

CALIFORNIA COASTAL COMMISSION

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W13c

ADDENDUM

September 8, 2020

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W13c APPLICATION NO. 5-19-0971
(DANA POINT HARBOR PARTNERS, LLC) FOR THE
COMMISSION MEETING OF WEDNESDAY, SEPTEMBER 9,
2020**

I. CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report dated August 27, 2020 to make the following modifications to clarify the recommended requirements related to the Education and Sailing Program for Underserved Youth. Language to be added to the condition and findings is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

a. On pages 32-33 of the staff report, Special Condition 26 shall be modified as follows:

26. Education and Sailing Program for Underserved Youth. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a detailed plan for an a year-round education and sailing program in Dana Point Harbor for underserved youth that would include providing the fees necessary to host a minimum of 1,000 youths per year from low-income and other underserved communities that lack equitable access to coastal resources in Orange County for the lifetime of the proposed development.

A. The plan shall include or address the following:

i. Program Design. The program shall either: (1) coordinate the youth sailing program by providing the fees necessary to pay for 1,000 scholarships per year for underserved youth to participate in an established youth education and sailing program or (2) provide the fees necessary to an organization that has an established youth education and sailing program or that will develop such a program that meets the criteria set forth in this special condition for a minimum of 1,000 underserved youths per year. Payment of fees ~~will~~ shall commence when the proposed development authorized by this CDP begins and ~~will~~ shall continue annually, throughout the life of the development approved by this permit.

ii. Program Eligibility. The program ~~should~~ shall include a process for determining eligibility of youth for the program. "Underserved youth" may include youth from low-income households, youth who attend Title 1 schools, foster youth, youth with disabilities, youth of color, and indigenous youth.

iii. Programmatic Elements. The submittal shall describe programmatic elements and staffing. Educational topics may include, but are not limited to, plastic pollution, ocean and marine science, and water quality. ~~Preference will be given to programs that emphasize educational topics and include outdoor component that enable youths to participate in a hands-on sailing or boating experience.~~ The program shall include components that provide an interactive ocean education experience for all participants. The program shall be of sufficient length to provide for, at a minimum, one of the educational topics listed above and to engage in an outdoor ocean-related component, such as sailing, paddle boarding or kayaking. At a minimum, 10% of the students shall be provided the opportunity to participate in a hands-on, multi-day sailing experience. Preference ~~will~~ shall also be given to programs that provide transportation to and from the site, provide an opportunity for multiple experiences for continuing education, and/or work with local community-based organizations servicing underserved youth to design and implement programmatic elements, including to provide culturally sensitive programming.

iv. Marketing and Outreach Strategy. In order to increase the number of free opportunities to coastal resources for underserved youth groups from Orange County and substantially increase the awareness of harbor facilities and activities to underserved communities, prior to commencement of the education and sailing program, the applicant shall provide Commission staff with a proposed marketing plan for public outreach to reach underserved youth eligible for the program in Orange County. This can include, but is not limited to, outreach to Orange County school districts with Title 1 schools, afterschool programs and organizations serving youth in underserved communities, online advertisement, e-mail and digital marketing campaigns.

B. The applicant (or the appropriate organization) shall provide an annual report ~~for the review and approval of~~ to the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the education and sailing programs developed and operated, and the number and demographics of youths participating in such programs. The report shall be provided annually, no later than January 30th, for the preceding calendar year.

C. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

b. On page 55 of the staff report, the findings in support of Special Condition 26 shall be modified as follows:

Special Condition 26 requires the applicant to contribute annual fees for 1,000 youths from underserved communities to participate in an education and sailing program ~~that is offered year-round.~~ In, in collaboration with an organization, which is designed to educate youth, with targeted outreach to recruit underserved youth from low-income and other underserved communities that lack equitable access to coastal resources. "Underserved youth" may include youth from low-income households, youth who attend Title 1 schools, foster youth, youth with disabilities, youth of color, and indigenous youth ~~students from Title I schools.~~ The program will include educational content on marine/ocean science, ocean recreation, marine debris, coastal access issues, and other ocean-related environmental issues targeted to either elementary, middle-school, or high school ages from underserved communities in Orange County. The program must also include indoor and outdoor components to provide an ~~experiential~~ interactive ocean education ~~and sailing~~ experience for the participants, requiring that at least 10% of students ~~gain~~ are provided the opportunity to participate in a hands-on, multi-day sailing experience.

II. CORRESPONDENCE RECEIVED FROM THE PUBLIC AND THE APPLICANT; STAFF'S RESPONSE TO THE CORRESPONDENCE

Since the publication of the staff report on August 27, 2020, Commission staff has received eight letters related to the Dana Point Harbor Reconstruction Project. On August 31, 2020, a letter was received from a member of the public, Tom Nulty Jr. On September 3, 2020, one letter in support of the staff recommendation was received from the applicant, Dana Point Harbor Partners, LLC and four letters were received in support of the staff recommendation from Orange County Parks, Orange County Executive Office Real Estate, Orange County Supervisor Lisa A. Bartlett, and the Ocean Institute. On September 4, 2020, two letters in support of the project were received from Pure Watersports and the Dana Point Chamber of Commerce.

The letter from the member of the public, Tom Nulty Jr., outlines seven issues about the proposed project.

1). The letter states that there was no mention of actionable plans to address expected sea level rise impacts to the coastal venue, which sits a few feet above sea level at regular high tide. As stated on page 71 of the staff report, future sea level rise adaptation measures may include raising the proposed buildings' finished floor elevations and extending the existing seawall.

2). The letter also states that there is no evidence in the plans put forward to install electric vehicle (EV) charging stations anywhere in the harbor. In order to minimize energy consumption and adhere to Section 30253 of the Coastal Act, the staff report recommends Special Condition 18, which requires that the applicant submit a detailed parking plan, including the installation of electric vehicle (EV) charging spaces for a minimum of 24 vehicles and a minimum of 32 clean air parking spaces prior to the completion of the construction of the marina.

3). In addition, the letter states that, although there is a reduction in the number of slips overall, the proposed redesign relies on increased boat density, which would involve more boats in a smaller area due to narrower slips and docks. The letter also states that the proposed boater service buildings do not reflect the increase in density, meaning there would be less amenities for an increased density of boat users and that the proposed amenities in the boater service buildings are being reduced and will not service the general public. The applicant asserts that the proposed redesign of the marina does not rely on increased boat density and that there is actually a slight reduction of slips. In addition, the applicant states that the design does not reduce the project area, and the slip widths are actually slightly increasing in all slip categories per the California Department of Boating and Waterway (CDBW) guidelines. The applicant states that the boater service building amenities are being increased and, while the boater service buildings are not open to the public, there will be an enhancement of facilities for the public, such as the installation of two new public access areas and expansion of the existing promenade.

4). Additionally, the letter states that the redesign of the slips is based on meeting minimal design requirements allowed by law, not due to adaptation of American Disabilities Act (ADA) refinements and that ADA refinements are not applied uniformly throughout the harbor. The applicant asserts that the design of the marina incorporates the best dock technology in the industry from a structural, environmental and longevity perspective and that the proposed design meets or exceeds ADA requirements. In addition, the applicant states that applying ADA standards throughout the entire harbor is not required and would eliminate hundreds of additional slips, conflicting with the certified LCP Policy 4.2.2-6 to maintain a minimum of 2,254 slips in the harbor.

5). The letter states that the proposed redesign calls for narrower slips and docks overall and a mass grouping of boats by size and type, which ends up eliminating

both the mix of boat types and mix of boat size distribution in the harbor. The applicant asserts that the vast majority of the slips in the new design utilize CDBW guideline slip widths for powerboats, which are wider than the guidelines for slip widths for sailboats. However, the design will not alter the boat mix throughout the harbor or adversely affect any segment of the boating population. The applicant further asserts that they propose to construct slightly wider slips since the trend in both sailboats and powerboats construction is toward wider vessels and that the slightly wider slips will be utilized by both power boaters and sailboats throughout the harbor. Furthermore, the applicant states that the proposed design is the culmination of continuous consultation with Dana Point Harbor boaters and is approximately the 53rd design iteration.

6). The letter asks what guarantee there is that the submitted harbor slip plan will not be altered in the future to change the slip ratio to favor an increase in boat size. As stated on page 43-44 of the staff report, Certified LCP Policy 4.2.2-6 states:

4.2.2-6 Protect and enhance berthing opportunities in Dana Point Harbor. The goal for any dock replacement should be no net loss of slips harbor-wide. However, if conformance with current engineering and Americans with Disabilities Act (ADA) design requirements and/or the provision of larger slips to meet demands requires a reduction in the quantity of slips in existing berthing areas, those slips should be replaced if feasible in new berthing areas elsewhere in the Harbor (e.g., within a portion of the 'safe harbor' area near the east breakwater). Priority shall be given to provision of slips that accommodate boats less than 25 feet in length. The average slip length shall not exceed 32 feet. If new berthing areas are not available or are limited in size, the net loss of slips harbor-wide shall be minimized and shall not exceed 155 slips.

As stated in the staff report on page 46, there are currently 2,409 recreational boat slips in the harbor and, of this total, 1,795 slips (approximately 75% of the current total) are 30 feet in length or less. The proposed project will reduce the total number of recreational boat slips to 2,254 slips, with 1,480 slips (approximately 66% of the new total) 30 feet in length or less. The applicant states that the reduction in slip number and number of small slip sizes for smaller boats is to accommodate local market demand and ADA design requirements. The staff report also recommends Special Condition 21 which requires the applicant to submit a Slip Transition and Implementation Plan to assist small-sized boat (30 feet and under) owners to locate a temporary slip for lease during reconstruction. As mentioned in the staff report and in certified LCP Policy 4.2.2-6, priority shall be given to boats under 25 feet in length. Any future change in boat slip number or size would require an amendment to the LCP and Coastal Commission approval. Additionally, the applicant asserts that they have incorporated the most technologically advanced design criteria into the project proposal to extend the life of its marina design, thereby removing the need for any further marina redevelopment during its lease term (until 2084).

7). Lastly, the letter states that the change in visitor amenities will require mass destruction/removal of old growth trees with no replacement indicated as well as complete removal and no replacement of current public amenities (restrooms, picnic tables, etc.) The applicant asserts that the project does not require the mass destruction or removal of old growth trees and that the vast majority of the trees existing in the project area are not impacted by the marina reconstruction. Any trees that are impacted will be replaced or relocated and no trees will be trimmed or removed during the nesting and breeding season unless the tree is determined to cause danger to public health and safety, as required in recommended Special Condition 7 of the staff report on pages 11-13. The visitor amenities and parkscape areas are being enhanced throughout the project area, such as relocating and expanding the existing parkscape area in the West Cove closer to the marina itself. In addition, the public facilities in the project area are being replaced and enhanced.