

July 26, 2012

To: Orange County Planning Commission

From: Brad Gross, Director

Subject: Dana Point Harbor - Marina Improvement Project  
Proposed Final SEIR 613 / IP 12-248

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Attached, you will find the following documentation related to the Dana Point Harbor - Marina Improvement Project – Proposed Final SEIR 613 / IP 12-248:

- OC Dana Point Harbor Staff Report
- Project Exhibits (Staff Report Attachment 1)
- Addendum to FEIR No. 591 (Staff Report Attachment 2)
- Alternative Project Exhibits (Staff Report Attachment 3)
- Listing of Public Outreach Presentations (Staff Report Attachment 4)
- Draft Statement of Facts, Findings in Support of the Facts (Staff Report Attachment 5)
- Draft Statement of Overriding Considerations (Staff Report Attachment 6)
- Draft Mitigation Monitoring and Reporting Program (Staff Report Attachment 7)
- Draft Final Subsequent Environmental Impact Report 613 for the Marina Improvement Project and Appendices (Volumes I, II and III – Staff Report Attachment 8)

The following summarizes some of the relevant background information associated with the proposed project.

### **PROJECT ENVIRONMENTAL REVIEW PROCESS**

The Dana Point Harbor Marina Improvement Project Proposed Final SEIR No. 613 / IP 12-248 (SEIR 613) has been prepared to analyze and disclose the potential environmental effects associated with the construction and future operation of the proposed Dana Point Harbor Marina Improvement Project. This SEIR is intended to tier off the Dana Point Harbor Revitalization Program Environmental Impact Report (EIR) No. 591 (State Clearinghouse Number 2003101142) that was certified by the Orange County Board of Supervisors on January 31, 2006 and is hereafter referred to as Final EIR No. 591 (FEIR No. 591) throughout the documentation provided. The Marina Improvement Project is legally and functionally separate from and independent of the Revitalization Project but was analyzed in FEIR No. 591 to be sure that the overall impacts from development, including cumulative and related projects, were addressed.

As required by CEQA, a Notice of Completion (NOC) for Draft SEIR 613 was filed with the State Clearinghouse on September 20, 2011 and the Notice of Availability (NOA) was filed with

the County Clerk on the same day. Copies of Draft SEIR 613 were distributed to all Responsible Agencies and the State Clearinghouse in addition to various public agencies, citizen groups, Harbor merchants and interested individuals. Copies of Draft SEIR 613 were also made available for public review at OC Dana Point Harbor offices, the County Hall of Administration, Dana Point City Hall, four local area libraries and on the Internet (OC Dana Point Harbor website).

Draft SEIR 613 was circulated for public review for a period of 45 days, from September 20, 2011 to November 4, 2011. Due to a request from concerned stakeholders to have additional time to review the Draft SEIR 613, OC Dana Point Harbor extended the public review period to November 21, 2011 for a total of 62 days. The NOA advising of the extended review period was re-issued and filed with the County Clerk on October 22, 2011.

## **PROJECT DESCRIPTION**

The project addressed in the Dana Point Harbor Marina Improvement Project SEIR 613 includes replacement of waterside facilities in the West and East Basins, connection of dock gangways with the quay wall and bulkheads within those basins and replacement of gangways and security gates to both marina areas. Additionally, new Embarcadero/Dry Boat Storage Staging docks and dinghy docks, along with renovations to the marine services docks, OC Sailing and Events Center docks, guest slips, Harbor Patrol docks, commercial fishing docks and sport fishing docks are included as part of the proposed project.

The project described in SEIR 613 also includes public access improvements to gangways and docks in compliance with the Americans with Disabilities Act (ADA) guidelines. In order to accommodate displaced boats during project implementation, a temporary dock near the east breakwater next to Doheny State Beach may be included as part of the project. Once renovations are complete, the temporary dock may be converted for use on a permanent basis; however, any permanent use within this federal anchorage area would require subsequent approvals by the U.S. Army Corps of Engineers (Corps) and would be subject to approval of a Coastal Development Permit by the California Coastal Commission.

## **ISSUES RAISED IN PUBLIC COMMENTS AND SCOPING**

The Dana Point Harbor Marina Improvement Project SEIR 613 acknowledges the areas of concern and issues to be resolved which are known to OC Dana Point Harbor or were raised during the scoping process. Major issues and concerns raised at the scoping meeting held on December 8, 2007 and comments submitted in writing during the NOP process included:

- Concerns regarding the reduction of the overall number of slips within the harbor;
- Water quality concerns related to construction and operations;
- Navigation safety concerns related to boater traffic;
- Construction impacts related to traffic congestion and parking;
- Marine habitat concerns;
- Concerns related to the project's relationship to the Harbor Revitalization Project;
- Concerns related to the existing live-aboards within the marinas; and
- Noise and air quality impacts.

SEIR 613 addresses each of these areas in detail, examines project-related and cumulative environmental impacts, identifies significant adverse environmental impacts and proposes

mitigation measures designed to reduce or eliminate potentially significant impacts of the proposed project.

Additionally, as a result of the public review of Draft SEIR 613, a total of 88 comment letters were received; including comments from five (5) State agencies, two (2) local agencies and 81 private individuals/interested parties. It should also be noted that the Save Baby Beach Coalition submitted over 600 form letters expressing concerns related to the potential expansion of docks located adjacent to the OC Sailing and Events Center near Baby Beach. Common concerns included potential impacts associated with overcrowding in the area of Baby Beach by combining too many mixed uses, result in potential conflicts between boaters and individuals using human powered crafts (kayakers, standup paddlers, etc.), possible limitations on the maneuverability of vessels in this area due to the direction of prevailing winds and water depth.

As a result of the comments received in response to the Draft SEIR 613, OC Dana Point Harbor has made modifications to the proposed project design as further described in the Staff Report by proposing to eliminate the docks proposed adjacent to Baby Beach, with the exception of the new dock on the southernmost side of the OC Sailing and Events Center, near the inner channel of the Harbor to be utilized by boaters to access two new pump-out stations and provide an ADA-accessible ramp for commercial charter passengers. This improvement directly implements policies adopted by the California Coastal Commission to provide additional public access, recreational enhancements and boater services as part of the Marina Improvement Project. The Revised Project Alternative will also eliminate the proposed channel narrowing in the East and West Basins with the exception of this limited new dock area located at the southernmost side of the OC Sailing and Events Center in the West Basin.

The Revised Project Alternative will include replacement of waterside facilities in the West and East Marinas (but without the realignment of the West Basin as analyzed and proposed in the SEIR), connection of dock gangways with the quay wall and bulkheads within those basins, upgrading of pump-out stations and replacement of gangways and security gates to both Marina areas (including ADA-compliant gangways and dock facilities). Additionally, new Embarcadero/Dry Boat Storage Staging docks and dinghy docks, along with renovations to the marine services docks, guest docks, Harbor Patrol docks, commercial fishing docks and sport fishing docks are included in the Revised Project Alternative. In order to accommodate displaced boats during project implementation, a temporary dock near the eastern breakwater is included as part of the Revised Project Alternative.

The Revised Project Alternative would result in a net loss of no more than 155 slips, consistent with the Dana Point Harbor Revitalization Plan and District Regulations (LCPA) approved by the City of Dana Point and subsequently certified by the California Coastal Commission.

### **STAFF REQUESTED RECOMMENDATION**

Under the Revised Project Alternative, the deteriorating dock and slip facilities throughout the Harbor would be replaced or renovated. Commercial fishing facilities would be updated and guest docks relocated to better serve boater needs. In addition, the Revised Project Alternative would upgrade the utility infrastructure and provide facilities for access by individuals with disabilities (ADA compliance). The Revised Project Alternative addresses the public comments while still maintaining many of the original goals and objectives identified by the Harbor Task Force, and is consistent with the Land Use Policies and Development Standards of the Dana

Point Harbor Revitalization Plan and District Regulations.

Based on the information and analysis contained in the OC Dana Point Harbor Staff Report (see Staff Report Attachment 5) as well as the Comments and Responses to Comments and other documentation provided with the staff report for this project, OC Dana Point Harbor respectfully requests that the Planning Commission recommend that the Orange County Board of Supervisors certify Dana Point Marina Improvement Project SEIR 613.