

W14a

ADDENDUM

DATE: June 9, 2026

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W14a, CDP NO. 5-19-0971-A1 FOR THE COMMISSION MEETING ON WEDNESDAY, June 11, 2026.**

This addendum is designed to achieve the following objectives. First, Section I provides minor corrections to the staff report. Second, Section II provides responses to some of the issues raised in the recent correspondence, which Commission staff propose the Commission incorporate into its findings.

I. CHANGES TO STAFF REPORT

The following modifications to the staff report dated May 28, 2026, are made to address minor typographical errors and clarify text. Language to be added is shown in underlined text, and language to be deleted is identified by ~~striketrough~~.

- a) Remove typos from the project description:
...(4) reduction in the number of slips for vessels between 28-58 feet and an increase in the number of slips for 65 foot vessels with an overall increase in the number of slips, ~~and an overall increase in the number of slips~~ (5) authorization for flexible rental of 24 65-foot end ties to either one 65 foot vessel or multiple 30 to 35 foot vessels, consistent with the approved marina slip mix and average berth length requirements.
- b) Modify the Notice of Receipt and Acknowledgement paragraph on page 8 as follows:

...copy of the amendment permit, ~~singed~~ signed...
- c) Renumber as appropriate on Page 9.
- d) Modify line 14 on page 12 as follows:

The amended slip mix would also decrease the number of 35-foot ~~slips~~ slips from 248 to

e) Modify the second sentence of page 22 as follows:

...approved 15-foot slips in Cove East to ~~to~~ free public day-use...

f) Reflect the changes to Special Conditions in the staff report in Appendix A:

Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit two sets of final project plans to the Executive Director for review and written approval. The final plans shall be in substantial conformance with the preliminary plans and proposal submitted on May 26, 2026, with this application, except as they are required to be modified by the special conditions of this coastal development permit. The plans shall be revised as follows:

1. Include the updated slip mix table (received 5/27/26) on the final site plan sheet.

2. Include the total number of guest slips on the final site plan sheet (both in a table and called out on the plans). In no event shall there be less than 43 guest slips.

3. Identify which 24 end ties could be used for either 65-foot vessels or smaller vessels.

4. The plans shall label each slip with a slip size which conforms to the slip mix table in this staff report. Multiple plan sheets may be necessary.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

29. As Built Plans. Within 30 days of the completion of construction of each discrete section of the marina including, but not limited to, Island East, Cove East, guest slip dock, and any other phased components, the permittee shall submit as-built plans, including a tabulation of slip sizes (i.e. a slip mix chart with number of slips per slip length), that identify the length of each slip, including, but not limited to, all guest slips, side-ties, and end-ties, to the Executive Director for review and written approval to demonstrate that the completed marina section has been built in strict conformance with the approved final plans. If the Executive Director determines that the plans do not conform to the approved project, an amendment may be required.

I. CORRESPONDENCE RECEIVED FROM THE PUBLIC

The following response to public comments is hereby incorporated as a 'Response to Comments' section of the staff report dated May 28, 2026, as Section G (thus re-numbering the following 'California Environmental Quality Act' subsection as Section H).

Since the staff report was published on May 28, 2026, the Commission received several comments in opposition to the project from James McGarry, Anne Eubanks from the Dana

Point Boaters Association, and Jerry Desmond from Recreational Boaters of California (RBOC) and BoatUS, and seven letters of support. Two additional letters in opposition to the project were received after the public comment deadline. These comments are posted with the correspondence for this item.

Mr. McGarry expressed opposition to the proposed amendment and raised concerns regarding: 1) the applicant's failure to construct the marina consistent with the originally approved permit and the after-the-fact nature of the amendment; 2) the Commission's review and oversight of permit compliance during project construction; 3) the absence of approved 15-foot slips within the marina; 4) marina operational issues, including electrical service, Wi-Fi reliability, security, dock conditions, and the lack of completed boater service buildings; and 5) project delays, increased project costs, and rising slip fees. Mr. McGarry contends that the amendment would legitimize prior non-compliance and urges the Commission to deny the amendment.

In response, Commission staff notes that many of the operational issues listed are not inconsistent with the Coastal Development Permit and are outside of the scope of the prior approval. The components of the project that have deviated from the prior approval are now being addressed through this amendment application. For example, the discrepancy in the number of 15-foot slips is being corrected through the current application. As discussed in the staff report, the amendment was submitted following coordination with Commission enforcement staff and includes authorization for marina layout modifications identified during implementation of the approved project. The amendment would actually increase the number of 15-foot slips from 37 to 82, increase the total number of slips from 2,254 to 2,275, provide additional public day-use docking opportunities, and improve ADA accessibility. The changes to Special Condition 28 and the new Special Condition 29 are designed to alleviate the concerns with inconsistent compliance with prior plans and are intended to address compliance issues moving forward.

The Dana Point Boaters Association expressed opposition to the proposed amendment and raised concerns regarding: 1) whether the revised slip mix and slip accounting accurately reflect an increase in boating opportunities, particularly for lower-cost and small-vessel slips; 2) the reliance on flexible-use end ties and revised slip classifications to support the reported increase in total slips; 3) the consistency of the revised slip mix with Dana Point Harbor LCP policies prioritizing vessels less than 25 feet in length and Coastal Act policies protecting lower-cost recreational opportunities; 4) whether approval of the amendment would retroactively authorize previously identified permit compliance issues; and 5) the adequacy of the proposed special conditions, requesting that additional slip inventory documentation and reconciliation be provided prior to Commission approval.

Ms. Eubanks, on behalf of the Dana Point Boaters Association, raises concerns regarding the revised slip mix, slip accounting methodology, reliance on flexible-use end ties, consistency with lower-cost recreational boating policies, and the adequacy of the proposed special conditions and raises concerns with the lack of clear plans and the inability to independently verify the changes. The letter requests additional documentation and verification regarding the proposed flexible-use end ties, including a clear explanation of how they are accounted for and operated, and expresses a preference for configuring the end ties to maximize smaller recreational boating opportunities rather than additional large-vessel berths.. As discussed in the staff report, revised Special Condition 28 requires

the final plans to include an updated slip mix table and identify all flexible-use end ties, and new Special Condition 29 requires a submission as-built plans and a final tabulation for Executive Director review, providing a clear and enforceable mechanism to verify the availability and operation of the approved slip mix. The letter suggests that the Commission should require a clear explanation of how the flexible end ties are counted and how they will be operated. The applicant provided additional information explaining that the flexible-use end ties are intended to provide operational flexibility by accommodating either one 65-foot vessel or multiple smaller vessels based on marina demand while maintaining consistency with the approved slip mix and average berth length requirements.

As discussed in the staff report, the underlying CDP approved 20 15-foot side-tie slips along the floating walkway connecting docks E10–E12 and 17 15-foot side-tie slips along the floating walkway connecting docks E1–E3, for a total of 37 approved 15-foot side-tie slips. The proposed amendment would relocate and reconfigure these side-tie areas to provide 16 15-foot slips at W12, 19 15-foot slips at W13, and 19 15-foot slips at E26, for a total of 54 relocated 15-foot side-tie slips. The amendment would also add 28 new 15-foot slips along the Phase 8 West Island side tie, resulting in a total of 82 15-foot slips under the amended marina layout.

The amendment would also increase the total number of marina slips overall from 2,254 to 2,275 while maintaining the Dana Point Harbor LCP requirement that the average berth length not exceed 32 feet, which prioritizes smaller slips in the harbor and provides consistency with the LCP policies that prioritize slips under 25 feet. The number of 2,275 slips represents the use of only 24 end ties as flexible use and the number assumes that the largest vessel (65-foot vessel) will occupy the space. As reflected in the staff report, if all 24 end ties were used for smaller vessels, the number of slips would further increase to 2,299. The plans required via Special Condition 28 will identify the location of these 24 end ties. If the 24 end ties were counted as multiple smaller slips in the slip mix table, the average berth length would likely drop below 32 feet, further in compliance with the guidance LCP policies. While the revised slip mix and flexible end ties appear to remove slips between 28-58 feet and increase the number of larger 65-foot slips and reduces the total of 20-foot slips from 9 to 7 slips, the project includes a number of new 15-foot slips. The LCP policies prioritize slips *under* 25 feet (not just 25-foot slips) and the amended project achieves this.

Although certain end ties may be rented either as one 65-foot berth or multiple smaller vessel berths depending on operational demand, the revised slip mix identifies a maximum of 45 65-foot slips, and the condition requires the applicant to identify which 24 end ties may be used flexibly.

In addition, revised Special Condition 28 requires the final plans to include an updated slip mix table, identify all flexible-use end ties, and label each slip consistent with the approved slip mix. New Special Condition 29 further requires submission of as-built plans, including a tabulation of slip sizes, for Executive Director review to demonstrate that each completed marina section conforms to the approved final plans. Both of these conditions are intended to provide clarity for the public and to demonstrate conformance with approved plans.

The amendment increases the number of small-vessel slips and provides additional public day-use docking opportunities while reducing overwater coverage and pile counts compared to the previously approved project. Accordingly, staff finds that the amended marina layout remains consistent with the Dana Point Harbor LCP and the Coastal Act policies encouraging lower-cost recreational boating opportunities and increased boating access.

As discussed in the staff report, the proposed amendment would increase the number of 15-foot slips from 37 approved under the underlying CDP to 82 under the amended marina layout, thereby expanding opportunities for lower-cost and small-vessel boating. The amendment would also increase the total number of marina slips from 2,254 to 2,275 while maintaining the Dana Point Harbor LCP requirement that the average berth length not exceed 32 feet, which prioritizes smaller slips within the harbor. Although the amended slip mix includes additional 65-foot slips, the maximum number of 65-foot slips is limited to 45, and certain end ties may alternatively be rented as multiple smaller slips depending on operational demand.

Jerry Desmond, on behalf of Recreational Boaters of California (RBOC) and BoatUS expressed opposition to the proposed amendment and raised concerns regarding: 1) the enforcement investigation into potential Coastal Act violations resulting from the absence of smaller recreational boating slips; 2) the need for the amendment to include measures that verify the proposed redistribution of slips will enhance lower-cost recreational boating opportunities as originally intended; and 3) the adequacy of the documentation supporting the revised slip mix, requesting that the Commission require additional documentation and ongoing verification before determining that the amendment is consistent with the Coastal Act and the Dana Point Harbor Local Coastal Program. RBOC and BoatUS support the comments submitted by the Dana Point Boaters Association and urge the Commission to require additional verification of the revised marina slip configuration.

RBOC and BoatUS express support for the comments submitted by the Dana Point Boaters Association and request additional documentation and verification to demonstrate that the revised marina slip configuration will enhance lower-cost recreational boating opportunities and remain consistent with the Coastal Act and the Dana Point Harbor Local Coastal Program. As discussed above, revised Special Condition 28 requires the final plans to include an updated slip mix table, identify all flexible-use end ties, and label each slip consistent with the approved slip mix. New Special Condition 29 further requires submission of as-built plans, including a tabulation of slip sizes, for Executive Director review to demonstrate that each completed marina section conforms to the approved final plans. In addition, the proposed amendment increases the number of 15-foot slips from 37 approved under the underlying CDP to 82 under the amended marina layout, increases the total number of marina slips from 2,254 to 2,275, and provides additional public day-use docking opportunities while maintaining the Dana Point Harbor LCP requirement that the average berth length not exceed 32 feet. Accordingly, staff recommends that the Commission find that the proposed amendment remains consistent with the applicable public access and recreational boating policies of the Coastal Act and the Dana Point Local Coastal Program.

In conclusion, the revised Special Conditions 28 and 29 provide additional clarity regarding the final slip mix, flexible-use end ties, and as-built documentation to ensure the completed

marina conforms to the approved plans. None of the information contained in this addendum alters the analysis presented in the staff recommendation that the Commission find the proposed amendment is consistent with the applicable Chapter 3 policies of the Coastal Act and the Dana Point Local Coastal Program.