



Post Office Box 461, Dana Point, California 92629

November 8, 2014

*To the addressed and respected representatives of the Local, Regional and State Government Agencies, as well as directed staff: (see list at end of document)*

The Dana Point Boaters Association (Dana Point Boaters Association) was formed in 2006 when recreational boaters, along with many other local stakeholders became alarmed by the County of Orange authored plan to redevelop Dana Point Harbor. The goal originally was to repurpose much of the existing land area from affordable recreational boating, general recreation / park and picnic oriented community purposes, for which our harbor is much loved by residents of Southern Orange County, and into what The County still describes as a “Regional Visitor Serving” role.

In the first draft of the proposed Harbor revitalization plan, the new goal of the harbor landside was to feature conventions/meetings, much more business dining, increased shopping as well as resort oriented activities which would then collectively dominate the previously more affordable recreational scene.

Due to active participation and involvement by a wide range of grass-roots community groups, residents, merchants, recreational boaters including the Dana Point Boaters Association, throughout the arduous, and surprisingly lengthy vetting process prescribed by the Coastal Commission, the following items have since been eliminated from the CDP in the form that apparently will come before The City of Dana Point City Council, for the appeal re-hearing on November 18th:

- A hotel/convention center on the water’s edge, with meeting rooms, restaurants, tennis courts, replacing the Dana Point Marina motel (*plans have since have been scrapped, at last for short term*).
- A three story parking structure (*instead two stories is now planned*).
- A marine retail center and associate parking, which would have replaced much of the remaining current Embarcadero Marina dry boat storage area (*since has been dropped from plan documents*).
- Two 65 foot high boat storage buildings also known as “boat barns” (*now only one structure is planned*)
- Elimination of over 1100 of 2400 boat slips (*per most recent documents, elimination is now not to exceed 155 slips*).

It is emphasized here that that the process of local community involvement must continue.

This letter is directed to the addressed parties for consideration before, during *and after* the upcoming local appeal rehearing of Dana Point Harbor Landside Reconstruction CDP (Coastal Development Permit) # 13-0018(I) planned for November 18<sup>th</sup>, 2014.

Attached is a nine page, detailed analysis of recreational boating construction issues and mitigations which we strongly believe should be stipulated, as requirements for the approval of the subject CDP by City of Dana Point City Council.

In addition, we wish to draw your attention to the excerpts below, from the “Dana Point Harbor District Regulations”, which legally governs the consideration and issuance of this coastal development permit. Again, we strongly believe that approval of this CDP application must, in all respects, be consistent with the language of this document in order to avoid subsequent rehearing by the full California Coastal Commission.

Here then is the language we wish to draw your close and considered attention to:

Chapter 14 – Dana Point Harbor District Regulations, Page II-14.3 of II-14.12, Paragraph: 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 II-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.

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

Parking for marina boat slips, the public launch ramp facility and dry boat storage shall be provided in the amounts and locations as follows:

Designated Boater Parking – Parking for 2,409 boat slips shall be provided at a minimum ratio of 0.60 parking spaces per slip or end tie unless a net loss of slips is authorized by a Coastal Development Permit. Boater parking shall be located as close as possible to the land/dock connection point of the docks they serve. Typically, the boater parking spaces should be within 300 feet of the land/dock connection point of the docks they serve, but where adherence to this standard is infeasible, the parking spaces shall be within a maximum of 600 feet of the land/dock connection point of the docks they serve. Mitigation measures should be provided to assist boaters with transport of passengers, equipment and provisions from parked vehicles to boats the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300 feet and/or where there are other factors present which make such transport difficult.

Public Launch Ramp Facility – There shall be no net loss of the existing three hundred thirty-four (334) vehicle with trailer parking spaces. Redesign and expand the existing five and seven-tenths (5.7) acre boat launch facility to maximize the number of vehicle with trailer parking spaces meeting minimum California Department of Boating and Waterways guidelines (10 by 40 feet). Some large and smaller vehicle with trailer parking spaces shall also be provided in adequate amount to meet demand as determined through the Coastal Development Permit process.

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

In closing, we wish to express our sincere appreciation to all the fellow stakeholders who have worked so hard to protect and enhance the beautiful facility which we know today as Dana Point Harbor.

Dana Point Harbor truly is one of the finest, if not the finest multi-purpose recreational harbor in the entire world.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rodger Beard', with a long, sweeping flourish extending to the right.

Rodger Beard, President,  
For The Directors and Officers of  
The Dana Point Boaters Association

ATTACHMENT: CDP 13-0018(I) DPBA Mitigations.PDF

ADDRESSEES:

Lisa Bartlett, Mayor, City of Dana Point  
Brad Gross, Director, OC Dana Point Harbor  
Sherilyn Sarb, Deputy Director [Orange County], California Coastal Commission  
Teresa Henry, District Manager [Long Beach], California Coastal Commission  
Fernie Sy, Coastal Program Analyst II [Long Beach Office], California Coastal Commission

RECREATIONAL BOATING ISSUES AND MITIGATIONS REQUESTED BY  
THE DANA POINT BOATERS ASSOCIATION

**Recreational Boater Access to Wet Slips on Docks M, N and O**

**Scope:** There are approximately 124 boat slips located on docks M, N and O today, including side ties and end ties, based on Dana Point Boaters Association's review of California Coastal Records Project aerial maps.

**Issues:** Access to individual slips today is accommodated by a short walk from the gated lot behind Dick Simon yacht brokerage office. Carts are provided for transport of boater goods from their vehicles to their slips. There is no specific, written action plan within the CDP for mitigation of the negative impact of the significant additional distance from available vehicle parking to boat slips, during and after reconstruction as well as the many additional obstacles such as curbs, barricades and construction related materials and debris.

Mitigation is important and required because the boats on these three docks are some of the largest boats in the harbor. They therefore typically require much more provisioning and transport of travel luggage as well as movement of fuel, mechanical equipment and supplies, repair items, etc. to and from their slips.

It was recently acknowledged and quantified by The Orange County Board of Supervisors (OC BoS) that commercial core reconstruction will have a negative impact on Harbor merchants' use and enjoyment of the benefits of their leases. In the merchants' case, the OC Supervisors quantified this impact and authorized up to a 20% reduction in their minimum rents during the period of commercial core reconstruction.

While clearly, the use and enjoyment of recreational harbor user facilities is not measureable in the same way; however, the impact upon boat slip tenants immediately adjacent to reconstruction who in turn make monthly license payments it is no less real. It is therefore necessary to mitigate for this impact, especially because this priority use of the harbor is higher per the language of the Local Coastal Program (LCP) document and Coastal Act.

**Mitigation 1:** The movement of the existing guest docks, located away from the construction area in the West Basin, was identified during a series of meetings by OC DPH's Boater Focus Group as an obvious benefit, a clear win for both existing recreational slip tenants as well as guest boaters.

Permanent slip tenants benefit from such a move due to more plentiful parking available away from the commercial core both during and after reconstruction. All permanent slip tenants require available vehicle parking space in order to have access to their slips as provided for in their slip license agreement.

Guest boaters on the other hand typically visit the harbor on their boats, and therefore require minimal vehicle parking.

Guest boaters would also benefit from such a move by being much closer to shopping and restaurants. This is typically even more valuable to them than a permanent slip tenant, both because they lack surface transportation and because they have recently been traveling at sea without access to these amenities.

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We understand there have been a few undocumented, publicly unannounced offers extended to existing Dock M, N and O slip tenants. This program needs to be formally structured in writing, vetted publicly within the boater community, finalized and officially announced as a deliverable that is described within the CDP with firm target date specification.

The movement of all guest slips from their current locations to new locations on Docks N and O should be accomplished prior to start of construction for all boaters wishing to participate, limited only by the number of relocated quest slips available.

**OC DPH Response - Request 1:**

This program has already been implemented informally and boats have begun to move. OC Dana Point Harbor is open to working with Dana Point Harbor stakeholders that will include the Boaters Associated to formalize the program for future and post construction operations. However, parking for docks M, N & O, in their current location, is provided for during and after construction, meeting the requirements of the Local Coastal Program (LCP) regarding proximity to the docks they serve and the quantity required.

**Mitigation 2:**

A combined boat provisioning, luggage transport and parking management plan is required. A plan that achieves the higher priority use for recreational boating tenants (higher priority than the general public) for the remaining and still impacted recreational boaters on Docks M, N and O should be identified within the CDP application framework. The objectives and general scope of this plan should be specified while the actual mitigation plan should be completed, publicly vetted within the recreational boater community and implemented prior to the actual start of reconstruction, per Dana Point Harbor District Regulations.

**OC DPH Response - Request 2:**

The location of +/- 95% of the designated boater parking in the Harbor will remain unchanged as a result of the Commercial Core Project. The +/- 5% which will change are associated with Docks M, N & O, and will be relocated to the lower level of the proposed parking deck. The location of these designated boater parking spaces is consistent with the policies and regulations of the LCP.

Policy 1-6.2.4-6 of the LCP says "*mitigation measures should be provided to assist boaters with transport of passengers, equipment and provisions from parked vehicles to the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300 feet and/or where there are other factors present which makes such transport difficult*".

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Mitigation measures to be provided to assist boaters on Docks M, N & O will include a convenient Boater Drop-Off Area on the lower level of the parking deck within 300' of the land/dock connection point (see Project Plans and Exhibits Binder, Tab One, Sheet A-08) and handcarts will be available for the transport of equipment and provisions. In addition, during normal Harbor operating hours, marina company staff will be available on-call to provide golf cart shuttle services for boaters on M, N & O Docks when needed, to transport passengers, equipment and provisions to the land/dock connection point for those having to park further than 300' from the land/dock connection point. We have also recently made modifications to certain detailed design elements of the Festival Plaza, in order to minimize or eliminate factors, which could make transport from the drop-off and designated parking areas easier by eliminating steps in an area of the Festival Plaza and replaced them with a ramp to make access with handcarts easier. (see Exhibit A)

**Mitigation 3:** While less frequently mentioned during the past three years, a convenient, regularly scheduled baggage and passenger shuttle service<sup>1</sup> was often promised for this relatively small group of boaters by OC DPH and its agents during the many public boater outreach meetings, dating as far back as 2006. This service should be defined in general terms and documented within the CDP document.

**OC DPH Response - Request 3:**

Please see the response to DPBA Request 2, which addresses the issues raised in this request regarding shuttle service.

**Mitigation 4:** Parking for these impacted recreational boaters, as well perhaps for others including merchants, employees and the general public, should be provided from an offsite (outside the harbor) parking location during the period when parking in the commercial core has been reduced by reconstruction.<sup>2</sup> Currently unused South Coast Water District (SCWD) property, ideally combined with and/or adjacent to the planned dry boat storage area makes sense for this temporary purpose. Note that SCWD has already approved such a surface area (the area known as parcel C in the most recently published design documents) and we therefore believe this could be used easily without further study or associated costs.

**OC DPH Response - Request 4:**

Regarding your concern with parking for Harbor users during construction, the Construction Management Parking Plan (see Technical Studies, Reports and Information Tab M) provides for sufficient parking on-site during construction.

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<sup>1</sup> A baggage and passenger shuttle service with a published schedule is envisioned; a regularly operating program that addresses boaters, as well as merchants and the general public's needs.

<sup>2</sup> Parking for the general public has been a problem at the commercial core for many years. This justifiably explains why both successful and unsuccessful attempts have been made over time to repurpose boater parking have occurred. While there is more parking, for the general public, anyway one the two story 600+ space parking structure comes online, these parking problems will continue. Hence an ongoing program is required. We believe once included in sales collateral and other harbor information sources that over time it will receive significant use, especially during peak business periods when the harbor is saturated from a parking perspective.

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**Mitigation 5:** As there are many more boaters with slips on Docks M, N and O than can be accommodated by the existing guest docks outside the commercial core, it is still necessary and has been already been documented within the CDP and elsewhere that recreational boater vehicle parking is to be provided within the new parking structure when it is available for occupancy. It is desirable to provide specific details within the CDP of the quantity, location and means, thereby to provide confirmation that the designated boater parking within the new parking structure is appropriate.

If experimentation is planned (we understand and agree this may be appropriate) then measureable outcomes may be substituted for explicit design within the CDP.

**OC DPH Response - Request 5:**

Designated boater parking is identified and provided within the lower level of the parking deck and the proposed designated boater parking is consistent with the policies and regulations of the LCP. See the Project Plans & Exhibits Binder, Tab One, Sheet A-04 and A-20 of the CDP documents for the location of the designated boater parking.

**Mitigation 6:** The CDP document should be modified to call out a new policy that the slip tenants on Dock M, N and O will be notified and given right of first refusal on all slip vacancies of approximately the same size slip occurring elsewhere in the harbor, effective before and during the period of commercial core reconstruction, as well as a period of at least ten years following completion of reconstruction.

**Recreational Boater Boat Parking, Docks M, N and O**

**Scope:** Today there are approximately 105 vehicle parking spaces designated for exclusive recreational boater use within the parking lot surrounding the Dick Simon Marine Brokerage, based on Dana Point Boaters Association review of California Coastal Records Project aerial maps.

**Issues:** We recognize that the California Coastal Commission has authorized a reduction in the allotment of designated recreational boater parking spaces from .75 parking spaces per slip harbor-wide, 1.25 spaces per slip in certain areas. The lawful allotment is now .6 parking spaces per boat, harbor-wide.

However, because the boats on docks M, N and O are also some of the largest boats in the harbor, they also require more parking, per boat, than those boats in the well under than 30' length overall which are the large majority of the boats in the harbor today. This is true both during and after construction.

Indeed, some of these boats on docks M, N and O, in the 40-50'+ range require a crew of 3 or more to even operate safely while the over 700 boats in the 22-24' range typically have a total capacity of 4 or less passengers and crew. It has been for this reason that parking availability has been an issue for the tenants of Docks M, N and O for many years. Obviously this has been true even with today's allocation of .85 vehicle parking spaces per slip. It only makes sense therefore to allocate a proportionately larger than average vehicle parking space allocation than .6 for these 124 slip tenants.

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During the much of the public vetting lifecycle for commercial core reconstruction, there was reference verbally and in writing to developers' plans to provide designated recreational boater parking within the parking structure. It was with this spirit in mind that Dana Point Boaters Association recommended expansion of the two story parking structure into the "pan handle" area which was originally ground surface area to be dedicated to dry storage boating uses. Recently this matter was again discussed in a meeting with OC DPH. However, there are no explicit plans for such arrangements stated within the CDP.

The CDP serves as the final decision point before parking structure construction. It is therefore not possible for recreational boating stakeholders and their representatives (Dana Point Boaters Association for example) to "trust but verify".

**Mitigations 1 - 6:** From a mitigation perspective, there is obviously significant overlap between boat slip access and available vehicle parking. Therefore the same previously discussed mitigation solutions above serve here as well.

**OC DPH Response - Request 6:**

Providing priority status on slip vacancies for boaters on Docks M, N & O is an operational issue. OC DPH will work with Dana Point Harbor stakeholders, including the Boater's Association to discuss and refine this request. At the conclusion of these meetings, OC DPH will direct the marina operators to proceed with agreed upon recommendations. The stakeholder meeting process will begin in the very near future and will conclude prior the start of Phase 2, which is the construction of the parking deck

**Mitigation 7:** The existing vehicle parking spaces per slip tenant allotment, ~.85/1 ratio, should continue to apply to the slip tenants remaining on Docks M, N and O after relocation of existing guest slips from the area outside the commercial core.

How would this work? For the sake of illustration, assume that the number of permanent recreational boater slips remaining available after all guest slips are transferred to Docks M, N and O is 80. Then the number for vehicle parking spaces needed to service these slips using the existing allotment ratio would be 68 (80 X .85). This figure would be an excess of 20 vehicle parking spaces versus the 48 spaces to be allotted were the .6 spaces per slip harbor-wide criteria strictly applied (80 X .6).

The surplus of 20 vehicle parking spaces to be allotted here (68 – 48) would then be deducted from the total spaces allotted elsewhere in the harbor. Therefore, the .6 harbor-wide allotment would continue to be enforced.

**OC DPH Response Request 7:**

Regarding designated boater parking, the proposed project is consistent with the policies and regulations of the LCP.



RECREATIONAL BOATING ISSUES AND MITIGATIONS REQUESTED BY  
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**Recreational Boater Access to Wet Slips on Docks J, K and L**

**Scope:** There are approximately 144 boat slips located on docks J, K and L today, including side ties and end ties, based on Dana Point Boaters Association's review of California Coastal Records Project aerial maps.

**Issues:** Access today is accommodated by a short walk from the gated lot that begins behind Mariner's Village and runs all the way to the bridge at Island Way. Arguably to a lesser degree than will be the case with Docks M, N, and O, but without question still to a significant degree, the recreational boater tenants of Docks J, K and L will be adversely impacted by commercial core reconstruction.

**Mitigation 8:** As explained within Mitigation 6 above, and second only to the recreational boater tenant of Docks M, N and O, the tenants of Docks J, K and L should be noticed and have rights of first refusal to slips becoming vacant elsewhere in the harbor during the period before, during and following completion of reconstruction of the commercial core.

**OC DPH Response - Request 8:**

Providing priority status on slip vacancies for boaters on Docks J, K & L is an operational issue. OC DPH will work with Dana Point Harbor stakeholders, including the Boater's Association to discuss and refine this request. At the conclusion of these meetings, OC DPH will direct the marina operators to proceed with agreed upon recommendations. The stakeholder meeting process will begin in the very near future and will conclude prior the start of Phase 2, which is the construction of the parking deck.

**Dry Boat Storage Boater Access and Dry Boat Storage Boater Parking**

**Scope:** Today there are approximately 517 vessels officially stored on trailers within the harbor's primary dry storage facility, known as The Embarcadero Marina. This marina also addresses the needs of a significant day-use visiting boater community as well as other ancillary recreational boating services such as Jet Ski, Paddle Board, Kayak and small Sailboat rentals. 334 tow vehicle and trailer spaces are to be allotted during and after commercial core reconstruction for day-use boater associated needs.

Regarding this reconstruction, a major new structure, a two story parking deck will occupy a significant portion of the surface area that today is employed within The Embarcadero. When the new parking structure is built and reconstruction is complete the required dry storage capacity will be revised from 517 to 493.

However, only ~105 storage spaces are planned to be "mast up", on trailers. ~390 storage spaces are to be contained within a new, automated access high-rise structure, often referred to as the "boat barn". Because it is less words, we are also referring to it by this term here.

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**Issues:** During two stages of the 5-6 year construction period, the number of boats which can actually be permanently stored within The Embarcadero (i.e., boaters with other than day-use access) drops to as low as zero from the Coastal.<sup>3</sup> During several more stages of construction, only 22 boats may be stored.

The CDP attempts to address temporary mitigation by means of a graded and black-topped temporary offsite surface storage yard, to be opened in stages and to be shared with R/Vs and similar uses. This recently approved temporary facility is located off a frontage road over a mile from the harbor entrance. The frontage road is in turn located off a major thoroughfare. Entrance and egress to the frontage road, not yet defined, is acknowledged to require improvement to safely and effectively provided the intended access. The Pacific Coast Highway freeway extension is nearest frontage road access. The alternative frontage road access point (Stonehill Road) is further away. A traffic light has been discussed and is generally known to be a requirement but has not yet been authorized by the City of San Juan Capistrano or South Coast Water District.

Regardless, this not yet blacktopped storage yard has been announced as available by the South Coast Water District. The facility very likely will have a contracted facility operator at some point. However, limited services are planned beyond security and blacktopping may be available. Further, the existing CDP language is silent beyond a statement that offsite space will be provided as mitigation.

To illustrate the shortfall that the currently offered mitigation represents, consider that today payment of Embarcadero monthly rent includes all of the following:

*Secure, gated keycard access, 24/7 security, potable water, dedicated restrooms, surface area lighting, access to electricity, saltwater wash down facilities, direct access to the launch ramp, boat launching services, plus other miscellaneous marina services and supplies.*

For day-use boaters the current construction plan represents only a minor inconvenience, assuming tow vehicle and trailer space is not consumed by dry boat storage boaters, as well as other transit and construction related uses. However, for dry storage boaters, those boaters who are harbor tenants today and permanently store their boats on trailers within The Embarcadero there are many issues still to be addressed, including:

1. Today these trailer boaters must license and maintain their trailers in condition suitable only for launching and retrieving their boats, without the additional needs obviously associated with significant travel on crowded public and private roads as well as a private portion that today is far less than trailer-boat transit friendly.
2. Today, trailer boaters have almost immediate access to the launch ramp and if their boat is stored outside the storage yard (many are) they have 24/7 launching access.

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<sup>3</sup> Today, there are officially, 517 boats stored in surface dry storage within the Embarcadero, and unofficially over 600 boats are stored within the immediate area. The California Coastal Commission has authorized the number be reduced to 493.

RECREATIONAL BOATING ISSUES AND MITIGATIONS REQUESTED BY  
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3. Today, the amenities listed previously are readily and conveniently available for dry storage boater's DIY (Do It Yourself) projects that most all trailer boaters (if not all boaters) do and enjoy on a regular basis. Indeed DIY projects represent a significant component of the affordable boating lifestyle.

This is the lifestyle that dry storage boaters are now paying rent each month to maintain. Given there is not further mitigation, this lifestyle will be eliminated.

4. For each and every use of their boat, an additional "commute time" must be added to both the start and end of the recreational boating experience due to offsite boat storage. A time study would have been done to determine precisely how much time will be lost before the start of each launch, as well as after each return to the harbor from the ocean. For some reason this was not done. However, a constructive estimate, inclusive of the delays associated with actual transit as well as the several additional queue times involved<sup>4</sup> could be easily 2+ hours per boating experience.
5. Beyond the matter of additional commute time, there are two other issues that are completely unaddressed within the existing CDP document. They are addressed together here for clarity/expediency but this should not diminish the significance of each as a major issue in and of itself.

- i. Based upon the current wording of the CDP and existing harbor policy, once the trailer boater's problems are "mitigated" by offsite storage, these boaters technically become day-use boaters and as such they must pay a second time (in addition to their monthly dry storage rent) to access the boat launch area every time they want to use their boat.

So beyond the additional time and inconvenience for the mitigated dry storage boater to get their boat into the water, there is also a new cost component for any boater who wants to use their boat.

- ii. Given displaced trailer boaters gain access to The Embarcadero to launch their boat, where do they now store their tow vehicle, which remember must be suitable for highway hauling?<sup>5</sup>

Where do they now park their trailer once the space they previously used to store their trailer has been repurposed for construction of a parking deck?

Answer: unless further mitigation is implemented, existing dry boat storage boaters will either contend for the very same limited surface area that the LCP dictates be reserved for day-use boating, or they must try to find space somewhere else for their tow vehicle and trailer. Neither alternative is acceptable.

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<sup>4</sup> The additional queues include access to the offsite boat yard itself (what are the hours of operation? The CDP does not specify), the trailer hookup / readiness / safety checks (plus a more frequent trailer repair cycle) associated with highway travel, traffic on Pacific Coast Highway (in particular at the intersection with Harbor Drive / Del Obispo), access to the Embarcadero (the Day-User boater entrance gate queue which is often a significant delay), as well as access to Embarcadero amenities which today can be addressed as needed, but during mitigation be accessed more-or-less serially.

<sup>5</sup> During construction, a small compact car, for example, will no longer suffice for a dry boat storage boater to visit The Embarcadero and use their boat. They also will be unable to employ the Embarcadero to launch their boat by mule.

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6. Last, but not the least of all negative construction project impacts, there is no information available within the CDP to otherwise describe mitigation for dry boat storage or day-use boaters' issues, beyond the fact that dry boat storage boaters must leave the harbor during construction. Here are some of the questions that beg for answers:
- What amount of monthly rent will dry boat storage boaters pay during the 5-6 year period when their boat will be stored more than a mile from the harbor?
  - Who they will be paying their month rent to?
  - What will be their status regarding return to the harbor when construction is eventually complete?
  - There is a subset of 493 dry boat storage boaters that are to be accommodated once Embarcadero reconstruction is complete (meaning the boat barn has also been built) that must store their boats mast up. This subset includes sailboats as well as deep keel and high rise power boats who do not meet requirements for storage within the boat barn. But will the planned ~105 mast up spaces be sufficient? If not sufficient, will there be a wait list and will displaced boaters be given preference?

*It is noteworthy that in the case of 19 harbor merchants to be displaced following commercial core reconstruction this previously overlooked planning oversight has recently been addressed.*

*While not completely germane to the discussion here, it is also noteworthy to add that those trailers that boaters will be upgrading and maintaining to perform highway service during the construction period must be then, in ~390 cases be stored offsite somewhere<sup>6</sup> on a permanent basis or simply sold and repurchased when needed. The reason is that the boat barn will only store boats and not the associated trailers.*

**Mitigation 9:** Dry boat storage boaters should continue to pay rent to the County of Orange. This rent should be reduced by at least 20 percent, arguable more, which is analogous to the 20 percent reduction, plus other considerations, recently granted to harbor merchants to be displaced following commercial core reconstruction.

**OC DPH Response \_ Request 9:**

The payment of rent for dry boat storage to the County of Orange is an operational issue and is not a requirement of the LCP. Likewise, potential considerations provided to harbor merchants was also not a requirement of the LCP. However, OC DPH is open to discussing possible solutions to operational problems should they arise, however, the off-site dry boat storage facility will be not be operated by the County of Orange and the County can not dictate how the facility will be operated.

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<sup>6</sup> In Southern Orange County there is extremely limited trailer storage space available at any price. As a practical matter, the cost to store a boat trailer is the same as the cost to store a trailer with a boat on it.

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**Mitigation 10:** Dry boat storage boaters should continue to retain all current Embarcadero tenant rights and privileges during reconstruction.

**OC DPH Response - Request 10:**

Retaining the rights and privileges of dry boat storage users during construction is an operational issue and is not a requirement of the LCP. However, OC DPH is open to discussing possible solutions to operational problems should they arise.

**Mitigation 11:** Dry boat storage boaters should not pay an additional day-use gate fee to gain access to The Embarcadero during reconstruction and until they are relocated/brought back into the Harbor.

**OC DPH Response - Request 11:**

Determining who pays fees for use of the boat launch ramp during construction is an operational issue and is not a requirement of the LCP. However, OC DPH is open to discussing possible solutions within their control, to operational problems should they arise.

**Mitigation 12:** In a similar fashion as discussed in several mitigations pertaining to slip boaters on Docks M, N and O above, new mitigations<sup>7</sup> should also address the needs of dry boat storage boaters.

**OC DPH Response - Request 12:**

We are not clear on the point of DPBA Request 12, but we assume this is also an operational issue. OC DPH is open to discussing possible solutions to operational problems should they arise.

**Mitigation 13:** Services offered within the offsite dry boat storage yard must be improved. At a minimum, restrooms, potable water, access to electricity and a saltwater wash down area (with water) are required.

**OC DPH Response - Request 13:**

Restrooms, potable water and saltwater wash down area are provided at the harbor as boaters launch and retrieve their boats. Providing these services at the off-site dry boat storage location is not a requirement of the LCP.

**Mitigation 14:** A service contract must be arranged with the yet to be determined offsite dry storage operator, such that by appointment, boats can be delivered (for the same additional charge they would pay today within The Embarcadero) to the harbor, launched, retrieved, washed down and returned safely to offsite storage.

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<sup>7</sup> Note that mitigations 2, 3, 4 and 5 apply to dry storage boaters needs as well.

RECREATIONAL BOATING ISSUES AND MITIGATIONS REQUESTED BY  
THE DANA POINT BOATERS ASSOCIATION

**OC DPH Response - Request 14:**

The delivery and launching of boats stored at the off-site boat storage location is an operational issue. This is not a requirement of the LCP. However, OC DPH is open to discussing possible solutions within their control, to operational problems should they arise.

**Mitigation 15:** Because the number of displaced dry storage boats within the current version of the CDP is so high (ALL BOATS during certain stages, the vast majority of all boats in ALL STAGES), the inconvenience to dry boat storage boaters is unacceptably high and the overall Embarcadero congestion level will be unacceptably excessive during most summer and holiday weekends. Therefore some combination of two these two additional mitigations are required:

The total number of boats being removed from the harbor at any given point must be significantly reduced in some way. Today the number of boats stored on the hard within The Embarcadero is ~516. After completion of all phases, the number is stated as 105 within the CDP. Therefore it seems logical and appropriate the minimum number of boats stored within The Embarcadero should not fall below 105 during construction.

The "value engineering stage" of construction planning is the logical point to do this. The CDP language should be updated to reflect this new strategic construction objective.

Additional, convenient, temporary Dry boat storage space must be provided that avoids the necessity for highway travel during construction; especially for sailboats and vessels with masts.

Once available, we think the dry storage deck makes most sense for this temporary purpose. After all it will in fact to be located where The Embarcadero is now. A temporary entrance/egress to what's left of The Embarcadero is also required to allow this new mitigation to provide sufficient value.

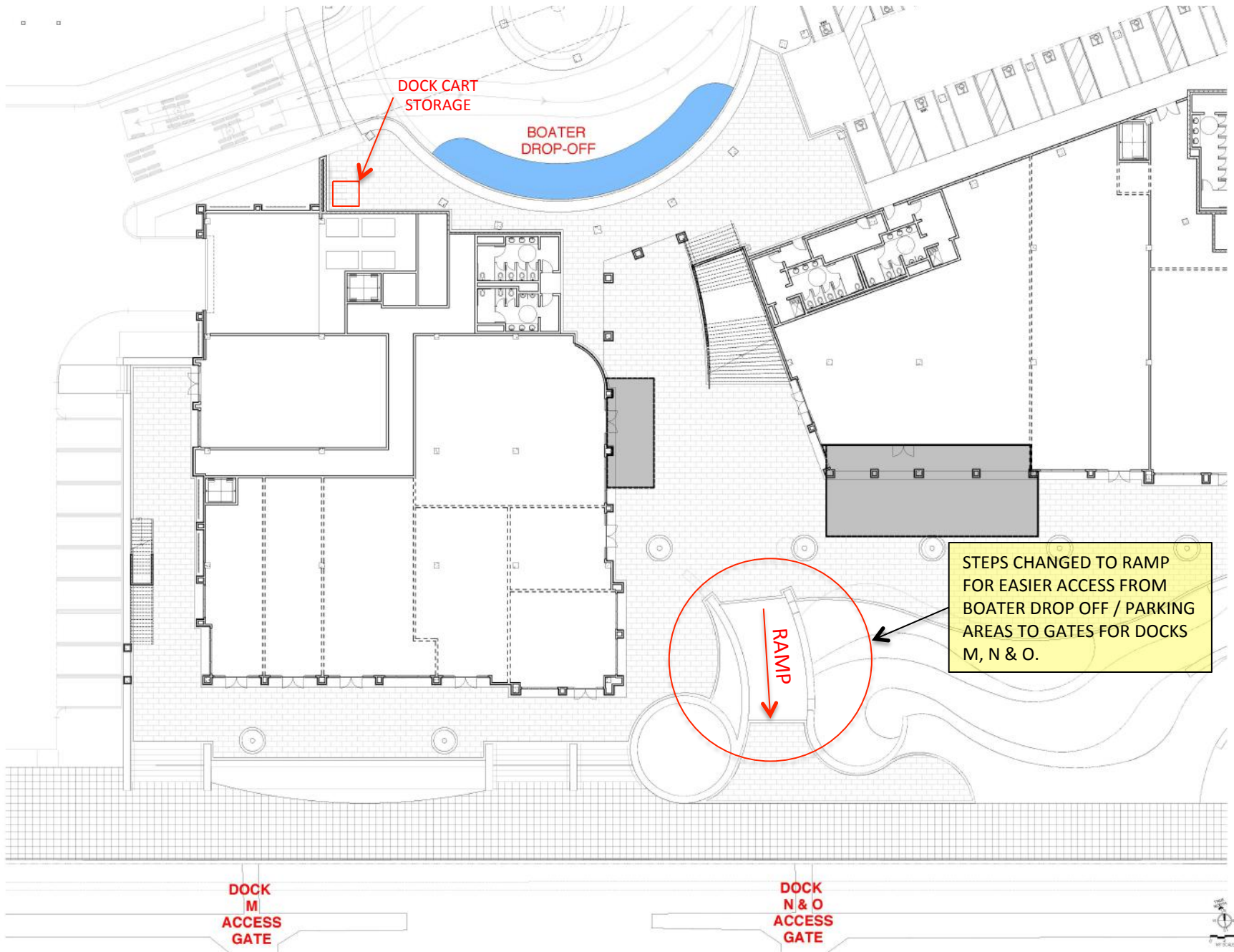
In the interim before the parking structure is available, dry boat storage space with launching capability should be sought or created elsewhere within the harbor.

**OC DPH Response - Request 15:**

Maintaining 105 surface dry boat storage spaces on-site during construction is not a requirement of the LCP. However, it is a goal to keep as many surface dry boat storage spaces available on-site during construction as possible. The off-site dry boat storage numbers, listed by construction phase in the CDP, are a worst-case scenario. In the event that certain boats, such as sailboats, (there are less than 30 sailboats in dry storage today) are not able to be stored at the off-site location, there are areas within the Harbor, with underutilized parking, where as many as 105 boats could be stored temporarily, during construction, if necessary. (see Exhibit B)

/end of written document/  
/OC DPH Exhibits Included Below/

# EXHIBIT A



DATE: \_\_\_\_\_  
PROJECT #: 2014-0016  
SCALE: 1/8" = 1'-0"  
NORTH  
SHEET #:

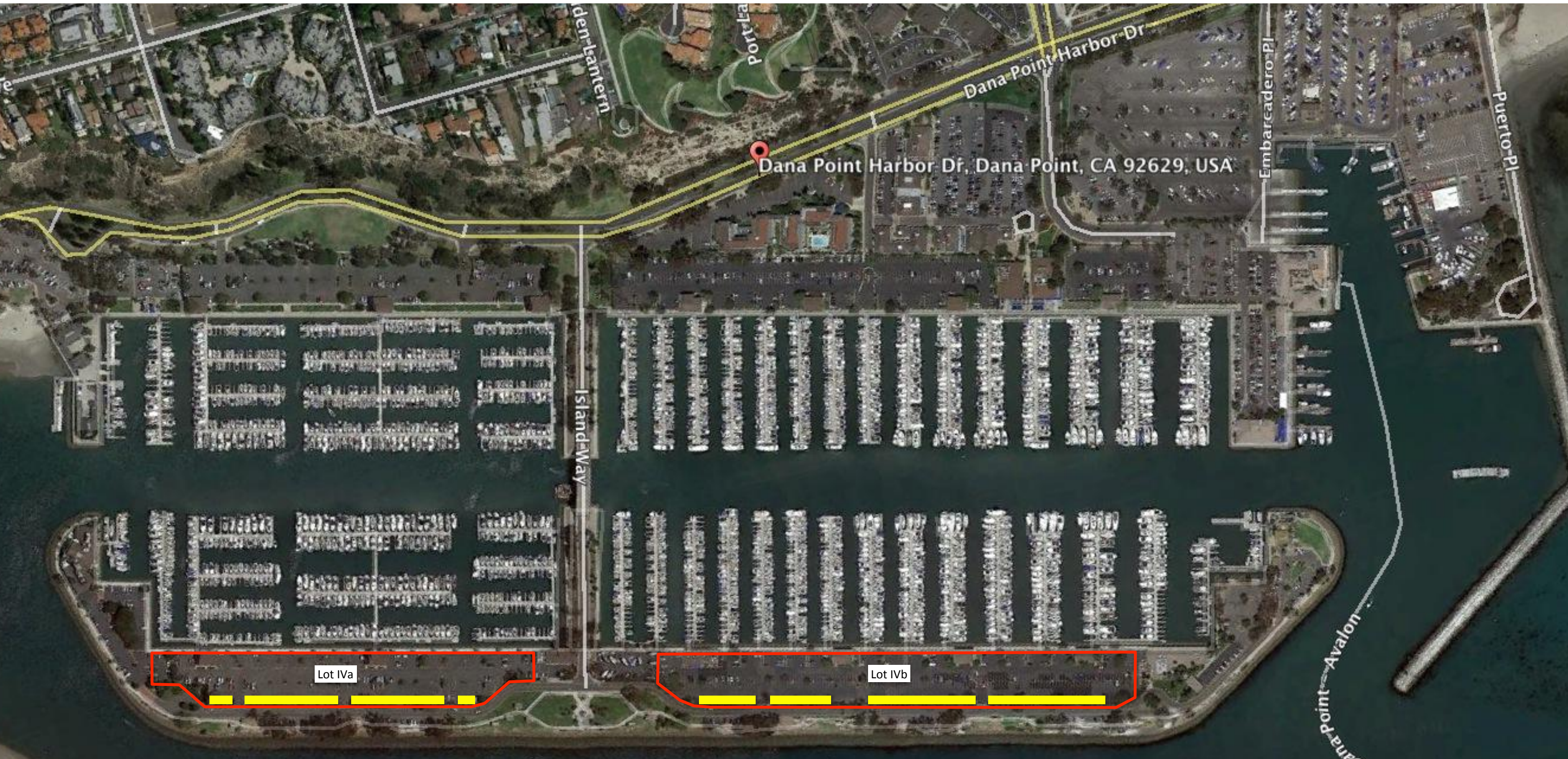
## FESTIVAL PLAZA RAMP

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# EXHIBIT B



Possible Temporary On-Site Dry Boat Storage During Construction Phase 4 & 5 in Planning Area 4 (Lots IVa & IVb) if needed up to 105 boats 25' and under