

November 3, 2015

The Honorable Carlos N. Olvera  
Mayor of Dana Point  
City Council Members  
33282 Street of the Golden Lantern  
Dana Point, California 92629

Re: Coastal Development Permit 15-0021 Regulating Hours of Operation of Public Facilities, Including the Mid-Strand Beach Access and Central Strand Beach Access, at Dana Point Headlands ("CDP15-21")

Dear Mayor Olvera and City Councilmembers:

I am opposed to the adoption of CDP15-21 to limit South Stand Switchback Trail, Mid-Strand Access, Central Stand Beach Access and Strand Beach Park/Strand Revetment Trail to one hour before sunrise and until one hour after sunset throughout the year as well as limiting Strand Funicular Beach Access to sunrise to sunset Memorial Day through Labor Day and only to weekends and holidays the rest of the year. The imposition of these gates and time limits interferes with the public access to Dana Strand and is not consistent with Section 30211 of the California Coastal Act that states; *"Development shall not interfere with the public's right to the sea..."*

I have reviewed the staff report and am troubled that the "North Strand Accessway" and Funicular, although not discussed, indicates on page 37 the new sign hours of the North Strand Access are to be also limited to one hour before sunrise and one hour after sunset. This access has no time limit currently. This is untenable and an example of the City of Dana Point's heavy hand against public access concerning this matter. The funicular does not provide adequate public access because it stops operating at sunset and many people are still at the beach after sunset. Also, the "holiday" hours are very ambiguous. Many tourists come to Dana Point during the wintertime and the funicular is not operating. This is most obvious during the week between Christmas and New Year when tourist come for the Rose Bowl. Many people cannot enjoy the beach unless they use the funicular, such as elderly and people that have medical problems. Accessibility the funicular offers should be made available to the public all year and not have limited operating hours.

The City of Dana Point controls/owns two narrow strips of land between a public beach parking lot with operating hours between 5:00 am to midnight and a public beach with operation hours between 5:00 am to midnight and is using this control to unreasonably restrict the public from access to Dana Strand by placing gates and locking the gates at more restrictive hours. This takes away the right of public access to the sea of not only for the millions of people who live in South Orange County who call this beach theirs or the hundred of thousands of people who come

to Dana Strand each year, but the people like myself that just happen to live a few feet on the other side of the gate.

I have lived across from Dana Strand for over 29 years and I have enjoyed the privilege of living so close to the sea and enjoy the ease of access of just walking down to the beach. The Coastal Act was adopted so everyone can also enjoy the beach, not just those that live on it. As the population of South Orange County has grown in the past 29 years I have observed the public use of Dana Strand grow. It once was a beach that few people knew of or visited and now it is heavily used and these few access points are now even more important. Although it is not clear if only the North Strand Accessway will be open at all times, it is clear that only one access is not enough to serve the public access needs especially as Dana Point and South Orange County continue to grow in population. During the last two very hot summers I have observed many people enjoying a swim in the warm ocean well after sunset and into the night. This trend will continue as the population grows and temperatures rise from Global Warming.

In Ann Crawford's letter she emphatically states that the public has 24 hour access on each side of The Strand development. That is not what Dana Point is proposing to do. She is concerned that without fences and gates the public will walk through The Strand development at night. Using fences and gates is a 20<sup>th</sup> Century solution to prevent crime and/or to provide safety to residents. Today, in the 21<sup>st</sup> Century, I am sure that each of those \$13 to \$20 million private homes has sophisticated security systems and cameras because it is now known that fences and gates do little to prevent crime. Preventing crime is not a justification for gates and access restrictions, especially compared to the overriding public right to access. I have lived in the Dana Strand neighborhood for a long time and I feel very safe. I understand when people first move in that are not sure of what the neighborhood will be like, but it is very safe and quiet as is most of Dana Point. The people who come to the beach most frequently live the closest and are The Strands' neighbors.

Concerning safety issues raised in Sanford Edward's letter, it is extremely rare that smugglers used Dana Strand and now that more people are at Dana Strand - at all times of the day and night, it makes it less likely for smugglers to use the beach as a landing point because they would be observed. This safety issue does not justify in anyway restricting the public from accessing the beach through The Strand development.

The staff report does not provide any justification or reason why the city needs to place gates or restrict access to Dana Strand next to or through The Strand development. The findings are inadequate and do not provide explanations for how CDP15-21 complies with the Dana Point General Plan and the HDCP or the Coastal Act.

I disagree with the finding that the proposed CDP15-21 is exempt from CEQA. Clearly, the placing of gates and the restricting of public access via time limits is a

project under the definitions of CEQA. A project is defined as the whole of an action, which has the potential for resulting in either direct physical change or a reasonably foreseeable indirect physical change in the environment. By segmenting or "piecemeal" of the project into small parts such as the placement of gates and restrictions in hours of public access with the use of categorical exemption, The Strand development has avoided full disclosure of the its true and fully described projects to the public in seeking entitlement. That may have even resulted in avoiding mitigation or project approval by the city and/or Coastal Commission. I would have spoken against the project at the City of Dana Point and the Coastal Commission public hearings if I knew at the time it would result in gates limited my access to the beach; but I and the rest of the public was not given that chance. I relied on the on the promise that public pedestrians and bicycle access shall not be restricted. I ask you Mr. Mayor and the rest of the City Council to make The Strand development keep its promise and vote no on CDP15-21.

Thank you, for this opportunity to comment on proposed CDP15-21.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Whittaker", with a long horizontal flourish extending to the right.

Susan Whittaker  
34006 Selva Road #389  
Dana Point, California 92629