

Dana Point Harbor Partners, LLC

Dana Point Harbor Partners Drystack, LLC

February 23, 2024

Ms. Brenda Wisneski
Director of Community Development Director
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

Re: Dana Point Harbor Revitalization - Coastal Development Permit (CDP) 13-0018(1)
Substantial Compliance Request #4

Dear Brenda,

Dana Point Harbor Partners, LLC and Dana Point Harbor Partners Drystack, LLC (collectively, DPHP) are pleased to submit the attached materials in support of our proposed plan's Substantial Compliance with Coastal Development Permit 13-0018(1) (CDP). As you know, the CDP was approved by the Dana Point City Council on June 17, 2014.

Condition No. 2 of the CDP requires that all "subsequent submittals for [the] project be in ***substantial compliance*** with the plans presented to the City Council and in compliance with the applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations [LCP]." Condition No. 4 of the CDP, in turn, provides that "[if] the Director of Community Development determines that [a] proposed change [regarding the location or appearance or use of any structure] complies with the provisions and the spirit and intent of this approval action and that the action would have been the same for the amendment as for the approved plans, he may approve the amendment without requiring a new public hearing."

The City has issued three Substantial Compliance Determinations to DPHP in reliance upon Condition No. 4: first on May 29, 2019, and then revised on July 15, 2020, and then revised on August 22, 2022. As demonstrated in the attached supporting exhibits, the proposed DPHP plan that is the subject of this Substantial Compliance Request #4 again substantially complies with the current CDP. Therefore, under CDP Condition No. 4, the Dana Point Director of Community Development may approve the adjustments to the current Substantial Compliance Determination we are seeking in connection with this letter.

DPHP is proposing two minor changes to the Construction Management Phasing and Parking Plan (CMPPP) and Substantial Compliance Request #3. Each is described and explained below:

- a. **Parking for Dana Wharf Sportfishing** - During the construction of phases 1 and 2 (Parking Structure and Surrounding Site work) of the Retail Commercial Core, the current CMPPP accommodates the required parking for Dana Wharf Sportfishing within a parking field known as the East Basin Island Boater parking lot. This lot has a total surplus parking of 139 spaces, therefore accommodating the required Dana Wharf customer parking demand of 120 cars. Because of the remote nature of this parking lot relative to Dana Wharf Sportfishing's business operations, a shuttle service was contemplated to shuttle customers to and from their primary point of disembarkation on the Wharf. Importantly, the parking study completed by Walker Consultants for the

prior Substantial Compliance assumed that ALL spaces within the Retail Commercial Core to be 100% occupied. This assumption is no longer accurate. Several suites within the retail commercial core have been vacated over the past 18 months and DPHP is not planning to relet those vacant spaces during construction of phases 1 and 2, estimated to take approximately 12-14 months. As a result, there is now a surplus of 124 parking spaces within the retail commercial core lots that was not assumed in the current CMPPP. This surplus enables us to offer the Dana Wharf Sportfishing customers a more convenient parking field that is walkable to the Wharf, thus resulting in minimal disruption to Dana Wharf's business operations. The parking demand count for Dana Wharf customers is 120 cars and the updated shared parking study that we received from Walker Consultants, based on current reduced occupancy of the retail, calculates a surplus of 124 spaces, thus allowing us to accommodate all 120 of the Dana Wharf required parking with 4 net surplus spaces and eliminating the need for reliance on the remote East Basin Island Boater parking lot. We have attached this updated Walker study (**Exhibit A**), which includes a table of currently occupied spaces and an updated Parking Plan (**Exhibit B**) that describes the proposed new parking area for the Dana Wharf Sportfishing customers. We again note that the proposed parking field is materially similar to the parking field that Dana Wharf's customers have been utilizing prior to the start of the phases 1 and 2 construction, resulting in little to no business interruption to Dana Wharf.

The CMPPP has therefore been updated such that the Dana Wharf customer parking field noted in the approved CMPPP is being replaced with the proposed parking field noted in the amended CMPPP. This amended parking field will be provided through the construction of phases 1 and 2, or until such time as we may elect to relet the vacant spaces within the retail area and no longer possess the surplus spaces required to accommodate the Dana Wharf parking demand, at which time we may revert to the East Basin Island Boater parking lot to the extent needed. It is noted that upon completion of the parking structure, we will have ample parking to accommodate full occupancy in the retail project and still provide for Dana Wharf customer parking in the new parking structure.

- b. **Parking for Day Boater and the Dry Boat Storage Areas** - During the Construction of the Retail Commercial Core, the Day Boater and the Dry Boat Storage areas are required to have 334 spaces and 493 spaces, respectively. The current approved CDP describes these parking areas as having contiguous parking lots. DPHP has proposed a slight reconfiguration of these two areas while maintaining the total required parking for each area, as depicted on the attached parking plan. This new configuration provides adequate parking for day boater demand in the primary parking field (130 cars) while providing for all necessary parking in the secondary parking area (204 cars; total combined 334 spaces) which, according to our historical demand studies, occurs only one or two days per the year. This new configuration is not only as accessible as the prior plan but also minimizes tenant offsite relocation and disruption of dry storage operations. This also allows the construction staging area to be adjacent to the underutilized secondary day boater parking lot to maintain access to the launch area and be less disruptive to the daily activity associated with the dry boat storage area. This is a far more practical and less disruptive plan relative to the current approved CDP that still provides all required parking in accordance with the CDP. The proposed reconfiguration of the Day Boater and Dry Boat storage lots is depicted on the updated Exhibit B parking plan.

We look forward to working with you and are pleased to present this improved plan to the city. Please let us know if you require any additional information to support our request for approval through a finding of Substantial Compliance. Again, should you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bryon Ward'.

Bryon Ward
President
Burnham-Ward Properties
As Manager for DPHP, LLC

A handwritten signature in blue ink, appearing to read 'Joseph Ueberroth'.

Joseph Ueberroth
Founder & President
Bellwether Financial Group
As Manager for DPHP Drystack, LLC

Attachments:

1. Exhibit A - Updated Walker Parking Study
2. Exhibit B - Updated Parking Map

Cc: Daniela Malott, Tait
Jake Vandervis, Tait
Sean Matsler, Cox Castle

EXHIBIT A



707 WILSHIRE BLVD., SUITE 3650
LOS ANGELES, CA 90017
213.488.4911

WALKERCONSULTANTS.COM

February 15, 2024

Bryon Ward
President
Burnham-Ward Properties
1100 Newport Center Drive, Suite 200
Newport Beach, CA 92660-6254

Re: *Shared Parking Analysis*
Dana Point Harbor, Dana Point, CA

Dear Mr. Ward:

You have requested that Walker Consultants ("Walker") provide a parking update opinion letter based on the current tenant occupancy in the retail parking lots. We understand that several of the commercial spaces in the retail center, including several restaurants, have closed for various reasons over the past year and that you do not intend to lease these spaces during construction of the parking structure. You have asked Walker to specifically calculate the number of spaces currently projected to be needed based on the shared parking analysis that was utilized in the 2014 Parking Management Plan. Included in Attachment 1 is a list of currently occupied retail and restaurant spaces that you provided, whose tenants share the parking lots color-coded in pink on the attached parking plan (included as Attachment 2) and referred to as "Retail - Primary Parking".

We understand that your goal for this study is to determine what the parking needs would be for the currently occupied units and how much surplus parking may be available for Dana Wharf Sportfishing to create a more convenient parking field for their customers. It was previously anticipated that the 120 parking spaces for Dana Wharf Sportfishing would be accommodated in the East Basin Island Boater lot shown in a green box in Attachment 2. We understand that you desire to move this parking serving Dana Wharf Sportsfishing to the Primary - Retail parking lot to the extent there are surplus spaces available as a result of the retail and restaurant vacancies.

The 2014 Parking Management Plan ("PMP") that Walker prepared included a recommended parking supply projection for the future commercial land use program in the Commercial Core assuming variations in activity throughout the day using a shared parking approach. In the 2014 PMP, Walker projected that 1,034± parking spaces would adequately accommodate the retail and restaurant land uses proposed for the Commercial Core.

Walker re-ran the shared parking analysis, using the same assumptions as used in 2014. Based on the current occupied retail and restaurant square footage, 453± spaces are recommended. As with the 2014 PMP, Walker added a small contingency to the parking supply (5% for employee parking and 10% for visitor parking). The result is a recommended parking supply of 86± spaces for employees and 408± spaces for visitors for a **total recommended supply of 494± spaces for the existing occupied retail and restaurant land uses included in Attachment 1.**

EXHIBIT A, CONT.

Based on the available parking spaces in the lots shown in pink in Attachment 2, which total 618 spaces, there is a projected 124-space surplus (618-494) that could be allocated to Dana Wharf, or other use (e.g. construction staging), that might be required by DPHP during current construction of the parking structure.

Please reach out to me at tschleck@walkerconsultants.com with any questions.

Sincerely,

WALKER CONSULTANTS

A handwritten signature in dark ink, appearing to read "Tania Schleck". The signature is fluid and cursive, with the first name "Tania" written in a larger, more prominent script than the last name "Schleck".

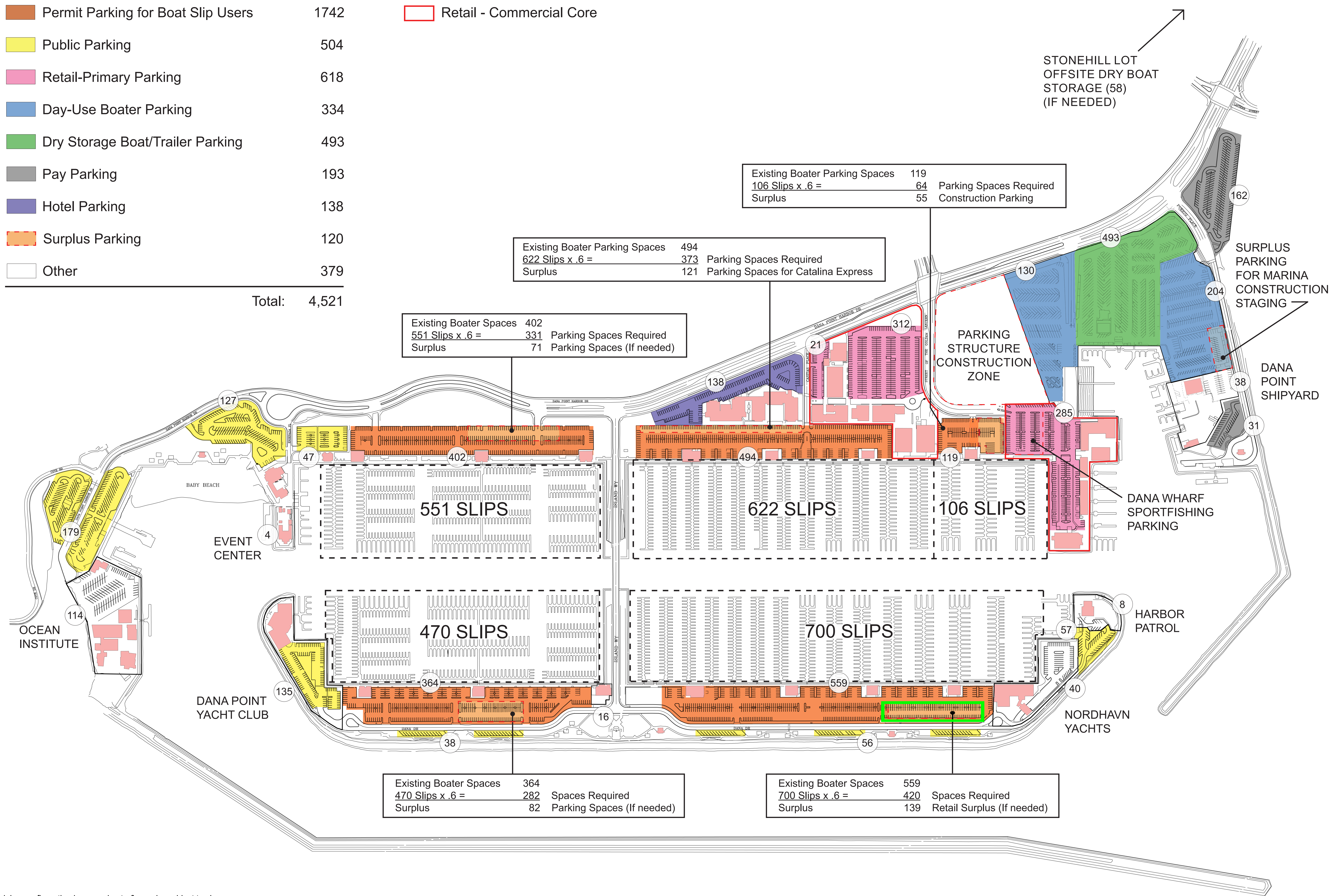
Tania Schleck
Walker Consultants

Retail - Commercial Core - Updated Occupancy as of 2-15-24

Suite Address	Tenant	Interior Usable SF	Patio SF	Total SF	Use	Comments
34699	Wind & Sea	9,566	2,122	11,688	Dine-In Restaurant	
34683	Turks	1,911	0	1,911	Dine-In Restaurant	
34689	Proud Marys	1,449	1,235	2,684	Dine-In Restaurant	
34677	Golden Galleon	1,322		1,322	Retail	
34679	Top Brass	1,140		1,140	Retail	
Dock	Catalina Express	0		0		Visitor Parking Provided in Off-site Designated Lot
34675	Dana Wharf	4,183		4,183	Office	Visitor Parking Provided in Off-site Designated Lot
34661	VACANT (formerly Watermans)	6,187	850	7,037	Dine-In Restaurant	
34671 & 73	Frisby Cellars	1,541		1,541	Take-Out restaurant (QSR)	
34665	Jon's Fish Market	1,930	640	2,570	Take-Out restaurant (QSR)	
34667	VACANT (formerly Harbor Deli)	1,890		1,890	Dine-In Restaurant	
34669	VACANT (formerly lil Skippers)	514		514	Take-Out restaurant (QSR)	
34555	Harpoon Henrys	9,323	1,713	11,036	Dine-In Restaurant	
34525 & 31	Coffee Importers	1,456	1,218	2,674	Take-Out restaurant (QSR)	
34521	VACANT (formerly El Torito)	7,142		7,142	Dine-In Restaurant	
34535	Scoop Deck	1,134	1,292	2,426	Take-Out restaurant (QSR)	
34503	Art Sea	585		585	Retail	
34505	VACANT (formerly Art of Inner Peace)	705		705	Retail	
34509	VACANT (formerly Chez Devine)	1,230		1,230	Retail	
34513	Chocolate Soldier	486		486	Retail	
34507	Gift Chateau	1,397		1,397	Retail	
34511	Bella Bazaar	680		680	Retail	
34515	VACANT (formerly Harbor Jewelers)	670		670	Retail	
34499	VACANT (formerly Harbor Grill)	3,008	991	3,999	Dine-In Restaurant	
34475	White Pelican	1,185		1,185	Retail	
34481	VACANT (formertly County Fox)	920		920	Retail	
34483	VACANT (formerly Gemmels Banquet room)	1,138		1,138	Retail	
34485 & 89	I Heart Yoga	2,507		2,507	Retail	
34491	VACANT (formerly Spring)	635		635	Retail	
34493	Woody Hut	596		596	Retail	
34495	Jerky & Cali Gifts	600		600	Retail	
34471	Gemmells Restaurant	1,875	438	2,313	Dine-In Restaurant	
34473	Beach Harbor Pizza	1,161	350	1,511	Take-Out restaurant (QSR)	
34469	Super Stop Liquor	1,256		1,256	Retail	
34467	VACANT (formerly Killer Dana)	3,036		3,036	Retail	
34461	The Brig Restarant	4,589		4,589	Dine-In Restaurant	
34463	VACANT (formerly Killer Dana Office)	351		351	Storage	
34465	VACANT (formerly Killer Dana Office)	351		351	Storage	
Total SF		79,649	10,849	90,498		
Total Occupied SF		51,872	9,008	60,880		
Total Vacant SF		27,777	1,841	29,618		

INTERIM PARKING PLAN - PARKING COUNTS

EXHIBIT A, CONT.



*striping configuration is approximate & may be subject to change

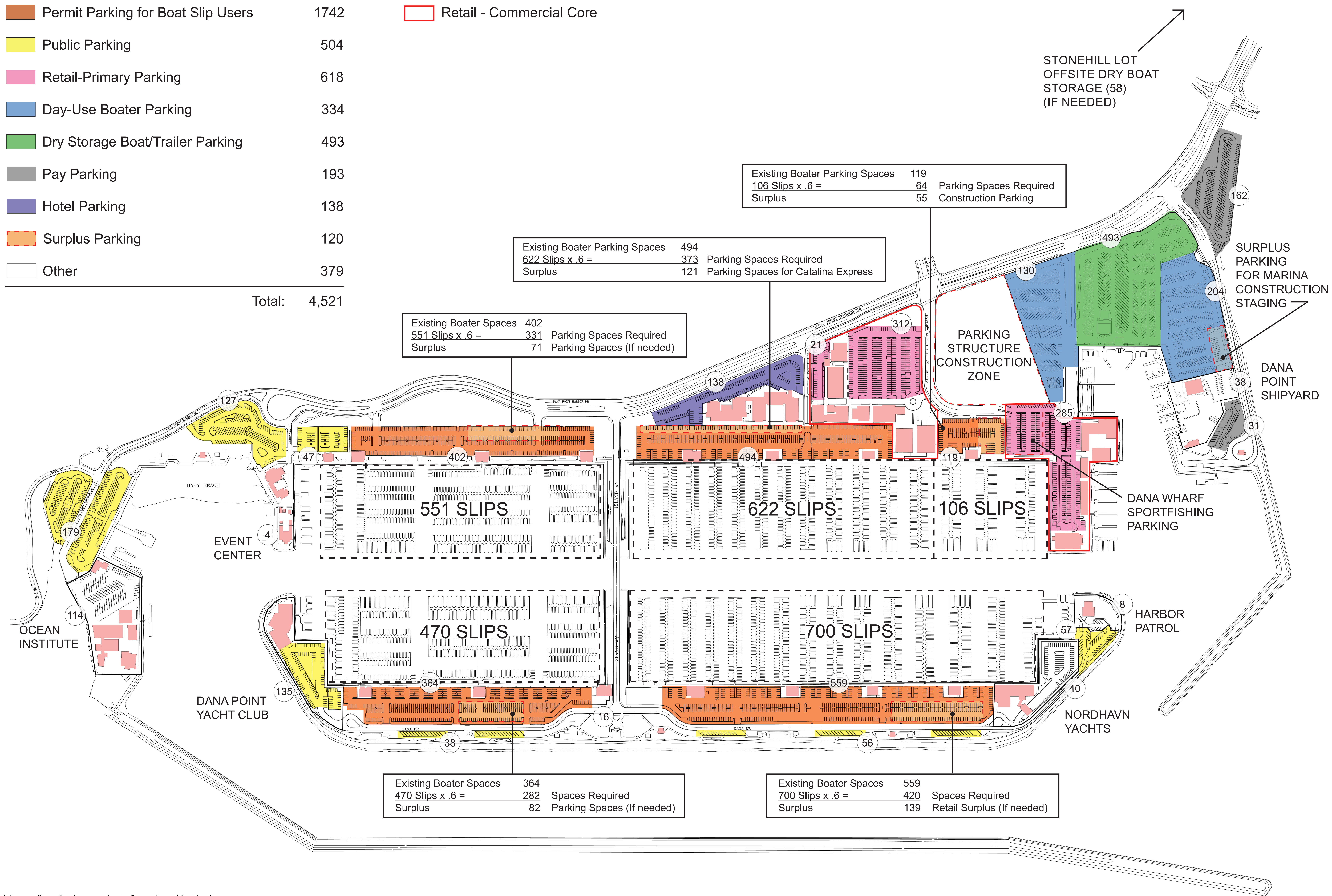
INTERIM PARKING PLAN - PARKING COUNTS

EXHIBIT B

Permit Parking for Boat Slip Users	1742
Public Parking	504
Retail-Primary Parking	618
Day-Use Boater Parking	334
Dry Storage Boat/Trailer Parking	493
Pay Parking	193
Hotel Parking	138
Surplus Parking	120
Other	379

Total: 4,521

Retail - Commercial Core



*striping configuration is approximate & may be subject to change