

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.

- 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.
- 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.
- 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.

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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.

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 right of 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.

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.

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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.

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.

#### **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.

#### **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.

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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.

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 provide 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:

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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.

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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.
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.

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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.

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- 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.

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.*

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<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.

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

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



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Once available, we think the dry storage deck makes most sense for this temporary purpose. After all it will in fact 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.

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