

**SUPPORTING DOCUMENT F:****KATHY WARD**

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**From:** KATHY WARD  
**Sent:** Tuesday, June 17, 2014 10:19 AM  
**To:** DOUG CHOTKEVYS; Patrick Munoz; JOHN TILTON; URSULA LUNA-REYNOSA  
**Subject:** Fwd: Appeal of CDP12-0018

FYI...

Sent from my iPhone

Begin forwarded message:

**From:** Bruce Heyman <[bruceheyman@cox.net](mailto:bruceheyman@cox.net)>  
**Date:** June 17, 2014 at 10:18:59 AM PDT  
**To:** Lisa Bartlett <[lbartlett1@aol.com](mailto:lbartlett1@aol.com)>, <[lbartlett@danapoint.org](mailto:lbartlett@danapoint.org)>  
**Cc:** <[radd1@aol.com](mailto:radd1@aol.com)>, <[bruceheyman@cox.net](mailto:bruceheyman@cox.net)>, <[kward@danapoint.org](mailto:kward@danapoint.org)>  
**Subject:** Appeal of CDP12-0018

Dear Mayor,

Due to my well planned in advance business trip I will not be able to participate in the appeal that I filed. Ms. Erin Dugan Meluso (copied above) will be reading a prepared statement on my behalf. While the statement will not take the full ten minutes it will take more than three minutes.

I hope that you have a very productive hearing and local control is retained. I and our team remain committed to working with you, the city staff and the developer to encourage this project to move forward.

Please let me know if there are any problems with these arrangements.

Thank you Mayor.

Best,  
Bruce

Bruce Heyman  
Boaters 4 Dana Point Harbor  
P.O BOX 3137  
Dana Point, CA 92629  
[www.boaters4dph.com](http://www.boaters4dph.com)  
[bruceheyman@cox.net](mailto:bruceheyman@cox.net)  
(949) 289-8400

**From:** Kent Welton [<mailto:kentwelton@cox.net>]

**Sent:** Tuesday, June 17, 2014 4:50 PM

**To:** CARLOS OLVERA; Dana Point News Editor; SCOTT SCHOEFFEL; Steven Weinberg; SHAYNA SHARKE; LISA BARTLETT; BILL BROUGH

**Subject:** Veto the Boat Barn!

To: Dana Point City Council And Coastal Commission:

Re: Harbor renovation project

The boat barn is the worst, least needed, aspect of the Harbor renovation. There has been no good rendering of the proposed boat barn in the Harbor. The one in the county presentation makes it look like its 30 feet tall instead of 65 feet! Seen any 65 foot poles down there lately to mark the height? The scale and view loss here are horrendous!

And you can bet it will sit half empty or more year round and be a big money loser.

Aside from all the largely unnecessary renovation (done purely for profit for the county) and the extra parking which could have been done with a little remapping of yacht club spaces and boat docking spaces (never full), I dont see the value of this project. In viewing the County presentation, (why isn't that on Dana Point website?) I'm not convinced its either worth it or much of an improvement - and least of all a monstrous boat barn.

Kent Welton,  
Dana Point

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June 17, 2014



June 16, 2014

Mayor Lisa Bartlett  
Dana Point City Council  
33282 Golden Lantern  
Dana Point, CA 92629

RE: Support for the OC Dana Point Harbor Revitalization

Dear Madame Mayor,

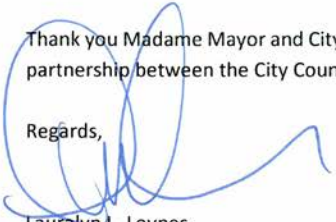
The Dana Point Chamber of Commerce represents over 400 business in and surrounding the Dana Point community. Our Board of Directors requested we submit this letter in regards to June 17, 2014 Dana Point City Council Agenda Item 21.

The Dana Point Chamber of Commerce supports the following:

1. That the Dana Point City Council deny the appeal as listed on Agenda Item 21: Planning Commission decision approving the Coastal Development Permit CDP13-0018 for Development, otherwise referred to as the Commercial Core Project, a parking management plan, a master sign program and approvals in concept for the Dana Point Harbor.
2. That the Dana Point City Council continue to uphold the Planning Commission's approval of Coastal Development Permit CDP13-0018 for Development.

Thank you Madame Mayor and City Councilmen for your attention tonight and we appreciate the partnership between the City Council, City staff, the Dana Point Chamber and our members.

Regards,

  
Lauralyn L. Loynes  
Chair, Board of Directors  
Dana Point Chamber of Commerce

[www.danapointchamber.com](http://www.danapointchamber.com)

*Item # 21*  
*6/17/14*



Mitchell Land and  
Improvement Company

2919 Gardena Avenue  
Signal Hill, CA 90755  
Phone: 562-595-5775  
Fax: 562-595-8319

June 17, 2014

To: City of Dana Point

From: Mitchell Land and Improvement Company Inc.

RE: Coastal Development Permit CDP13-0018 (Objections)

Mitchell land and Improvement Company, Inc. is the owner of the property known as "The Pavilion at Lantern Bay", 24981 Dana Point Harbor Drive, Dana Point California. The project is also known as "Dana Marina Plaza" ("DMP"). (Includes 24901, 24921, 24941, 24961, 24981 & 25001 Dana Point Harbor Drive) DMP is due north of the CDP project area at the Northwest corner of Golden Lantern and Dana Point Harbor Drive. Dana Marina Plaza is a mixed use 55,457 square foot multi-tenant project. It is home to The Dana Point Bridge Club, Mahé restaurant, Jimmy's Famous American Tavern, It's All About the Cake and RJ's Café. DMP is currently 24% vacant.

We believe DMP will be affected by this development as much as anyone in the surrounding area will be. We are in support of the development and embrace it as part of the community but have two objections relating to the development which we have not seen addressed.

**Parking:** DMP is currently challenged with parking even with its 24% vacancy. The majority of the parking problem is due to the general public that is using the ancillary parks and recreations while using DMP as their parking lot and not patronizing DMP. When construction begins on the Project we believe there will be a massive increase in our parking problem. We would like to know what the Applicant will or can do to mitigate this problem.

**Use:** We notice in the application that there is a component for office use. DMP is currently restricted by the Coastal Commission for this use. We need further understanding why office use will be allowable in the Project while restricted at DMP.

Our intention is NOT to turn DMP into an "Office Park" but to be able to infill some of our vacancies with office users as there is a high demand for office space. The further benefit to allowing office space is that office user parking impact is far less than that of retail or restaurant and will allow us to maintain a manageable and acceptable level of parking for our tenant mix.

Respectfully Submitted,  
Mitchell Land and Improvement Company Inc.

Timothy M. Wilson  
President

Jon W. Beuder  
Executive Vice President

Established in 1921

Item 21  
Public Comment  
6/17/14

**KATHY WARD**

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**From:** Alan Wickstrom <alan@buildingonline.com>  
**Sent:** Saturday, June 14, 2014 3:09 PM  
**To:** KATHY WARD  
**Subject:** Fwd: Public comments on agenda item #21 - Please DENY the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project

FYI... Alan :-)

Begin forwarded message:

**From:** Alan Wickstrom <alan@buildingonline.com>  
**Date:** June 14, 2014 12:38:26 PM PDT  
**To:** Lisa Bartlett <lbartlett@danapoint.org>, Steven Weinberg <sweinberg@danapoint.org>, Carlos N. Olvera <colvera@danapoint.org>, Scott Schoeffel <sschoeffel@danapoint.org>, Bill Brough <bbrough@danapoint.org>  
**Cc:** DOUG CHOTKEVYS <dchotkevys@danapoint.org>, JACKIE LITTLER <jlittler@danapoint.org>  
**Subject: Public comments on agenda item #21 - Please DENY the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project**

**TO:** Mayor Lisa Barlett & Dana Point City Council Members  
 City of Dana Point, 33282 Golden Lantern, Dana Point, California 92629

**RE:** Public comments on agenda item #21 - Please **DENY** the Appeal of CDP13-0018 Dana Point Harbor Commercial Core Project

Dear Mayor Bartlett & City Council Members

As a 28-year resident and 19-year small business owner in Dana Point, I'm contacting you today in support of the Harbor revitalization project.

As a long time supporter of the Dana Point Harbor Commercial Core Project I strongly urge the council to **deny** the recently filed appeal of CDP13-0018 Dana Point Harbor Commercial Core Project.

I feel the revitalization is crucial to address the old, antiquated infrastructure in our beloved harbor. It is a signature destination point in South Orange County, allowing people from all walks of life to enjoy recreational use of the Harbor.

On May 12 the Dana Point Planning Commission reviewed and approved Orange County's coastal development permit application which represents a comprehensive vetting process that includes input from the variety of stakeholders who use the Harbor.

This plan offers the best compromise available to address the wants and desires of residents, businesses, boaters and our community. The Harbor and the County have done an outstanding job in providing boater parking within close proximity to the slips, while carefully planning buildings so that new view corridors are opened where none exist today.

The Dana Point Harbor Commercial Core Project coincides with the General Plan to create a bright future for the OC Dana Point Harbor and the residents of Dana Point. It is good for Dana Point business, residents and the boaters. The OC Dana Point Harbor has high expectations for its future on the part of several diverse groups and is supported by many local organizations including the Dana Point Harbor Association, the Dana Point Chamber of Commerce and the Dana Point Civic Association to name a few.

I strongly urge the council to **deny** the recently filed appeal of CDP13-0018 Dana Point Harbor Commercial Core Project so we can all see this project move forward.

Thank you for your time and consideration in this matter.

Cordially,  
Alan Wickstrom  
25231 Perch Drive, Dana Point, CA 92629  
C: 949.842.0594  
[alan@BuildingOnline.com](mailto:alan@BuildingOnline.com)



6/14/14

Mayor Lisa Bartlett  
 City of Dana Point  
 33282 Golden Lantern  
 Dana Point, CA 92629

Re: Dana Point Harbor Revitalization - Coastal Development Permit Appeal Hearing

Dear Mayor Bartlett,

My name is Donna Kalez, I am a business owner in Dana Point Harbor. Along with my family, I own Dana Wharf Sportfishing and Whale Watching, an institution in Dana Point since the inception of the Harbor in 1971. I am very sorry but I am unable to attend the meeting on Tuesday, June 17<sup>th</sup> and just recently learned of an appeal that was filed against the Planning Commission's ruling on the Harbor's CDP. Please allow me to explain my position and give you a little history on the Harbor.

As many of you know my father, Don Hansen, was the first to open a business in the Dana Point Harbor. He watched the Harbor being built, watched the rocks form the jetty, and watched the docks being

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constructed. He also watched as business after business opened in the Harbor, many being a family business just like his.

Business owners during those early days in Dana Point Harbor were so proud of their pioneering spirit, as it was truly a new frontier. It was the good old days to be sure. I hear story after story, but some are not always positive. Dana Wharf Sportfishing and Whale Watching has survived over the years through the ups and downs and economic booms and downturns ...we have made it through many great firsts and new opportunities. We have reinvented ourselves more than once! We have taken advantage of all that we can to continue making a great business and an even better reputation. We would not want to have our business located anywhere else but here in Dana Point Harbor.

We have been actively engaged and totally obsessed with the Dana Point Harbor Revitalization project since the beginning in the late 90s. At that time my father was on then Supervisor Tom Wilson's committee that created the 10 guiding principles of this project and we believe they have been carefully followed. After all these years I was extremely proud to see the CDP finally approved by the City's Planning Commission just last month. As you know the approved plan is one that the council had approved originally. Recognizing its long delay, the Planning Commission gave its approval with huge support from the community, including boaters, business owners and residents. This approval was a great milestone and re-energized me after the 12 plus years of meeting after meeting and approval after approval. If I could tell you how excited I was after every meeting when I heard the words approved to then just later find out that we needed another approval, then another then another, it takes away your spirit and really makes it hard to rally energy to keep going. However, being from a Dana Point Harbor pioneering family, we do stay engaged because this plan is a good plan, has taken a lot of time, effort and work, and is truly the best solution for Dana Wharf Sportfishing and Whale Watching, the entire harbor and the community. Needless to say, my family and I will follow it every step of the way.

This whole experience and this entire process have provided me with great insight into how projects happen and the patience required, but also how important it is to stay involved and current on the



project and constantly voice your concerns. Many people have been in great support of the project, but there is one person that continues time and time again to be a saboteur to all our hard work. I have come to believe that this person only comes to voice concerns to delay the project and increase the overall price of the project. More and more I believe that this person's only goal is to delay it until everyone is totally burned out and tired of supporting the effort. Well, Dana Wharf Sportfishing and Whale Watching will never forget and we will be at every hearing possible to see that everyone understands we support the project, as it is truly our life blood and livelihood. In a project such as this you will never make everyone happy, but over time and with a little compromise from all sides you get it right and move on. That is what our business has had to do for many years. So many tweaks and compromises have been made to make the plan what it is today in an attempt to make everyone happy! With this in mind, I ask you today that on this coming Tuesday the 17<sup>th</sup> of June you deny this appeal and send a message that Dana Point supports the Harbor Plan and wants to see it start. The most powerful message you can send as a group is a united 5-0 denial of the appeal. I know you may have your differences as a council at times, but on this issue you should be totally united.

My family and I want to thank all the City Council, Staff and Planning Commission for their commitment to this project. It's time to finally move it - - no more delays!

Thank you ,



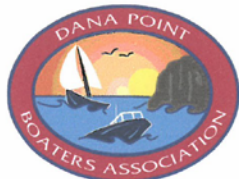
Donna Kalez

Co-Owner

Dana Wharf Sportfishing and Whale Watching

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## Letter of Transmittal



Date: June 16, 2014

To: Ms. Kathy Ward, City Clerk  
City of Dana Point  
33282 Street of the Golden Lantern  
Suite #203  
Dana Point, CA 92629

From: Steve Carpenter, Director  
Dana Point Boaters Association  
P.O. Box 461  
Dana Point, CA 92629

Dear Ms. Kathy Ward,

**SUBJECT:**

Project Number: Coastal Development Permit CDP13-0018 (Commercial Core Project)  
Project Location: Dana Point Harbor (APN: 672-171-03)  
City Council Appeal Hearing Date: June 17, 2014

Please find enclosed our response letters to the City of Dana Point, Mayor and City Council Members. These letters are appeal response letters for "Coastal Development Permit CDP13-0018", for the Dana Point Harbor Revitalization. A copy of these letters was emailed to you at [kward@danapoint.org](mailto:kward@danapoint.org) on June 16<sup>th</sup> 2014.

This Letter of Transmittal and enclosed DPBA appeal response letters were hand delivered to the Front Reception Desk, City of Dana Point on Monday, June 16<sup>th</sup>, 2014.

We thank you for your time and assistance for providing delivery of these letters to the Mayor and Council Members prior to the scheduled hearing. If you should have any concerns or questions please do not hesitate to contact us at the contact information below.

Sincerely,  
Steve Carpenter, Director  
Dana Point Boaters Association   
[SteveCarpenter@DanaPointBoaters.org](mailto:SteveCarpenter@DanaPointBoaters.org)  
DPBA Voice Mail: 949-485-5656  
Direct Cell: 714-715-8784

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June 16, 2014

City of Dana Point  
 Mayor and City Council  
 33282 Golden Lantern  
 Dana Point, CA 92629

Project Number: Coastal Development Permit CDP13-0018 (Commercial Core Project)  
 Project Location: Dana Point Harbor (APN: 672-171-03)

Honorable Mayor and City Council Members,

Thank you in advance for your time and consideration, allowing the Dana Point Boaters Association (DPBA) to present its concerns with the submitted Dana Point Harbor Coast Development Permit (CDP13-0018) Application.

We recommend approval of the subject CDP Application with needed language corrections prior to the approval. Our thoughts are that the City should process the CDP a 2nd time after proper language revisions have been completed by the submitter. This would truly be a more efficient method, having these corrections being made now rather than being brought back by directive of the California Coast Commission; also a huge time savings, weeks not months and months of additional delay.

I respectfully submit the following areas of concern with the CDP Application, which are in conflict with the approved Dana Point Harbor Revitalization Plan & District Regulations (Implementation Plan Component)/LUP:

- *4.5 (r) – Dry Boat Storage: Facilities for dry boat storage shall maintain space for at least four hundred and ninety-three (493) boats to be stored on dry land in Marine Services Commercial area (Planning Area1); four hundred (400) of these spaces may be provided in a dry storage facility (dry stack building, deck and/or surface storage areas). The existing functionality and mode of use of surface boat storage by boaters should be provided within any dry stack boat storage facility to the maximum extent possible. Additionally, a minimum of ninety-three (93) surface boat storage spaces that can accommodate vessels that can not be stored in a dry stack storage building shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible. Please Note: “Shall be maintained within the Harbor at all times and additional spaces shall be provided where feasible”.*  
**How is this possible when the Construction Management Parking Plan submitted within the CDP is only leaving a total of 22 dry storage spaces during the Revitalization?**



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- 14.2 (h) – *Commercial Development Phasing* – New commercial development shall be phased such that required parking for higher priority uses (e.g. marina boat slips, public boat launch facility, surface boat storage, beach, picnic and parks) is provided and maintained. Parking for these higher priority uses shall be provided as follows:

*The first Coastal Development Permit for the new development of the Commercial Core shall be required to demonstrate as part of the CDP that required land area has been reserved for parking for higher priority uses located within the Commercial Core area (e.g. designated boater parking, public launch ramp facility and boat storage), in the quantity and location required in Section 14.2 (i). The CDP shall also require that the parking for the higher priority uses within the Commercial Core shall be constructed and open for use prior to the occupancy of the new Commercial Core development.*

**The Dry Stack Boat Storage Building or Dry Boat Storage Deck has been excluded from being completed within the Construction Parking Management Plan (Report); within the submitted CDP.**

- 14.2 (i) – *Dry Boat Storage* – Maintain space for at least four hundred ninety-three (493) boats to be stored on the dry land in Planning Area 1; 400 of these spaces may be provided in a dry stack storage facility. Maintain a minimum of ninety-three (93) surface boat storage spaces, that can accommodate vessels that can not be stored in dry stack storage building within the Harbor at all times; additional space shall be provided where feasible.

**The submitted CDP does not conform to the above section 14.2 (i). Where is this parking and/or store if the Dry Storage Building or Dry Storage Deck will not be built until after the Commercial Core is completely built and occupied.**

- During several Boater Focus Group Meetings it was agreed by ALL parties in attendance that a part of the CDP mitigation would include language as follows. This language has since appeared in various government documents.

**The change in location of Guest Docks Slip from the West Basin to the East Basin near Harpoon Henry's/Wind and Sea should be accelerated to occur either before start of the commercial construction or in conjunction with the early stage of commercial core construction. Moving these permanent slips into the West Basin by the Sailing and Events facility it would avoid negative impact to the permanent slip holders that are located there now.**

- It was also agreed during Boater Focus Group Meeting negotiations, based on DPBA analysis and recommendation, that an additional 125 vehicle parking spaces (then discussed as the minimum, the actual benefit has apparently since been revised to 165 spaces) should



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*be made available for the parking deck. These additional spaces resulted from redesign and realignment of the boater day use trailer parking area from its original layout plan. ALL parties agreed that day use boaters would be allowed to park in some of those added 125 (min.) spaces.*

**I find no additional designated boat parking shown in the new Parking Deck to be used by for boaters and/or their guests. There will also need to be the elimination of the 4 hour limits for the spaces.**

- See pages 4 - 6 of this letter for additional, more specific observations regarding existing CDP language.

Again, thank you for your time and consideration. We are of course willing to extend help and/or assistance to the City of Dana Point and to OC Dana Point Harbor to resolve the matters and language of concern covered herein. We look forward to hearing from the DP City Council/Planning Commission as well as approval of the Dana Point Harbor Revitalization CDP with suggested language stipulations and concerns addressed.

Respectively Submitted,

Steven Carpenter, Director  
Director  
Dana Point Boaters Association



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#### ADDITIONAL OBSERVATIONS REGARDING EXISTING CDP LANGUAGE

##### Section "K" Parking Management Plan:

1. Page #2 First Paragraph: Also need to include the verbiage the proposed Revitalization Plan is in compliance with the Dana Point Tideland Trust. After all the DP Tideland Trust oversees our harbor and its existence.
2. Page #18, Joint-Use or Shared Parking, Bullet Points: This must not include ANY Boat Trailer Parking Spaces ONLY vehicle only parking spaces.
3. Page #19, Bullet Point #3: The 493 dry storage spaces are correct but are incorrect in several other location within this document.
4. Page #22, Bullet Point #1: This is a correct statement here, but this sentence is incorrect when used elsewhere within this document where it needs to specify day use boater parking, boater trailer parking.
5. Page #22, Bullet Point #2: Where is the Detailed Parking Management Plan (min/max that can be adjusted as needed) within the CDP? We find no specific language detailing a parking plan for the use of Designated Boater Parking that will be used for special events. The LCP/PPDR-IP requires a sufficiently specific plan stating minimums for each area.
6. Page #40, First Paragraph: A specific plan for special events and holidays must be included within the Detailed Parking Management Plan (min/max that can be adjusted as needed). The plan must also state the amount of boater slip parking spaces that will be used by others during these events and holidays per CCC guidelines.
7. Page #60, Table 10: Dry Stack and Mast up Storage must be a minimum total of 493 NOT the 488 shown in table.
8. Page #60: The Shipyard vehicle and trailer parking and work area is not sufficient for do-it-yourself (DIY) recreational boaters repair and maintenance activities. There must be 1-for-1 vehicle parking space in the designated self-repair area. Where was the parking allotment for this area calculated per City Parking Codes?
9. Page #63, Bullet Point #2: This needs to be reviewed to exclude the 4 hour time limitation for all day use boater parking. It was agreed during the during previous Boater Focus Group Meeting negotiations that the DPBA found the additional 125 (min.) spaces for the parking deck. These additional spaces became available due to the redesign and realignment of the boater day use trailer parking area from its original layout plan. All parties agreed that day use boaters would be allowed to park in some of the added 125 (min.) spaces because of the redesign made available from the DPBA.
  - a. This also needs to include the amount of designated parking spaces for boater slip parking within the parking deck area.
10. Page #65, 3) 300/600 Foot Parking: There is no designated boater location and amount of designated boater parking spaces for slip holders. Does not show enough parking spaces to include existing boat slip tenants for all the slips on docks L, M, N and O.



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11. Page #68, Table #11: 493 dry boat storage spaces are required per LCP/RPDR-IP. Does not jive with other sections within the CDP. Only showing 488 spaces are shown within Table #11.
12. Page #68, Table #11: It is our opinion that the Shipyard parking is not sufficient for the amount of sf & DIY self-repair and maintenance parking for boaters doing their own boat repairs. There must be 1 for 1 parking space for self-repair yard. Where was the parking allotment for this area calculated per City Parking Codes?
13. Page #69, 7) Event Parking Management: Where is the specific parking management plan information requirements by CCC stated within this plan for recreational boating parking spaces being used for ALL special events and holidays?
14. Page #76: It is my recommendation the Parking Deck Construction schedule start date should be moved up by a minimum of 2 months in schedule. This would reduce parking demands within the existing parking lots and wharf lots during their remodel. Should actually start in conjunction with the road work realignment and upgrades.
15. Page #79. Paragraph #2: Regarding the Commercial Core, Boater Parking is a higher priority in the Coastal Act than Commercial Core Parking. **LCP/RPDR-IP 4.5 r) Dry Boat Storage: shall be maintained within the Harbor at all times.** Where in this actual CDP application is Dry Boater Storage Parking being protected as stated?
16. Page #80, First Paragraph "Conclusions": This conclusion needs to be reassessed! There is a large change in land use in areas of 1 & 2 taken over by parking deck with NO designated boater day use parking provided within the "Conclusion" for the additional 130 parking spaces provided by the DPBA redesigned Parking Deck layout; not mentioned within this document.
17. Page #81, Second Paragraph: Per Dana Point Tideland Trust states specifically other uses other than harbor are incidental. Boater parking and Boater Dry Storage are higher priority than Commercial Core Car Parking to be provided to the general public.
18. Appendices: There needs to be a specific Overview as the one in Appendices of this study for each and every Major Holiday & Weekend, Special Event and HOW Boat Slip Parking will be effected during these events. This was a requirement per the CCC for a CDP Application.

#### Section "M" Construction Management Parking Plan:

1. Page #1, Second Paragraph, Second Sentence; Priority must be given to Dry Boat Storage & Launch Ramp Parking: *How is this possible if almost ALL the dry storage boats are being relocated to other offsite locations and major encroachment to day use trailer parking in the harbor and the tear out of all section areas 1 & 2.* While in the Studies for Dry Stack Building & Dry Storage Deck reports this was not stated; with a huge saving if the Boat Storage Deck was not built?
2. Page #6: Per Coastal Act, Boating has a higher priority: With only 22 dry storage boater spaces left in the harbor during this construction period, this needs to be reassessed. This section and the sections others that follow also need reassessing. This also includes the launch ramp spaces day use trailer parking during the construction phasing. Per LCP/RPDR-IP: Where is boater



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- priority being given in this Construction Parking Plan and in the Parking Management Document?
3. Page #10, Section 1.32: The boat storage building was to hold 400 dry storage boats, what happened? Now showing only 390 boats. If the Dry Boat Storage Building is re-configured to hold less than 390 boats where will these additional dry boat storage space be located? Per LCP/RPDR-IP there will be a minimum of 493 dry boat storage spaces. No consistency within this document!
  4. Page #11: Boater Storage & Parking has the higher priority per Coastal Act & LCP/RPDR-IP. Where is the approved permanent off-site Dry Boat Storage location for any of these permanently relocated boats?
  5. Exhibit D: Once again, It states here and also in other location that the Dry Stack Building will hold 390 boats. How will the minimum of 493 dry boat storage spaces be provided if the Dry Stack Building is configured for fewer boats due to the physical height/size of boats?





Post Office Box 461, Dana Point, California 92629 ~ (949) 485-5656

June 16, 2014

Mayor and City Council  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629

Subject: Coastal Development Permit # CDP13-0018 Appeal, Dana Point Harbor Revitalization, Commercial Core and Embarcadero Marina

Honorable Mayor and Members of the City Council, City of Dana Point:

The leadership of the Dana Point Boaters Association has been closely following Dana Point Harbor redevelopment efforts since 2002, when after careful study we drafted a three page letter to the Dana Point Harbor Planning Commission, the government agency then responsible for soliciting feedback from members of the general public. Back then we provided specific recommendations for both harbor renewal and maintenance improvements, on the land side as well as the water. In due respect to the current management of OC Dana Point Harbor, we wish to first to point out and strongly emphasize our sincere appreciation for the dedication, hard work and tangible results we've witnessed since our first letter went unacknowledged.

By 2006 boater unrest had grown dramatically which in turn triggered the formation of this organization. In March, 2007 the Dana Point Boaters Association incorporated as a California 501 3 (c)(4) nonprofit corporation. By then it was evident that outside commercial interests were heavily involved and in danger of having excessive influence upon the harbor redevelopment planning outcomes. Over the past seven years we've strived to represent recreational boater interests fairly while at the same time working responsibly with fellow harbor redevelopment stakeholders to make harbor revitalization a success for all its many constituencies. There have since been many significant improvements in harbor redevelopment plans, too numerous to recount here.

In this letter I'm documenting a portion of our concerns regarding the Coastal Development Permit # CDP13-0018, now under appeal, subject to your review on June 17<sup>th</sup>, 2014. This is not the only letter you will receive today from our leadership on this subject.

The Boaters Association wishes to endorse the CDP application as the project has much merit to the community, and frankly has for too many years been stuck in the planning stages. However, here we have critically important concerns which we feel must be addressed first in order for us to support your approval. Mitigation solutions are identified as bullet points below following each of these concerns.

1. The figure of 140 million dollars, inclusive of all harbor redevelopment including complete replacement of all docks, has been widely quoted by County elected and appointed officials for ten years. The actual figure will no doubt be significantly higher. For example, the estimated cost of the boat barn alone, origi-



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nally 15 million dollars, has been publicly quoted by Harbor officials recently to be over 30 million dollars.

Regardless of whether this 140 million dollar number turns out to be approximately correct, a final budget should be available for scrutiny by the general public, inclusive of both sources and uses of funds, prior to construction of the major portion of harbor redevelopment effort represented by this CDP application. Indeed, public airing of a final budget prior to final approval to proceed is both customary and best practice for ANY major government sponsored public works project.

In the case of Dana Point Harbor however, owned in trust by the People of the State of California with The County of Orange acting as the Trustee and the city of Dana Point acting in the critically important local role overseeing land side development planning, this seems especially appropriate. The Dana Point Tidelands Trust, the legally binding state statute, calls out the continuing maintenance of our harbor for commercial and recreational boating purposes. Per the precise language of the trust agreement, commercial development must be constrained such that it is incidental to this overarching goal.

Further, per applicable County statute as well as California State Lands Commission regulations, slip rents, dry storage rates and commercial rents are all to be set at prevailing market rates for a not-for-profit enterprises. Since this is the law, we assume this is the case today. Given all these considerations, approval of the CDP application in its current form (lacking a budget, a financial plan for the project) could easily be considered a violation of public trust.

Should the published figures quoted above be significantly exceeded during actual construction, then it follows that there would be a requirement to increase harbor tenant rents correspondingly, thereby raising these rents beyond market rates. It also follows that the City of Dana Point could be named as an enabling and therefore legally responsible party in subsequent legal action.

- *An appropriate project financing plan for at least this phase of the total harbor revitalization effort, both sources and uses of funds and including contingency for cost overrun, must be available to the general public as well as the City of Dana Point, prior to final approval of this CDP application.*
  - *A final plan which encompasses the entire scope of harbor redevelopment is also desired. Such a plan would of course be less specific, use approximations and costs ranges rather than hard numbers. This too however must be sufficient to determine City of Dana Point due diligence has been performed as to the integrity of the CDP, in particular as related to confirmation of funds needed to build out the boat barn if it is subsequently approved as it is an assumption necessary for CDP approval.*
2. The proposed project completely eliminates the existing parking lot behind the Dick Simon Yachts building. This lot today provides 119 designated boater parking spaces. Boaters renting slips on the 4 Cove docks L, M N, and O, typically use these spaces as they are closest to their boats. Boaters on docks N and



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O have no practical alternative to this lot. Today this lot is completely filled most all weekends, as are the spaces in the south end of the designated boater parking lot nearer Mariners Village and Mariners Alley.

The CDP application in its current form makes provision for 72 spaces, which is based (apparently, at least coincidentally) on the ratio of .6 times these 119 those existing spaces. (119 times .6 = 71.4)

However the parking space requirement specified by the LCP is based on the number of slips to be serviced, not the number of existing parking spaces. The reality is that there are 168 slips on these 4 docks. At a ratio of .6 parking spaces per slip, the number of parking spaces necessary with the CDP application if all 4 docks, L, M, N and O are considered then 101 parking slips should be provided by reconstruction. (.6 times 168 slips = 100.8) But if only the slips on last 3 docks are considered, M, N and O, then these 122 slips yield a requirement of 74 not 72. (.6 times 122 = 73.2)

More importantly and regardless of the actual number, the CDP application causes for the location of these 72 spaces is to be moved twice during the construction project to increasing distances that make provisioning unfairly difficult.

The current Local Coastal Program (LCP) under which guidelines the CDP was drafted explicitly states that boaters are to receive preferential treatment. Therefore making these mitigations necessary:

- One of the outcomes of the proposed reconstruction is 690 additional parking spaces within a new two-story parking structure. This parking structure is planned to be built on existing dry boat storage land. The land area within the existing Embarcadero Marina is to be significantly reduced to accommodate this structure. *The CDP must explicitly call out the specific locations of designated recreational boater parking in the lower deck of the parking structure closest the water.*
  - It is well known that the Guest docks at the other end of the Cove side near the Sailing and Events center are to be moved "eventually", per commitments made during over a dozen harbor Boater Focus Group meetings and documented in various project publications and documents. *The CDP application must be revised to explicitly reference the movement of the existing guest docks to docks N and O, before access to the existing parking lot adjacent to these docks is eliminated. (Guest boaters come to the harbor on their boats and so typically do not require vehicle parking.) This CDP application must also be revised to stipulate that the required additional CDP application to the California Coastal Commission will be sought and approved, as necessary for this re-purposing of these docks to occur, prior to execution of any construction contract associated with this CDP application.*
3. According to this CDP application, *If the boat barn is actually built* (a separate California Coastal Commission CDP submission and approval process is required, at an initiation date in the future not yet been disclosed), then the total of 516 storage surface spaces, for boats and their trailers, which officially existing today will be replaced by 105 spaces with boats with trailers and 390 spaces for boats without trailers. The result will be a total of 495 spaces after construction of the boat barn. But during the construction requested by the current CDP application, the availability figure actually falls to near zero.



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Indeed, at certain points during the construction this CDP proposes that all dry boat storage within the harbor be completely eliminated.

- *The upper deck of the proposed parking structure must be dedicated to dry boat structure during construction.*
  - *A permanent access ramp suitable for tow vehicles with trailers must be provided to afford direct access from/to the Embarcadero Marina.*
4. According to this CDP application, *if the proposed boat barn is not proposed, approved and built*, then only 105 dry storage spaces total will be available on permanent basis upon completion of construction according to the CDP application. If the land surface area the boat barn would occupy were used instead for dry storage, as we have been advised by OC DPH would be the case, then that the total number of permanently available dry storage spaces would climb back to 225 to 230.

That's right, if the boat barn is not built, the official number of permanently available dry boat storage spaces will go from 516 today (the number of spaces is actually is higher due to boats now stored in other locations within the Embarcadero including the boat yard) to a maximum of only 230.

This is reduction of dry boat storage spaces available within Dana Point Harbor greater than 55 percent.

- *We reluctantly conclude that a final decision on the boat barn must occur prior to approval of the current CDP application.*
- *If the boat barn is not to be built then an alternative must be identified. If a feasible alternative is not found then the scope of the reconstruction must be scaled back to accommodate more boats.*

Thank you for your consideration and understanding of the critical nature of these recreational boating concerns. In closing we wish to again assure you of our strong desire to see the harbor redevelopment effort finally reach a successful conclusion, as rapidly as due diligence permits.

We must however also reiterate the consequences of poor planning are both extremely severe and irreversible. We therefore feel it is most important to make sure all aspects of this milestone project are properly attended to prior to your final approval to proceed. Lacking that, it is also almost a certainty that there will be further delays as a result of appeal to the California Coastal Commission.

Most respectfully,

  
 Roger Beard


President  
 Dana Point Boaters Association

CITY OF DANA POINT  
MEMORANDUM

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**DATE:** June 17, 2014

**TO:** Douglas Chotkev'y's, City Manager  
City Council

**FROM:**  John Tilton, City Architect/Planning Manager

**SUBJECT:** Agenda Item #21 – Appeal of Planning Commission Approval of CDP13-0018, Dana Point Harbor

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Staff has included the following modifications to draft City Council Resolution #14-06-17-XX of the June 17, 2014 Agenda Report (shown as strike-thru for deletions and *italic/underline* text for additions):

**CONDITIONS OF APPROVAL:**

18. All street improvement and traffic signal work ~~on City streets~~ *at the intersection of Puerto Place and Dana Point Harbor Drive* shall be completed prior to construction of any on site buildings. Alterations to this Condition necessary for Project Phasing may be approved by the City Engineer.

21. The applicant shall construct all ~~public sidewalks at a minimum width dimension of 8 feet on the City's portion of Dana Point Harbor Drive~~ *sidewalk improvements to match the widths of adjoining or remaining public sidewalks.*

Agenda Item No. 21  
6/17/14

**SUPPORTING DOCUMENT G:****RESOLUTION NO. 14-06-17-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP13-0018 FOR DEVELOPMENT OTHERWISE REFERRED TO AS THE COMMERCIAL CORE PROJECT, A PARKING MANAGEMENT PLAN, A MASTER SIGN PROGRAM AND APPROVALS IN CONCEPT FOR THE DANA POINT HARBOR.**

Applicant/Property Owner:  
OC Dana Point Harbor/County of Orange

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, on December 20, 2013, the applicant filed a verified application for a Coastal Development Permit for the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking Management Plan, Master Sign Program and approvals-in-concept for a Dry Boat Storage Building and other Marine Services Commercial improvements; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code and Chapter 16 of the Dana Point Harbor Revitalization Plan and District Regulations; and

WHEREAS, the Dana Point Harbor Revitalization Plan & District Regulations is part of a comprehensive planning program that has included extensive analysis of the Harbor area, including Final Environmental Impact Report No. 591 that has been certified by the Orange County Board of Supervisors and covers all Dana Point Harbor Revitalization Plan improvements in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, due to the incorporation of additional policies, regulations and development standards by the California Coastal Commission and the City of Dana Point as part of the Local Coastal Program Amendment ("LCPA") review and certification process, the previously certified Final EIR No. 591 prepared for the Revitalization Plan required review to determine whether the previous conclusions remain valid; and

WHEREAS, pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, OC Dana Point Harbor prepared an Addendum to Final EIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA and determined that the Addendum and the certified Final EIR No. 591 serve as the environmental review of the Dana Point Harbor Revitalization Plan as modified; and

WHEREAS, a Project Requirement and Monitoring Program has been prepared to

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meet the requirements of CEQA Section 21081.6 as mitigation measure monitoring program. The Project Requirement and Monitoring Program is designed to ensure compliance with the mitigation measures imposed upon the Dana Point Harbor Revitalization Plan to avoid or substantially lessen the significant effects identified in Final Program EIR No. 591; and

WHEREAS, the Project Condition/Requirement and Mitigation Monitoring Program is attached hereto as Exhibit A and is incorporated herein by reference; and

WHEREAS, the Planning Commission did, on the 12<sup>th</sup> day of May, 2014 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors and approved Coastal Development Permit CDP13-0018; and

WHEREAS, on May 27, 2014, the appellant filed an appeal of the Planning Commission decision; and

WHEREAS, the City Council did, on the 17<sup>th</sup> day of June, 2014, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to the appeal of Coastal Development Permit CDP13-0018.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Dana Point as follows:

- A) The above recitations are true and correct.
- B) OC Dana Point Harbor will be required to obtain a Coastal Development Permit approval from the California Coastal Commission for all proposed Marina Services Commercial improvements receiving City approval-in-concept.

Findings:

- C) Based on the evidence presented at the public hearing, the City Council adopts the following findings and approves Coastal Development Permit CDP13-0018, subject to conditions:
  1. That the proposed development is in conformity with the Dana Point Harbor Revitalization Plan & District Regulations as certified by the California

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Coastal Commission in that the proposed project has been designed in conformance with the Land Use Policies and Development Standards and Requirements of the Marine Services Commercial and Day Use Commercial Planning Areas of the Dana Point Harbor Revitalization Plan & District Regulations.

2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (Coastal Act Section 30333 and 30604(c); 14 Cal. Code of Regulations Section 13096) in that by an Act of the California State Legislature (Chapter 321 of the Statutes of 1961 becoming effective on September 15, 1961) ownership of certain tidelands and submerged land of the State of California (inclusive of Dana Point Harbor) was granted to the County of Orange who has continuously operated Dana Point Harbor as a public facility since it first opened in 1971 and retains all rights pursuant to the Tidelands Grant.
3. That the proposed development conforms with Public Resources Code Section 21000 et seq. and that there are no feasible mitigation measures or feasible alternatives available that would substantially lessen any significant adverse impact(s) that the activity may have on the environment in that the Orange County Board of Supervisors, through Resolution No. 06-013 certified on January 31, 2006 FEIR No. 591 in its composite form as complete and adequate in that it addresses all environmental effects of the Dana Point Harbor Revitalization Plan and fully complies with the requirements of CEQA and the County's environmental analysis procedures and pursuant to the requirements of CEQA Guidelines Section 15164 and 15152, prepared an Addendum to FEIR No. 591 to provide a record of the changes resulting from the certification of the City's LCPA by the California Coastal Commission.
4. That the proposed development, if it includes structures in excess of thirty-five (35) feet in height is in conformity with the provisions of the Dana Point Harbor Land Use Plan to preserve significant coastal public views through scenic corridors and from scenic viewpoints in that as demonstrated in the Story Pole Staking Plan and View Analysis using the same views as first analyzed as part of FEIR No. 591, the anticipated development will have similar impacts on views, but those impacts will not cumulatively deteriorate the aesthetic value of the area; will provide enhanced coastal view opportunities not presently available and the cumulative impacts continue to be less than significant. The architectural design is consistent with the character of the community in architectural form, bulk and height in that the development's



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**architectural elements and proposed building heights conform to requirements of Chapters 4 of 5 of the Dana Point Harbor District Regulations.**

5. That the proposed development conforms with the Dana Point Harbor Land Use Plan to maintain sufficient parking for coastal dependent and coastal related land uses **in that a parking management plan, incorporating the findings and recommendations of the Dana Point Harbor Baseline for Slips, Dry Boat Storage, Launch Ramp & Parking Analysis (October 2013), a Transportation Demand Management Plan (October 2013), and Construction Management Parking Plan (December 2013), has been prepared that provides 4,500 parking spaces and facilitates the best possible use of the parking while prioritizing and avoiding adverse impacts on designated boater parking and boat launch ramp parking opportunities, and includes provisions for the use of off-site locations during peak Harbor usage periods has been prepared and will be updated on a routine basis.**
6. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the subject site is presently completely built-out with similar existing land uses and the site contains very little vegetation or coastal resources that could be considered to be significantly impacted by the proposed upgrades to Harbor infrastructure and facilities, and the project application includes Tree Trimming and Maintenance Procedures for Harbor Bird Habitat that have been developed to ensure the long-term protection of wading bird heronries, breeding, roosting and nesting habitat of birds protected by the Fish and Game Code and the Migratory Bird Treaty Act.**
7. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the proposed project is located on manmade landforms previously developed and a geotechnical investigation with recommendations and conclusions addressing site preparation, foundation design, lateral spreading for proposed buildings and retaining walls addressing geologic forces and a Shoreline Management Plan and Wave Rushup Analysis prepared for the project provides current assessments of seasonal and long term shoreline changes consistent with the best available science currently available standard and the information included in the Coastal Commission Draft Sea Level Rise Policy Guidance**

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document and will be updated as new regulations and technologies are identified and/or regulatory standards are adopted by state and federal agencies relating to risks from flooding, and the project has received conditional approval from the Orange County Fire Authority that will minimize fire hazards.

8. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that proposed project consists of the revitalization of an existing, fully developed harbor and the proposed improvements involve the replacement and enhancement of existing land uses in the Harbor, and although not visually degraded, includes new structures with contemporary building materials, new landscape improvements, and signage that will enhance visual quality in the Harbor.**
9. That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that this application is being reviewed for compliance with the Coastal Act provisions and other applicable state laws concerning specific coastal resources, compatibility with adjacent development, hazard areas, coastal access concerns and that land use priorities have been applied to determine the locations and intensity of land and water uses as part of the proposed development which is consistent with all applicable provisions of the Dana Point Harbor Revitalization Plan & District Regulations that is the applicable Local Coastal Program addressing land use and the implementation of projects in the OC Dana Point Harbor.**

Conditions:

**A. GENERAL CITY OF DANA POINT DISCRETIONARY APPROVAL REQUIREMENTS:**

1. The Project Condition/Requirement and Mitigation Monitoring Program is attached hereto as Exhibit A for the Project and shall constitute conditions of approval by reference. Where there is a conflict between these conditions and the MMP, the more restrictive shall apply as determined by the OC Dana Point Harbor Director.
2. Approval of this application permits the phased demolition of existing commercial and boater support facilities, the renovation and/or construction of new retail/restaurant/office space (including outdoor dining), two level parking deck and podium structure, infrastructure and street improvements, parking area reconfigurations, a Parking

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Management Plan, Master Sign Program and approvals-in-concept for the construction of a Dry Boat Storage Building and upsizing of two storm drain outfalls for approval of a Coastal Development Permit by the California Coastal Commission. Subsequent submittals for this project shall 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, the City of Dana Point General Plan, City Zoning Code and the Local Coastal Program.

3. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced within such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
4. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change 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.
5. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
6. The County, any tenants or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the

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CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

The County, any tenants or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

7. The County and/or their designee shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to the City staff for future governmental permits or actions on the project site.
8. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
9. The use of the City's public right of way for construction purposes shall not be allowed, except as permitted by the City Engineer. An encroachment permit is required for all use of the public right-of-way.
10. Prior to issuance of any permit for work affecting neighboring properties, the applicant must secure written approval for the use of neighboring property for any proposed construction and improvements from all affected properties.
11. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
12. The applicant shall prepare and provide to the City a copy of all needed reports and implement all required actions to meet current NPDES permit water quality regulations including, but not limited to, a Water Quality Management Plan, a Storm Water Pollution Prevention Program, and all other required water quality related reports/actions.
13. Should dewatering be necessary, the applicant shall apply and secure a separate discharge permit from the Regional Water Quality Control Board

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and from any other regulatory agency with jurisdiction, and submit a copy of the permit (s) to the City.

14. The hours of operation of construction equipment that produces significant noise or levels noticeably above general construction noise shall be limited to the allowable hours indicated in the Dana Point Municipal Code.
15. The applicant shall submit street improvement plans for all components of work that will impact City streets, fund and construct said improvements, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current City Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. This includes, but is not limited to, the following:
  - a. Required asphalt renovation on all City roadways including pavement repairs and overlay limits.
  - b. Required sidewalk and curb and gutter repairs.
  - c. Required median renovation work, including replacement of existing irrigation, trees and plant material.
  - d. Required City monument signage.
  - e. Other customary related street improvements.
16. For City streets, the applicant shall provide design documents, fund and construct traffic signal modifications and improvements, including but not limited to, traffic signal interconnect, conduit, wire, pull boxes, controller and enclosure, traffic signal poles, audible pedestrian push buttons, and all other required equipment as directed and approved by the City Engineer.
17. Street Improvement Plans provided by the Applicant for purposes of processing the Coastal Development Permit are conceptual in nature, and may change based on input provided during the City review and approval process.
18. All street improvement and traffic signal work at the intersection of Puerto Place and Dana Point Harbor Drive shall be completed prior to construction of any on site buildings. Alterations to this Condition necessary for Project Phasing may be approved by the City Engineer.
19. The applicant shall provide design documents for all construction traffic control for the construction of all proposed City street improvements, and

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to support construction of improvements on County property. The traffic control plans shall be prepared by a licensed California Traffic or Civil Engineer and submitted for review and approval by the City Engineer.

20. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Dana Point Harbor Drive. Further, the applicant shall provide easements, if needed, on the applicant's property to allow for the necessary relocations as approved by the City Engineer, relating to City streets.
21. The applicant shall construct all sidewalk improvements to match the widths of adjoining or remaining public sidewalks.
22. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure to support said services.
23. Applicant shall prepare a comprehensive utility plan for all existing and proposed utilities on surrounding City streets that are impacted. Further, all above grade structures shall be fully screened from public view with landscaping or other improvements to the satisfaction of the City Engineer.
24. The applicant's licensed engineering consultants shall submit a final certification for all City street, signing and striping, and traffic signal improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Civil Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements as being substantially completed in conformance with the approved improvement plans.
25. The applicant shall submit a final stamped certification from the Traffic Engineer for all signal and traffic improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Traffic Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements on City streets as being substantially completed in conformance with the approved improvement plans.
26. An encroachment permit is required for all work on City property per the City's Municipal Code, City Standards and other local and state requirements. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions and approved plans to the satisfaction of the City Engineer.

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27. All landscaping and irrigation installed on City property shall be installed per an approved landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department once all landscaping has been installed in accordance with the approved plans.
28. Any damage to improvements (landscape, irrigation, hardscape, sidewalks, etc.) on City property shall be restored to the satisfaction of the City Engineer.
29. All permanent BMP's on the project shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record. The applicant shall submit to the City and County of Orange, a final certification stating that all improvements associated with water quality meet the approved project WQMP by separate submittal. The final improvement certification by the record civil engineer shall approve the improvements as being substantially completed in conformance with the approved WQMP.
30. A grading permit shall be obtained prior to any work including demolition activities.
31. The County and/or their designee shall exercise special care during the construction phase of this project to prevent any off-site siltation and shall provide erosion control measures of a type, size and location as approved in consultation with the City of Dana Point Director of Public Works. The erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director, OC Public Works prior to the start of any other grading operations. Prior to the removal of any erosion control devices so constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods as may be required by the Director, OC Public Works. The applicant shall maintain the erosion control devices until the Director, OC Public Works approves of the removal of said facilities.
32. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.

**B. COUNTY STANDARD CONDITIONS OF PROJECT APPROVAL:**

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33. Prior to issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, above-ground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. Further, a copy of the approved "UFC Implementation Plan" shall be furnished to the Manager, Building Inspection Services, prior to the issuance of any certificates of use and occupancy.
34. Prior to the issuance of any grading permits or the issuance of a building permit, whichever occurs first, OC Dana Point Harbor and/or their designee shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.
- A. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall submit plans for the required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."
- B. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.
35. FIRE LANE MARKING
- A. Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the Orange County Fire Authority at (714) 744- 0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements".
- B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan.



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Tenant Leases or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method.

36. ACCESS GATES

Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers."

37. FIRE ALARM SYSTEM

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

38. STORAGE TANKS

Prior to the issuance of a building permit or installation of an aboveground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 for additional information.

39. HAZARDOUS MATERIALS

A. Prior to the issuance of a grading or building permit, OC Dana Point Harbor and/or their designee shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."

B. Prior to the issuance of a building permit, OC Dana Point Harbor and/or their designee shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the Orange County Fire

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Authority Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.

40. BUILDING USE LETTER

Prior to the issuance of any building permits, OC Dana Point Harbor and/or their designee shall submit a detailed letter of intended use for each building on site to the Fire Chief for review and approval.

41. OC Dana Point Harbor and/or their designee shall store, manifest, transport and dispose of all on-site generated waste that meets hazardous materials criteria in accordance with the California Code of Regulations Title 22 and in a manner to meet the satisfaction of the Manager, HCA/Hazardous Materials Program. OC Dana Point Harbor and/or their designee shall keep storage, transportation and disposal records on site and open for inspection by any government agency upon request. OC Dana Point Harbor and/or their designee shall store used oil filters in a closed rainproof container that is capable of containing all used oil and shall manage the container as specified in Title 22, Chapter 30, Division 4, Section 66828 of the California Code of Regulations.

42. Prior to the issuance of street improvement permits for County owned property, OC Dana Point Harbor and/or their designee shall design and construct the following improvements in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading:

- A. Streets, bus stops, on-road bicycle trails, street names, signs, striping and stenciling.
- B. The water distribution system and appurtenances that shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief.
- C. Underground utilities (including gas, cable, electrical and telephone), streetlights, and mailboxes.

43. SIGHT DISTANCE

Prior to the issuance of any grading permits, OC Dana Point Harbor and/or their designee shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. OC Dana Point Harbor and/or their designee shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

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44. TRAFFIC SIGNAL CONDUIT

As part of street and intersection improvements for County owned property, OC Dana Point Harbor/contractor shall install all underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) and other appurtenances (e.g., pull boxes, etc.) needed for future traffic signal construction and/or for future interconnection with adjacent intersections, all in accordance with plans and specifications meeting the approval of the Manager, Subdivision and Grading.

45. WQMP FOR PRIORITY PROJECTS

Prior to the issuance of any grading or building permit (whichever comes first), OC Dana Point Harbor and/or their designee shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division:

- Include post-construction Structural Treatment Control BMP(s) as defined in the DAMP;
- Include a conceptual Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for the post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the proposed mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).

46. STORMWATER POLLUTION PREVENTION PLAN

Prior to the issuance of any grading or building permits, OC Dana Point Harbor and/or their designee shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.

**C. SPECIAL CONDITIONS OF PROJECT APPROVAL:**

47. Prior to issuance of grading permits, OC Dana Point Harbor and/or their designee shall provide plans or identify measures to comply with standard County procedures to implement all applicable regulations of the South Coast Air Quality Management District. These measures may include

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using low emission construction equipment, maintaining equipment in tune per manufacturer's specifications; using catalytic converters on gasoline-powered equipment and using reformulated, low-emission diesel fuels and using finishing products in a manner meeting the approval of the Manager, Building Permit Services to demonstrate compliance with local and state air quality management regulations for grading and construction activities.

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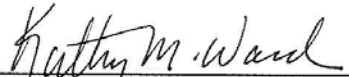
48. Prior to the issuance of certificates of use and occupancy, OC Dana Point Harbor and/or their designee and/or tenant(s) shall pay fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, OC Public Works/Subdivision and Grading.
  - a. Coastal Area Road Improvements and Traffic Signals
  - b. San Joaquin Hills Transportation Corridor
49. All landscaping and irrigation, on County property, shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plant and irrigation materials have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the City of Dana Point Director of Community Development for verification. The landscape plan shall conform to the latest Landscape Efficiency Ordinance adopted by the County of Orange.
50. Prior to the issuance of a precise grading permit, a written approval by the Geotechnical Engineer approving the grading as being substantially in conformance with the approved conceptual grading plan shall be submitted to the City of Dana Point Director of Community Development in consultation with the Orange County Director of Public Works for verification.
51. In conformance with Harbor LCP Policy 6.2.6-12, to avoid conflicts and promote efficient traffic circulation in the Mariners Village and Dana Wharf areas, all deliveries by vehicles longer than 30-feet in length will be conducted between the daily hours of 6 and 11 AM only (including weekends). Only delivery trucks that are accommodated by the standard size parking spaces shall be permitted on Dana Wharf after 11 AM.
52. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the heights of the proposed structures are in compliance with plans approved by the City of Dana Point and the structure heights included as part of this permit.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 17<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
LISA A. BARTLETT, MAYOR

ATTEST:

  
\_\_\_\_\_  
Kathy M. Ward, City Clerk

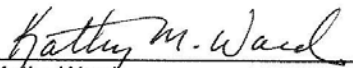
STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
CITY OF DANA POINT )

I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 14-06-17-06 adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 17<sup>th</sup> day of June, 2014, by the following vote:

AYES: Council Members Brough, Olvera, Schoeffel, Mayor Pro Tem Weinberg, and Mayor Weinberg

NOES: None

ABSENT: None

  
\_\_\_\_\_  
Kathy Ward  
City Clerk

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# **EXHIBIT A**

## **Project Condition/Requirement and Mitigation Monitoring Program**

**EXHIBIT A ON FILE WITH CITY CLERK'S OFFICE**