



November 17, 2025

Bryon Ward, President  
Burnham-Ward Properties  
860 Newport Center Drive, Ste 100  
Newport Beach, CA 92660

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 PHASE 4B**

Dear Mr. Ward and Mr. Ueberroth:

The City has reviewed your requested revisions to Phase 4B 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. Phase 4B of the CP&CMPP was last revised as part of a collective update to the CP&CMPP as part of the Substantial Compliance Determination (SCD) made on August 22, 2022 (2022 SCD).

Revisions to the project and the CP&CMPP may 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:

Construction of the deep soil mixing (DSM) columns for Buildings 6–12 needed to alleviate any surcharge from the proposed improvements to the East Cove Marina bulkhead and to support the Buildings 6–12 requires that the entirety of the fenced area be utilized as one continuous operation, necessitating revisions to Phase 4B of the CP&CMPP. Due to logistical and safety concerns associated primarily with installation of the DSM columns and the related batch plant within the fenced area to

prepare the concrete for the DSM columns, boater walking paths within the fenced construction area are unsafe. To account for relocation of designated boater parking spaces associated with the East Cove Basin and maintain and reflect current parking demand and reconfiguration of designated boater parking to minimize disruption of various users, the revisions to Phase 4B are summarized below:

1. Construction Duration – The overall time to complete Phase 4B of the CP&CMPP is changing from 18 to 24 months. This change in the duration of Phase 4B results in no net change in construction timing since previously a portion of the construction activities now included in Phase 4B were included in preceding phases.
2. Relocation of 129 Temporary Designated Boater Parking Spaces—Phase 4B of the CP&CMPP in the 2022 SCD allocated 129 temporary designated boater parking spaces in Lot Ia<sup>1</sup> directly north of proposed Buildings 6–12. Due to safety issues associated with the DSM preparation and installation, boater walking paths cannot be located in the fenced construction area and the temporary 129 designated boater parking spaces are being relocated to Lot IIb<sub>1</sub> south of the existing Marina Inn.
3. Temporary Relocation of 93 Designated Boater Parking Spaces—For the same reasons noted in Item No. 2 above, the 93 permanent designated boater parking spaces currently located in the recently completed parking structure in Lot Ib will be temporarily located to Lot Ig at Dana Wharf. This location will allow the designated boater parking spaces to be located in compliance with Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) Section 14.6 d) 3) providing designated boater parking spaces within 300–600 feet of the land/dock connection point of the docks they serve. The 93 temporary designated boater parking spaces shall be returned to their same permanent location in the first level of the Lot Ib parking structure prior to occupancy of Buildings 6–12, and as shown on Phase 5 of the CP&CMPP.
4. Demolition of Existing Buildings—Existing Buildings 8–10 and Buildings 6–7 and Boater Service Buildings (BSB) 1 and 2 were originally slated for demolition in CP&CMPP Phases 3 and 4A, respectively. With existing Buildings 6–10 now vacated and BSBs 1 and 2 soon to be vacated, all these buildings will now be demolished during Phase 4B.

The revisions do not change the number of phases or the overall duration to complete the project, rather the revisions only impact the Phase 4B duration and location of designated boater parking spaces during Phase 4B, while allowing demolition of existing buildings previously scheduled in earlier construction phases. The CP&CMPP Phase 4B revisions continue to satisfy the Construction Management Plan

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<sup>1</sup> Lot numbers referenced are as defined in the *Parking Management Plan Dana Point Harbor*: December 2013 (Revised April 2014) and incorporated into the CP&CMPP.

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). No other changes are proposed to the day use boater parking or dry boat storage areas restriped as part of the June 10, 2024, SCD.

Parking Lots IIb<sub>1</sub> and Ig will provide a total of 255 designated boater parking spaces based on the boat slip parking demand related to existing Docks G–O (424 boat slips) in the East Cove Marina for Phase 4B. The remaining boat slip parking demand in the East Cove Marina based on the new slip configuration (159 boat slips) west of existing Docks G–O as approved in the California Coastal Commission's Coastal Development Permit 5-19-0971 (96 spaces) is also provided in Lot IIb<sub>1</sub>.

Due to the loss of parking demand with the demolition of Buildings 6–12 within the Commercial Core, coupled with the 351 designated boater parking spaces provided in Lots IIb<sub>1</sub> and Ig, and the completion of the Lot Ib parking structure and the adjacent surface parking providing 984 and 54 parking spaces, respectively, this request is acceptable.

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 Phase 4B of the CP&CMPP, which maintain a surplus of parking spaces in the Commercial Core due to the completion of the Lot Ib 984 space parking structure and 54 space surface lot continue to ensure adequate parking for those remaining commercial uses in the Commercial Core, while maintaining the appropriate number of designated boater parking spaces throughout all phases of Project construction. The revisions continue to satisfy 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 Phase 4B of the CP&CMPP are memorialized in a stamped copy of that sheet inserted into the previously approved CP&CMPP. The revised sheet comprising Phase 4B contains a "Substantial Compliance" stamp, signed and dated November 17, 2025, is attached.

Bryon Ward and Joe Ueberroth  
November 17, 2025  
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Should you have any questions regarding this determination, please contact Kurth B. Nelson III at (949) 248-3572.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Rosaler', with a long horizontal flourish extending to the right.

Jeff Rosaler  
Interim Director of Community Development

C: CDP13-0018(I) Case file

Attachments:

1. Revised CP&CMPP Phase 4B

# PHASE 4B - CONTINUE BUILDINGS 6 - 12

CONTINUE COMMERCIAL CORE  
BUILDINGS 6-12 AND ELEVATOR/PUBLIC VIEWING DECK

## SUBSTANTIAL COMPLIANCE WITH DISCRETIONARY APPROVAL

project #: CDP13-0018(i)

director's signature: *[Signature]*

date: 11/17/2025

### minor amendment description:

- Change Phase 4b duration from 18 to 24 months
- Relocate 129 Temp. designated boater parking spaces from Lot Ia to Lot Ib.
- Temporarily relocate 93 designated boater parking spaces in Lot Ib to Lot Ig
- Demolition of Existing buildings 6-10 & BSBs 1 & 2 in Phase 4b

### TENTATIVE CONSTRUCTION TIME DURATION

PHASE 4B 24 MONTHS

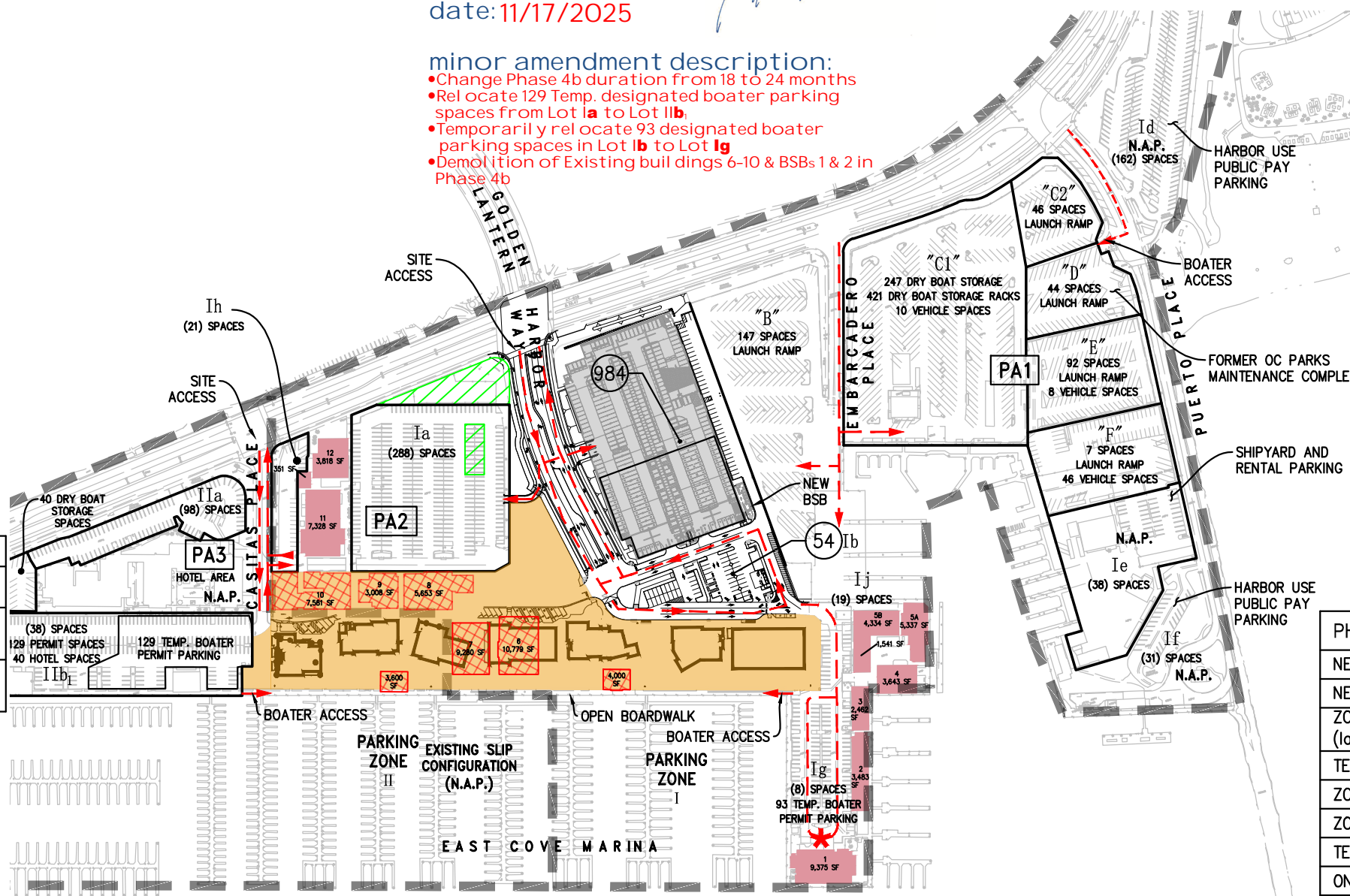
\*CONSTRUCTION TIME DURATIONS ARE TENTATIVE AND SUBJECT TO FUTURE MODIFICATIONS

### CONSTRUCTION NOTES:

1. OPEN NEW 3-LEVEL PARKING STRUCTURE, SURFACE PARKING LOT Ib, NEW BOATER SERVICE BUILDING (BSB), AND NEW BOATER CART STORAGE AREA.
2. MAINTAIN CONSTRUCTION STAGING IN A PORTION OF LOT Ia AND THE AREA NORTH OF LOT Ia.
3. CLOSE EXISTING PARKING LOT Iib3.
4. RELOCATE USERS OF BOATER SERVICES BLDG #1 (BSB #1) TO NEW BOATER SERVICES BUILDING AT NEW PARKING STRUCTURE.
5. START CONSTRUCTION OF BUILDINGS 6-12 AND ASSOCIATED SITE WORK.
6. OPEN NEW HARBOR WAY ACCESS ROAD.

BUILDING AREA	SF
EXISTING BUILDINGS	41,672
3 LEVEL PARKING STRUCTURE AND BOATER SERVICES BUILDING	984 SPACES
DEMO BUILDINGS	43,901

- 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



### 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. 3-LEVEL PARKING STRUCTURE WITH 984 SPACES COMPLETED.
2. RELOCATE 127 SPORT FISHING SPACES FROM EAST ISLAND LOT IVb TO PARKING STRUCTURE (PERMANENT LOCATION).
3. RELOCATE 47 MERCHANT PERMIT SPACES FROM WEST ISLAND LOT IVa TO PARKING STRUCTURE (PERMANENT LOCATION).
4. RELOCATE 157 SPACES FROM LOT Ij TO PARKING STRUCTURE (PERMANENT LOCATION).
5. PROVIDE 129 TEMPORARY BOATER PERMIT SPACES ON LOT Iib1 AND USE LOT Ig AS NEEDED. ALWAYS MAINTAIN 222 BOATER PERMIT PARKING SPACES.
6. MAINTAIN 247 DRY BOAT STORAGE SPACES AND 421 DRY BOAT STORAGE RACKS AT LOT C1. MAINTAIN 40 DRY BOAT STORAGE SPACES AT LOT Ia.
7. TEMPORARILY RELOCATE 93 PERMANENT BOATER PARKING SPACES FROM LOT Ib PARKING STRUCTURE TO LOT Ig AT DANA WHARF (93 SPACES).
8. THE 93 TEMPORARY AND 129 TEMPORARY DESIGNATED BOATER PERMITTED PARKING SPACES SHALL BE LOCATED DURING CONSTRUCTION TO NOT EXCEED A WALKING DISTANCE OF 600' FROM CONNECTING POINTS TO THE MARINA BOAT SLIPS.
9. PROVIDE SHUTTLE SERVICE TO ACCOMMODATE WHARF BUSINESSES (INCLUDING CATALINA EXPRESS) THAT REMAIN OPERATIONAL.

PHASE 4B PARKING SUMMARY	SPACES
NEW PARKING STRUCTURE (Ib)	984
NEW SURFACE AUTO PARKING SPACES (Ib)	54
ZONE I & II REMAINING EXISTING AUTO PARKING SPACES (Ia, Ig, Ih, Ij)	429
TEMPORARY BOATER PARKING AT LOT Iib1	129
ZONE I N.A.P.-EXISTING HARBOR USE AUTO SPACES	231
ZONE II-EXISTING SPACES	336
TEMPORARY LAUNCH RAMP AUTO & TRAILER PARKING	334
ON-SITE DRY BOAT STORAGE AUTO PARKING	64
ON-SITE DRY BOAT STORAGE BOAT PARKING	263
OFF-SITE TEMP. DRY BOAT STORAGE BOAT PARKING	230
<b>TOTAL PARKING AVAILABLE</b>	<b>3,054</b>
NET CHANGE FROM EXISTING CONDITION	+574
BOATER REQUIRED PARKING FOR EAST COVE MARINA	351
BOATER PARKING ZONE I AND ZONE II (Iib1 & PARKING STRUCTURE)	351

PREPARED BY:



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## CONSTRUCTION PHASING & CONSTRUCTION MANAGEMENT PARKING PLAN

# DANA POINT HARBOR REVITALIZATION

DANA POINT HARBOR PARTNERS, LLC

