

January 5, 2011

California Coastal Commission
South Coast Area Office
Attn: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Attn: Fernie Sy, Coastal Program Analyst II
200 Oceangate, Suite 1000
Long Beach, CA 90802

RE: Item W8b-1-2011 Staff Report
Major Amendment Request No. 1-10 (Dana Point Harbor LCP Implementation Plan) to the City of Dana Point Certified Local Coastal Program

Dear Sirs and Madams:

Boaters for Dana Point Harbor (B4DPH) are very appreciative of the significant work undertaken by the Long Beach Commission staff. The effort to try to bring this project into compliance with the Coastal Act, given the developer's and applicant's LCPA submittals, should be clear to everyone. We believe our comments submitted earlier on both the 12/15/2010 and the 12/29/2010 issues of the Implementation Plan text remain valid and request that they be incorporated in the final version of the document. For brevity, we are not repeating those issues and recommendations here.

There are three specific numbers in the LCPA that are very problematic to us, and in all three cases these numbers have been provided by the County of Orange (developer) and City of Dana Point (applicant) without verification. These values, which are now being included in the Implementation Plan draft, represent an inappropriate baseline for current conditions. We know that in the past, this Commission has not allowed applicants to make unpermitted changes and then have them "grandfathered" in via an LCPA. Even if the Commission chose to do so this time, we find no language in the Staff Report acknowledging this decision.

1. The existing slip count for the East and West Marinas has been reduced over the years without any CDP's and in some cases in direct contravention of an Executive Director's waiver.
2. Dry Boat Storage numbers in Planning Areas 1 and 2 are also significantly under counted. Recent surveys have indicated that this undercounting could be by as much as 25%.
3. The Parking data provided in Exhibit 6 of the Staff Report contains serious and material errors. Exhibit 6 was only made publicly available last week.

All of these errors conspire to reduce and eliminate higher priority uses under the Coastal Act. We respectfully ask the Commission Staff/Commissioners to either:

- 1) Continue the hearing until such time as the Staff, Applicant, Developer and interested parties can agree on the true baseline numbers.
or
- 2) Add a provision that accurate baseline numbers must be established and validated, including any unpermitted changes before any CDP's are issued. These new base lines numbers must replace corresponding numbers in the IP as directed by Commission Staff.

In summary, we again want to congratulate the Commission staff and the applicant for greatly improving the original draft, and with this and the previous modifications we suggested, the Harbor Revitalization can move forward to the next phase. We look forward to discussing any of these items with you, and we hope to be able to urge the IP's adoption at the hearing on the 12th.

Please include this and our previous correspondence in the staff report addendum for this item.

Yours faithfully,

Boaters for Dana Point Harbor

leaders@boaters4dph.com

(949) 289-8400