

# Section X

## Response to Comments

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# **RESPONSE TO COMMENTS**

for the

## **DANA POINT HARBOR REVITALIZATION PROJECT ENVIRONMENTAL IMPACT REPORT No. 591 SCH # 2003101142**

### **Lead Agency:**

#### **County of Orange**

Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

**Contact:** Mr. George Caravahlo, Director  
(949) 923-3798

### **Consultant:**

#### **RBF CONSULTING**

14725 Alton Parkway  
Irvine, CA 92618

**Contact:** Mr. Edward Torres  
(949) 855-3612

January 31, 2006

JN 10-102529



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## 1.0 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines and the County of Orange policies for implementing CEQA, the Dana Point Harbor Department (DPHD) has prepared the Final Environmental Impact Report (FEIR) for the proposed Dana Point Harbor Revitalization Project (Project).

The Draft Environmental Impact Report (DEIR) for the proposed Dana Point Harbor Revitalization Project was distributed to potential responsible and trustee agencies, interested groups, and organizations. The DEIR was made available for public review and comment for a period of 45 days. The public review period for the DEIR established by the State CEQA Guidelines commenced on September 27, 2005 and ended November 10, 2005; refer to Comment No. 1.

The EIR process for the Dana Point Harbor Revitalization Project included public a public scoping meeting and numerous workshops in order to gather information on concerns and issues that the general public may have regarding the Project and the EIR. A public scoping meeting for the EIR was held on November 6, 2003, at the Dana Point Harbor Youth and Group Facility.

The following is an excerpt from the CEQA Guidelines, Section 15132:

*The Final EIR shall consist of:*

- (a) *The Draft EIR or a version of the draft.*
- (b) *Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- (c) *A list of persons, organizations and public agencies commenting on the Draft EIR.*
- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) *Any other information added by the Lead Agency.*

Each comment letter is followed by the corresponding response(s). A response is provided for each comment raising environmental issues, as received by the County during the DEIR public review period.

To more fully respond to several comments, the County prepared additional information related to traffic and parking impacts by providing a supplement to the *Dana Point Harbor Revitalization Traffic and Parking Analysis* (September 16, 2005). Refinements to the visual analysis of the dry stack storage building was completed to analyze the potential view impacts of the project from closer vantage points to the Harbor from Doheny State Beach and the Lantern Bay Park (north of the Harbor).

Comment letters numbered 18 through 22 were received after the close of the public review period and were presented to Dana Point Harbor Department staff either prior to, or at the publicly noticed Orange County Board of Supervisors hearing conducted on January 31, 2006. Each comment letter is followed by the corresponding response(s). A response is provided for each comment raising environmental issues, as received by the County after the close of the DEIR public review period.



## **2.0 RESPONSE TO COMMENTS**



Arnold  
Schwarzenegger  
Governor

# COMMENT NO. 1



Sean Walsh  
Director

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit

November 14, 2005

Sonia Nasser  
Orange County, Dana Point Harbor Dept.  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Subject: Dana Point Harbor Revitalization Project  
SCH#: 2003101142

Dear Sonia Nasser:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 10, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

  
Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1A

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2003101142  
**Project Title** Dana Point Harbor Revitalization Project  
**Lead Agency** Orange County

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**Type** EIR Draft EIR

**Description** The Dana Point Harbor Revitalization Project will provide a comprehensive planning tool for the entire Harbor and reflects current planning and design analyses. The proposed project will establish a Commercial Core and provide for the replacement and/or remodeling of all existing retail and restaurant buildings. The proposed project also includes the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-off areas, new dry-stack boat storage spaces and improvements to boater service and public restroom buildings. The proposed project will provide for the relocation of certain yacht brokerage firms and other harbor-related office uses to the Commercial Core area and the construction of a new lighthouse facility at the terminus of Puerto Place. The Commercial Core will also include the addition of 25,000 square feet of retail and restaurant uses, a festival plaza, and a 610 space parking deck. Additional improvements include the renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. Additional work is anticipated to be performed to reconfigure and/or reconstruct the marina docks and portions of the seawall, add additional guest boater slips closer to the Commercial Core and to construct a dinghy dock area adjacent to Dana Wharf.

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**Lead Agency Contact**

<b>Name</b>	Sonia Nasser		
<b>Agency</b>	Orange County, Dana Point Harbor Dept.		
<b>Phone</b>	(949) 923-3794	<b>Fax</b>	
<b>email</b>			
<b>Address</b>	24650 Dana Point Harbor Drive		
<b>City</b>	Dana Point	<b>State</b> CA	<b>Zip</b> 92629

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**Project Location**

<b>County</b>	Orange		
<b>City</b>	Dana Point		
<b>Region</b>			
<b>Cross Streets</b>	Golden Lantern Street / Dana Point Harbor Drive		
<b>Parcel No.</b>	Many		
<b>Township</b>	8S	<b>Range</b> 8W	<b>Section</b> 22, 23
		<b>Base</b>	SBBM

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**Proximity to:**

<b>Highways</b>	SR 1, I-5
<b>Airports</b>	
<b>Railways</b>	OCTA Metrolink
<b>Waterways</b>	San Juan Creek
<b>Schools</b>	Many
<b>Land Use</b>	Planned Community

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife

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**Reviewing Agencies** Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Department of Fish and Game, Marine Region; Department of Fish and Game, Region 5; Department of Water Resources; California Coastal Commission; California Highway Patrol; Caltrans, District 12; Department of Boating and Waterways; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.



Response No. 1

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit  
Terry Roberts, Director

1A. Comment noted.

# COMMENT NO. 2

From: Monica DeAngelis [Monica.DeAngelis@noaa.gov]  
Sent: Monday, November 07, 2005 12:18 PM  
To: Tom Townsend; Sonia Nasser  
Subject: Dana Point Projects

Dear Sonia and Tom,

I reviewed the Environmental Impact Report for the Dana Point Revitalization Project and the Boat Ramp Project. I spoke with both of you on separate occasions regarding each project. I just wanted to reiterate my recommendation with regard to in-water pile-driving and minimizing potential impacts to marine mammals in the area. This project does have the potential to impact marine mammals, in particular, Pacific harbor seals (*Phoca vitulina richardsi*), California sea lions (*Zalophus californianus*), and bottlenose dolphins (*Tursiops truncatus*). Harbor seals, sea lions, and dolphins, if present, likely will be swimming through the area. Sea lions are also known to frequently haul out on buoys. It is my understanding after our telephone conversations(s) and review of the documents provided, that construction-related noise impacts would be temporary and less than significant. In addition, the likelihood that marine mammals would be observed within the harbor area is very low.

2A

Sounds introduced into the sea by man-made devices could have a deleterious effect on marine mammals by causing stress or injury, interfering with communication and predator/prey detection, and changing behavior. Acoustic exposure to loud sounds, such as those produced by pile-driving activities, may result in a temporary or permanent loss of hearing (termed a temporary (TTS) or permanent (PTS) threshold shift) depending upon the location of the marine mammal in relation to the source of the sound.

2B

Seals and sea lions are protected under the Marine Mammal Protection Act (MMPA). Under the MMPA, "Take" of a marine mammal is permitted by NMFS under an Incidental Harassment Authorization when the specified activity is incidental, but not intentional, of a small number of marine mammals. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. "Harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

2C

The projects discuss the use of a hammer to drive the piles in Dana Point Harbor. The noise generated from the use of the hammer could affect marine mammals located within the vicinity of the project site. NMFS is currently in the process of determining safety criteria (i.e., guidelines) for marine species exposed to underwater sound. However, pending adoption of these guidelines we have preliminarily determined, based on past projects, consultations with experts, and published studies, that 180 dB re 1 PaRMS (190 dB re 1 PaRMS for pinnipeds) is the impulse sound pressure level that can be received by marine mammals without injury. Marine mammals have shown behavioral changes when exposed to impulse sound pressure levels of 160 dB re 1 PaRMS. While the perimeter of the project area is enclosed due to the presence of the breakwater, these will not provide mechanisms to enclose sound propagated through the water column as a result of the impact hammer.

2D

In past and current incidental take authorizations (including Incidental Harassment Authorizations), NMFS has required mitigation measures, including, but not limited to, a safety zone around the source, which would include all areas where the underwater sound pressure levels are

2E

anticipated to equal or exceed 160 dB re 1 Pa RMS. For similar projects where no sound attenuation is available, NMFS recommends a 500-meter safety zone until 160 dB re 1 Pa RMS can be determined through measuring sound pressure levels from the sound source. If the applicant chooses not to measure sound pressure levels to determine where the 160 dB isopleth is, then the safety zone must remain at 500 meters.

2E  
CONTINUED

Not all hammers produce the same kind of sound, mainly due to the area where the project will take place and the type of pile to be driven. For example, sound will travel differently in a shallow habitat with a sandy bottom using a wooden pile in comparison to the sound produced in a deep water rocky habitat using a steel pile. I recommend that a "ramp-up" procedure be employed to minimize potential impacts to marine mammals that may be in the harbor area. Typically, before a pile is driven, the pile is "tapped" and checked for alignment. Before operations begin, it is recommended that a biologist survey the safety zone to ensure that no marine mammals are seen within the designated zone. In addition, it is recommended that the biologist survey the area after the initial pile is tapped to check for the presence of marine mammals. If marine mammals are seen within the safety zone, operations should be delayed until they move out of the area. NMFS recommends that the permittee shall not begin pile-driving activities if any marine mammals are located within a 500-meter radius of these activities. If a marine mammal moves within the 500-meter radius after pile driving has begun, the permittee shall continue pile-driving activities without interruption. If the intensity of the pile-driving activity needs to be increased and a marine mammal is within a 500-meter radius of the activity, the permittee shall use a ramp-up procedure. This procedure involves the slow increase of the intensity of pile-driving (i.e., for this type of hammer: initial tap to check for alignment, other addition taps to check for alignment, then full intensity pile-driving). This condition is necessary to avoid impacts to marine mammals that may utilize habitat in the vicinity of the proposed project.

2F

Based on the information provided on this project, I do not recommend that you apply for an Incidental Harassment Authorization at this time, as it is unlikely that marine mammals will be in the project area and the proposed mitigation measures and proposed recommendations to reduce pile-driving impacts should reduce potential impacts to marine resources in the area. I'd be happy to discuss these recommendations with you, so please feel free to contact me at your convenience.

2G

Cheers,  
Monica

--  
Monica L. DeAngelis  
Marine Mammal Biologist  
NOAA's National Marine Fisheries Service/Southwest Region  
Protected Resources Division  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA  
Work: 562-980-3232  
Fax: 562-980-4027  
E-mail: Monica.DeAngelis@noaa.gov



Response No. 2

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
Monica L. DeAngelis, Marine Mammal Biologist

2A. Comment noted. The comment is a recitation of observations of the comment's author. It should be noted that the comment includes the correct observation that the likelihood that marine mammals would be in the Harbor area is very low.

2B. The comment includes an opinion that in-water pile driving may have a significant impact on marine mammals. However, piles are to be placed in drilled holes, thereby minimizing this potential impact. Specifically, holes will be predrilled into the substrate to allow for the accurate placement of the guide piles in the dense underlying bedrock and to minimize excessive driving impacts such as noise and ground shaking. Predrilling will be done through a round metal jacket to minimize impacts to water quality and allow for capture of augered rock and turbid water for subsequent screening and clarifying. The piles will be gently lowered into holes and grouted in place internally while the pile is surrounded by the jacket. It should also be noted that the marine mammals discussed in the comment letter are not listed as endangered or as species of concern. Thus, potential noise impacts to these mammals are considered to be short term and less than significant. Finally, it should be noted that all in water activities, such as pile driving, will be performed behind a turbidity screen surrounding the affected water area.

Construction of the parking deck and podium structure would require pile driving for the foundation piles. However, it should be noted that pile driving could occur at any location in the Harbor where multi-story structures would be placed. Pile-driving noise is greater than normal construction noise characteristics; it is a very loud, impulsive sound, resulting from a large hammer dropping on reinforced concrete piles. The impact of the pile driver is short in duration (under one second). However, the impacts are repetitive, occurring approximately once every two seconds. Mitigation Measures 4.9-2 and 4.9-3 of the DEIR would reduce impacts from construction related impact equipment through the use of alternative machinery and/or acoustical enclosures.

2C. Refer to Response No. 2A and 2B.

2D. Refer to Response No. 2B.

2E. Refer to Response No. 2B.

2F. Refer to Response No. 2B.

2G. Comment noted. As recommended, an Incidental Harassment Authorization from the National Oceanic and Atmospheric Administration's National Marine Fisheries Service permit is not required since the Project's construction methods are designed to minimize potential pile driving impacts to marine mammals.



# COMMENT NO. 3

Nov-10-05 02:45pm From-California Coastal

+5625805084

T-754 P.002/003 F-063

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

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



November 10, 2005

County of Orange Dana Point Harbor Department  
Attn: Ms. Sonia Nasser, Engineering Manager  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Re: **Dana Point Harbor Revitalization Project**  
**Draft Program Environmental Impact Report (SCH# 2003101142)**

Dear Ms. Nasser,

Thank you for the opportunity to review the Draft Program Environmental Impact Report for the Dana Point Harbor Revitalization Project. According to the Draft Program Environmental Impact Report, the proposed project will establish a commercial core and provide for the replacement and/or remodeling of all existing retail and restaurant buildings. The proposed project also includes the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-areas, new dry-stack boat storage spaces and improvements to boater service and public restroom buildings. The project will also provide for the relocation of certain yacht brokerage firms and other harbor-related uses to the commercial core and construction of a new lighthouse facility. The commercial core will also include the addition of 25,000 square feet of retail and restaurant uses, a festival plaza, and a 610 space parking deck. Additional improvements include: renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations, modifications to the Harbor Patrol Offices, reconfigure and/or reconstruct the marina docks and portions of the seawall, add visitor boat slips closer to the commercial core and construct a dinghy dock area adjacent to the Dana Wharf.

The proposed project is located within the coastal zone in the City of Dana Point. Portions of the proposed project are located within the Coastal Commission's jurisdiction and other portions are located within the City of Dana Point's jurisdiction. For those portions of the project that are within the Commission's permit jurisdiction, the project must be evaluated for consistency with the Chapter 3 policies of the Coastal Act and will require a coastal development permit from the Coastal Commission. For those portions of the project within the City of Dana Point's jurisdiction, the project must be evaluated for consistency with the City of Dana Point's LCP and a coastal development permit from the City of Dana Point will be required.

3A

The following comments address the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed project raises issues related to public views, lower cost visitor use and fill.

### 1. Public Views

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Part of the proposed project consists of the construction of two (2) dry-stack boat buildings, each with a maximum height of 75-feet. These buildings will result in long-term adverse visual impacts, as they will obstruct public views of the coast from Doheny State Beach (east of the harbor) and from Lantern Bay Park (north of the harbor). Therefore, alternative designs should be discussed

3B

Draft Program Environmental Impact Report  
Dana Point Harbor Revitalization Project  
Page 2 of 2

within the Draft Program Environmental Impact Report that would lessen the significant adverse impacts to public views.

**3B**

Continued

2. Boat Docks

Section 30213 of the Coastal Act states that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. A component of the proposed project is to replace the existing boat docks located in the East and West Marina with larger docks to accommodate larger boats. The existing smaller docks in these marinas provide lower cost boating opportunities for the public, but they are now proposed to be removed. How will the proposed project adequately address lower cost boating opportunities? In addition, how many boat docks for smaller boats (approximately a maximum of 30-feet in length) currently exist in the East and West Marina and surrounding area? These items should be discussed within the Draft Program Environmental Impact Report

**3C**

In addition, a discussion regarding the dimensions and type of materials that will be used for the new docks and piles as well as how the piles will be installed should be discussed within the Draft Program Environmental Impact Report.

**3D**

3. Bulkhead

Another part of the proposed project consists of possible reconstruction of the East and West Marina seawalls. If work is determined to be necessary on the bulkheads, it should be substantiated in a study prepared by an appropriately licensed professional (i.e. engineer with expertise in coastal processes). If the bulkhead work results in additional fill of coastal waters, it must demonstrate that the proposed impact would be allowable under the Coastal Act. This all should be discussed within the Draft Program Environmental Impact Report

**3E**

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report for the Dana Point Harbor Revitalization Project. Commission staff request notification of any future activity associated with this project or related projects. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when an application is submitted for a coastal development permit. Please feel free to contact me at 562-590-5071 with any questions.

Sincerely,

  
Fernie Sy  
Coastal Program Analyst

Cc: State Clearinghouse



Response No. 3

California Coastal Commission

South Coast Area Office

Fernie Sy, Coastal Program Analyst

- 3A. Comment noted. Please refer to Section 3.0 (Errata) for a clarification of the various project components. The proposed Project will comply with all applicable requirements for development within the Coastal Zone, irrespective of jurisdiction. As such, the proposed Project will obtain necessary Coastal Development Permits (CDP) from either the Coastal Commission or the City of Dana Point, including review of the Project relative to its consistency with Chapter 3 policies of the Coastal Act or the City of Dana Point's Local Coastal Program (LCP). Appendix L (Relevant Consistency Analysis) of the DEIR discusses the Project's consistency with relevant planning documents, codes, and regulations, including applicable California Coastal Act policies.
- 3B. The DEIR concludes on page 4.2-57 that implementation of the proposed dry stack boat storage buildings would result in significant unavoidable impacts relative to long-term off-site aesthetics, even with implementation of applicable Project Design Features and Standard Conditions of Approval. Views of, and across the Project site would be protected to the maximum extent practicable, but impacts to views from certain off-site locations would remain significant.

All of the alternatives considered for the proposed Project would reduce long-term off-site view impacts, given the elimination of one or both of the dry-stack boat storage structures. However, these alternatives were determined in the DEIR to not meet the objectives of the Project, which include provision of adequate facilities to meet current and projected demands, including the need for dry stack storage facilities. Note that the operational requirements of storing the boats in a dry stack condition dictate that the buildings be located adjacent to the water. Modified viewshed locations are from Doheny State Beach (Exhibits 4.2-16a through 4.2-16b) and Lantern Bay Park (Exhibits 4.2-17a through 4.2-17b). Please refer to Attachment A (Revisions to DEIR Exhibits). The DEIR contained viewshed analyses from these two areas; however, a subsequent analysis was conducted for locations closer to the Harbor.

**Views From the North**

Views at the edge of the bluff top pedestrian path within Lantern Bay Park will be altered as a result of the dry stack boat storage buildings. As illustrated in Exhibits 4.2-17 a/b (Viewshed 11), views are of the Harbor channel entry, public boat launch area, and shipyard. Due to the extensive existing and proposed vegetation, views from Doheny State Beach are screened from this viewpoint. Implementation of the proposed improvements would partially obstruct views of the ocean. In addition, views of the shipyard area would be completely obstructed by the dry stack boat-storage buildings. Due to the extensive amount of view blockage from the northern vantage point, both alternatives would result in a significant amount of view blockage and impacts would be significant and unavoidable.



### Views From the East

The views westward from Doheny State Beach will be of both dry stack-boat storage buildings, which will include marine retail uses. Please refer to Exhibit 4.2-16a/b (Viewshed 10). The skyline views from this off-site area may impede the background views of the bluffs to the northwest. However, views are presently partially obstructed by the jetty and mature landscaping. Regardless, impacts will be considered significant and unavoidable due to the obstruction of views of the coast and bluffs to the west.

The entire Harbor was evaluated for an optimal location for the dry stack boat-storage buildings to provide the environmentally superior site. The current location was selected due to the proximity to the water, partial screening from the adjacent topography, access from Puerto Place which allows exclusive entry for boaters, and minimizing displacement of boat docks, availability of parking, and compatibility of surrounding uses. Note that the siting and sizing (reduction from one massive building to two smaller buildings) of the proposed dry stack boat storage buildings was selected to alleviate the City of Dana Point's concerns regarding views from Dana Point Harbor Drive and Lantern Bay Park.

- 3C. As discussed in Appendix L (Relevant Consistency Analysis) of the DEIR, the proposed Project would be consistent with Section 30213 of the Coastal Act. While the Project would replace some of the existing small boat slips in the East and West Marinas with slips suited for larger craft, additional small craft storage areas would be provided almost exclusively for small craft.

Currently there is a shortage of larger slips in the Harbor. The following tables provide a description of the current boat storage demand in the east and west basins.

### **East Basin**

Slip Size	Maximum Length	Estimated Waiting Time	Distribution
Inside Ties			30
24'	24'	3 Months	42
28'	28'	2 Months	617
29'	29'	8 Months	63
33'	33'	1.5 Years	307
38'	38'	3 Years	167
43'	43'	6 Years	96
48'	48'	6.5 Years	60
53'	53'	7 Years	12
58'	58'	8 Years	14
63'	63'	13 Years	9
End Tie	85'	10 Years	19
<b>Total</b>			<b>1,436</b>



## West Basin

Slip Size	Maximum Length	Estimated Waiting Time	Distribution
22' ST	22'	Available	89
22'	22'	6 Month	18
24'	27'	6 Month	94
25'	28'	11 Month	88
26'	29'	6 Month	224
28'	31'	2 Years	116
30'	33'	5 Years	74
35'	38'	10 Years	96
40'	43'	15 Years	43
45'	48'	12 Years	49
50'	53'	15 Years	22
52'	55'	15 Years	12
55'	58'	15 Years	10
End Tie	End Tie Overall Length	15 Years	46
<b>Total</b>			<b>981</b>

In order to more efficiently meet greater public demand for larger craft opportunities at the Harbor, the Project would replace a number of small boat slips with slips for larger craft and off-set the reduction in small craft facilities by providing new dry stack storage. It is expected that, given the current surplus in small craft slips and storage, the proposed Project would more effectively provide lower cost recreational facilities at the Harbor. The dry stack storage is projected to be less expensive than wet slip storage both in terms of monthly storage fees and reducing maintenance costs.

- 3D. The dock replacement is a programmatic element of the Project and at this time design and engineering studies have not determined the dimensions or materials to be used. The level of study conducted to date provides an assessment of the current facilities status and several preliminary reconfiguration and marketing studies have been conducted to assess alternatives for the reconfiguration of the Harbors marinas. In all cases, construction would utilize techniques to minimize disruption to Harbor uses and to minimize sedimentation during piling installation.
- 3E. As discussed on page 4.3-2 in Section 4.3 (Geology, Soils, and Seismicity) of the DEIR, the bulkheads within Dana Point Harbor require corrective measures as a result of vertical settlement. The need for improvements to the bulkheads have been substantiated by a report prepared by BlueWater Design Group (December 2003), which based on visual inspections of the areas fronting Planning Areas 1 and 2, identified existing structures in need of repair or upgrade. Bulkheads, among other infrastructure, were determined to be in need of improvements, which may or may not entail additional fill of coastal waters. If additional fill is required, such work would be carried out following approval by affected agencies with jurisdiction over coastal waters, including the United States Army Corps of Engineers and the California Coastal Commission, to ensure that the filling of coastal waters is consistent with the Coastal Act and other applicable rules and regulations. Subject to review and approval by affected agencies, bulkhead improvements would be carried out by a qualified professional engineer.

**COMMENT NO. 4**

State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION  
Orange Coast District  
3030 Avenida Del Presidente  
San Clemente, California 92672  
949 492-0802

Ruth G. Coleman, Director

**RECEIVED NOV 15 2005**

November 8, 2005

Ms. Sonia Nasser, Engineering Manager  
County of Orange  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point CA 92629

Subject: Dana Point Harbor Revitalization Project  
DEIR# 591, SCH# 2003101142

Dear Ms. Nasser:

Thank you for the opportunity to comment on the DEIR for the Dana Point Harbor Revitalization Project. California State Parks owns and operates Doheny State Beach on behalf of the citizens of California. Located in the City of Dana Point, Doheny State Beach was established in 1931. Annually, over 2 million visitors use Doheny State Beach to recreate and escape the stresses of their daily activities. California State Park records show that the campground at Doheny State Beach has the highest demand than other campground in the State Park system.

Doheny State Beach is located at the southern extension of the harbor revitalization planning area and shares a common boundary along a portion of Dana Point Harbor Drive and Puerto Place. Recreation activities include surfing, swimming, scuba diving, boating, camping, walking, running, bike riding and other beach activities. Many of our visitors will also visit Dana Point Harbor during their visit to the area. Our beach front promenade and the connecting San Juan Creek trail allow visitors for inland Orange County to visit Doheny State Beach via bicycle.

The DEIR mentions moving hotels closer to the harbor promenade and public circulation within the commercial areas. We feel you should look beyond these core areas and assess how circulation patterns extend into nearby open space areas including Doheny State Beach. Specifically, North Creek currently provides a barrier for pedestrians and cyclists wishing to travel from the Dana Point Harbor to Doheny State Beach. The Orange County parking lot along North Creek and Puerto Place could provide a logical connection between these two recreation areas with the construction

**4A****4B**

Ms. Sonia Nasser  
November 8, 2005  
Page 2

of a small bridge across North Creek. This bridge could also provide ADA access to picnic facilities, grassy turf, restrooms and other park facilities within the area. Public safety would also be improved with this connection. We encourage you to fully consider these benefits when finalizing your capital improvement budget.

**4 B**  
Continued

The DEIR describes two boat storage facilities immediately adjacent to Doheny State Beach. The placement of these two 75' tall buildings along Puerto Place adjacent to Doheny State Beach will significantly change the character of this area. The scale of these structures does not fit with surrounding facilities and land use (open space-recreation) and will dominate coastal views from within Doheny State Beach and Dana Point Harbor. Exhibit 4.2-15a of the 75' tall dry stack structures is taken from over a third of a mile away which significantly scales down the size. This exhibit should be redone with a picture taken from the nearby beach as well as the surf break known as "Boneyards" to show the true impact of these two structures will have on the views enjoyed by the visitors to Doheny State Beach. The mitigation proposal to screen these buildings with mature landscape, as proposed in the DEIR, is inadequate. We suggest these building be sited at another location so that these visual impacts are eliminated. Please work to protect the invaluable aesthetics of this area.

**4 C**

Thank you for this opportunity to comment on this DEIR. Please call me if you have questions about this comment letter.

Sincerely,



Richard Rozzelle  
Acting District Superintendent



Response No. 4

California Resources Agency  
Department of Parks and Recreation  
Richard Rozzelle, Acting District Superintendent

- 4A. Comment noted. The Commenter does not raise any environmental issues related to the DEIR. The County Board of Supervisors will consider all comments on the proposed Project during the decision-making process for the Project.
- 4B. Comment noted. The analysis presented in the DEIR does focus on circulation patterns in the Commercial Core areas of the Harbor. However, pedestrian connections to adjacent areas are relevant to the proposed Project. As such, the County will work with the California Department of Parks and Recreation to identify opportunities to provide additional pedestrian connections to off-site areas, including Doheny State Beach where feasible. It is acknowledged that such connections would serve to enhance the function and utilization of the Harbor and surrounding recreational resources.

The County is interested in participating in a joint effort to improve pedestrian traffic between the day lot off Puerto Place and Doheny State Beach. A potential option is being independently studied by MiOcean and the City of Dana Point, and is subject to the identification of funding. A footbridge from the parking lot to the Doheny State Beach is being evaluated along with a barrier (fence) between the parking lot and the North Creek Outlet area in order to have pedestrians move from the parking lot to the picnic area at the beach. The County intends to explore future opportunities with State Parks staff for trail connectivity from the Harbor to Doheny Beach. However, it should be noted that this action is not part of the proposed Project and will undergo separate permitting and environmental review.

- 4C. Comment noted. Current views from Doheny State Beach and the Boneyards surf break looking northwest to the area proposed for the dry stack storage buildings include the tall Eucalyptus trees (some of which reach over 100 feet tall), the Dana Point Harbor Shipyard, the County of Orange Maintenance Facility and dry boat storage areas, as seen in Exhibit 4.2-15a of the DEIR. Although in some locations views of the distant coastal bluffs may be partially visible from various points on Doheny State Beach, the coastal bluffs are not visible from this vantage point (Exhibit 4.2-15a). The two 70-foot-tall dry-stack boat storage structures would replace the existing views of the maintenance facility, dry boat storage areas, and a portion of the shipyard. As discussed on page 4.2-46 of the DEIR, despite the implementation of applicable Project Design Features and Standard Conditions of Approval, it is acknowledged that views of the bluffs to the west of Doheny State Beach would be partially obstructed.

Dry Stack Building #1 is a part of the "Project Level" analysis of this EIR and would be constructed as a part of the Phase I Revitalization Project. This building includes architectural details reflecting the architectural design of the proposed Commercial Core buildings using a "California Coastal" design theme. Both buildings when completed are proposed to minimize the appearance of being large warehouse buildings by incorporating design features such as skylights, dormers, and articulated building walls and rooflines to soften the buildings appearance. Other design elements include varied building and roof heights, sloping roofs that are broken into smaller segments with varied roof forms and directions, and cupolas. This design is included as part of the "Schematic Design Package" which is incorporated by reference into the DEIR in Section 2.5.2 on





page 2-6. The building will also be screened with a combination of new and existing tall growing evergreen trees species (a variety of pine and eucalyptus species) planted along Puerto Place. However, despite implementation of these Project Design Features, this is considered a significant unavoidable long-term aesthetic impact of the Project.

Nonetheless, the objectives of the proposed Project include the provision of adequate facilities to meet projected demands at the Harbor, which necessitates additional dry-stack boat storage. The specific location of the proposed dry-stack structures was selected based on various physical constraints, proximity to parking and the water, and other facilities, as well as aesthetic impacts.

Dry Stack Building # 2 is part of the "Programmatic Level" analysis and would be constructed as part of the Phase II project.



# COMMENT NO. 5

**ORANGE COUNTY FIRE AUTHORITY**  
P.O. Box 57115, Irvine CA 92619-7115 • 1 Fire Authority Rd, Irvine CA 92602  

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Chip Prather, Fire Chief (714) 573-6000

November 10, 2005

RECEIVED NOV 10 2005

County Of Orange- Dana Point Harbor Dept  
Sonia Nasser, Engineering Manager  
24650 Dana Point Harbor Dr  
Dana Point, CA 92629

Re: Dana Point Harbor EIR591

Dear Ms. Nasser,

Thank you for the opportunity to comment on the subject project. The Orange County Fire Authority does not believe this will be of any significant impact to our agency in regards to additional resources. Of concern to our agency is continued emergency access, fire lanes, and egress at the project and during the construction phases. We also wish to review the hydrant and water supply plans as early as possible. While no additional public safety resources are needed as a result of this project, all standard conditions and guidelines will be applied to the project during the normal review process.

5A

If you have any additional questions, please contact me at (714) 573-6199.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Hernandez".

Michele Hernandez  
Management Analyst, Strategic Services

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES



Response No. 5

Orange County Fire Authority  
Strategic Services

Michele Hernandez, Management Analyst

- 5A. Comment noted. The development associated with the proposed Harbor Revitalization Project would require the review and approval by the Orange County Fire Authority (OCFA) for adequacy of fire protection facilities (including hydrant placement), fire lanes, egress, water supply, and emergency vehicle access. Standard OCFA requirements would also be required for subsequent development under the Revitalization Project, which would preclude any new or additional fire protection impacts. The Project will improve emergency vehicle and turning capability in front of the Wind and Sea in the Dana Wharf area with the impacted parking spaces from that area being shifted to the new parking deck.

# COMMENT NO. 6

November 10, 2005

RECEIVED NOV 22 2005

Jon Conk  
Project Dimensions  
3 Park Plaza, Suite 1490  
Irvine, CA 92614

**Re: Comments on Draft of the Dana Point Harbor Revitalization Project**

Dear Mr. Conk:

Thank you for the opportunity to review the Draft of the Harbor Revitalization Project. The City's Planning and Public Works Departments have reviewed the draft document and have the following comments. Comments related to water quality were forwarded last week.

## TRAFFIC

1. Based on the development description for Planning Area II, a 2-level parking structure with 610 parking spaces will be developed, with direct access to/from Golden Lantern. Based on the project trip assignment presented in Exhibit 11, the intersection of Golden Lantern/Dana Point Harbor Drive will experience only a nominal increase in trips, which appears inconsistent with providing additional parking there. Please verify that the project distribution and assignment patterns accurately reflect future conditions (additional trips) with this parking structure. Won't the parking structure re-route existing traffic patterns and increase trips due to increased parking spaces such that the subject intersection will experience more traffic volumes?
  - The parking structure will result in a net increase of parking spaces and it is logical to assume that there will be more concentrated traffic at the Golden Lantern/Dana Point Harbor Drive intersection. Traffic volume forecasts must take this into consideration to determine appropriate mitigation improvements (if any). Please modify/update the turning movement volumes at this intersection accordingly.
2. Based upon the on-site queuing analysis (i.e., Table 46), the provided storage capacities at several turn lanes are anticipated to be insufficient. Please provide recommendations to minimize the impacts of the vehicular queues (i.e., longer storage lengths, added capacity, etc.).
  - Didn't address this in the updated study.
3. Parking Analysis – Please provide report text summarizing the proposed parking operations – will all on-site parking areas be paid lots? If any parking lots are not free, please detail the operations of the paid lots. The City is concerned with potential parking intrusions onto adjacent public streets (i.e., Golden Lantern, Park Lantern, etc.). Also, please include a description as to whether the on-street parking spaces on Dana Point Harbor Drive will be metered.
  - Didn't address this in the updated study.

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4. As discussed on a telephone conference call, existing parking surveys were conducted at the project site. Did these surveys validate the existing parking conditions analysis? If so, please add report text as appropriate.

6D

#### WATER QUALITY

1. It would seem prudent to include details regarding ongoing efforts at Baby Beach, including the filtration system (diversion, first flush media filter, & trash collection unit) and the pilot circulation project. This is particularly important given that Baby Beach was the reason that the harbor is listed as a 303d impaired water body. Recommend noting that Baby Beach is not being changed with this plan and that water quality improvements are ongoing and independent of this action.
2. It appears that the scope and timeline of this project would be conducive to investigate potential grants/funding opportunities for implementation of innovative BMPs, as a demonstration or pilot project. This comment from previous reviews has not been addressed.
3. Prior to final approval, all documents shall be signed and certified.
4. For all source control BMPs implemented, a discussion regarding what is required and how the BMP is to be implemented is required.
5. Page 45, in Table, under Detention Basin/Sand Filter, the information provided should be updated to reflect current information regarding the media filter (along with trash separation unit and diversion).

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#### Appendix 6, Planning Areas 1 & 2:

1. Pages 10-12, please note which and how many of the existing and new restaurants will be equipped with new grease interceptors.
2. Individual recycling containers for public use and three-yard container collection points shall be provided throughout Planning Area 2, and other areas as appropriate. This should be addressed in the trash enclosure section.
3. Note that and kitchen wash areas located outside, while covered, must not drain to the storm drain system.
4. Consider noting treatment BMPs to be implemented in the Proposed Drainage Section on page 15 or reference the location of this information.
5. The project specific WQMP amendments should provide all details necessary to explain how the specific BMP is implemented for the planning area, for example:
  - a. N2 note specific activity restrictions to be implemented
  - b. N8, N10 and N13 also need discussion
6. Tenants shall also be educated annually.
7. Outreach for businesses should also include general storm water/urban Runoff awareness, grease interceptor function and maintenance (where applicable).
8. Prior to final approval, all drawings must be provided (trash storage area, loading dock, maintenance bay, vehicle wash area, and wash water controls for food preparation areas).
9. Planning Area 2- Are any activity restrictions proposed for events to be held at the Festival Plaza? Will permits be required? Consider permit requirements that address protection of water quality and recycling.

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10. Geotechnical support, design and specifications for permeable pavement shall be provided. Also, include approximate square footage, cross section, etc.
11. A cross section and all applicable design criteria (length, velocity, hydraulic residence time, design flow depth, etc.) is required for vegetated swales. Please see [www.caBMPhandbooks.com](http://www.caBMPhandbooks.com) for design guidelines. It is understood that the vegetative swale is not the sole treatment BMP and therefore may not meet the ideal sizing guidelines.
12. Design calculations and drawings for the proposed media filter shall be included in Appendix 6.
13. Please note the location of the washwater diversion on the Figure 6.2, Water Quality BMP Exhibit.
14. Please include quantity of structural BMPs on Figure 6.2, Water Quality BMP Exhibit.
15. Note location of trench drain filters on Figure 6.2.
16. Include a note regarding roof drain filter requirements on Figure 6.2.
17. Please note that a detailed O&M Plan for all selected BMPs will be required prior to final approval of grading plans. The information provided gives a general overview of the operation and maintenance information, however the O&M Plan shall include the following information:
  - a. Educational materials
  - b. Details on education/training program and mechanism of implementation
  - c. Training/Education, Inspection and Maintenance Checklists/Logs
  - d. Detailed operation and maintenance schedule for all structural and applicable source control BMPs. Specific maintenance activities and maintenance indicators.
  - e. Specific maintenance requirements per manufacturer of proprietary BMPs and contact info.
  - f. Copies of any permits, agreements, etc.
  - g. Format for annual certification to the City.
  - h. Funding mechanism.
  - i. Vector information and resources

Feel free to contact me at 949/248-3567 or Brad Fowler, Public Works Director, at 949/248-3582 if you have any questions.

Sincerely,

Kyle Butterwick, Director  
Community Development Department

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Response No. 6

City of Dana Point

Kyle Butterwick, Director - Community Development Department

- 6A. Although a 610-space two-level parking deck will be sited adjacent to the Street of the Golden Lantern/Dana Point Harbor Drive intersection, it is not anticipated to directly increase the turning movement volumes at this intersection. A major component of the Revitalization Plan involves improving the circulation patterns within the Harbor.

Mitigation Measure 4.5-6 of the DEIR recommends that DPHD initiate a traffic intersection study six months following completion of the Commercial Core improvements (Planning Areas 1 and 2) to determine if a traffic signal and/or other capacity improvements are needed at the intersection of Puerto Place and Dana Point Harbor Drive. Additionally, per Mitigation Measure 4.5-12, DPHD is responsible for the preparation of a queuing analysis for the parking deck. The queuing analysis will be based on the Crommelin Methodology and will analyze all ingress/egress points to recommend the appropriate number of inbound/outbound lanes, lane storage requirements, and access controls. To further investigate the queuing access controls at the intersection of Street of the Golden Lantern and Dana Point Harbor Drive, the following Mitigation Measure has been incorporated into the FEIR:

*MM 4.5-10 Street of the Golden Lantern/Dana Point Harbor Drive – During a typical summer weekday/weekend (at least 12 months following completion of the Commercial Core improvements [Planning Areas 1 and 2]), the County of Orange Dana Point Harbor Department will initiate a traffic intersection study to determine if capacity improvements are needed at the intersection of Street of the Golden Lantern and Dana Point Harbor Drive. The study shall investigate whether adequate queuing storage lengths are provided (i.e., ensure that vehicles entering into a left turn movement do not spill out onto the through traffic lanes). If capacity improvements are warranted, the County of Orange/Dana Point Harbor Department will be responsible for implementing the improvements in a manner meeting the approval of the Manager, RDMD Road Division in consultation with the City of Dana Point Public Works Director.*

- 6B. The traffic analysis conservatively utilized peak traffic baseline data collected over Memorial Day weekend, as well as summer weekday conditions. Utilizing the peak traffic data, all Project access study intersections are forecast to operate at an acceptable LOS for forecast buildout year 2030 with Harborwide Project conditions. Additionally, forecast 95th percentile queue results show a worst case scenario that may occur only five percent of the time during one peak hour. Also, refer to Response 6A.
- 6C. Mitigation Measure 4.5-7 of the DEIR requires DPHD to prepare a Traffic Management Program (TMP) for Harbor operations. The TMP will investigate opportunities such as a shuttle service, a seasonal water taxi service, valet service, time limited parking zones, and boater and restaurant drop-off zones. The TMP will also account for parking activities during peak Harbor events such as the Festival of Whales and Fourth of July. With the preparation of construction drawings, a TMP will be developed. It should be noted that Parking Management options would also be required per SCA 4.5-1, and as part of the TMP in MM 4.5-7 and MM 4.6-7, as well as being required as part of the Coastal Development Permit (CDP) process.



- 6D. Pursuant to direction received by the County of Orange and City of Dana Point, the parking analysis contained within the DEIR (dated September 27, 2005) compared parking impacts based on the County and City Parking Code requirements. The County and City Parking Codes were utilized to determine the number of parking spaces that would be required during hours of typical operation. Based upon the code requirements, it was shown that the Harbor is adequately parked during the existing and proposed typical operational conditions.

Actual parking demand was counted on an hourly basis from 7:00 a.m. to 6:00 p.m. on May 25, 2003 (Memorial Day Weekend) to determine a worst case condition. The actual demand was compared to the parking code requirements for both the County and City codes. The results of the analysis indicate that the City and County parking code requirements generally exceed observed peak parking demand data collected during the Memorial Day Weekend period. The following table summarizes the results of the parking review.

Parking Zone	County of Orange Required Parking Spaces	City of Dana Point Required Parking Spaces	Highest Observed Peak Hour Parking Demand
Parking Zone A	183 spaces	187 spaces	188 spaces
Parking Zone B	1,309 spaces	1,356 spaces	1,396 spaces
Parking Zone C	484 spaces	554 spaces	459 spaces
Parking Zone D	130 spaces	128 spaces	43 spaces
Parking Zone E	973 spaces	1,008 spaces	637 spaces

Source: RBF Consulting, December 2005.

As illustrated above, parking demands slightly exceeded the City and County code requirements for Zones A and B, while parking space requirements exceeded observed parking demand in parking zones C, D, and E. However, it should be noted that the City of Dana Point and County of Orange parking code requirements do not assume shared parking between adjacent land uses, and the actual parking demand counts were taken during a peak holiday event during the summertime. SCA 4.5-1 and MM 4.5-7 would include provisions to improve traffic and parking conditions during peak Harbor events to ensure that parking facilities remain at an adequate level of service.

- 6E. Note that as a result of comments received during public review of the DEIR, several pages of the Program and Project Water Quality Management Plan (WQMP) have been modified to provide additional details and /or clarification. These changes do not affect the assessments, mitigation measures, or conclusions provided in the technical report. Page 18 – paragraph one (Planning Area 8- Educational Basin) of the Program WQMP dated September 20, 2005 has been revised as follows:

*However, due to ongoing water quality issues at Baby Beach additional water quality projects will be analyzed based on the findings of the water quality data that have been performed to date and also based on other research that is on-going along the coast of Southern California. The most recent efforts include the design and construction by the Headlands LLC of a treatment approach using trash screening, low flow diversion, and first flush treatment for the flows draining into the Baby Beach area of the Harbor. In addition, the bird netting under the pier has been replacement with heavy-duty fencing. Most recently a four and a half*





*month pilot circulation project with six Oloids was completed in late 2005 and the results should be available in early 2006. The Dana Point Harbor Department is also participating financially in the San Diego Regional Board Regional Harbor Monitoring Program. Water quality improvements throughout the harbor are on-going and include sewer infrastructure repairs as needed. In addition, all efforts are subject to potential future changes in the Regional Board's bacteria total maximum daily load (TMDL) requirements.*

It should be noted that there are not any proposed plans to alter the configuration or use of Baby Beach.

- 6F. The County has and will continue to make a concerted effort to apply for grants and other funding opportunities to study and implement innovative BMPs throughout the Harbor. As the project moves into final design, source controls, site design, low-flow diversions, media treatment and native landscaping will be evaluated and if feasible will be integrated into the final plans and specs for the Commercial Core. The County (Watershed Division) has applied for a Proposition 40 Grant for the continued study and implementation of innovative BMPs at Baby Beach. The County and City will continue to work cooperatively to require projects surrounding the Harbor under the City's jurisdiction, to implement water quality programs that will improve the quality of runoff that is ultimately conveyed to outlet structures located throughout the Harbor. The County will partner with the City regarding a subwatershed investigation of the Golden Lantern area as sources of bacteria to the K-O docks will be investigated. The County will have all of its operators, with landscaping contracts in the Harbor, participate in the Protector Del Agua (Water Protector) Certification course to work on decreasing dry weather flows from irrigation into and within the Harbor.
- 6G. The County will sign as owner and preparer of WQMP and will certify the documents prior to submitting to the County's Planning Division for Grading and Building Permits and in the event that grading and building permits are not required, the DPHD will submit the Project WQMP to the respective County Departments per the County's internal NPDES program guidelines.
- 6H. The source control measures as provided in the Programmatic WQMP cover a broad range of measures including activity restrictions (fertilizer and pesticide management), education programs, maintenance and inspection (twice a month inspection of catch basin inserts, daily clean up of parking lot areas), spill responses, employee training (on-going throughout the year via workshops and monthly internal County coordination group), street sweeping (this occurs on a weekly basis throughout the Harbor), signage and design standards for site features such as outdoor storage areas and trash enclosures. Each of these measures will be implemented under the oversight of the County of Orange Dana Point Harbor Department. However, various departments within the County are responsible for approval of the measures dependent upon the nature of the source control objective. For example, the County's Planning Division will be responsible for reviewing the design details of the outdoor storage areas and trash enclosures while the County of Orange Dana Point Harbor Department will be responsible for ensuring activity restrictions are enforced. Within each Project WQMP, identification of the responsible parties and implementation details will be documented. Additionally, please refer to Tables 4.2 and 4.3 of the Program and Project WQMP.



- 6I. Pages 46 and 47, under "Detention Basin/Sand Filter" in the table of the WQMP, has been revised to read, "The originally proposed sand filter as part of the City of Dana Point Headlands Project has been replaced by a media filter unit." Under "Media Filter" in the table of the WQMP, has been revised to read, "This BMP is a potential BMP that may be used in Planning Areas 1 & 2. This BMP shall be considered for each individual project proposed outside the Commercial Core. A media filter is proposed to treat off-site upstream flows as part of the City of Dana Point Headlands Project."
- 6J. There are currently no grease interceptors in any of the restaurants at the Harbor. All new restaurants and remodeled restaurants will be required to install grease interceptors.

The South Coast Water District (SCWD) is responsible for establishing policies on the use of grease interceptors within its service area. It is anticipated that in January 2006 they will adopt a new modified Ordinance further clarifying this policy. All new restaurants will be equipped with grease interceptors, however, two or more restaurants (depending on volumes) may share a single grease interceptor. In lease agreements with all of its tenants, the County has incorporated language that the County will share in the capital costs of installing grease interceptors with its tenants.

In addition, the County also has its own Fats, Oils, and Grease (FOG) Ordinance No. 03-002 which requires grease control devices in all new or remodeled Food Facilities unless it is impossible or impracticable. Remodeling involving a physical change exceeding a cost of \$50,000 to a Food Facility that requires a building permit and any one or combination of the following: 1) under-slab plumbing in the food processing area; 2) a 30% increase in the net public seating area; 3) a 30% increase in the size of the kitchen area; or 4) any change in the size or type of food preparation equipment. Sizing and maintenance requirements are also found in the ordinance.

In the County's current management agreement with Vintage Marine Partners (on behalf of the Dana Point Harbor Department), laterals in the Commercial Core area are scheduled for cleaning in advance of SCWD cleaning the main lines. This process is regularly scheduled on a quarterly basis throughout the year.

- 6K. Page 12 of Appendix 6, Planning Areas 1 & 2, of the WQMP has been revised as follows:

*In addition, individual recycling containers will be provided for public use throughout Planning Area 2. The recycling bins will be enclosed.*

- 6L. Page 12 of Appendix 6, Planning Areas 1 & 2, of the WQMP has been revised as follows:

*If the sink area is situated outdoors, it must be structurally covered to preclude storm water, and not discharge into the storm drain system.*

- 6M. Page 15 of Appendix 6, Planning Areas 1 & 2, of the WQMP has been revised as follows:



*As a result, the Harbor will be divided into 5 drainage areas shown in the table and figure below. Each drainage area will include treatment BMPs as described in Section 4.3 of this report.*

6N. N2 – Activities restricted on the docks include: no major boat repairs and no discharges into the water. Harborwide activity restrictions are included in operating and lease agreements between the County and operators/tenants, and are also considered when issuing any special permits for events, taking into consideration the protection of water quality and recycling. For example current regulations such as AB 2176 requiring recycling will be evaluated for appropriateness at Harbor-sponsored events.

N8 – Underground storage tanks are found under the Harbor Patrol facility and underground fuel tanks are found at the end of Puerto Place. County contracts with the operators require annual certification and SB 989 testing every three years. Monthly inspection and logs are kept for each underground storage tank.

N10 – Uniform Fire Code Implementation – The Orange County Fire Authority inspects all buildings. Routine inspections also include the fire hose enclosures and fire extinguishers. OCFA also inspects the waste oil tanks and the back-flow devices.

N13 – Housekeeping of Loading Docks- The Clean Marina Program was developed in order to provide a series of BMPs, maintenance guidelines, and activity restrictions to help protect water quality in marinas and harbors. The Clean Marina Program includes language specific to boat loading docks, such as “unattended open containers of paints and other maintenance supplies are not permitted on the docks” and “Dry sweeping techniques or vacuuming must be used for the clean up of spills.” In each of the existing lease agreements, there is a water quality compliance clause that requires tenants to comply with all applicable water quality standards.

6O. During the process of the County renewing lease agreements with tenants, there will be a water quality clause added (if it does not presently exist), that provides for the distribution of water quality education materials on an annual basis. Additionally, as noted on pages 18 and 19 of the Project WQMP, tenant and employee education efforts would be provided (i.e., provision of educational materials to new tenants, training upon first occupancy of lease space, ongoing educational training for County inspection and maintenance employees, and the provision of educational materials to municipal field staff).

The SCWD provides outreach to all businesses and tenants in the Harbor on an on-going basis throughout the year. The County also provides educational materials to each eating and dining establishment regarding wash-down areas and best management practices for eating and dining establishment kitchens. The County has an on-going educational program that includes hand out materials and notifies users when potential problems are identified.

6P. The SCWD provides outreach to all businesses and tenants in the Harbor on an on-going basis throughout the year. The County has its own Fats, Oils, and Grease (FOG) Ordinance No. 03-002 which requires grease control devices in all new or remodeled Food Facilities unless it is impossible or impracticable, as well as an annual educational program.



- 6Q. All new construction in the Harbor will require approval of a Coastal Development Permit. Information pertaining to the location of all trash enclosures, loading and storage areas, as well as specific approaches for the collection, treatment, and conveyance of non-storm water discharges, will be provided as part of the engineering and architectural plans required as part of the submittal for individual projects.
- 6R. The Clean Marina Program provides a series of BMPs and activity restrictions that is implemented by the Dock Masters and enforced by the operators (Dana Point Marina Company, Dana West Marina, and Vintage Marina Partners). Refer to Response No. 6N for more details. A complete copy of the Clean Marina Program is included as part of the Program WQMP.

For any special events at the Harbor a County Property Permit is issued and special conditions are added depending on the event, for example new recycling requirements (AB 2176) will be added to large events which trigger these requirements.

- 6S. Concurrent with the development of the Grading Plans for the Harbor improvements, a technical analysis of the geotechnical conditions and proposed BMPs (i.e., pre-treatment swales, permeable pavement, and media filters) will be provided for inclusion in the Project WQMP. Other technical documents will be prepared as needed for approval of the Grading Permits. Preliminary treatment calculations have been provided in the Planning Area 1 and 2 WQMP Amendment. It should be noted that the proposed swales will not require conformance with any of the applicable design criteria as these pre-treatment BMPs are not considered part of the OC DAMP treatment requirement.
- 6T. Refer to Response No. 6S.
- 6U. Refer to Response No. 6S.
- 6V. Exhibit 4.4-4 (Commercial Core water Quality BMP Locations) has been revised to incorporate this comment, and are included in Attachment C (Revisions to DEIR Exhibits).
- 6W. Quantities of structural BMPs will be based on the construction plans and specifications documented in the Project WQMP.
- 6X. Trench drain filters will be inserted within all drains that lead directly into the Harbor. Dependent upon the final design, filters may also be placed within trench drains that connect into the larger filter media BMP's downstream. Figure 6.2 of the WQMP has been revised to incorporate this comment.
- 6Y. Comment noted. It is the intent to direct all roof drainage to the proposed storm drain system for treatment by the proposed BMPs. For those roof drains on existing buildings to remain that drain directly to the Harbor, roof drain filters will be installed where feasible.
- 6Z. Comment noted. As part of the Standard Conditions of Approval in the EIR (SCAs 4.4-9 and 4.4-10) a detailed O&M Plan for all selected BMP's will be required prior to the approval of Grading Permits. The O&M Plan provides confirmation of the operation, maintenance, and funding mechanisms of both structural and non-structural BMPs. The details can be found within Project WQMP and the Local Implementation Plan (LIP) for the Harbor.

# COMMENT NO. 7

SOUTH COAST



WATER DISTRICT

*Providing Quality Water and Wastewater Services to the Coastal Communities*

November 10, 2005

RECEIVED NOV 10 2005

Mr. George Carvalho  
Director  
County of Orange  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

SUBJECT: DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 591  
SCH#2003101142  
DANA POINT HARBOR REVITALIZATION PROJECT

Dear Mr. Carvalho:

The District has reviewed the Draft Program Environmental Impact Report No. 591 – Dana Point Harbor Revitalization Project. The following paragraphs constitute the District's comments.

**Section 1.2.2.11 – OFF-SITE AREAS.** This section indicates that the County is considering the use of the District's San Juan Creek Property for offsite parking areas for the temporary storage of boats and vehicles and for employee parking. The County would need to enter into an agreement with the District for each of these uses.

7A

**Section 1.3.11 – CULTURAL RESOURCES.** This section indicates that the Proposed Project will potentially impact archaeological and/or historical resources located within the SCWD lot (San Juan Creek Property). The District has completed and certified a Program Environmental Impact Report (PEIR), adopted December 2003, that deals with this issue. That report did not identify any archaeological and/or historical resources within the San Juan Creek Property. The District requests that this section be changed to reflect the District's PEIR.

7B

**Section 3.4 – PROJECT CHARACTERISTICS. PLANNING AREA 1 – MARINE SERVICES.** This section indicates that the County maintenance facilities would be relocated to an offsite location to be determined. The District's San Juan Creek Property would be under consideration. The County would need an agreement with the District to relocate their maintenance facilities.

7C

**Section 3.4 – PROJECT CHARACTERISTICS. OFF-SITE AREAS.** This section indicates that the County is considering a portion of the District's San Juan Creek Property, approximately 10 to 15 acres, for boat storage and vehicle parking. The District would consider approximately 2 to 3 acres for boat storage, not the 10 to 15 acres as indicated in this section.

7D

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Mr. George Caravalho  
County of Orange  
November 10, 2005

Page 2 of 2

**Section 4.10.4.9 – SEWER.** This section indicates that the District and the County are working together on relocating the sewer facilities within the Project area. There has been no final determination as to the final alignment of these sewer facilities. In addition, Exhibit 4.10-1 does not show the existing Sewer Lift Station No. 11 that would be replaced with the new SS Lift Station. In addition, the District would not agree to the existing sewer pipeline to remain along the buildings adjacent to the East Marina. This sewer pipeline would need to be relocated as part of the project.

7E

Thank you for the opportunity to review the project. The District remains committed to working with the County to resolve the above issues.

If you have any questions or require further information, please feel free to contact me.

Very truly yours,

SOUTH COAST WATER DISTRICT



Michael P. Dunbar  
General Manager

MPD:rb

cc: Board of Directors



Response No. 7

South Coast Water District

Michael P. Dunbar, General Manager

- 7A. Comment noted. As noted on page 1-8 of the DEIR, the County is considering temporary parking and boat storage on the SCWD San Juan Creek property near the Project site. As indicated by Commenter, the County would enter into an agreement with SCWD to allow for the use of the property for temporary parking and boat storage, should that site be selected by the County.
- 7B. Comment noted.
- 7C. Comment noted. The County is considering relocating the existing on-site County maintenance buildings to the SCWD San Juan Creek property or another off-site property. As indicated by Commenter, should the SCWD site be selected, the County would enter into an agreement with SCWD to allow for the use of the property for the relocated maintenance facility. However, the relocation of the County maintenance facilities is not part of the proposed Project and therefore, any such agreement would be made independently of the Revitalization Project.
- 7D. Comment noted. As indicated on page 3-27 of the DEIR, the specific size, location, and intensity of temporary or permanent uses at the SCWD San Juan Creek property would be subject to negotiation between SCWD and the County. No specific required size for off-site boat storage has been determined at this time.
- 7E. Comment noted. As indicated by the Commenter, the County is working with SWCD to determine the ultimate size and alignment of needed wastewater conveyance facilities. The pipeline alignments shown in Exhibit 4.10-1 on page 4.10-12 of the DEIR are schematic in nature and do not necessarily reflect the actual alignment or size of the sewer lines proposed. The commenter is correct in that the location of the existing Sewer Lift Station to be replaced is not shown on the exhibit. The exhibit depicts new facilities and existing facilities to remain or to be abandoned. Facilities to be removed are not shown.

# COMMENT NO. 8

Robert C. Mardian, Jr.  
Founder & CEO

Robert L. Conrad  
Exec. Vice-President

Stephen P. Falcinella  
Vice-President

## WIND & SEA

restaurants, inc

California

Hawaii

October 24, 2005

Ms. Sonia Nasser, P.E.  
Engineering Project Manager  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Re: Comments on Draft Environmental Impact Report (EIR)

Background: I am the owner of Wind & Sea Restaurant and I first signed my Lease on May 26, 1971. I am also the owner of Harpoon Henry's Seafood Restaurant and I first signed that Lease on July 15, 1975. I have been a merchant in the Dana Point Harbor a very long time. I am intimately aware of the long history of parking and traffic issues within the Harbor. These issues were first memorialized by County of Orange commissioned Lang & Wood in 1983. The County of Orange commissioned Ballew and Associates in 1992 and had its own Environmental Management Agency do a third study in 1996. All these studies unanimously agreed that parking was "wholly inadequate and getting worse."

8A

Specific Concern: Dana Wharf

Dana Wharf is an existing retail area which includes among others: the Wind & Sea Restaurant, Turk's Restaurant, Proud Mary's Restaurant, Dana Wharf Sportfishing and the Jolly Roger. These businesses are not located in what the EIR refers to as the "Commercial Core" in the proposed revitalization plan. They are proposed to remain where they are presently located with negligible architectural refinements or changes. What is going to change is the current proximate parking lot with 297 spaces. The proposed new lot will have 78 parking spaces. At 12,000 square feet, the Wind & Sea by itself is required to have 140 spaces. Instead of improving and/or providing remedies to the parking inadequacies first documented more than two decades ago, the County of Orange is proposing to make matters worse.

8B

This plan, particularly regarding the Dana Wharf retail area is egregiously inconsistent with the California Coastal Act. The new plan does not improve public access to the existing businesses in Dana Wharf. The EIR talks about convenient drop-off areas. The only convenient drop-off area in Dana Wharf is the one at Wind & Sea, which has existed since 1972.

8C

The new plan talks about remote parking areas, perhaps accessed by a water taxi. It talks about a "Parking Management Plan." However, there are no real descriptions of either of these "Plans." The report talks about improving large truck and emergency vehicular access to the Dana Wharf area. Well, that's all well and good, but why no provision for improving passenger car access and parking?

8D

### Corporate Offices

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The EIR says the new plan calls for "clustering the commercial businesses and restaurants in one centralized area and providing easier parking accessibility." Well, that is fundamentally a half-truth. That situation will come about for the Mariner's Village retail group of merchants, who will with all new buildings be "clustered" in the reconfiguration. The only reconfiguration in Dana Wharf is the "redesigned" parking lot, down from 297 spaces to 78.

8E

Possible Alternatives for Dana Wharf: Relocation of Catalina Express, a Parking Deck for Dana Wharf and/or "guaranteed provision" for year-round Valet services with adequate drop-off design elements.

8F

Currently, all parking for the Catalina Express passengers is provided in remote lots. The result is traffic congestion at the drop-off point and major circulation problems within the lot. Wherever the Catalina Express (which wants to add another boat) customers have to park, the new Harbor design should provide launch capabilities that are proximate to their proposed parking, some of which has been suggested for the Island side of the Harbor.

8G

The ultimate solution is more parking at Dana Wharf, not 219 fewer spaces. That probably can only be accomplished with a new deck. One way or another, the "cluster" of businesses in Dana Wharf needs to have more parking of its own.

8H

At the least, given no refinements to the overall Harbor Concept Plan, a guaranteed year-round Valet service is required with at least two Valet serviced drop-off locations in Dana Wharf. The Wind & Sea drop-off is already appropriately designed. A second Valet station should be considered for the spot where the fishermen and Catalina passengers currently unload and load. These two Valet services must be available year round. That is the only way to possibly justify putting 90% of all customer parking by the new "commercial core" and only 78 spaces in Dana Wharf.

8I

In conclusion, the EIR's Relevant Consistency Analysis (Appendix L) is not accurate and its fundamental conclusions are flawed, especially with respect to the Dana Wharf retail area. In Dana Wharf the existing merchants and the general public are not being well served. Indeed, arguably many of the existing businesses may be irreparably harmed by the dramatic decrease in nearby customer parking.

8J

Sincerely,  
WIND & SEA RESTAURANTS, INC.



Robert C. Mardian, Jr.  
President

RCM:jt

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Response No. 8

Wind & Sea Restaurants, Inc.  
Robert C. Mardian, Jr., President

- 8A. Comment noted. Based upon a refinement to the existing and proposed square footage totals within the Commercial Core, an Addendum to the *Dana Point Harbor Revitalization Traffic and Parking Analysis* has been prepared, refer to Attachment B (Addendum to the Dana Point Harbor Revitalization Traffic and Parking Analysis) of Section 3.0 (Errata). It should be noted that the parking analysis has now taken outdoor patio/dining areas into account when calculating the required number of parking spaces for restaurant uses. Per the County of Orange Parking Code requirements, each existing parking zone is currently within code limits with the exception of Zone B, which includes the Commercial Core. Parking Zone B is currently (existing condition) deficient by 51 spaces. It is for this very reason that the Revitalization Plan included a parking deck to improve parking conditions in the Commercial Core. The proposed Revitalization Plan will improve parking conditions for Zone B to meet County parking codes. Existing and proposed parking tables have been updated. Please refer to Table 4.5-5 (Existing Parking Requirements) and Table 4.5-37 (Dana Point Harbor Proposed Project Parking) of Section 3.0 (Errata).
- 8B. As depicted in Exhibit 3 (Dana Point Harbor Revitalization Proposed Plan) of the DEIR, the Wharf is located within the Commercial Core boundary. As depicted within the exhibit, the Commercial Core includes Planning Areas 1 and 2. The commenter is correct that the Wind and Sea restaurant requires +/- 140 parking spaces. However, these spaces do not have to be provided in the parking lot directly adjacent to Dana Wharf. Due to the configuration of the Wharf, providing enough parking for all Dana Wharf businesses in the actual Wharf parking lot is not feasible. Sufficient parking is provided to meet code requirements within a reasonable walking distance. The new parking configuration in the Dana Wharf Parking Lot allows for improved emergency and delivery vehicle access as well. The Wind & Sea is located within Parking Zone B. Under the Revitalization Plan, the proposed improvements would provide 1,969 parking spaces within Zone B, while the County Parking Code requires 1,956 spaces. This represents a net increase of 446 parking spaces over existing conditions. Although the configuration of the parking areas would change (i.e., with the installation of a new parking deck), the DEIR includes Mitigation Measure 4.5-12, which requires a queuing analysis for the parking deck to improve circulation and access control. Additionally, a new linkage (pedestrian bridge) will be provided to improve circulation from the parking deck to the Wharf. It should be noted that the redesign of the Wharf parking area would provide opportunities for valet service (the details of which will be included as a component of the Traffic Management Plan).
- 8C. It is noted that the Wharf currently has, and will continue to have, a convenient drop-off location adjacent to the Wind and Sea Restaurant. The proposed Revitalization proposes to have several other drop-off locations within the Harbor adjacent to the proposed Festival Plaza and the new promenade. While the proposed plan does not increase the number of parking spaces available on the Wharf, it does improve pedestrian access / circulation to the area and it improves emergency vehicle access to the Wharf area.



Section 30312.5 (Coastal Act Article 2 – Public Access) states:

*Wherever appropriate or feasible, public facilities, including parking areas or facilities shall be distributed throughout the area so as to mitigate against impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

The Dana Point Harbor Revitalization Plan directly promotes the balanced use of limited land areas of the Harbor to be used and enjoyed by the greatest number of visitors and boaters. As part of future planning efforts for the hotel improvements, based on the final design, additional parking adjacent to the hotel could possibly be considered to accommodate the hotel and adjoining commercial core uses.

- 8D. Providing adequate emergency vehicle access with the required turning radii is required to satisfy the current Fire Code standards. Providing sufficient emergency access reduces the number of parking spaces that can be provided on the Wharf. However, due to the nature of the physical layout of the Wharf, providing all of the required parking directly adjacent to the Wharf is not feasible. Parking spaces are provided within reasonable walking distance. Additionally, refer to Response 6C.

It should also be noted that Mitigation Measures 4.5-2 and 4.5-3 require a construction signage program and Construction Management Plan to account for parking disruptions during construction activities. The Construction Management Plan will to the maximum extent possible, avoid the practice of shuttling Harbor visitors from an off-site location. Rather, the off-site areas will be investigated for employee parking and excess boat storage. In addition to the off-site locations, the Island area will be investigated as part of a parking solution to provide additional parking facilities for Harbor visitors and employees. Note that SCA 4.5-1 and MM 4.5-7 would include provisions to improve traffic and parking conditions during peak Harbor events to ensure that parking facilities remain at an adequate level of service.

- 8E. Two existing stores (Eyes of the Tiger and Momilani's Island) are proposed to be relocated and existing buildings demolished. A new building will be located at the north end of the wharf. Currently, the Harbor includes two retail/restaurant areas; Mariner's Village and Dana Wharf. Walking between these two areas is not pedestrian friendly. The proposed plan includes demolishing the Mariner's Village Area and rebuilding it closer to the Wharf area, which will merge the two areas, into one. The Revitalization Plan promotes pedestrian linkages between visitor serving commercial areas where all of the retailers and restaurants can take advantage of increased foot traffic, improved pedestrian circulation and improved ocean views. Please also refer to Response No. 8B.
- 8F. The drop-off location for the Catalina Express is beneficial to other merchants in the area for the business that these customers generate and it is the only location within the Harbor that the County can accommodate this use. Various cost-effective and reasonable parking management options will be investigated during the preparation of the TMP. Commercial Core tenants will be solicited for input as the TMP is developed.

Due to structural limitations of the Wharf and viewshed impacts, a parking structure on the Wharf is not feasible. Please also refer to Response No. 8D.



Individual merchants and restaurant tenants may provide valet service to their customers if approved by the DPHD. However, it is presently economically unfeasible within the existing lease structure to provide year-round valet service. This option may be explored during the development of the TMP.

8G. Please refer to Response No. 8D and 8F.

8H. Please refer to Response No. 8D and 8F.

8I. Please refer to Response No. 8D and 8F. Providing year-round valet service is economically unfeasible within the existing lease structure as the cost of valet service would be needed to be passed onto the tenants. This option may be explored during the development of the TMP.

8J. Please refer to Responses 8A and 8C.

Robert C. Mardian, Jr.  
Founder & CEO

Robert L. Conrad  
Exec. Vice-President

Stephen P. Falcinella  
Vice-President

## WIND & SEA

restaurants, inc

California

Hawaii

November 1, 2005

Ms. Sonia Nasser, P.E.  
Engineering Project Manager  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Re: Comments on Draft Environmental Impact Report (EIR)

Background: I am the owner of Wind & Sea Restaurant and I first signed my Lease on May 26, 1971. I am also the owner of Harpoon Henry's Seafood Restaurant and I first signed that Lease on July 15, 1975. I have been a merchant in the Dana Point Harbor a very long time. I am intimately aware of the long history of parking and traffic issues within the Harbor. These issues were first memorialized by Lang & Wood, Consultants commissioned by the County of Orange in 1983. The County of Orange then commissioned the architectural firm of Ballew and Associates in 1992, and had its own Environmental Management Agency do a third study in 1996. All these studies unanimously agreed that parking was "wholly inadequate and getting worse."

9A

Issue: Proposed Commercial Use Parking

Every table in Appendix J (e.g. 47,48,50,51,52, etc.) that deals with parking is fundamentally inaccurate. As a consequence, all the conclusions and explanations are skewed throughout the EIR. All of the Tables and/or Exhibits dealing with parking in the commercial areas are wrong throughout the EIR. Specifically, I reference Section 4.5 and the aforementioned Appendix J. Basically, the problem is that the square footage data for the retail components and the restaurant components have been reversed. But exacerbating this simple error is the square footages themselves are incorrect. Most notably, no provision was made for the significant square footages devoted to restaurant patio spaces. None of the references in the EIR to the square footages in the commercial spaces (retail or restaurant) reconcile with the square footages delineated in the commercial leases.

9B

The end result is that the EIR leads the reader to conclude that almost 700 more spaces than required will be provided. The truth is that 1,932 spaces are required by code and the proposed new parking provides only 1,969 (see Attachment I). The new Dana Point Harbor with parking for the "next 30 years" barely exceeds the County of Orange's minimum code requirement (by 37 spaces).

The Dana Point Harbor has been an extraordinary destination for millions of visitors over the past 34 years. The revitalization plan contemplates enhanced attractiveness and improved services. This kind of development requires a higher standard than the County of Orange's minimum parking code requirements. What is necessary now and what will be imperative for the next 30 years can be discerned from what has been the Harbor's history and what is today's reality. Since 1983 (see County's Lang & Wood study), there has been a parking deficiency in both of the retail areas of the Harbor. The reality of the present situation is almost incomprehensible: 124 employee parking spaces and 642 retail spaces. It defies common sense to see the new design also calling for 124 employee parking spaces (see Attachment I). On a busy weekend in the summer, just my two restaurants alone have half that number on duty at any given time.

9C

The Dana Point Harbor needs at least 600 new spaces today. Tomorrow it will require at least 1000 new spaces for commercial users. How many will be needed in 30 years? The parking plan and therefore the overall proposed Project is inconsistent with the California Coastal Act. The EIR Appendix L (Relevant Consistency Analysis) has based its conclusions and overall analysis on inaccurate data. The parking requirements based on square footages of the various commercial businesses are wrong because the data was wrong. The proposal to barely comply with the Code requirements (exceed code by 37 spaces) is shortsighted and irresponsible. The public is not being well served and the plan is inconsistent with the California Coastal Act.

9D

#### Conclusion

The kinds of errors and the resulting misleading determinations discussed above, beg the question: "What other mistakes exist in this voluminous Environmental Impact Report?"

9E

Sincerely,  
WIND & SEA RESTAURANTS, INC.



Robert C. Mardian, Jr.  
President

RCM:jt

#### *Corporate Offices*

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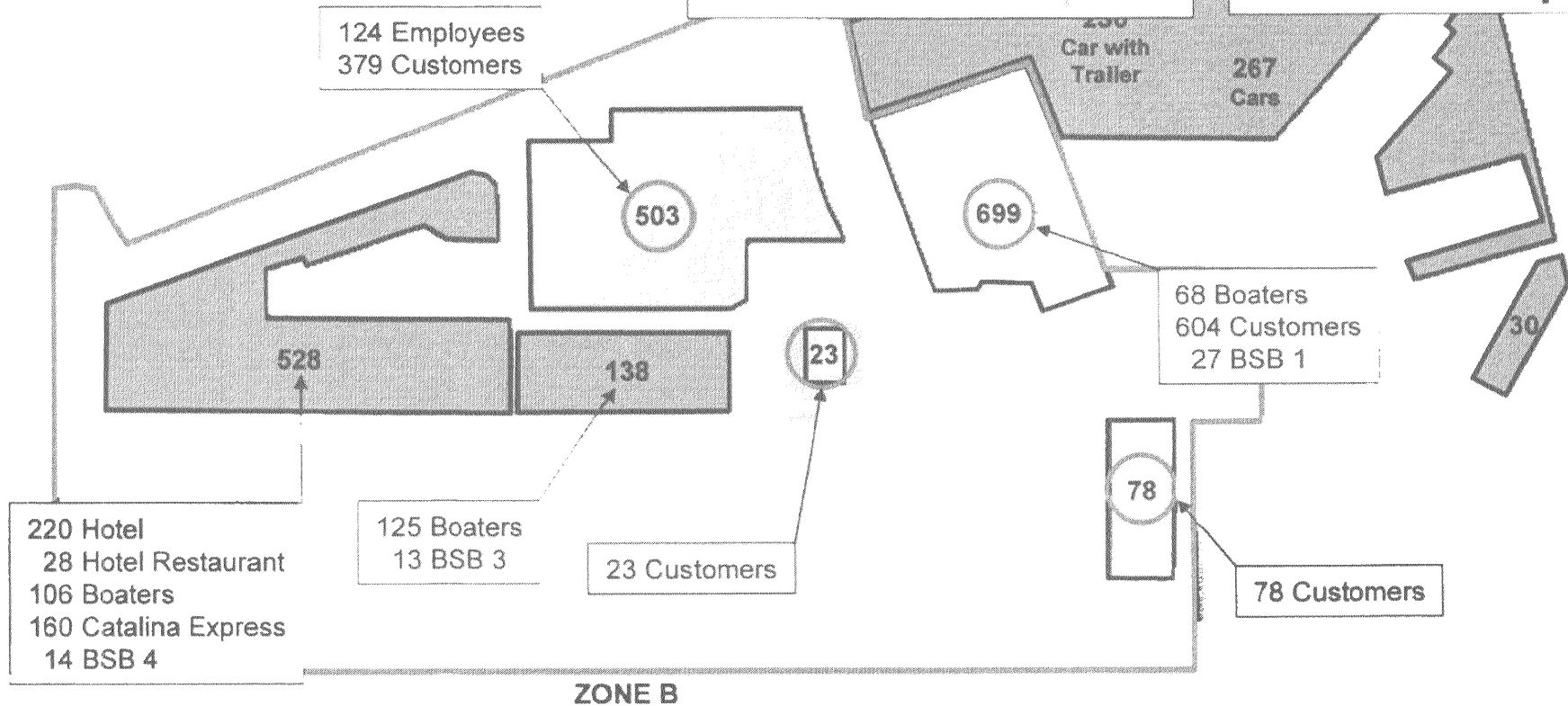
Proposed Parking	
<b>PA 1</b>	458 Cars 230 Car with Trailer 93 Boats
<b>PA 2</b>	1303 Cars
<b>PA 3</b>	666 Cars

503  
23  
699  
+ 78  
**1303**

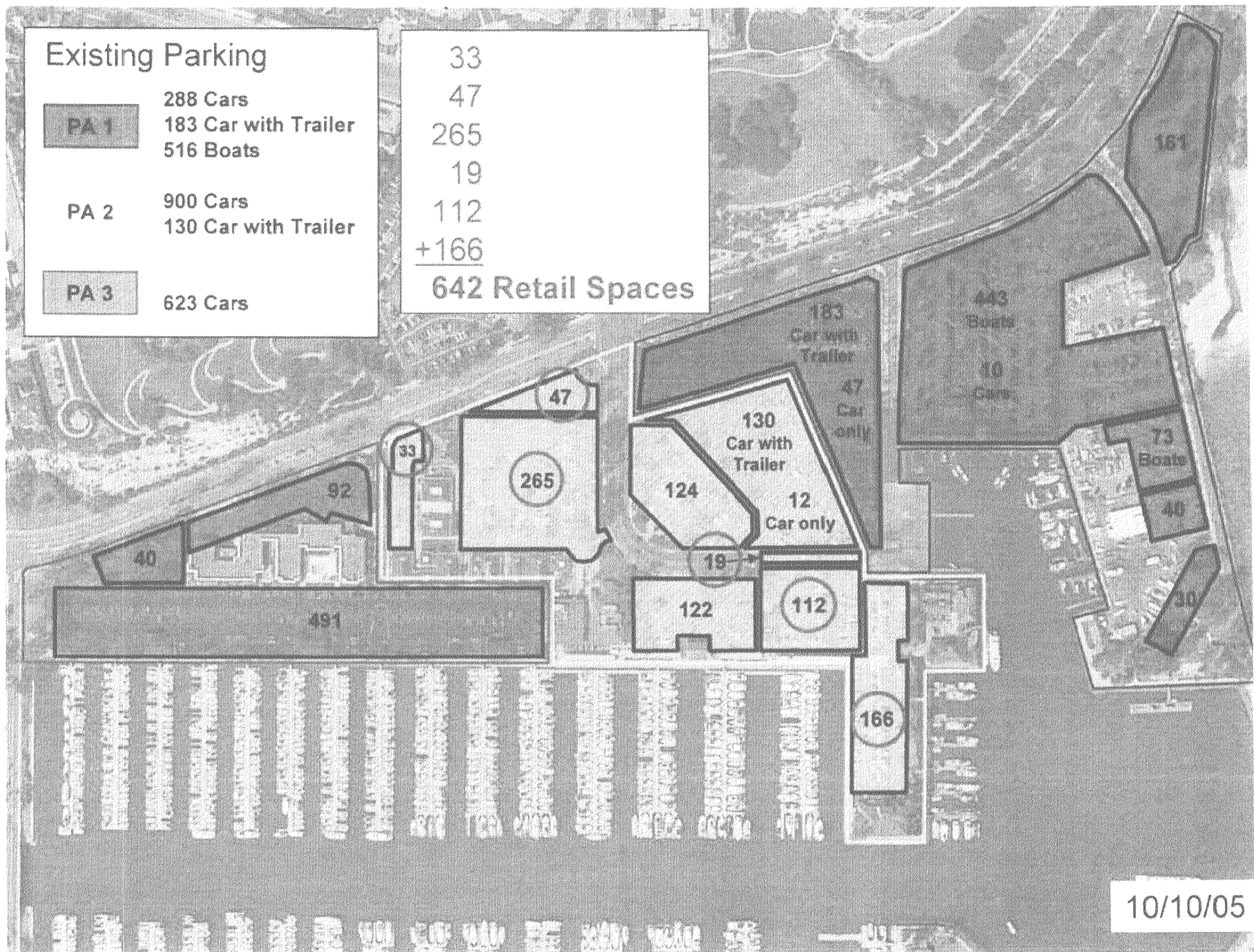
1303  
124 Employee Parking  
27 BSB 1  
- 68 Boater Parking  
**1084 Customers**

1084 Customers  
124 Employee  
299 Boater  
160 Catalina E.  
54 BSB's  
248 Hotel  
**1969 Total**  
  
**1932 Code Req.**

1084 Proposed Spaces  
- 642 Existing Spaces  
442 Additional Spaces







10/10/05





Response No. 9

Wind & Sea Restaurants, Inc.  
Robert C. Mardian, Jr., President

- 9A. Comment Noted.
- 9B. Please refer to Response No. 8A.
- 9C. Please refer to Response No. 8A. The commenter has included an "Attachment I" and refers to the 124 employee parking spaces noted in one of the legend boxes. This exhibit was prepared by the DPHD for use in a parking related discussion with some merchants of Dana Point Harbor. This exhibit is not a part of the DEIR and was prepared for discussion purposes only. The existing parking configuration in the Harbor includes a separate "employee only" parking lot that includes 124 spaces. The 124 spaces do not reflect the current or future number of required employee spaces for the Harbor, but simply the number of spaces available to employees in the existing lot. Attachment I simply depicts that the existing 124 parking spaces are included within the total 1,303 spaces provided in the new plan, but not as an individual restricted lot. The County Parking Code requirements include parking for employees as well as customers. Employee parking spaces are included within the 1,303 spaces provided. A Traffic Management Plan (TMP) will be required per MM 4.5-7 and MM 4.6-7 to identify parking areas for peak Harbor events, as well as preferential parking for vanpooling/carpooling, and subsidies for transit pass.
- 9D. Please refer to Responses 8A and 8C. It should be noted that the parking calculations are based upon the Harborwide buildout configuration, and not an interim condition.
- 9E. Comment noted. Updates and clarifications are included in Section 3.0 (Errata).

## Dana Point Shipyard

34671 PUERTO PLACE  
DANA POINT, CALIFORNIA 92629  
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RECEIVED NOV 09 2005

November 8, 2005

Via Facsimile (949) 496-1225 and Federal Express

Ms. Sonia Nasser, Engineering Manager  
County of Orange Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, California 92629

Dear Ms. Sonia Nasser,

I am writing you to express our extreme opposition regarding the Dana Point Harbor Draft EIR No.591, for the Harbor Revitalization plan which now shows the Shipyard being crippled by taking our service buildings and over one half (1/2) of the property for other uses. Namely an unproven Stack Storage System with buildings and a "Light House" with Retail Shops and associated parking. All of which is obviously being done in a "back room, clandestine manner", as our input regarding the Shipyards requirements to remain efficient and successful, as promised, have yet to be solicited.

10A

The first attempt to take away Shipyard property started in 1997 when the Embarcadero Marina presented their "Heritage Plan" for the Harbor Redevelopment. Their plan entailed taking property at the North side of our Facility for a Stacked Storage Building and a Major Restaurant at the South end of the property. I was forced to speak against this and during those meetings; a Task Force was seated to help with the Harbor development. One of the twelve main points (in fact as I recall the third point) was that there would be no infringement on the Shipyard Property or Services that would affect the Harbor Boating Public. At that time as I recall the "Shipyard" was specifically spelled out. Now we are using the statement "Maintain a full-service Harbor facility" (which can be interrupted in many different ways) which is in my opinion a gross deception to the Public and the boaters that use the Harbor.

10B

At a later public meeting that was held at the Harbor Lights facility and chaired by our Supervisor, Mr. Tom Wilson, I again pointed out that the Restaurant at the South end of the property was still being shown in difference to the Harbor Task Forces recommendations. I was assured by Mr. Wilson, in front of all of the meeting participants, that the County had just not as of yet corrected the plans and in fact the peninsula was not scheduled to be redeveloped for some time and that before it was, the Shipyard would be a key supplier of input before anything would be planned for the peninsula.

10C

I later scheduled a meeting with Mr. Wilson and one of his staff members, Ms. Holly Veale, at the Shipyard facility so that they could see for themselves just what was required for the Shipyard Equipment to safely operate while we moved the boats in and

10D

out of the water for service and repair. They were impressed and again stated that the Shipyard would not be impacted by any new development plans. They also again, assured me that the Shipyards input would be solicited before any planning for the peninsula was done.

10D  
CONTINUED

When I reflect back on some of the past incidents and lack of cooperation by different County personnel, it appears obvious that someone or some entity wants the "Shipyard Property" for other uses and frankly I can't blame them. It has a View of the Harbor on one side and a "White Water View" of the Coastline on the other side. It's a beautiful piece of property. However the Harbor has to have an adequate and unhampered repair facility to provide the required service to the Harbor Boating Public and I'm extremely upset and disappointed that some person or group is still in the background determined to carve up the Shipyard Property to the extent that it will not be able to function properly or successfully.

10E

It is now being proposed that the property at the South side of our Facility is to be occupied by a "Light House" with its' associated Retail Business and Parking. It's supposed to be being sponsored by a "Non Profit Group" and it's being done under the subterfuge that the property being wanted is only being used to store "55 gallon waste oil drums". Nothing is being said that the property also houses our 1000 square foot Mechanic Shop, or the covered Machine and Carpenter area, or the 30 ton P&H Crane that removes the small boats from the water, or the fact that, that area of pavement is extra thick to support the heavy equipment required to remove the larger boats from the water. "Just going to displace some waste oil drums"? A bit of a DECEPTION don't you think? I do!

10F

It's been my experience with "Non Profit Organizations" that they promote good deeds, obtain everything for free from donations, pay no taxes and pay themselves "Handsome Salaries".

Another point that is not being looked at is that the smaller boat mix that presently exists in the Harbor is going to be reduced by bringing in bigger boats. While the Boat footage will probably remain about the same, the number of Larger Boats in the New Mix will not be able to be serviced because there just won't be adequate room to get them out of the water. During our busy time of the year, it is normal for us to be servicing 30 boats at a time and be moving 10 boats a day in and out of the water. Whoever wants to cut the Shipyard down to a "Small, Postage Stamp Size Facility" has no concern for the servicing requirements necessary to adequately handle the Dana Point Harbor Boaters and especially the ones with the larger boats.

10G

Another item that needs to be addressed is the fact that the Boat Repair Service is seasonal with Peaks and Valleys during each year and the Shipyard needs other sources of steady income to pass over the slow times. Presently we have Boat Storage, Boat Slips, Boat Chartering and Boat rentals and Sales that provide a steady rent income to the Yard.

10H

Now it appears that these activities are to be removed or taken over by other parties. When you take away our Buildings, our Docks, over half of the Land and our Steady Source of Income, how are we, or any successor, expected to continue to successfully operate?

10I  
CONTINUED

I can agree that the Shipyard doesn't have to occupy the property at its' present location but wherever it's located, the area, services and mix have to be adequate for a Shipyard to continue to be successful and survive.

10J

We Pioneered the Shipyard at Dana Point Harbor. We invested our money for the long run and gambled when the harbor wasn't fully completed yet. We have worked here for over thirty (30) years and have rode out recessions and down times. We have worked hard and have been a loyal Partner with the County and we have been successful but what is being proposed now is not right.

10K

A "Postage Stamp, Ham Strung Shipyard" just won't work and we adamantly object to the Dana Point Harbor Draft EIR as it now pertains to the Dana Point Shipyard Facility.

10L

Sincerely,



Eugene C. Jerry  
Dana Point Shipyard

cc, to Supervisor Tom Wilson  
Director George A. Caravalho  
Dana Point Yacht Clubs



Response No. 10

Dana Point Shipyard

Eugene C. Jerry, President

- 10A. Comment noted. Numerous public meetings have been held since 1997 regarding the Harbor Revitalization Plan. On October 29, 2003, the EIR Notice of Preparation was made available for public review, which included a description and graphics of the proposed Dry Stack Boat Storage Buildings. On November 6, 2003, the formal EIR public scoping meeting was held to openly discuss the proposed Project. Most recently, a public open house meeting was held in June 2005 where these issues were again discussed. All Harbor businesses were made aware of each of these public meetings. The Harbor Outreach program also included smaller focus discussions with boaters, merchants, and interested citizen groups as well as officials from the City of Dana Point.

The proposed lighthouse is a programmatic element of the DEIR and is not proposed to be constructed on the Dana Point Shipyard leasehold parcel, but rather at a presently undefined location at the end of Puerto Place. Dry Stack Boat Storage Building # 2 is also a programmatic element of the DEIR. Both the proposed lighthouse and Dry Stack Boat Storage Building # 2 are part of the Phase II Project and will require additional analysis and approvals prior to being implemented. It should be noted that the commenter's lease on the shipyard property will expire in 2012.

Dry Stack Building # 1 is a part of the Phase I Project and is analyzed at a project level as a part of this DEIR. Dry Stack #1 can be developed with little or no encroachment into the existing vessel dry storage area, which is a part of the Dana Point Shipyard lease area.

Currently, only +/- 50 percent of the +/- 2.6-acre shipyard parcel is in use for shipyard activities. The remainder of the parcel is used for non-shipyard related businesses such as jet ski sales and rental, yacht sales, and vessel dry storage. The area currently used for shipyard activities, including the existing shipyard buildings, jet ski sales and rental, yacht sales and rental, docks and the majority of the vessel dry storage area, can remain intact, with the development of Dry Stack Boat Storage Building # 1.

The future development of Dry Stack Storage Building # 2, will be developed, based on market conditions. The reconfiguration of the some of the +/- 2.6-acre parcel in the area where existing non-shipyard related businesses are located will need to be removed or relocated.

However, it is the opinion of the DPHD that an efficient shipyard operation can function within a parcel of approximately one-acre, as demonstrated by various shipyards at other harbors such as Basin Marine (+/- 1.0 acre) and Newport Harbor Shipyard (+/- 1.34 acres), both in Newport Beach. The area currently used for Dana Point Harbor Shipyard operations, excluding the building and some of the parking area is +/- 1.0 acre.

- 10B. Comment noted. It is the opinion of the DPHD that a full service shipyard for Dana Point Harbor is feasible within a smaller parcel than the existing +/- 2.6-acre parcel.
- 10C. Comment noted.
- 10D. Comment noted.



- 10E. Currently, the only plans contemplated by DPHD are discussed 10A. Refer to Response No. 10A.
- 10F. The proposed lighthouse is a programmatic element of the EIR which will require additional environmental analysis. The Dana Point Lighthouse Society (DPLS) is the proponent for the development of the lighthouse. If approved, the DPHD would then lease property to the DPLS for the purpose of constructing and operating the lighthouse facility. There are no plans to locate the lighthouse in the shipyard parcel.
- 10G. Only +/- 50 percent of the +/- 2.6-acre shipyard parcel is in use for shipyard activities. The remainder of the parcel is used for non-shipyard related businesses such as jet ski sales and rental, yacht sales, and vessel dry storage. The area currently used for shipyard activities, including the existing shipyard buildings, jet ski sales and rental, yacht sales and rental, docks and the majority of the vessel dry storage area, can remain intact, with the development of Dry Stack Boat Storage Building # 1. Refer to Response No. 10A.
- 10H. Inquiries of shipyards in other southern California areas revealed that supplementary income to shipyard business is not the norm but rather the exception. An example of a smaller shipyard not relying on other uses for income such as jet skis and vessel storage is Basin Marine in Newport Harbor.
- 10I. Comment noted. Also refer to Response No. 10A, 10B and 10H.
- 10J. Comment noted. Refer to Response No. 10A.
- 10K. Comment noted. Refer to Response No. 10A.
- 10L. Comment noted. Refer to Response No. 10A.

November 9, 2005



Sent Via  
Overnight Express

Ms. Sonia Nasser, P.E.  
Engineering Project Manager  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629

Re: The Dana Point Harbor Revitalization Project  
Draft Environmental Impact Report (EIR)

Dear Ms. Nasser:

This is written to provide you with our comments on the above referenced EIR.

As you may know, Aloha Restaurants, Inc. owns and operates the Jolly Roger Restaurant located at 34661 Golden Lantern in Dana Wharf. The building was originally constructed as a Jolly Roger in 1972. Like many other businesses in the Harbor, Jolly Roger has experienced both the positives and the challenges of Dana Point Harbor over the years. In particular a longstanding problem has been a "lack of parking" that surfaced in the 70's, as popularity of Dana Wharf & Mariner's Village grew, and remains an even greater challenge today. During the 80's and 90's a number of studies & meetings have taken place to both identify the inadequate parking issues and program attempts to improve the situation. The consensus is unanimous that unfortunately to date it is clear the matter has not been resolved and will only be resolved in the future with significantly adding more parking spaces that are in reasonable proximity to the Harbor Retail Area (including Dana Wharf).

With this resolution in mind (i.e. the addition of more parking), we are writing to express our deep concern that the EIR does not provide adequate parking to the Dana Wharf existing retail area. In reviewing the EIR, every table in Appendix J that deals with parking appears to be inaccurate due to the square footage data, for retail and restaurant components, being reversed. Additionally, exterior patios that certain restaurants lease as part of their premises appear to have been left out in error. In order for the EIR report to be accurate, the square footages for commercial spaces (both retail & restaurant) need to be the same as the square footages enumerated in the commercial leases. Only in this way will the parking required by code be accurate.

11A

11B

It appears that after the EIR is corrected for the above stated inaccuracies, it would show a very different picture, concerning the number of parking stalls in excess of code. In planning for all additional guests the Harbor is looking to attract over the next 30 years, it would seem prudent to construct more than enough parking stalls today, to better meet future needs. With the draft EIR showing a reduction of approximately 219 parking stalls in the existing Dana Wharf parking lot, we are concerned about the lack of convenient parking stalls for our customers. Additionally, based on historical experiences in Dana Wharf, to best meet the needs for employees working in the businesses, there needs to be a minimum of about 250 parking stalls (in reasonable proximity to the work place).

11C

#### Possible Solutions To Help Dana Wharf:

1. Construct a new park deck in Dana Wharf. This would be the ultimate solution to this problem so long as it was well integrated into the overall Dana Point Harbor Redevelopment.
2. Relocation of Catalina Express. Passengers using Catalina Express cause great congestion at the drop-off point and major circulation problems within the lot. With Passengers currently parking in various remote lots, it seems that it would work to their advantage to be relocated to another area in the Harbor possessing closer parking for its Customers.

11D

11E

In conclusion, we are very concerned about the lack of parking (both customer & employee) for Dana Wharf, as proposed in the EIR. Certain Appendix in the EIR are inaccurate and cause its conclusions, regarding parking requirements, to be flawed. The fact that many other businesses within the Dana Point Harbor area will be receiving new buildings, greenbelt areas, increased parking, etc. (through various arrangements with the County), is of concern in that the lack of parking within Dana Wharf combined with being out of the "commercial core" (as reflected in the EIR), is a disadvantage and could cause existing businesses within Dana Wharf to be irreparably harmed.

11F

Sincerely,

Aloha Restaurants, Inc.



Steve Moyer  
President





Response No. 11

Aloha Restaurants, Inc.  
Steve Moyer, President

- 11A. Please refer to Response No. 8A.
- 11B. Please refer to Response No. 8A and 8B.
- 11C. Please refer to Response No. 8B and 9C.
- 11D. Please refer to Response No. 8D and 8F.
- 11E. Please refer to Response No. 8D and 8F.
- 11F. Please refer to Response No. 8B.

# COMMENT NO.12



Dana Point Harbor  
November 9, 2005

Ms. Sonia Nasser  
Engineering Manager  
County of Orange Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, Ca. 92629

Re: Comments relating to the Draft Environmental Impact Report (EIR)  
Dana Point Harbor

Dear Ms. Nasser,

I am the owner of the Coffee Importers and the Scoop Deck in Dana Point Harbor. My comments are directed to the Draft EIR regarding parking for the commercial core and off site parking as it relates to a shuttle program. I have been very involved in many aspects of the parking issues in Dana Point Harbor as a member of all the parking committees since 1994 and as Vice President of the Dana Point Harbor Association and as Chair of the Marketing I have been involved in many shuttle programs in and outside Dana Point Harbor. The past 26 years of my involvement of these parking issues in the Harbor give me a solid perspective on the parking issues.

First I find the report difficult to understand and get a clear picture of how many new parking spaces are actually being gained. Reading section 3.0 of the Project description table 3-2 it appears that a total gain of 541 parking spaces less <130> for cars with trailer gives us a net gain of 411 parking spaces. Then if you read attachment 1 that document states we have a net gain of 442. So I assume we gain around 400 plus parking spaces for the Commercial Core. Past studies (I.e. Lang & Wood 1983 and Ballew and Associates 1991) suggest the commercial core was under parked. The proposed gain of 400 plus parking is what the Harbor needs currently. My concern is with the proposed addition of 25,000 Sq. ft. of retail space and the expansion of existing businesses the new commercial core when completed will still be under parked. In previous parking management meetings (April 2002) the total number of parking spaces is listed as 766 and that included 124 for employee parking. This is based on information from the Parking Management draft plan of April 2002. How does the county increase that to 900 as reported in section 3.0 of the Project description table 3-2?

What is the actual increase to the commercial core for parking spaces?

If the new commercial core is under parked how can this problem be resolved? What provisions are being made to address this issue?

Parking Management during construction is a serious concern. Any shuttle parking should be within the Harbor. Parking off site for employees and or customers will be ineffective and cause a serious reduction of retail sales. The plan calls for parking in the SCWD property and at Selva Road. I believe that the County should use all parking nearest the commercial core during construction. The County should shuttle employees and customers to the Island or to the extra parking by the new DPHD building at Island Way. Catalina customers can be shuttled to the Island and that would open up 100 plus parking spaces for



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12A

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12E

customers and employees near the commercial core. Open up the boater lot near El Torito and behind the Hotel and Harbor Grill to the commercial core during construction.

Can the County of Orange develop a more aggressive position on the parking issues during construction?

When the new Commercial core is completed how are these issues listed below to be resolved?

The expansion of existing business such as Catalina Express and Sportfishing would like to add additional boats to expand their service. These will require additional parking spaces. Where are they going to find the parking to expand their business?

The increased Square footage means more employees. Currently we have 124 employee parking spaces. The increased square footage and increase services to the commercial core equals additional employee parking. Will this take away from customer parking? What are the plans to increase the employee parking?

The parking deck as noted in 3.0 of Project Description page 3-1 has 610 spaces. Does that mean 305 spaces on each level? If only 305 spaces are on the top level, how will that accommodate 4 large restaurants? (Customers will always want to park near the restaurant and will not be happy with long distances to walk to their dinning destination) Does the County have a Valet Parking Plan? Does the County consider adding an additional deck at a later date to ease the lack of parking that will be created near the restaurants?

A solid parking plan must be in all phases of this project (pre-construction, during construction and the completion of the project) for the new Dana Point Harbor to be successful.

I am very supportive of the new plan and look forward to its completion.

Sincerely,



Jim Miller

Owner

Coffee Importers

Scoop Deck Ice Cream



12E  
CONTINUED

12F

12G

12H

12I

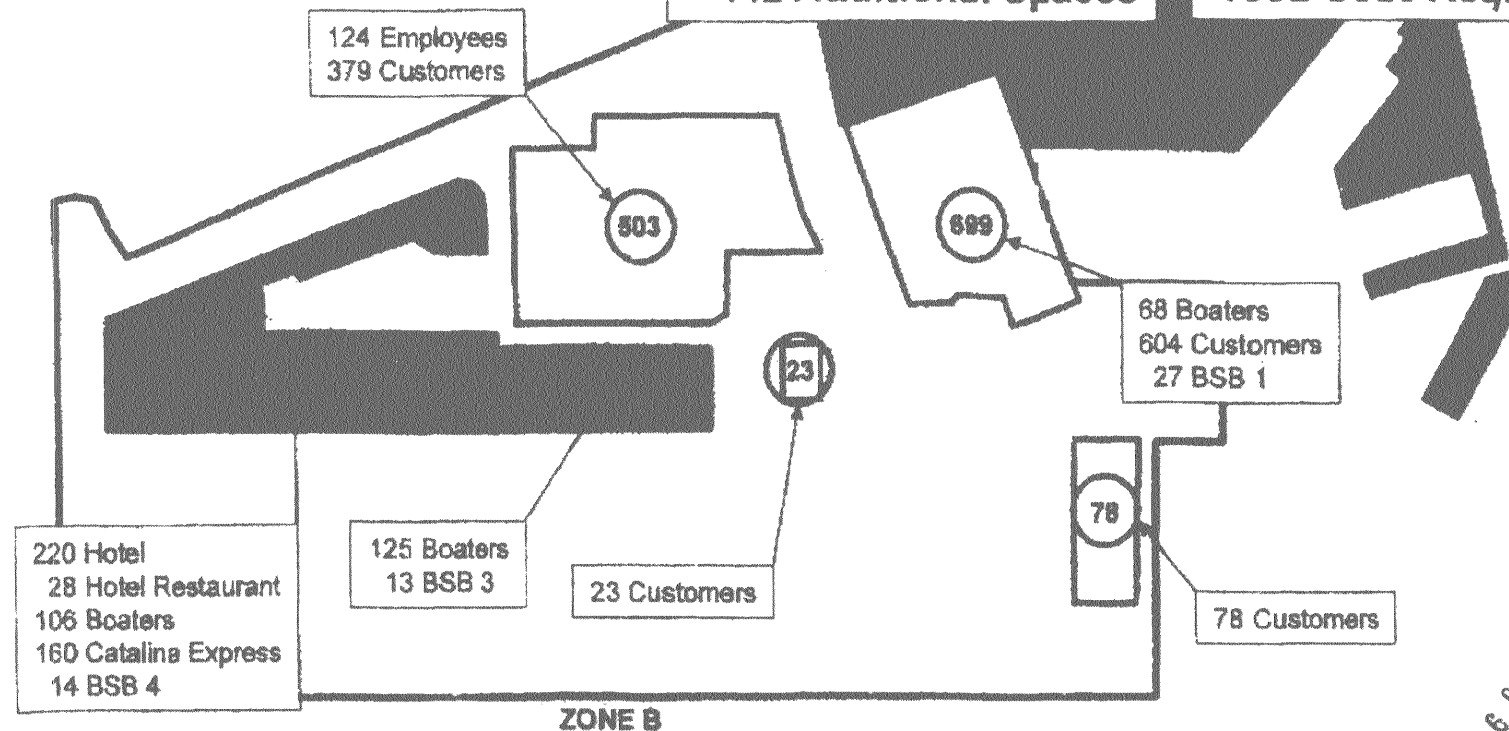
Proposed Parking	
	458 Cars 230 Car with Trailer 93 Boats
PA 2	1303 Cars
	666 Cars

503  
23  
699  
+ 78  
**1303**

1303  
124 Employee Parking  
27 BSB 1  
- 68 Boater Parking  
**1084 Customers**

1084 Customers  
124 Employee  
299 Boater  
160 Catalina E.  
54 BSB's  
248 Hotel  
**1969 Total**  
**1932 Code Req.**

1084 Proposed Spaces  
- 642 Existing Spaces  
**442 Additional Spaces**



ATTACHMENT I

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Response No. 12

Coffee Importers/Scoop Deck Ice Cream  
Jim Miller

- 12A. The introductory paragraph provides a summary of the commentors Harbor experience and does not require a response.
- 12B. Please refer to the revisions to Table 3-2 within Section 3.0 (Errata) of the document. The Revitalization Plan includes a net increase of 616 parking spaces throughout the Harbor (573 within the Commercial Core).
- 12C. Please refer to Response No. 12B.
- 12D. In addition to the installation a new parking deck in Planning Area 2, a TMP will be developed to ensure that the Harbors proposed parking configuration is utilized in an efficient manner. Additionally, refer to Response No. 8D.
- 12E. Refer to Response No. 8D.
- 12F. The East Basin Island side parking lot is a potential location for additional Catalina Express parking. The location of parking for specific Harbor users (including Catalina Express Passengers, Sportfishing customers, etc...) will be addressed as a part of the TMP. Additionally, refer to Response No. 8F.
- 12G. Refer to Response No. 9C.
- 12H. The parking deck contains 610 spaces as currently designed. The split between the two levels does not necessarily equate to 305 on each level. Customers may not always be able to park on the same level as their destination, but elevators are included in the plan (not in the parking deck itself, but adjacent to the restaurants and retail shops) to easily move customers from one the level to the other. Optional valet parking strategies will be addressed as part of the TMP. Refer to Response No. 8C.
- 12I. It should be noted that Parking Management options would also be required per SCA 4.5-1, and as part of the TMP in MM 4.5-7 and MM 4.6-7, as well as being required as part of the Coastal Development Permit (CDP) process. Refer to Response No. 8D.

## THE HARBOR GRILL

MESQUITE GRILLED SEAFOOD

RECEIVED NOV 7 2005

November 3, 2005

Ms. Sonia Nasser, P.E.  
Engineering Project Manager  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, CA. 92629

Dear Ms. Nasser,

I have owned and operated the Harbor Grill Restaurant located in the Mariner's Village since 1984. I support the collaborative planning and promising goals set forth in the Dana Point Harbor revitalization plan. However, I would be remiss if I failed take this opportunity to write and express a profound concern I have about the Commercial Core parking provisions as detailed in the Revitalization Project Environmental Impact Report. Since I opened the Harbor Grill, parking in the Commercial Core has been woefully inadequate throughout the year but particularly on weekends, holidays and special harbor events. Over the years, multiple parking studies commissioned by the County of Orange articulated the reality of inadequate parking in the Commercial Core area.

13A

We have been told for years that the Harbor Revitalization Plan would address the parking issue and provide more than adequate parking for visitors, boating enthusiasts, commercial customers and employees. Unfortunately, the recent EIR submission falls short of providing adequate parking, and contains errors in calculations that lead to false data supporting a large increase in off-street parking. For example, using data listed in table 4.5-59, the EIR concludes there will be 2,565 parking spaces in the Commercial Core which is "701 spaces more than the Code Requirement." However, to obtain the 2,565 spaces, the EIR includes spaces designated for dry stacked boat storage, shipyard, Catalina Ferry, The Marina Inn Hotel and recreational boater slips. In actuality, only 715 spaces are allocated for Restaurant/Retail businesses and it appears that 124 of those spaces are dedicated to employee parking. Rather than a comfortable increase in parking, subsequent review and discussion reveals the projected parking for the Commercial Restaurant/Retail business is only 37 spaces more than required by code! This is horribly insufficient and, if not addressed, may prove to stifle any economic gains projected as a benefit of the revitalization. Please keep in mind that in order to achieve the long term sales growth necessary to justify the financial investment we will be obligated to make, we must have more convenient dedicated parking provided for the customers and employees of the Restaurant/Retail components.

13B

34499 GOLDEN LANTERN • DANA POINT HARBOR

DANA POINT, CA 92629

(949) 240-1416 • [www.harborgrill.com](http://www.harborgrill.com)

RECEIVED NOV 7 2005

The EIR relies upon a Parking Management Plan to view the impact peak events and major holidays have on parking availability, and to identify options to accommodate increased parking demands, either on a temporary or permanent basis. To be truly effective, responsible parties charged with implementing the PMP must have adequate parking assets to work with. If these parking assets are taxed to begin with, then any realistic solution will be elusive. My concern is that Restaurant/Retail parking provided for in the EIR is inadequate to meet current and projected needs. As a result, any PMP options will be unrealistic, unworkable or provide only minimal parking relief. For example, the PMP suggests in order to mitigate the "sporadic" impact of peak events, parking will be shifted to peripheral locations served by a shuttle system. "Thus, a less significant impact would result." But the reality is that shuttle systems are irritatingly inconvenient and frustrating for customers and employees. Shuttle systems are also notoriously costly to operate, in effect, making off site parking a less attractive solution for mitigating peak parking demand both for the short and long term.

13C

As an alternative to options such as shuttles to peripheral parking sites or re-striping of existing lots, I would urge consideration of adding another deck to the proposed parking structure. This additional deck would provide the harbor with the kind of ample, convenient and centralized parking necessary to sustain and retain existing restaurant/retail businesses and provide the infrastructure required for continued growth and development.

13D

Sincerely,

  
John D. Hicks, Proprietor



Response No. 13

The Harbor Grill

John D. Hicks

13A. Refer to Response No. 8A.

13B. Refer to Response No. 8A and 8B.

13C. It should be noted that Parking Management options would also be required per SCA 4.5-1, and as part of the TMP in MM 4.5-7 and MM 4.6-7, as well as being required as part of the Coastal Development Permit (CDP) process. Refer to Responses 6D and 8D.

13D. In developing the Schematic Plans for the Commercial Core area of the Harbor for the proposed parking deck, a substantial effort has been made to minimize viewshed impacts. Dana Point Harbor Drive affords views of the Harbor and Pacific Ocean, and interrupting these views would be considered a significant impact. As currently designed, the top level of the parking deck is at grade with Dana Point Harbor Drive. This configuration creates the perception of being a surface lot, rather than being a two-story structure. This configuration also allows for views of the new restaurant and retail buildings, including signage for these uses. The addition of a third level to the parking deck would obstruct views of certain new buildings. It should also be noted that the cost of the parking deck would be substantially increased due to the need for larger and deeper piles and increased foundation support. As part of future planning efforts for the hotel improvements, based on the final design, additional parking adjacent to the hotel could possibly be considered to accommodate the hotel and adjoining commercial core uses.



# COMMENT NO. 14

RECEIVED NOV 4 2005

1150 PM

November 4, 2005

To: Ms. Sonia Nasser  
Engineering Manager  
County of Orange Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point, California 92629

Subject: Comments relating to the Dana Point Harbor Revitalization Project (State Clearinghouse Number 2003101142)

These comments will relate primarily to the Executive Summary, and will reference each page upon which a comment is provided:

Item 1: Page 1-2: Next to last paragraph on the page. This paragraph postulates a 22 year period for the completion of two phases of this effort.

DISCUSSION: While the subject of construction schedule was discussed in 1998 during public outreach sessions held with the community this is the first open admission that this process will take 22 years. Such a schedule is not user friendly to any one of the constituent groups which use this Harbor facility on a daily basis. Since this schedule is apparently driven by funding availability perhaps an early review of criticality of the various components is in order.

RECOMMENDATION: Review schedule in public, and eliminate non-critical projects. Reschedule the remainder with both phases to run concurrently. The entire schedule should take not more than six years to complete.

Item 2: Fold out page Existing Conditions Exhibit 1 and Exhibit 2: The area of concern is the County Operations Maintenance Yard. The plan calls for the Yard to go away.

DISCUSSION: This Maintenance Yard is critical to the daily operation of the Harbor, and its ability to remain a clean and user friendly facility. In the 1998 outreach sessions the need to provide a replacement location was identified, and several local parcels of real estate were also identified. The cooperation of other public agencies was solicited. To date the staff of the County has not moved to satisfactorily resolve this issue with any of the other public agencies. The proposals by County staff to use the facility at 34102 Del Obispo is unacceptable due to its small size, proximity to residential development, and traffic/parking congestion at the City of Dana Point Recreational Facility which is an immediate neighbor. After seven years of inaction it is time to resolve this issue in favor of the public need. I do note later in the document that this issue is again discussed.

RECOMMENDATION: There are three potential solutions to this situation. They are:

1. Cancel the Dry Boat Facility which is to be built in the location currently hosting the Maintenance Yard, and continue to use the existing facility. Or,

2. Move the Maintenance Facility across Puerto Place to the back of the existing paid for parking lot. It would probably occupy about 50% of a poorly utilized pay for parking lot. Or,

3. Negotiate a lease or lease option to purchase of 1.0-1.5 acre replacement parcel and facility on property owned by South Coast Water District adjacent to San Juan Creek approximately 500 meters from the current Maintenance Facility. Access would be provided via Stonehill, Del Obispo, and Dana Harbor Drive and a new maintenance facility would be provided in a location outside of but still close to the Harbor.

ITEM 3: Page 1-6 at the top of the page in 1.2.2.1 PLANNING AREA 1(MARINE SERVICES) now postulates "will add two dry stacked boat storage facility buildings...."

DISCUSSION: Earlier discussions and public representations on this facility have always called for a single facility. The 800 boat capacity is not clearly identified as new capability or replacement of existing surface storage. Which is it? The total boat capacity of the Harbor may or may not be changing, however the public has no clear comparison of what exists now, and what will eventually be developed. If this comparison does exist it should be provided. If it does not exist, then it should be developed to assist analyzing an appropriate balance between boats in slips and boats which will need to be launched prior to use. If the number of boats or the size of the number of boats is changing significantly then there is a need to conduct a critical period flow study to determine the Harbor's capability to sustain operations on five or six critical weekends each year.

RECOMMENDATION: Provide a clear justification for these two facilities as well as the use of this location for this function. Is there another location which could handle this facility?

Provide a clear breakout of total boat populations by storage location.

Provide either a study or a conclusion relating to the ability of the Harbor to sustain operations on the critical weekends of the year.

ITEM 4: Page 1-6 at the end of 1.2.2.2 PLANNING AREA 2 (DAY USE COMMERCIAL)

14B  
CONTINUED

14C

14D

DISCUSSION: Planning Area 2 postulates the addition of 50,000 sq. ft. of commercial use while only adding 610 parking spaces. Depending on use, either the added commercial space is too great, or the number of additional parking spaces is too small. Since the 1998 workshops there has been an additional parking requirement placed on the Harbor with the addition of the Catalina Shuttle by the State of California. This discussion is unclear in stipulating that the added parking will adequately service the revitalized Harbor.

RECOMMENDATION: Review the relationship between parking allocations and known/projected uses. Resolution of this issue is critical to the continued success of this Harbor facility by all of its users.

ITEM 5: Page 1-6 and 1-7 in 1.2.2.3 PLANNING AREA 3 (VISITOR SERVING) states "a new hotel is planned to consist of a multi-story building with a maximum height of 50 feet..... and ancillary retain space a specialty restaurant, a health and fitness club, pool, and other outdoor activity facilities (sand volleyball court, etc)"

DISCUSSION: A hotel facility of this size and magnitude will generate substantial opposition in the local community. Under current height limits it would require a variance for height from the City of Dana Point. Public interest in the 1998 outreach sessions focused on the height of the facility. The other amenities presuppose the ability to occupy existing parking space which is dedicated to the boating community, and supports adjacent slips. Such a facility would have to be built on top of and existing sewer force main which would have to be relocated. Unfortunately, discussions between the County and South Coast Water District have not produced agreements relating to alignment and configuration of sewer pump station facilities. While those discussions continue, the lack of a complete and acceptable underground plan calls this and other facilities into question. Efforts to produce them on separate time lines run the danger of inadequate design of sewer service in an area immediately adjacent to receiving waters. Additional material is provided on page 4.10-5, and in Exhibit 4.10-1 SEWER LINE ALTERATIONS, however different phases are identified in the Legend than those called out in the basic plan.

RECOMMENDATION: Expedite the negotiation with the Water District and produce an underground plan which has acceptable capacities and performance. The Water District is currently under an order from the Environmental Protection Agency (EPA) and has agreed to standardize the configuration of all of its sewer lift stations. This reality dictates that the two new lift stations meet the new configuration guidelines. Such a plan should meet all Code requirements and be capable of dedication to the Water District in order to guarantee long term maintenance and performance. Mixing ownership of sewer facilities in this Harbor between two public agencies complicates existing maintenance and repair efforts beyond reasonable time lines.

In at least eleven locations necessary repairs have languished under the current configuration. Continued investigation and efforts to resolve long term water quality posting should continue, and the results of these efforts should to be integrated into the revitalization plan as they mature.

14E  
CONTINUED

ITEM 6: On page 1-7, the last sentence in 1.2.2.4 (PLANNING AREA 4 (MARINE COMMERCIAL) the statement is made "Potential improvements may also include a parking deck."

DISCUSSION: This is the first public exposure of this "potential improvement". In the public outreach sessions conducted in 1998 there was a discussion and recommendation to improve public parking on the inboard side of Dana Drive on the Island by converting an under-used portion of the parking reserved for the adjacent slips. The advisability of that proposal was questioned at the time, and no further data has been provided to justify this addition, much less a parking deck structure.

- Where would such a deck be constructed?
- What would its parking capacity be?
- Who would be served by the structure?
- What would such a structure cost?
- How would users access the commercial core from this facility

14F

RECOMMENDATION: This issue needs further refinement, as well as development of its constituent support base. If that support base exists and can make a public argument for its development then such a facility needs to be prioritized and justified to the public. If better use of existing dedicated parking is a revitalization objective then we need to return to a discussion of the expansion of free public parking on the inboard side of .

ITEM 7: On page 1-7 and 1-8 in item 1.2.2.7 PLANNING AREA 7 (CONSERVATION) on page 1-8 the last sentence "only limited improvements to surface drainage facilities are contemplated."

DISCUSSION: There are two issues worth discussion. The first is that the drainage facilities are owned on a more or less random basis by the County of Orange and the City of Dana Point. Neither agency has provided timely inspection or maintenance leading to several conditions of failure of a particular drain. There are several drains which cross the conservation area which serve substantial portions of the City of Dana Point. In each case analysis needs to evaluate a solution which does not deliver surface runoff water from a built up area into this Harbor.

14G

RECOMMENDATION: (1) Resolve issues relative to ownership and place responsibility with a single agency.

That agency can then program, schedule, and conduct appropriate maintenance activities relating to these drains over their life cycle.

(2) Review flows in all drains with an objective of reducing their number and at least keeping the dry season flows out of the confined Harbor area.

ITEM 8: On page 1-8 in item 1.2.2.8 PLANNING AREA 8 (EDUCATION BASIN) at the end of the paragraph there is reference "to reconfiguring the existing man-made sandy beach to its original tide pool configuration."

DISCUSSION: The County of Orange needs to provide justification for this statement. In six years of discussions relating to the Baby Beach area no representative of the County has ever stated that this area was once a tide pool. Perhaps the County has maps or pictures which would justify this statement. Several years ago the creation of a tide pool in this area was surfaced by an environmentalist from Laguna Beach, but no further data or information was provided. It is my understanding that the Baby Beach area was a specific part of the original entitlement for the Harbor construction, and was aimed at preserving an area which had previously served a similar function. If that is not the case then the County of Orange should have resolved this issue some years ago.

RECOMMENDATION: Resolve the legal status of the dedication of this portion of the Harbor.

ITEM 9: On page 1-8 in item 1.2.2.10 last sentence "and the potential relocation of the fuel dock facility."

DISCUSSION: Relocation of the entire facility would appear to be cost prohibitive. Where in the Harbor would such a facility be positioned? It should be remembered that the actual fuel storage is in the ground under the pavement behind the bulkhead at the end of Puerto Place. It is a strategic location for this function in the Harbor. There are some indications that the word "relocation" should be replaced with the term "reorientation".

RECOMMENDATION: Replace "relocation" with "reorientation" and reposition the fuel dock 90 degrees to allow boats to refuel from either side of the dock. Additional pumping facilities may need to be added to improve the efficiency of this configuration.

ITEM 10: On page 1-8 OFF-SITE AREAS in mid-paragraph starting with "Two potential off-site areas.... provides a notional discussion of potential additional parking opportunities.

DISCUSSION: No agreements have been negotiated with South Coast Water District for either boat or automobile storage on the San Juan Creek property owned by that agency.

14G  
CONTINUED

14H

14I

14J

The County operated lot on Selva supports beach activities, and in peak periods currently operates at capacity. This environmental document should not contain speculative comments relating to potential future uses of either area since this injects questionable data into the discussion of environmental impacts on a sensitive and heavily used Harbor area. Either the County can store boats and park cars or it can not. If it can then refer to the agreements/entitlement which allow these actions or do not include them in this document.

RECOMMENDATION: 1) Negotiate an actual contingency agreement with the Water District. Such an agreement should include areas to be leased, and access/transportation to those areas in a discussion included in a revision of this document. It should be specific with regard to time frames of the respective efforts.

2) Any potential use of the Selva parking should include a discussion of the number of spaces to be converted to support the Harbor, the effect of such conversion on beach users, and transportation for the parking public to the facilities within the revitalized Harbor facility. It may be that night use of this facility with a parking shuttle that would run to closing times of restaurants or bars could be arranged, however the surrounding residential community should be included in the plan.

ITEM 11: On page 1-10 section 1.3.5 TRAFFIC AND PARKING makes the statement "No significant and unavoidable traffic and parking impacts will occur."

DISCUSSION: This document has exposed the shortage of parking after the Revitalization has been completed. This statement is false on its face.

RECOMMENDATION: The County or Orange has a choice to make:

- Increase the parking, or
- Decrease the size of the commercial expansion, or
- Do both and meet an acceptable compromise solution.

ITEM 12: On the top of page 1-12 in section 1.3.11 CULTURAL RESOURCES contains the following statement "Implementation of the proposed Project will potentially impact archaeological and/or historical resources located within the SCWD Lot, impact paleontologically sensitive soils within the Project area as well as potentially disturb unknown locations of human remains within the Project area."

DISCUSSION: The SCWD Lot is outside of the Revitalization Project area. It is not subjected to this EIR, but has been certified under a Program Environmental Impact Report (PEIR) by the South Coast Water District (a CEQA Certifying agency) several years ago.

14J  
CONTINUED

14K

14L

Any facility which the County of Orange should negotiate use of with South Coast would either be subject to the existing PEIR or a separate mitigated negative declaration which would be completed prior to construction. Since the entire Harbor was created 35 years ago it is extremely unlikely that any archaeological or historical resource would be located within the revitalization area.

RECOMMENDATION: Rewrite this paragraph to delete comments relating to the Water District property, and further to indicate to the uninitiated that the Harbor is a man made feature devoid of the concerns relating to these issues.

ITEM 13: On page 1-15, AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

DISCUSSION: This section identifies three valid issues in mid-paragraph i.e.

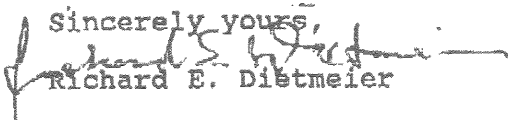
- Adequacy of parking
- Construction phasing which minimizes business impacts
- Improving Harbor water quality

The authors correctly identify these three areas. However, in the construction phasing discussion more than business impacts needs to be taken into consideration. This revitalization is not a private venture. It is being paid for with public money. This Harbor is a public facility which on a daily basis entertains several thousand citizens from surrounding areas of Orange County. Many of them have only a minor or passing relationship with the commercial establishments. On Friday through Sunday this pattern changes and the commercial activity increases. The activities related to the boating function of the Harbor also pick up during the weekend periods. Construction plans and activities need further analysis, and planning to reduce the scope of this project, and ensure that the public uses of this facility are only minimally impacted. It is interesting to find "Improving Harbor water quality" included on the fifteenth page of the document with no amplification of any kind.

RECOMMENDATION: This document exposes the stark fact that this Revitalization Plan is not complete or ready for implementation.

The County of Orange needs to scrub the plan and openly delete some portions, refining the schedule and providing definition to the remainder. Critical to this process is the relationship between revenue, commercial space, parking, and traffic flow. Harbor water quality will improve when both surface and waste water issues are adequately handled. (I.E. proper maintenance is performed by all involved agencies)

Sincerely yours,

  
Richard E. Dietmeier

14L  
CONTINUED

14M

14N





Response No. 14  
Richard E. Dietmeier

- 14A. The County is preparing to implement improvements to the Harbor in phases; beginning after all jurisdictional approvals are obtained through completion of Harbor Revitalization Plan buildout. However, because implementing the Revitalization Plan depends on funding availability and market demand, the overall Project components are structured by their priority into two phases: Phase I and Phase II. The first phase would be completed by Year 2012 and includes Planning Areas 1 and 2 (Commercial Core) with the exception of the southern portion of Planning Area 1.

Phase II of the Revitalization Project contains a large number of components spread throughout the Harbor in Planning Areas 3 through 12, in addition to the southern portion of Planning Area 1. These components may be implemented over a period of years as needs arise and funding becomes available. Some of the improvements may actually never be necessary. For example, the County currently has no plans to enlarge the Youth and Group Facility. However, there may be a need in the next 20 years to expand the facility. If the need arises and funding is available, the County could pursue this component of the Phase 2 project. But, if the need does not arise, the expansion will not occur. Some Phase 2 components could begin during the completion of the Phase 1 improvements. Items likely to occur in the beginning of Phase 2 would include;

- Renovation of the boat slips;
- Replacement of the Marina Inn facility;
- Dry Stack Storage Building # 2;
- Reconfiguration of the Shipyard;
- Yacht Club expansions; and
- Infrastructure improvements, including quay wall and bulkhead repairs.

- 14B. The commenter points out that the "Maintenance Yard is critical to the daily operation of the Harbor, and it's ability to remain a clean and user friendly facility." While performing the maintenance activities "is critical to the daily operation of the Harbor," the location where the maintenance activities are staged or who provides that maintenance (as long as they are qualified) is not critical. Currently, approximately 50 percent of the Harbor's open space areas are maintained by private contractors (non-County personnel).

An acceptable level of maintenance practices will continue to be provided in the Harbor. The County of Orange Harbors Beaches and Parks Department is responsible for the relocation of the Maintenance Yard to an off-site location. The relocation is not a component of the Revitalization Plan.

- 14C. The proposed Project is a result of a long, collaborative process guided by the Dana Point Harbor Task Force, which involved County and other public agency staff, business owners, and the community. The *Harbor Heritage Plan for Dana Point Harbor* (January 1999) was the product of such collaboration and community-based planning, which yielded a vision for the future of the Harbor. The *Heritage Plan* concluded that future demands would require a dry-stack storage capacity of 800 boats. Subsequently, the County utilized the information gained from the *Heritage Plan* process and developed the *Dana Point Harbor Commercial Core Master Plan* (December, 2002), which included a single 800-space dry-stack storage structure. While the single dry-stack structure was planned in order to meet the 800-boat capacity identified in the *Heritage Plan*, it was





determined to be infeasible due to the design characteristics of the structure. Although the single structure was intended to reduce visual impacts related to overall building massing on the site (i.e., fewer structures would minimize impacts), it was determined that it would not be possible to meet the 800-boat capacity need with one structure. A major operational consideration of the building was that they be located adjacent to the water, which allows the boats to be placed directly into the water. The crane design also allows the operator to see the boats as they are loaded and unloaded from the storage racks.

As such, the proposed Project includes two adjacent dry-stack structures that can meet the capacity needs identified in previous planning efforts, but are designed to reduce visual impacts to the extent feasible. Nonetheless, the comparison of boat storage capacity is not quantitatively analyzed in the DEIR due to the variability in boat classifications and the size of craft in the Harbor at any given time. In other words, the capacity of storage facilities and slips at the Harbor can vary depending on the particular mix of vessels utilizing the facility at that time. Accordingly, no quantification is provided. The DEIR does, however, include a summary of existing and proposed boat slips and docks in Table 3-3 (Boat Slip and Dock Summary), on page 3-19, although information in this table has changed slightly and the updated figures will be included in Section 3.0 (Errata), of the FEIR. The location of the dry-stack facilities was determined to be optimal given the proximity to parking facilities and the lack of existing development on that portion of the Project site.

The Puerto Parking lot generates substantial revenue for the Dana Point Harbor Department. Any loss of parking in that area would reduce public access and funding for the department.

The waterside improvements are a programmatic element in the DEIR and additional preliminary engineering and environmental review will be conducted in the future.

MM 4.5-7 specifies that the Traffic Management Plan will address parking issues during holiday peak visitation.

- 14D. Please refer to Response No. 8A and 8B. Refer to Section 4.5 (Traffic and Parking). Exhibit 4.5-18 (Proposed Parking Spaced Required and Provided) and Table 4.5-37 (as supplemented in Section 3.0 [Errata] of the Final EIR) show that the proposed Project (with increased square footage) will meet County Parking Code requirements without taking shared-use parking into consideration. Additional parking efficiencies can be achieved through implementation of MM 4.5-7, MM 4.6-7, and SCA 4.5-1, which require the preparation of a Construction Management Plan (CMP) for management of the short-term construction impacts and a Traffic Management Plan for long-term parking.
- 14E. The development of the hotel is a programmatic element of the EIR. Upon initiation of the hotel development, additional environmental studies will be completed in order to process a Coastal Development Permit (CDP). Development of the Revitalization Plan will require an amendment to the City's Local Coastal Program to provide additional flexibility for the hotel structure.

It is not anticipated that the proposed Project would significantly increase demand for sewer service. Currently, an unused capacity of almost one million gallons per day of wastewater treatment exists. The County and SCWD have been working together on



plans to relocate existing sewer facilities within the Project area and the County would participate financially in the relocation of various sewer facilities. Additionally, the County and the SCWD are currently investigating sewer line alternatives to relocate the sewer facilities to accommodate the future development within the Harbor; refer to Exhibit 4.10-1 (Sewer Line Alternatives) of the DEIR. The commentor points out that the phases depicted on Exhibit 4.10-1 differ from those called out in the basic plan. The Phase I sewer improvements (shown in red) and Phase II sewer improvements (shown in blue) would both be required for the development of the Commercial Core or Phase I Harbor Revitalization Project. The Phase 3 sewer improvements (shown in green) would be required to develop the Hotel. The new sewer lines would allow the pump stations to operate at an increased efficiency and would minimize the need for further service interruptions during planned construction activities due to the lines being built outside of developable areas. Additionally, refer to Response No. 6E.

- 14F. The Revitalization Plan only provides for a parking deck within Planning Area 2. The reference to a second deck within Planning Area 4 was in error; refer to page 89 of Section 3.0 (Errata).
- 14G. The drainage facilities outletting to the Harbor are either owned by the County of Orange or the City of Dana Point, the ownership of which is clearly identified in a Settlement Agreement between the City and County dated June 25, 1996. The City and County are both actively engaged in reducing nuisance runoff as both entities are subject to the Region 9 Stormwater Permit. Note that the County and City both conduct annual inspections and cleaning of the downdrains, as well as draining and cleaning. All dry weather nuisance flows at the west end of Baby Beach area currently being diverted to the sanitary service, and all first flush flows are being treated and discharged into the Harbor. The City and County will continue to seek methods to reduce dry weather runoff into the Harbor.
- 14H. The mitigation required for the original construction of the Harbor was not the construction of Baby Beach but rather the construction of Capo Reef. There was no sandy beach lost as a result of the Harbor creation. Capo Reef was created to try to recreate the surfing that was lost at "Killer Dana" when Dana Point Harbor was created. Capo Reef was created by taking rock that was blasted out the west marina during the original construction. However, this endeavor was unsuccessful because the rock material available was small and the wave action redistributed the rock placement early in the mitigation project. There is not a legal or other requirement to recreate a "tidepool" in the Harbor, nor is one contemplated as part of the Revitalization Plan. Additionally, please refer "Global Changes" on page 1 of Section 3.0 (Errata).
- 14I. The potential relocation of the fuel dock was referring to the reorientation of the dock system to improve the efficiency for vessels fueling there as suggested in the comment. The current location of the underground storage tanks that support the fuel dock are optimal in that location and are not proposed to change.
- 14J. The two off-site areas are being considered for use. However, the final determination as to the end use of these facilities has not yet been determined. Should the SCWD facility be identified as a necessary off-site facility, DPHD would enter into an operational agreement with SCWD. The Selva Lot is a County owned and operated facility, thus an operational agreement would not be needed. With the exception of possibly five days of the year, the Selva Lot does not operate at or near full capacity.



- 14K. Refer to Response No. 8A, 8B, and 8D. The commentor states that the statement made in the document “No significant and unavoidable traffic and parking impacts will occur” is false. We refer the commentor to the analysis in Section 4.5 of the document, as well as edits to Section 4.5 in Section 3.0 (Errata) of the Final EIR, rather than to the brief description in the Executive Summary. The full analysis shows that with implementation of Mitigation Measures, Project Design Features, and Standard Conditions of Approval, that the impacts will be less than significant.
- 14L. Refer to Response No. 6B. Although the SCWD property is not located on the Project site, it is being considered for Project-related development, and is therefore addressed in the DEIR. The Commenter is correct that the SCWD did certify a Program EIR for its San Juan Creek property, however, the DEIR indicates on page 4.11-8 that historical resources that were not indicated in the SCWD Program EIR may, in fact, be present based on the subsequent cultural resources assessment performed for the proposed Project. As such, the Project includes Standard Condition of Approval 4.11-1 requiring the retention of a qualified archaeologist, cessation of work if potential artifacts are discovered, and documentation and curation of any such artifacts, as applicable. The DEIR did not identify any significant cultural resources within the Project site, although retention of qualified professionals is required as a Condition of Approval for on-site areas as well.
- 14M. The issues identified on page 1-15 of the DEIR were among the specific issues identified through the collaborative planning process preceding the proposed revitalization Project. The intent of the Program EIR is to provide construction-level analysis of Planning Areas 1 and 2 (as explained in Section 3.0 of the DEIR), while providing a comprehensive programmatic assessment of remaining planning areas and the lighthouse portion of Planning Area 1. Consequently, the issues raised in the DEIR identify various topics that may not be specifically analyzed at the program level, given the lack of details regarding subsequent development. Thus, parking capacity, phasing of construction and water quality improvement would be specifically addressed during the environmental review process for future improvements proposed by the Project.

Water quality is addressed in detail in Section 4.4 (Drainage and Water Quality) and in Appendix F (Water Quality Management Plan) of the DEIR.

- 14N. Comment noted.

# COMMENT NO.15

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## Comment On Dana Point Harbor Revitalization Plan (Proposed)

This comment proposes the addition of a free-standing jib crane/hoist, of about 2-ton capacity, in the Marine Services area (planning area 1) along the edge of the seawall, between the Dry Stacked Boat Storage building #1 and the Public Boat Launch Ramps. A photocopy of the launch ramp, boat storage building area, showing a proposed location of the hoist is attached. A photocopy of a representative brochure, showing a free-standing jib crane is also attached.

Such a hoist would be positively beneficial for Dana Point harbor, for several reasons:

- 1) It would make the harbor, and its facilities, more accessible to the general public;
- 2) It would allow for a greater number of environmentally friendly watercraft in the harbor; and
- 3) It would allow for increased revenues for both the harbor's commercial enterprises and the county.

Many people appreciate sailing and would like to participate in such an ecologically friendly water-sport activity. Many people are unwilling or unable to afford the substantial investment required to obtain and maintain a large (30 feet or greater) sailboat. They are quite comfortable, however, with sailboats in the 24 - 27 foot range. These people need some means of putting their boats in and out of the water. The present difficulty with ownership of such types of sailboats, is that although they are light and easily trailer-able, they have fixed keels such that it is not possible to launch them down a boat ramp. At present, there is no publicly accessible boat hoist that would allow the general public to own and use such boats.

Additionally, there are a large number of 24 - 27 foot sailboat designs that have large, active and well regarded racing fleets, established elsewhere in California and across the country. At present, there is very little activity in these classes in Southern California, because the only facilities for putting them in and out of the water are located at a very few yacht clubs; yacht clubs with a "members only" policy. In other words, if you are unable or unwilling to afford membership in "that" yacht club, don't buy a boat.

A scale drawing of a J/24 24 foot sailboat is also attached, showing the fixed keel. When such a boat is on a trailer, it requires six feet of water to float the boat off the supports. At that point, the owner's vehicle is in three to four feet of water. Not a particularly feasible boat launching option. Their masts are also tall, and difficult and cumbersome to lower, making "boat barn" storage very problematic.

### Accessibility

These types of boats are the most accessible and affordable to the public at large. They are represented by the following classes; J/24, Moore 24, Santa Cruz 27, Express 27, Cal 25, and so on. They all weigh less than 3500 pounds, with the J/24 weighing in at 2600#

15A

15B

15C

15D

15E

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and the Moore 24 even less. These boats are so popular (where ownership is feasible) that trailer manufacturers offer trailers for them as "standard" mass production models. These are the types of sailboats that are owned by the majority of sailors elsewhere across the nation. Notably, other venues are liberally provided with public access hoists, making ownership of such boats feasible.

15E  
CONTINUED

As pressure builds to allocate more and more space to ever larger hulls, the average person is in danger of finding themselves defaulted out of the possibility of boat ownership and enjoyment of the water. Dry-storing their boats on trailers, and having a hoist available for taking the boat in and out of the water, would give ordinary people the opportunity to participate, without putting undue pressure on slip availability.

15F

#### **Environmental Impact**

None of these boats uses bottom paint. This is one of the very desirable features of dry storing a sailboat. The more small boats that can be dry-sailed means the fewer number of hulls in the harbor that leach biocides into the water. These boats are small, light and easily sailed. 90% of the time, I sail and do not use my 3.5hp motor to leave or return to the harbor. The boat lift itself is merely an electric hoist attached at the end of a swinging arm. The arm can be rotated with a hand-crank. There should be no environmental issues with the hoist itself (no noise, no internal combustion discharge, and no hazardous materials).

15G

#### **Increased revenues**

Maximizing small boat ownership will increase the number of people who routinely visit Dana Point harbor and who will give custom to its commercial establishments. Small boats don't have galleys so the owners, guests and crews will more likely visit the local restaurants. Powerboat owners can keep their boats on trailers and launch them down the boat ramp. This option is not feasible for fixed keel sailboats. With a hoist, it is very likely that every available dry-storage spot for sailboats will be filled and have a waiting list. Powerboaters have options (keep the boat at home, etc..) that include the "boat barn" as a convenience. Fixed keel sailboaters have no options; either a hoist, or no boat.

15H

I would be pleased to provide any additional information required. I belong to, and have belonged to, yacht clubs in MA, FL, TX and CA that operate hoists of this type and can attest to their safety and efficacy. I am also prepared to address costs and would appreciate an opportunity to do so. Thank you.

15I

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[jw.eldredge@cox.net](mailto:jw.eldredge@cox.net)

# FS300 BASEPLATE MOUNTED

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Capacity	Dim B	SPAN A						
		8'	10'	12'	14'	16'	18'	20'
1/4 TON	8'	FS300-8-8	FS300-8-8	FS300-8-8	FS300-12-8	FS300-12-8	FS300-12-10	FS300-12-10
	10'	FS300-8-8	FS300-8-8	FS300-8-8	FS300-12-8	FS300-12-8	FS300-12-10	FS300-12-10
	12'	FS300-8-8	FS300-8-8	FS300-12-6	FS300-12-8	FS300-12-8	FS300-12-10	FS300-12-10
	14'	FS300-8-8	FS300-8-8	FS300-12-8	FS300-12-8	FS300-12-8	FS300-12-10	FS300-14-10
	16'	FS300-8-8	FS300-8-8	FS300-12-6	FS300-12-8	FS300-12-8	FS300-12-10	FS300-14-10
	18'	FS300-8-8	FS300-12-6	FS300-12-6	FS300-12-8	FS300-14-8	FS300-14-10	FS300-14-10
	20'	FS300-8-8	FS300-12-8	FS300-12-6	FS300-14-8	FS300-14-8	FS300-14-10	FS300-16-10
1/2 TON	8'	FS300-8-8	FS300-8-8	FS300-12-7	FS300-12-8	FS300-12-10	FS300-12-10	FS300-12-12
	10'	FS300-8-8	FS300-8-8	FS300-12-7	FS300-12-8	FS300-12-10	FS300-12-10	FS300-14-12
	12'	FS300-8-8	FS300-12-6	FS300-12-7	FS300-12-12	FS300-12-12	FS300-14-16	FS300-14-16
	14'	FS300-8-8	FS300-12-6	FS300-12-10	FS300-12-12	FS300-12-12	FS300-14-16	FS300-14-16
	16'	FS300-8-8	FS300-12-6	FS300-12-10	FS300-12-12	FS300-14-12	FS300-14-16	FS300-16-16
	18'	FS300-8-8	FS300-12-6	FS300-12-10	FS300-14-12	FS300-14-12	FS300-16-16	FS300-16-16
	20'	FS300-8-8	FS300-12-6	FS300-14-10	FS300-14-12	FS300-14-12	FS300-16-16	FS300-16-16
1 TON	8'	FS300-12-7	FS300-12-8	FS300-12-10	FS300-14-12	FS300-14-12	FS300-14-16	FS300-14-16
	10'	FS300-12-7	FS300-12-8	FS300-12-10	FS300-14-12	FS300-14-12	FS300-14-16	FS300-14-16
	12'	FS300-12-7	FS300-12-8	FS300-14-10	FS300-14-12	FS300-16-12	FS300-16-16	FS300-16-16
	14'	FS300-12-7	FS300-12-8	FS300-14-10	FS300-14-12	FS300-16-12	FS300-18-16	FS300-18-16
	16'	FS300-12-7	FS300-12-8	FS300-14-10	FS300-16-12	FS300-18-12	FS300-18-16	FS300-18-16
	18'	FS300-12-7	FS300-14-8	FS300-16-10	FS300-16-12	FS300-18-12	FS300-18-16	FS300-18-16
	20'	FS300-12-7	FS300-14-8	FS300-16-10	FS300-18-12	FS300-18-12	FS300-20-16	FS300-20-16
2 TON	8'	FS300-14-10	FS300-14-12	FS300-16-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-18-18
	10'	FS300-14-10	FS300-14-12	FS300-16-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-18-18
	12'	FS300-14-10	FS300-14-12	FS300-16-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-18-18
	14'	FS300-14-10	FS300-14-12	FS300-16-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-20-18
	16'	FS300-14-10	FS300-14-12	FS300-16-12	FS300-18-16	FS300-18-18	FS300-18-18	FS300-24-18
	18'	FS300-14-10	FS300-16-12	FS300-18-12	FS300-18-16	FS300-20-18	FS300-20-18	FS300-24-18
	20'	FS300-14-10	FS300-16-12	FS300-18-12	FS300-18-16	FS300-20-18	FS300-20-18	FS300-24-18
3 TON	8'	FS300-18-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-20-18	FS300-20-21	FS300-24-24
	10'	FS300-16-12	FS300-16-16	FS300-18-16	FS300-18-18	FS300-20-18	FS300-20-21	FS300-24-24
	12'	FS300-16-12	FS300-16-16	FS300-18-18	FS300-18-18	FS300-20-18	FS300-20-21	FS300-24-24
	14'	FS300-16-12	FS300-16-16	FS300-18-16	FS300-18-18	FS300-20-18	FS300-20-21	FS300-24-24
	16'	FS300-16-12	FS300-16-16	FS300-18-16	FS300-18-18	FS300-20-18	FS300-24-21	FS300-24-24
	18'	FS300-16-12	FS300-16-16	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24
	20'	FS300-16-12	FS300-18-16	FS300-20-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24
5 TON	8'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	10'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	12'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	14'	FS300-18-16	FS300-20-16	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	16'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	18'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24
	20'	FS300-18-16	FS300-20-18	FS300-24-18	FS300-24-21	FS300-24-24	FS300-30-24	FS300-30-24

## Model Number Explanation

Example: 1/4 Ton FS300-8-8; 1/4 Ton = 500 pound capacity, FS300 = base plate mount style.

8 = mast diameter in inches (E), 8 = boom depth in inches (W), Use "E" dimension on page 4 to determine base plate and anchor bolt dimensions.

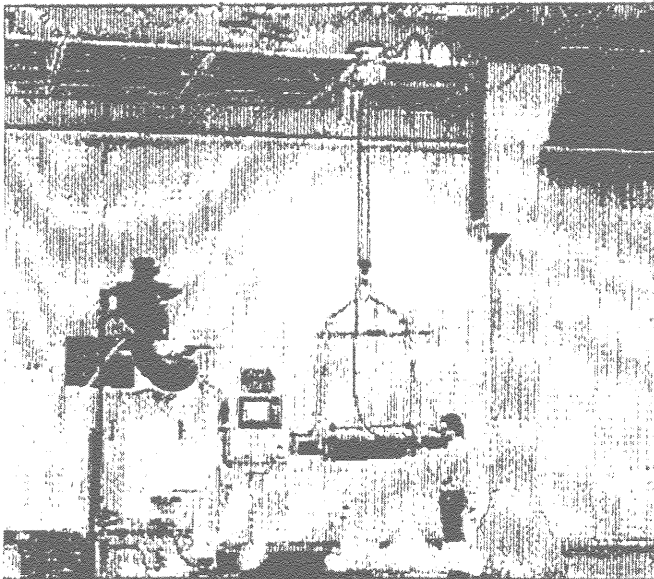
## Other Models, Sizes and Capacities

FS350 (flange mounted), FS350S (slave flange mounted), and other spans, heights, and capacities are available by contacting your local Garbel Dealer.

Dimensions are subject to change without notice.

**GARBEL**  
A CLASS ABOVE

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## MAXIMUM VERSATILITY AND PERFORMANCE

Gorbel's Free Standing Jib Cranes are designed for a wide range of applications. They are available in a variety of capacities and configurations, and can be used in a wide range of environments. They are designed to be easy to install and operate, and they provide a safe and efficient way to move loads in a variety of applications.

## FREE STANDING JIB CRANES

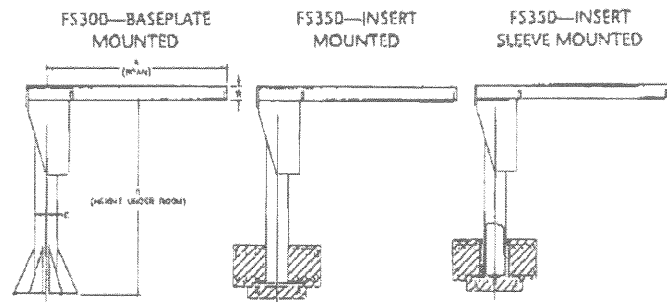
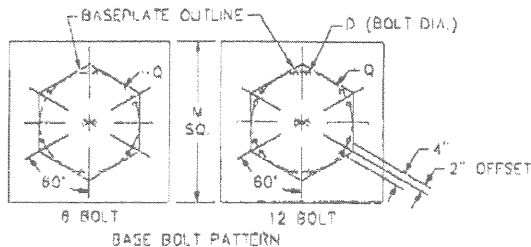
### GORBEL'S ADVANTAGE

#### EASE OF OPERATION

- Allows operators to position loads precisely, effortlessly and efficiently.
- Precision tapered roller bearings in top pivot and trunnion assemblies provide smooth operation and long life.
- Full supporting triangular base plate gussets are used (in lieu of struts) to minimize crane deflection, thus making it easier to accurately position loads.

#### EASE OF INSTALLATION

- Independent head assembly, installed separately from the boom for easier installation.
- Recessed bearing assembly allows greatly reduced clearances needed for installation.
- Bolted head/boom connection which permits separate installation and provides maximum lift for the hoist, since it can be installed very close to the underside of the lower ceiling obstruction for greater headroom.
- Movable bolted trolley stops.
- In-head totally enclosed, bottom entry collector assembly allows the option of easily adding power to the hoist for 360° rotation at the time of or after purchase.



#### SAFETY

- Head retaining pin provides the resistance to accidental upward dislodgement of the head.
- Pre-engineered for use with powered hoists. A factor of 15% of the jib crane capacity is allowed for the hoist and trolley weight with an additional 25% of the capacity allowed for impact, thus, giving maximum capacity use of the jib.

#### POWER ROTATION

- Is optional (see page 4 & 5 for details).

Mast Diameter E	8"	12"	14"	16"	18"	20"	24"	30"
Number of Anchor Bolts	6	6	6	12	12	12	12	12
Bolt Diameter (D)	1"	1.25"	1.25"	1.25"	1.25"	1.25"	1.25"	1.25"
Bolt Circle* (Q)	24"	24"	30"	36"	42"	48"	54"	60"

Note: For jib crane foundation requirements, overturning moment, wind load and anchor bolt pull out forces, consult your local Gorbel dealer.

\*Note: Dimensions from corners of the hexagonal baseplate are 6" longer than the corresponding bolt circle.





Boat  
Launch  
Ramp

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Restaurant  
& Retail  
Parking

Yacht  
Brokerages

Renovated  
Restaurants &  
Retail Shops





Response No. 15

John W. Eldredge

- 15A. The commenter requests the addition of a publicly accessible jib crane capable of handling vessels like J-24s, Moore 24s, Cal 25s, and other similar keelboats. The "Project Design Documents," incorporated into the DEIR by reference in Section 2.5.2 on page 2-6 of the DEIR includes at least one jib crane of at least two ton capacity at the Embarcadero area of Dana Point Harbor, subject to working out placement logistics, including issues related to dredging and depth of the Harbor at the edge of the existing quay wall near the top of the existing launch ramp.
- 15B. Comment noted.
- 15C. Comment noted.
- 15D. Comment noted.
- 15E. Comment noted.
- 15F. Comment noted.
- 15G. Comment noted.
- 15H. Comment noted.
- 15I. Comment noted.

# COMMENT NO. 16

Tracy Rubert-Hewes  
25761 Le Parc, #11  
Lake Forest, CA 92630

November 9, 2005

RECEIVED NOV 10 2005

Ms. Sonia Nasser, Engineering Manager  
County of Orange  
Dana Point Harbor Department  
24650 Dana Point Harbor Drive  
Dana Point CA 92629

Subject: Dana Point Harbor Revitalization Project  
DEIR# 591, SCH# 2003101142

Dear Ms. Nasser:

Thank you for the opportunity to comment on the DEIR for the Dana Point Harbor Revitalization Project. I'm writing to you as a concerned citizen who enjoys frequent recreation at Doheny State Beach. The DEIR describes two boat storage facilities immediately adjacent to Doheny State Beach. These building are 75' tall, and are clearly an intrusion upon the serene ambience and natural aesthetics at Doheny State Beach.

Richard Rozelle, Acting District Superintendent of State parks, recently wrote to you suggesting that pictures in Exhibit 4.2-15a of the 75' tall dry stack structures should be redone, as they were taken from too far away and don't accurately represent the scale or the true impact on the views from the nearby beach, as well as the surf break known as "Boneyards".

Doheny State Beach still has a relatively open feel. I drive nearly 20 miles each way from Lake Forest, at least three times a week, to surf at Doheny. It's one of the few places in South Orange County where beginning surfers can go to learn the sport in a safe and relaxed environment. I go there to escape the pressures of work and urbanization. The last thing I want to encounter when I'm on the beach or in the ocean is two hulking concrete behemoths obstructing my view. Please site these buildings at a location less frequented by surfers and beachgoers.

Thank you for this opportunity to comment on this DEIR.

Sincerely,



Tracy Rubert-Hewes  
25761 Le Parc, #11  
Lake Forest, CA 92630

16A

16B

16C



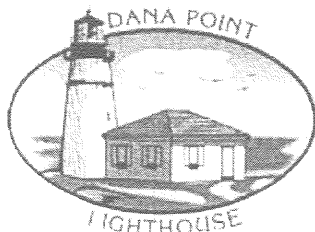
Response No. 16

Tracy Rubert-Hewes

16A. Refer to Response 4C.

16B. Refer to Response 4C.

16C. Comment noted. The Commenter does not raise any environmental issues related to the DEIR other than the aesthetics issue already addressed above in 4C. The County Board of Supervisors will consider all comments on the proposed Project during the decision-making process for the Project.



## Dana Point Lighthouse Society

November 10, 2005

Ms. Sonia Nasser  
Engineering Manager  
County of Orange Dana Point Harbor Department  
24650 Dana Harbor Drive  
Dana Point, CA 92629

RECEIVED NOV 10 2005

Subject: DPLS Comments Regarding DEIR Report No. 591

The Dana Point Lighthouse Society greatly appreciates the County of Orange including a potential site location for a Harbor Lighthouse Facility in the Draft Environmental Report for the Dana Point Harbor Revitalization Project. We believe the lighthouse facility in the harbor will be a focal point and welcoming landmark, which will serve as a private aid to navigation and a critically needed communications center, and a functional facility designed to meet the needs of our organization.

DPLS would like to comment and express our concerns and recommendations regarding specific issues relating to the Harbor Lighthouse. I will identify the specific DEIR Sections and References that relate to our concerns:

1. Primary Project Description of Harbor Lighthouse in DEIR: Project Description – Planning Area 1 – Section 3-21.

I have had discussions with Jon Conk, Project Manager, Project Dimensions, Inc. regarding proposed changes DPLS would like to make to this primary lighthouse facility description. DPLS would like this description to be written as follows (with changes in red):

The Dana Point Lighthouse Society, a local non-profit organization, has proposed to construct and operate a lighthouse facility in Dana Point Harbor. The County of Orange has agreed in concept, to lease property to the society for this purpose, however, a formal agreement has not been negotiated. The County and the Society have selected the area at the south end of Puerto Place as the preferred location for potential lighthouse facility. Potential amenities associated with the lighthouse may include a two-story structure up to 3000 sq. ft., housing a nautical museum/multi-purpose room, a small retail gift shop, meeting room, kitchen, elevator, storage, and restroom facilities.

Final design and schematic diagrams are not yet available, as the lighthouse facility would be permitted with a Coastal Development Permit upon final design. For the purposes of this EIR, the proposed lighthouse tower and lantern deck structure will have a maximum height of 65 feet. The lantern in the facility is proposed with an operational light to serve as a private aid to navigation approved through the United States Coast Guard. Full intensity of the light will be directed over water areas and will be softened or subdued in a controlled manner that will not be objectionable over questionable landside areas. Also, the Lighthouse Society intends to lease space in the tower to other communications providers to pursue other communications capabilities such as geographic positioning systems (GPS), radio and cellular telephone repeater stations. Accessory uses will be located in either an attached or detached building.

17A

Other comments:

DPLS would like the wording to allow more design flexibility:

"structure up to 2500 sf" - The current architectural design now includes 1567 sf on 1st floor & 970 sf on the 2nd floor for a total usable space of 2537 sf. This does not include any space provided for the U.S. Coast Guard Auxiliary or other communications provider if they decide they want an "on-site" office. This is why we are requesting a two-story structure up to 3000 sq.ft. The additional 500 sq. ft. is intended to accommodate out-sourced communications providers, if needed, in an attached or detached building. We have added to the amenities description to include nautical museum/multi-purpose room, ---- elevator, storage, ----. We are not opposed to defining the museum/multi-purpose room separately, i.e. museum, multi-purpose room. We would like these amenities included in the description so that the Coastal Commission will understand that we are not "adding on" at a later date.

- We know there will be areas over land, which will need light control to minimize direct light or glare. We don't like the word "shielded" because it suggests that the light will be entirely blocked or hidden. We would prefer that the light from the lighthouse over questionable land areas would still be visible but softened or subdued in a controlled way that will not be objectionable from landside areas.

2. Concerns about Viable Harbor Lighthouse Site location at Puerto Place.

The existing site does not have enough room to build a lighthouse facility:

- Need to relocate the Turn-around road at Puerto Place cul-de-sac  
And / Or
- Relocate public restroom facility

DPLS recommends doing both to allow for the greatest flexibility to build a lighthouse facility that meets the needs of our organization.

- The DEIR makes references to Improvements to Puerto Place under Infrastructure & Utility Improvements (p. 3-27) in Planning Area 1. The following statement needs to be added to include: Reconfiguration of the turn-around cul-de-sac at the terminus of Puerto Place and/or relocation of the public restroom to accommodate the lighthouse facility.
- Also, under Project Phasing (p. 3-31) section Phase II (Program Level, Planning Areas 3-12) needs to be corrected to include and the southern portion of Area 1. Reconfiguration of the shipyard, parking areas, the terminus of Puerto Place, and construction of the lighthouse facility are mentioned here.
- Section 4.12 Recreation also references specific improvements to planning Area 1 to enhance recreational facilities within the Harbor: "the Project may relocate the Puerto Place turn-around further north to increase the park area, improving the connectivity with the adjacent Doheny State Beach."

3. Concerns regarding Suitable & Available Parking.

The Proposed Project Parking (Table 4.5-37), page 4.5-59 only allocates 8 parking spaces for the Lighthouse Facility – Museum.

- The lighthouse facility will need adequate parking space for DPLS meetings and other rented space activities.
- DPLS will need dedicated lighthouse parking – Not pay/hour.
- The reconfiguration of the cul-de-sac Turn-around and/or relocation of the public restrooms at Puerto Place could be configured to add additional parking spaces.
- Will any additional parking be available from Reuse or Reconfiguration of the shipyard, which is now allocated 6 parking spaces?

17H

4. Need consistent and correct lighthouse site location maps and text terminology.

The Public Notice of Availability for the DEIR issued 9/27/05 references the [www.dphplan.com](http://www.dphplan.com) website which shows an aerial view of the DP Harbor Commercial Core Update Plan dated May 5, 2005. This site plan correctly identifies the proposed Harbor Lighthouse site at Puerto Place. The text description in the Public Notice of Availability also correctly identifies the site for “the construction of a new lighthouse facility at the terminus of Puerto Place.”

17I

- However, Exhibit 3 of the Proposed Plan identified in the Executive Summary (Section 1.2.2) incorrectly identifies the Lighthouse/Museum/Gift Shop site to be west of the terminus of Puerto Place. This needs to be corrected in Exhibit 3.

17J

- Also, in Section 3.4, Exhibit 3-6 of the Proposed Plan repeats the same incorrect lighthouse site location. This also needs to be corrected in Exhibit 3-6.

Section 1.1.2.1 (p. 1-6) for Planning Area 1 regarding the lighthouse, to be consistent, the text should be changed to “a lighthouse may be constructed at the southern area of Planning Area 1 and will include a two-story structure of up to 3000 square feet, housing a nautical museum/multi-purpose room, a small retail gift shop, a meeting room, kitchen, and restrooms.”

17K

- Also, Section 4.12.1 (p. 4.12-5) for Planning Area 1 regarding the lighthouse, to be consistent, the text should be changed to: Amenities associated with the lighthouse may include a two-story structure up to 3000 square feet, housing a museum/multi-purpose room, a small retail gift shop, meeting room, kitchen, and restrooms.

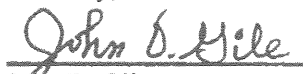
17L

Members of the Dana Point Lighthouse Society Executive Board and Gerald Muir, our proposed Harbor Lighthouse architect from Muir Architects in Dana Point are willing to meet, at your convenience, with representatives of Orange County, the City of Dana Point, and Project Dimensions to discuss DPLS concerns and recommendations and any other issues regarding the proposed lighthouse facility at Puerto Place.

17M

DPLS thanks Orange County for the opportunity to express our concerns and recommendations for consideration and implementation in the final EIR document to be certified and forwarded to the California Coastal Commission.

Sincerely,



John D. Gile  
President, DPLS  
Tel. 949-218-2589



Response No. 17

Dana Point Lighthouse Society  
John D. Gile, President

- 17A. Commenter correctly states that the County of Orange and the Dana Point Lighthouse Society (DPLS) have agreed in concept to entering into a lease arrangement for a site (to be determined at a later date) at the south end of Puerto Place for the proposed DPLS lighthouse facility. The commenter has suggested modifications to the language in the DEIR describing the proposed Lighthouse facility. The following modifications have been made to the DEIR text related to the Lighthouse in Section 3.0 (Errata). The revised text is provided below.

*The Dana Point Lighthouse Society, a local nonprofit organization, has proposed to construct and operate a lighthouse facility in Dana Point Harbor. The County has agreed (in concept) to lease property to the Society for this purpose; however, a formal agreement has not been negotiated. The County and the Society have selected the area at the south end of Puerto Place as the preferred location for the lighthouse, subject to a separate engineering feasibility study and additional environmental analysis. Amenities associated with the lighthouse may include a 2-story structure of up to 2,500 square feet housing a small nautical museum, a small retail gift shop, meeting rooms, a kitchen, and restrooms. Final design and schematic diagrams are not yet available but it is estimated that the lighthouse will be approximately 50 feet high from the base of the tower to the bottom of the lantern deck, with an approximately 15-foot-high fixed lantern, for a total maximum height of 65 feet. The lantern facility is proposed with an operational light to serve as a private aid to navigation approved through the United States Coast Guard. Full intensity of the light will be directed over water areas and shielded in such a manner so as not to be objectionable over landside areas. The Lighthouse Society also intends to lease space in the tower to other communication providers including but not limited to directional finder, radio and cellular telephone repeater stations. Prior to issuance of any construction permits, the DPLS would be required to submit a Coastal Development for approval.*

- 17B. Given the physical constraints presently existing at the southern end of Puerto Place the DPLS will need to work within the space allocations and constraints indicated in response 17A.
- 17C. Due to concerns expressed during public workshops, the DPHD is concerned about light being directed toward landside uses. The text within the EIR related to lighthouse lighting will remain unchanged. (See response 17A) A more detailed environmental analysis by DPLS will be required in the future wherein detailed light and glare issues will need to be analyzed.
- 17D. All Lighthouse related development costs, including potential restroom relocation, street realignments, parking or other site improvements will be the responsibility of the Lighthouse Society.
- 17E. Refer to response 17D.
- 17F. Comment noted.



- 17G. The sentence referenced by the commenter has been removed from the DEIR document via the Errata section. The County does not currently have plans to relocate the turn around at the end of Puerto Place.
- 17 H. The commenter is correct in that Table 4.5-37 in the DEIR indicates that 8 parking spaces would be required for the Lighthouse Facility, based on County of Orange parking requirements for a 2,500 square foot museum facility @ 1 space per 300 square feet of gross floor area. The DPLS would be responsible for providing adequate parking to meet parking code requirements and their anticipated needs as a part of their future site development planning, approval and construction process. Also refer to response 17D. Existing parking along Puerto Place includes two (2) County pay lots available to the general public, which could be available for Lighthouse overflow parking, but parking fees would apply to all users. The Dana Point Shipyard parking lot would not be available for Lighthouse use without further shared use analysis in addition to negotiating an agreement with the shipyard operator who currently controls the use of this parking lot. It is also noted that the future development of Dry Stack Boat Storage Building # 2, a programmatic element of the EIR, will require the reconfiguration of the shipyard including the referenced parking lot.
- 17I. The exact location of the Lighthouse has not been determined. The general location is proposed at the south end of Puerto Place as discussed on page 3-21 of the DEIR. Various locations have been proposed at the south end of Puerto Place, but a decision on the exact location has not been made by the County or the DPLS. Further analysis will be required in order to determine the actual location. The [www.dphplan.com](http://www.dphplan.com) website depicts one proposed location, Exhibit 3 (Dana Point Harbor Revitalization Proposed Plan) in the DEIR depicts another proposed location. Both locations are considered to be at the south end of Puerto Place.
- 17J. Refer to response 17I
- 17K. Refer to response 17J and response 17A
- 17L. Refer to response 17A
- 17M. County DPHD Staff and the DPLS met on December 12, 2005 to discuss the Lighthouse Society's concerns.



# COMMENT NO. 18

Please let me say thank you for your efforts to keeping Dana Point Harbor a wonderful place to work and play. I applaud your efforts but hope you might find the time to address some of my concerns.

It looks like parking for the boaters will be reduced. Every document I look at has a different number but in an over all assessment, it is clear that the boater parking space population is being reduced. Can you explain the reason?

18A

Why has the Revitalization Plan tried to put ten pounds of development into a 5 pound cove?

The original cove was enlarged to accommodate the harbor by removing a beach, building other beaches and constructing a breakwater and an Island. This is a finite area. The addition of high rise parking structures, "Festival Plazas" and "parking Decks" cannot help but destroy the "feeling" of Dana Point Harbor. Can't something be done without resorting to the high rise building model?

18B

Dana Point was built as a "small boat harbor." The removal of so many of the smaller slips will eliminate the "breeding ground" for boaters. The typical boater starts with a small boat and as he gains knowledge and boat handling experience, he moves up to a larger boat. The proposed dry storage building will not be adequate. Small boat sailors will be left out. Dana Point will be turned into "New Port Beach south" with extremely large boats and again the average boater will suffer. The County will gain by the higher slip rents that the larger boats will pay but the average county resident will suffer at the "fat Cats" hand. This isn't right. It's just not right.

18C

There is a segment of the population in the harbor known as "Live Aboard boaters" Some are financially secure and some are not. These folks will be driven out as the county reduces the number of dedicated liveaboard slips. Most of them will have no place to go. I urge you to place into the plan provisions for these people. Increasing the slip rent "live aboard" fee is nothing short of causing the "unable" to suffer at the "Fat Cat's hand" once again. Many of these people have been in the harbor for years and some are on a fixed incomes. Please consider a reduction in the liveaboard population by attrition and not fees. Don't forget that liveaboards have always been a security benefit. Many sinking boats have been discovered buy liveaboard and saved. If nothing else, the dollar saving from reduced oil and fuel pollution would warrant keeping this group of boaters in the harbor. Sewage pollution has always been a problem with boaters in general. Not just liveaboards. The liveaboard sewage issue can easily be address by requiring each liveaboard boater to be under a weekly pump out contract with one of the companies working in the harbor. Keeping the current pump out facilities is working order instead of the current situation will aid in cleaning up the harbor as well.

18D

Thank you for your timely response. Please feel free to pass this letter on to anyone you feel might be interested. In addition, please place this letter in the public record.

Sincerely,

Stephen J. Pepper  
14500 Mesa Road, G-30  
San Clemente, Ca. 92629



Response No. 18  
Stephen J. Pepper

- 18A. Although the configuration of the parking areas would change (i.e., with the construction of a new parking deck) throughout the Commercial Core area of the Harbor, the DEIR includes Mitigation Measure 4.5-7, which requires the preparation of a Traffic Management Plan that includes parking area management practices to promote the provision of convenient parking for all users of the Harbor, including boaters. As a programmatic component of the Revitalization Plan, the EIR contemplates a reduction in the number of boat slips, leading to a reduction in the number of boater parking spaces necessary. Any subsequent changes in the location or number of boater parking areas will be evaluated as part of a subsequent environmental analysis to be prepared as part of the waterside improvements once they have been determined. The reconfiguration of the uses within Planning Area 1 will also provide some parking opportunities for boaters who utilize the dry stack boat storage buildings. It should be noted that under all circumstances, boater parking will continue to meet or exceed the State of California Department of Boating and Waterways standard (0.6 parking spaces per vessel).
- 18B. The Dana Point Harbor Revitalization Plan provides for the reconfiguration of the Commercial and Marine Services areas of the Harbor to promote efficiencies between land uses that currently do not exist. These design features include the location of retail shops and restaurants in close proximity to a multi-use outdoor area that serve as gathering place for visitors to enjoy the Harbor and other available coastal resources. Staying consistent with the input received during the Harbor planning process, future buildings will be located to take advantage of existing site characteristics (topography and natural screening) and create views of the Harbor from adjoining roads and land uses surrounding the Harbor. The Revitalization Plan includes one-, two- and three-story buildings in the Commercial Core area, as well as two 70-foot tall dry stack storage buildings, and a two-level parking deck. The proposed plan is intended to strike a balance between providing all the services and amenities the Harbor is identified with and creating a facility that is economically and commercially successful.
- 18D. The small boat atmosphere for boaters will not be eliminated as a result of implementing the Revitalization Plan. Opportunities for new boaters will actually be increased with development of the Revitalization Plan components. With the addition of each of the dry stack boat storage buildings, boaters will be given a new, lower cost boat storage alternative, which currently does not exist. While the Project would replace some of the underutilized existing small boat slips in the East and West Marinas with slips suited for larger craft, slips for smaller craft will remain available at a level consistent with demand. To off-set the potential displacement of some small boats, additional small craft storage areas will be provided almost exclusively for small crafts including the dry stack storage facility housing 800 boats when both buildings are completed, and providing an additional 93 surface boat storage spaces for mast-up boats. The increased provision of large craft slips at the Harbor under the Revitalization Plan is a result of a statewide trend indicating an ongoing demand for such facilities, and is not intended to cater to any particular socioeconomic group or craft size.



As discussed in Appendix L (Relevant Consistency Analysis) of the DEIR, the proposed Project would be consistent with Section 30213 of the Coastal Act. Currently there is a shortage of larger slips in the Harbor. The following tables provide a description of the current boat storage demand in the east and west basins.

### East Basin

Slip Size	Maximum Length	Estimated Waiting Time	Distribution
Inside Ties			30
24'	24'	3 Months	42
28'	28'	2 Months	617
29'	29'	8 Months	63
33'	33'	1.5 Years	307
38'	38'	3 Years	167
43'	43'	6 Years	96
48'	48'	6.5 Years	60
53'	53'	7 Years	12
58'	58'	8 Years	14
63'	63'	13 Years	9
End Tie	85'	10 Years	19
<b>Total</b>			<b>1,436</b>

### West Basin

Slip Size	Maximum Length	Estimated Waiting Time	Distribution
22'	22'	Available	89
22'	22'	6 Month	18
24'	27'	6 Month	94
25'	28'	11 Month	88
26'	29'	6 Month	224
28'	31'	2 Years	116
30'	33'	5 Years	74
35'	38'	10 Years	96
40'	43'	15 Years	43
45'	48'	12 Years	49
50'	53'	15 Years	22
52'	55'	15 Years	12
55'	58'	15 Years	10
End Tie	End Tie Overall Length	15 Years	46
<b>Total</b>			<b>981</b>

- 18E. The DPHD recognizes that there are a number of small craft boat owners living aboard their vessels on a full-time basis. Presently the management companies responsible for overseeing the daily operation of the marinas for the County have a number of requirements in the slip rental agreements that serve to regulate this practice. The reconfiguration of the Marina's was analyzed as a programmatic component of the DEIR and indicated that subsequent environmental analysis would be required once more detailed plans are completed.

**Pat Seraballs**

**From:** Barbara Merriman [doubleagle1@cox.net]  
**Sent:** Thursday, January 05, 2006 12:19 PM  
**To:** Pat Seraballs; Rick Goacher; david zenger; Earl Wooden; Shirley Long  
**Subject:** Dana Point Harbor

January 5, 2006

It has been a mammoth effort to attempt the Revitalization Plan for Dana Point Harbor over the past eight years, and I applaud all those who have been involved for their contributions to the proposed plan. As a member of the general public, I would like to clarify and verify some of the details behind the renderings in order to avoid discrepancies and omissions in the EIR. I respectfully request an answer to the following questions and I would like to have this letter placed into the public record.

**1. Exactly how many more parking spaces will be in the commercial core over those which exist today?** I have tried to gain this information from reading several volumes with numbers in them and it is not clear if there is any gain at all. Almost every page has different numbers and different comparisons. A two story parking deck is proposed over a lot that already contains available parking. Many public spaces are being removed to make the "Festival Plaza" for pedestrians. Many more dedicated boater parking spaces are being removed for the same reason. Another parking deck at the Hotel is listed as a possibility for when that is demolished and rebuilt. Yet another parking deck is being considered for the Island in what is now dedicated boater parking. Also, on the drawings, in the harbor boundaries, there is a parking lot shown that can only be accessed from Doheny State Beach. Are all these numbers being included in the final counts of increased parking? It has also been stated that even with all the extra parking, the same problems will exist on all the major summer holidays and weekends, only now the boating public will have less space to park in order to use their boats.

19A

**2. What is the aggregate increase in building height that will result from the proposed plan? Specifically, how high are the base building pad elevations in the harbor being raised upon which a new building height is proposed?** It is not exactly clear what the height of the new buildings and the impacts are with the proposed changes. There are statements of anywhere from 36' to 50' in heights for these new buildings and it should be made clear in the administrative record just what is being approved. Keeping in mind that height limits in Dana Point are at 35', if the new buildings are being placed on higher elevations of filled land to begin with, will they not exceed the intended limits and implied impacts?

19B

**3. What is the justification for reducing the size of the current Shipyard Facility during the Revitalization Plan?** An inventory of shipyard size up and down the west coast may find a shipyard the size similar to the proposed site, but the same inventory would also reveal that multiple shipyards exist in all the major harbors of the size and scope of Dana Point. By consciously under sizing this critical need in the harbor, the shortage will spawn bootleg repair operations, wasted fuel from having to travel to other facilities, price gouging, and poorly maintained boats. I am knowledgeable about the daily operation of Dana Point Harbor and I urge that this mistake not be made.

19C

**4. Relocation of all Yacht Brokers to the Commercial Core area would help alleviate the need for boater parking in that area, thereby making more room for visitors.** As of now, plans for only two of the four harbor yacht brokerages will be located in the commercial core. Relocation of the Guest Docks to the Commercial Core has also been planned, but I see that the Guest Docks in the West Basin will

19D

also remain as well. I could find no explanation of this change, nor of why we need so many guest docks, when there are such long waiting lists for boaters to have slips. Can anyone answer this question?

**19D**  
Continued

Thank you for your consideration to these questions.  
Cordially,

Barbara Merriman  
34300 Lantern Bay Drive #4  
Dana Point, CA 92629



Response No. 19  
Barbara Merriman

- 19A. In the DEIR the existing and proposed parking was analyzed by zone. Due to design considerations, the Commercial Core was not analyzed as a zone by itself, but rather was split into two zones: Zone A consisting of Planning Area 1 and Zone B that included Planning Areas 2 and 3. Zone A parking is accessed via Puerto Place and Embarcadero Place today and will only be accessed via Puerto Place with implementation of the Revitalization Plan. The users in Zone A include boat launch customers, dry stack boat storage customers, marine retail customers, shipyard customers, fuel dock customers, lighthouse visitors and other recreational users. Existing parking in Zone A is 288 and proposed parking is 458, for an increase of 170 parking spaces. Neither the existing nor proposed numbers include "car with trailer parking" for the boat launch ramp, which is calculated separately.

The parking lot referenced by the commenter as the lot "that can only be accessed from Doheny State Beach" is an existing Dana Point Harbor pay parking lot which is accessed via Puerto Place. The existing and proposed parking numbers for Zone A, include parking spaces provided in this lot.

Zone B is accessed via Street of the Golden Lantern or Casitas Place. Zone B users include retail and restaurant customers, boaters, hotel guests, and Catalina Express passengers. Existing parking in Zone B is 1,523 and proposed parking is 1,969, for an increase of 446 parking spaces.

The reference to a future parking deck in Planning Area 4 (the Island) was in error and is not being considered. See Response to Comment 14F.

The hotel is a programmatic element of the DEIR and has been analyzed at a conceptual level. Further design and analysis will be necessary prior to developing the hotel. The future hotel design and analysis could include an additional parking deck in Planning Area 3. This is discussed in further detail in the Response to Comments, specifically response 8C. A future parking deck in Planning Areas 2 and 3 could provide additional parking if its feasibility is confirmed with development of plans for the construction on a new hotel facility.

Boater parking will continue to meet or exceed the State of California Department of Boating and Waterways standard of 0.6 parking spaces per vessel.

- 19B. All proposed structures would be constructed at grades that approximate the existing topography in the Harbor (with the exception of the proposed parking deck that is slightly buried at the northern end). The three main buildings proposed in the Commercial Core will be built on foundations approximately two to four feet above the existing finished grade at the bulkhead. The remaining proposed Commercial Core buildings will be built at approximately the existing finished grade in the areas where they will be constructed. In the Commercial Core, one-, two- and three-story buildings are proposed and the building heights vary, but the tallest building in the commercial retail/restaurant area will be 66 feet to the top of the pitched roof. The project will require an amendment to the existing City of Dana Point's Local Coastal Plan for the Harbor to allow for these building heights as well as for the dry stack boat storage buildings and hotel.



As discussed in Section 4.2 (Aesthetics, Visual, and Glare), of the DEIR, impacts to the visual character and quality of the site resulting from the increased proposed building heights would be considered a significant and unavoidable adverse impact from off-site views even with implementation of applicable Project Design Features and Mitigation Measures. As such, the impacts of such increased building heights have been adequately addressed in the DEIR analysis.

- 19C. The development of dry stack boat storage building #2 and the reconfiguration of the Shipyard is a programmatic element of the DEIR and will require further design and environmental review. However, please refer to our response to comment letter 10, which details the DPHD's current position on the Shipyard reconfiguration. In short, the existing Dana Point Shipyard is situated on an approximately 2.6 acre parcel, the majority of which is used for non shipyard repair and maintenance activities, such as boat storage, jet ski sales and rentals and yacht brokerages. The area which is currently used for shipyard activities will be able to remain completely intact with the development of dry stack building #1. With the future development of dry stack building # 2, (pending further design and environmental review) the existing shipyard building and a portion of the parking lot will need to be reconfigured, but the ship repair area including the ship lift and everything located south of the existing building could remain intact.
- 19D. Currently the Revitalization Plan only calls for two of the existing yacht brokers to move into the new Commercial Core buildings, due to the required demolition of their existing buildings.

The Harbor currently has 42 visitor slips located in the West Basin adjacent to the Youth and Group Facility in Planning Area 9. Adding additional visitor slips in Planning Area 10 near the Commercial Core is a programmatic element of the DEIR and will require further design and environmental analysis. The Revitalization Plan as proposed allows for up to an additional 22 visitor slips for a total of up to 66 visitor slips. Some of the 66 visitor slips will remain near the Youth and Group Facility and the others will be located near the Commercial Core. The additional guest slips are being provided to meet the project objective of providing increased recreational opportunities at the Harbor for visitors, including those that may typically utilize another harbor in the region.

# COMMENT NO. 20

## Dana Point Shipyard

34671 PUERTO PLACE  
DANA POINT, CALIFORNIA 92629  
(949) 661-1313  
FAX (949) 661-5247

January 10, 2006

Orange County Planning Commission  
Dana Point Council Chambers  
33282 Golden Lantern  
Dana Point, California 92629

Reference: Public Hearing on Environmental Impact Report 591  
Dana Point Harbor Revitalization Project, SCH# 2003101142

Dear Orange County Planning Commissioners,

My name is Eugene C. Jerry and I am a General Partner and the General Manager of the Dana Point Shipyard, which is located at 34671 Puerto Place in the Dana Point Harbor.

I wish to respond to the "Response to Comments" dated January 6, 2006, which, along with additional revisions, is being presented to you this evening for your consideration.

1<sup>st</sup>, I wrote a letter dated November 8, 2005, addressed to Ms. Sonia Nasser, Engineering Manager with the Orange County Dana Point Harbor Department, expressing some of my concerns regarding the proposed depletion of the Dana Point Shipyard property and the resulting effect on the Boaters of Dana Point Harbor and the Shipyard operations. This letter, which speaks for itself, is listed as Comment No. 10 in the "Response to Comments" and starts on page No 44.

2<sup>nd</sup>, Regarding the comments to my letter, We are being compared to two Boatyards located in the Newport Beach area. These yards are said to operate on approximately an acre of land each, and are used as examples of what type of facility we should have here in the Dana Point Harbor and still be able to remain successful.

The first fallacy is: there are approximately 9000 boats in the Newport Harbor being serviced by eight (8) boat yards and the quick extrapolation would be that each Newport boatyard services approximately 1125 boats per acre of land. In Dana Point Harbor we have 2493 boats in the water and approximately 500 boats on land with only one (1) boatyard to service them. That extrapolation would be that 2.66 acres of land is required to service the Dana Point boats. (2493 Dana Point boats divided by 1125 Newport Beach boats equals 2.62 acres. We presently are operating on a 2.6-acre parcel.)

The second fallacy is: To compare the Dana Point Harbor boats with the Newport Harbor boats is comparing "Apples to Oranges". In the Newport Harbor, most of the boats are "Power Boats" ranging in length from 38 feet and up with most of them being in the 42 to 55 foot length. As Dana Point Harbor was specifically designed to be a Small Boat Harbor, most of its' boats range in length from 26 to 32 feet in length, with over 70% of them being Sail Boats, which is due to the Quick Access to the Ocean and the Prevailing Winds. **There is NO COMPARISON as to the work required between a Sail boat and a Power boat, nor is there any comparison to the work required on a 26 foot boat as compared to a 50 foot boat.**

20A

20B



WE ARE EXTREMELY DISAPPOINTED, THAT WE HAVE YET TO BE ASKED, TO PROVIDE ANY INPUT AS TO JUST WHAT TYPE OF BOATYARD NEEDS ARE REQUIRED FOR THE DANA POINT HARBOR BOATERS. WE WOULD THINK THAT AFTER PROVIDING SHIPYARD SERVICES FOR MORE THAN 30 YEARS IN THIS HARBOR, WE WOULD BE MORE QUALIFIED TO PROVIDE INPUT AS TO JUST WHAT IS REQUIRED IN THIS HARBOR, RATHER THAN TO HAVE ERRONEOUS INPUT OBTAINED AND RELIED UPON FROM A NEWPORT BEACH, BOATYARD OPERATOR.

20C

The third fallacy is that we presently have 5000 square feet of building area and we now only need 2500 feet of building area to service the Harbor Boaters. The truth is that we presently have 6650 square feet of enclosed building area and approximately 750 square feet of covered shop area for a total of 7400 square feet of covered building area. Of this, 5750 square feet is presently required for Shipyard Services and our Jet Ski tenant occupies the remaining 1650 square feet. Obviously to cut our required building area by more than half would be a major deterrent.

20D

The Dana Point Harbor Revitalization Project presently proposes that a second Stack Storage Building be built in place of our existing main Shipyard Building and that a Light House Facility be constructed immediately South of our property where our Main Mechanic, Machine and Woodworking building exists. To be specific, to have a Light House Facility and Retail store, with parking, placed in the immediate area of our existing work shop which creates Noise, Dust and Grinding residue is ludicrous. The two uses are **NOT**, in any way, Compatible.

20E

Regarding **Parking**. It is now being proposed that the Shipyard now only needs **six (6)** Parking Spaces. I presently have **47 parking spaces** of which **15** are used by 14 of my employees and my self and **15** are dedicated for my Customers. My Tenant and his Employees and Customers use the rest. **Tell me? How do I now fit at least thirty (30) required parking spaces into six (6)? ARE WE TO JUST ELIMINATE THE JOBS AND THE FAMILIES THEY PROVIDE FOR?**

20F

The second Stack Storage Building that is being proposed in lieu of my present Shipyard Building is stated to hold 400 boats with a ratio of .33 parking spaces per boat being stored. That is 133 required parking spaces and I do not see any area on the Revitalization Exhibit Map Submittal being dedicated for that required parking.

I Respectfully submit that if our Harbor is to continue to have a successful and efficient Shipyard than it should be left "As Is" or be moved to another location in the Harbor where it can continue to provide the proper service to the Dana Point Harbor Boaters.

20G

Respectfully Submitted,



Eugene C. Jerry



Response No. 20

Eugene Jerry  
Dana Point Shipyard

- 20A. The comment does not raise any environmental issues, but merely identifies previous comments submitted during the public review process.
- 20B. The shipyard parcel includes approximately 2.6 acres, of which approximately 1.2 acres are used for ship repair. The remaining acreage is used for non shipyard uses, such as boat storage, jet ski sales and rentals and yacht brokerages. In the commentor's 11-8-05 comment letter to the DEIR, he pointed out that these uses were necessary in order to remain profitable during the seasonal peaks and valleys associated with ship repair. In comment 20B, the commenter eludes to the need for a larger ship repair area based on a comparison to other shipyards in Newport Harbor. Based on his analysis, there are 8 shipyards in Newport Beach and approximately 9,000 boats, which equates to approximately 1,125 boats per shipyard. In comparison, Dana Point Harbor has over 2,200 vessels in slips and more than 500 in dry storage, with only 1 shipyard, yet in his previous letter he states that he requires other non ship repair uses to remain profitable during the seasonal "peaks and valleys" associated with ship repair, even with twice the number of per shipyard vessels than Newport Harbor. Most shipyards in Newport Harbor remain busy throughout the year and are able to remain profitable without other non ship repair revenue sources. The commenter has operated the existing ship repair area of the shipyard, in its current configuration, for many years. The area which is currently used for shipyard activities will be able to remain completely intact with the development of dry stack building #1. With the future development of dry stack building #2, (pending further design and environmental review) the existing shipyard building and a portion of the parking lot will need to be reconfigured, but the ship repair area including the ship lift and everything located south of the existing building could remain intact. Please also refer to response 10A.
- 20C. See response 10A – first paragraph.
- 20D. Refer to Response 20B.
- 20E. The proposed lighthouse is a programmatic element of the DEIR and is not proposed to be constructed on the Dana Point Shipyard leasehold parcel, but rather at a presently undefined location at the end of Puerto Place. Upon implementation of the lighthouse, further environmental studies will be conducted to mitigate any potential adverse impacts from surrounding land uses.
- 20F. Parking required by County of Orange code for the proposed dry stack storage buildings and the proposed shipyard building is included in table 4.5-37 of the errata. Please also refer to response 10A.
- 20G. The area which is currently used for shipyard activities will be able to remain completely intact or "as-is" with the development of dry stack building #1. With the future development of dry stack building # 2, (pending further design and environmental review) the existing shipyard building and a portion of the parking lot will need to be reconfigured, but the ship repair area including the ship lift and everything located south of the existing building could remain intact. Please also refer to Response 10A.

# COMMENT NO. 21

Jan. 06

DEAR OR. COUNTY PLANNING DEPT.,

Please don't allow the construction of a light house in Dana Point harbor. There is enough light pollution emanating from the harbor as it is. The effect on wild avian life is well documented.

The harbor's open space and parklike nature will not be enhanced by more buildings.

again please do not allow a light house in the rebuilt Dana Point Harbor.

thanks you for your service,  
Thomas Campion

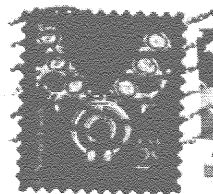
21A



Tom Campion  
PO Box 2355  
Capo Beach CA 92624-0355

SANTA ANA CA 927

20 JAN 2006 PM 8 L



ORANGE COUNTY BOARD  
OF SUPERVISORS  
PLANNING + DEVELOPMENT  
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300 N. FLOWER  
SANTA ANA, CA.

92701

92703+5000 0003





Response No. 21

Tom Campion

- 21A. The general location of the lighthouse is proposed at the south end of Puerto Place, as discussed on page 3-21 of the DEIR. Note that the proposed lighthouse is a programmatic element of the EIR, which will require additional environmental analysis. The Dana Point Lighthouse Society (DPLS) is the proponent for the development of the lighthouse. If approved, the Dana Point Harbor Department (DPHD) would then lease property to the DPLS for the purpose of constructing and operating the lighthouse facility. Prior to issuance of any construction permits, the DPLS would be required to submit a Coastal Development Permit for approval. Upon implementation of the lighthouse, further environmental studies will be conducted to mitigate any potential adverse impacts to surrounding land uses, including biological resources.

The effects of light pollution would be minimized as full intensity of the light will be directed over water areas and shielded in such a manner so as not to be objectionable over landside areas. Studies have shown that simple changes in light signatures can reduce avian light attraction and mortality during migration.<sup>1</sup> A more detailed environmental analysis by DPLS will be required in the future wherein detailed light and glare issues will be analyzed.

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<sup>1</sup> Jones, J., Francis, C. M. *The Effects of Light Characteristics on Avian Mortality at Lighthouses*, Journal of Avian Biology 34: 328–333, 2003.

# COMMENT NO. 22



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION  
Orange Coast District  
3030 Avenida Del Presidente  
San Clemente, California 92672  
949 492-0802

Ruth G. Coleman, Director

Item # 25,  
1/31/06 BM

January 30, 2006

County of Orange  
Board of Supervisors  
10 Civic Center Plaza  
Santa Ana CA 92701

Subject: Dana Point Harbor Revitalization Project  
DEIR# 591, SCH# 2003101142

Dear Supervisors:

Thank you for the opportunity to comment on the proposed Dana Point Harbor Revitalization Project. California State Parks owns and operates Doheny State Beach on behalf of the citizens of California. Located in the City of Dana Point, Doheny State Beach was established in 1931. Annually, over 2 million visitors use Doheny State Beach to recreate and escape the stresses of their daily activities. California State Park records show that the campground at Doheny State Beach has the highest demand than other campground in the State Park system.

Doheny State Beach is located at the southern extension of the harbor revitalization planning area and shares a common boundary along a portion of Dana Point Harbor Drive and Puerto Place. Recreation activities include surfing, swimming, scuba diving, boating, camping, walking, running, bike riding and other beach activities. Many of our visitors will also visit Dana Point Harbor during their visit to the area. Our beach front promenade and the connecting San Juan Creek trail allow visitors for inland Orange County to visit Doheny State Beach via bicycle.

The DEIR mentions moving hotels closer to the harbor promenade and public circulation within the commercial areas. We feel you should look beyond these core areas and assess how circulation patterns extend into nearby open space areas including Doheny State Beach. Specifically, North Creek currently provides a barrier for pedestrians and cyclists wishing to travel from the Dana Point Harbor to Doheny State Beach. The Orange County parking lot along North Creek and Puerto Place could provide a logical connection between these two recreation areas with the construction

22A

22B

of a small bridge across North Creek. This bridge could also provide ADA access to picnic facilities, grassy turf, restrooms and other park facilities within the area. Public safety would also be improved with this connection. We encourage you to fully consider these benefits when finalizing your capital improvement budget.

**22B**  
CONTINUED

The DEIR describes two boat storage facilities immediately adjacent to Doheny State Beach. The placement of these two 75' tall buildings along Puerto Place adjacent to Doheny State Beach will significantly change the character of this area. The scale of these structures does not fit with surrounding facilities and land use (open space-recreation) and will dominate coastal views from within Doheny State Beach and Dana Point Harbor. Exhibit 4.2-15a of the 75' tall dry stack structures is taken from over a third of a mile away which significantly scales down the size. This exhibit should be redone with a picture taken from the nearby beach as well as the surf break known as "Boneyards" to show the true impact of these two structures will have on the views enjoyed by the visitors to Doheny State Beach. The mitigation proposal to screen these buildings with mature landscape, as proposed in the DEIR, is inadequate. We suggest these buildings be sited at another location so that these visual impacts are eliminated. Please work to protect the invaluable aesthetics of this area.

**22C**

Thank you for this opportunity to comment on this DEIR. Please call me if you have questions about this comment letter.

Sincerely,

Richard Rozzelle  
District Superintendent



Response No. 22

California Resources Agency  
Department of Parks and Recreation  
Richard Rozzelle, District Superintendent

- 22A. Comment noted. The Commenter does not raise any environmental issues related to the DEIR. The County Board of Supervisors will consider all comments on the proposed Project during the decision-making process for the Project.
- 22B. Comment noted. The County will work with the California Department of Parks and Recreation to identify opportunities to provide additional pedestrian connections to off-site areas, including Doheny State Beach where feasible. It is acknowledged that such connections would serve to enhance the function and utilization of the Harbor and surrounding recreational resources. Also, refer to Response 4B.
- 22C. The two 70-foot-tall dry-stack boat storage structures would replace the existing views of the maintenance facility, dry boat storage areas, and a portion of the shipyard. Although in some locations views of the distant coastal bluffs may be partially visible from various points on Doheny State Beach, the coastal bluffs are not visible from this vantage point (Exhibit 4.2-15a). However, it is acknowledged that views of the bluffs to the west of Doheny State Beach would be partially obstructed despite the implementation of applicable Project Design Features and Standard Conditions of Approval. (refer to page 4.2-46 of the DEIR). As a result, this is considered a significant unavoidable long-term aesthetic impact of the Project.

The specific location of the proposed dry-stack structures was selected based on various physical constraints, proximity to facilities, as well as aesthetic impacts. Additionally, the objectives of the proposed Project include the provisions of adequate facilities, which necessitates additional dry-stack boat storage. Also refer to response 4C.