/15/2010 and the 12/29/2010 issues of the Implementation Plan text remain valid and request that they be incorporated in the final version of the document. For brevity, we are not repeating those issues and recommendations here.

There are three specific numbers in the LCPA that are very problematic to us, and in all three cases these numbers have been provided by the County of Orange (developer) and City of Dana Point (applicant) without verification. These values, which are now being included in the Implementation Plan draft, represent an inappropriate baseline for current conditions. We know that in the past, this Commission has not allowed applicants to make unpermitted changes and then have them "grandfathered" in via an LCPA. Even if the Commission chose to do so this time, we find no language in the Staff Report acknowledging this decision.

1. The existing slip count for the East and West Marinas has been reduced over the years without any CDP's and in some cases in direct contravention of an Executive Director's waiver.
2. Dry Boat Storage numbers in Planning Areas 1 and 2 are also significantly under counted. Recent surveys have indicated that this undercounting could be by as much as 25%.
3. The Parking data provided in Exhibit 6 of the Staff Report contains serious and material errors. Exhibit 6 was only made publicly available last week.

All of these errors conspire to reduce and eliminate higher priority uses under the Coastal Act. We respectfully ask the Commission Staff/Commissioners to either:

- 1) Continue the hearing until such time as the Staff, Applicant, Developer and interested parties can agree on the true baseline numbers.  
or
- 2) Add a provision that accurate baseline numbers must be established and validated, including any unpermitted changes before any CDP's are issued. These new base lines numbers must replace corresponding numbers in the IP as directed by Commission Staff.

In summary, we again want to congratulate the Commission staff and the applicant for greatly improving the original draft, and with this and the previous modifications we suggested, the Harbor Revitalization can move forward to the next phase. We look forward to discussing any of these items with you, and we hope to be able to urge the IP's adoption at the hearing on the 12<sup>th</sup>.

Please include this and our previous correspondence in the staff report addendum for this item.

Yours faithfully,

Boaters for Dana Point Harbor

[leaders@boaters4dph.com](mailto:leaders@boaters4dph.com)

(949) 289-8400

W8b

January 2, 2011

California Coastal Commission  
South Coast Area Office  
Attn: Fernie Sy, Coastal Program Analyst II  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

**RECEIVED**  
South Coast Region

JAN 2 2011

**CALIFORNIA**  
**COASTAL COMMISSION**

City of Dana Point  
Community Development Department  
Attn: John Tilton,  
City Architect/Planning Manager  
33282 Golden Lantern  
Dana Point, CA 92629-1805

RE: Item W8b-1-2011  
Major Amendment Request No. 1-10 (Dana Point Harbor LCP  
Implementation Plan) to the City of Dana Point Certified Local Coastal  
Program

Dear Sirs and Madams:

Boaters for Dana Point Harbor (B4DPH) again would like to thank the Commission and the City for the opportunity to respond to the latest draft of the Dana Point Harbor Implementation Plan (IP) dated December 29th. Please consider the comments here to be in addition to those in our letter of December 30<sup>th</sup>, which was based on the December 15<sup>th</sup> draft.

We again have organized these items by the Chapter in the IP where they appear.

**Chapter 3 Special Regulations 3--Construction phasing:**

old (12.15.2010):

Any new commercial development shall be phased to provide required parking for higher priority uses (e.g., designated boater parking, launch ramp and boat storage) prior to the construction of new commercial development as specified in Section 11-14.2(i).

new (12.29.2010):

Any parking loss temporarily during construction shall be replaced prior to its removal, and shall be located in reasonable proximity to the uses it serves, to the maximum extent feasible.

As the requirements in 14.2(i) and (j) are still in force during construction, we do not believe the new language substantially changes the requirement, but would like to suggest that the original language above is actually clearer. However, the proposed new sentence in 14.2(i) below may impact this.

**Chapter 5**

Section 5.5c4 old:

4. The additional height above the thirty-five (35) foot height limit shall be for architectural features only that do not increase the gross floor area for the purpose of determining parking requirements.

new:

4. The additional height above the forty (40) foot height limit shall be for architectural features only that do not increase the gross floor area for the purpose of determining parking requirements.

We are surprised that this additional 5 feet has been added in the latest draft after all of the discussion of 35 feet as the standard height in Dana Point. Given the restrictions of the following paragraph (5.5c5), and the wording of the elevator/chimney exemption, we are unsure if the change here allows an additional story to be constructed, and what purpose the increase in height of non-architectural features serves. The new language in Section 17.4 may also impact this if the gross floor area is changed after Commission approval. The change complicates the process of determining whether a given design falls within the parameters of the LCPA.

Boaters for Dana Point Harbor were prepared to accept the Commissions new language and drop the building height issue when the limit was at the community standard of 35'. We recommend returning the limit to 35'.

## Chapter 14

14.2(i) The second sentence has been added.

Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (j) below. Parking areas outside of the Commercial Core shall not be used to meet the parking demand for new development outside of the Commercial Core. The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

We really hope that there is a typographic error in the new sentence, because it does not appear to make sense to us as written. We suggest that it should end "for new development *inside* of the Commercial Core." In that form, it is an excellent addition to this section and one we support.

## Section 14.4.5

5. Subsequent individual new uses which result in a parking demand more than is provided by the existing parking shall be required to provide additional parking adequate to meet the demand and/or provide alternative means to meet the parking demand through a Coastal Development Permit and prepare a revision to the Detailed Parking Plan for approval by the County of Orange – Dana Point Harbor Department Director, OC Dana Point Harbor.

As businesses change over time their parking needs can change drastically. The Sports Fishing and Catalina Express businesses are good examples of what has happened over time in Dana Point and the parking problem that has developed. As it is impossible for us to fully

forecast future demands, we believe the mechanism should be put in place to insure all uses, whether new or old, have appropriate parking to meet their needs. We are requesting that the word "new" be dropped from the sentence or that it is modified to, "Subsequent individual new or intensified uses which..."

## Chapter 17

### 17.4-- Procedures for Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table

e) Any proposed revision to reallocate the allowable square footage and/or acreage assigned from one Planning Area to another Planning Area by more than five percent (5%) shall require a public hearing pursuant to Chapter II-16, Discretionary Permits and Procedures. Revisions of five percent (5%) or less may be deemed a minor administrative refinement and may be approved by the City of Dana Point Director of Community Development. Any reallocation in Planning Area boundaries in excess of five percent (5%) shall not be effective until approved by the California Coastal Commission through a Local Coastal Program Amendment.

We believe that there is a problem with this wording. As we pointed out in our letter of December 30<sup>th</sup>, the existing the statistical table includes both 50,000 square feet for the "Boat Barn" and far more area than seems needed in Planning Areas 4 and 5.

We now wonder if this language would allow the applicant to make multiple reallocations of square footage from Planning Areas 1, 4, and 5 to Planning Areas 2 and 3. This could be accomplished in units of 5% without a public hearing or CDP, and if the Boat Barn is never built, would allow a significant increase in the size of the Commercial Core.

Furthermore, we don't understand what problem this section is trying to fix. The Commission has allowed the Developer to put very substantial increases in every planning area, including the Commercial Core and Visitor Serving planning areas. Our first hope is that the Commission would simply strike this provision all together which would require the developer to live within the already very generous intensifications.

However, failing a desire to simply eliminate this section, we would recommend that to prevent the possibility of repeated reallocations of up to 5% without a public process, the following wording of this section:

e) Any proposed revision to reallocate the allowable square footage and/or acreage assigned from one Planning Area to another Planning Area that results in a change of more than five percent (5%) from the allowable square footage and/or acreage approved by the California Coastal Commission in a Local Coastal Program Amendment shall require a Coastal Development Permit pursuant to Chapter II-16, Discretionary Permits and Procedures. Revisions that result in a change of five percent (5%) or less from the allowable square footage and/or acreage approved by the California Coastal Commission in a Local Coastal Program Amendment may be deemed a minor administrative refinement and may be approved by the City of Dana Point Director of Community Development. Any reallocation in Planning Area boundaries in excess of five percent (5%) of the values approved by the California Coastal Commission in a Local Coastal Program Amendment shall not be effective until approved by the California Coastal

Commission through a Local Coastal Program Amendment.

In summary, we again want to congratulate the Commission staff and the applicants for greatly improving the original draft, and with the modifications we suggest, will move the Harbor Revitalization forward. We look forward to discussing any of these items with you, and we hope to be able to urge its adoption at the hearing on the 12<sup>th</sup>.

Please include this and our previous correspondence in the staff report addendum for this item.

Yours faithfully,

Boaters for Dana Point Harbor  
[leaders@boaters4dph.com](mailto:leaders@boaters4dph.com)  
(949) 289-8400

W 90b

December 30, 2010

California Coastal Commission  
South Coast Area Office  
Attn: Fernie Sy, Coastal Program Analyst II  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

**RECEIVED**  
South Coast Region

DEC 30 2010

**CALIFORNIA  
COASTAL COMMISSION**

City of Dana Point  
Community Development Department  
Attn: John Tilton,  
City Architect/Planning Manager  
33282 Golden Lantern  
Dana Point, CA 92629-1805

RE: Draft California Coastal Commission Staff Suggested Modifications  
Local Coastal Program (LCP) Amendment Request No. 1-10  
Dana Point Harbor Implementation Plan

Dear Sirs and Madams:

Boaters for Dana Point Harbor (B4DPH) would like to thank the Commission and the City for the opportunity to respond to the new draft of the Dana Point Harbor Implementation Plan (IP). As with the Land Use Plan last year, the Commission staff has done a thorough, professional, and truly magnificent job of aligning the "Revitalization" plan with the requirements of the Coastal Act and other statutes. We are very grateful for the many years of hard work that have been required to reach this point, and we are confident that the IP is almost ready for Commission approval.

We would like to bring up several significant items that B4DPH believes should be clarified and improved, either before the hearing or at that time. These are generally items which are either ambiguous or at odds with the overall direction in the IP. We are ready to discuss these with the staff and/or applicant in more detail if that would be helpful, but will only outline what we believe are remaining issues that should be resolved. We've taken the liberty of providing proposed solutions for the applicant's and for your consideration.

We have organized these items by the Chapter in the IP where they appear.

#### Chapter 2

We want to begin by applauding the staff for including both the Tidelands grant policies and the priority of water-oriented uses in the "Purposes and Objectives" chapter. We are also very happy to see the idea of enhancing boating and other priority uses made an objective.

#### Chapter 3 – General Regulations

Section 10 – Special Events: We are uncertain what is intended by listing 3 very specific criteria which "all" must be met to require a CDP for a temporary event. We believe this should be changed to "any one", or there should be an explanation about why those 3 criteria are special. We believe that recent history within the harbor validate that any one of those elements present enough of a risk of reducing coastal recreational access that they must be properly addressed in advance.

### Chapter 3 – Special Regulations

Section 7 – Grading Plans: The first sentence in b) is very ambiguous. Should the word “unless” be replaced with “where it must be”?

#### Section 30—Vessel Maintenance and Operation

*Requirements shall be maintained in ship rental agreements that all vessels docked or moored in Dana Point Harbor are maintained in a seaworthy and navigable manner as certified on an annual basis by the U.S. Coast Guard Auxiliary or similar organization...*

While we applaud and support the ultimate objective of this requirement we believe as stated it is unworkable. First we are unaware of any Coast Guard function that “certifies” a vessel for seaworthiness or navigability with the exception of inspected vessels under 46 CFR Subchapters T and K regulations which do not apply to the recreational vessels berthed in Dana Point Harbor. Additionally we are unaware of any standard accepted definition of a seaworthy and navigable vessel, including from the Department of Boating and Waterways. Lastly we fail to see what the Implementation Plan prescribes for vessels that either fail to take the test or fail the test. As written, the section excludes dry storage and trailered vessels, but would require 2500 or more individual inspections every year, in perpetuity. We recommend that this requirement be dropped at this time.

### Chapter 4

Section 4.5 –Development Standards and Requirements: We suggest the following more specific language for paragraph p).

p) Ship Yard: A shipyard shall be maintained in the Marine Services Commercial Planning Area and the land side portion shall be no less than 1.6 acres in size. The expansion, modification or renewal of the shipyard lease footprint shall be required to demonstrate that the proposed size of the lease area is adequate to maintain a full-service shipyard facility that includes all services and capabilities to take care of all of the needs of the boaters in Dana Point Harbor including do-it-yourself and other low cost vessel maintenance capabilities, boat haul-out and repair services. The shipyard should be able to meet these needs for all of the sizes of recreational boats envisioned within the harbor.

### Chapter 5

Section 5.1--Purpose and Intent: We suggest adding “and the other requirements of these Regulations” to the final sentence for clarity.

### Chapter 6

Section 6.5—Development Standards and Requirements: Subsection c) does not contain the same height restriction as Planning Area 2 (cf. 5.5c4). There is no specified maximum height for the hotel. We recommend the same language as 5.5c4.

Subsection r) contains language at odds with Chapter 14 regarding boater parking. We recommend ending the sentence with “shall be consistent with existing boater parking.” In a recent communication to the boater community, the Harbor Department (OC DPH) said (emphasis theirs):

In conceptual plans considered to date, all boater designated parking lots will remain as they are today, with the exception of one small boater designated parking lot near the proposed Commercial Core. In conceptual designs, this parking lot only serves the slips from gangways M and N and once completed, boaters from these two gangways will be able to park in other lots if they choose. Parking for all other gangways in the Harbor **will not change**. Each of the other boater designated parking lot locations and configuration will remain as they are today, providing boaters parking per the state guidelines.

The Harbor Department (OC DPH) also distributed materials to the Commissioners pointing out that only the area near M and N gangways would be changing. We believe it was obvious that the Commissioners' used this information when they approved the Land Use Plan.

We believe OC DPH's position and commitment should be codified in these regulations.

#### Chapter 7

Section 7.5—Development Standards and Requirements: The last sentence of subsection q) on Recreational Parking is inconsistent with Chapter 14 and the comment above on Section 16.5r. It should be removed and the consolidated language in Chapter 14 used.

#### Chapter 8

Section 8.5—Site Development Standards and Requirements: Subsections p) (Recreational Boating Opportunities) and q) (Hand Launch Facilities) are extremely important to the community, and we hope that expansion in this area can occur independently of the larger scale improvements.

#### Chapter 11

Section 11.5—Development Standards and Requirements: Subsection j) on Anchorages should be reworded to allow the taking of anchorage space specifically to provide new berthing space per the zero slip loss goal. This will increase access by increasing the number of boats in the harbor.

#### Chapter 12

Section 12.5—Development Standards and Requirements: Subsection o) needs to be reworded to remove reference to the dry boat storage facility. No existing slips should be removed prior to the issuance of a waterside CDP which addresses loss of slips. The proposed dry boat storage cannot be used for mitigating slip loss or mix shift as the proposed dry storage capacity is less than what is there for dry boat storage today and historically.

#### Chapter 13

Section 13.5—Development Standards and Requirements: As with Section 11.5, this should be reworded, and new berthing space near the bait barge/fuel dock area (and its associated requirements) provided for.

#### Chapter 14

General Comment: The problems associated with parking in Dana Point Harbor have been with us almost since the creation of the harbor. However, there are many days each year where parking is not an issue. The purpose of this chapter and the emphasis on parking controls is for the peak parking periods, typically weekends and holidays, in the summer and early autumn, or when the weather is particularly good. These are the times which require the rules in both the LCP and IP, and only evidence gathered during those times is relevant to the issues. Rainy Tuesdays in winter provide many parking opportunities for all users of the harbor, but few choose to take advantage of them.

Section 14.2—General Provisions: We are not convinced that joint use of the launch ramp area, even as conditioned, is a good idea on winter weekends, given the lack of data on utilization and the checkered history of that parking area. We recommend that a lower number be used, 15%, and that mechanisms be implemented that allow the public to quickly and easily verify the activity of each vehicle in the parking area (employee, valet restaurant/shops, Catalina Express, Launch Ramp, or Sports Fishing/Charter). This percentage can be increased up to the 15% should the data indicate a higher level of shared use can be accommodated without adversely affecting recreational boating access. The definition of Launch Ramp area is not to include dry boat storage or the required parking for this element.

Section 14.3—Standards for Individual Permitted Uses: Item 1 (Dry Boat Storage) provides for only 0.25 spaces per boat. This is below the DBW standard, which does not differentiate between wet slips and dry storage:

*From Department of Boating and Waterways Marina Design Guidelines*

*G1.2 Minimum Number of Parking Spaces*

*G1.2.1 0.60 single vehicle parking spaces per recreational berth*

*G1.2.2 2.00 parking spaces per commercial fishing boat berth*

**Commentary:** *The minimum parking requirement is to be utilized where self-parking is provided for marina patrons, including persons with disabilities. This level of parking is specifically for support of the users of the boat berths, and is not intended to address the parking needs of visitors, offices, restaurants, concessionaire operations, retail businesses, chandleries, fishing piers, boat launching ramps, park and picnic areas, government agencies and other entities and activities that require vehicle parking at a marina.*

Regarding item 4 (Sport fishing, charter boat concessions and passenger ferry), the provision of one space per 3 passengers does not take into account the overlap between incoming and outgoing groups of passengers during busy times. The issues with parking in the harbor occur almost entirely during these peak periods. This requirement should be lowered to one space per 2 passengers, which is a far more realistic assessment of the peak number of spaces this usage category occupies. Additional spaces must be provided for the crew as their counts are typically not include in the USCG Certificate of Inspection allowed passenger.

Section 14.5-- Exceptions and/or Modifications to Off-Street Parking Requirements: Subsection 4 provides for a public hearing before the City's Planning Commission. This is an excellent idea, but many harbor users are not residents of Dana Point. We recommend that a public notification requirement be added that requires notices of hearings under this section be prominently posted in the Harbor and be included with monthly bills for slip rentals, in addition to the few locations where the City currently posts CDP notices, in compliance with Sections 30006 and 30503 of the Coastal Act.

## Chapter 16

*Representing over 860 boaters who have asked that the Harbor Revitalization proceed in a way less injurious to recreational boating coastal access.*

Section 16.6—Public Hearing Notification: As with Section 14.5, we would recommend expansion of the notification requirement to include the Harbor for CDP hearings regarding harbor planning areas.

Chapter 17

Section 17.4-- Procedures for Revisions to the Dana Point Harbor Revitalization Plan and Statistical Table: While it may seem to be a trivial issue, the “Dana Point Harbor Revitalization Plan” is never defined. Does it include the LCP as amended? Does it include all the CDP’s. Does it include the construction plans? This is not trivial, because Subsection a) requires a public hearing for any revision. Of course, revision isn’t define either. It would be helpful to clarify this section, as some of it seems to either conflict or overlap with other parts of the LUP and IP.

The other issue concerning the section is the contents of the Statistical Table. It should be noted that there are some interesting numbers therein. Every building in planning areas 4 and 5 is given a significant increase in size, although there no major increases planned in most of those buildings. The dry stack storage building (which is really a barn) is included as 50,000 square feet, but that area will not generate any additional need for parking, since the same number of boats must be housed in Planning Area 1 with or without the building.

On the other hand, The additional 84 hotel rooms and any increase in the size of existing rooms was excluded from the table, despite the obvious need to account for that space. The net effect is to make the commercial aspects of the revitalization appear to be a small percentage of the total space being added to the harbor, on the order of 1/3. A more realistic estimate, in our opinion, is that it is closer to ¼ of the new building space.

We include a short table to illustrate this:

Planning Area	Existing sq ft	Maximum sq ft	Difference	Notes	Realistic Difference
1	10750	63350	52600	50000 dry stack	2600
2	81900	119000	37100		<b>37100</b>
3	8600	31350	22750	plus 84 rooms*200? Every building	<b>39550</b>
4	54000	86700	32700	grows? Every building	15000
5	21800	33800	12000	grows?	9000
6	32000	32000	0		0
<b>Totals</b>	<b>209050</b>	<b>366200</b>	<b>157150</b>		<b>103250</b>

Base Line Numbers

During discussion with Coastal Commission Enforcement Staff in the Long Beach office, we have been informed that at some point in time, the true base line for the number of slips and dry boat storage within the harbor will be set. The numbers of 2409 wet slips and 516 dry boat storage locations do not reflect the approved conditions through valid permitting processes. We know the Commission does not

*Representing over 860 boaters who have asked that the Harbor Revitalization proceed in a way less injurious to recreational boating coastal access.*

generally approve developments that were done without proper Coastal Development Permits and; requires the Applicants to either properly state the existing conditions or apply for CDPs to bring the current state into compliance. **We look forward to participating with the Commission in these corrections and expect this IP, if approved in advance of the corrections, to be so noted.**

In summary, we want to congratulate the Commission staff and the applicants for producing a set of regulations which are greatly improved from the original, and with the modifications we suggest, will move the Harbor Revitalization forward. We look forward to discussing any of these items with you, and we hope to be able to urge its adoption at the hearing on the 12<sup>th</sup>.

Please include this correspondence in the staff report addendum for this item.

Yours faithfully,

Boaters for Dana Point Harbor  
[leaders@boaters4dph.com](mailto:leaders@boaters4dph.com)  
(949) 289-8400

W 2b

**Jim Miller**

---

**From:** HomePorts@aol.com  
**Sent:** Saturday, January 08, 2011 3:57 PM  
**To:** mokaman1@cox.net  
**Subject:** COASTAL COMMISSION LETTER  
**Attachments:** \_AVG certification\_.txt

January 7, 2011

**RECEIVED**  
South Coast Region

Ms. Sara Wan, Chair  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA  
Attention: Teresa Henry

JAN 10 2011

CALIFORNIA  
COASTAL COMMISSION

**RE: DANA POINT HARBOR LCPA – Implementation Plan (Item 8B)**  
Dear Chairwoman Wan:

Please accept this letter as my strong support for the City of Dana Point Harbor Implementation plan to be heard by your Commission on January 12, 2011.

This approval follows the Land Use Plan approval (10/2010) for the Harbor Revitalization Project and is critical to the South Orange County economic climate. It will work towards enhancing harbor water quality and will allow for long over-due improvements and upgrades to the harbor such as beautification and improvements to public assembly areas which will encourage further community involvement and provide much needed handicap access.

As a visitor and user of the restaurant, retail and many activities and fishing facilities at Dana Point Harbor since it opened in 1971, I consider myself an active member of the harbor community, and I therefore urge you to support the approval of this amendment.

I also speak as Dana Point's author-historian, noting that namesake Richard Henry Dana Jr., writing in 1840, called this "the only romantic spot in California." Its quality design and past development have kept this harbor loyal to its past, and the current improvements will allow it to continue to live up to its legendary fame.

Sincerely,

**Name:** Doris I. Walker

Resident of: Dana Point for 48 years

W 8B

January 7, 2011

**RECEIVED**  
South Coast Region

JAN 10 2011

**CALIFORNIA**  
**COASTAL COMMISSION**

Ms. Sara Wan, Chair  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA  
Attention: Teresa Henry

RE: DANA POINT HARBOR LCPA – Implementation Plan (Item 8B)

Dear Chairwoman Wan:

Please accept this letter as my strong support for the City of Dana Point Harbor Implementation plan to be heard by your Commission on January 12, 2011. This approval follows the Land Use Plan approval (10/2010) for the Harbor Revitalization Project and is critical to the South Orange County economic climate. It will work towards enhancing harbor water quality and will allow for long over-due improvements and upgrades to the harbor such as beautification and improvements to public assembly areas which will encourage further community involvement and provide much needed handicap access.

As a visitor and user of the restaurant, retail and many activities and fishing facilities at Dana Point Harbor, I consider myself an active member of the harbor community, and I therefore urge you to support the approval of this amendment.

Sincerely,

Name: June D. Colombo

Resident of: 32 Corniche Dr., Dana Point

**\*100 OF THESE FORM  
LETTERS WERE  
RECEIVED.**

W 8b

**RECEIVED**  
South Coast Region

JAN 10 2011

**CALIFORNIA**  
**COASTAL COMMISSION**

January 7, 2011

Ms. Sara Wan, Chair  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA

Attention: Teresa Henry

RE: DANA POINT HARBOR LCPA - Implementation Plan (Item 8B)

Dear Chairwoman Wan:

As a resident of S. C., I consider myself an active member of the community. The revitalization of Dana Point Harbor affects the surrounding cities and their communities as well. I want to express my strong support for the City of Dana Point Harbor Implementation Plan scheduled for a Coastal Commission public hearing on January 12, 2011. This approval is most important to the South Orange County economic climate to allow for long over-due improvements and upgrades to the Harbor.

I urge you to support the approval of this Implementation Plan and let our community continue with the badly needed Revitalization Plan.

Sincerely,

Name: LELA O'DONNELL  
Address: 2110 Via Vista  
S. C. 92673

**★ 44 OF THESE FORM LETTERS WERE RECEIVED.**