



June 10, 2024

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

Joseph Ueberroth, Founder & President
Bellwether Financial Group
610 Newport Center Drive, Suite 490
Newport Beach, CA 92660

**SUBJECT: SUBSTANTIAL COMPLIANCE DETERMINATION FOR COASTAL DEVELOPMENT PERMIT
CDP13-0018(I): CONSTRUCTION PHASING & CONSTRUCTION MANAGEMENT
PARKING PLAN PHASES 2A AND 2B**

Dear Mr. Ward and Mr. Ueberroth:

The City has reviewed your requested revisions to Phase 2A and 2B of the Construction Phasing & Construction Management Parking Plan (CP&CMPP) related to Coastal Development Permit CDP13-0018(I) for the development otherwise referred to as the Dana Point Harbor Commercial Core, as approved by the Dana Point City Council on November 18, 2014.

Construction of the parking garage commenced in early 2024, necessitating revisions to the CP&CMPP to accurately reflect current parking demand and reconfiguration of designated boater parking to minimize disruption of various users. The revisions are summarized below:

1. Retail Commercial Core Parking - Since the CP&CMPP was developed, several suites have been vacated, resulting in a decreased parking demand in the retail commercial core area. The proposed revisions provide greater flexibility to accommodate the parking needs of commercial users.
2. Reconfiguration of Day Use Boater and Dry Boat Storage Areas – The current CP&CMPP describes these parking areas as being contiguous. To minimize disruption of the users and appropriately locate the construction staging area, these areas have been reconfigured, while maintaining the required 334 day use boater spaces and 493 dry boat storage spaces.

The revisions do not change the number of phases or the overall three (3) year duration to

complete the project, rather the changes only impact the allocation of parking in Phases 2A and 2B. The CP&CMPP revisions to Phases 2A and 2B continue to satisfy the Construction Management Plan requirement related to implementation of entitled Commercial Core improvements, as required by Sections 4.5(s) and 5.5(s) of the Dana Point Harbor District Regulations (DPHDR).

Revisions to the project and the CP&CMPP can be considered pursuant to Condition No. 4 of City Council Resolution No. 14-11-18-16 for CDP13-0018(I). Condition No. 4 provides that, if any changes are proposed regarding the location or alteration to the appearance or use of any structure, the Community Development Director may authorize changes to the permits without requiring a new public hearing provided that the following findings can be made to support the proposed changes.

A. The proposed changes comply with the provisions, spirit and intent of the original approvals. The changes are detailed as follows:

As preparation and construction on the parking structure began, Dana Point Harbor Partners, LLC (DPHP) prepared a restriping plan to ensure the required 334 vehicle with trailer (day use) parking spaces in the day use boater area were provided in compliance with the Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR). The restriping plan has been reviewed and approved by the City illustrating the required day use boater parking spaces in Lots B, C2, D, E, and F in Planning Area 1 of the Dana Point Harbor. This plan is attached as Attachment 1 to this letter.

Attachment 1 also identifies dry boat storage totals in Lot C1 to meet the required 493 boats to be stored on dry land as part of the DPHRP&DR. The plan indicates that 668 dry boat spaces for both motorized (247) and non-motorized (421) vessels. Additional dry boat storage is also available in Lot 1Ia adjacent to the Dana Marina Inn. Adjacent Lot 1Ib₁ has surplus parking spaces resulting from a reduction in the total number of boat slips coinciding with the completion of new boat slips in a portion of the East Cove Marina (see Attachment 2). Displaced hotel parking is located in Lot 1Ib₁.

Lots 1Ib₂, 1I, and 1a continue to maintain a minimum of 222 designated boater parking spaces (as approved for CDP13-0018(I)) related to a portion of the boat slip parking demand in the East Cove Marina for Phases 2A and 2B. The remaining boat slip parking demand in the East Cove Marina (117 spaces) is provided in Lot 1Ib₁.

CP&CMPP Phases 2A and 2B have also been revised to allow the 125 parking spaces allocated to the sport fishing to be parked in the Commercial Core parking lots, or to be shuttled as needed to the surplus parking on the east and west basing island parking lots, as previously approved. Due to the loss of parking demand from vacant buildings within the Commercial Core (approximately 273 spaces), this request is acceptable. Please note, occupancy of the vacant suites may necessitate implementation of the shuttle for the sport fishing use to the surplus parking on the island parking lots, as previously approved.

B. That the action would have been the same for the amendment as for the approved plans:

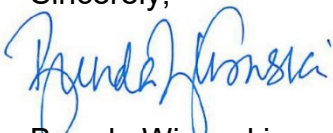
Based on the City Council's approval of the project, it is staff's opinion that the modifications proposed to Phases 2A and 2B of the CP&CMPP, which maintain a surplus of parking spaces in the Commercial Core and continue to ensure adequate designated parking for priority boater parking, boat launch ramp and surface boat storage uses throughout all phases of Project construction, while satisfying the development regulations and policies in the DPHRP&DR related to Commercial Core revitalization. Therefore, the action of the City Council would have been the same as the approved plans. Consequently, the proposed revisions substantially comply with the original CDP13-0018(I) approval.

All conditions of approval included in City Council Resolution No. 14-11-18-16 for CDP13-0018(I) and any subsequent revisions shall remain in effect and applicable, except as may be modified by this Substantial Compliance Determination.

The revisions to Phases 2A and 2B of the CP&CMPP are memorialized in stamped copies of those two sheets inserted into the 2022 approved CP&CMPP. The revised sheets comprising Phases 2A and 2B contain a "Substantial Compliance" stamp, signed and dated June 10, 2024, are attached.

Should you have any questions regarding this determination, please contact Kurth B. Nelson III at (949) 248-3572.

Sincerely,



Brenda Wisneski
Director of Community Development

C: CDP13-0018(I) Case file

Attachments:

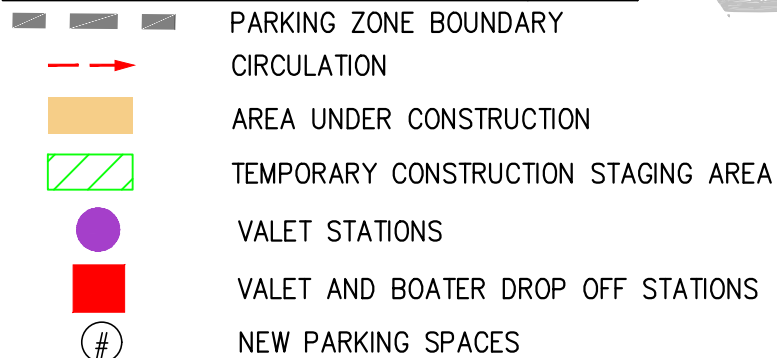
1. Day Boat Use Lots B, C2, D, E & F Striping Plan
2. Revised Phases 2A and 2B

RELOCATE PORTION OF LAUNCH RAMP PARKING (IN AREA "A"), SPORT FISHING PARKING (IN AREA Ib), AND MERCHANT PARKING (IN AREA Ii) TO PREPARE FOR NEW PARKING STRUCTURE CONSTRUCTION AND NEW BOATER SERVICES BUILDING

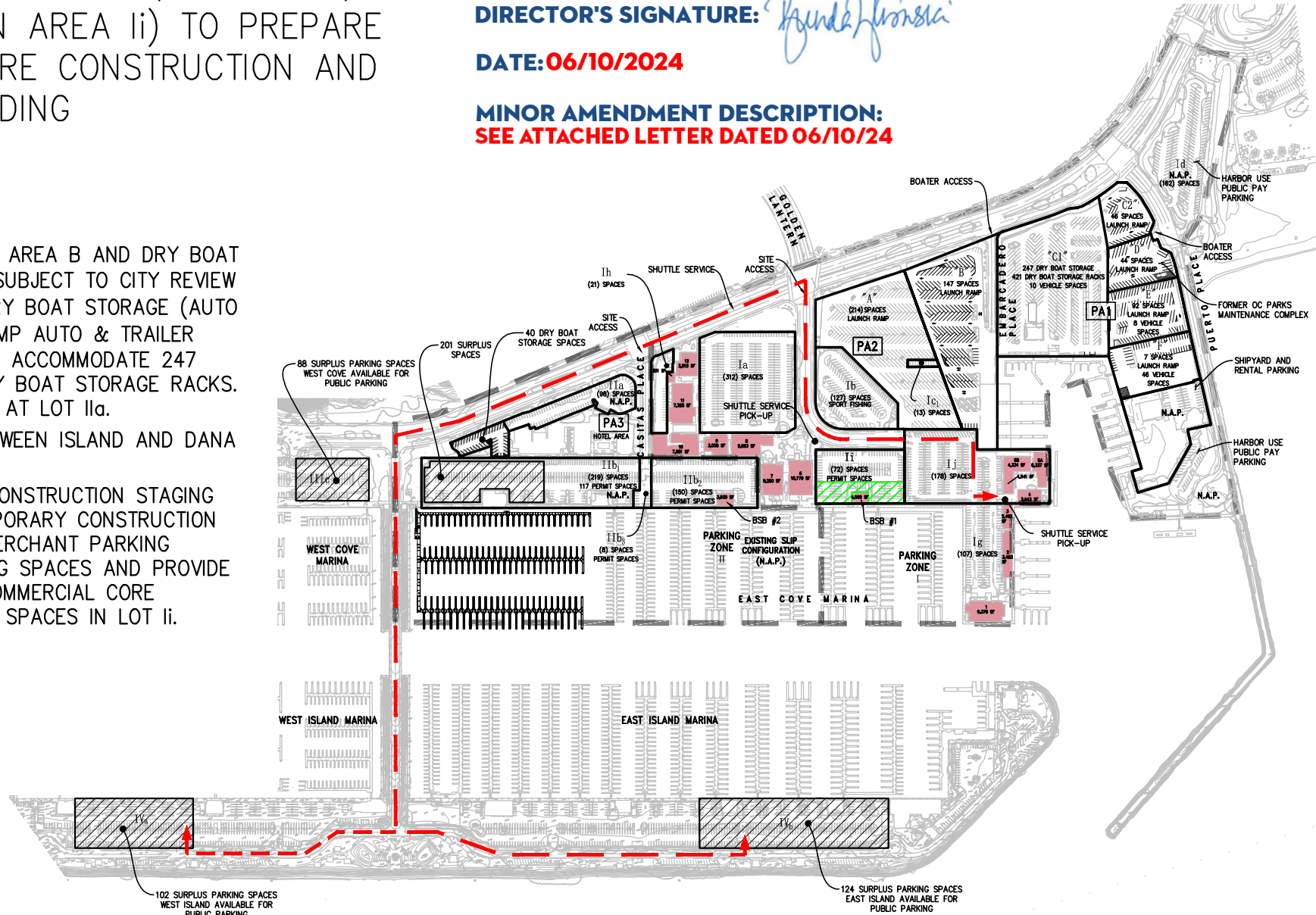
TENTATIVE CONSTRUCTION TIME DURATION	
PHASE 2A	COMPLETED

1. RESTRIPE EXISTING LAUNCH RAMP PARKING AREA B AND DRY BOAT STORAGE PARKING AREAS (C, D, E & F) (SUBJECT TO CITY REVIEW AND APPROVAL) TO ACCOMMODATE THE DRY BOAT STORAGE (AUTO AND BOAT) PARKING AND 334 LAUNCH RAMP AUTO & TRAILER PARKING SPACES. THE REMAINING AREA TO ACCOMMODATE 247 DRY STORAGE BOAT PARKING AND 421 DRY BOAT STORAGE RACKS. ALLOCATE 40 DRY BOAT STORAGE SPACES AT LOT IIa.
2. PROVIDE SHUTTLE SERVICE AS NEEDED BETWEEN ISLAND AND DANA WHARF.
3. UTILIZE PORTION OF PARKING LOT II FOR CONSTRUCTION STAGING WITH 2ND FLOOR BSB #1 SERVING AS TEMPORARY CONSTRUCTION OFFICE AND TEMPORARILY RELOCATE 47 MERCHANT PARKING SPACES TO WEST ISLAND SURPLUS PARKING SPACES AND PROVIDE SHUTTLE SERVICE BETWEEN ISLAND AND COMMERCIAL CORE BUSINESSES, LEAVING 72 BOATER PARKING SPACES IN LOT II.

BUILDING AREA	SF
EXISTING BUILDINGS	85,573



**MINOR AMENDMENT DESCRIPTION:
SEE ATTACHED LETTER DATED 06/10/24**



1. ENTITLEMENT PROCESS FOR DRY STACK STRUCTURE ASSUMED TO TAKE 1½ TO 2 YEARS TO COMPLETE.
2. CONSTRUCTION OF DRY STACK STRUCTURE NOT ANTICIPATED TO COMMENCE UNTIL AFTER COMPLETION OF COMMERCIAL CORE PHASE 4B IS COMPLETED.
3. REMOVAL OF BOATER ACCESS FROM DANA POINT HARBOR DRIVE TO BE COORDINATED WITH TEMPORARY USE OF REMAINING LAUNCH RAMP AND DRY BOAT STORAGE AREA AND CONSTRUCTION OF NEW SEWER LIFT STATION #11 RELOCATION.

1. RELOCATE 125 SPORTS FISHING SPACES FROM LOT 1b TO LOTS 1g & 1j BASED ON REDUCED DEMAND FROM VACANT SPACES. AS NEEDED PROVIDE SHUTTLE TO WEST & EAST ISLAND LOTS 1Va & 1Vb SURPLUS.
2. TEMPORARILY RELOCATE 47 MERCHANT PARKING SPACES FROM LOT 1i TO LOT 1Va WEST ISLAND SURPLUS PARKING AND PROVIDE SHUTTLE SERVICE AS NEEDED. RETAIN 72 BOATER PERMIT PARKING SPACES IN LOT 1i.
3. APPROXIMATELY 214 LAUNCH RAMP AUTO & TRAILER SPACES IN AREA "A" TO BE RELOCATED TO EXISTING DRY BOAT STORAGE SPACES IN AREAS C, D, E, AND/OR F BASED ON STRIPING PLAN.
4. RELOCATE DRY BOAT STORAGE AUTO PARKING FROM LOT 1c1 (13 SPACES) TO REMAINING RESTRIPE LOT F FOR NO NET LOSS TO EXISTING PROVIDED DRY BOAT STORAGE AUTO PARKING.
5. RELOCATE 40 HOTEL SPACES FROM LOT 1Ia TO LOT 1Ib1 SURPLUS SPACES.
6. RELOCATE CATALINA EXPRESS (120 SPACES) TO LOT 1Ib1 SURPLUS SPACES.
7. RESTRIPE PARKING LOT 1Ia AND ALLOCATE 40 DRY BOAT STORAGE SPACES.

PHASE 2A PARKING SUMMARY	SPACES
ZONE I & II REMAINING EXISTING AUTO PARKING SPACES (Ia, Ig, Ih, Ii, Ij, IIb ₂ , IIb ₃)	848
DISPLACED PARKING (SEE PARKING NOTE 1 & 2)	174
ZONE I N.A.P.—EXISTING HARBOR USE AUTO SPACES	231
ZONE II N.A.P.—EXISTING PERMIT SPACES	336
LAUNCH RAMP PARKING (AUTO & TRAILER)	336
ON—SITE DRY BOAT STORAGE AUTO SPACES	64
ON—SITE DRY BOAT STORAGE BOAT PARKING	247
DRY BOAT STORAGE RACKS	421
TOTAL PARKING AVAILABLE	2,657
NET CHANGE FROM EXISTING CONDITION	+177



COMMERCIAL CORE

TENTATIVE CONSTRUCTION TIME DURATION
PHASE 2B 4 MONTHS

*CONSTRUCTION TIME DURATIONS ARE TENTATIVE AND SUBJECT TO FUTURE MODIFICATIONS

CONSTRUCTION NOTES:

1. CONSTRUCT 3-LEVEL PARKING STRUCTURE WITH NEW BOATER SERVICE BUILDING WITH BOATER CART STORAGE AREA.
2. PROVIDE NEW VALET SERVICES AT EXISTING BUILDINGS 1, 3, AND 6.
3. MAINTAIN CONSTRUCTION STAGING AND OFFICE IN A PORTION OF LOT li, LOT la, AND ALLOCATE ADDITIONAL STAGING AREA AT NORTHERLY PORTION OF LOT la.
4. USE SHUTTLE SERVICE AS NEEDED BETWEEN THE ISLAND TEMPORARY PARKING AREAS AND WHARF.
5. BEGIN CONSTRUCTION OF THE SCWD SEWER MAIN LINE FROM CASITAS PLACE TO APPROXIMATELY 380 LINEAR FEET TO THE EAST. DURING CONSTRUCTION OF SEWER LINE SOUTH OF CASITAS, ACCESS TO LOTS 11b1, 11b2, AND 11b3 TO BE MAINTAINED.
6. DEMO PORTION OF BUILDINGS 5B AND BEGIN REMODEL OF CORE AND SHELL.

BUILDING AREA	SF
 EXISTING BUILDINGS	84,032
 DEMO BUILDINGS	1,541

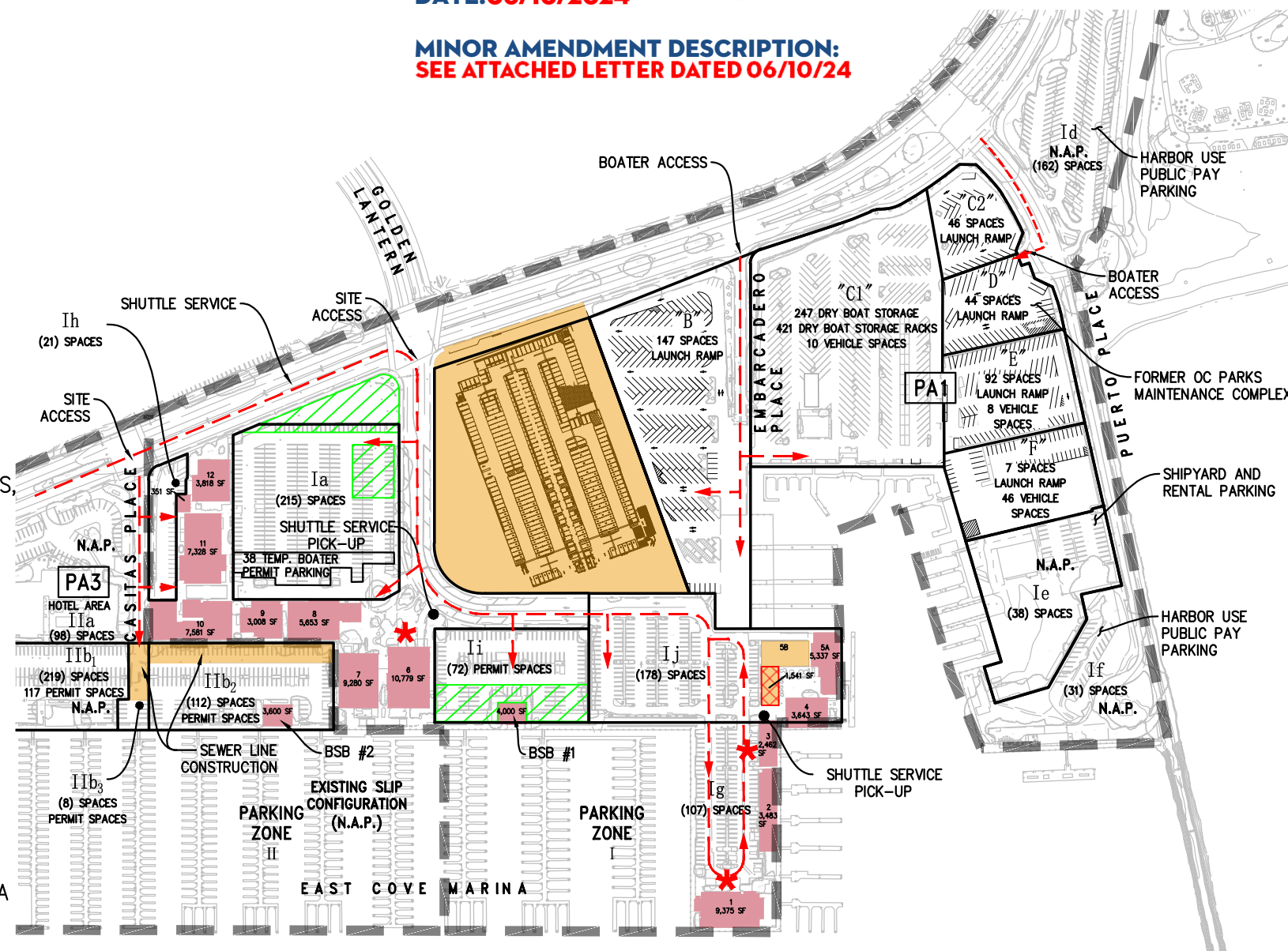
- | | |
|---|-------------------------------------|
|  | PARKING ZONE BOUNDARY |
|  | CIRCULATION |
|  | AREA UNDER CONSTRUCTION |
|  | TEMPORARY CONSTRUCTION STAGING AREA |
|  | VALET + VEHICLE DROP-OFF |
|  | BOATER DROP-OFF |
|  | NEW PARKING SPACES |
|  | EXISTING SPACES |
|  | PROPOSED SPACES |

PROJECT #S: CDP13/0018(I)

DIRECTOR'S SIGNATURE:

DATE:06/10/2024

MINOR AMENDMENT DESCRIPTION:
SEE ATTACHED LETTER DATED 06/10/24



LAUNCH RAMP AND DRY BOAT STORAGE AREA NOTES:

1. ENTITLEMENT PROCESS FOR DRY STACK STRUCTURE ASSUMED TO TAKE 1½ TO 2 YEARS TO COMPLETE.
2. CONSTRUCTION OF DRY STACK STRUCTURE NOT ANTICIPATED TO COMMENCE UNTIL AFTER COMPLETION OF COMMERCIAL CORE PHASE 4B IS COMPLETED.
3. REMOVAL OF BOATER ACCESS FROM DANA POINT HARBOR DRIVE TO BE COORDINATED WITH TEMPORARY USE OF REMAINING LAUNCH RAMP AND DRY BOAT STORAGE AREA AND CONSTRUCTION OF NEW SEWER LIFT STATION #11 RELOCATION.

PARKING NOTES:

1. MAINTAIN 125 SPORTSFISHING SPACES AT LOTS Ig & Ij AND 47 MERCHANT PARKING SPACES FROM LOT Ii AT EAST & WEST ISLAND LOTS IVa & IVb SURPLUS PARKING (179 SURPLUS SPACES REMAINING IN IVa & IVb). PROVIDE SHUTTLE SERVICE AS NEEDED. RETAIN 72 BOATER PERMIT PARKING SPACES IN LOT Ii.
2. APPROXIMATELY 214 LAUNCH RAMP SPACES IN AREA "A" LOCATED ON EXISTING DRY BOAT STORAGE SPACES IN AREAS C, D, E, AND/OR F BASED ON RE-STRIPING PLANS.
3. MAINTAIN 247 DRY BOAT STORAGE SPACES AND 421 DRY BOAT STORAGE RACKS AT LOT C1.
4. RELOCATE DRY BOAT STORAGE AUTO PARKING FROM LOT Ic1 (13 SPACES) TO REMAINING RESTRIPTED LOT F FOR NO NET LOSS TO EXISTING PROVIDED DRY BOAT STORAGE AUTO PARKING.
5. ALLOCATE 38 TEMPORARY BOATER SPACES FROM LOT Iib2 TO LOT Ia. ALWAYS MAINTAIN 222 BOATER SPACES WITHIN LOT Ia, Iib2, and Ii.
6. TEMPORARILY ALLOCATE 38 RETAIL SPACES FROM LOT Ia TO WEST COVE LOT IIIc (50 SURPLUS SPACES REMAINING IN IIIc), AND PROVIDE SHUTTLE SERVICE.
7. DEMAND LOSS FROM CLOSED RETAIL AND RESTAURANT SPACES IS 273.
8. MAINTAIN 40 DRY BOAT STORAGE SPACES AT LOT IIa.

PHASE 2B - PARKING STRUCTURE CONSTRUCTION	SPACES
ZONE I & II REMAINING EXISTING AUTO PARKING SPACES (Ia, Ig, Ih, Ii, Ij, IIb ₂ ,IIb ₃)	713
SPORTS FISHING PARKING SPACES	125
TEMPORARY BOATER PARKING AT LOT Ia	38
DISPLACED AUTO PARKING	87
ZONE I N.A.P.—EXISTING HARBOR USE AUTO SPACES	231
ZONE II N.A.P.—EXISTING PERMIT SPACES (IIb1)	336
LAUNCH RAMP AUTO & TRAILER PARKING (C2, D, E, & F)	336
ON-SITE DRY BOAT STORAGE AUTO PARKING	64
ON-SITE DRY BOAT STORAGE BOAT PARKING	247
ON-SITE DRY BOAT STORAGE RACKS	421
TOTAL PARKING AVAILABLE	2,598
NET CHANGE FROM EXISTING CONDITION	+118
DEMAND LOSS FROM CLOSED BUSINESS	273

PREPARED BY:



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www.tait.com

Los Angeles	Sacramento	San Francisco	Dallas	Phoenix
Ontario	San Diego	Boise	Denver	Portland

CONSTRUCTION PHASING & CONSTRUCTION MANAGEMENT PARKING PLAN

DANA POINT HARBOR REVITALIZATION

DANA POINT HARBOR PARTNERS, LLC

BURNHAM I WARD
P R O P E R T I E SBELLWETHER
FINANCIAL GROUP

May 08, 2024 - 11:18am by P:\mceev K:\Drawings\ME\ME03810 - DANA Point Harbor\ENG\Exhibit\Day Use\2024 Lot BDEF Striping Plan Exhibit.dwg

LEGEND:

- XX DRY BOAT SPACES
- XX VEHICULAR SPACES
- DESIGNATED DRY BOAT STORAGE VEHICLE SPACE (64) NOT INCLUDED IN DRY BOAT SPACES OR DAY BOATER SPACE COUNT

COMMERCIAL CORE PARKING STRUCTURE PHASE 2B CONSTRUCTION

DAY BOAT USE/DRY STORAGE CIRCULATION PATH

LOT B PARKING COUNT SUMMARY

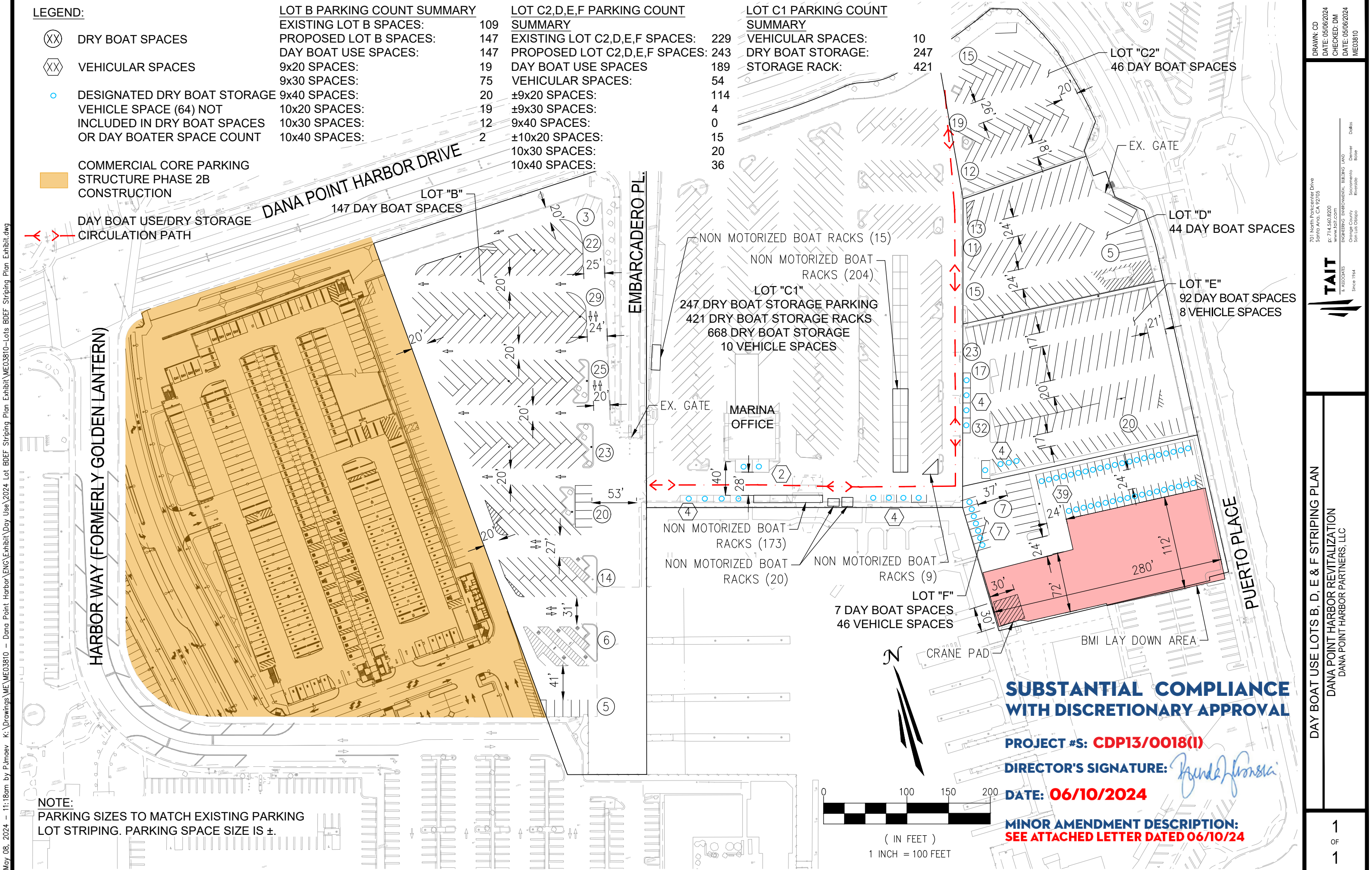
EXISTING LOT B SPACES:	109
PROPOSED LOT B SPACES:	147
DAY BOAT USE SPACES:	147
9x20 SPACES:	19
9x30 SPACES:	75
9x40 SPACES:	20
10x20 SPACES:	19
10x30 SPACES:	12
10x40 SPACES:	2

LOT C2,D,E,F PARKING COUNT SUMMARY

EXISTING LOT C2,D,E,F SPACES:	229
PROPOSED LOT C2,D,E,F SPACES:	243
DAY BOAT USE SPACES:	189
VEHICULAR SPACES:	54
±9x20 SPACES:	114
±9x30 SPACES:	4
9x40 SPACES:	0
±10x20 SPACES:	15
10x30 SPACES:	20
10x40 SPACES:	36

LOT C1 PARKING COUNT SUMMARY

VEHICULAR SPACES:	10
DRY BOAT STORAGE:	247
STORAGE RACK:	421



**SUBSTANTIAL COMPLIANCE
WITH DISCRETIONARY APPROVAL**

PROJECT #S: **CDP13/0018(I)**

DIRECTOR'S SIGNATURE: *[Signature]*

DATE: **06/10/2024**

**MINOR AMENDMENT DESCRIPTION:
SEE ATTACHED LETTER DATED 06/10/24**