

SUPPORTING DOCUMENT B:

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

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

**COMMISSION NOTIFICATION OF APPEAL**

DATE: July 1, 2014

TO: City of Dana Point
 33282 Golden Lantern
 Dana Point, CA 92629

FROM: Fernie Sy, Coastal Program Analyst

RE: **Commission Appeal: A-5-DPT-14-0036**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: CDF 13-0018

Applicant(s): OC Dana Point Harbor, Brad Gross, Director
 County of Orange
 24650 Dana Point Harbor Drive.
 Dana Point, CA 92629

Description: Dana Point Harbor Revitalization Plan – CDP 13-0018 (Commercial Core Project). This Coastal Development Permit is for development, otherwise referred to as the Commercial Core Project, within the Orange County Dana Point Harbor. The Commercial Core Project includes renovations of existing building, reconfiguration of streets and other infrastructure improvements, a new parking structure, landscape improvements, a parking management plan and a master sign program for the harbor. Approval in concept is also being requested for a dry stack boat storage building.

Location: Dana Point Harbor, Dana Point

Local: Approved

Appellant(s): Boater for Dana Point Harbor
 P. O. Box 3137
 Dana Point, CA 92629

Date Appeal: June 27, 2014

The Commission appeal number assigned to this appeal is A-5-DPT-14-0036. The Commission hearing date has been tentatively set for August 13-15 in San Diego. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Dana Point consideration of this coastal development permit must be delivered to the South Coast Area office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Fernie Sy at the South Coast Area office.

Cc: Boater for Dana Point Harbor

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Boaters For Dana Point Harbor
 Mailing Address: PO Box 3137
 City: Dana Point Zip Code: CA Phone: (949) 289-8400

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Dana Point

2. Brief description of development being appealed:

Dana Point Harbor Revitalization Plan - CDP13-0018 (Commercial Core Project) This Coastal Development Permit is for development, otherwise referred to as the Commercial Core Project, within the Orange County Dana Point Harbor. The Commercial Core Project includes renovations of existing buildings, phased demolition of existing buildings along with phased construction of new commercial buildings, reconfiguration of streets and other infrastructure improvements, a new parking structure, landscape improvements, a parking management plan and a master sign program for the harbor. Approval in concept is also being requested for a dry stack boat storage building.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Dana Point Harbor, Dana Point, California

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	A-5-DPT-14-0034
DATE FILED:	6/27/14

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084



DISTRICT:

South Coast / Long Beach

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
 City Council/Board of Supervisors
 Planning Commission
 Other

6. Date of local government's decision: 6-17-20147. Local government's file number (if any): CDP13-0018**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Brad Gross, Director, OC Dana Point Harbor
 County of Orange
 24650 Dana Point Harbor Dr
 Dana Point, CA 92629

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Dana Point Boaters Association, P O Box 461, Dana Point, CA 92629

(2) Residents of Lantern Bay Estates & Lantern Bay Villas (Addresses can be provided by City of Dana Point. Appellant does not have access)

(3) Dry Boat Storage Licensees in Dana Point Harbor (Addresses can be provided by Vintage Marina Partners, agents for Orange County Harbor Department, OC DPH. Appellant denied access to addresses through OC DPH policy.)

(4) Barbara Merriman, # 3 34300 Lantern Bay Drive, Dana Point, CA 92629

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1) The Implementation plan requires 493 dry boat spaces to be maintained within the harbor (and specifically within Planning Area 1), per Implementation Plan Sections 4.5r, 14.2i and 14.2j. See also Appendix M, p. 29 of CDP Application. Project Plan fails to maintain required, higher protected use resources (dry boat storage) within the Harbor at all times. See May 12, 2014 communications to Dana Point Planning Commission Commissioners attached.

2) Proposed Boat Barn (extending over water) requires CCC CDP due to retained jurisdiction. CDP13-0018 does not include submittal of boat barn CDP application to the Commission. After construction allowed by CDP, all other options without the Boat Barn which would have allowed compliance with LCP will have been eliminated through construction. OC Dana Point Harbor has stated that without the Boat Barn, there will only be room for about 250 dry boat spaces. This would be a clear violation of Coastal Act Section 30234, even with a new LCP Amendment, which the developer has not proposed.

3) Base Line Analysis required by the Implementation Plan before the first CDP is issued has material errors and omissions the result in undercounting recreational boating resources. See Communications to T. Henry Long Beach dated 5/12/2014, from Bruce Heyman on behalf of Boaters 4 Dana Point Harbor, attached


4) The LUP and the IP (Section 5.5) specify that the building heights within the commercial core must conform to the building heights character of the community. The proposed 60 foot buildings do not conform to the building heights character of the community. The community has a 35 foot building height requirement with an allowance for 40 feet within the new Town Center project. There are a couple of examples where the 35 foot building heights were exceeded in the past but they were not to set precedent.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: June 27, 2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

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May 12, 2014

Dana Point Planning Commission Commissioners:

Gary Newkirk
Liz Claus
Norman Denton III
April O'Connor
Susan Whittaker

RE: CDP13-0018 Inconsistencies with the Certified Land Use Plan

Dear Commissioners,

Thank you for the opportunity to bring to your attention a few issues with the subject Coastal Development permit. We specifically describe items where the requirements that were agreed to by the Applicant (OC Dana Point Harbor), the City, and the California Coastal Commission as part of the certification process for the LUP are violated. We believe that the City of Dana Point has a responsibility to insure that the requirements of the certified LUP are met before approving the CDP, and thus it should be returned to the Applicant with a request for appropriate revisions.

A. Dry Boat Storage

From the LUP Implementation Plan - Dana Point Harbor District Regulations, Chapter 4.5 Development Standards and Requirements, sub item r)

"Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least **four hundred and ninety-three** (493) boats to be stored on dry land in the Marine Services Commercial area (Planning Area 1...**shall be maintained within the Harbor at all times** and additional spaces shall be provided where feasible.

From the Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations .1) Purpose and Intent:

...and assure that **required land area is provided** for parking facilities for higher priority water-dependent and park users **before non-water dependent land uses are intensified**.

From Chapter 14.2 section i)

Commercial Development Phasing – New Commercial development shall be phased such that required parking for higher priority uses (e.g., marina boat slips, public boat launch facility, **surface boat storage**, beach, picnic and parks) is **provided and maintained**. ... The CDP shall also require that the **parking for the higher priority** users within the Commercial Core shall be constructed and open for use **prior to the occupancy of the new Commercial Core development**.

Chapter 14.2 Section J) reiterates the exact same paragraph that is quoted from above in Chapter 4.5.

We believe that the LUP and its component parts make it clear that boater resources in the subject CDP area are not to be removed from the Harbor during construction or any other time. From the last page of the Application, Appendix M "Dana Point Harbor Revitalization – Construction Management Parking Plan", you will see that for most of the construction plan the number of boats stored in the Harbor will be significantly below the requirement. There is even a time when the number of boats in surface storage in the harbor will be zero! This is clearly at odds with the sections quoted above.

While the provision of offsite storage for boats is a valuable addition to public resources for boating, it is not, and never was allowed to be a replacement for the required high-priority uses specified in the LUP.

B. Base Line Numbers

The Base Line report (Appendix J of the County's Application) that is required to be completed before the issuance of the first CDP has a number of issues. Section 14.6 of the Implementation Plan requires a base line report to be submitted with the application for the first CDP in the Commercial Core. Specifically, the number of slips, boater parking and dry boat storage locations is under reported. We are bringing these issues up now as it is only with the publishing of this CDP application that we were able to obtain all of the relevant documents. Please find attached our recent correspondence with California Coastal Commission staff articulating the issues with the report.

C. Marina Design "No Net Loss"

From the Dana Point Harbor Implementation Plan, Chapter 12 section 12.5 Development Standards and Requirements, Subsection n):

Marina Design: The goal of any comprehensive redevelopment of the marina facilities shall be "no net loss" of slips and shall be in conformance with the latest engineering standards; satisfy ADA design requirements; and give priority to accommodating vessels less than twenty-five (25) feet in length. The design shall also give consideration to providing slips in new berthing areas if there is a loss of slips in existing berthing areas due to these design requirements or due to the provision of larger slips to meet demand, in order to achieve the goal of no net loss of slips harborwide. Under no circumstances shall the average slip length for the entire Harbor exceed thirty-two (32) feet or result in a net loss of more than one hundred and fifty-five (155) slips overall.

From the same section, subsection j)

Anchorage: The existing quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available. Changes in anchorage space to provide new berthing or mooring space may be allowed, subject to a coastal development permit and other applicable regulatory review.

From Section 14.1 Purpose and Intent:

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These regulations provide and govern the off-street parking of motor vehicles within the Dana Point Harbor. These regulations will result in parking facilities of sufficient capacity and adequate proximity to manage traffic congestion, provide safe and convenient facilities for motorists and pedestrians and assure that required land area is provided for parking facilities for higher priority water-dependent and park uses before non-water dependent land uses are intensified. and may be subject to approval of a Joint-use or shared parking programs may be allowed.

From Section 14.2 sub section i)

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

Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (i). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

We believe that the County has not met the burden of setting aside enough land in the Commercial Core to “park” a zero slip loss plan. Before the County’s LCP could be completed the Coastal Commission required them to prepare a proposal on the new slip inventory (number, location and size). The County complied with this requirement and produced a plan referred to as 3.50. This plan, as submitted by the County would lose 209 slips while accommodating larger vessels. The Coastal Commission was persuaded by our arguments that a zero slip loss goal is attainable, while accommodating larger vessels and meeting modern design and ADA Guidelines.

The Commission’s final direction was zero slip loss but no more than 155 if zero was not possible. The Commission further modified the requirements to allow anchorage areas to be converted to dense and permanent berthing to increase the likelihood of a zero slip loss goal. Such an anchorage, East Anchorage, is adjacent to the area being considered by this CDP. We’ve quoted the relevant sections above.

The County’s plan as submitted to you does not set aside any land for boater parking for marina build out in the East Anchorage. The County has not yet pursued a CDP for the waterside, so we feel the City must require the County to set aside sufficient space to allow parking for slips in the east anchorage until such time as the County can obtain a Coastal Development Permit for that area. Failure to do so will frustrate the Coastal Commissions’ intent to not allow commercial development to eliminate potential higher-use solutions.

Again, thank you for the opportunity to bring to your attention a few issues with the subject Coastal Development permit. We believe we have specifically describe items where the requirements that were agreed to by the Applicant (OC Dana Point Harbor), the City, and the California Coastal Commission as part of the certification process for the LUP are violated by the Applicant's proposal. We believe that the City of Dana Point has a responsibility to insure that the requirements of the certified LUP are met before approving the CDP, and thus it should be returned to the Applicant with a request for appropriate revisions.

Respectfully,



Bruce Heyman
Boaters 4 Dana Point Harbor
PO Box 3137
Dana Point, CA 92629
(949) 289-8400
bruceheyman@cox.net

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June 14, 2014

Dear City Council Member,

Thank you for the opportunity to appeal the Planning Commission's decision to grant the developer (OC DPH) Coastal Development Permit 13-0018. I have attached the two documents that we supplied to the commissioners on the day of the hearing. We've also taken the liberty of attaching the two 3 minute talks which were given by Boaters 4 Dana Point Harbor. We are happy to answer any questions you have on these documents.

I would also like to bring up a very serious issue that became apparent to many of us during the hearing. The developer may likely never build the proposed "boat barn". As boaters, we can't say we would be sorry to see the boat barn never built because it is a disaster for boaters. However, it would be much better to have the boat barn than the developer's current alternative, which is nothing.

During the hearing, Mr. Gross of OC DPH reported that there would only be room for 240-250 boats, not the required 493. He further stated, that at that point there would have to be a new Local Coastal Program Amendment to adjust the number of dry boats stored within the harbor to 240 from the current requirement of 493.

City staff pointed out to the Planning Commissioners that if the suggestion of one Commissioner, had a separate vote on the boat barn and it was defeated, then the CDP would no longer be valid. The reason it would be no longer valid is because then the developer would no longer be providing 493 dry boat storage locations in the Commercial Core.

The boat barn is cantilevered over the water and hence cannot receive a CDP from the City, it can only be issued by the Coastal Commission. The Developer presented a 5 year construction plan that articulates that they are not even planning on submitting the CDP application for the Boat Barn to the Coastal Commission until three years into the construction project. By that time, the bulldozers and cement trucks will have eliminated all viable options for a 493 dry boat storage solution in the absence of a boat barn.

Why will the boat barn not be built? There are both financial and fit-for-use reasons. For boaters it presents many seriously negative drawbacks. It fundamentally changes the relationship between a boater and his boat. It becomes very difficult for a boater to run down to the harbor and futz with the boat. It becomes virtually impossible to spontaneously take the boat out for a spin. What does the boater do with the trailer that his boat is currently sitting on? What if he wants to take his boat for an outing in a different harbor, or to an inland lake or river? What if he or she wants to bring it home to work on it or bring it to a professional not in the harbor? Boaters responding to an earlier survey on whether they would they put their boat in the boat barn or not, returned a result that exactly zero would do so.

The financial reasons point out the extreme lunacy of even considering this approach to storing 493 small boats. The developer has informed the community that it will cost \$32,000,000 to build the boat barn. If there are 400 boats in the boat barn (the CDP application number) you will be spending a massive \$80,000 per 26' boat stored!

Another way to look at the absurdity of this approach is the monthly cost to the boaters. They currently pay about \$240 per month to store their boat on a trailer in a lined parking space within what is now being called the Commercial Core. When the developer spends \$32,000,000 to build the building he will have to collect \$583 per boater (30 year loan at 8% with 400 boats). If you assume that most of the \$240 that they pay now is operating costs and profit you would have a total monthly cost to the owner of a 26 foot boat of \$823. That would represent a 250% increase! It also would represent an incredible premium of 63% over the current costs of a far more desirable 30' wet slip.

While the Developer needs the pretense of a boat barn being viable to get this CDP13-0018 approved it clearly is quite likely to not survive the permitting process nor any rational financing scheme.

We urge the City Council to require that the Coastal Development Permit for the Boat Barn be issued before construction or destruction occurs within the Commercial core. We also believe that you as the permitting authority for the LCP, must make sure that the developer will meet the requirements of the Local Coastal Program, and has the financial ability to fully execute any projects that you approve.

Additionally, we would draw your attention to the certified Implementation Plan, Section 14.2 (i):

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


Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (i). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

Section 14.2 (j) specifies dry land storage for 493 boats in Planning Area 1. There is no plan in the developer's application for this proposed CDP to meet the requirements in these sections of the IP. Therefore, we believe the correct response of the City to this application is to deny it until the developer clearly meets the IP requirements. Failure to do so will clearly lead to further delay in the Redevelopment Project.

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We are available to answer any questions that you may have. We believe solving this at the local level will be the most expeditious and would welcome the opportunity to work with either the City or the developer.

Respectfully,


Bruce Heyman

Boaters 4 Dana Point Harbor

PO Box 3137

Dana Point, CA 92629

bruceheyman@cox.net

(949) 289-8400

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May 12, 2014

Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

Dear Teresa:

We are writing to you to bring to your attention a few points that we disagree with on a report written to you on February 11, 2014 from Mr. Brad Gross, Director, OC Dana Point Harbor. The subject report deals with the base line of boat slips, dry boat parking spaces, trailer tow vehicle parking spaces (launch ramp), boater parking and general parking.

We would offer the following observations:

1) Exhibit B: Coastal Development Permit History correctly identifies that a waiver (5-91-866) was issued by the California Coastal Commission Executive Director for the replacement of three docks. However, it fails to discuss that the terms of the waiver were that there was a commitment that there would be no change in the use of these docks. You can see that as early as 1974, the slips adjacent to the Harbor Patrol Office and the former Beach House Restaurant were used by recreational boaters. (Reference the photo on page 12.) The next page 13 shows the slips under re-construction and page 14 shows that the slips have been re-tasked for commercial fishermen and all of the recreational vessels have been displaced. We believe the change occurred within two years of the issuance of the waiver. Previously the commercial fishermen were based in the commercial area.

2) During previous working sessions with you and your peers, we were informed that for items that were constructed before the coastal act you go back to the relevant municipal or state document for the base line. In this case, a portion of the harbor was built out in advance of the coastal act and we believe the controlling document is "Dana Point Harbor Planned Community District Development Plan" Orange County, California Planning Department Orange County 9:30 AM May 6 1970. That document specifies the boater parking as:

For boat berthing areas: .75 stalls per slip 30 feet and under; 1.2 stalls per slip over 30 feet and under 45 feet; and 1.6 stalls per slip over 45 feet.

Given our slip mix that would yield 0.98 slips per slip which is substantially higher than the baseline numbers reported on page 2 of Mr. Gross's report.

3) On page 5 at the top of the page Mr. Gross sets aside the vessels that are pitch-fork side ties as they encroach into the fairways restricting boat traffic and hence does not include them in the base line. As

early as 1975 (Page 11 Exhibit A) the aerial photos show that the process was being used as the harbor filled out. Also the statement that it encroaches into the fairway is accurate, but not clear that it is material. The Department of Boating and Waterways provides a standard fairway width for areas where the vessels are berthed such that they must back out into the fairway. This is not true along the Pitchforks as they are sideties. As docks require zero modifications to accommodate this approach it is not clear that this was not already included in the original design. It most definitely speaks affirmatively to section 30224 of the Coastal Act.

4) The report totally ignores the business practice that has been implemented by the County Harbor Department since at least 1980. Please look at slide 3 of Appendix A. You will see a cluster of boats in the upper right hand corner of the Launch Ramp's Trailer Tow Vehicle parking area. This cluster will remain throughout all of the satellite images in the report with the exception of the 1975. This cluster represents 83 Dry Boat Storage locations that have month to month leases (like all boaters in the harbor), numbered slots and offer 24 x 7 access to the vessels.

5) On Page 5 paragraph 2 Mr. Gross states that the 1981 issued permit for the shipyard did not specifically state that vessels would be stored within the shipyard property so it was disallowed in his number.

6) Mr. Gross states that 73 vessels were historically stored on the acre of land that has been subsequently removed from the Shipyard lease. Our surveys of that yard routinely yield numbers higher than that (84-94). The proposed harbor plan calls for 93 mast up vessels to be stored on that acre. During the LUP deliberations in 2009 Mr. Gross committed to the Commissioners and public that the acre has always been used for boat storage and will continue to be used for boat storage just that the fence will be moved to the other side. [On certification of the LCP Mr. Gross removed all of the vessels, restriped the acre and now parks Catalina Express customers.]

Mr. Gross further states that because the original lease for the Shipyard did not include specific language that spoke to dry boat storage he is removing it from the base line. Given that dry boat storage is a common activity at a shipyard, has historically been practiced for decades in our harbor and Mr. Gross's commitment that the space has been and will remain dry boat storage, the base line should be adjusted to reflect this reality.

7) Multiple surveys of the dry boat storage areas have yielded numbers higher than those reported by Mr. Gross. Where Mr. Gross counts 443 (120 + 323), we count between 499 and 506. Again we believe the higher number speaks to section 30224 of the Coastal Act.

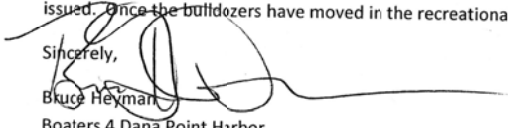
As reported to you by Mr. Gross in his cover letter we were invited, and did attend a meeting on 9/20/2013. We were not provided any materials in advance of the meeting. During the meeting the six-page draft text was distributed but due to a new policy of the County CEO, Mr. Gross was required to collect all of the copies before we were allowed to leave and could file a proper California Public Records Act (PRA) Request. Before we all left we were able to get Mr. Gross to accept a blanket PRA for everyone in the room and pay the 15 cents per copy. However, we were not allowed to have the

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attachments and table. This remained true during the second meeting, and we have only now, with the issuance of Application for CDP 13-0018 been able to receive, study and comment on the full report.

The intent of the discussion during the Implementation Plan was clear. The Commissioners wanted to know the true baseline of resources in the Harbor before construction began. We are asking you to intervene and make sure that the report is corrected before the first Coastal Development Permit is issued. Once the bulldozers have moved in the recreational resources will be gone forever.

Sincerely,



Bruce Heyman

Boaters 4 Dana Point Harbor

PO Box 3137

Dana Point, CA 92629

Bruceheyman@cox.net

(949) 289-8400

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June 13, 2014

To: Douglas C. Chotkevys
City Manager
City of Dana Point
33282 Golden Lantern
Dana Point, California 92629

Dear Doug,

Boaters 4 Dana Point Harbor are requesting a continuance for our appeal of Planning Commission approval in 4:1 vote of CDP13-0018, currently scheduled for June 17th. When we were filed the appeal we were informed that the Planning Department would call us and work out a mutually agreeable date for the appeal.

As you know, we were not informed of the date and learned about it from Mr. Jim Miller, who apparently was informed about the appeal over a week and a half ago.

Our principal spokesperson is not able to attend a hearing on the 17th due to an unmovable business trip. In the opinion of our Board, this will make it difficult for us to prepare and present a proper appeal.

While our discussion with the Planning Director confirms the date of the hearing, we have yet to receive a formal notice. We believe that the 500+ boaters that are tenants of Planning Area 1 and are directly affected by this CDP have also not been noticed.

We raised and paid the \$500 Appeal Filing Fee and were informed that it was to cover the costs of noticing, and city staff's time. We have not been given the tools to provide proper notice to the affected boaters and by County rules are barred from doing so on our own.

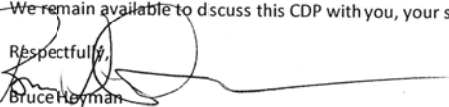
A hearing where a major class of affected individuals is not noticed, is not an effective use of anyone's time.

We believe that resolving the issues with the CDP at the local level would be the most expeditious for all parties and the project as a whole, and encourage you to:

- 1) continue the hearing to agreeable date,
- 2) provide notice to the affected boaters or give us the ability to do so.

We remain available to discuss this CDP with you, your staff or the developer.

Respectfully,


Bruce Heyman
Boaters 4 Dana Point Harbor
PO Box 3137

Dana Point, CA 92629
bruceheyman@cox.net
(949) 289-8400

SUPPORTING DOCUMENT C:

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

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



**APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT**

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commissioners Mary K. Shallenberger and Dr. Robert Garcia
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Dana Point
2. Brief description of development being appealed: The Dana Point Harbor Commercial Core Project includes renovations of existing buildings, phased demolition of existing buildings along with phased construction of new commercial buildings reconfiguration of streets and other infrastructure improvements, new parking structure, landscaping, parking management plan master sign program and conceptual approval of a dry stack storage building, crane and storm drains.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 24350 Dana Point Harbor Drive, City of Dana Point, Orange County.
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions: XX
 - c. Denial:

NOTE: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-5-DPT-14-0036DATE FILED: July 8, 2014DISTRICT: South Coast

A-5-DPT-14-0036-[City of Dana Point]
Appeal
Page 2 of 6

- 5. Decision being appealed was made by (check one):
 - a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: XXX
 - c. Planning Commission: _____
 - d. Other: _____
- 6. Date of local government's decision: June 17, 2014
- 7. Local government's file number: Coastal Development Permit: CDP13-0018

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

- 1. Name and mailing address of permit applicant:

City of Dana Point
Attn: John Tilton
33282 Golden Lantern
Dana Point, CA 92629-1805

- 2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- a. Boaters 4 Dana Point , Bruce Heyman

- b. Dana Point Boaters Assoc. Rodger Beard

A-5-DPT-14-0036-[City of Dana Point]
Appeal
Page 3 of 6

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The subject site, Dana Point Harbor, is approximately 276.8 acres, owned and operated by the County of Orange and located entirely within the City of Dana Point. The Harbor is bordered by the Pacific Ocean to the south, Dana Point Headlands and the Old Cove Marine Life Preserve to the west, Doheny State Beach to the east and a variety of commercial, hotel, residential and public park uses to the north. It is a man-made County of Orange regional recreational facility built in a cove formed by the headlands of Dana Point to the north in Capistrano Bay. The harbor is constructed entirely on State tidelands that were granted to the County of Orange. The Dana Point Harbor Revitalization Plan, to be discussed more thoroughly below) applies only to filled and unfilled tidelands; there are no non-tidelands within the subject LCP area. Although the uplands are filled tidelands and would normally be under the Commission's jurisdiction, the Commission has delegated to the City permit authority for the filled tidelands pursuant to Section 30613 of the Coastal Act. The Commission retains original coastal development permit jurisdiction over unfilled tidelands. The harbor construction was completed in the early 1970's and with the exception of the Dana Wharf buildings, routine maintenance and some other minor improvements, the County has not remodeled or constructed any new facilities since that time. Beginning in the late 1990's, planning for the Harbor's revitalization began. In 2008, the City of Dana Point proposed to amend the Local Coastal Program (LCP) to incorporate the Dana Point Harbor Revitalization Plan (replacing sections of the Dana Point Specific Plan relevant to the Dana Point Harbor (1986 LCP), a project specific amendment, that would establish new land use designations and implementation policies throughout the harbor. In October 2009, the Land Use Plan (LUP) was approved by the Commission; and in January 2011, the Implementation Plan (IP) was approved by the Commission.

A number of significant issues were raised during the course of processing this Dana Point Harbor Revitalization Plan Local Coastal Program Amendment (LCPA) and as a result numerous revisions were made to the LCPA. The issues included the lack of standards/regulations to: 1) ensure that size and bulk of the proposed buildings in the Commercial Core were designed so that significant coastal public views through scenic viewpoints are protected and that community character of the area is also preserved; 2) ensure the protection, maintenance and enhancement of the priority beach access, r boating and other recreational water craft uses and the parking supporting these uses, including the public boat launch facility, dry boat storage and recreational and marina parking; 3) protect harbor development from hazards, such as sea level rise; 4) maximum public access and use through a sign program for the entire harbor area; and 5) provide transportation demand management measures to facilitate parking and circulation within the harbor; as well as, linking areas outside the harbor.

The proposed coastal development permit is for the Commercial Core project, which encompasses an approximately 37.7 acre subarea of the entire Dana Point Harbor. The project is the landside focal point of the Dana Point Harbor Revitalization Plan, which proposes to reconstruct and expand the landside commercial area. More specifically, the project consists of

A-5-DPT-14-0036-[City of Dana Point]
Appeal
Page 4 of 6

the following: the phased demolition of existing commercial and boater support facilities, renovation and/or construction of new retail/restaurant/office space for a total of 31,949 sq. ft. of retail uses, 12,309 sq. ft. of office-related uses, 77,178 sq. ft. of restaurant (with an additional 13,822 sq. ft. of outdoor dining areas), 2-level parking deck, open space Festival Plaza area and dry stack boat storage building. Site improvements are also proposed consisting of circulation/street/parking area reconfigurations, installation of two new traffic signals and infrastructure improvements and relocation of existing South Coast Water District Sewer Lift Station and telecommunications/SONGS towers. Additionally, the project is being processed concurrently with a Parking Management Plan and Master Sign Program. Lastly, the City has also approved in concept a dry stack boat storage building, a 25 ft. high, 4-on capacity, 18 ft. bridge jib crane, and the abandonment of an existing storm drain outfall and replacement with a 42 in. cutfall, and upgrades to another existing outfall to increase the size from the existing 12 in. to 18 in., which all ultimately need a coastal development permit from the Coastal Commission because they involve development within areas where the Commission retains permit jurisdiction.

The areas of concerns that resulted in standards/regulations being included into the LCP continue to be significant areas of concerns and were subsequently evaluated by the City in their processing of Coastal Development Permit: CDP13-0018 for the Commercial Core project. However, the city did not adequately address these concerns in their approval of the coastal development permit. The City's LCP provides policies to address these areas of concern to address protection of coastal public views, emphasis and protection of priority uses in the harbor, evaluation of hazard impacts, and establishment of a sign program, as well as, transportation demand measures.

The City's approval gives in-concept approval of the construction of a dry stack boat storage building and CDP approval for various other buildings located in the Commercial Core area of the Dana Point Harbor Revitalization Plan. The dry stack boat storage building is located within the Marine Services Commercial (Planning Area 1) and the other proposed buildings are located within the Day Use Commercial (Planning Area 2) of the Commercial Core/Dana Point Harbor Revitalization Plan and also includes some development in Planning Area 3, Visitor Serving Commercial. Standards/policies were incorporated into the LCP to address concerns about adverse impacts to coastal public views from scenic viewpoints and to ensure new buildings would be constructed consistent with community character. The Land Use Plan (LUP) includes Policy 8.5.1 to address bulk and height limitation of buildings within the harbor. The District Regulation (IP) includes Policy 4.5 for the Marine Services Commercial-Planning Area 1 (Chapter 4 of the District Regulations) that states that while the building height is thirty-five (35) ft. maximum, an exception for a maximum of sixty-five (65) ft. is allowed provided that *significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced*. Within this Marine Services Commercial, a dry stack boat storage building is envisioned; however, the City has only provided a conceptual approval for this building since a coastal development permit from the Coastal Commission would be necessary because it would be partly located in an area of our original jurisdiction. While an exception is provided to exceed the 35-ft. height limit, any development that does exceed the height limit must also show how it would protect and enhance significant coastal public views through scenic corridors and from scenic viewpoint. The application does not provide a discussion of how the 65-ft. tall dry stack boat storage building is consistent with this policy requirement. A similar policy (Policy 5.5) is found for the Day Use Commercial-Planning Area 2 (Chapter 5 of the District Regulations); however, the policy in this chapter only allows the height to be exceeded by sixty (60) ft. Nevertheless, the application again does not provide a discussion of how the proposed buildings in this planning area are consistent with this policy. For the development in both

A-5-DPT-14-0036-[City of Dana Point]
Appeal
Page 5 of 6

planning areas, the City fails to identify how the proposed project protects and enhances significant coastal public views through scenic corridors and from scenic viewpoints as required by the LCP. There are also additional requirements in Policy 5.5 that need to be adhered to when the buildings exceed the height requirements, but the City again fails to provide justification on how it is consistent with these requirements. These additional requirements include using architectural design, building heights, irregular massing and offsets to break up the facade of the structures and provide a pedestrian setting when viewed from the Festival Plaza and marina areas, etc. Another requirement in this policy states that with a few stated exceptions, no more than 50% of the total roof area of the structures shall exceed forty (40) ft. in height and no more than 25% of the same roof area shall exceed 50 ft. in height. As proposed, buildings 7, 8, and 9 exceed forty (40) ft. in height but the City does not provide justification on how it does so consistent with this policy. Therefore, an appeal must be filed to ensure that the proposed project adheres to LCP policies regarding coastal public views.

The certified LCP for the Dana Point Harbor emphasizes that the priority uses of the harbor are beach access and recreational boating and other water craft uses and the parking supporting these uses, including the public boat launch facility, dry boat storage and recreational and marina parking. These uses have priority over the retail and restaurant uses of the proposed Commercial Core project. Policies in the Land Use Plan that emphasize priority uses include the following: Policy 4.22-6, 4.4.1-2, 4.4.1-3, 4.4.1-6 and 5.1.1-8. Policies in the District Regulations that also emphasize priority uses include the following: Policy 5.5 found in the Day Use Commercial-Planning Area 2 (Chapter 5 of the District Regulations), and Policies 14.2 and 14.6 in the Off-Street Parking Standards and Regulations (Chapter 14 of the District Regulations). The project as approved by the City does not appear to phase the construction of the Commercial Core in a manner that adequately retains existing dry boat storage spaces during the 5-year construction period and relocates all existing dry boat storage spaces to an unidentified off-site location. Further, the project does not retain adequate land area to provide the minimum four hundred ninety-three (493) dry boat storage spaces required in the LCP, should a future boat storage facility not ultimately be applied for, approved and constructed. Thus, the City's approval raises an issue as to whether the project is consistent with the LCP policies that protect priority uses. Therefore, an appeal must be filed to ensure that the proposed project adheres to LCP policies regarding the protection of priority uses.

The proposed project is located within Dana Point Harbor and is subject to impacts from flooding or damage from erosion, sea-level rise, waves, storm surge or seiches. In order to assess these impacts and to prepare and plan for them, the City's LCP includes standards and policies to address these hazards. The Land Use Plan (LUP) includes a number of standards to address these hazards concerns, one specifically being Policy 8.6.3-1, which requires a Shoreline Management Plan. This plan would evaluate these hazards and then provide *recommendations for protection of existing and proposed development, public improvements, coastal access, public opportunities for coastal recreation and coastal resources. Plan must also evaluate the feasibility of hazard avoidance, planned retreat, retrofitting existing or proposing new protection devices and restoration of the sand supply and beach nourishment in appropriate areas of the Harbor, if needed.* The City's District Regulations also include a number of policies to address hazards, including but not limited to Policy 11 found in the General Regulations and Special Provisions section (Chapter 3 of the District Regulations) that requires the submittal of a Shoreline Management Plan prior to or concurrent with the first coastal development permit for development of the commercial core. The project included a Shoreline Management Plan and part of it includes a wave uprush study that indicates the commercial core development will be exposed to wave overtopping and flooding during a 100-year storm event, as soon as 2015, even under the smallest increase in predicted sea level rise

A-5-DPT-14-0036-[City of Dana Point]

Appeal

Page 6 of 6

due to climate change. The LCP requires the applicant take such hazards into account and address them in this new development. Other than constructing the development in conformance with current FEMA flood standards (i.e. 1 foot above base flood elevation) it does not appear the flood hazard has been adequately addressed. Therefore, the City's approval must be appealed to ensure that coastal hazards are adequately addressed as is required in the LCP.

The LCP includes standards and policies in the Land Use Plan and District Regulations for the submittal of a comprehensive Dana Point Harbor Sign Program. For example, the LUP includes Policy 4.3.1-7 and 8.5.3-6 and the IP includes Policy 38 found in the General Regulations and Special Provisions section (Chapter 3 of the District Regulations) that requires that a comprehensive Sign Program be developed prior to occupancy of any new development in the Commercial Core area of the Harbor. The applicant has submitted sign program, but that plan is limited to the Commercial Core area and is not comprehensive for the entire harbor. The Commercial Core project will have effects on access and circulation throughout the harbor that need to be addressed concurrent with the Commercial Core development. Therefore, an appeal must be filed to ensure LCP requirements related to signage are addressed in conjunction with the Commercial Core project.

The LCP includes standards and policies in the Land Use Plan and District Regulations for the submittal of a Transportation Demand Management Plan. For example, the LUP includes Policy 6.2.1-4 and 6.2.3-2 and the IP includes Policy 28 found in the General Regulations and Special Provisions section (Chapter 3 of the District Regulations) and Policy 14.6 found in the Off-Street Parking Standards and Regulations section (Chapter 14 of the District Regulations) that requires a Parking Management Plan that includes within it a Transportation Demand Management Plan as part of the first application for a coastal development permit for Revitalization Plan improvements in the Commercial Core. a Parking Management Plan that includes within it a Transportation Demand Management Plan. The applicant has submitted a Transportation Demand Management Plan; however, a Parking Management Plan has not been submitted and therefore it is unclear how these two plans work together and if they are consistent with the policies of the LCP. Thus, without the ability to evaluate how these two plans work in unison, it is difficult to determine if the Transportation Demand Management Plan provides sufficient measures to facilitate parking and circulation within the harbor as well as linking areas outside the harbor. Therefore, it is unclear if the applicant's Transportation Demand Management Plan is consistent with the LCP and is a reason for appealing the proposed project.

The City's LCP provides policies to protect coastal public views, emphasize and protect priority uses in the harbor, evaluate hazard impacts, and establish a sign program, as well as, transportation demand measures; however, the project, as proposed, raises issues as to consistency with the Dana Point LCP. Accordingly, an appeal of the local action must be made to assure that any approved development is consistent with the requirements of the certified Dana Point Local Coastal Program.

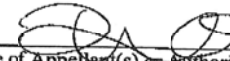
07-08-14;09:59 ; 915625905084 ; # 1/ 1

Local Government Permit No. City of Dana Point CDP13-0018
Applicant: County of Orange-Dana Point Harbor Dept.
Project: Dana Point Harbor Commercial Core
Project Location: 24650 Dana Point Harbor Drive, Dana Point, Orange County

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 7/7/14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ N/A - Not Applicable
to act as my/our representative and to bind me/us in all matters concerning this appeal.

N/A

Signature of Appellant(s)

Date: N/A

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mary K. Shallenberger
Signature of Appellant(s) or
Authorized Agent

Date 7/10/14

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

SUPPORTING DOCUMENT D:

HARD COPIES PROVIDED TO COUNCIL

SUPPORTING DOCUMENT E:**DENISE JACOBO**

From: Karen Smith <brees209@yahoo.com>
Sent: Friday, May 09, 2014 5:37 PM
To: DENISE JACCBO
Subject: I Support Dana Point Harbor Revitalization

Dear Planning Commissioners:

I have been a Resident here since 1986 and am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Dr. Karen Smith
43 Regatta Way
Dana Point, CA 92629

Sent from my iPad

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Connie Anderson <connieeanderson@cox.net>
Sent: Friday, May 09, 2014 5:48 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Constance E. Anderson

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Pat Sabins <patSabins@pacbell.net>
Sent: Friday, May 09, 2014 9:29 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Patricia Sabins
patSabins@pacbell.net

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Terry Walsh <walshtew@hotmail.com>
Sent: Saturday, May 10, 2014 7:46 AM
To: DENISE JACOBO
Subject: Harbor Plan

I support the Harbor Plan as submitted to the Planning Commission and urge them to approve it Monday night so this very important project can proceed.

Terry Walsh
Phone 949-493-7118
Cell 949-547-2991

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Jerry Berman <jsber@sbcglobal.net>
Sent: Saturday, May 10, 2014 1:57 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely, Jerry Berman (Rod & Gun Club Member)

DENISE JACOBO

From: JOAN WOLFF <duckinpool@msn.com>
Sent: Saturday, May 10, 2014 4:57 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners: I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan. The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer. Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission. Sincerely, JOAN WOLFF....PALM SPRINGS CA.

DENISE JACOBO

From: KIMBERLY TILLY <danapointharbor@gmail.com>
Sent: Friday, May 09, 2014 3:47 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization



Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Kim Tilly

DENISE JACOBO

From: Arturo Echarte <pcisurfer@aol.com>
Sent: Friday, May 09, 2014 3:46 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan. The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer. Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission. Sincerely,

Arturo Echarte (founder)

Acoustic for a Change

"Changing Lives - One Instrument One Event at a time"

www.acousticforachange.com
321.544.4949

DENISE JACOBO

From: JacksRoper@aol.com
Sent: Friday, May 09, 2014 2:38 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners: I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan. The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer. Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Dr. Jack Roper
24781 Anchor Lantern

DENISE JACOBO

From: Kirstin Emershaw <kirstin@revecapacific.com>
Sent: Friday, May 09, 2014 2:03 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Kirstin Emershaw

DENISE JACOBO

From: Cynthia Newkirk <cynthia.newkirk@cox.net>
Sent: Friday, May 09, 2014 1:20 PM
To: DENISE JACOBO
Subject: !Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a resident of Dana Point and a frequent user of Dana Point Harbor. I have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Cynthia Newkirk

DENISE JACOBO

From: Rhonda Buckner <rhondabuckner@me.com>
Sent: Friday, May 09, 2014 1:16 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Rhonda Buckner

Sent from my iPhone

DENISE JACOBO

From: Jeff Filhaber <jfilhaber@gmail.com>
Sent: Friday, May 09, 2014 12:54 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

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Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Jeff and Caron Filhaber
33193 Ocean Rdg
D P 92629

Sent from my iPhone

DENISE JACOBO

From: hansenm1@sbcglobal.net
Sent: Friday, May 09, 2014 12:40 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Maurice N. Hansen
25581 Starboard Drive
Dana Point, CA 92629

DENISE JACOBO

From: Ralph Wilson <rollojr@cox.net>
Sent: Friday, May 09, 2014 12:24 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

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Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely, Ralph Wilson

DENISE JACOBO

From: Maria Mancuso <mmdrill@outlook.com>
Sent: Friday, May 09, 2014 12:19 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

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Sincerely,

DENISE JACOBO

From: Ginny Watson <ginnywatson1@cox.net>
Sent: Friday, May 09, 2014 11:41 AM
To: DENISE JACOBO
Subject: Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

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Sincerely,

Lee and Virginia Watson
San Clemente

DENISE JACOBO

From: Peter Grohmann <Peter.Grohmann@GroSol.com>
Sent: Friday, May 09, 2014 11:24 AM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

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Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Peter Grohmann
CA BRE Lic. 01375219
Coldwell Banker Previews International
Peter.Grohmann@GroSol.com
(949) 677-8109 Mobile
<http://www.camoves.com/Peter.Grohmann>

DENISE JACOBO

From: Teresa <tschickling@cox.net>
Sent: Friday, May 09, 2014 11:04 AM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of DanaPoint Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Poin: Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Teresa Schickling

DENISE JACOBO

From: Carrie Bolstad <cbolstad@cox.net>
Sent: Friday, May 09, 2014 11:02 AM
To: DENISE JACOBO
Subject: Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970s, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Carrie Bolstad
472 Camino Alondra
SC 92672

DENISE JACOBO

From: Michael Johnson <michaeljohnson100@gmail.com>
Sent: Friday, May 09, 2014 10:53 AM
To: DENISE JACOBO
Subject: PLEASE Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Harbor is a magnificent asset for the area, that is not used to its full potential. I believe the Revitalization Plan will be to the overwhelming benefit to the folks who currently use the harbor, AND make this a public asset that FAR more in the county will use and cherish.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
Mike Johnson
Villa Real Estate

DENISE JACOBO

From: Penny <pdanabeach@sbcglobal.net>
Sent: Friday, May 09, 2014 10:52 AM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Please move forward and get this done! It's way past time.

Sincerely,

Penny Maynard
18 Year Dana Point Resident
949-370-6520 c

Sent from my iPad

DENISE JACOBO

From: Jim Miller <mokaman1@cox.net>
Sent: Friday, May 09, 2014 10:28 AM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization



Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

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Sincerely

Jim Miller

Coffee Importers



Dana Point
Chamber of Commerce

May 12, 2014

City of Dana Point Planning Commission
Attn: Gary Newkirk, Chairman
City Hall Offices
33282 Golden Lantern
Dana Point, CA 92629

RECEIVED

MAY 12 2014

**CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT**

REF: May 12, 2014 Meeting Agenda Item #6 – Coastal Development Permit CDP13-0018

Dear Chairman Newkirk and City of Dana Point Planning Commissioners,

Please find this letter as an official request from the Dana Point Chamber of Commerce to the City of Dana Point Planning Commission to please approve the Coastal Development Permit Application CDP13-0018.

The Dana Point Chamber of Commerce, which represents over 400 business members in and around Dana Point and has been a strong supporter of the OC Harbor revitalization for the past several years. We feel the revitalization is crucial to address the old, antiquated infrastructure. We clearly recognize the economic impact the Dana Point Harbor brings to the area and our members. It is a signature destination point in South Orange County, allowing people from all walks of life to enjoy recreational use of the Harbor. In addition, the OC Dana Point Harbor is a vital source for jobs and small business to thrive.

The plan you have today represents a comprehensive vetting process that includes input from the variety of stakeholders who use the Harbor. This plan offers the best compromise available to address the wants and desires of these stakeholders. This plan represents a Harbor intended for a variety of uses for the public to enjoy. The Harbor and the County has done an outstanding job in providing thoughtful solutions to address parking issues, view corridors, public access and other environmentally sensitive issues.

The OC Dana Point Harbor has high expectations for its future on the part of several diverse groups. The plans in front of you tonight coincides with the General Plan to create a bright future for the OC Dana Point Harbor and the City of Dana Point. The Dana Point Chamber of Commerce urges you to please approve the Coastal Development Permit CDP13-0018 application tonight.

Sincerely,


Labralyn L. Loynes
Chair, Dana Point Chamber of Commerce


Alan Wickstrom
Director, Dana Point Chamber of Commerce &
Chair, DPCC Government Affairs Committee

CC: Vice-Chairwoman Claus, Comms. Denion, O'Connor, Newkirk; City Clerk

24681 La Plaza • Suite 115 • Dana Point, CA 92629
949.496.1555 • Fax 949.496.5321 • www.danapointchamber.com

5-7-14

Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92629

Dear Planning Commissioners:

I am a co-owner of Dana Wharf Sportfishing and Whale Watching in Dana Point Harbor and have been involved with the Dana Point Harbor Revitalization Plan for 12 years. My family and I are in favor of the improvements as proposed by the County and encourage your full support of the plan.

Our business was the very first to open in Dana Point Harbor and as a visitor serving attraction we hear from many customers as well as residents and they are so excited to see the new Harbor as much as we are.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since its beginnings in 1971, we lacked a Parking Structure, the plan will start of building this much needed improvement and we commend the OC Dana Point Harbor for coming up with a plan that stages its construction so that all the merchants and restaurants can stay open while the project is built out. We support the plan and all phases and it's time we make these improvements, we have waited much to long.

Please approve the County's plan, this has been in development for many years and we are all ready to move forward as I am sure everyone else is, the day the shovel hits the ground will be a very happy day indeed for Dana Point and Orange County. Thanks you for your time and all the hard work in reading a very complex plan, I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coastal Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,


Donna Kalez



Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92629

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

CITY OF DANA POINT
2014 MAY 12 P 1:51
RECEIVED
CITY CLERK'S DEPARTMENT

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coastal Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Caroline W. Rayfield 5/12/14
Signed Date

CAROLINE W. RAYFIELD
Print Name

419 MONARCH BAY, DANA PT., CA. 92629
Address

Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92629

CITY OF DANA POINT
2014 MAY 12 P 1:51
RECEIVED
CITY CLERK'S DEPARTMENT

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

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Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coastal Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Wayne Rayfield May 12, 2014
Signed Date

Wayne Rayfield
Print Name

419 Monarch Bay, D.P., 92629
Address



RECEIVED

MAY 12 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

May 12, 2014

City of Dana Point Planning Commission
33282 Golden Lantern
Dana Point, CA 92129

Subject: Dana Point Harbor CDP Application CDP13-0018
Regarding: Comments and suggestion to submitted Sections "K & M" of CDP Application

Dear Commissioners,

The Dana Point Boater Association has reviews the Dana Point Harbor CDP Application #CDP13-0018. After our review of the submitted Application to the City our Association has several concerns within the submitted Sections of the Application.

We respectfully submit the following areas of concern with the CDP Application. We truly appreciate your work and diligence that the City Plan Commission had to put in for reviewing of the huge CDP application. We look forward to hearing back from the Commission regarding our comments and concerns.

Section "K" Parking Management Plan:

1. Page #2 First Paragraph: Also need to include the verbiage that the proposed Revitalization Plan is in compliance with the Dana Point Tidelands Trust.
2. Page #4: Where did the 1st paragraph Baseline figures come from with this report?
3. Page #18, Joint-Use or Shared Parking, Bullet Points: This must not include ANY Boat Trailer Parking Spaces ONLY vehicle only parking spaces.
4. Page #19, Bullet Point #3: The 493 dry storage spaces are correct but are incorrect in several other areas of this document.
5. Page #22, Bullet Point #1: This is a correct statement but is incorrect in various other areas of this document and needs to include specifically day use boater parking, boater trailer parking.
6. Page #22, Bullet Point #2: Where is the Detailed Parking Plan? We find no specific detailing of parking plan for the use of Boater Slip Parking and for other uses and exact amount of spaces being used for special events and locations areas. There need to be a specific detailed plan stating minimums for each area.
7. Page #40, First Paragraph: A specific plan for EVERY special event and holiday much be included with the parking management plan submission per CCC. It must also state per CCC the amount of boater slip parking spaces that will be used during these events and holidays. A submitted plan for each event and holiday must be submitted.
8. Page #60, Table 10: Dry Stack and Mast Up Storage must be a minimum total of 493 NOT the 488 shown in table.



Post Office Box 461, Dana Point, California 92629 ~ (949) 485-5656

9. Page #60: It is our opinion that the Shipyard parking is not sufficient for the amount of sf & self-repair and maintenance parking for boaters doing their own boat repairs. There must be 1 for 1 parking space for self-repair yard. Where was the parking allotment for this area calculated per City Parking Codes?
10. Page #63, Bullet Point #2: This needs to be reviewed to exclude the 4 hour time limitation for ALL day use boater parking. It was agreed during the boater meeting negotiations that the DPBA found the additional 125 spaces because of realigning the boater day use trailer parking from its original layout plan. All parties agreed that day use boaters would be allowed to park in some of the added 125 spaces because of the design from the DPBA.
11. It also does not state the amount of designated parking spaces for boater slip parking within the parking deck area.
12. Page #65, 3) 300/600 Foot Parking: There is no designated amount of dedicated boater parking spaces for slip holders.
13. Page #68, Table #11: 493 dry boat storage spaces are required per LUP. Does not jive with other sections within the CDP. Only showing 488 spaces within Table #11.
14. Page #68, Table #11: It is our opinion that the Shipyard parking is not sufficient for the amount of sf & self-repair and maintenance parking for boaters doing their own boat repairs. There must be 1 for 1 parking space for self-repair yard. Where was the parking allotment for this area calculated per City Parking Codes?
15. Page #69, 7) Even: Parking Management: Where is the specific parking management information requirements by CCC stated within this plan for recreational boating parking spaces being used for ALL special events and holidays?
16. Page #76: Shouldn't Deck Construction schedule start date be moved up to at least 2 month in schedule as to limit the reduced parking demands within the existing parking lots and wharf lots during their remodel?
17. Page #79, Paragraph #2: Regarding the Commercial Core, Boater Parking is a higher priority in the Coastal Act than Commercial Core Parking. Where in this actual document is Boater Parking being protected and stated as priority as the Commercial Core parking in this paragraph?
18. Page #80, First Paragraph "Conclusions": This conclusion needs to be reassessed! There is a large change in land use in areas of 1 & 2 taken over by parking deck with NO dedicated boater day use parking provided within the "Conclusion" with the additional 130 parking spaces provided by the DPBA new parking deck layout not mentioned within this document.
19. Page #81, Second Paragraph: Per Dana Point Tideland Trust states specifically other uses other than harbor are incidental. Boater Parking is a higher priority than Commercial Core Parking.
20. Appendices: There needs to be a specific Overview as the one in Appendices of this study for each and every Major Holiday & Weekend, Special Event and HOW Boat Slip Parking will be effected by these events. This was a requirement per the CCC for a CDP Application.



Post Office Box 461, Dana Point, California 92629 ~ (949) 485-5656

Section "M" Construction Management Parking Plan

1. Page #1, Second Paragraph, Second Sentence; Priority must be given to Dry Boat Storage & Launch Ramp Parking: How is this possible if almost ALL the dry storage boats are being relocated to another location off site and major encroachment to day use trailer parking in the harbor and the tear up of all section areas 1 & 2. While in the Studies for Dry Stack Building & Dry Storage Deck reports this was not stated with a huge saving if the Boat Storage Deck was not built?
2. Page #6: Per Coastal Act Boating has a higher priority: With only 22 dry storage boater spaces left in the harbor during this construction period, this needs to be reassessed. This section and the sections others that follow also need reassessing. This also includes the launch ramp spaces day use trailer parking during the construction phasing. Per Coast Act: Where is boater priority given in this Construction Parking Plan and in the Parking Management Document?
3. Page #10, Section 1.32: The boat storage building was to hold 400 dry storage boats, what happened? Now showing only 390 boats. If the boat storage building is re-configured to less than 390 boats where will the additional dry boat storage space be located? Per LUP there will be a minimum of 493 dry boat storage spaces.
4. Page #11: Boater Storage & Parking has the higher priority per Coastal Act. Where is the approved permanent off-site location for any of these permanently relocated boats?
5. Exhibit D: It states here and also in other areas that the Dry Stack Building will hold 390 boats. How will the minimum of 493 dry boat storage spaces be provided if the Dry Stack Building is configured for fewer boats due to the physical height/size of boats?

Respectively Submitted,
Steven Carpenter, Director
For The Dana Point Boaters Association

May 12, 2014

Dana Point Planning Commission
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629



Re: Coastal Development Permit CDP13-0018
Commercial Core Project – OC Dana Point Harbor

Dear Planning Commissioners:

Please forgive my late submittal of comments regarding this very important project. I have just this afternoon been able to speak with the applicant and the applicant's consultant (Project Dimensions) to clarify specific water quality and water conservation issues associated with the proposed project and grading plans. I will not be able to attend tonight but ask that you please consider these comments as you hear this agenda item.

As way of background to these comments please understand that I first met with OC Dana Point Harbor (OCDPH) and South Coast Water District (SCWD) representatives in late 2008 to discuss installation and use of recycled water (purple pipe) for the Harbor renovation project. Please see attached email dated October 3, 2008. The referenced meeting included Surfrider Foundation and I represented Sierra Club. It was agreed that both environmental advocacy groups would be supportive of the OCPDH project given that purple pipe would be installed within the next two years (2010 being the latest install date) as outlined for us by then General Manager Mike Dunbar. A budget was shared with us and all appropriate reassurances were made by SCWD that there would be non-potable water ready to go when OCPDH broke ground. At that time the project you are hearing tonight was proposed to begin within the next couple of years. The project is before you six years later and to date, purple pipe hasn't reach OCPDH as yet.

Following multiple conversations over the last few months with SCWD Board of Directors and management, it has been brought to my attention that SCWD's Ordinance No. 206 (an ordinance of the Board of Directors of South Coast Water District Establishing a Water Conservation & Water Supply Shortage Program for Users of Potable Water Provided by the District) addresses many of the issues related to the meeting that was held in late 2008. Here are just a few excerpts from the Ordinance for your reference:

1. General Restrictions – Residential, Commercial and Public Customers
 - j. Unauthorized use of fire hydrants prohibited
No person may use water from any fire hydrant for any purpose other than fire suppression or emergency aid.
2. Commercial Dedicated Potable Irrigation Systems
There are a host of requirements for new development including commercial food-serving, lodging and kitchens.
4. Commercial Water Recirculation Requirements, i.e. laundry facilities located throughout Harbor
5. Recycled Water to Replace Potable Water Use
This section addresses the prohibited use of potable water when recycled water is available and the customer is given reasonable time make the conversion.
6. Construction Site Requirements
 - a. Recycled or non-potable water must be used
 - b. No potable water may be used for soil compaction or dust control

Given the declaration of a statewide drought emergency, SCWD is in a Water Supply Alert and mandatory water conservation measures are required. This translates into even more restrictive mandates as they apply to use of potable water for construction projects.

It is my hope that after years and years of talking about the necessary steps needed to provide purple pipe/recycled water for the proposed Harbor renovation project you are hearing tonight, that the City of Dana Point, OC Dana Point Harbor and South Coast Water District are poised to implement a comprehensive program as mandated by South Coast Water District's own Ordinance No. 206.

Thank you for your time and consideration of these comments.

Sincerely,

Penny Elia
30632 Marilyn Drive
Laguna Beach, CA 92651

Attachment: Email of October 3, 2008 between OCDPH Harbor Director and Penny Elia

Copy: Supervisor Pat Bates
A. Brunhart, W. Rayfield – South Coast Water District
J. Conk – Project Dimensions
B. Gross – OC Dana Point Harbor
T. Henry, S. Sarb, K. Schwing, F. Sy – California Coastal Commission

Good evening Commissioners. My name is William Byrd, the owner of Capo Beach Watercraft. We are located waterfront in the Embarcadero Marina, adjacent to the boat launch in Dana Point Harbor.

I previously provided you with a brief letter of introduction, a brochure and a business card. Did all five Commissioners receive them?

We are a family owned and operated jetski, seadoo and kayak rental business. We will celebrate our 30 year anniversary in Dana Point Harbor next February. We have an excellent relationship with the County of Orange, Vintage Marina Partners and are an active member of the Dana Point Harbor Association.

Each year approximately 10,000 Orange County residents and visitors use our services and facility to enjoy time on the water.

To the point, OCEPHD Director Brad Gross has intentionally misled the CCC and others by failing to communicate to them the existence of our business. The CDP presented to you tonight contains the first documents prepared by OCEPHD that actually depict our business location and a "relocated jet ski rental". Please refer to The CDP application section (Project and Plans and Exhibits) (1-One- Site Plan and Architectural Plans). And a question for Mr. Gross, Is this "relocated jetski rental building" as depicted on Page #5 intended to be the relocated office for Capo Beach Watercraft?

And Secondly, after careful review of the scheduled one year construction of the stack building, it appears all the the docks needed to facilitate renting our watercraft are scheduled to be demolished and replaced at the same time. The construction of the new docks could easily be done in two phases allowing Capo Beach Watercraft to relocate their watercraft in the immediate area as necessary.

This is a necessary, reasonable request and most certainly easily achievable as we only require 40 lineal feet of dock space to effectively operate.

The proposed plan should be revised by OCEPHD and Project Dimensions Inc. to reflect one that allows Capo Beach Watercraft the same ability to continue operating as will be enjoyed by all the other existing Dana Point Harbor merchants and businesses.

Please deny "an approval in concept for a dry stack storage building", until proper planning is submitted that includes reasonable temporary and permanent relocation for Capo Beach Watercraft.

I appreciate your time and welcome your questions and concerns. Thank You.



William Byrd, Owner, Capo Beach Watercraft



Date: May 8, 2014
To: Dana Point Planning Commissioners
From: William Byrd, Owner, Capo Beach Watercraft
Re: Coastal Development Permit CDP13-0012

My name is William Byrd, the owner of Capo Beach Watercraft located in the Embarcadero Marina, Dana Point Harbor. We are a family owned and operated jet ski, seadoo and kayak rental business. We will celebrate our 30 year anniversary in Dana Point Harbor next February. We have an excellent relationship with the County of Orange, Vintage Marina Partners and are an active member of the Dana Point Harbor Association. Each year approximately 10,000 OC residents and visitors use our services to enjoy time on the water. We also offer discounts to all active duty military members and provide the use of our facility to the Esperanza School for special education students and staff free of charge. I will be addressing the Planning Commission Monday evening. I wanted all five commissioners to have knowledge of Capo Beach Watercraft prior to the meeting. I appreciate your time. Thank You.



William Byrd, Owner, Capo Beach Watercraft
34512 Embarcadero Place
Dana Point, CA. 92629
Office 949 661 1690
Cell 949 370 3206
www.capobeachwatercraft.com



City of Dana Point Planning Commission
May 12, 2014
Public Comments Harbor Revitalization Plan
Commercial Core CDP Application

James Lenthall, Director/VP – Dana Point Boaters Association

Good evening. My name is James Lenthall and I am the Vice President of the Dana Point Boaters Association. I am also a lifelong Dana Point resident and boater.

On behalf of my association, I wish to start by emphasizing that we support revitalization. Our harbor needs it. Boaters want it. Yes, we absolutely lament the loss of boater resources in what is predominantly, disproportionately a revitalization of the commercial elements of our harbor. But we are not obstructionists and we are not here at this stage to kill the plan. However we are requesting additional information and essential refinements to the plan before it's allowed to proceed to construction.

First, while financing this project may not be your foremost concern, so long as the County pays for it, we wish to express our distress that the County has yet to reveal officially how they plan to pay for harbor revitalization. Their reserves are at least \$100 million short of the predicted cost. How does they County plan to close the gap? More importantly, where do they plan to recover their investment? We need to know that our 3000+ recreational boaters will not pay a disproportionate share of a predominantly commercial project. There must be an official, public and fair finance plan that details the impact on all stakeholders, boaters and merchants alike.

Next, we understand that your consideration of the dry stack boat storage building is of concept only, that jurisdiction over approval of the CDP resides with the California Coastal Commission. Yet this storage facility is integral, it is essential to redevelopment of the commercial core, which cannot proceed without a resolution to the loss of real estate for dry boat storage. As you know, the Coastal Commission obligates the County to maintain capacity for no fewer than 493 dry boats. So your approval of the commercial core CDP demands satisfaction that the barn is the appropriate mitigation for dry boat storage, or that a comparable alternative is in place. First, from a practical matter, this storage building will radically alter how the current Embarcadero tenants use and store their boats. They want to keep their boats on their trailers, portable and ready to tow off to other destinations. But this planned building won't allow trailers. Do these boaters discard their trailers, or pay extra to store them elsewhere? And boaters like to tinker. On any given day, you will find plenty of boaters in the Embarcadero yard fixing, improving or simply admiring their boats. But this building won't allow it. These sorts of boat storage facilities appeal to an entirely different demographic of boaters, ones who don't mind not having a trailer, perhaps don't even want a trailer. They want the convenience of calling ahead to have their boat in the water ready to go, and let someone else put it away when they're done. And we welcome these boaters to our harbor, but not at the expense of displacing the boaters that are there now. These boaters have made their position clear – they don't want this new building. But if this building must proceed, there must also be a finalized, dependable plan to maintain nearby, on trailer, affordable dry boat storage.

And don't forget that this building is estimated to cost \$30 million dollars. \$30 million dollars to store approximately 250 more boats than if the property were left as a surface lot, even with its reduced footprint. \$30 million dollars for 250 boats, out of 3000 in our harbor. That's \$120,000 per boat, most of which don't cost a fraction of that. And as we've asked before, who pays for it?

I am going to defer to my Association colleagues to continue with our thoughts about parking and traffic management. But before I do, let me repeat that we support revitalization. Our boaters patronize the shops and restaurants as often, probably more often, than anybody else. And we take great pride not only in our boats, but where we keep them. We love this harbor. And our job is to give our boaters a voice and strive to protect their interests in Dana Point Harbor.

Thank you.

May 12, 2014

Teresa Henry, District Manager
California Coastal Commission
South Coast District
200 OceanGate, Suite 1000
Long Beach, CA 90801-4302



Dear Teresa:

We are writing to you to bring to your attention a few points that we disagree with on a report written to you on February 11, 2014 from Mr. Brad Gross, Director, OC Dana Point Harbor. The subject report deals with the base line of boat slips, dry boat parking spaces, trailer tow vehicle parking spaces (launch ramp), boater parking and general parking.

We would offer the following observations:

1) Exhibit B: Coastal Development Permit History correctly identifies that a waiver (5-91-866) was issued by the California Coastal Commission Executive Director for the replacement of three docks. However, it fails to discuss that the terms of the waiver were that there was a commitment that there would be no change in the use of these docks. You can see that as early as 1974, the slips adjacent to the Harbor Patrol Office and the former Beach House Restaurant were used by recreational boaters. (Reference the photo on page 12.) The next page 13 shows the slips under re-construction and page 14 shows that the slips have been re-tasks for commercial fishermen and all of the recreational vessels have been displaced. We believe the change occurred within two years of the issuance of the waiver. Previously the commercial fishermen were based in the commercial area.

2) During previous working sessions with you and your peers, we were informed that for items that were constructed before the coastal act you go back to the relevant municipal or state document for the base line. In this case, a portion of the harbor was built out in advance of the coastal act and we believe the controlling document is "Dana Point Harbor Planned Community District Development Plan" Orange County, California Planning Department Orange County 9:30 AM May 6 1970. That document specifies the boater parking as:

For boat berthing areas: .75 stalls per slip 30 feet and under; 1.2 stalls per slip over 30 feet and under 45 feet; and 1.6 stalls per slip over 45 feet.

Given our slip mix that would yield 0.98 slips per slip which is substantially higher than the baseline numbers reported on page 2 of Mr. Gross's report.

3) On page 5 at the top of the page Mr. Gross sets aside the vessels that are pitch-fork side ties as they encroach into the fairways restricting boat traffic and hence does not include them in the base line. As

early as 1975 (Page 11 Exhibit A) the aerial photos show that the process was being used as the harbor filled out. Also the statement that it encroaches into the fairway is accurate, but not clear that it is material. The Department of Boating and Waterways provides a standard fairway width for areas where the vessels are berthed such that they must back out into the fairway. This is not true along the Pitchforks as they are side ties. As docks require zero modifications to accommodate this approach it is not clear that this was not already included in the original design. It most definitely speaks affirmatively to section 30224 of the Coastal Act.

4) The report totally ignores the business practice that has been implemented by the County Harbor Department since at least 1980. Please look at slide 3 of Appendix A. You will see a cluster of boats in the upper right hand corner of the Launch Ramp's Trailer Tow Vehicle parking area. This cluster will remain throughout all of the satellite images in the report with the exception of the 1975. This cluster represents 83 Dry Boat Storage locations that have month to month leases (like all boaters in the harbor), numbered slots and offer 24 x 7 access to the vessels.

5) On Page 5 paragraph 2 Mr. Gross states that the 1981 issued permit for the shipyard did not specifically state that vessels would be stored within the shipyard property so it was disallowed in his number.

6) Mr. Gross states that 73 vessels were historically stored on the acre of land that has been subsequently removed from the Shipyard lease. Our surveys of that yard routinely yield numbers higher than that (84-94). The proposed harbor plan calls for 93 mast up vessels to be stored on that acre. During the LUP deliberations in 2009 Mr. Gross committed to the Commissioners and public that the acre has always been used for boat storage and will continue to be used for boat storage just that the fence will be moved to the other side. [On certification of the LCP Mr. Gross removed all of the vessels, restriped the acre and now parks Catalina Express customers.]

Mr. Gross further states that because the original lease for the Shipyard did not include specific language that spoke to dry boat storage he is removing it from the base line. Given that dry boat storage is a common activity at a shipyard, has historically been practiced for decades in our harbor and Mr. Gross's commitment that the space has been and will remain dry boat storage, the base line should be adjusted to reflect this reality.

7) Multiple surveys of the dry boat storage areas have yielded numbers higher than those reported by Mr. Gross. Where Mr. Gross counts 443 (120 + 323), we count between 499 and 506. Again we believe the higher number speaks to section 30224 of the Coastal Act.

As reported to you by Mr. Gross in his cover letter we were invited, and did attend a meeting on 9/20/2013. We were not provided any materials in advance of the meeting. During the meeting the six-page draft text was distributed but due to a new policy of the County CEO, Mr. Gross was required to collect all of the copies before we were allowed to leave and could file a proper California Public Records Act (PRA) Request. Before we all left we were able to get Mr. Gross to accept a blanket PRA for everyone in the room and pay the 15 cents per copy. However, we were not allowed to have the

attachments and tables. This remained true during the second meeting, and we have only now, with the issuance of Application for CDP 13-0018 been able to receive, study and comment on the full report.

The intent of the discussion during the Implementation Plan was clear. The Commissioners wanted to know the true baseline of resources in the Harbor before construction began. We are asking you to intervene and make sure that the report is corrected before the first Coastal Development Permit is issued. Once the bulldozers have moved in the recreational resources will be gone forever.

Sincerely,

Bruce Heyman
Bcaters 4 Dana Point Harbor
PO Box 3137
Dana Point, CA 92629
Bruceheyman@cox.net
(949) 289-8400

May 12, 2014

Dana Point Planning Commission Commissioners:

Gary Newkirk
Liz Claus
Norman Denton III
April O'Connor
Susan Whittaker



RE: CDP13-0018 Inconsistencies with the Certified Land Use Plan

Dear Commissioners,

Thank you for the opportunity to bring to your attention a few issues with the subject Coastal Development permit. We specifically describe items where the requirements that were agreed to by the Applicant (OC Dana Point Harbor), the City, and the California Coastal Commission as part of the certification process for the LUP are violated. We believe that the City of Dana Point has a responsibility to insure that the requirements of the certified LUP are met before approving the CDP, and thus it should be returned to the Applicant with a request for appropriate revisions.

A. Dry Boat Storage

From the LUP Implementation Plan - Dana Point Harbor District Regulations, Chapter 4.5 Development Standards and Requirements, sub item r)

"Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least **four hundred and ninety-three** (493) boats to be stored on dry land in the Marine Services Commercial area (Planning Area: 1)...**shall be maintained within the Harbor at all times** and additional spaces shall be provided where feasible.

From the Dana Point Harbor District Regulations, Chapter 14, Off-Street Parking Standards and Regulations .1) Purpose and Intent:

...and assure that **required land area is provided** for parking facilities for higher priority water-dependent and park users **before non-water dependent land uses are intensified**.

From Chapter 14.2 section i)

Commercial Development Phasing – New Commercial development shall be phased such that: required parking for higher priority uses (e.g., marina boat slips, public boat launch facility, **surface boat storage**, beach, picnic and parks) is **provided and maintained** The CDP shall also require that the **parking for the higher priority** users within the Commercial Core shall be constructed and open for use **prior to the occupancy of the new Commercial Core development**.

Chapter 14.2 Section J reiterates the exact same paragraph that is quoted from above in Chapter 4.5.

We believe that the LUP and its component parts make it clear that boater resources in the subject CDP area are not to be removed from the Harbor during construction or any other time. From the last page of the Application, Appendix M "Dana Point Harbor Revitalization – Construction Management Parking Plan", you will see that for most of the construction plan the number of boats stored in the Harbor will be significantly below the requirement. There is even a time when the number of boats in surface storage in the harbor will be zero! This is clearly at odds with the sections quoted above.

While the provision of offsite storage for boats is a valuable addition to public resources for boating, it is not, and never was allowed to be a replacement for the required high-priority uses specified in the LUP.

B. Base Line Numbers

The Base Line report (Appendix J of the County's Application) that is required to be completed before the issuance of the first CDP has a number of issues. Section 14.6 of the Implementation Plan requires a base line report to be submitted with the application for the first CDP in the Commercial Core. Specifically, the number of slips, boater parking and dry boat storage locations is under reported. We are bringing these issues up now as it is only with the publishing of this CDP application that we were able to obtain all of the relevant documents. Please find attached our recent correspondence with California Coastal Commission staff articulating the issues with the report.

C. Marina Design "No Net Loss"

From the Dana Point Harbor Implementation Plan, Chapter 12 section 12.5 Development Standards and Requirements, Subsection n):

Marina Design: The goal of any comprehensive redevelopment of the marina facilities shall be "no net loss" of slips and shall be in conformance with the latest engineering standards; satisfy ADA design requirements; and give priority to accommodating vessels less than twenty-five (25) feet in length. The design shall also give consideration to providing slips in new berthing areas if there is a loss of slips in existing berthing areas due to these design requirements or due to the provision of larger slips to meet demand, in order to achieve the goal of no net loss of slips harborwide. Under no circumstances shall the average slip length for the entire Harbor exceed thirty-two (32) feet or result in a net loss of more than one hundred and fifty-five (155) slips overall.

From the same section, subsection j)

Anchorage: The existing quantity of anchorage space shall be maintained and where feasible new anchorages shall be provided in other areas in the Harbor so long as the anchorage space minimizes interference with navigation channels and where shore access and support facilities are available. Changes in anchorage space to provide new berthing or mooring space may be allowed, subject to a coastal development permit and other applicable regulatory review.

From Section 14.1 Purpose and Intent:

These regulations provide and govern the off-street parking of motor vehicles within the Dana Point Harbor. These regulations will result in parking facilities of sufficient capacity and adequate proximity to manage traffic congestion, provide safe and convenient facilities for motorists and pedestrians and assure that required land area is provided for parking facilities for higher priority water-dependent and park uses before non-water dependent land uses are intensified. and may be subject to approval of a Joint-use or shared parking programs may be allowed.

From Section 14.2 sub section i)

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

Commercial Core Area – The first Coastal Development Permit for new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g., designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (j). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

We believe that the County has not met the burden of setting aside enough land in the Commercial Core to “park” a zero slip loss plan. Before the County’s LCP could be completed the Coastal Commission required them to prepare a proposal on the new slip inventory (number, location and size). The County complied with this requirement and produced a plan referred to as 3.50. This plan, as submitted by the County would lose 209 slips while accommodating larger vessels. The Coastal Commission was persuaded by our arguments that a zero slip loss goal is attainable, while accommodating larger vessels and meeting modern design and ADA Guidelines.

The Commission’s final direction was zero slip loss but no more than 155 if zero was not possible. The Commission further modified the requirements to allow anchorage areas to be converted to dense and permanent berthing to increase the likelihood of a zero slip loss goal. Such an anchorage, East Anchorage, is adjacent to the area being considered by this CDP. We’ve quoted the relevant sections above.

The County’s plan as submitted to you does not set aside any land for boater parking for marina build out in the East Anchorage. The County has not yet pursued a CDP for the waterside, so we feel the City must require the County to set aside sufficient space to allow parking for slips in the east anchorage until such time as the County can obtain a Coastal Development Permit for that area. Failure to do so will frustrate the Coastal Commissions’ intent to not allow commercial development to eliminate potential higher-use solutions.

Again, thank you for the opportunity to bring to your attention a few issues with the subject Coastal Development permit. We believe we have specifically describe items where the requirements that were agreed to by the Applicant (OC Dana Point Harbor), the City, and the California Coastal Commission as part of the certification process for the LUP are violated by the Applicant's proposal. We believe that the City of Dana Point has a responsibility to insure that the requirements of the certified LUP are met before approving the CDP, and thus it should be returned to the Applicant with a request for appropriate revisions.

Respectfully,

Bruce Heyman
Boaters 4 Dana Point Harbor
PO Box 3137
Dana Point, CA 92629
(949) 289-8400
bruceheyman@cox.net

DENISE JACOBO

From: Robert Beaulieu <Bob@Brothertime.com>
Sent: Monday, May 12, 2014 2:38 PM
To: DENISE JACOBO
Subject: DANA POINT HARBOR REVITALIZATION

As a resident of San Clemente since 1976 and as a businessman in Dana Point I highly encourage the City to process and approve the application for the Dana Point Harbor Revitalization without further delay. As you know the Harbor has been a successful local and tourist destination but in very much need of an upgrade.

Robert Beaulieu
San Clemente

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MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Robert Beaulieu <RBeaulieu@pacificwesternbank.com>
Sent: Monday, May 12, 2014 2:33 PM
To: DENISE JACOBO
Subject: Dana Point Harbor Revitalization

Follow Up Flag: follow up
Flag Status: Completed

We are very excited at the prospect of the Harbor being revitalized and hope there are no further delays.

Robert Beaulieu
Pacific Western Bank
Senior Vice President
Regional Manager
34180 Pacific Coast Highway
Dana Point, CA. 92629
TEL: 949-234-1008
FAX: 949-496-7859
EXT: 421008
RBeaulieu@pacificwesternbank.com (CHANGED AS OF 5/1/2012)
www.pacificwesternbank.com

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MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Sending an unencrypted email is not a secure method of transmitting confidential information. If you intend to transmit confidential information to us, please visit our website: <http://www.pacificwesternbank.com> and click on the ??Banking Tools?? link on the top right side of our Home Page. Then using the ??Send Secure Email?? feature, Secure Mail will encrypt any emails addressed to Pacific Western Bank personnel. Note: This message contains information which may be confidential and/or privileged. If you received this email by mistake, please notify the sender of the error by return email and delete this message.

DENISE JACOBO

From: Amy Barr-Vives <amy.vives@yahoo.com>
Sent: Friday, May 09, 2014 4:39 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

Sent from my iPhone

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MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: Sam Velasquez <samvelasquez@live.com>
Sent: Friday, May 09, 2014 4:48 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a former employee of Coffee Importers and graduate of Dana Hills High School. The Dana Point harbor holds a special place in my heart and I have been following the Revitalization Plan for SEVERAL years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

In my opinion, it is actually disappointing how long you and your teams have taken to start this project. As a business professional and resident this is a no brainer! Especially considering the city's plan for PCH and Dana Point. Knowing those plans and seeing how successful revitalization projects have been in other cities, this needs to happen. If you need evidence on how a projects like this will benefit a community, review what has occurred in the last ten years in Long Beach and Beaumont or Encinitas and Carlsbad. Please take advantage of this great opportunity before you, and make the right decision.

Sincerely,

Sam Velasquez

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COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: RON PAVEK <RPAVEK@MSN.COM>
Sent: Friday, May 09, 2014 5:04 PM
To: DENISE JACOBO
Subject: I Support Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,
RONALD PAVEK LAGUNA NIGUEL

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MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

DENISE JACOBO

From: joseph castro <joseph_castro43@yahoo.com>
Sent: Friday, May 09, 2014 5:23 PM
To: DENISE JACOBO
Subject: ISupport Dana Point Harbor Revitalization

Dear Planning Commissioners:

I am a frequent user of Dana Point Harbor and have been following the Dana Point Harbor Revitalization Plan for several years. I am wholeheartedly in favor of the improvements as proposed by the County and encourage your full support of the plan.

The Plan as currently proposed calls for much needed improvements to the aging facilities. Since originally constructed in the early 1970's, today's infrastructure is better and more efficient. The buildings and parking lots need to be enhanced to serve the millions of visitors like us who frequent the stores and restaurants each year. We consider the Harbor a favorite place to visit, and it's time we make these improvements so everyone can experience all Dana Point Harbor has to offer.

Please approve the County's plan, this has been in development for many years and now is the time to move forward. I request that this letter be included with the staff report for the Dana Point Harbor Revitalization Coast Development Permit application being considered by the Dana Point Planning Commission.

Sincerely,

RECEIVED
MAY 12 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

SUPPORTING DOCUMENT F:**KATHY WARD**

From: KATHY WARD
Sent: Tuesday, June 17, 2014 10:19 AM
To: DOUG CHOTKEVYS; Patrick Munoz; JOHN TILTON; URSULA LUNA-REYNOSA
Subject: Fwd: Appeal of CDP12-0018

FYI...

Sent from my iPhone

Begin forwarded message:

From: Bruce Heyman <bruceheyman@cox.net>
Date: June 17, 2014 at 10:18:59 AM PDT
To: Lisa Bartlett <lbartlett1@aol.com>, <lbartlett@danapoint.org>
Cc: <radd1@aol.com>, <bruceheyman@cox.net>, <kward@danapoint.org>
Subject: Appeal of CDP12-0018

Dear Mayor,

Due to my well planned in advance business trip I will not be able to participate in the appeal that I filed. Ms. Erin Dugan Meluso (copied above) will be reading a prepared statement on my behalf. While the statement will not take the full ten minutes it will take more than three minutes.

I hope that you have a very productive hearing and local control is retained. I and our team remain committed to working with you, the city staff and the developer to encourage this project to move forward.

Please let me know if there are any problems with these arrangements.

Thank you Mayor.

Best,
Bruce

Bruce Heyman
Boaters 4 Dana Point Harbor
P.O BOX 3137
Dana Point, CA 92629
www.boaters4dph.com
bruceheyman@cox.net
(949) 289-8400

From: Kent Welton [mailto:kentwelton@cox.net]

Sent: Tuesday, June 17, 2014 4:50 PM

To: CARLOS OLVERA; Dana Point News Editor; SCOTT SCHOEFFEL; Steven Weinberg; SHAYNA SHARKE; LISA BARTLETT; BILL BROUGH

Subject: Veto the Boat Barn!

To: Dana Point City Council And Coastal Commission:

Re: Harbor renovation project

The boat barn is the worst, least needed, aspect of the Harbor renovation. There has been no good rendering of the proposed boat barn in the Harbor. The one in the county presentation makes it look like its 30 feet tall instead of 65 feet! Seen any 65 foot poles down there lately to mark the height? The scale and view loss here are horrendous!

And you can bet it will sit half empty or more year round and be a big money loser.

Aside from all the largely unnecessary renovation (done purely for profit for the county) and the extra parking which could have been done with a little remapping of yacht club spaces and boat docking spaces (never full), I don't see the value of this project. In viewing the County presentation, (why isn't that on Dana Point website?) I'm not convinced its either worth it or much of an improvement - and least of all a monstrous boat barn.

Kent Welton,
Dana Point

Agenda Item No. 21
June 17, 2014



24681 La Plaza, Suite 115
Dana Point, CA 92629
949.496.1555 • Fax 949.496.5321

June 16, 2014

Mayor Lisa Bartlett
Dana Point City Council
33282 Golden Lantern
Dana Point, CA 92629

RE: Support for the OC Dana Point Harbor Revitalization

Dear Madame Mayor,

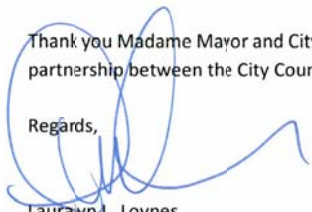
The Dana Point Chamber of Commerce represents over 400 business in and surrounding the Dana Point community. Our Board of Directors requested we submit this letter in regards to June 17, 2014 Dana Point City Council Agenda Item 21.

The Dana Point Chamber of Commerce supports the following:

1. That the Dana Point City Council deny the appeal as listed on Agenda Item 21: Planning Commission decision approving the Coastal Development Permit CDP13-0018 for Development, otherwise referred to as the Commercial Core Project, a parking management plan, a master sign program and approvals in concept for the Dana Point Harbor.
2. That the Dana Point City Council continue to uphold the Planning Commission's approval of Coastal Development Permit CDP13-0018 for Development.

Thank you Madame Mayor and City Councilmen for your attention tonight and we appreciate the partnership between the City Council, City staff, the Dana Point Chamber and our members.

Regards,


Laura Lynn Loynes
Chair, Board of Directors
Dana Point Chamber of Commerce

www.danapointchamber.com

Item #21
6/17/14



Mitchell Land and
Improvement Company

2919 Gardena Avenue
Signal Hill, CA 90755
Phone: 562-595-5775
Fax: 562-595-8319

June 17, 2014

To: City of Dana Point
From: Mitchell Land and Improvement Company Inc.
RE: Coastal Development Permit CDP13-0018 (Objections)

Mitchell Land and Improvement Company, Inc. is the owner of the property known as "The Pavilion at Lantern Bay", 24981 Dana Point Harbor Drive, Dana Point California. The project is also known as "Dana Marina Plaza" ("DMP"). (Includes 24901, 24921, 24941, 24961, 24981 & 25001 Dana Point Harbor Drive) DMP is due north of the CDP project area at the Northwest corner of Golden Lantern and Dana Point Harbor Drive. Dana Marina Plaza is a mixed use 55,457 square foot multi-tenant project. It is home to The Dana Point Bridge Club, Mahé restaurant, Jimmy's Famous American Tavern, It's All About the Cake and RJ's Café. DMP is currently 24% vacant.

We believe DMP will be affected by this development as much as anyone in the surrounding area will be. We are in support of the development and embrace it as part of the community but have two objections relating to the development which we have not seen addressed.

Parking: DMP is currently challenged with parking even with its 24% vacancy. The majority of the parking problem is due to the general public that is using the ancillary parks and recreations while using DMP as their parking lot and not patronizing DMP. When construction begins on the Project we believe there will be a massive increase in our parking problem. We would like to know what the Applicant will or can do to mitigate this problem.

Use: We notice in the application that there is a component for office use. DMP is currently restricted by the Coastal Commission for this use. We need further understanding why office use will be allowable in the Project while restricted at DMP.

Our intention is NOT to turn DMP into an "Office Park" but to be able to infill some of our vacancies with office users as there is a high demand for office space. The further benefit to allowing office space is that office user parking impact is far less than that of retail or restaurant and will allow us to maintain a manageable and acceptable level of parking for our tenant mix.

Respectfully Submitted,
Mitchell Land and Improvement Company Inc.

Timothy M. Wilson
President

Jon W. Beuder
Executive Vice President

Established in 1921

Item 21
Public Comment
6/17/14

KATHY WARD

From: Alan Wickstrom <alan@buildingonline.com>
Sent: Saturday, June 14, 2014 3:09 PM
To: KATHY WARD
Subject: Fwd: Public comments on agenda item #21 - Please DENY the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project

FYI... Alan :-)

Begin forwarded message:

From: Alan Wickstrom <alan@buildingonline.com>
Date: June 14, 2014 12:38:26 PM PDT
To: Lisa Bartlett <lbartlett@danapoint.org>, Steven Weinberg <sweinberg@danapoint.org>, Carlos N. Olvera <colvera@danapoint.org>, Scott Schoeffel <sschoeffel@danapoint.org>, Bill Brough <bbrough@danapoint.org>
Cc: DOUG CHOTKEVYS <dchotkevys@danapoint.org>, JACKIE LITTLER <jlittler@danapoint.org>
Subject: Public comments on agenda item #21 - Please DENY the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project

TO: Mayor Lisa Bartlett & Dana Point City Council Members
 City of Dana Point, 33282 Golden Lantern, Dana Point, California 92629

RE: Public comments on agenda item #21 - Please DENY the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project

Dear Mayor Bartlett & City Council Members

As a 28-year resident and 19-year small business owner in Dana Point, I'm contacting you today in support of the Harbor revitalization project.

As a long time supporter of the Dana Point Harbor Commercial Core Project I strongly urge the council to **deny** the recently filed appeal of CDP13-0018 Dana Point Harbor Commercial Core Project.

I feel the revitalization is crucial to address the old, antiquated infrastructure in our beloved harbor. It is a signature destination point in South Orange County, allowing people from all walks of life to enjoy recreational use of the Harbor.

On May 12 the Dana Point Planning Commission reviewed and approved Orange County's coastal development permit application which represents a comprehensive vetting process that includes input from the variety of stakeholders who use the Harbor.

1

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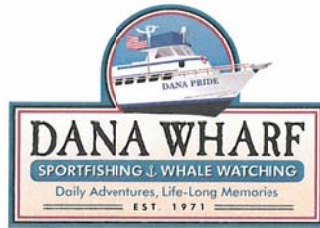
This plan offers the best compromise available to address the wants and desires of residents, businesses, boaters and our community. The Harbor and the County have done an outstanding job in providing boater parking within close proximity to the slips, while carefully planning buildings so that new view corridors are opened where none exist today.

The Dana Point Harbor Commercial Core Project coincides with the General Plan to create a bright future for the OC Dana Point Harbor and the residents of Dana Point. It is good for Dana Point business, residents and the boaters. The OC Dana Point Harbor has high expectations for its future on the part of several diverse groups and is supported by many local organizations including the Dana Point Harbor Association, the Dana Point Chamber of Commerce and the Dana Point Civic Association to name a few.

I strongly urge the council to **deny** the recently filed appeal of CDP13-0018 Dana Point Harbor Commercial Core Project so we can all see this project move forward.

Thank you for your time and consideration in this matter.

Cordially,
Alan Wickstrom
25231 Perch Drive, Dana Point, CA 92629
C: 949.842.0594
alan@BuildingOnline.com



6/14/14

Mayor Lisa Bartlett
 City of Dana Point
 33282 Golden Lantern
 Dana Point, CA 92629

Re: Dana Point Harbor Revitalization - Coastal Development Permit Appeal Hearing

Dear Mayor Bartlett,

My name is Donna Kalez, I am a business owner in Dana Point Harbor. Along with my family, I own Dana Wharf Sportfishing and Whale Watching, an institution in Dana Point since the inception of the Harbor in 1971. I am very sorry but I am unable to attend the meeting on Tuesday, June 17th and just recently learned of an appeal that was filed against the Planning Commission's ruling on the Harbor's CDP. Please allow me to explain my position and give you a little history on the Harbor.

As many of you know my father, Don Hansen, was the first to open a business in the Dana Point Harbor. He watched the Harbor being built, watched the rocks form the jetty, and watched the docks being

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In the Dana Point Harbor: 34675 Golden Lantern Dana Point, CA 92

constructed. He also watched as business after business opened in the Harbor, many being a family business just like his.

Business owners during those early days in Dana Point Harbor were so proud of their pioneering spirit, as it was truly a new frontier. It was the good old days to be sure. I hear story after story, but some are not always positive. Dana Wharf Sportfishing and Whale Watching has survived over the years through the ups and downs and economic booms and downturns ...we have made it through many great firsts and new opportunities. We have reinvented ourselves more than once! We have taken advantage of all that we can to continue making a great business and an even better reputation. We would not want to have our business located anywhere else but here in Dana Point Harbor.

We have been actively engaged and totally obsessed with the Dana Point Harbor Revitalization project since the beginning in the late 90s. At that time my father was on then Supervisor Tom Wilson's committee that created the 10 guiding principles of this project and we believe they have been carefully followed. After all these years I was extremely proud to see the CDP finally approved by the City's Planning Commission just last month. As you know the approved plan is one that the council had approved originally. Recognizing its long delay, the Planning Commission gave its approval with huge support from the community, including boaters, business owners and residents. This approval was a great milestone and re-energized me after the 12 plus years of meeting after meeting and approval after approval. If I could tell you how excited I was after every meeting when I heard the words approved to then just later find out that we needed another approval, then another then another, it takes away your spirit and really makes it hard to rally energy to keep going. However, being from a Dana Point Harbor pioneering family, we do stay engaged because this plan is a good plan, has taken a lot of time, effort and work, and is truly the best solution for Dana Wharf Sportfishing and Whale Watching, the entire harbor and the community. Needless to say, my family and I will follow it every step of the way.

This whole experience and this entire process have provided me with great insight into how projects happen and the patience required, but also how important it is to stay involved and current on the

project and constantly voice your concerns. Many people have been in great support of the project, but there is one person that continues time and time again to be a saboteur to all our hard work. I have come to believe that this person only comes to voice concerns to delay the project and increase the overall price of the project. More and more I believe that this person's only goal is to delay it until everyone is totally burned out and tired of supporting the effort. Well, Dana Wharf Sportfishing and Whale Watching will never forget and we will be at every hearing possible to see that everyone understands we support the project, as it is truly our life blood and livelihood. In a project such as this you will never make everyone happy, but over time and with a little compromise from all sides you get it right and move on. That is what our business has had to do for many years. So many tweaks and compromises have been made to make the plan what it is today in an attempt to make everyone happy! With this in mind, I ask you today that on this coming Tuesday the 17th of June you deny this appeal and send a message that Dana Point supports the Harbor Plan and wants to see it start. The most powerful message you can send as a group is a united 5-0 denial of the appeal. I know you may have your differences as a council at times, but on this issue you should be totally united.

My family and I want to thank all the City Council, Staff and Planning Commission for their commitment to this project. It's time to finally move it - - no more delays!

Thank you ,



Donna Kalez

Co-Owner

Dana Wharf Sportfishing and Whale Watching

Letter of Transmittal



Date: June 16, 2014

To: Ms. Kathy Ward, City Clerk
City of Dana Point
33282 Street of the Golden Lantern
Suite #203
Dana Point, CA 92629

From: Steve Carpenter, Director
Dana Point Boaters Association
P.O. Box 461
Dana Point, CA 92629

Dear Ms. Kathy Ward,

SUBJECT:

Project Number: Coastal Development Permit CDP13-0018 (Commercial Core Project)
Project Location: Dana Point Harbor (APN: 672-171-03)
City Council Appeal Hearing Date: June 17, 2014

Please find enclosed our response letters to the City of Dana Point, Mayor and City Council Members. These letters are appeal response letters for "Coastal Development Permit CDP13-0018", for the Dana Point Harbor Revitalization. A copy of these letters was email to you at kward@danapoint.org on June 16th 2014.

This Letter of Transmittal and enclosed DPBA appeal response letters was hand delivered to the Front Reception Desk, City of Dana Point on Monday, June 16th, 2014.

We thank you for your time and assistance for providing delivery of these letters to the Mayor and Council Members prior to the schedule hearing. If you should have any concerns or questions please do not hesitate to contact us at the contact information below.

Sincerely,
Steve Carpenter, Director
Dana Point Boaters Association 
SteveCarpenter@DanaPointBoaters.org
DPBA Voice Mail: 949-485-5656
Direct Cell: 714-715-8784

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June 16, 2014

City of Dana Point
 Mayor and City Council
 33282 Golden Lantern
 Dana Point, CA 92629

Project Number: Coastal Development Permit CDP13-0018 (Commercial Core Project)
 Project Location: Dana Point Harbor (APN: 672-171-03)

Honorable Mayor and City Council Members,

Thank you in advance for your time and consideration, allowing the Dana Point Boaters Association (DPBA) to present its concerns with the submitted Dana Point Harbor Coast Development Permit (CDP13-0018) Application.

We recommend approval of the subject CDP Application with needed language corrections prior to the approval. Our thoughts are that the City should process the CDP a 2nd time after proper language revisions have been completed by the submitter. This would truly be a more efficient method, having these corrections being made now rather than being brought back by directive of the California Coast Commission; also a huge time savings, weeks not months and months of additional delay.

I respectfully submit the following areas of concern with the CDP Application, which are in conflict with the approved Dana Point Harbor Revitalization Plan & District Regulations (Implementation Plan Component)/LUP:

- *4.5 (r) – Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least four hundred and ninety-three (493) boats to be stored on dry land in Marine Services Commercial area (Planning Area 1); four hundred (400) of these spaces may be provided in a dry storage facility (dry stack building, deck and/or surface storage areas). The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent possible. Additionally, a minimum of ninety-three (93) surface boat storage spaces that can accommodate vessels that can not be stored in a dry stack storage building shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible. Please Note: "Shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible".*
How is this possible when the Construction Management Parking Plan submitted within the CDP is only leaving a total of 22 dry storage spaces during the Revitalization?



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

The first Coastal Development Permit for the new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g. designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (i). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.

The Dry Stack Boat Storage Building or Dry Boat Storage Deck has been excluded from being completed within the Construction Parking Management Plan (Report); within the submitted CDP.

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

The submitted CDP does not conform to the above section 14.2 (i). Where is this parking and/or store if the Dry Storage Building or Dry Storage Deck will not be built until after the Commercial Core is completely built and occupied.

- During several Boater Focus Group Meetings it was agreed by ALL parties in attendance that a part of the CDP mitigation would include language as follows. This language has since appeared in various government documents.

The change in location of Guest Docks Slip from the West Basin to the East Basin near Harpoon Henry's/Wind and Sea should be accelerated to occur either before start of the commercial construction or in conjunction with the early stage of commercial core construction. Moving these permanent slips into the West Basin by the Sailing and Events facility it would avoid negative impact to the permanent slip holders that are located there now.

- It was also agreed during Boater Focus Group Meeting negotiations, based on DPBA analysis and recommendation, that an additional 125 vehicle parking spaces (then discussed as the minimum, the actual benefit has apparently since been revised to 165 spaces) should



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be made available for the parking deck. These additional spaces resulted from redesign and realignment of the boater day use trailer parking area from its original layout plan. ALL parties agreed that day use boaters would be allowed to park in some of those added 125 (min.) spaces.

I find no additional designated boat parking shown in the new Parking Deck to be used by for boaters and/or their guests. There will also need to be the elimination of the 4 hour limits for the spaces.

- See pages 4 - 6 of this letter for additional, more specific observations regarding existing CDP language.

Again, thank you for your time and consideration. We are of course willing to extend help and/or assistance to the City of Dana Point and to OC Dana Point Harbor to resolve the matters and language of concern covered herein. We look forward to hearing from the DP City Council/Planning Commission as well as approval of the Dana Point Harbor Revitalization CDP with suggested language stipulations and concerns addressed.

Respectfully Submitted,

Steven Carpenter, Director
Director
Dana Point Boaters Association



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ADDITIONAL OBSERVATIONS REGARDING EXISTING CDP LANGUAGE

Section "K" Parking Management Plan:

1. Page #2 First Paragraph: Also need to include the verbiage the proposed Revitalization Plan is in compliance with the Dana Point Tideland Trust. After all the DP Tideland Trust oversees our harbor and its existence.
2. Page #18, Joint-Use or Shared Parking, Bullet Points: This must not include ANY Boat Trailer Parking Spaces ONLY vehicle only parking spaces.
3. Page #19, Bullet Point #3: The 493 dry storage spaces are correct but are incorrect in several other location within this document.
4. Page #22, Bullet Point #1: This is a correct statement here, but this sentence is incorrect when used elsewhere within this document where it needs to specify day use boater parking, boater trailer parking.
5. Page #22, Bullet Point #2: Where is the Detailed Parking Management Plan (min/max that can be adjusted as needed) within the CDP? We find no specific language detailing a parking plan for the use of Designated Boater Parking that will be used for special events. The LCP/RPDR-IP requires a sufficiently specific plan stating minimums for each area.
6. Page #40, First Paragraph: A specific plan for special events and holidays must be included within the Detailed Parking Management Plan (min/max that can be adjusted as needed). The plan must also state the amount of boater slip parking spaces that will be used by others during these events and holidays per CCC guidelines.
7. Page #60, Table 10: Dry Stack and Mast up Storage must be a minimum total of 493 NOT the 488 shown in table.
8. Page #60: The Shipyard vehicle and trailer parking and work area is not sufficient for do-it-yourself (DIY) recreational boaters repair and maintenance activities. There must be 1-for-1 vehicle parking space in the designated self-repair area. Where was the parking allotment for this area calculated per City Parking Codes?
9. Page #63, Bullet Point #2: This needs to be reviewed to exclude the 4 hour time limitation for all day use boater parking. It was agreed during the during previous Boater Focus Group Meeting negotiations that the DPBA found the additional 125 (min.) spaces for the parking deck. These additional spaces became available due to the redesign and realignment of the boater day use trailer parking area from its original layout plan. All parties agreed that day use boaters would be allowed to park in some of the added 125 (min.) spaces because of the redesign made available from the DPBA.
 - a. This also needs to include the amount of designated parking spaces for boater slip parking within the parking deck area.
10. Page #65, 3) 300/600 Foot Parking: There is no designated boater location and amount of designated boater parking spaces for slip holders. Does not show enough parking spaces to include existing boat slip tenants for all the slips on docks L, M, N and O.



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11. Page #68, Table #11: 493 dry boat storage spaces are required per LCP/RPDR-IP. Does not jive with other sections within the CDP. Only showing 488 spaces are shown within Table #11.
12. Page #68, Table #11: It is our opinion that the Shipyard parking is not sufficient for the amount of sf & DIY self-repair and maintenance parking for boaters doing their own boat repairs. There must be 1 for 1 parking space for self-repair yard. Where was the parking allotment for this area calculated per City Parking Codes?
13. Page #69, 7) Event Parking Management: Where is the specific parking management plan information requirements by CCC stated within this plan for recreational boating parking spaces being used for ALL special events and holidays?
14. Page #76: It is my recommendation the Parking Deck Construction schedule start date should be moved up by a minimum of 2 months in schedule. This would reduce parking demands within the existing parking lots and wharf lots during their remodel. Should actually start in conjunction with the road work realignment and upgrades.
15. Page #79, Paragraph #2: Regarding the Commercial Core, Boater Parking is a higher priority in the Coastal Act than Commercial Core Parking. **LCP/RPDR-IP 4.5 r) Dry Boat Storage: shall be maintained within the Harbor at all times.** Where in this actual CDP application is Dry Boater Storage Parking being protected as stated?
16. Page #80, First Paragraph "Conclusions": This conclusion needs to be reassessed! There is a large change in land use in areas of 1 & 2 taken over by parking deck with NO designated boater day use parking provided within the "Conclusion" for the additional 130 parking spaces provided by the DPBA redesigned Parking Deck layout; not mentioned within this document.
17. Page #81, Second Paragraph: Per Dana Point Tideland Trust states specifically other uses other than harbor are incidental. Boater parking and Boater Dry Storage are higher priority than Commercial Core Car Parking to be provided to the general public.
18. Appendices: There needs to be a specific Overview as the one in Appendices of this study for each and every Major Holiday & Weekend, Special Event and HOW Boat Slip Parking will be effected during these events. This was a requirement per the CCC for a CD? Application.

Section "M" Construction Management Parking Plan:

1. Page #1, Second Paragraph, Second Sentence; Priority must be given to Dry Boat Storage & Launch Ramp Parking: *How is this possible if almost ALL the dry storage boats are being relocated to other offsite locations and major encroachment to day use trailer parking in the harbor and the tear out of all section areas 1 & 2.* While in the Studies for Dry Stack Building & Dry Storage Deck reports this was not stated; with a huge saving if the Boat Storage Deck was not built?
2. Page #6: Per Coastal Act, Boating has a higher priority: With only 22 dry storage boater spaces left in the harbor during this construction period, this needs to be reassessed. This section and the sections others that follow also need reassessing. This also includes the launch ramp spaces day use trailer parking during the construction phasing. Per LCP/RPDR-IP: Where is boater



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priority being given in this Construction Parking Plan and in the Parking Management Document?

3. Page #10, Section 1.32: The boat storage building was to hold 400 dry storage boats, what happened? Now showing only 390 boats. If the Dry Boat Storage Building is re-configured to hold less than 390 boats where will these additional dry boat storage space be located? Per LCP/RPDR-IP there will be a minimum of 493 dry boat storage spaces. No consistency within this document!
4. Page #11: Boater Storage & Parking has the higher priority per Coastal Act & LCP/RPDR-IP. Where is the approved permanent off-site Dry Boat Storage location for any of these permanently relocated boats?
5. Exhibit D: Once again, It states here and also in other location that the Dry Stack Building will hold 390 boats. How will the minimum of 493 dry boat storage spaces be provided if the Dry Stack Building is configured for fewer boats due to the physical height/size of boats?



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June 16, 2014

Mayor and City Council
 City of Dana Point
 33282 Golden Lantern
 Dana Point, CA 92629

Subject: Coastal Development Permit # CDP13-0018 Appeal, Dana Point Harbor Revitalization, Commercial Core and Embarcadero Marina

Honorable Mayor and Members of the City Council, City of Dana Point:

The leadership of the Dana Point Boaters Association has been closely following Dana Point Harbor redevelopment efforts since 2002, when after careful study we drafted a three page letter to the Dana Point Harbor Planning Commission, the government agency then responsible for soliciting feedback from members of the general public. Back then we provided specific recommendations for both harbor renewal and maintenance improvements, on the land side as well as the water. In due respect to the current management of OC Dana Point Harbor, we wish to first to point out and strongly emphasize our sincere appreciation for the dedication, hard work and tangible results we've witnessed since our first letter went unacknowledged.

By 2006 boater unrest had grown dramatically which in turn triggered the formation of this organization. In March, 2007 the Dana Point Boaters Association incorporated as a California 501 3 (c)(4) nonprofit corporation. By then it was evident that outside commercial interests were heavily involved and in danger of having excessive influence upon the harbor redevelopment planning outcomes. Over the past seven years we've strived to represent recreational boater interests fairly while at the same time working responsibly with fellow harbor redevelopment stakeholders to make harbor revitalization a success for all its many constituencies. There have since been many significant improvements in harbor redevelopment plans, too numerous to recount here.

In this letter I'm documenting a portion of our concerns regarding the Coastal Development Permit # CDP13-0018, now under appeal, subject to your review on June 17th, 2014. This is not the only letter you will receive today from our leadership on this subject.

The Boaters Association wishes to endorse the CDP application as the project has much merit to the community, and frankly has for too many years been stuck in the planning stages. However, here we have critically important concerns which we feel must be addressed first in order for us to support your approval. Mitigation solutions are identified as bullet points below following each of these concerns.

1. The figure of 140 million dollars, inclusive of all harbor redevelopment including complete replacement of all docks, has been widely quoted by County elected and appointed officials for ten years. The actual figure will no doubt be significantly higher. For example, the estimated cost of the boat barn alone, origi-



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nally 15 million dollars, has been publicly quoted by Harbor officials recently to be over 30 million dollars.

Regardless of whether this 140 million dollar number turns out to be approximately correct, a final budget should be available for scrutiny by the general public, inclusive of both sources and uses of funds, prior to construction of the major portion of harbor redevelopment effort represented by this CDP application. Indeed, public airing of a final budget prior to final approval to proceed is both customary and best practice for ANY major government sponsored public works project.

In the case of Dana Point Harbor however, owned in trust by the People of the State of California with The County of Orange acting as the Trustee and the city of Dana Point acting in the critically important local role overseeing land side development planning, this seems especially appropriate. The Dana Point Tidelands Trust, the legally binding state statute, calls out the continuing maintenance of our harbor for commercial and recreational boating purposes. Per the precise language of the trust agreement, commercial development must be constrained such that it is incidental to this overarching goal.

Further, per applicable County statute as well as California State Lands Commission regulations, slip rents, dry storage rates and commercial rents are all to be set at prevailing market rates for a not-for-profit enterprises. Since this is the law, we assume this is the case today. Given all these considerations, approval of the CDP application in its current form (lacking a budget, a financial plan for the project) could easily be considered a violation of public trust.

Should the published figures quoted above be significantly exceeded during actual construction, then it follows that there would be a requirement to increase harbor tenant rents correspondingly, thereby raising these rents beyond market rates. It also follows that the City of Dana Point could be named as an enabling and therefore legally responsible party in subsequent legal action.

- *An appropriate project financing plan for at least this phase of the total harbor revitalization effort, both source and uses of funds and including contingency for cost overrun, must be available to the general public as well as the City of Dana Point, prior to final approval of this CDP application.*
 - *A final plan which encompasses the entire scope of harbor redevelopment is also desired. Such a plan would of course be less specific use approximations and costs ranges rather than hard numbers. This too however must be sufficient to determine City of Dana Point due diligence has been performed as to the integrity of the CDP, in particular as related to confirmation of funds needed to build out the boat barn if it is subsequently approved as it is an assumption necessary for CDP approval.*
2. The proposed project completely eliminates the existing parking lot behind the Dick Simon Yachts building. This lot today provides 119 designated boater parking spaces. Boaters renting slips on the 4 Cove docks L, M N, and O, typically use these spaces as they are closest to their boats. Boaters on docks N and



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O have no practical alternative to this lot. Today this lot is completely filled most all weekends, as are the spaces in the south end of the designated boater parking lot nearer Mariners Village and Mariners Alley.

The CDP application in its current form makes provision for 72 spaces, which is based (apparently, at least coincidentally) on the ratio of .6 times these 119 those existing spaces. ($119 \times .6 = 71.4$)

However the parking space requirement specified by the LCP is based on the number of slips to be serviced, not the number of existing parking spaces. The reality is that there are 168 slips on these 4 docks. At a ratio of .6 parking spaces per slip, the number of parking spaces necessary with the CDP application if all 4 docks, L, M, N and O are considered then 101 parking slips should be provided by reconstruction. ($.6 \times 168 \text{ slips} = 100.8$) But if only the slips on last 3 docks are considered, M, N and O, then these 122 slips yield a requirement of 74 not 72. ($.6 \times 122 = 73.2$)

More importantly and regardless of the actual number, the CDP application causes for the location of these 72 spaces is to be moved twice during the construction project to increasing distances that make provisioning unfairly difficult.

The current Local Coastal Program (LCP) under which guidelines the CDP was drafted explicitly states that: boaters are to receive preferential treatment. Therefore making these mitigations necessary:

- One of the outcomes of the proposed reconstruction is 690 additional parking spaces within a new two-story parking structure. This parking structure is planned to be built on existing dry boat storage land. The land area within the existing Embarcadero Marina is to be significantly reduced to accommodate this structure. *The CDP must explicitly call out the specific locations of designated recreational boater parking in the lower deck of the parking structure closest the water.*
 - It is well known that the Guest docks at the other end of the Cove side near the Sailing and Events center are to be moved "eventually", per commitments made during over a dozen harbor Boater Focus Group meetings and documented in various project publications and documents. *The CDP application must be revised to explicitly reference the movement of the existing guest docks to docks N and O, before access to the existing parking lot adjacent to these docks is eliminated. (Guest boaters come to the harbor on their boats and so typically do not require vehicle parking.) This CDP application must also be revised to stipulate that the required additional CDP application to the California Coastal Commission will be sought and approved, as necessary for this re-purposing of these docks to occur, prior to execution of any construction contract associated with this CDP application.*
3. According to this CDP application, *If the boat barn is actually built* (a separate California Coastal Commission CDP submission and approval process is required, at an initiation date in the future not yet been disclosed), then the total of 516 storage surface spaces, for boats and their trailers, which officially existing today will be replaced by 105 spaces with boats with trailers and 390 spaces for boats without trailers. The result will be a total of 495 spaces after construction of the boat barn. But during the construction requested by the current CDP application, the availability figure actually falls to near zero.



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Indeed, at certain points during the construction this CDP proposes that all dry boat storage within the harbor be completely eliminated.

- *The upper deck of the proposed parking structure must be dedicated to dry boat structure during construction.*
 - *A permanent access ramp suitable for tow vehicles with trailers must be provided to afford direct access from/to the Embarcadero Marina.*
4. According to this CDP application, *if the proposed boat barn is not proposed, approved and built*, then only 105 dry storage spaces total will be available on permanent basis upon completion of construction according to the CDP application. If the land surface area the boat barn would occupy were used instead for dry storage, as we have been advised by OC DPH would be the case, then that the total number of permanently available dry storage spaces would climb back to 225 to 230.


That's right, if the boat barn is not built, the official number of permanently available dry boat storage spaces will go from 515 today (the number of spaces is actually is higher due to boats now stored in other locations within the Embarcadero including the boat yard) to a maximum of only 230.

This is reduction of dry boat storage spaces available within Dana Point Harbor greater than 55 percent.

- *We reluctantly conclude that a final decision on the boat barn must occur prior to approval of the current CDP application.*
- *If the boat barn is not to be built then an alternative must be identified. If a feasible alternative is not found then the scope of the reconstruction must be scaled back to accommodate more boats.*

Thank you for your consideration and understanding of the critical nature of these recreational boating concerns. In closing we wish to again assure you of our strong desire to see the harbor redevelopment effort finally reach a successful conclusion, as rapidly as due diligence permits.

We must however also reiterate the consequences of poor planning are both extremely severe and irreversible. We therefore feel it is most important to make sure all aspects of this milestone project are properly attended to prior to your final approval to proceed. Lacking that, it is also almost a certainty that there will be further delays as a result of appeal to the California Coastal Commission.

Most respectfully,

 Roger Beard
 President
 Dana Point Boaters Association