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ENVIRONMENTAL IMPACT REPORT



Doheny Village Zoning District Update Project

SCH NO. 2020030428

Prepared for

City of Dana Point

Prepared by

Michael Baker INTERNATIONAL

PUBLIC REVIEW DRAFT
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1.0 Executive Summary

1.0 EXECUTIVE SUMMARY

1.1 PROJECT LOCATION

The City of Dana Point (City) is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles. The community consists of coastal bluffs and rolling hills located along seven miles of the Pacific Ocean. Surrounding cities include Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south.

The project site is commonly referred to as Doheny Village and consists of approximately 80 acres bounded by the City of San Juan Capistrano and Interstate 5 (I-5) on the north, the I-5 off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way on the west. Regional access to the site is provided via I-5 and Pacific Coast Highway. The primary local roadway providing access through the project site is Doheny Park Road.

1.2 PROJECT SUMMARY

The purpose and intent of the proposed Doheny Village Zoning District Update Project (project) is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village.

The project provides the following three new zoning districts specific to the project area:

- *Village Commercial/Industrial*. The Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. This district provides for the development of a commercial and industrial area that includes adequate circulation and landscaping, attractive buildings, and coordinated signage.

- *Village Commercial/Residential*. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. This district provides a residential density of 30 dwelling units per acre, with the exception that parcels greater than 10 acres are limited to a maximum density of 50 dwelling units per acre.

- *Village Main Street*. The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environment with storefront-style frontages along Doheny Park Road. This district provides a residential density of 30 dwelling units per acre, with the exception of properties located west

of Doheny Park Road and south of Victoria Boulevard, which are limited to a maximum density of 10 dwelling units per acre.

The project proposes the following to be comprehensively integrated into the *Dana Point Municipal Code* (Municipal Code) as Chapter 9.14, *Doheny Village Districts*:

- Allowed Uses;
- Development Standards (e.g., lot size, setback, density, open space, and landscaping requirements);
- Special Development Standards (e.g., maximum density, housing incentive overlay, accessory uses and structures, parking requirements, and art-in-public-places program); and
- Special Use Standards.

In addition to the Zoning Code Amendment, the project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site specifically, development intensity, and density standards. Further, given that portions of Doheny Village are located within the coastal zone, a Local Coastal Program (LCP) Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the California Coastal Commission.

1.3 PROJECT GOALS AND OBJECTIVES

Pursuant to Section 15124(b) of the *CEQA Guidelines*, the EIR project description must include "[a] statement of objectives sought by the proposed project…. The statement of objectives should include the underlying purpose of the project." The proposed project objectives are outlined below:

1. Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).

2. Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.

3. Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.

4. Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.

1.4 ENVIRONMENTAL ISSUES/ MITIGATION SUMMARY

The following summarizes the impacts, mitigation measures, and significance after mitigation analyzed in Section 5.0, *Environmental Analysis*, of this EIR. Refer to the appropriate EIR Section for detailed information.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
5.1	**Land Use and Relevant Planning**		
	LU-1: The proposed project could conflict with applicable General Plan policies.	No mitigation measures are required.	Less Than Significant Impact.
	LU-2: The proposed project could conflict with Dana Point Municipal Code standards or regulations.	No mitigation measures are required.	Less Than Significant Impact.
	LU-3: The proposed project could conflict with relevant sections of the California Coastal Act.	No mitigation measures are required.	Less Than Significant Impact.
	LU-4: The proposed project could conflict with policies provided in the 1986 Local Coastal Program.	No mitigation measures are required.	Less Than Significant Impact.
	LU-5: The proposed project may conflict with SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy policies.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The proposed project, combined with other related projects, could conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation measures are required.	Less Than Significant Impact.
5.2	**Aesthetics/Light and Glare**		
	AES-1: Project implementation could have a substantial adverse impact on a scenic vista.	No mitigation measures are required.	Less Than Significant Impact.
	AES-2: Implementation of the proposed project could conflict with applicable zoning and other regulations governing scenic quality.	No mitigation measures are required.	Less Than Significant Impact.
	AES-3: Project implementation could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	No mitigation measures are required.	Less Than Significant Impact.
	AES-4: Implementation of the proposed project could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could result in significant impacts to scenic vistas.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could conflict with applicable zoning and other regulations governing scenic quality.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Cumulative Impacts: The project combined with other cumulative projects could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	No mitigation measures are required.	Less Than Significant Impact.
5.3	**Tribal and Cultural Resources**		
	CUL-1: The project could cause a significant impact to a historical resource.	CUL-1 Historical Resources Assessment. Prior to construction activities that may affect historical resources, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications in architectural history or history. The assessment shall include a records search at the South Central Coastal Information Center (SCCIC) to determine if any resources that may be potentially affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Following the records search, the qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project. Pursuant to the definition of a historical resource under CEQA, potential historical resources shall be evaluated under a developed historic context. CUL-2 Treatment of Historic Properties. Prior to construction activities that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Dana Point Planning Division to ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource would not impair its significance. The Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible in the preparation of such report. The application of the Interior's Standards for the Treatments of Historic Properties in the report shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications. CUL-3 Recordation of Identified Historic Resource. In the event that the demolition or significant alteration of a historical resource is unavoidable, recordation of the resource prior to construction activities shall be implemented to assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		(HALS) documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriated in appropriate local, state, or federal institutions. The specific scope and details of documentation would be developed at the project level.	
	CUL-2: The project could cause a significant impact to an archaeological resource on-site.	CUL-4 Archaeological Resources Assessment. Prior to issuance of a grading permit, an archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology to determine the archaeological sensitivity of the area. The assessment shall include a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) and of the Sacred Lands Files (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches will determine if the proposed project site has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken by the qualified archaeologist and a representative from one or more of the consulting tribal groups in the areas of the project site not covered with hardscaping and structures to locate any surface cultural materials. Upon completion of the assessment, the qualified archaeologist, in consultation with the representative from one or more of the consulting tribal groups, shall classify the project area as having high, medium, or low sensitivity for archaeological resources. Any project identified as having low sensitivity will require no further management considerations beyond adherence to Mitigation Measure CUL-12 provided below. The assessment shall be provided to the City of Dana Point Planning Division for review and approval. CUL-5 Extended Phase I Testing. For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by the Phase I study, the City of Dana Point Planning Division shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		of shovel test pits and/or hand augured units and/or mechanical trenching intended to establish the boundaries of archaeological site(s) on the project site. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the XPI testing to monitor for potentially unknown tribal cultural resources. All archaeological excavation should be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). The assessment shall be provided to the City of Dana Point Planning Division for review and approval. CUL-6 Archaeological Site Avoidance. When feasible, any identified archaeological site shall be avoided by project-related activities. A barrier (temporary fencing) and flagging should be placed between the work location and any resources within 50 feet of a work location to minimize the potential for inadvertent impacts. CUL-7 Phase II Site Evaluation. If the results of any Extended Phase I (XPI) (Mitigation Measure CUL-5) indicate the presence of archaeological resources at a given project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the California Register of Historical Resources (CRHR) or qualify as unique archaeological resources. A Phase II evaluation shall include any necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the sample excavation to monitor for potentially unknown tribal cultural resources. Cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be	

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." CUL-8 Phase III Data Recovery. Should the results of the Phase II site evaluation (Mitigation Measure CUL-7) yield resources that meet California Register of Historical Resources (CRHR) significance standards and if the site cannot be avoided by project construction in accordance with Mitigation Measure CUL-5, City of Dana Point Planning Division shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and permits issued for development. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's standards for archaeology according to a research design reviewed and approved by the City of Dana Point Planning Division prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), *Guidelines for Archaeological Research Design*, or the latest edition thereof. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the Phase III data recovery excavation to monitor for potentially unknown tribal cultural resources. As applicable, the final Extended Phase I (XPI) Testing (Mitigation Measure CUL-5), Phase II Testing and Evaluation (Mitigation Measure CUL-7), or Phase III Data Recovery reports shall be submitted to the City of Dana Point Planning Division prior to issuance of construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities. CUL-9 Worker's Environmental Awareness Program (WEAP). A qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and a representative from one or more of the consulting tribal groups shall be retained to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological/cultural resources sensitivity for all construction personnel prior to the commencement of any ground disturbing activities for projects identified as having a moderate to high potential to encounter cultural resources.	

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		Archaeological/cultural resources sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. CUL-10 Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area but indicates the area to be highly sensitive for archaeological resources, a qualified archaeologist and a representative from one or more of the consulting tribal groups shall monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil. CUL-11 On-Call Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area, but indicates the area to be of medium sensitivity for archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology and a representative from one or more of the consulting tribal groups shall be retained on an on-call basis. Prior to any ground-disturbing activities, the archaeologist and representative from one or more of the consulting tribal groups shall conduct cultural awareness training to inform all construction personnel of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by the on-call archaeologist and representative from one or more of the consulting tribal groups pursuant to Mitigation Measure CUL-6. CUL-12 Unanticipated Discovery of Archaeological Resources. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the City of Dana Point Planning Division shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National	

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		Park Service 1983) and a representative from one or more of the consulting tribal groups immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by both the qualified archaeologist and representative from one or more of the consulting tribal groups. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources.	
	CUL-3: The project could cause a significant impact to human remains.	No mitigation measures are required.	Less Than Significant Impact.
	CUL-4: The project could cause a significant impact to a tribal cultural resource.	Refer to Mitigation Measures CUL-4 through CUL-12.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: The project, combined with other related cumulative projects, could cause a cumulatively considerable impacts to historical resources, archaeological resources, human remains, or tribal cultural resources.	Refer to Mitigation Measures CUL-1 through CUL-12.	Less Than Significant Impact With Mitigation Incorporated.
5.4	**Geology and Soils**		
	GEO-1: Project implementation could expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	No mitigation measures are required.	Less Than Significant Impact.
	GEO-2: Project implementation could expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.	No mitigation measures are required.	Less Than Significant Impact.
	GEO-3: Project implementation could result in substantial soil erosion or loss of topsoil.	No mitigation measures are required.	Less Than Significant Impact.
	GEO-4: The project could be located on soils that are unstable, or expansive, as a result of the project, and potentially result in geologic hazards.	No mitigation measures are required.	Less Than Significant Impact.
	GEO-5: Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	GEO-1 Prior to issuance of grading permits, applicants for future development projects in undeveloped and developed areas where grading is proposed five feet below current elevation shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval. If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following: • A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities; • Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the qualified paleontologist and City of Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and • Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities. A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.	
	Cumulative Impacts: The proposed project, combined with other related cumulative projects, could expose people or structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.	Refer to Mitigation Measure GEO-1.	Less Than Significant Impact With Mitigation Incorporated.
5.5	**Hydrology and Water Quality**		
	HWQ-1: The project could violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	No mitigation measures are required.	Less Than Significant Impact.
	HWQ-2: The project could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	No mitigation measures are required.	Less Than Significant Impact.
	HWQ-3: The project could create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The proposed project, combined with other related cumulative projects, could violate any water quality standards or	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	waste discharge requirements, or otherwise substantially degrade water quality.		
	Cumulative Impacts: The proposed project, combined with other related cumulative projects, could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The proposed project, combined with other related cumulative projects, could create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation measures are required.	Less Than Significant Impact.
5.6	**Hazards and Hazardous Materials**		
	HAZ-1: Short-term construction activities associated with future development could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.	HAZ-1 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: • Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; • Notify the Director of Public Works/City Engineer; • Secure the area as directed by the Director of Public Works/City Engineer; and • Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency [OCHCA], Regional Water Quality Control Board, San Diego Region [San Diego RWQCB], and/or Department of Toxic Substances Control [DTSC], as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.	Less Than Significant Impact With Mitigation Incorporated.
	HAZ-2: Long-term operational activities associated with future development could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.	No mitigation measures are required.	Less Than Significant Impact.
	HAZ-3: Future development associated with implementation of the proposed project could be located on a hazardous material sites listed on Government Code Section 65962.5 and create a significant hazard to the public or the environment.	Refer to Mitigation Measure HAZ-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Short-term construction activities associated with future development,	Refer to Mitigation Measure HAZ-1.	Less Than Significant Impact With

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	combined with other related projects, could result in cumulatively considerable hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.		Mitigation Incorporated.
	Cumulative Impacts: Long-term operational activities associated with future development, combined with other related projects, could result in cumulatively considerable hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Future development could be located on a hazardous material sites listed on Government Code Section 65962.5 and result in cumulatively considerable impacts to the public or the environment.	No mitigation measures are required.	Less Than Significant Impact.
5.7	**Transportation**		
	TRA-1: Project implementation could generate traffic volumes that would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No mitigation measures are required.	Less Than Significant Impact.
	TRA-2: Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	TRA-1 Future development within the limits of the project site shall be required to implement the following measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures: • LUT-9: Improve Design of Development (3.0 to 21.3 percent reduction); • SDT-1: Provide Pedestrian Network Improvements (0 to 2 percent reduction); and • SDT-2: Traffic Calming Measures (0.25 to 1.0 percent reduction). Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works. TRA-2 Future non-residential developments and non-residential components of a development within the limits of the project area shall be required	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		to implement the following commute trip reduction measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures: • TRT-1: Implement Voluntary CTR Programs (1.0 to 6.2 percent reduction); • TRT-2: Implement Mandatory CTR Programs – Required Implementation/Monitoring (4.2 to 21.0 percent reduction); • TRT-3: Provide Ride-Sharing Programs (1 to 15 percent reduction); • TRT-4: Implement Subsidized or Discounted Transit Program (0.3 to 20.0 percent reduction) • TRT-5: Provide End of Trip Facilities; • TRT-6: Telecommuting and Alternative Work Schedules (0.07 to 5.5 percent reduction); • TRT-7: Implement Commute Trip Reduction Marketing (0.8 to 4.0 percent reduction); • TRT-8: Implement Preferential Parking Permit Program; • TRT-9: Implement Car-Sharing Program (0.4 to 0.7 percent reduction); • TRT-10: Implement School Pool Program (7.2 to 15.8 percent reduction); • TRT-11: Provide Employer-Sponsored Vanpool/Shuttle (0.3 to 13.4 percent reduction); • TRT-12: Implement Bike-Sharing Program; • TRT-13: Implement School Bus Program (38 to 63 percent reduction); • TRT-14: Price Workplace Parking (0.1 to 19.7 percent reduction); and • TRT-15: Implement Employee Parking "Cash-Out" (0.6 to 7.7 percent reduction). Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.	
	TRA-3: Project implementation could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	TRA-4: Project implementation could result in inadequate emergency access.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Future development, combined with other related projects, could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and result in cumulative impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Future development, combined with other related projects, could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	Refer to Mitigation Measures TRA-1 and TRA-2.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Future development, combined with other related projects, could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and result in cumulative impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Future development, combined with other related projects, could result in inadequate emergency access.	No mitigation measures are required.	Less Than Significant Impact.
5.8	**Air Quality**		
	AQ-1: Short-term construction activities associated with the proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard.	AQ-1 Prior to issuance of any grading permit for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), the City Planning Division shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications. AQ-2 Each development project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) shall submit a Construction Management Plan to the City Engineer prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a traffic control plan shall include, as deemed necessary by the City Engineer, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the traffic control plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	AQ-2: Implementation of the proposed project could result in increased impacts pertaining to operational air emissions.	No mitigation measures are required.	Less Than Significant Impact.
	AQ-3: Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.	AQ-3 The City of Dana Point shall require applicants of future residential developments within the Doheny Village Zoning District to conduct a Health Risk Assessment (HRA) in accordance with South Coast Air Quality Management District (SCAQMD), the California Office of Environmental Health hazard Assessment (OEHHA), and California Air Resources Board (CARB) recommended guidance as part of the environmental review process if any portion of a proposed residential development is sited within 500 feet of Interstate 5 (I-5).	Less Than Significant Impact With Mitigation Incorporated.
	AQ-4: Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.	Refer to Mitigation Measures AQ-1 through AQ-3.	Less Than Significant Impact With Mitigation Incorporated.
	AQ-5: Implementation of the proposed project could create objectionable odors affecting a substantial number of people.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.	Refer to Mitigation Measures AQ-1 and AQ-2.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Implementation of the proposed project and other related cumulative projects could result in increased impacts pertaining to operational air emissions.	Refer to Mitigation Measure AQ-3.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Implementation of the proposed project and related projects could result in cumulatively considerable odor impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Implementation of the proposed project and related projects could result in cumulatively considerable carbon monoxide hotspot impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Implementation of the proposed project and related projects could result in cumulatively considerable inconsistencies with the applicable air quality plan.	No mitigation measures are required.	Less Than Significant Impact.
5.9	**Greenhouse Gas Emissions**		
	GHG-1: Greenhouse gas emissions generated by the project could have a significant impact on global climate change.	No mitigation measures are required.	Less Than Significant Impact.
	GHG-2: Implementation of the proposed project could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Greenhouse gas emissions generated by the project and other related cumulative projects could have a significant impact on global climate change.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Implementation of the proposed project and other related cumulative projects could conflict with an applicable	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	greenhouse gas reduction plan, policy, or regulation.		
5.10	**Energy**		
	EN-1: The project could result in wasteful, inefficient, or unnecessary consumption of energy resources.	No mitigation measures are required.	Less Than Significant Impact.
	EN-2: The project could conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Implementation of the project and other cumulative projects could result in wasteful, inefficient, or unnecessary consumption of energy resources.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: Implementation of the project and other cumulative projects could conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	No mitigation measures are required.	Less Than Significant Impact.
5.11	**Noise**		
	NOI-1: Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.	NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following: • Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. • Place noise-generating construction equipment and construction staging areas away from sensitive uses. • Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 11.10.014, Special Provisions, of the *Dana Point Municipal Code*. • Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		• The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. • Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Development Services Department.	
	NOI-2: Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.	NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit. NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction. • Impact pile driving within 100 feet of any building shall utilize alternative	Less Than Significant Impact With Mitigation Incorporated.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers. • Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems.	
	NOI-3: Future noise levels associated with implementation of the proposed project could result in a substantial permanent increase in ambient noise levels in the project vicinity and expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	NOI-4 Prior to issuance of building permits, a Noise Assessment shall be prepared, to the satisfaction of the City of Dana Point City Planner, which demonstrates on-site placement of stationary noise sources at commercial and industrial uses would not exceed noise standards established in the *City of Dana Point Municipal Code* Chapter 11.10, Noise Control. The Noise Assessment shall verify that stationary noise sources (e.g., loading dock facilities, mechanical equipment, and parking lots) are adequately shielded and/or located at an adequate distance from on-site sensitive receptors and residences in order to comply with noise regulations established by the City of Dana Point.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.	Refer to Mitigation Measure NOI-1.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.	Refer to Mitigation Measures NOI-2 and NOI-3.	Less Than Significant Impact With Mitigation Incorporated.
	Cumulative Impacts: The proposed project could result in a significant increase in traffic and long-term stationary ambient noise levels.	Refer to Mitigation Measure NOI-4.	Less Than Significant Impact With Mitigation Incorporated.
5.12	**Population and Housing**		
	PHE-1: The project could directly or indirectly induce substantial unplanned population growth.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The proposed project, combined with other related projects, could result in cumulatively considerable impacts related to substantial unplanned population growth.	No mitigation measures are required.	Less Than Significant Impact.
5.13	**Public Services/Recreation and Utilities**		
	PSRU-1: Project implementation could result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-2: Project implementation could result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	PSRU-3: Project implementation could result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-4: Project implementation could result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated. Project implementation would result in the construction of parks and recreational facilities which could have an adverse physical effect on the environment.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-5: Project implementation could have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and would not require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-6: Project implementation could result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, exceed wastewater treatment requirements of the applicable regional water quality control board, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-7: Project implementation could result in the construction of new storm water drainage facilities or the expansion of existing facilities.	No mitigation measures are required.	Less Than Significant Impact.
	PSRU-8: Project implementation could be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for fire protection services that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for police protection services that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for school services that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for parks and recreational facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for water facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for wastewater facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for stormwater drainage facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	Cumulative Impacts: The project combined with other cumulative projects could create increased demand for solid waste generation that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.

1.5 SIGNIFICANT UNAVOIDABLE IMPACTS

Compliance with existing regulations and the specific mitigation measures summarized above would reduce project impacts to less than significant levels and no significant unavoidable impacts would occur.

1.6 SUMMARY OF PROJECT ALTERNATIVES

"NO PROJECT" ALTERNATIVE

In accordance with the *CEQA Guidelines*, "the no project analysis shall discuss the existing conditions …, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The *CEQA Guidelines* continue to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." The "No Project" Alternative includes a discussion and analysis of the existing baseline conditions at the time the Notice of Preparation was published on March 13, 2020. The "No Project" scenario is described and analyzed to enable the decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

According to *CEQA Guidelines* Section 15126.6(e), the specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The "no project" analysis is required to discuss the existing

conditions (at the time the Notice of Preparation is published), as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Therefore, the No Project Alternative discussed below considers the existing baseline conditions at the time the Notice of Preparation was published on March 13, 2020.

The No Project Alternative assumes the circumstance under which the proposed project does not proceed and the project site's existing General Plan land use designations and zoning are preserved. Under this Alternative, the site's existing improvements associated with the site's existing uses would remain. However, the No Project Alternative would not preclude future redevelopment in accordance with the site's existing General Plan land use designations and zoning. Under the No Project Alternative, the Zoning Code Amendment, General Plan Amendment, and Local Coastal Program Amendment would not occur.

Compared to existing conditions, the No Project Alternative would have a net development potential of -37 dwelling units and 301,055 additional square feet of nonresidential development, with a net population decrease of 86 persons. In other words, buildout of the No Project Alternative would result in less residential development compared to existing conditions. In comparison to the net development potential of the proposed project, this alternative would result in 849 fewer dwelling units, 1,978 fewer residents, and 16,562 fewer square feet of non-residential development. Thus, compared to the proposed project, the No Project Alternative is essentially a "no build" alternative in which no new development would occur.

"ROMA DESIGN GROUP DRAFT PLAN" ALTERNATIVE

The City retained the services of ROMA Design Group in 2011 for the development of a new land use plan (draft ROMA plan) for the project area (formerly called the "Doheny Village Plan"). The purpose of the planning effort was to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. The draft ROMA plan was completed in 2013; however, due to a variety of reasons, it was not processed for approval.

The draft ROMA plan includes an overview of the area, background on its history and evolution, planning goals and policies to guide the future development of Doheny Village, and a more specific description of the development strategy and the recommendations for land use, circulation, and access. The land use plan included in the draft ROMA plan proposed two residential areas - the Small Lot Residential area and the Live/Work residential district. In addition, it identified a Mixed Use area of residential, commercial, and institutional uses that already exists, a Neighborhood Commercial frontage along Doheny Park Road, and the Industrial Arts District. It also identified two existing smaller uses within the area, institutional and multi-family residential, which were not intended to be expanded, simply maintained.

At buildout, the draft ROMA plan would accommodate development of the following:

- Small Lot Residential: 330 dwelling units on 165 parcels;

- Live/Work: 66 dwelling units plus 33,000 square feet of commercial uses;

- Neighborhood Commercial: 265,000 square feet. This includes 185,000 square feet of existing and new street front retail plus 80,000 square feet of existing retail in the Capistrano Valley Plaza shopping center;

- Industrial Arts: 170,000 square feet;

- Small Lots south of Victoria: 85,000 square feet (110,000 square feet of land on approximately 20 parcels, each around 5,500 square feet) and assumes 65,000 square feet of ground floor space plus a 20,000 square foot mezzanine;

- Large Parcel north of Victoria: 153,000 square foot parcel and 85,000 square feet of new industrial arts (comparable to the existing mini-storage building size); and

- Existing Mixed Use Area:

    - Commercial Office: 40,000 square feet;
    - Residential: 40 units;
    - Mixed Residential and Commercial: 22,000 square feet; and
    - Institutional: Fire Station, 2 pre-schools.

Overall, buildout of the ROMA Design Group Draft Plan Alternative would allow for the development of 476 dwelling units and 768,000 square feet of nonresidential development, with a resultant population of 1,109 persons. Compared to existing conditions, this alternative would have a net development potential of 26 dwelling units, 312,990 square feet of nonresidential development, with a net population increase of 61 persons. As with the proposed project, the ROMA Design Group Draft Plan would require approval of a General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Amendment. To create an integrated street system, the draft ROMA plan included a variety of intersection improvements, new intersections, and new streets altogether to support future land divisions. The draft ROMA plan also assumed that a subdivision map would be required prior to future development activities involving land divisions.

"ENVIRONMENTALLY SUPERIOR" ALTERNATIVE

The No Project Alternative is the environmentally superior alternative, as it would avoid or lessen most of the project's environmental impacts. According to CEQA Guidelines Section 15126.6(e), "if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the ROMA Design Group Draft Plan Alternative is considered environmentally superior to the proposed project. The ROMA Design Group Draft Plan Alternative would be environmentally superior to the proposed project for three topical areas but would be environmentally inferior to the proposed project for four topical areas. However, , the ROMA Design Group Draft Plan Alternative would only achieve one of the project's basic objectives. This alternative would not preserve the character and vitality of Doheny Village, provide updated zoning within Doheny Village that aligns and respects existing nonconforming uses, or offer incentives for rehabilitation and new development in Doheny Village by investing in beautification. Further, the City received a number of written and verbal comments

regarding issues related to parking, nonconforming uses, and development standards included in the draft ROMA plan.

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2.0 Introduction and Purpose

2.0 INTRODUCTION AND PURPOSE

2.1 PURPOSE OF THE EIR

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to avoid or lessen the project's potentially significant effects. This EIR addresses the project's environmental effects, in accordance with *CEQA Guidelines* Section 15161. As referenced in *CEQA Guidelines* Section 15121(a), the primary purposes of this EIR are to:

- Inform decision-makers and the public generally of the significant environmental effects of a project;
- Identify possible ways to minimize the significant effects of a project; and
- Describe reasonable alternatives to a project.

The mitigation measures that are specified shall be adopted as conditions of approval to minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the project.

As Lead Agency, the City of Dana Point (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with *CEQA Guidelines* Section 15093(b), if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency must state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. *CEQA Guidelines* Section 15093 requires a "statement of overriding considerations" where the Lead Agency specifies the findings and public benefits for the project that outweigh the impacts.

This EIR analyzes the project's environmental effects to the degree of specificity appropriate to the current proposed actions, as required by *CEQA Guidelines* Section 15146. The analysis considers the activities associated with the project to determine the short- and long-term effects associated with their implementation. This EIR discusses the project's direct and indirect impacts, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF THE DRAFT EIR

In accordance with *CEQA Guidelines* Sections 15087 and 15105, this Draft EIR will be circulated for a 45-day public review period, beginning on April 26, 2021. Interested agencies and members of the public are invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.

Comment letters should be sent to:

Ms. Belinda Ann Deines, Principal Planner
City of Dana Point
Planning Division
33282 Golden Lantern
Dana Point, California 92629
bdeines@danapoint.org

CERTIFICATION OF THE FINAL EIR

Pursuant to *CEQA Guidelines* Section 15132, *Contents of Final Environmental Impact Report*, the Final EIR will consist of:

a) The Draft EIR or a revision of the Draft;
b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
e) Any other information added by the Lead Agency.

Additionally, pursuant to *CEQA Guidelines* Section 15088, *Evaluation of and Response to Comments*, at least ten days prior to certifying the EIR, the City will provide a written proposed response to a public agency on comments made by that agency.

PROJECT CONSIDERATION

After Final EIR certification, the City Council may consider approval of the proposed project. A decision to approve the project would be accompanied by specific, written findings, in accordance with *CEQA Guidelines* Section 15091, and if required, a specific written statement of overriding considerations, in accordance with *CEQA Guidelines* Section 15093.

2.3 NOTICE OF PREPARATION/ EARLY CONSULTATION (SCOPING)

In compliance with the *CEQA Guidelines*, the City has provided opportunities for various agencies and the public to participate in the environmental review process. During EIR preparation, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of the review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the Draft EIR. The NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the Draft EIR. The NOP was distributed for a 30-day public review period from March 13, 2020 through April 13, 2020.

In addition, a public scoping meeting was scheduled on March 25, 2020 at 6:00 p.m. at the Dana Point Community Center located at 34052 Del Obispo Street, Dana Point, California 92629. However, due to Governor Gavin Newsom's Executive Order related to the COVID-19 pandemic, all City facilities were closed and the public scoping meeting was rescheduled to May 20, 2020. With the COVID-19 restrictions in place, the scoping meeting was recorded and made available online for viewing on the City's YouTube page. The public comment period for the NOP was also extended to allow parties to provide comments after viewing the recorded scoping meeting from April 13, 2020 to May 28, 2020.

The scoping meeting's purpose was to:

- Inform the public of the proposed project and the City's intent to prepare an EIR;
- Present an overview of the CEQA EIR process;
- Review the topics to be addressed in the EIR; and
- Receive public comments on issues of concern and environmental topics to be addressed in the EIR.

The NOP and NOP comments are provided as Appendix 11.2, *Notice of Preparation and Comment Letters*, and have been addressed in each appropriate topical area of this EIR. Issues raised in the NOP comments are summarized below:

- Request for additional information regarding the rescheduled scoping meeting due to the COVID-19 pandemic and additional time to submit comments (refer to Section 2.3, *Notice Of Preparation/Early Consultation (Scoping)*);

- Land use impacts associated with the project, specifically the introduction of residential uses near or adjacent to existing commercial nodes and compatibility of new development in the established Doheny Village community (refer to Section 5.1, *Land Use and Relevant Planning*);

- Comments regarding aesthetic impacts of the proposed project, including visual obstructions due to proposed building heights and densities (refer to Section 5.2, *Aesthetics/Light and Glare*);

- Project impacts on cultural resources, including historic and tribal cultural resources (refer to Section 5.3, *Cultural and Tribal Cultural Resources*);

- Comments related to the project's hydrology and stormwater quality impacts (refer to Section 5.5, *Hydrology and Water Quality*);

- Comments requesting the integration of Complete Streets infrastructure in the project area, an analysis of the project's transportation impacts on State facilities, and incorporation of a transportation analysis using both vehicle miles traveled and level of service methodologies (refer to Section 5.7, *Transportation*);

- Potential traffic congestion on roadways within the Doheny Village area (refer to Section 5.7);

- Comments related to the methodology of the air quality analysis and request for a health risk assessment (refer to Section 5.8, *Air Quality*);

- Noise impacts associated with introducing residential uses near or adjacent to existing commercial nodes (refer to Section 5.11, *Noise*); and

- Comments on the project's potential impacts on biological resources (refer to Section 8.0, *Effects Found Not to Be Significant*).

2.4 FORMAT OF THE EIR

The Draft EIR is organized into the following sections:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.

- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.

- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.

- Section 4.0, *Basis of Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.

- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, existing regulatory setting, potential project impacts, potential cumulative impacts, recommended mitigation measures, and significant unavoidable impacts (if any) for the following environmental topic areas:

  - Land Use and Relevant Planning;
  - Aesthetics/Light and Glare;
  - Tribal and Cultural Resources;

- Geology and Soils;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Transportation;
- Air Quality;
- Greenhouse Gas Emissions;
- Energy;
- Noise;
- Population and Housing; and
- Public Services/Recreation and Utilities.

- Section 6.0, *Other CEQA Considerations*, discusses long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project's growth-inducing impacts, including the potential for population growth, is also discussed.

- Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the project or its location that could avoid or substantially lessen the project's significant impact and still feasibly attain the basic project objectives.

- Section 8.0, *Effects Found Not To Be Significant*, explains potential impacts that have been determined not to be significant.

- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, and local agencies, other organizations, and individuals consulted.

- Section 10.0, *Bibliography*, identifies reference sources for the EIR.

- Section 11.0, *Appendices*, contains the project's technical documentation.

2.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to *CEQA Guidelines* Sections 15381 and 15386, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

> *"Responsible Agency" means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)*

> *"Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves*

System. (Section 15386)

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Coastal Commission.

2.6 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with *CEQA Guidelines* Section 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Dana Point Planning Division, located at 33282 Golden Lantern, Dana Point, California, 92629.

- *City of Dana Point General Plan*. The *City of Dana Point General Plan* (General Plan) was adopted by the City Council on July 9, 1991. The General Plan is the City's comprehensive, long-range planning and policy document that not only guides growth and change within Dana Point, but also preserves and protects the unique qualities that the community values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the City's overall vision.

  The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan contains the following elements:

  - Land Use;
  - Urban Design;
  - Housing (last amended December 2013);
  - Circulation;
  - Noise;
  - Public Safety;
  - Conservation and Open Space;
  - Public Facilities/Growth Management; and
  - Economic Development.

- *Dana Point Municipal Code (current through Ordinance 20-01 and the July 2020 code supplement)*. The *Dana Point Municipal Code* (Municipal Code) consists of all the regulatory and penal ordinances and administrative ordinances of the City of Dana Point. The Municipal Code is one of the City's primary tools to implement control of land uses, in accordance with General Plan goals and policies. The Dana Point Zoning Code, included as Municipal Code Title 9, *Zoning*, provides the legislative framework to implement and enhance the General Plan and Local Coastal Program (LCP) by classifying and regulating the uses of land and structures within the City. Additionally, Municipal Code Title 8, *Buildings and Construction*, specifies rules and regulations for construction, alteration, and building for uses of human habitation.

- *Dana Point Specific Plan/1986 Local Coastal Program*. The *Dana Point Specific Plan/1986 Local Coastal Program* (1986 LCP) was based originally on the former County of Orange LCP (dated April 1980) for geographic areas that later became part of the City when it incorporated in 1989. While the City's certified LCP is comprised of a number of different documents, which serve as the LCP for specific geographic areas within Dana Point, the 1986 LCP is applicable to the project site and regulates development within.

  The 1986 LCP implements the goals and policies of the General Plan, particularly the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP implements the California Coastal Act of 1976 by addressing shoreline access/recreation and visitor-serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. The 1986 LCP also details land use regulations, resolution of General Plan/zoning inconsistencies, provision of municipal level community services, and community participation.

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3.0 Project Description

3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION AND SETTING

3.1.1 PROJECT LOCATION

The City of Dana Point (City) is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles; refer to Exhibit 3-1, *Regional Vicinity*. The community consists of coastal bluffs and rolling hills located along seven miles of the Pacific Ocean. Surrounding cities include Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south.

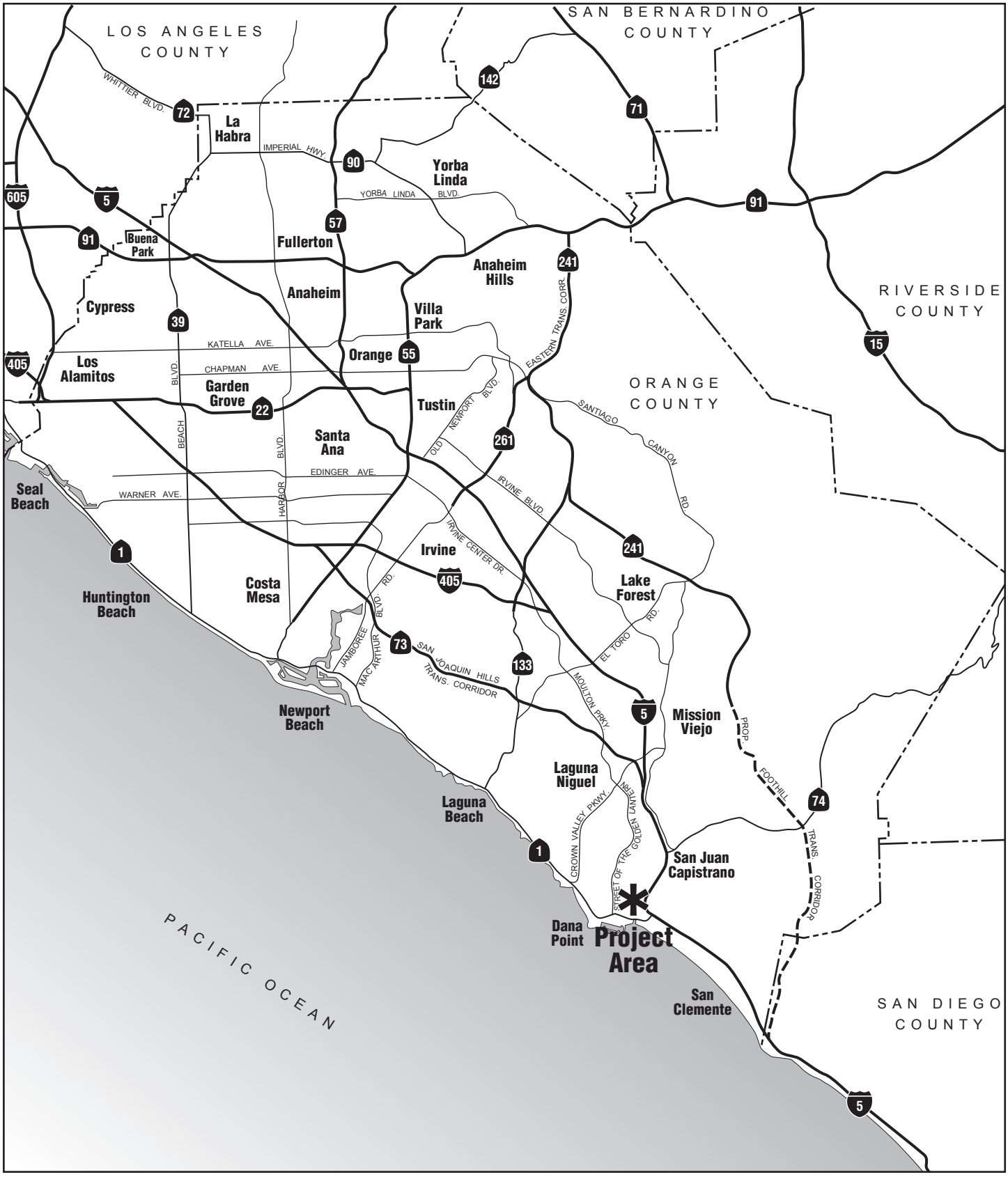
The project site is commonly referred to as Doheny Village and consists of approximately 80 acres bounded by the City of San Juan Capistrano and Interstate 5 (I-5) on the north, the I-5 off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way on the west; refer to Exhibit 3-2, *Site Vicinity*. Regional access to the site is provided via I-5 and Pacific Coast Highway. The primary local roadway providing access through the project site is Doheny Park Road.

3.1.2 PROJECT SETTING (EXISTING CONDITIONS)

The project site encompasses a mix of existing residential, commercial, retail, manufacturing, and institutional uses; refer to Exhibit 3-2. Based on the *Dana Point General Plan* (General Plan) Land Use Map, the project site is designated Community Commercial (CC), Commercial/Residential (C/R), Residential 22-30 DU/AC (RES-22-30), Community Facility (CF), and Recreation/Open Space (R/OS) and is situated within the Coastal Overlay Boundary; refer to Exhibit 3-3, *Existing General Plan Land Use Map*. Based on the City's Zoning Map, the project site is zoned Community Commercial/Vehicle (CC/V), Community Commercial/Pedestrian (CC/P), Commercial/Residential (C/R), Residential Multiple Family 30 DU/AC (RMF 30), Community Facilities (CF), Recreation (REC), and Open Space (OS), and is situated within the Floodplain Overlay (FP-2) and Coastal Overlay; refer to Exhibit 3-4, *Existing Zoning Map*.

Slightly more than half of the residential uses is comprised of the Beachwood Mobile Home Park located to the east of Doheny Park Road. Most of the remaining residential uses are primarily located to the east of Sepulveda Avenue, with a pocket of multi-family housing units located to the south of Domingo Avenue. This portion of the project area consists of a mix of land uses (residential, commercial, and institutional uses). On average, residential densities range from about 12 dwelling units per acre in the mobile home park to about 36 dwelling units per acre elsewhere in the project area.

Institutional uses within the project site are situated to the east of Doheny Park Road and south of Victoria Boulevard. These include private schools and two churches (San Felipe de Jesus Catholic Church and Capo Beach Church). To the east of Sepulveda Avenue is Capistrano Unified School District property, which is currently used for bus maintenance and storage.



NOT TO SCALE

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06/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Regional Vicinity

Exhibit 3-1



Source: Google Maps Pro, 2020

Project Site

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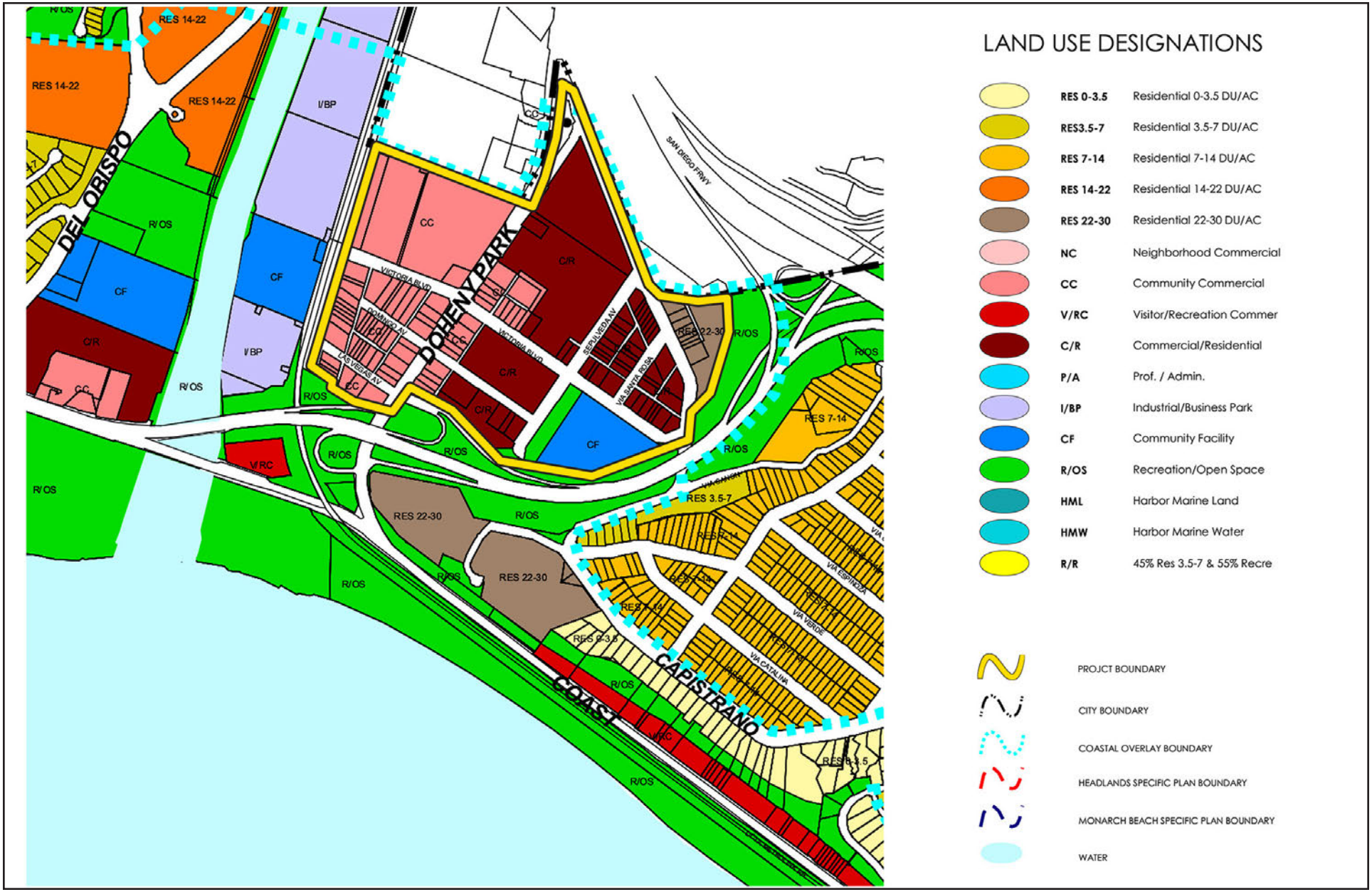
DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Site Vicinity

Exhibit 3-2



Source: City of Dana Point, 1993.

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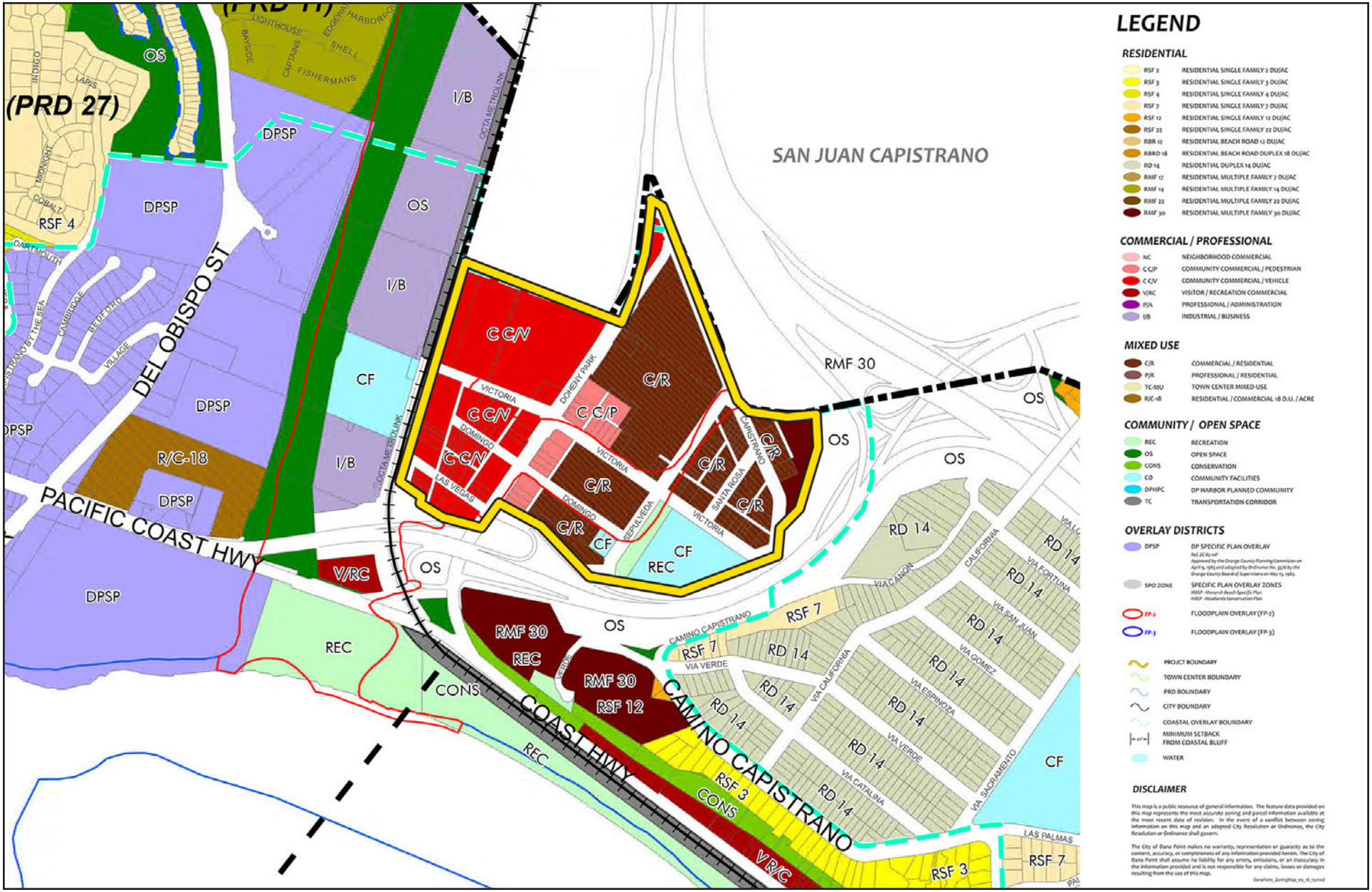
DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Existing General Plan Land Use Map

Exhibit 3-3



Source: City of Dana Point, August 2012.

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06/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Existing Zoning Map

Exhibit 3-4

The Capistrano Valley Plaza Shopping Center, constructed in 1965, is located in the northern portion of the project site on the west side of Doheny Park Road. Currently, the shopping center includes three primary tenants, Smart & Final, Dollar Tree, and Big 5 Sporting Goods, as well as a restaurant (Las Golondrinas), bar (Doheny Saloon), and gas station. The majority of the buildings are set back from the street and separated from Doheny Park Road by a large surface parking lot.

The east side of Doheny Park Road, across from the Capistrano Valley Plaza Shopping Center, is developed with a series of older retail establishments that extend southward along Doheny Park Road. In this block, the uses vary from relatively small-scale stores to fairly large retail outlets, including Mission Glass, Surf Cycle Laundromat, Nikki's Café, Ganahl Lumber, Beach Cities Glass, and Feed Barn. South of Victoria Boulevard is a Sherwin-Williams Paint Store, as well as restaurants, a post office, car wash, U-Haul store, and small structures with a mixture of retail and professional services.

Industrial/manufacturing uses, including a number of surfboard manufacturing, automotive repair, metal fabrication, and construction-related businesses, are mostly located to the south of Victoria Boulevard and west of Doheny Park Road.

Approximately seven acres of land adjacent to the SCRRA/OCTA railroad right-of-way is used for storage. These mostly include self-storage units, as well as a large boat storage area that is secured and fenced.

Table 3-1, *Existing On-Site Development*, details existing residential and non-residential development in the project area.

Table 3-1
Existing On-Site Development

Land Use	Existing Development
Residential	
Single-Family	13 units
Multifamily	273 units
Mobile Home Park	160 units
Total – Residential	***446 units***
Commercial[1]	172,501 square feet
Industrial	137,729 square feet
Office	57,187 square feet
Other[2]	147,990 square feet
Total – Nonresidential	***515,407 square feet***

Notes:
[1] The 'Commercial' land use category includes existing commercial as well as existing museum, auto care center, and athletic club uses.
[2] The 'Other' land use category includes existing church, fire station, daycare, and bus storage facilities.

Source: Linscott, Law and Greenspan, Engineers, *Existing Traffic Conditions and Forecasting Methodology Memorandum for the Doheny Village Zoning District Overlay Project Dana Point, CA*, April 27, 2020.

SURROUNDING LAND USES

Surrounding land uses include industrial/business park, commercial, community facility, and recreation/open space uses, which are further described as follows:

- *North*: Commercial uses, including but not limited to Costco Wholesale, Staples, and PetSmart, are located to the north of the project site. Uses to the north are located within the City of San Juan Capistrano.

- *East*: Industrial uses, including a self-storage facility, and I-5 are located to the east of the project site. Uses to the east are located within the City of San Juan Capistrano.

- *South*: Pacific Coast Highway bounds the project site to the south. Further south of Pacific Coast Highway, land uses include residential, recreational (Doheny State Beach), and hotel (Doubletree Hotel) uses.

- *West*: The SCRRA/OCTA railroad right-of-way bounds the project site to the west. Further west, land uses include light industrial/manufacturing and storage uses as well as the San Juan Creek.

3.2 BACKGROUND AND HISTORY

The City retained the services of ROMA Design Group in 2011 for the development of a new land use plan (draft plan) for the project area (formerly called the "Doheny Village Plan"). The purpose of the planning effort was to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. The draft plan was completed in 2013; however, due to a variety of reasons, it was not processed for approval.

On July 21, 2015, the City retained Opticos Design, Inc. (Opticos) to further refine the vision plan and develop implementation language to be incorporated into the City's Zoning Code. Opticos refined the plan and developed new zoning districts for Doheny Village utilizing form-based code.

In March 2016, the draft code was informally distributed as part of a Notice of Preparation for the Doheny Village Plan EIR. A scoping meeting was also held on March 16, 2016 at the Dana Point Community Center. The City received a number of written and verbal comments regarding issues related to parking, nonconforming uses, and development standards. Comprised of long-term business owners, property owners, and City residents, Doheny Village Merchants' Association (DVMA) was formed in late 2016 to address concerns with the proposed plan.

From October 2017 to February 2018, City staff re-initiated a public engagement process to inform, consult, and involve DVMA with a series of monthly meetings that featured interactive presentations and group discussions structured by a citizen partnership model. Meetings focused on challenges and opportunities related to land uses and development standards in the project area, as well as identifying areas of consensus to move forward with the project.

On March 20, 2018, the City Council received an updated report on the Doheny Village Plan and adopted its revised "guiding principles." The City Council directed staff to continue meeting with the DVMA as a working group as well as the following:

- Prepare a draft zoning code update;
- Prepare a zone text amendment to streamline existing, nonconforming property regulations and provide more flexibility for Doheny Village property owners to invest in updating and improving their properties;
- Prepare a beautification plan; and
- Suspend work on the Doheny Village Plan EIR.

The Doheny Village Working Group (Working Group) consists of select community representatives that have been actively involved in the draft zoning code update process and convened on a monthly basis with City staff from July 2018 to November 2019. The Working Group developed an action plan and timeline to achieve long-term goals for the zoning code update, zone text amendment, and beautification plan.

On October 2, 2018, the City Council adopted a zoning code update to allow greater flexibility to expand, improve, and maintain existing, nonconforming structures and uses in Doheny Village. The majority of structures were built under County of Orange jurisdiction and are more than 45 years in age. As an incentive to encourage property owners to improve their existing properties in the short-term, the zoning code update removes the requirement for a Conditional Use Permit and allows up to 75 percent demolition of existing structures. These amendments to the *City of Dana Point Local Coastal Plan* have been submitted to the California Coastal Commission for review and approval. Once adopted, these provisions are set to expire on December 31, 2025.

From August 2018 to December 2018, the Working Group developed land use tables and zoning maps. Community members identified three core areas within Doheny Village:

- Mixed Commercial/Light Industrial: West of Doheny Park Road, behind the alley;
- Mixed Commercial/Residential: East of Doheny Park Road, behind the alley; and
- Mixed Commercial/Residential Main Street: Properties fronting Doheny Park Road.

Based on the historical pattern of development, the draft zoning map (the subject of this EIR) includes new zoning districts in Doheny Village. Some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes would likely spur both small- and large-scale redevelopment in Doheny Village.

3.3 PROJECT CHARACTERISTICS

3.3.1 PROJECT DESCRIPTION

The purpose and intent of the proposed Doheny Village Zoning District Update Project (project) is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village.

ZONING CODE AMENDMENT

The project provides the following three new zoning districts specific to the project area as illustrated on Exhibit 3-5, *Doheny Village Zoning District Update*. Note, the southeastern parcels zoned CF and REC would maintain their existing zoning districts.

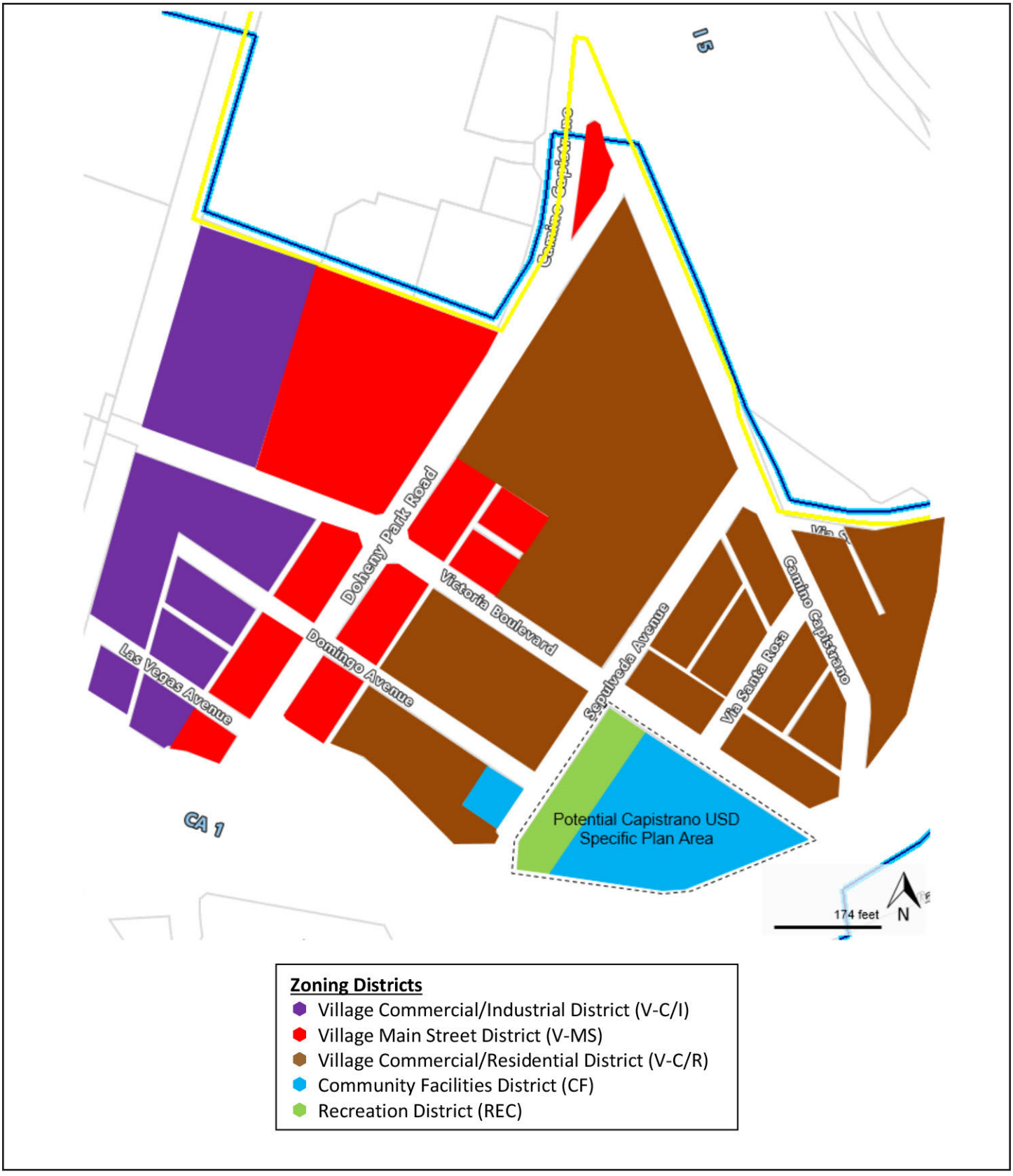
- *Village Commercial/Industrial*. The Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. This district provides for the development of a commercial and industrial area that includes adequate circulation and landscaping, attractive buildings, and coordinated signage.

- *Village Commercial/Residential*. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. This district provides a residential density of 30 dwelling units per acre, with the exception that parcels greater than 10 acres are limited to a maximum density of 50 dwelling units per acre.

- *Village Main Street*. The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environment with storefront-style frontages along Doheny Park Road. This district provides a residential density of 30 dwelling units per acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard, which are limited to a maximum density of 10 dwelling units per acre.

The project proposes the following to be comprehensively integrated into the *Dana Point Municipal Code* (Municipal Code) as Chapter 9.14, *Doheny Village Districts* (refer to Appendix 11.1, *Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)*):

- Allowed Uses;
- Development Standards (e.g., lot size, setback, density, open space, and landscaping requirements);
- Special Development Standards (e.g., maximum density, housing incentive overlay, accessory uses and structures, parking requirements, and art-in-public-places program); and
- Special Use Standards.



Doheny Village Zoning District Update

Exhibit 3-5

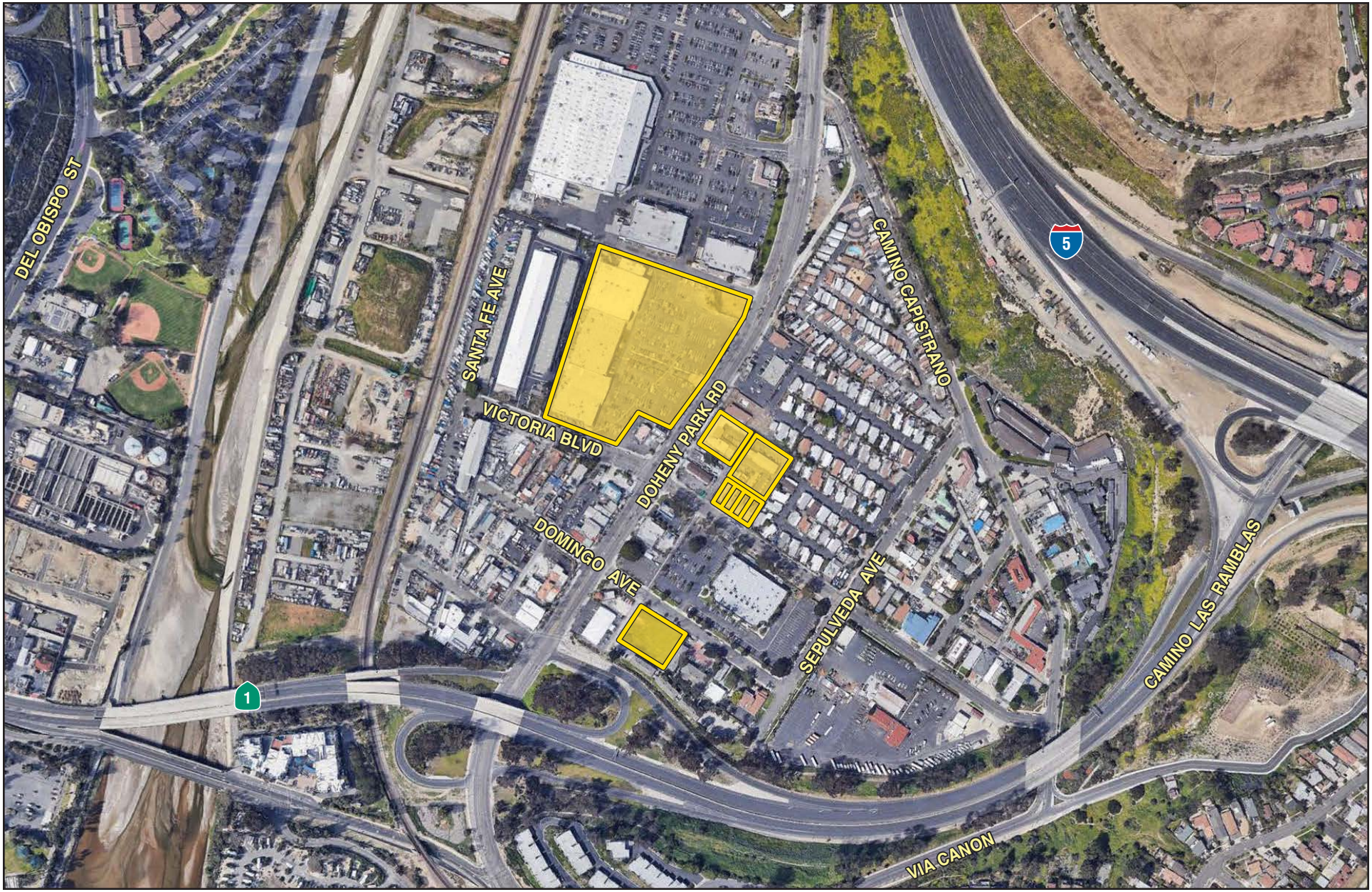
Table 3-2, *Doheny Village Development Standards*, details the proposed development standards for each new zoning district. It is acknowledged that proposed Special Development Standards include a Housing Incentive Overlay. Parcels located within the Housing Incentive Overlay are designated as adequate sites for residential development as defined by the Housing Element of the City's General Plan; refer to Exhibit 3-6, *Housing Incentive Overlay*. All land uses and development standards of the underlying zoning districts would be applicable, with the exception of the following standards if residential development is proposed on parcels within the Housing Incentive Overlay: (1) At least fifty (50) percent of the total building gross floor area, excluding parking facilities, constructed on such parcels shall be residential uses; (2) A minimum density of 20 dwelling units per acre shall be required; and (3) A maximum density of 35 dwelling units per acre shall be permitted.

Table 3-2
Doheny Village Development Standards

Development Standards	Village Commercial/ Industrial (V-C/I)	Village Commercial/ Residential (V-C/R)	Village Main Street (V-MS)
Minimum Lot Size	2,500 square feet	2,500 square feet	4,800 square feet
Minimum Lot Width	25 feet	25 feet	40 feet
Minimum Lot Depth	130 feet	100 feet	120 feet
Maximum Lot Coverage	80%	80%	80%
Maximum Building Height	35-40 feet; three stories	35-50 feet north of Victoria Boulevard; 35-40 feet south of Victoria Boulevard; three stories	35-40 feet; three stories
Maximum Floor Area Ratio/ Residential Density[1]	0.75-1.5:1	30 du/ac; 50 du/ac for lots greater than 10 acres	10 du/ac south of Victoria Boulevard; 30 du/ac
Minimum Setbacks			
Front Yard			
From Public Street Right-of-Way	0 feet	5 feet	0 feet
Residential Uses Adjacent to V-C/I District	NA	NA	50 feet from alley; 100 feet from Victoria Boulevard
Side Yard			
Interior Side	0 feet	0 feet	0 feet
Street Side	0 feet	0 feet	0 feet
Rear Yard			
Standard Lot	0 feet	0 feet	5 feet
Adjacent to Alley or Street	0 feet	0 feet	0 feet
Minimum Landscape Coverage	5%	5%	5%
Minimum Building Separation	6 feet	6 feet	6 feet
Open Space – *Residential Uses Only*	NA	100 square feet per dwelling unit	100 square feet per dwelling unit

Notes: NA = Not Applicable; du/ac = dwelling units per acre
1. It is acknowledged that the proposed Housing Incentive Overlay would range from 20-35 du/ac, but would not to exceed the overall 30 du/ac density assumed in this analysis, as the City would be required to track the overall unit count and maximum buildout for future development in Doheny Village.

Source: City of Dana Point, 2020.



Source: Google Maps Pro, 2020

NOT TO SCALE

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03/2021 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Housing Incentive Overlay

Exhibit 3-6

GENERAL PLAN AMENDMENT

The project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site specifically, development intensity, and density standards. The proposed land use designations, intensities, and densities are detailed in Exhibit 3-7, *Doheny Village Land Use Designations*.

Table 3-3, *Proposed Development Potential*, details the anticipated development potential of the zoning districts within the project site.

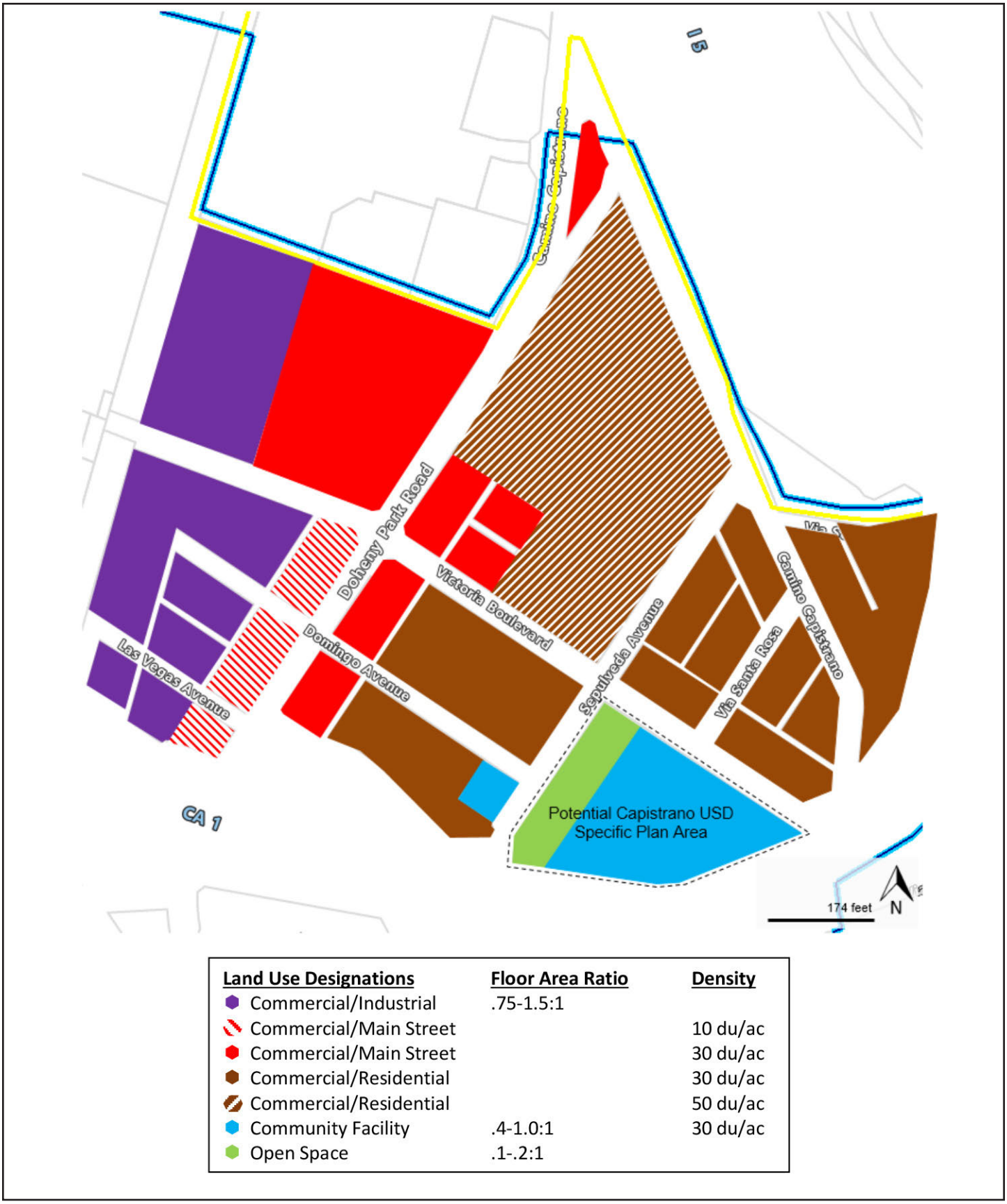
Table 3-3
Proposed Development Potential

Zoning District	Assumed Density	Assumed FAR	Development Potential				
			Dwelling Units	Nonresidential Development (square feet)			
				Commercial	Industrial	Office	Others
Village Commercial/Industrial (V-C/I)	--	--	--	137,201	251,533	68,599	--
Village Commercial/Residential (V-C/R)	30 du/ac	0.25	298	44,195	--	--	--
	50 du/ac	0.25	477	42,429	--	--	--
Village Main Street (V-MS)	10 du/ac	0.25	21	23,017	--	--	--
	30 du/ac	0.25	325	118,060	--	--	--
Community Facilities (CF)	30 du/ac	0.7	137	--	--	--	11,204[1]
Recreation (REC)	--	0.1-0.2	--	--	--	--	--
Total Development Potential			**1,258**	**364,902**	**251,533**	**68,599**	**11,204**
Existing Conditions			*456*	*172,501[2]*	*137,729*	*57,187*	*147,990[3]*
Total Net Development Potential			**812**	**192,401**	**113,804**	**11,412**	**-136,786**

Notes: FAR = floor-area-ratio; du/ac = dwelling units per acre
[1] The 'Other' land use category includes existing church use.
[2] The 'Commercial' land use category under existing conditions includes commercial as well as museum, auto care center, and athletic club uses.
[3] The 'Other' land use category under existing conditions includes church, fire station, daycare, and bus storage facilities.

Source: Linscott, Law and Greenspan, Engineers, *Traffic Analysis Report for the Doheny Village Zoning District Overlay Project Dana Point, CA*, August 26, 2020.

As indicated in Table 3-3, buildout in accordance with the proposed project would allow up to 1,258 dwelling units, 364,902 square feet of commercial use, 251,533 square feet of industrial use, 68,599 square feet of office use, and 11,204 square feet of other nonresidential uses. In comparison to existing conditions, project buildout would allow up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. Additionally, while the proposed project plans for less other nonresidential development compared to existing conditions, existing on-site uses would remain until future redevelopment is proposed at a later date. No demolition or development activities are proposed as part of the project.



Land Use Designations	Floor Area Ratio	Density
Commercial/Industrial	.75-1.5:1	
Commercial/Main Street		10 du/ac
Commercial/Main Street		30 du/ac
Commercial/Residential		30 du/ac
Commercial/Residential		50 du/ac
Community Facility	.4-1.0:1	30 du/ac
Open Space	.1-.2:1	

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Doheny Village Land Use Designations

Michael Baker INTERNATIONAL

06/2020 | JN 150136

Exhibit 3-7

The City acknowledges that there is a need for a comprehensive General Plan update to identify goals, policies, and design guidelines specific to the unique issues associated with the Doheny Village area. This effort would occur as part of a separate process.

LOCAL COASTAL PROGRAM AMENDMENT

Given that portions of Doheny Village are located within the coastal zone, a Local Coastal Program (LCP) Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the California Coastal Commission.

3.4 GOALS AND OBJECTIVES

CEQA Guidelines Section 15124(b) states that an EIR project description must include "[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project." The proposed project objectives are outlined below.

1. Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).

2. Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.

3. Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.

4. Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.

3.5 PHASING

Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. For analysis purposes, the General Plan buildout year of 2040 is utilized.

3.6 DISCRETIONARY APPROVALS

The applicable discretionary approvals associated with the project include, but are not limited to, the following:

<u>City of Dana Point</u>

- Certification of the EIR;

- Zoning Code Amendment; and
- General Plan Amendment.

California Coastal Commission

- Local Coastal Program Amendment.

4.0 Basis of Cumulative Analysis

4.0 BASIS OF CUMULATIVE ANALYSIS

CEQA Guidelines Section 15355 provides the following definition of cumulative impacts:

> *"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*
>
> *(a) The individual effects may be changes resulting from a single project or a number of separate projects.*
>
> *(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA Guidelines Section 15130 further addresses the discussion of cumulative impacts, as follows:

> *(1) An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.*
>
> *(2) If the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR should briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR.*
>
> *(3) If the combined cumulative impact associated with the project's incremental effect and the effects of other projects is significant, the EIR must determine whether the project's contribution is cumulatively considerable.*
>
> *(4) The EIR may conclude the project's contribution to a significant cumulative impact is less than cumulatively considerable and thus is not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.*

Section 5.0, *Environmental Analysis*, assesses the cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence.

In accordance with *CEQA Guidelines* Section 15130(b), the discussion of cumulative impacts shall be guided by the standards of practicality and reasonableness, and should include the following elements in its discussion of significant cumulative impacts:

1. *Either:*

   A. *A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the Agency, or*

   B. *A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional*

information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

2. *When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.*

3. *Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.*

4. *A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.*

5. *A reasonable analysis of the cumulative impacts of the relevant projects, including examination of reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.*

This EIR evaluates the project's potential cumulative impacts using both the list and summary of projections approaches depending upon which approach is appropriate/relevant for each environmental issue area. The geographic area considered for cumulative impacts varies depending on environmental issue area. For example, the project's operational effects have geographic scopes that are global (such as greenhouse gases, addressed in Section 5.9, *Greenhouse Gas Emissions*), regional (such as air quality, addressed in Section 5.8, *Air Quality*), and local (such as light and glare, addressed in Section 5.2, *Aesthetics/Light and Glare*).

Table 4-1, *Cumulative Projects List*, and Exhibit 4-1, *Cumulative Projects Map*, identify related projects in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following list of projects was developed based on data provided by the City and adjacent jurisdictions as of the date of the Notice of Preparation (March 2020). The implementation of each project represented in Table 4-1 was determined to be reasonably foreseeable.

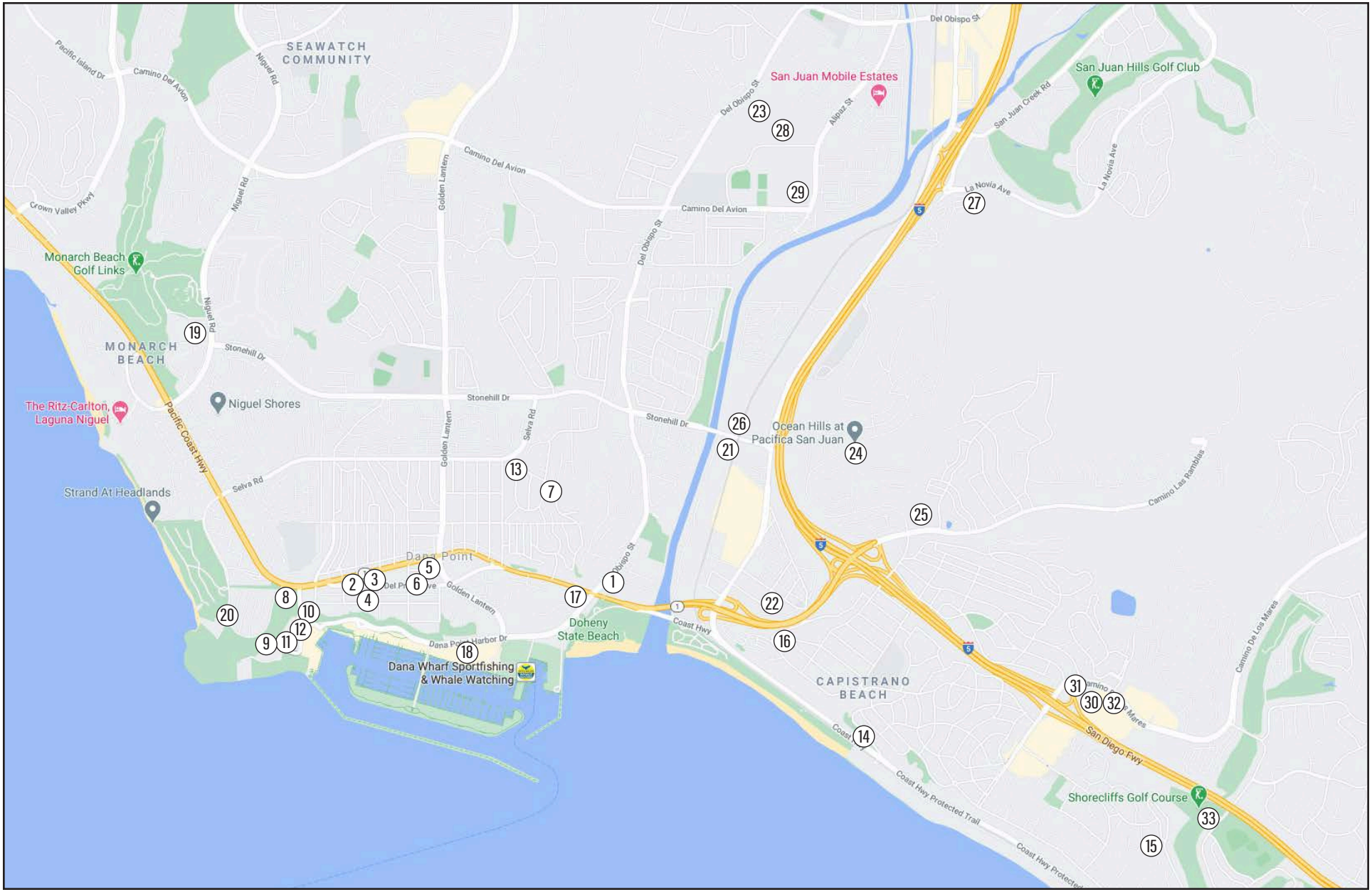
Table 4-1
Cumulative Projects List

Key Map	Project	Location	Land Use	Quantity
City of Dana Point				
1	South Cove	34202 Del Obispo Street	Mixed-Use	Construction of a residential/mixed-use community comprising 168 condominium units and approximately 2,471 square feet of commercial space. A small 0.45-acre portion of the property fronting Pacific Coast Highway is proposed as part of the parkland dedication requirement for the project.
2	Former Dana Marina Inn Site	34111 Pacific Coast Highway	Mixed-Use	Demolition of the former Dana Marina Inn and construction of 30 single-family residences and 11,800 square feet of mixed commercial retail use.
3	Prado West	34135, 34129, 34137, 34155 Pacific Coast Highway and 24471, 24501, 24591 Del Prado (within Town Center Plan area)	Mixed-Use	Demolition of existing structures and construction of a new, three-phased, mixed-use project featuring 32,419 square feet of mixed commercial retail space on the ground floors and 109 residential units on three levels above with subterranean parking.
4	The Greer	24442, 24452, 24470 Del Prado (within Town Center Plan area)	Mixed-Use	Demolition of existing uses and construction of a three-story, mixed-use project consisting of 6,502 square feet of mixed commercial retail use, 3,480 square feet of restaurant space, 12 senior housing units and 56 multifamily units.
5	Vista del Mar	34175 Pacific Coast Highway (within Town Center Plan area)	Mixed-Use	Demolition of the existing 9,376-square foot commercial structure and construction of a new mixed-use development consisting of 8,730 square feet of mixed commercial retail space and 39 dwelling units.
6	24641 Del Prado	24641 Del Prado	Mixed-Use	Construction of a mixed-use development, including 2,661 square feet of commercial space and three multifamily units.
7	St. Edwards Church Expansion	33926 Calle La Primavera	Institutional	Demolition of 13,930-square feet of existing structures and construction of a new 25,393-square foot parish hall and offices.
8	The Wave Resort at the Strand	34075 Pacific Coast Highway	Hotel	Construction of an 84-room hotel with 4,000 square feet of restaurant space.
9	Headlands Luxury Hotel	Southwest of Scenic Drive and Cove Road	Hotel	Construction of a 90-room hotel.
10	Resort Hotel at Cannon's	34344 Green Lantern Street	Hotel	Demolition of existing 11,065-square foot hotel and construction of new 107-room hotel with 2,996 square feet of restaurant space.
11	Lantern Point Hotel	34382 Green Lantern Street	Hotel	Development of a 53-room hotel.
12	Green Lantern Boutique Hotel	34422 Green Lantern Street	Hotel	Development of a 19-room hotel.
13	Calle La Primavera	Calle La Primavera	Residential	Construction of six multifamily residences.
14	Capistrano Seaside Inn	34862 Pacific Coast Highway	Hotel	Development of a 28-room hotel.
15	Infill Residential Project	35200 Del Rey	Residential	Construction of 10 single-family residential units.
16	Capistrano Hillside Project	Camino Capistrano and Via Canon	Residential	Development of 11 single-family residential units.

Table 4-1 (Continued)
Cumulative Projects List

Key Map	Project	Location	Land Use	Quantity
17	Dana Point Harbor Inn	Southwest corner of Pacific Coast Highway and Dana Point Harbor Drive	Hotel	Demolition of existing 45-room hotel and construction of 275-room hotel.
18	Dana Point Harbor Revitalization	Harbor Drive and Golden Lantern	Commercial	Replacement/relocation of existing retail and restaurant uses. Construction of a new lighthouse facility, retail and restaurant uses, a festival plaza, and a parking deck.
19	Grand Monarch Residential	Niguel Road and Stonehill Drive	Residential	Construction of 45 multifamily dwelling units.
20	Headlands Residential	Southwest of Pacific Coast Highway and Shoreline Drive	Residential	Development of 39 single-family residential units.
21	South Coast Water District Doheny Desalination Plant	Stonehill Drive between San Juan Creek and railroad	Utility	Construction of a desalination plant with 15 million gallons per day treatment capacity.
22	Victoria Boulevard Apartments	26126 Victoria Boulevard	Residential	Development of a 400-unit apartment complex, attached parking structure, and amenities in accordance with the Victoria Boulevard Specific Plan.
City of San Juan Capistrano				
23	Mountain View Church	32382 Del Obispo Street	Institutional	Construction of a 17,000-square foot church.
24	Pacifica San Juan	Northeast of Interstate 5 and Camino Las Ramblas	Residential	Development of 334 single-family and 82 multifamily residential units.
25	Capistrano Unified School District Property	Northeast corner of Camino Las Ramblas and Avenida California	Residential	Development of a 40-uniit single-family development and two-acre public park.
26	Ganahl Lumber	Northeast of Stonehill Drive and San Juan Creek	Commercial/ Restaurant	Demolition of several existing structures and development of a 16,311-square foot lumber store, 6,000-square foot fast food restaurant, and 399-space vehicle storage.
27	Distrito La Novio	North and south sides of La Novia Avenue east of Valle Road	Mixed-Use	Construction of a mixed-use development consisting of 75,100 square feet of commercial space, 16,000 square feet of office use, 140 multifamily units, and 93 single-family units.
28	Farms at Del Obispo	32382 Del Obispo Street	Residential	Development of 169 single-family dwelling units.
29	The Ecology Center/ Community Farm	Northwest corner of Camino Del Avion and Alipaz Street	Commercial	Development of a 28-acre wholesale nursery and 10,000 square feet of commercial use.
City of San Clemente				
30	San Clemente Environmental	910 Calle Negocio	Office	Development of 16,000 square feet of office space.
31	Plaza by the Sea	610 Camino De Los Mares	Commercial	Construction of a 4,400-square foot commercial retail drive-thru use.
32	Ocean View Plaza Patio	638 Camino De Los Mares	Commercial	Development of 12,930 square feet of mixed commercial retail space.
33	Shorecliffs Senior Housing	501 Avenida Vaquero	Residential	Construction of a 150-unit senior housing development.

Source: Linscott, Law and Greenspan, Engineers, *Doheny Village Zoning District Overlay Traffic Analysis Report*, Table 6-1 (Location and Description of Cumulative Projects), August 26, 2020.



Source: Linscott, Law & Greenspan Engineers, *Doheny Village Zoning District Overlay Traffic Analysis Report,* Figure 6-4 (Location of Cumulative Projects), updated April 2021.

NOT TO SCALE

Michael Baker INTERNATIONAL

04/2021 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Cumulative Projects Map

Exhibit 4-1

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5.0 Environmental Analysis

5.0 ENVIRONMENTAL ANALYSIS

The following subsections of the EIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and any significant and unavoidable impacts. The EIR analyzes those environmental issue areas where potentially significant impacts may occur, as stated in Appendix 11.2, *Notice of Preparation and Comment Letters*.

The EIR examines environmental factors outlined in Appendix G of the *CEQA Guidelines*, *Environmental Checklist Form*, as follows:

5.1 Land Use and Relevant Planning;
5.2 Aesthetics/Light and Glare;
5.3 Tribal and Cultural Resources;
5.4 Geology and Soils;
5.5 Hydrology and Water Quality;
5.6 Hazards and Hazardous Materials;
5.7 Transportation;
5.8 Air Quality;
5.9 Greenhouse Gas Emissions;
5.10 Energy;
5.11 Noise;
5.12 Population and Housing; and
5.13 Public Services/Recreation and Utilities.

Other environmental topical areas are addressed in Section 8.0, *Effects Found Not To Be Significant*.

Each environmental issue is addressed in a separate section of the EIR and is organized into six sections, as follows:

- "Existing Setting" describes the physical conditions that exist at the present time and that may influence or affect the issue under investigation.

- "Regulatory Setting" lists and discusses the laws, ordinances, regulations, and standards that apply to the project.

- "Impact Thresholds and Significance Criteria" provides the thresholds that are the basis of conclusions of significance, which are primarily the criteria in Appendix G of the *CEQA Guidelines* (California Code of Regulations, Sections 15000 through 15387).

  Primary sources used in identifying the criteria include the *CEQA Guidelines*; local, State, Federal, or other standards applicable to an impact category; and officially established significance thresholds. ". . . An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting" (*CEQA Guidelines* Section 15064[b]). Principally, ". . . a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project including land, air, water, minerals, flora,

fauna, ambient noise, and objects of historic and aesthetic significance" constitutes a significant impact (*CEQA Guidelines* Section 15382).

- "Impacts and Mitigation Measures" describes potential environmental changes to the existing physical conditions that may occur if the proposed project is implemented. Evidence, based on factual and scientific data, is presented to show the cause and effect relationship between the proposed project and the potential changes in the environment. The exact magnitude, duration, extent, frequency, range or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant; all of the potential direct and reasonably foreseeable indirect effects are considered.

  Impacts are generally classified as potentially significant impact, less than significant impact, or no impact. The "Level of Significance After Mitigation" identifies the impacts that would remain after application of mitigation measures, and whether the remaining impacts are or are not considered significant. When these impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered less than significant, they are identified as "significant unavoidable impacts."

  "Mitigation Measures" are measures that would be required of the project to avoid a significant adverse impact; to minimize a significant adverse impact; to rectify a significant adverse impact by restoration; to reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or to compensate for the impact by replacing or providing substitute resources or environment.

- "Cumulative Impacts" describes potential environmental changes to the existing physical conditions that may occur as a result of the proposed project together with all other reasonably foreseeable, planned, and approved future projects producing related or cumulative impacts.

- "Significant Unavoidable Impacts" describes impacts that would be significant and cannot be feasibly mitigated to less than significant, and thus would be unavoidable. To approve a project with significant unavoidable impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable" (*CEQA Guidelines* Section 15093[a]).

5.1 Land Use and Relevant Planning

5.1 LAND USE AND RELEVANT PLANNING

This section identifies existing land use conditions, evaluates the project's consistency with relevant planning policies, and recommends mitigation measures that would avoid or lessen the significance of potential impacts. This section identifies on-site and surrounding land use conditions and relevant land use policies and regulations, as set forth by the City of Dana Point (City). Information in this section is based in part upon the *City of Dana Point General Plan* (General Plan), *Dana Point Municipal Code* (Municipal Code), and *Dana Point Specific Plan*.

5.1.1 EXISTING SETTING

ON-SITE LAND USES

The project site encompasses a mix of residential, commercial, retail, manufacturing, and institutional uses; refer to Table 3-1, *Existing On-Site Development*. Based on the General Plan Land Use Map, the project site is designated Community Commercial (CC), Commercial/Residential (C/R), Residential 22-30 DU/AC (RES-22-30), Community Facility (CF), and Recreation/Open Space (R/OS) and is situated within the Coastal Overlay Boundary; refer to Exhibit 3-3, *Existing General Plan Land Use Map*. Based on the City's Zoning Map, the project site is zoned Community Commercial/Vehicle (CC/V), Community Commercial/Pedestrian (CC/P), Commercial/Residential (C/R), Residential Multiple Family 30 DU/AC (RMF 30), Community Facilities (CF), Recreation (REC), and Open Space (OS), and is situated within the Floodplain Overlay (FP-2); refer to Exhibit 3-4, *Existing Zoning Map*.

Slightly more than half of the residential uses are comprised of the Beachwood Mobile Home Park east of Doheny Park Road. Most of the remaining residential uses are primarily located to the east of Sepulveda Avenue, with a pocket of multi-family housing units located to the south of Domingo Avenue. This portion of the project area consists of a mix of land uses (residential, commercial, and institutional uses). On average, residential densities range from about 12 dwelling units per acre in the mobile home park to about 36 dwelling units per acre elsewhere in the project area.

Institutional uses within the project site are situated to the east of Doheny Park Road and south of Victoria Boulevard. These include private schools and two churches (San Felipe de Jesus Catholic Church and Capo Beach Church). To the east of Sepulveda Avenue is Capistrano Unified School District property, which is currently used for bus maintenance and storage.

The Capistrano Valley Plaza Shopping Center, constructed in 1965, is located in the northern portion of the project site on the west side of Doheny Park Road. Currently, the shopping center includes three primary tenants, Smart & Final, Dollar Tree, and Big 5 Sporting Goods, as well as a restaurant (Las Golondrinas), bar (Doheny Saloon), and gas station. The majority of the buildings are set back from the street and separated from Doheny Park Road by a large surface parking lot.

The east side of Doheny Park Road, across from the Capistrano Valley Plaza Shopping Center, is developed with a series of older retail establishments that extend southward along Doheny Park Road. In this block, the uses vary from relatively small-scale stores to fairly large retail outlets, including Mission Glass, Surf Cycle Laundromat, Nikki's Café, Ganahl Lumber, Beach Cities Glass, and Feed Barn. South of Victoria Boulevard is a Sherwin-Williams Paint Store, as well as restaurants, a post

office, car wash, U-Haul store, and small structures with a mixture of retail and professional services.

Industrial/manufacturing uses, including a number of surfboard manufacturing, automotive repair, metal fabrication, and construction-related businesses, are mostly located to the south of Victoria Boulevard and west of Doheny Park Road.

Approximately seven acres of land adjacent to the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way is used for storage. These mostly include self-storage units, as well as a large boat storage area that is secured and fenced.

SURROUNDING LAND USES

Surrounding land uses include industrial/business park, commercial, community facility, and recreation/open space uses, which are further described as follows:

- *North*: Commercial uses, including but not limited to Costco Wholesale, Staples, and PetSmart, are located to the north of the project site. Uses to the north are located within the City of San Juan Capistrano. Based on the *City of San Juan Capistrano Land Use Map* and *City of San Juan Capistrano Zoning Map*, land uses to the north are designated Quasi Industrial (LU 4.1) and zoned Specific Plan (SP) 87-01, respectively.

- *East*: Industrial uses, including a self-storage facility, and I-5 are located to the east of the project site. Uses to the east are located within the City of San Juan Capistrano. According to the *City of San Juan Capistrano Land Use Map* and *City of San Juan Capistrano Zoning Map*, land uses to the east are designated LU 4.1 and zoned Industrial Park (IP), respectively.

- *South*: PCH bounds the project site to the south. Further south of PCH, land uses include residential, recreational (Doheny State Beach), and hotel (Doubletree Hotel) uses. The General Plan land use designations to the south include R/OS, RES 22-30, and Visitor/Recreation Commercial (V/RC). The zoning districts to the south are RMF 30, REC, V/RC, Residential Single Family 12 DU/AC (RSF 12), and Conservation (CONS).

- *West*: The SCRRA/OCTA railroad right-of-way bounds the project site to the west. Further west, land uses include light industrial/manufacturing and storage uses as well as the San Juan Creek. The General Plan land use designations to the west include CF, R/OS, and Industrial/Business Park (I/BP). The zoning districts to the west are OS, CF, and Industrial/Business (I/B).

5.1.2 REGULATORY SETTING

STATE LEVEL

California Coastal Act

The California Coastal Act of 1976 (Coastal Act), Public Resources Code Division 20, was adopted to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone

environment and its natural and artificial resources. The Coastal Act is also intended to assure orderly, balanced utilization and conservation of coastal zone resources, and priority for coastal-dependent and coastal-related development over other development on the coast. The Coastal Act policies constitute the statutory standards applied to planning and regulatory decisions made by the California Coastal Commission (CCC) and by local governments, pursuant to the Coastal Act. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, industrial uses, water quality, development design, and power plants, among others.

The CCC was made permanent by the Coastal Act to provide for continued State coastal planning and management. In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. The coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the coastal zone counties and cities, including the City of Dana Point. An LCP includes a Land Use Plan (LUP) which is typically the Coastal Element or Coastal Land Use Plan of the General Plan, including any maps necessary to administer it; and the Implementation Plan which comprises the zoning ordinances, zoning district maps, and Specific Plans or Planned Community Development Plans necessary to implement the land use plan. Coastal Act policies are the standards by which the CCC evaluates the adequacy of LCPs. To ensure that coastal resources are effectively protected in light of changing circumstances, such as new information or changing development pressures and impacts, the CCC is required to review each certified LCP at least once every five years. Development within the coastal zone requires a coastal development permit (CDP) be issued by either the CCC or a local government that has a CCC-certified LCP.

The City's certified LCP is currently comprised of a number of different documents, which serve as the LCP for specific geographic areas within Dana Point:

- *Dana Point Specific Plan/1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);

- *Monarch Beach/Capistrano Beach 1996 LCP* (1996 LCP; comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the City's Zoning Code [Implementation Plan]);

- *Headlands Development and Conservation Plan*, September 22, 2004;

- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and

- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

While the Monarch Beach and Capistrano Beach areas were incorporated into the 1986 LCP as the 1996 LCP, the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans

that serve as LCPs for those geographic areas, as listed above. The original 1986 LCP remains in effect for the remainder of the City, including the project site.

REGIONAL LEVEL

Southern California Association of Governments

Regional planning agencies such as the Southern California Association of Governments (SCAG) recognize that planning issues extend beyond the boundaries of individual cities. Efforts to address regional planning issues such as affordable housing, transportation, and air pollution have resulted in the adoption of regional plans that affect the City of Dana Point.

SCAG has evolved as the largest council of governments in the United States, functioning as the Metropolitan Planning Organization (MPO) for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial) and 191 cities. The region encompasses an area of more than 38,000 square miles. As the designated MPO, the Federal government mandates SCAG to research and develop plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

SCAG is responsible for the maintenance of a continuous, comprehensive, and coordinated planning process resulting in a Regional Transportation Plan (RTP) and a Regional Transportation Improvement Program (RTIP). SCAG is responsible for the development of demographic projections and is also responsible for development of the integrated land use, housing, employment, transportation programs, measures, and strategies for the Air Quality Management Plan (AQMP).

THE 2020-2045 REGIONAL TRANSPORTATION PLAN/ SUSTAINABLE COMMUNITIES STRATEGY – CONNECT SOCAL

The passage of California Senate Bill 375 (SB 375) in 2008 requires that a MPO, such as SCAG, prepare and adopt a Sustainable Communities Strategy (SCS) that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures, and policies, will reduce greenhouse gas (GHG) emissions from automobiles and light duty trucks (Government Code Section 65080(b)(2)(B)). The SCS outlines certain land use and transportation strategies that provide for more integrated land use and transportation planning and maximize transportation investments. The SCS is intended to provide a regional land use policy framework that local governments may consider and build upon.

On September 3, 2020, SCAG's Regional Council adopted *The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). The 2020-2045 RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020-2045 RTP/SCS closely integrates land use and transportation so that the region can grow smartly and sustainably. SCAG works closely with local jurisdictions to develop the 2020-2045 RTP/SCS, which incorporates local growth forecasts, projects and programs, and includes complementary regional policies and initiatives. The 2020-2045 RTP/SCS includes a financial plan that identifies revenues committed, available, or reasonably available to support the SCAG region's surface transportation investments. The 2020-2045 RTP/SCS also includes a sustainable communities strategy which sets

forth a forecasted development pattern for the region which would reduce greenhouse gas emissions from automobiles and light trucks to the regional GHG targets set by California Air Resource Board (CARB) for the SCAG region.

GROWTH FORECASTS

SCAG's Forecasting Section is responsible for producing socio-economic estimates and projections at multiple geographic levels and in multiple years. The Forecasting Section develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. The socio-economic estimates and projections are used by Federal and State mandated long-range planning efforts such as the RTP, the AQMP, the RTIP, and the Regional Housing Needs Assessment (RHNA). SCAG's adopted 2020-2045 RTP Growth Forecasts are used to assess a project's consistency with adopted plans that have addressed growth management from a local and regional standpoint. Adopted 2020-2045 RTP/SCS Growth Forecasts provide population, household, and employment data throughout SCAG's 191 cities and in unincorporated areas by 2045.

INTERGOVERNMENTAL REVIEW

SCAG's Intergovernmental Review Section is responsible for performing consistency review of regionally significant local plans, projects, and programs with SCAG's adopted regional plans. The criteria for projects of regional significance are outlined in *CEQA Guidelines* Section 15206. The proposed project is considered regionally significant as it would meet the criteria identified in Section 15206(b), requiring consistency review.

LOCAL LEVEL

City of Dana Point General Plan

The General Plan, adopted on July 9, 1991, is the City's comprehensive, long-range planning and policy document that not only guides growth and change within Dana Point, but also preserves and protects the unique qualities that the community values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the City's overall vision.

The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan contains the following elements:

- Land Use;
- Urban Design;
- Housing (adopted December 3, 2013);
- Circulation;
- Noise;
- Public Safety;
- Conservation and Open Space;
- Public Facilities/Growth Management; and
- Economic Development.

LAND USE ELEMENT

The Land Use Element is a guide to the allocation of land uses in the City and has major impacts on key issues and subject areas in other General Plan elements. The element includes goals and policies that establish a balanced, functional mixture of different land use types consistent with the City's long-range goals and values; encourage high-quality new development and revitalization of existing development while removing constraints that prevent desirable changes; preserve developed and undeveloped portions of the City that have cultural, social, and natural resource value; and involve financially sound investments of public and private funds to support both desirable change and preservation within the City.

The Land Use Element also establishes a land use policy diagram that indicates the location, density, and intensity of future development within Dana Point. Major land use designations include residential, commercial, mixed-use, office, industrial, community facility, open space, transportation corridor, harbor marine land, and harbor marine water.

URBAN DESIGN ELEMENT

The Urban Design Element provides proposals and policies to improve the image, character, and quality of life within Dana Point. Although this element is not State-mandated, urban design is important to the City because it relates directly to the physical form and character of development resulting from implementation of the Land Use, Circulation, and Conservation and Open Space Elements. The Urban Design Element provides policies and design concepts for the preservation of the natural setting, public improvements, form and character of new private development, and focused plans for areas of the City in need of special design attention.

HOUSING ELEMENT

As mandated by the State, housing elements are updated on a five-year cycle, separate from the typical general plan update process. The *City of Dana Point 2014-2021 Housing Element* was adopted on December 3, 2013 and identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. The City's housing strategy is based on a comprehensive evaluation of existing housing programs and policies; an assessment of the City's population, economy, and housing characteristics; and a discussion of the physical and regulatory resources and constraints for housing production. The Housing Element has been designed to address key housing issues, including the provision of a mix and balance of housing types and costs to meet the needs of all segments of the community while enhancing and preserving the community's character, provision of affordable housing for special needs groups, and the maintenance of the existing affordable housing stock.

CIRCULATION ELEMENT

The purpose of the Circulation Element is to provide a safe, sensible, and efficient circulation system for the City. To meet these objectives, the Circulation Element addresses the circulation improvements needed to relieve traffic congestion due to future land uses. It also addresses potential demand management strategies and mass transit services. Corresponding goals and policies have been adopted to ensure that all components of the circulation system will meet the needs of Dana Point.

The element also establishes a hierarchy of transportation routes with specific development standards described for each category of roadway.

NOISE ELEMENT

The Noise Element is a comprehensive program for including noise control in the planning process and identifies noise sensitive land uses and noise sources and defines areas of noise impact. The element establishes goals and policies to ensure Dana Point residents are protected from excessive noise. The element also quantifies the community noise environment in terms of noise exposure contours for both near- and long-term levels of growth and noise-generated activity.

PUBLIC SAFETY ELEMENT

The Public Safety Element identifies and evaluates potential natural and man-made safety hazards, such as seismically-induced conditions (e.g., surface rupture, ground shaking, ground failure, tsunami, and seiche); slope instability leading to mudslides and landslides; subsidence and other geologic hazards; flooding; canyon urban fires; and evacuation routes. Public safety related to hazardous materials and nuclear hazards from the San Onofre Nuclear Generating Station are also addressed in this element. The Public Safety Element establishes policies to minimize the danger to residents, workers, and visitors, and identifies actions needed to deal with crisis situations.

CONSERVATION AND OPEN SPACE ELEMENT

The Conservation and Open Space Element addresses the preservation and use of the City's important natural resources and open space areas. The goals and policies in this element build upon those in other elements of the General Plan, such as the Land Use Element and Urban Design Element. This element also addresses the City's park system, including both public and private parks and facilities at the community and neighborhood level. As a regional center for tourist activities, the City also has a strong interest in providing open space, cultural, and recreational opportunities for visitors to the area.

PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT

The Public Facilities/Growth Management Element has two interrelated purposes: to plan for adequate public services and facilities, and to coordinate new development with the provision of public facilities. This element establishes a plan for ensuring that future growth is coordinated with the provisions of public services and facilities so that desirable level of service standards and community qualities important to the citizens are maintained. Growth management issues are addressed on a local and regional level.

ECONOMIC DEVELOPMENT ELEMENT

The purpose of the Economic Development Element is to formulate an economic development plan that can guide and shape important elements of the City's economy. The formulation of the economic development plan was based upon an extensive analysis of current development conditions, opportunities, and constraints in Dana Point. The goals and policies in this element reflect the City's response to current and future economic conditions to promote balanced development of resident- and visitor-serving commercial uses; actively involve the business community to assist in shaping and

implementing economic development initiatives; and capitalize on market opportunities with significant economic, cultural, and social benefits for the City, its residents, and guests.

Dana Point Municipal Code

MUNICIPAL CODE TITLE 9, ZONING

Municipal Code Title 9, *Zoning*, referred to as the Dana Point Zoning Code (Zoning Code), provides the legislative framework to implement and enhance the General Plan and LCP by classifying and regulating the uses of land and structures within the City. The Zoning Code regulates development density and intensity; facilities adequate provisions for community facilities (e.g., transportation, water, sewage, schools, and parks); determines adequate provisions for vehicular access and parking; and incorporation of landscaping in the design of development projects. The purpose of the Zoning Code is to promote health, safety, welfare, and general prosperity with the aim of preserving a wholesome, serviceable, and attractive community in accordance with the General Plan and LCP for Dana Point.

The City is divided into zoning districts to implement the General Plan and LCP. The zoning districts determine which land uses are permitted within each zoning district, steps required to establish each use, and the basic development standards that apply. As stated, the project site is zoned CC/V, CC/P, C/R, RMF 30, CF, REC, and OS, and is situated within FP-2; refer to Exhibit 3-4.

Dana Point Specific Plan (1986 LCP)

LCPs are basic planning tools used by local governments, in partnership with the CCC, to guide development in the coastal zone. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as a Zoning Ordinance). These LCPs, which are prepared by local governments, govern decisions that determine the short- and long-term conservation and use of coastal resources. Along with the unique characteristics of individual local coastal communities, the LCPs must also address regional and Statewide interests and concerns, in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the CCC for review for consistency with Coastal Act requirements.

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The Monarch Beach and Capistrano Beach areas are regulated under the 1996 LCP and the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas. As the project site is not located within the Monarch Beach, Capistrano Beach, Headlands, Town Center, or Dana Point Harbor, the 1986 LCP regulates development within the project site.

The 1986 LCP implements the goals and policies of the General Plan, particularly the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP also implements the Coastal Act in addressing shoreline access/recreation and visitor-serving facilities; housing; water and marine resources/environmentally sensitive habitat

areas; and public works/new development/visual resources/hazards. The 1986 LCP also details land use regulations, resolution of General Plan/zoning inconsistencies, provision of municipal level community services, and community participation.

5.1.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Physically divide an established community (refer to Section 8.0, *Effects Found Not To Be Significant*); and/or

b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect (refer to Impact Statements LU-1 through LU-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.1.4 IMPACTS AND MITIGATION MEASURES

DANA POINT GENERAL PLAN

LU-1 THE PROPOSED PROJECT COULD CONFLICT WITH APPLICABLE GENERAL PLAN POLICIES.

Impact Analysis: As detailed in Section 3.0, *Project Description*, the proposed project would require a General Plan Amendment to reflect the new zoning districts with appropriate land use designations that would apply to specific parcels within the project site; refer to Exhibit 3-7, *Doheny Village Land Use Designations*. Table 5.1-1, *General Plan Consistency Analysis*, provides an analysis of the project's consistency with relevant General Plan policies.

Table 5.1-1
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Land Use Element	
Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.	
Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.	Consistent. The project proposes new zoning districts specific to Doheny Village that would be comprehensively integrated into the Municipal Code as Municipal Code Chapter 9.14, *Doheny Village Districts*; refer to Appendix 11.1, *Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)*. As proposed, Municipal Code Chapter 9.14 would establish permitted uses, development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, Housing Incentive Overlay, parking requirements, and art-in-public-places program); and special use standards. Overall, the proposed project would establish zoning districts and development standards for parcels within Doheny Village in a manner that would allow unified and cohesive development. Thus, the project would be consistent with Land Use Element Policy 1.1.
Policy 1.2: Establish maximum intensities of development for each of the various land use categories.	Consistent. Refer to response to Land Use Element Policy 1.1.
Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, State, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.	Consistent. As analyzed in Section 5.13, *Public Services/ Recreation And Utilities*, the project's anticipated development potential would be adequately accommodated by existing public service facilities, including water, wastewater, stormwater, and solid waste services. Thus, the project would be consistent with Land Use Element Policy 1.3.
Policy 1.6: The development of unified or clustered commercial centers and neighborhood commercial centers rather than continued development of strip commercial shall be encouraged to minimize significant adverse individual or cumulative impacts on public access.	Consistent. The three new zoning districts proposed for Doheny Village promote a mixture of commercial, office, industrial, and residential uses in a cohesive and unified manner based on proposed development standards and special use standards. For example, the Village Commercial/Residential (V-C/R) district allows a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. Additionally, the Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. Thus, future development in V-C/R and V-MS districts would not continue traditional strip commercial developments and instead, would encourage unified commercial and neighborhood commercial centers and mixed-use developments. Thus, public access to such commercial uses would not be adversely impacted.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Policy 1.7: Require comprehensive analysis and mitigation for any proposed General Plan Amendment to ensure that the amendment will result in a desirable mixture of land uses meeting the social and fiscal needs of the City and its residents.	Consistent. The project requires a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations; refer to Exhibit 3-7. This EIR comprehensively analyzes and identifies mitigation for potentially significant impacts associated with the proposed zoning district update and associated General Plan Amendment among other required discretionary approvals.
Goal 2: Achieve compatibility and enhance relationships among land uses in the community.	
Policy 2.2: Visitor serving commercial areas shall not intrude into existing residential communities.	Consistent. The project proposes a zoning district update for the Doheny Village area. However, existing on-site uses, including residential communities, would remain until future redevelopment is proposed at a later date. No demolition or redevelopment activities are proposed as part of the project.
Policy 2.5: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.	Consistent. Doheny Village includes existing marine-related businesses primarily to the west of Doheny Park Road. The proposed project would rezone these areas from Community Commercial/Vehicle (C C/V) to Village Commercial/Industrial District (V-C/I). The V-C/I district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. Thus, existing facilities and businesses serving commercial fishing and recreational boating industries would not be adversely impacted by the proposed project. Future marine-related businesses proposed within the project area would also be required to adhere to the V-C/I development standards and permitted uses.
Goal 3: Direct growth of the community so as to maintain and improve the quality of life.	
Policy 3.6: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled.	Consistent. As shown in Table 5.8-6, *Net Long-Term Operational Air Emissions*, operational emissions for all criteria pollutants would be below established South Coast Air Quality Management District (SCAQMD) significance thresholds. As a result, the project's long-term (operational) air emissions would be less than significant, and the project would encourage patterns of development that minimize air pollution in this regard. Utilizing the established threshold of 15 percent below the City's average vehicle miles traveled (VMT) per capita/employee, the project would result in less VMT per capita but greater VMT per employee and net total VMT compared to the City's averages; refer to Table 5.7-2, *Proposed Project Average VMT*. Nevertheless, the proposed zoning code amendment is intended to preserve and enhance a mixture of land use types within Doheny Village. Specifically, the three new zoning districts would allow a mixture of commercial, office, neighborhood-serving retail, residential, and light industrial uses. Overall, the project encourages land use patterns that would minimize air pollution and VMT.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.	
Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.	Consistent. According to Section 5.2, *Aesthetics/Light and Glare*, Doheny Park Road (from Pacific Coast Highway to Camino Capistrano) and Camino Capistrano (from Doheny Park Road to Via Canon) are identified as "Dana Point Landscape Corridors" by Appendix A of the General Plan Urban Design Element. In order to depict potential impacts to identified landscape corridors, conceptual building heights diagrams were modeled along Camino Capistrano; refer to Exhibit 5.2-6, *Key View 4 – Existing and Proposed Condition*. As shown on Exhibit 5.2-6, although the taller building heights could impact scenic quality, development of the proposed project would not impact the existing landscaped median along Camino Capistrano. In addition, future development occurring in accordance with the project would be subject to development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, Housing Incentive Overlay, parking requirements, and art-in-public-places program); and special use standards; refer to Appendix 11.1. Overall, these standards would serve to improve the scenic quality of Dana Point Landscape Corridors. The project would uphold the City's policy to ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation in this regard.
Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community.	Consistent. The intent of the new zoning districts is to preserve and enhance the eclectic combination of existing and future commercial, light industrial, and residential mixed uses in the project area. This includes regulating signs throughout the area to ensure commercial and industrial signs are coordinated, unified, and cohesive. Municipal Code Chapter 9.37, *Signs and Advertising Devices* regulates signs throughout the City to ensure signage is appropriate to the community's character.
Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.	
Policy 7.1: Promote the Doheny Village area as a major shopping and business center in the community.	Consistent. The proposed project's intent is to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and to create a vital link to the City's other neighborhoods, facilities, businesses, and amenities.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.	Consistent. Refer to response to Land Use Element Policy 7.1. Additionally, the new Chapter 9.14, *Doheny Village Districts*, of the Municipal Code includes minimum landscape coverage development standards for the new V-C/I, V-C/R, and V-MS districts; refer to Appendix 11.1. Further, the provisions of the V-MS district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road. Thus, the proposed project would encourage future revitalization of the project area as a pedestrian friendly environment with appropriate landscaping.
Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.	Consistent. Refer to response to Land Use Element Policy 1.1.
Policy 7.4: Promote the development of land uses in the Doheny Village area that provide employment opportunities for the community including offices, marine-oriented industrial uses, and other commercial or light industrial business activities or community facilities.	Consistent. Refer to response to Land Use Element Policies 2.5 and 7.1. Further, as detailed in the proposed Municipal Code Section 9.14.020(d), allowable uses within the new V-C/I, V-C/R, and V-MS districts include a variety of uses, including office, marine-oriented businesses, commercial, light industrial, and community facilities; refer to Appendix 11.1. The updated zoning provided under the project would align and respect existing businesses, jobs, and services in the area and would generate approximately 508 new jobs; refer to Section 5.12, *Population and Housing*. Thus, project implementation would promote the development of land uses in the Doheny Village area that provide employment opportunities for the community including offices, marine-oriented industrial uses, and other commercial or light industrial business activities or community facilities.
Policy 7.5: Encourage the development of a diversity of housing opportunities including medium density housing in the areas adjacent to the retail areas and also as a part of mixed residential and retail or office uses.	Consistent. The proposed V-C/R district allows residential development at a density of 30 dwelling units per net acre, with the exception of parcels greater than 10 acres, which have a maximum allowed density of 50 dwelling units per acre. Additionally, the V-MS district allows residential development at a density of 30 dwelling units per net acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard, which are limited to a maximum density of 10 dwelling units per acre. Additionally, the V-C/R and V-MS districts encourage higher density residential development near retail and commercial areas and as part of mixed-use developments. Furthermore, proposed Municipal Code Section 9.14.040(b) establishes a Housing Incentive Overlay on several parcels within Doheny Village that are designated as adequate sites for residential development as defined by the Housing Element of the City's General Plan; refer to Exhibit 3-6, *Housing Incentive Overlay*. If residential development is proposed on parcels within the Housing Incentive Overlay at least 50 percent of the total building gross floor area, excluding parking facilities, constructed on such parcels are required to

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
	be residential uses and the development is required to have a minimum density of 20 dwelling units per acre with a maximum density of 35 dwelling units per acre.
Policy 7.6: Provide for adequate and convenient parking areas. Encourage the provision of shared parking facilities, such as through the establishment of a parking district.	Consistent. Proposed Municipal Code Section 9.14.040(e) details minimum parking requirements for industrial, commercial, and residential uses, to ensure adequate and convenient parking for future development in Doheny Village; refer to Appendix 11.1.
Policy 7.7: Prepare a Specific Plan for revitalization of the Doheny Village area. The Specific Plan should involve extensive public input.	Consistent. The City has conducted extensive public engagement regarding the project since 2011; refer to Section 3.2, *Background and History*. Most recently, the Doheny Village Working Group, consisting of select community representatives that have been actively involved in the draft zoning code update process, was initiated and convened on a monthly basis with City staff from July 2018 to November 2019. In coordination with City staff and at the direction of City Council, the Doheny Village Working Group developed an action plan and timeline to achieve long-term goals for the zoning code update, zone text amendment, and beautification plan. Thus, although the project is a zoning district update for Doheny Village rather than a Specific Plan, the project would uphold the City's policy to revitalize the Doheny Village area based on extensive public input.
Goal 10: Protect the resident-serving land uses throughout the City.	
Policy 10.1: Develop regulations to protect and encourage local serving retail and office use adjacent to residentially designated areas. Promote the overlap between visitor and resident serving retail uses by encouraging retail goods and services which serve both market segments in transition areas, such as those designated "Community Commercial," located between primary visitor serving areas and areas designated for residential use as shown on the Land Use Diagram.	Consistent. As stated, the proposed V-C/R district encourages a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Additionally, the V-MS district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above nonresidential space. Thus, the proposed project encourages development of retail, office, and residential uses adjacent to one another.
Policy 10.2: Encourage a full range of resident-serving land uses throughout the City to meet the resident demand for goods and services.	Consistent. Refer to response to Land Use Element Policy 10.1.
Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.	Consistent. Refer to response to Land Use Element Policy 10.1. Doheny Park Road travels through the project site and provides coastal access to Doheny State Beach via State Route 1 (Pacific Coast Highway). The proposed V-MS and V-C/R districts would encourage a mixture of commercial, office, and residential uses in the same areas to minimize vehicle miles traveled and energy consumption and encourage alternative modes of transportation, including walking, bicycling, and transit use.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Urban Design Element	
Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.	
Policy 1.2: Improve the visual character of major street corridors.	Consistent. As analyzed in Section 5.2, the new zoning districts would establish a clear direction for future revitalization of the area by creating a vital link to the City's other neighborhoods, facilities, businesses, and amenities. Future development occurring in accordance with the proposed project would be subject to development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, Housing Incentive Overlay, parking requirements, and art-in-public-places program); and special use standards; refer to Appendix 11.1. Overall, these standards would serve to improve the visual character as experienced from major street corridors. Further, future projects along Doheny Park Road would be subject to compliance with special guidelines related to building frontages, parking lots, and public sidewalk spaces in accordance with Section V.B of the Design Guidelines. Section V.B also includes special architecture considerations for development on Pacific Coast Highway between Doheny Park Road and Palisade Drive. The City of Dana Point would use the Design Guidelines to evaluate the design quality of future development proposals which require discretionary approval. Thus, the project would be consistent with Urban Design Element Policy 1.2.
Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.	Consistent. Refer to response to Urban Design Element Policy 1.2.
Policy 1.4: Preserve public views from streets and public places.	Consistent. Refer to response to Urban Design Element Policy 1.2.
Policy 1.7: Initiate a program for public art.	Consistent. Proposed Municipal Code Section 9.14.040(g), *"Art-in-Public Places" Program*, requires all new development projects within the project area comply with the existing provisions of the "Art-in-Public-Places" Program detailed in Section 9.05.240 of the Municipal Code; refer to Appendix 11.1.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Goal 2: Preserve the individual positive character and identity of the City's communities.	
Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	Consistent. Recognizing the value of the existing character of Doheny Village, the City underwent an extensive public engagement and outreach effort to develop the project's proposed zoning district update, community guiding principles, and development and parking standards. Additionally, separately from the proposed project and as directed by City Council, the Doheny Village Working Group and City staff are developing a beautification plan for the project area and identifying several key capital improvement projects based on priority level. The projects include improved connectivity to the beach at Doheny Park Road and Pacific Coast Highway, street improvements, traffic calming, public parking, and various aesthetic improvements. The Doheny Village Working Group also formed the Village Beautification Committee to work on short-term projects, including a mural program, landscape projects, pocket parks, and public spaces. Thus, the project's proposed development standards, allowed uses, and special use standards would ensure the distinct architecture and visual character of Doheny Village are maintained and enhanced.
Policy 2.2: Adopt development standards and design guidelines for commercial areas that reflect the individual character of each community.	Consistent. Refer to response to Land Use Element Policy 1.1 and Urban Design Element Policy 2.1.
Goal 4: Maintain and enhance the City's public spaces and resources.	
Policy 4.6: Preserve and maintain existing public accessways, and existing areas open to the public, located within visitor-serving developments in the coastal zone.	Consistent. The proposed Doheny Village Zoning Districts Update affects future development and redevelopment in the Doheny Village area. Existing public accessways and areas open to the public, including visitor-serving developments, would not be impacted by the proposed project.
Policy 4.7: Prohibit the conversion to exclusively private use of existing visitor-serving developments open to the public within the coastal zone.	Consistent. Refer to response to Urban Design Element Policy 4.6.
Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial offices and multi-family components.	
Policy 6.1: Improve Pacific Coast Highway and Doheny Park Road as aesthetic entrance boulevards to the City.	Consistent. Refer to response to Urban Design Element Policy 2.1.
Policy 6.2: Unify new commercial development through design concepts for consistent building setbacks, landscaping architecture and signage.	Consistent. Refer to response to Land Use Element Policy 1.1.
Policy 6.3: Increase Doheny Village's economic vitality and its contribution to the City's economic development goals.	Consistent. The intent of the Doheny Village Zoning Districts Update is to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. By establishing new zoning districts, including allowable uses, development standards, and special use standards, future redevelopment in Doheny Village would revitalize and help contribute towards the economic vitality of the area.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village. Reserve as an open space corridor for public recreational improvements the top of the east bank of the San Juan Creek Channel.	Consistent. The provisions of the V-MS district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road. No development is proposed as part of the Doheny Village Zoning Districts Update; thus, the San Juan Creek Channel and adjacent open space corridor would not be impacted by the proposed project.
Policy 6.6: Encourage mixed-use development in selected areas of Doheny Village.	Consistent. The proposed V-MS district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above nonresidential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road.
Housing Element	
Goal 1: Provide a variety of residential developments and adequate supply of housing to meet the existing and future needs of City residents.	
Policy 1.2: Provide a variety of housing opportunities for all income levels of the City through land uses and densities.	Consistent. Refer to response to Land Use Element Policy 7.5.
Policy 1.4: Locate higher density residential development close to public transportation.	Consistent. Doheny Park Road is the primary roadway that transects the project site and is served by the Dana Point Trolley with one stop at the intersection of Doheny Park Road and Domingo Avenue. As shown on Exhibit 3-5, *Doheny Village Zoning District Update*, and Exhibit 3-7, parcels along either side of Doheny Park Road would be zoned V-MS and V-C/R and designated Commercial/Main Street and Commercial/Residential with allowed residential development with densities ranging from 10 to 50 dwelling units per acre. Further, as shown on Exhibit 3-6, the Housing Incentive Overlay would encourage higher density residential development on several parcels within the project area, including parcels along Doheny Park Road.
Goal 2: Assist in the provision of housing affordable to lower income households.	
Policy 2.5: Provide for mixed commercial/residential land uses to create additional housing opportunities.	Consistent. Refer to response to Land Use Element Policy 7.5.
Goal 4: Conserve and improve the existing stock of affordable housing.	
Policy 4.2: Encourage the retention of existing single-family neighborhoods, apartments, and mobile home parks that are economically and physically sound.	Consistent. Slightly more than half of the existing residential uses in Doheny Village is comprised of the Beachwood Mobile Home Park located to the east of Doheny Park Road. Most of the remaining residential uses are primarily located to the east of Sepulveda Avenue, with a pocket of multi-family units to the south of Domingo Avenue. Existing on-site uses would remain until future redevelopment is proposed at a later date. No demolition or development activities are proposed as part of the Doheny Village Zoning Districts Update.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Circulation Element	
Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.	
Policy 1.11: Require that proposal for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.	Not Applicable. In September 2013, the Governor's Office of Planning and Research (OPR) signed Senate Bill (SB) 743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. SB 743 identifies VMT as the most appropriate CEQA transportation metric and eliminates of auto delay, or level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resource Agency certified and adopted the CEQA statute (14 California Code of Regulations Section 15064.3). Per the CEQA statute, the VMT guidelines shall apply Statewide beginning July 1, 2020; refer to Section 5.7, *Transportation*. Thus, a traffic impact analysis is not required, and Circulation Element Policy 1.11 is not applicable in this regard.
Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation, and minimizes vehicle miles traveled.	Consistent. The proposed V-MS and V-C/R districts would encourage a mixture of commercial, office, and residential uses in the same building, parcel, and/or areas to minimize vehicle miles traveled and encourage alternative modes of transportation, including walking, bicycling, and transit use between the different land use types.
Policy 1.14: Establish landscaping buffers and building setback requirements along all roads where appropriate.	Consistent. Refer to response to Land Use Element Policy 1.1.
Goal 4: Support development of a public transportation system that provides mobility to all City residents and encourages use of public transportation as an alternative to automobile travel.	
Policy 4.5: Promote new development that is designed in a manner that (1) facilitates provision or extension of transit service, (2) provides on-site commercial and recreational facilities to discourage mid-day travel, and (3) provides non-automobile circulation within the development.	Consistent. Refer to response to Circulation Element Policy 1.12.
Goal 6: Provide for well-designed and convenient parking facilities.	
Policy 6.3: Provide sufficient off-street parking.	Consistent. Proposed Municipal Code Section 9.14.040(e) details minimum parking requirements for industrial, commercial, and residential uses, to ensure sufficient off-street parking for future development in Doheny Village; refer to Appendix 11.1.
Noise Element	
Goal 1: Provide for measures to reduce noise impacts form transportation noise sources.	
Policy 1.1: Require construction of barriers to mitigate sound emissions where necessary or feasible.	Consistent. As analyzed in Section 5.11, *Noise*, transportation noise sources (i.e., mobile noise) were modeled for the "Future without Project" and "Future with Project" scenarios. As analyzed, a less than significant impact would occur as noise generated along roadway segments under the "Future With Project" scenario would not exceed both the 3.0 dB threshold and the 60 dBA CNEL standard. Thus, the construction of barriers to mitigate transportation noise sources would not be required.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Goal 2: Incorporate noise considerations into land use planning decisions	
Policy 2.2: Ensure acceptable noise levels near schools, hospitals, convalescent homes, and other noise sensitive areas, in accordance with Table N-1.	Consistent. Based on the analysis in Section 5.11, development of the proposed project would not exceed the interior and exterior General Plan noise standards identified in Table N-1 with implementation of the recommended noise mitigation measures, and compliance with the applicable Federal, State, and local regulatory requirements.
Policy 2.4: Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.	Consistent. As analyzed in Section 5.11, construction noise for the proposed project was determined to be less than significant with implementation of Mitigation Measure NOI-1. Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). In addition, with the implementation of Mitigation Measure NOI-4, the proposed project would not result in significant operational impacts. Mitigation Measure NOI-4 would ensure noise-generating stationary source equipment would not exceed the City's noise regulations. Thus, the proposed project would uphold the City's policy to require noise reduction techniques in site and architectural design and construction where necessary.
Policy 2.5: Discourage locating noise sensitive land uses in noisy environments.	Consistent. Refer to response to Noise Element Policy 2.4.
Conservation and Open Space Element	
Goal 5: Reduce air pollution through land use, transportation and energy use planning.	
Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	Consistent. As shown on Exhibits 3-5 and 3-7, parcels along either side of Doheny Park Road where most existing commercial, office, and retail uses are located would be zoned V-MS and V-C/R and designated Commercial/Main Street and Commercial/Residential with allowed residential densities ranging from 10 to 50 dwelling units per acre. As such, high density multi-family uses would be located near existing and future commercial areas to encourage alternative modes of transportation, including walking. Further, as shown on Exhibit 3-6, the Housing Incentive Overlay would encourage higher density residential development on several parcels along Doheny Park Road.
Policy 5.4: Provide commercial areas that are conducive to pedestrian and bicycle circulation.	Consistent. The proposed V-MS district along Doheny Park Road would accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above nonresidential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.	
Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.	Consistent. Section 5.3, *Tribal and Cultural Resources*, analyzes the project's potential impacts on historic and archaeological resources, and Section 5.4, *Geology and Soils*, evaluates the project's potential impacts on paleontological resources. Mitigation Measures CUL-1 through CUL-3 would reduce potential impacts to historic resources by requiring the preparation of historical resources assessments and establishing procedures should potential historic resources be found during future construction activities in accordance with the project. Mitigation Measures CUL-4 through CUL-12 requires preparation of archaeological resources assessments, Phase II and Phase III testing and evaluation, archaeological site avoidance, Phase III data recovery, cultural awareness training, (on-call) archaeological monitoring, and procedures for unanticipated discovery of archaeological resource to reduce potential impacts in regard to archaeological resources. Further, Mitigation Measure GEO-1 requires applicants of future projects in areas where grading is proposed five feet below current elevation to provide a paleontological assessment to evaluate potential impacts related to paleontological resources.
Economic Development Element	
Goal 1: Encourage a balance between housing and employment opportunities.	
Policy 1.3: Develop long-term projections of growth in industrial and service-related employment.	Consistent. As detailed in Table 3-3, *Proposed Development Potential*, the project is anticipated to develop 113,804 additional square feet of industrial uses. Additionally, as analyzed in Section 5.12, project implementation would generate approximately 508 new jobs.
Policy 1.4: Encourage the development of housing opportunities in targeted areas of the City.	Consistent. Refer to response to Land Use Element Policy 7.5.
Goal 3: Provide for the long term fiscal viability of the City.	
Policy 3.4: Continue with existing plans for revitalization within areas of the community where revitalization is warranted.	Consistent. The proposed project's intent is to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and to create a vital link to the City's other neighborhoods, facilities, businesses, and amenities.
Goal 4: Promote development to meet the retail needs of the community.	
Policy 4.1: Promote development of retail uses which serve local needs and diversify the selection of conveniently located goods and services.	Consistent. Commercial and retail uses would be allowed under all three proposed zoning districts within Doheny Village. Thus, goods and services would be conveniently located near one another to serve the community's needs.
Policy 4.2: Promote visitor serving retail uses to serve the growing demand for harbor, beach and coastal facilities, especially day use visitors.	Consistent. Existing commercial, office, and industrial uses in Doheny Village are marine-related businesses that serve visitor demands for harbor, beach, and coastal recreational activities. Such uses, including marine, marine manufacturing, recreation, restaurant, retail, are allowed under the V-C/I, V-C/R, and V-MS districts.

Table 5.1-1 (Continued)
General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Policy 4.3: Promote the overlap between visitor and resident serving retail uses by encouraging retail goods and services which serve both market segments.	Consistent. A variety of retail uses are allowed under the three proposed zoning districts that would serve both visitors and residents; refer to proposed Municipal Code Section 9.14.020(d) in Appendix 11.1.
Sources: City of Dana Point, *City of Dana Point General Plan*, July 9, 1991. City of Dana Point, *City of Dana Point General Plan 2014-2021 Housing Element*, December 2013.	

As demonstrated in Table 5.1-1, the proposed project would be consistent with relevant General Plan policies and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

DANA POINT MUNICIPAL CODE

LU-2 THE PROPOSED PROJECT COULD CONFLICT WITH DANA POINT MUNICIPAL CODE STANDARDS OR REGULATIONS.

Impact Analysis: The Doheny Village Zoning Districts Update proposes new zoning districts for parcels specifically within Doheny Village. As illustrated on Exhibit 3-5, the following three new zoning districts are proposed within the project site. Note, the southeastern parcels within the project site zoned CF and REC would maintain their existing zoning districts.

- *Village Commercial/Industrial*. The V-C/I district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. This district provides for the development of a commercial and industrial area that includes adequate circulation and landscaping, attractive buildings, and coordinated signage.

- *Village Commercial/Residential*. The V-C/R district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. This district provides a residential density of 30 dwelling units per acre, with the exception that parcels greater than 10 acres are limited to a maximum density of 50 dwelling units per acre.

- *Village Main Street*. The V-MS district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or

residential uses above non-residential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road. This district provides a residential density of 30 dwelling units per acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard, which are limited to a maximum density of 10 dwelling units per acre.

The project also proposes to integrate a new Chapter 9.14, *Doheny Village Districts*, in the Municipal Code. The chapter would detail allowed uses; development standards (e.g., lot size, setback, density, open space, and landscaping requirements); special development standards (e.g., maximum density, accessory uses and structures, Housing Incentive Overlay, parking requirements, and art-in-public-places program); and special use standards for each of the three proposed zoning districts. Refer to Appendix 11.1 and Table 3-2, *Doheny Village Development Standards*, for additional details.

The proposed V-C/I, V-C/R, and V-MS districts would replace the existing zoning districts for parcels within the project site; refer to Exhibit 3-5. Upon approval of the proposed Zoning Code Amendment, the project would not conflict with the Municipal Code, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CALIFORNIA COASTAL ACT

LU-3 THE PROPOSED PROJECT COULD CONFLICT WITH RELEVANT SECTIONS OF THE CALIFORNIA COASTAL ACT.

Impact Analysis: The Coastal Act (Public Resources Code Section 30200, Coastal Resources Planning and Management Policies) contains specific sections pertaining to land use and planning within the coastal zone. Table 5.1-2, *California Coastal Act Consistency Analysis*, provides an analysis of the proposed project's consistency with relevant Coastal Act sections.

Table 5.1-2
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
Public Access	
Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.	Consistent. Proposed Municipal Code Section 9.14.040(e) details minimum parking requirements for industrial, commercial, and residential uses to ensure adequate and convenient parking in Doheny Village; refer to Appendix 11.1.

Table 5.1-2 (Continued)
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.	Consistent. Commercial recreation and recreational uses are permitted and/or conditionally permitted uses within the three proposed zoning districts. As such, the project would not impede future development from developing lower cost visitor and public recreational facilities. It should also be noted that no development is proposed as part of the project; thus, existing lower cost visitor and recreational facilities in the project area would not be impacted.
Recreation	
Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.	Consistent. Refer to response to Coastal Act Section 30213.
Marine Environment	
Section 30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.	Consistent. Doheny Village includes existing marine-related businesses primarily to the west of Doheny Park Road. The proposed project would rezone these areas from C C/V to V-C/I. The V-C/I district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. Thus, existing facilities and businesses serving commercial fishing and recreational boating industries would not be adversely impacted by the proposed project. Future marine-related businesses proposed within the project area would also be required to adhere to the V-C/I development standards and permitted uses.
Section 30234.5. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.	Consistent. Refer to response to Coastal Act Section 30234.
Land Resources	
Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.	Consistent. While the project site is located within the coastal zone, the area is predominantly urbanized with residential, commercial, and industrial development and surrounded by additional urban uses. Based on a field survey conducted as part of the Biological Resources Report, the project site is heavily disturbed, built-out, and constrained by adjacent and surrounding uses. Thus, the site does not meet the definition of an environmentally sensitive habitat area under the Coastal Act; refer to Section 8.0, *Effects Found Not to be Significant*, and Appendix 11.10, *Biological Resources Report*. Development in accordance with the proposed zoning district update would not degrade or disrupt any sensitive habitat areas in this regard.

Table 5.1-2 (Continued)
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Consistent. Section 5.3 analyzes the project's potential impacts on archaeological resources, and Section 5.4 evaluates the project's potential impacts on paleontological resources. Mitigation Measures CUL-4 through CUL-12 requires preparation of archaeological resources assessments, Phase II and Phase III testing and evaluation, archaeological site avoidance, Phase III data recovery, cultural awareness training, (on-call) archaeological monitoring, and procedures for unanticipated discovery of archaeological resource to reduce potential impacts in regard to archaeological resources. Additionally, Mitigation Measure GEO-1 requires applicants of future projects in undeveloped and developed areas where grading is proposed five feet below current elevation to provide a paleontological assessment to evaluate potential impacts related to paleontological resources.
Development	
Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.	Consistent. Refer to lettered corresponding analysis below. (a) The project area is urbanized, predominantly built out, and served by existing public services, including water, wastewater, stormwater, and solid waste services; refer to Section 5.13. Thus, future development in Doheny Village in accordance with the project would occur within, contiguous with, or in close proximity, to existing developed areas. While the project site is within the coastal zone, it is approximately 0.27-mile from the coast and is physically separated from the coast by Pacific Coast Highway. As such, there are no coastal resources in the site vicinity that could be impacted by new residential, commercial, or industrial development accommodated by the proposed project. Further, given that the project site is predominantly developed and built out, no land divisions of undeveloped areas would occur within the project site. (b) Industrial uses would only be permitted in the V-C/I district to the west of Doheny Park Road where other existing industrial uses are located; refer to Exhibit 3-5. (c) The project site is urbanized and almost entirely developed. New visitor-serving facilities would be permitted in any of the three proposed zoning districts.

Table 5.1-2 (Continued)
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	Consistent. As concluded in Impact Statement AES-1, the height limitations proposed in Table 3-2 would ensure impacts to public views of scenic coastal areas, including coastal bluffs, the Headlands, and the Pacific Ocean are less than significant. Future development is not anticipated to involve significant alteration to the natural landform, as the majority of the site is relatively level and has been extensively developed with pavements, hardscape, and structures. Overall, the proposed zoning districts and development standards would improve the compatibility, character, and visual quality of Doheny Village by facilitating unified and cohesive development that preserves and enhances the eclectic combination of existing and future commercial, light industrial, and residential mixed uses in the project area. Thus, the project would be consistent with the Coastal Act and impacts to scenic resources would be less than significant.
Section 30252. The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.	Consistent. Refer to numbered corresponding analysis below. (1) The proposed V-MS and V-C/R districts would encourage a mixture of commercial, office, and residential uses in the same areas, which would encourage alternative modes of transportation, including walking, bicycling, and transit use. (2) The V-C/R district allows a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Additionally, the V-MS district would accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. Thus, mixed-use commercial and residential developments would be allowed by the proposed project and can help minimize the use of coastal access roads. (3) Future development accommodated by the proposed project would be required to maintain, improve, and/or provide sidewalks and bicycle lanes in accordance with Municipal Code regulations. (4) Refer to response to Coastal Act Section 30212.5. (5) No high-rise office buildings are allowed within the proposed zoning districts. (6) Minimum open space requirements for the V-C/R and V-MS districts are detailed in proposed Municipal Code Section 9.14.030; refer to Appendix 11.1. Thus, ensuring future residential development in Doheny Village does not increase demand for existing coastal recreational facilities in a manner that adversely impacts such facilities.

Table 5.1-2 (Continued)
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
Section 30253. New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.	Consistent. Refer to lettered corresponding analysis below. (a) As detailed in Section 5.4, future development in accordance with the proposed project would be required to comply with the California Building Code and General Plan Public Safety Element Policy 1.1, which requires the preparation of project-specific geotechnical evaluations to analyze a site's subsurface conditions, identify potential geologic and seismic hazards that may affect the development, and provide preliminary geotechnical recommendations for design and construction. As discussed in Section 5.5, *Hydrology and Water Quality*, the project site is subject to flooding, and depth of flooding within certain streets was limited to less than one foot. Project implementation would result in the removal and replacement of structures within a 100-year flood hazard area. Additionally, the results of the *San Juan Creek Letter of Map Revision* (2016 LOMR Study), prepared by JLC Engineering & Consulting, Inc., dated February 23, 2016, identified the maximum inundation levels along the eastside of San Juan Creek if the east levee should fail. The resulting floodplain including portions of the Doheny Village Plan; however, the maximum flood depths only exceed the capacity of the public right-of-way by approximately five inches within the project area. According to the *Doheny Village Plan, Hydrology and Water Quality Assessment* (Hydrology Assessment) prepared by Fuscoe Engineering, Inc., dated June 19, 2020, during the design of the new structures, the new Base Flood Elevation would be utilized to ensure the new structures are appropriately elevated to remain out of the 100-year flood elevation and in conformance with FEMA guidelines. As a result, project impacts to related to flooding would be less than significant. The project site is not located in an area designated as a high fire hazard zone; refer to Section 8.0. (b) No natural landforms, including bluffs or cliffs are located within the project site. Thus, future development would result in no impact in this regard. (c) As analyzed in Section 5.8, *Air Quality*, the project would not exceed established air quality emission thresholds upon compliance with existing regulations and Mitigation Measures AQ-1 through AQ-3.

Table 5.1-2 (Continued)
California Coastal Act Consistency Analysis

Applicable Coastal Act Sections	Project Consistency Analysis
	(d) As analyzed in Section 5.7, *Transportation*, when compared to the City's average VMT, the project would result in less VMT per capita but greater VMT per employee and net total VMT; refer to Table 5.7-2. Implementation of Mitigation Measures TRA-1 and TRA-2 would reduce such impacts to less than significant levels. Further, the proposed zoning code amendment is intended to preserve and enhance a mixture of land use types within Doheny Village. Specifically, the three new zoning districts would allow a mixture of commercial, office, neighborhood-serving retail, residential, and light industrial uses, thus, encouraging a land development pattern that reduces VMT. Additionally, according to Section 5.10, *Energy*, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project construction or operation or preempt future energy development or future energy conservation. (e) Doheny Village is a unique neighborhood of Dana Point that is valued by residents and visitors alike. The project intends to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and to create a vital link to the City's other neighborhoods, facilities, businesses, and amenities.
Source: Public Resources Code, California Coastal Act of 1976.	

As shown in Table 5.1-2, the project would be consistent with each of the relevant Coastal Act sections and a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LOCAL COASTAL PROGRAM

LU-4 THE PROPOSED PROJECT COULD CONFLICT WITH POLICIES PROVIDED IN THE 1986 LOCAL COASTAL PROGRAM.

Impact Analysis: Specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP regulates development within the project site and consists of portions of the General Plan, Municipal Code, and Zoning Map. Required components of the LCP are found within several General Plan elements, including the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986

LCP implements the Coastal Act in addressing shoreline access/recreation and visitor-serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. As analyzed under Impact Statements LU-1 through LU-3, the project would be consistent with the General Plan, Municipal Code, and Coastal Act, respectively. Therefore, the proposed project would also be consistent with the 1986 LCP.

Further, given that portions of Doheny Village are located within the coastal zone, an LCP Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the City and California Coastal Commission. Upon approval of the LCP Amendment, the project would be consistent with the 1986 LCP, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

LU-5 THE PROPOSED PROJECT MAY CONFLICT WITH SCAG'S 2020-2045 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY POLICIES.

Impact Analysis: SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted 2020-2045 RTP/SCS. SCAG refers to CEQA Guidelines Section 15206, *Projects of Statewide, Regional or Areawide Significance*, in determining whether a project meets the criteria to be deemed regionally significant. The following criteria is relevant to the project:

> Criteria 1: A proposed local general plan, element, or amendment thereof for which an EIR was prepared.

The proposed project consists of zoning district updates within Doheny Village and would require a Zoning Code Amendment and General Plan Amendment. Thus, the project is considered regionally significant per CEQA Guidelines Section 15206.

The 2020-2045 RTP/SCS performance goals were adopted to help focus future investments on the best-performing projects and strategies to preserve, maintain and optimize the performance of the existing transportation system. The project's consistency with SCAG's goals is presented in Table 5.1-3, *SCAG 2020-2045 RTP/SCS Consistency Analysis*.

Table 5.1-3
SCAG 2020-2045 RTP/SCS Consistency Analysis

SCAG 2016 RTP/SCS Goals	Project Consistency Analysis
Goal 1. Encourage regional economic prosperity and global competitiveness.	Not Applicable. Specifically, Goal 1 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the CEQA Guidelines. Nevertheless, the intent of the zoning district update is to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and as a vital link to the City's other neighborhoods, facilities, businesses, and amenities. By establishing new zoning districts, including allowable uses, development standards, and special use standards, future redevelopment in Doheny Village would revitalize and help contribute towards the economic vitality of Dana Point and the region.
Goal 2. Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent. As analyzed in Section 5.7, future development in accordance with the proposed project would promote and support multimodal opportunities within the City. Specifically, the project proposes to "improve connectivity and access to Doheny State Beach and areas across the San Juan Creek and Pacific Coast Highway". The project also proposes to "provide parking opportunities by identifying additional on-street parking sites and applying parking management tools". Further, future development projects would be evaluated by the City on a case-by-case basis to ensure that adequate access and circulation to and within the development would be provided and impacts to motorists, bicyclists, pedestrians, and transit users are minimized. Access to development sites would be required to comply with all applicable Municipal Code and City design standards and would be reviewed by the City and the Orange County Fire Authority (OCFA) to ensure that inadequate design features or incompatible uses do not occur. The development review by City and OCFA would also ensure that structures are designed to meet adopted standards and that adequate emergency access is provided. As such, the project would improve mobility, accessibility, reliability, and travel safety in the project area, which indirectly connects to the overall mobility, accessibility, reliability, and travel safety of the people and goods in the SCAG region.
Goal 3. Enhance the preservation, security, and resilience of the regional transportation system.	Not Applicable. Specifically, Goal 3 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the CEQA Guidelines. Nevertheless, future development in accordance with the proposed project would be required to adhere to applicable local and State adopted emergency response plans or emergency evacuation plans in a manner that would indirectly ensure the security of the regional transportation system.

Table 5.1-3 (Continued)
SCAG 2020-2045 RTP/SCS Consistency Analysis

SCAG 2016 RTP/SCS Goals	Project Consistency Analysis
Goal 4. Increase person and goods throughput and travel choices within the transportation system.	Not Applicable. Specifically, Goal 4 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the CEQA Guidelines.
Goal 5. Reduce greenhouse gas emissions and improve air quality.	Consistent. As seen in Table 5.9-1, *Project Greenhouse Gas Emissions*, the project would create an additional 6,351.30 million metric tons carbon dioxide equivalent ($MTCO_2e$) in GHG emissions compared to the existing conditions. However, as discussed in Section 5.9, *Greenhous Gas Emissions*, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. As shown in Table 5.8-5, *Net Long-Term Operational Air Emissions*, operational emissions for all criteria pollutants would be below established South Coast Air Quality Management District (SCAQMD) significance thresholds. As a result, the project would encourage patterns of development that minimize air pollution in this regard. Additionally, while the project itself would not reduce GHG emissions or improve air quality, it would not prevent SCAG from implementing actions that would reduce GHG emissions or improve air quality within the region.
Goal 6. Support healthy and equitable communities.	Not Applicable. Specifically, Goal 6 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the CEQA Guidelines.
Goal 7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Consistent. In order to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village, the project proposes new zoning districts based on the historical pattern of development. Some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side, as illustrated on Exhibit 3-5. These land use changes would reflect the mixed uses of commercial and manufacturing/industrial in this region more accurately and likely spur both small- and large-scale redevelopment in Doheny Village.
Goal 8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	Not Applicable. Specifically, Goal 3 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the CEQA Guidelines. Nevertheless, potential development within the project area would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require electric vehicle (EV) charging stations, designated EV parking, as well as bike parking and storage. Furthermore, as of 2020, the Title 24 code requires photovoltaic solar panels on residential development. Therefore, proposed development within the project would leverage technology innovations that result in more efficient travel.
Goal 9. Encourage development of diverse housing types in areas well supported by multiple transportation options.	Consistent. The proposed project would include the allowable zoning for approximately 1,256 multifamily dwelling units and two single family detached homes (812 net new dwelling units). The majority of these dwelling units would be placed within high density areas (30 to 50 dwelling units per acre). Furthermore, the V-C/R and V-MS zoning districts would promote mixed-use developments with housing nearby commercial and job centers. As such, the proposed project would be consistent with this goal.
Goal 10. Promote conservation of natural and agricultural lands and restoration of critical habitats.	Consistent. As discussed in Section 8.0, *Effects Found Not To Be Significant*, as a zoning code update project, the project would not have significant impacts on natural and agricultural lands or impede restoration of critical habitats.

Source: Southern California Association of Governments, *2025-2040 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal*, September 3, 2020.

As indicated in Table 5.1-3, the proposed project would be consistent with SCAG's regional planning efforts and a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.1.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT WITH LAND USE PLANS, POLICIES OR REGULATIONS ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT.**

Impact Analysis: Table 4-1 identifies related projects in the project vicinity, including Dana Point, San Juan Capistrano, and San Clemente, determined as having the potential to interact with the proposed project to the extent that a significant cumulative land use impact may occur. Development projects within the City and neighboring jurisdictions undergo a similar plan review process to determine potential land use planning policy and regulation conflicts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the provisions of the applicable jurisdiction's land use designation(s) and zoning district(s). Each project would be analyzed to ensure consistency and compliance with the applicable jurisdiction's General Plan goals and policies, Municipal Code regulations, and other applicable land use plans or policies (e.g., Coastal Act, LCP, and/or Specific Plan(s)).

As analyzed above, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, Coastal Act, 1986 LCP, and 2016 RTP/SCS, the proposed project would not result in significant cumulatively considerable impacts in this regard. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.1.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to land use and relevant planning have been identified.

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5.2 Aesthetics/Light and Glare

5.2 AESTHETICS/LIGHT AND GLARE

This section assesses the potential for aesthetic impacts using accepted methods of evaluating visual quality, as well as identifying the type and degree of change the proposed project would likely have on the character of the landscape. The analysis in this section is primarily based on information provided by the City and verified through site reconnaissance conducted by Michael Baker International (Michael Baker) in February 12, 2020 and August 21, 2020.

5.2.1 EXISTING SETTING

The City of Dana Point (City) is a coastal City located in southwest Orange County and is surrounded by Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south. Overall, the most significant natural and manmade characteristics of the City include Dana Point's natural physical form, its coastline as a unique area of interface between land and water, and the diversity of its manmade physical development.

Doheny Village is located at the Interstate 5 (I-5) Freeway entrance to the City. In addition to functioning as a gateway to the City, Doheny Village offers close physical proximity to the beach and high visibility. Overall, the aesthetic environment of the project area is urban and developed, with an eclectic combination of residential, institutional, commercial, and industrial/manufacturing uses of varying heights, surface parking areas, roadways, pedestrian walkways, and storage uses; refer to Exhibit 5.2-1, *Existing Conditions Photographs*. Slightly more than half of the residential uses is comprised of the Beachwood Mobile Home Park east of Doheny Park Road. Most of the remaining residential uses are primarily located to the east of Sepulveda Avenue, with a pocket of multi-family housing units located to the south of Domingo Avenue. This portion of the project area consists of a mix of land uses (residential, commercial, and institutional uses).

Institutional uses within the project site are situated to the east of Doheny Park Road and south of Victoria Boulevard. These include private schools and two churches (San Felipe de Jesus Catholic Church and Capo Beach Church). To the east of Sepulveda Avenue is Capistrano Unified School District property, which is currently used for bus maintenance and storage.

The Capistrano Valley Plaza Shopping Center, constructed in 1965, is located in the northern portion of the project site on the west side of Doheny Park Road. Currently, the shopping center includes three primary tenants, Smart & Final, Dollar Tree, and Big 5 Sporting Goods, as well as a restaurant (Las Golondrinas), bar (Doheny Saloon), and gas station. The majority of the buildings are set back from the street and separated from Doheny Park Road by a large surface parking lot.

The east side of Doheny Park Road, across from the Capistrano Valley Plaza Shopping Center, is a series of older retail establishments that extend southward along Doheny Park Road. In this block, the uses vary from relatively small-scale stores to fairly large retail outlets, including Mission Glass, Surf Cycle Laundromat, Nikki's Café, Ganahl Lumber, Beach Cities Glass, and Feed Barn. South of Victoria Boulevard is a Sherwin-Williams Paint Store, as well as restaurants, post office, car wash, U-Haul store, and small structures with a mixture of retail and professional services.



Southeastern view of Beachwood Mobile Home Park from Doheny Park Road.



Southeastern view of exiting multifamily residential uses along Camino Capistrano.



Southwestern view of existing industrial/manufacturing uses along Victoria Boulevard west of Doheny Park Road.



Southern view of the Capistrano Unified School District property from Victoria Boulevard.



Western view of the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way to the west of the project site.



Western view of existing commercial uses associated with the Capistrano Valley Plaza Shopping Center.

Industrial/manufacturing uses, including a number of surfboard manufacturing, automotive repair, metal fabrication, and construction-related businesses, are mostly located to the south of Victoria Boulevard and west of Doheny Park Road.

Approximately seven acres of land adjacent to the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way is used for storage. These mostly include self-storage units, as well as a large boat storage area that is secured and fenced.

SCENIC RESOURCES

According to the General Plan Urban Design Element, the landforms of the Headlands and coastal bluffs are the most prominent natural features of the City. These resources are visible from the region's coastline and coastal hillsides from a distance of up to 30 miles. Within the project site, public views of coastal bluffs are afforded to bicyclists, pedestrians, and vehicles travelling north on Doheny Park Road, Sepulveda Avenue, and Via Santa Rosa, as well as to pedestrians and vehicles travelling west along Camino Capistrano, Victoria Boulevard, Domingo Avenue, and Las Vegas Avenue. Views of the Headlands are not afforded from the project site under existing conditions due to intervening topography, existing structures, and vegetation. According to the General Plan Urban Design Element, public views to the bluffs are considered significant urban design and public resources of the City.

Figure COS-5, *Scenic Overlooks from Public Lands*, of the General Plan Conservation/Open Space Element identifies significant public scenic view resources in Dana Point. Based on Figure COS-5, the project site is not located within the viewshed[1] of any General Plan-designated scenic overlooks.

Many of Dana Point's streets offer panoramic views toward the Pacific Ocean. According to the General Plan Urban Design Element, these view opportunities form an important part of the City's coastal identity, and are important scenic resources to be preserved. The project site does not include public views to the Pacific Ocean under existing conditions due to intervening topography, structures, and vegetation. However, views which encompass the project site as well as the Pacific Ocean are afforded from off-site areas along northbound and southbound I-5 and westbound Pacific Coast Highway.

STATE SCENIC HIGHWAYS

The City's scenic highway plan is depicted on Figure C-6, *Scenic Highways*, of the General Plan Circulation Element. Based on Figure C-6, Pacific Coast Highway, which bounds the project site to the east and south, is currently designated as a "type three" urbanscape corridor. This type of corridor is defined as: "...one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man." Pacific Coast Highway is also identified as an eligible State

1 A viewshed is the geographical area that is visible from a particular location. This includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, topography, trees).

scenic highway by the California Department of Transportation (Caltrans).[2] Views of the project site are afforded from eastbound and westbound Pacific Coast Highway.

DESIGNATED LANDSCAPE CORRIDORS AND CITY ENTRANCE FEATURES/LANDSCAPE FOCUS AREAS

Recognizing the importance of a comprehensive street landscape program to Dana Point's image, Appendix A, *Dana Point Landscape Corridors*, of the General Plan Urban Design Element provides an inventory of the City's major street corridors with recommended landscaping improvements. Doheny Park Road (from Pacific Coast Highway to Camino Capistrano) and Camino Capistrano (from Doheny Park Road to Via Canon) are identified as "Dana Point Landscape Corridors" by Appendix A of the General Plan Urban Design Element. In addition, the intersection of Doheny Park Road and Camino Capistrano is identified as a "City Entrance Feature or Landscape Focus Area" by Appendix A of the General Plan Urban Design Element.

VISUAL CHARACTER/QUALITY

The General Plan Land Use Element identifies five areas within the City as Specific Plan areas for future development or revitalization. These areas include Doheny Village, the Headlands, the Town Center, Monarch Beach, and the Dana Point Harbor. The project site is located within the Doheny Village Specific Plan area of the City, which has the greatest variety of land uses of the five Specific Plan areas based on its eclectic combination of residential, non-residential, and community land uses. As shown on Exhibit 5.2-1, the visual character of the project site and its surroundings is dominated by these urban uses with varying styles of architecture. According to the General Plan Land Use Element, it is the City's goal to revitalize Doheny Village as a primary business district in the City.

LIGHT AND GLARE

Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: light emanating from building interiors passing through windows, and light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, and landscape lighting). Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances. Uses such as residences are considered light sensitive since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light by highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Perceived glare is the unwanted and potentially objectionable sensation as observed by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior facades largely or entirely comprised of highly reflective glass. Glare can also be produced during

2 California Department of Transportation, *List of Eligible and Officially Designated State Scenic Highways*, updated July 2019, accessed August 25, 2020.

evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, transportation corridors, and aircraft landing corridors.

The project site is developed with residential, institutional, commercial, and industrial/manufacturing uses and is surrounded on all sides by existing urban development. As a result, various sources of light and glare are present in the area. On-site lighting associated with existing uses include parking lot lighting, building illumination, and security lighting. Lighting caused by car headlights and street lighting associated with on-site and off-site roadways further influence lighting in the project area. Existing uses within Doheny Village do not include highly polished surfaces; thus, daytime glare is not readily apparent in the project area. Existing sources of glare during the evening or nighttime hours include vehicle headlights along on-site and surrounding roadways and parking lots.

Light-sensitive uses within Doheny Village include residential uses associated with the Beachwood Mobile Home Park east of Doheny Park Road. In addition, residential uses are located to the east of Sepulveda Avenue, including a pocket of multi-family housing units located to the south of Domingo Avenue.

5.2.2 REGULATORY SETTING

STATE LEVEL

California Coastal Act

The California Coastal Act of 1976 (Coastal Act), Public Resources Code Division 20, was adopted to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The Coastal Act is also intended to assure orderly, balanced utilization and conservation of coastal zone resources, and priority for coastal-dependent and coastal-related development over other development on the coast. The Coastal Act policies constitute the statutory standards applied to planning and regulatory decisions made by the California Coastal Commission (CCC) and by local governments, pursuant to the Coastal Act. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, industrial uses, water quality, development design, and power plants, among others.

The CCC was made permanent by the Coastal Act to provide for continued state coastal planning and management. In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. The coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the coastal zone counties and cities, including the City of Dana Point. An LCP includes a Land Use Plan (LUP) which is typically the Coastal Element or Coastal Land Use Plan of the General Plan, including any maps necessary to administer it; and the Implementation Plan which comprises the zoning ordinances, zoning district maps, and Specific Plans or Planned Community Development Plans necessary to implement the land use plan. Coastal Act policies are the standards by which the CCC evaluates the adequacy of LCPs.

To ensure that coastal resources are effectively protected in light of changing circumstances, such as new information or changing development pressures and impacts, the CCC is required to review each certified LCP at least once every five years. Development within the coastal zone requires a coastal development permit (CDP) be issued by either the CCC or a local government that has a CCC-certified LCP.

The City's certified LCP is currently comprised of a number of different documents, which serve as the LCP for specific geographic areas within Dana Point:

- *Dana Point Specific Plan/1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);
- *Monarch Beach/Capistrano Beach 1996 LCP* (1996 LCP; comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the City's Zoning Code [Implementation Plan]);
- *Headlands Development and Conservation Plan*, September 22, 2004;
- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and
- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

While the Monarch Beach and Capistrano Beach areas were incorporated into the 1986 LCP as the 1996 LCP, the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas, as listed above. The original 1986 LCP remains in effect for the remainder of the City, including the project site.

Caltrans Scenic Highways Program

California's Scenic Highway Program was enacted in 1963 by State legislature in order to preserve and enhance the natural scenic beauty of the State's highways and corridors. The Scenic Highway Program is governed by Streets and Highways Code Sections 260 through 263. Highways may qualify as "eligible" or "officially designated" scenic highways, where eligible scenic highways become officially designated scenic highways when the local governing jurisdiction adopts a Corridor Protection Program for the highway, thereby limiting land uses and their densities, controlling outdoor advertising, and implementing design requirements. Caltrans identifies officially designated State scenic highways and historic parkways through the California Scenic Highway Mapping System.

LOCAL LEVEL

City of Dana Point General Plan

LAND USE ELEMENT

Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.

Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.

Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community.

Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.

Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.

Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.

Policy 7.7: Prepare a Specific Plan for revitalization of the Doheny Village Area. The Specific Plan should involve extensive public input.

CONSERVATION AND OPEN SPACE ELEMENT

Goal 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.

Policy 2.2: Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact.

Policy 2.4: Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.

Goal 6: Encourage open space areas to preserve natural resources.

Policy 6.2: Protect and preserve the public views of the Dana Point Harbor.

Policy 6.4: Preserve and protect the scenic and visual quality of the coastal areas as a resource of public importance as depicted in figure COS-5 "Scenic Overlooks from Public Lands", of this Element. Permitted development shall be sited and designed to protect public views from identified scenic overlooks on public lands to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

URBAN DESIGN ELEMENT

Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.

Policy 1.1: Develop citywide linkages through landscaping and lighting along major street corridors.

Policy 1.2: Improve the visual character of major street corridors.

Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.

Policy 1.4: Preserve public views from streets and public places.

Policy 1.7: Initiate a program for public art.

Goal 2: Preserve the individual positive character and identity of the City's communities.

Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Policy 2.2: Adopt development standards and design guidelines for commercial areas that reflect the individual character of each community.

Goal 5: Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.

Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.

Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.

Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial, offices and multi-family components.

Policy 6.1: Improve Pacific Coast Highway and Doheny Park Road as aesthetic entrance boulevards to the City.

Policy 6.2: Unify new commercial development through design concepts for consistent building setbacks, landscaping architecture and signage.

Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village.

City of Dana Point Design Guidelines

The *City of Dana Point Design Guidelines* (Design Guidelines) identify the qualities and characteristics expected of development and major renovations in the City. The Design Guidelines include recommendations for site design, compatibility with neighboring development, architectural and landscape character, historic preservation, parking and loading facilities, and building equipment and services. The Design Guidelines have a tiered organization and include general design guidelines for all projects regardless of use or location, design guidelines for specific land use types, as well as design

guidelines for projects that are located in a special environmental area or district. Section V.B, *Doheny Village*, of the Design Guidelines includes special guidelines related to building frontages, parking lots, and public sidewalk spaces for projects with frontages along Doheny Park Road. Section V.B also includes special architecture considerations for development on Pacific Coast Highway between Doheny Park Road and Palisade Drive. The City of Dana point uses the Design Guidelines to evaluate the design quality of development proposals which require discretionary approval.

City of Dana Point Sign Guidelines

Recognizing that signs are one of the most noticeable visual elements along Dana Point's commercial streetscapes, the City adopted the *City of Dana Point Sign Guidelines* (Sign Design Guidelines) in February 2004. The purpose of this Sign Design Guidelines is to: 1) further implement the intent and purpose of Zoning Code Chapter 9.37, *Signs and Advertising Devices*; 2) assist business owners and sign designers to better understand the City's expectations for well-designed, quality signs; and 3) assist those with the responsibility of reviewing sign permit applications to have established criteria with which to judge the appropriateness of a sign's design. The Sign Design Guidelines are applicable to all new signs and the modification or reconstruction of existing signs throughout the City. The City applies the Sign Design Guidelines during sign permit application review or through the review of other permit applications when signs are a part of a larger project. During the City's review, signs are evaluated for their "consistency" with the Sign Design Guidelines and the standards contained in the Sign Code.

Dana Point Municipal Code

MUNICIPAL CODE TITLE 9, ZONING

Municipal Code Title 9, *Zoning*, referred to as the Dana Point Zoning Code (Zoning Code), provides the legislative framework to implement and enhance the General Plan and LCP by classifying and regulating the uses of land and structures within the City. The Zoning Code regulates development density and intensity as well as the landscaping in the design of development projects. The purpose of the Zoning Code is to promote health, safety, welfare, and general prosperity with the aim of preserving a wholesome, serviceable, and attractive community in accordance with the General Plan and LCP for Dana Point.

Chapter 9.05, *General Development Standards*, of the Zoning Code establishes generally acceptable standards for development in the City. Pursuant to Section 9.05.130, *General Design Compatibility and Enhancement*, of the Zoning Code, any new building or structure, any addition to an existing building or structure, and the installation or construction of any site improvements must be designed to create a unified functional and comprehensive site plan with an integrated architectural theme that is compatible with and will complement and enhance the subject and surrounding properties, as determined by the Director of Community Development. The factors used to evaluate design compatibility and enhancement shall include, but not be limited to:

a) Architectural style and detailing;

b) Massing and bulk;

c) Color and materials; and

d) Scale and proportion.

The design of all development projects including, but not limited to, architecture, and landscaping should consider the applicable direction provided by the Design Guidelines.

The City protects public views to coastal areas through Section 9.05.170, *Coastal Views from Public Areas*. Pursuant to Section 9.05.170, a detailed view impact study which includes recommendations to avoid impacts to coastal views from public lands shall be prepared and incorporated into projects where the proposed development impacts such views.

Section 9.05.220, *Lighting*, of the Zoning Code includes the City's lighting standards. Pursuant to Zoning Code Section 9.05.220, exterior lighting must be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Zoning Code. All lighting fixtures must be designed such that they are appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits.

Development requiring a sign permit is subject to compliance with Chapter 9.37, *Signs and Advertising Devices*, of the Zoning Code. In order to provide for well-designed consistent signage that is pleasing in appearance and compatible with community character, Chapter 9.37 identifies sign design standards to regulate the location, size, type, content, illumination, and number of signs.

Dana Point Specific Plan (1986 LCP)

LCPs are basic planning tools used by local governments, in partnership with the CCC, to guide development in the coastal zone. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as a Zoning Ordinance). These LCPs, which are prepared by local governments, govern decisions that determine the short- and long-term conservation and use of coastal resources. Along with the unique characteristics of individual local coastal communities, the LCPs must also address regional and Statewide interests and concerns, in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the CCC for review for consistency with Coastal Act requirements.

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The Monarch Beach and Capistrano Beach areas are regulated under the 1996 LCP and the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas. As the project site is not located within the Monarch Beach, Capistrano Beach, Headlands, Town Center, or Dana Point Harbor, the 1986 LCP regulates development within the project site.

The 1986 LCP implements the goals and policies of the General Plan, particularly the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP also implements the Coastal Act in addressing shoreline access/recreation and visitor-serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. The 1986 LCP also details land use regulations, resolution of General Plan/zoning inconsistencies, provision of municipal level community services, and community participation.

5.2.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Have a substantial adverse effect on a scenic vista (refer to Impact Statement AES-1);
- Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway (refer to Impact Statement AES-3);
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (refer to Impact Statements AES-2); and/or
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area (refer to Impact Statement AES-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.2.4 IMPACTS AND MITIGATION MEASURES

SCENIC VISTAS

AES-1 PROJECT IMPLEMENTATION COULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON A SCENIC VISTA.

Impact Analysis: A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed.[3]

3 A viewshed is the geographical area which is visible from a particular location.

Scenic vistas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated Federal and State lands, as well as local open space or recreational areas, may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features. As discussed in Section 5.2.1, *Existing Setting*, the landforms of the Headlands, coastal bluffs, and the Pacific Ocean are designated by the General Plan as important scenic resources. It is the City's policy to preserve public views from streets and public places (General Plan Urban Design Element Policy 1.4). The following discussion analyzes the project's potential to impact public views to these resources.

Views to Coastal Bluffs. Under existing conditions, public views of coastal bluffs are afforded to bicyclists, pedestrians, and vehicles travelling north on Doheny Park Road, Sepulveda Avenue, and Via Santa Rosa, as well as to pedestrians and vehicles travelling west along Camino Capistrano, Victoria Boulevard, Domingo Avenue, and Las Vegas Avenue within the project site. In order to depict potential impacts to public views of the coastal bluffs, conceptual building height diagrams were prepared for the following key views; refer to Exhibit 5.2-2, *Key View Location Map*.

- Key View 1: Key View 1 is located along the northbound travel lanes Doheny Park Road, just south of Domingo Avenue. As depicted on Exhibit 5.2-3, *Key View 1 – Existing and Proposed Condition*, public views to coastal bluffs are partially obstructed by existing one to two story development, trees, signage, and signalized intersections under the existing conditions. The proposed project would allow for a maximum building height of 35 to 40 feet (or three stories) within the Village Main Street (V-MS) zone. As shown on Exhibit 5.2-3, the proposed project would not result in substantial view blockage of the coastal bluffs as experienced from Doheny Park Road. Although the conceptual building heights diagrams included in Exhibit 5.2-3 are presented in a block style to facilitate a worst-case analysis of building height development standards, any future structures over 35 feet in height would be subject to a Site Development Permit (pursuant to Municipal Code Chapter 9.71) provided that the development demonstrates exceptional design quality and improvements. Future development would be subject to compliance with Section V.B, *Doheny Village*, of the City's Design Guidelines. Section V.B of the Design Guidelines includes special guidelines related to building frontages and public sidewalk spaces for projects with frontages along Doheny Park Road. Overall, implementation of the proposed project would not result in substantial public view obstruction of coastal bluffs experienced at Key View 1. Impacts in this regard would be less than significant.

- Key View 2: Key View 2 is located along the westbound sidewalk of Victoria Boulevard looking west towards its intersection with Via Santa Rosa. As depicted on Exhibit 5.2-4, *Key View 2 – Existing and Proposed Condition*, public views to coastal bluffs are mostly obstructed by existing development and mature trees under the existing conditions. Nominal background views of costal bluffs are afforded along the Victoria Boulevard view corridor. The proposed project would allow for a maximum building height of 35 to 50 feet north of Victoria Boulevard and 35 to 40 feet south of Victoria Boulevard within the Village Commercial/Residential (V-C/R) zone, and 35 to 40 feet (or three stories) within the V-MS zone. Any future structures over 35 feet in height would be subject to a Site Development Permit (pursuant to Municipal Code Chapter 9.71) provided that the development demonstrates exceptional design quality and improvements. As shown on Exhibit 5.2-4, the



Source: Google Maps Pro, 2020

NOT TO SCALE

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DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
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Key View Locations Map

Exhibit 5.2-2



Existing



Proposed

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35 Feet

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Key View 1 – Existing and Proposed Condition

Exhibit 5.2-3



Existing



Proposed

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35 Feet

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Key View 2 – Existing and Proposed Condition

Exhibit 5.2-4

proposed project would not result in substantial view blockage of the coastal bluffs as experienced from Victoria Boulevard.

In conclusion, existing public views to coastal bluffs are framed on both sides of roadway right-of-way by existing single and multi-story development and are partially obstructed by existing by existing structures and mature trees; refer to Exhibit 5.2-3 and Exhibit 5.2-4. The proposed project would allow for a maximum building height of:

- 35 to 40 feet (or three stories) within the V-C/I zone;
- 35 to 50 feet north of Victoria Boulevard and 35 to 40 feet south of Victoria Boulevard within the V-C/R zone; and,
- 35 to 40 feet (or three stories) within the V-MS zone; refer to Table 3-2, Doheny *Village Development Standards*.

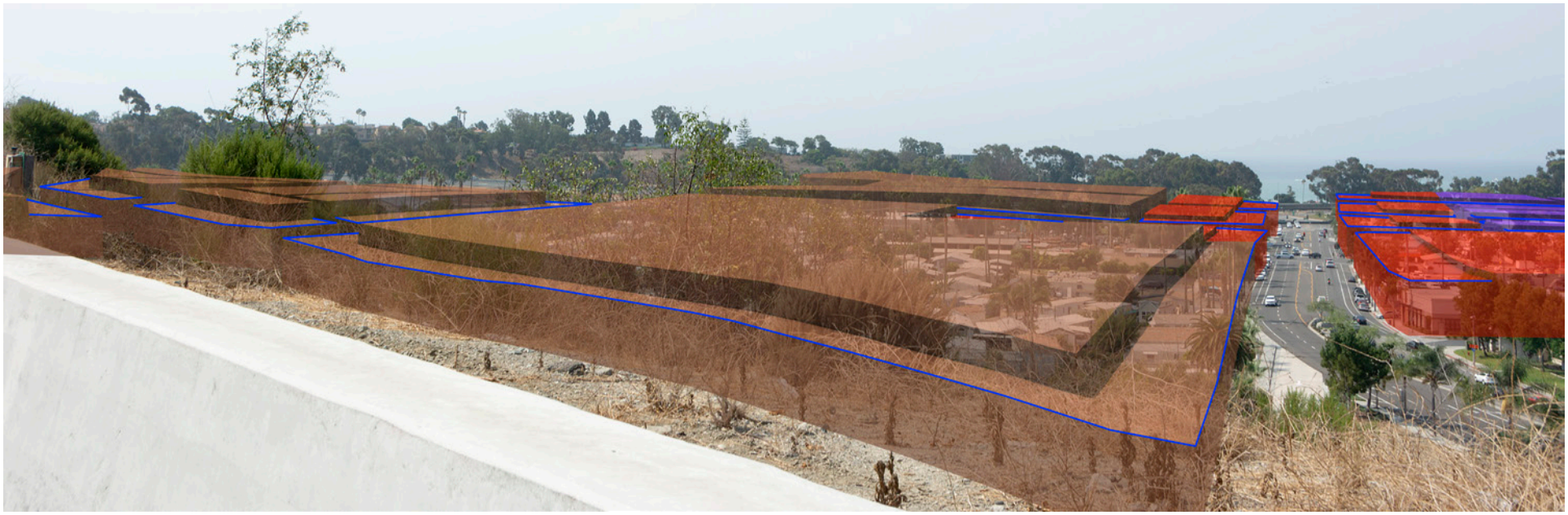
As the proposed project is located along roadway right-of-way, the zoning districts and development standards proposed under the project would not result in view blockage of coastal bluffs as experienced from these corridors. Further, as the project site is already developed with one to three story development, the scale of future development accommodated by the project would complement the height and scale of existing development within Doheny Village; refer to Exhibit 5.2-3 and Exhibit 5.2-4. In accordance with proposed Chapter 9.14, *Doheny Village Districts*, of the Municipal Code, future development projects in all zoning districts with a proposed building height greater than 35 feet would only be permitted subject to approval of a Site Development Permit (pursuant to Chapter 9.71 of the Municipal Code) provided that the development demonstrates exceptional design quality and improvements; refer to Appendix 11.1, *Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)*. The project would not conflict with the City's policy to preserve public views from streets and public places (General Plan Urban Design Element Policy 1.4) and impacts to views of the coastal bluffs would be less than significant in this regard.

Views to the Pacific Ocean. The project site does not include public views to the Pacific Ocean under existing conditions due to intervening topography, structures, and vegetation. However, views which encompass the project site as well as the Pacific Ocean are afforded along northbound and southbound I-5 and westbound Pacific Coast Highway. In order to depict potential impacts to public views of the Pacific Ocean, conceptual building height diagrams were prepared for the following key view.

- Key View 3: Key View 3 is located along the southbound travel lanes of I-5, looking southwest towards the project site. As depicted on Exhibit 5.2-5, *Key View 3 – Existing and Proposed Condition*, public views to the Pacific Ocean are currently afforded from the southbound travel lanes of I-5. Although present, these views are partially obstructed by existing topography and mature trees. The proposed project would allow for a maximum building height of 35 to 40 feet (or three stories) within the V-C/I zone; 35 to 50 feet north of Victoria Boulevard and 35 to 40 feet south of Victoria Boulevard within the V-C/R zone; and between 35 to 40 feet (or three stories) within the V-MS zone; refer to Table 3-2. As shown on Exhibit 5.2-5, the proposed project would not result in view blockage of the Pacific Ocean as experienced from southbound I-5. As the proposed project is located significantly lower elevation than I-5 and Pacific Coast Highway, the zoning districts and development standards proposed under the project would not result in view blockage of the Pacific Ocean from these corridors; refer to



Existing



Proposed

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35 Feet

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DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT | ENVIRONMENTAL IMPACT REPORT

Key View 3 – Existing and Proposed Condition

Exhibit 5.2-5

Exhibit 5.2-5. Further, as the project site is already developed with one to three story development, the scale of future development accommodated by the project would complement the height and scale of existing development within Doheny Village. In accordance with proposed Chapter 9.14, *Doheny Village Districts*, of the Municipal Code, future development projects in all zoning districts with a proposed building height greater than 35 feet would only be permitted subject to approval of a Site Development Permit (pursuant to Chapter 9.71 of the Municipal Code) provided that the development demonstrates exceptional design quality and improvements; refer to Appendix 11.1. The project would not conflict with the General Plan Urban Design Element Policy 1.4 and impacts to views of the Pacific Ocean would be less than significant.

In conclusion, although the proposed project would modify the visible building massing in Doheny Village, the zoning districts and development standards proposed under the project would not result in substantial view blockage of scenic resources as experienced from public vantage points. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCENIC QUALITY REGULATIONS

AES-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY.

Impact Analysis: The project site is developed with and surrounded by urbanized uses; refer to Exhibit 5.2-1. Thus, for the purposes of this threshold, the project's potential to conflict with applicable zoning and other regulations governing scenic quality is evaluated below.

CALIFORNIA COASTAL ACT

Section 30251 of the Coastal Act states that:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

As concluded in Impact Statement AES-1, the height limitations proposed in Table 3-2 would ensure impacts to public views of scenic coastal areas, including coastal bluffs and the Pacific Ocean, are less than significant. Future development is not anticipated to involve significant alterations to the natural landform, as the majority of the site is relatively level and has been extensively developed with pavements, hardscape, and structures. Overall, the proposed zoning districts and development

standards would improve the compatibility, character, and visual quality of Doheny Village by facilitating unified and cohesive development that preserves and enhances the eclectic combination of existing and future commercial, light industrial, and residential mixed uses in the project area. Thus, the project would be consistent with the Coastal Act and impacts to scenic resources would be less than significant.

GENERAL PLAN CONSISTENCY ANALYSIS

Table 5.2-1, *Project Consistency with Relevant General Plan Policies*, provides a consistency analysis of the proposed project and relevant General Plan goals and policies related to scenic quality. As demonstrated in Table 5.2-1, the proposed project would be consistent with relevant General Plan policies and impacts to scenic resources would be less than significant.

Table 5.2-1
Project Consistency with Relevant General Plan Policies

Applicable General Plan Policies	Project Consistency Analysis
Land Use Element	
Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.	
Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.	Consistent. The project proposes new zoning districts specific to Doheny Village that would be comprehensively integrated into the Municipal Code as Municipal Code Chapter 9.14, *Doheny Village Districts*; refer to Appendix 11.1, *Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)*. As proposed, Municipal Code Chapter 9.14 would establish permitted uses, development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards. Overall, the proposed project would establish zoning districts and development standards for parcels within Doheny Village in a manner that would allow unified and cohesive development. Thus, the project would be consistent with Land Use Element Policy 1.1.
Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.	
Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.	Consistent. Recognizing the importance of a comprehensive street landscape program to Dana Point's image, Appendix A, *Dana Point Landscape Corridors*, of the General Plan Urban Design Element provides an inventory of the City's major street corridors with recommended landscaping improvements. Doheny Park Road (from Pacific Coast Highway to Camino Capistrano) and Camino Capistrano (from Doheny Park Road to Via Canon) are identified as "Dana Point Landscape Corridors" by Appendix A of the General Plan Urban Design Element. In order to depict potential impacts to identified landscape corridors, conceptual building height diagrams were prepared for the following key view.

Table 5.2-1 (Continued)
Project Consistency with Relevant General Plan Policies

Applicable General Plan Policies	Project Consistency Analysis
	• Key View 4: Key View 4 is located along the southbound travel lanes of Camino Capistrano, just before the project limits; refer to Exhibit 5.2-6, *Key View 4 – Existing and Proposed Condition*. Camino Capistrano is identified as a landscape corridor by the General Plan and this particular view depicts a significant ""City Entrance Feature or Landscape Focus Area" to the City based on existing landscaped medians and sidewalks. The proposed project would allow for a maximum building height of 35 to 50 feet north of Victoria Boulevard within the V-C/R zone and between 35 to 40 feet (or three stories) within the V-MS zone; refer to Table 3-2. As depicted on Exhibit 5.2-6, although the taller building heights could impact scenic quality, development of the proposed project would not impact the existing landscaped median along Camino Capistrano. In addition, future development occurring in accordance with the V-C/R District and V-MS District would be subject to development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards; refer to Appendix 11.1. Overall, these standards would serve to improve the scenic quality of Camino Capistrano as experienced from this key view. The project would uphold the City's policy to ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation in this regard.
Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community.	Consistent. The intent of the proposed zoning district update is to preserve and enhance the eclectic combination of existing and future commercial, light industrial, and residential mixed uses in the project area. This includes regulating signs throughout the area to ensure commercial and industrial signs are coordinated, unified, and cohesive. As detailed in the proposed Municipal Code Chapter 9.14.040(f), *Sign Programs*, multi-tenant mixed use developments are required to obtain approval for a project sign program pursuant to existing Municipal Code Chapter 9.37, *Signs and Advertising Devices*; refer to Appendix 11.1.



Existing



Proposed

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35 Feet

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DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT | ENVIRONMENTAL IMPACT REPORT

Key View 4 – Existing and Proposed Condition

Exhibit 5.2-6

Table 5.2-1 (Continued)
Project Consistency with Relevant General Plan Policies

Applicable General Plan Policies	Project Consistency Analysis
Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.	
Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.	Consistent. The new Chapter 9.14, *Doheny Village Districts*, of the Municipal Code includes minimum landscape coverage development standards for the new V-C/I, V-C/R, and V-MS districts; refer to Appendix 11.1. Further, the provisions of the V-MS district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road. Thus, the proposed project would encourage future revitalization of the project area as a pedestrian friendly environment with appropriate landscaping.
Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.	Consistent. The project proposes new zoning districts specific to Doheny Village that would be comprehensively integrated into the Municipal Code as Municipal Code Chapter 9.14, *Doheny Village Districts*; refer to Appendix 11.1. As proposed, the new zoning districts and development standards for parcels within Doheny Village would ensure development occurs in a manner that would allow unified and cohesive development. Thus, the project would be consistent with Land Use Element Policy 7.3.
Policy 7.7: Prepare a Specific Plan for revitalization of the Doheny Village area. The Specific Plan should involve extensive public input.	Consistent. The City has conducted extensive public engagement regarding the project since 2011; refer to Section 3.2, *Background and History*. Most recently, the Doheny Village Working Group, consisting of select community representatives that have been actively involved in the draft zoning code update process, was initiated and convened on a monthly basis with City staff from July 2018 to November 2019. In coordination with City staff and at the direction of City Council, the Doheny Village Working Group developed an action plan and timeline to achieve long-term goals for the zoning code update, zone text amendment, and beautification plan. Thus, although the project is a zoning district update for Doheny Village rather than a Specific Plan, the project would uphold the City's policy to revitalize the Doheny Village area based on extensive public input.
Urban Design Element	
Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.	
Policy 1.1: Develop citywide linkages through landscaping and lighting along major street corridors.	Consistent. The proposed project does not conflict with the City's policy to develop citywide linkages through landscaping and lighting along major street corridors. As indicated in Response to General Plan Land Use Element Policy 4.6, development of the proposed project would not impact existing landscaping and lighting along major street corridors, such as Camino Capistrano. In addition, future development occurring in accordance with the proposed project would be subject to development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards; refer to Appendix 11.1. Overall, these standards pertaining

Table 5.2-1 (Continued)
Project Consistency with Relevant General Plan Policies

Applicable General Plan Policies	Project Consistency Analysis
	to landscaping and lighting would serve to improve the scenic quality of major street corridors within the project site. Further, future projects along Doheny Park Road would be subject to compliance with special guidelines related to building frontages, parking lots, and public sidewalk spaces in accordance with Section V.B of the Design Guidelines. Section V.B also includes special architecture considerations for development on Pacific Coast Highway between Doheny Park Road and Palisade Drive. The City of Dana Point would use the Design Guidelines to evaluate the design quality of future development proposals which require discretionary approval. Thus, the project would be consistent with Urban Design Element Policy 1.1.
Policy 1.2: Improve the visual character of major street corridors.	Consistent. Refer to response to Urban Design Element Policy 1.1.
Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.	Consistent. Refer to response to Urban Design Element Policy 1.1.
Policy 1.4: Preserve public views from streets and public places.	Consistent. Refer to Impact Statements AES-1 and AES-3. The project would not conflict with the City's policy to preserve public views from streets and public places and impacts to scenic vistas would be less than significant.
Policy 1.7: Initiate a program for public art.	Consistent. Proposed Municipal Code Section 9.14.040(g), *"Art-in-Public Places" Program*, requires all new development projects within the project area comply with the existing provisions of the "Art-in-Public-Places" Program detailed in Section 9.05.240 of the Municipal Code; refer to Appendix 11.1.
Goal 2: Preserve the individual positive character and identity of the City's communities.	
Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	Consistent. Recognizing the value of the existing character of Doheny Village, the City underwent an extensive public engagement and outreach effort to develop the project's proposed zoning district update, community guiding principles, and development and parking standards. Thus, the project's proposed development standards, allowed uses, and special use standards would ensure the distinct architecture and visual character of Doheny Village are maintained and enhanced.
Policy 2.2: Adopt development standards and design guidelines for commercial areas that reflect the individual character of each community.	Consistent. Refer to response to Urban Design Element Policy 2.1.
Goal 5: Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.	
Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.	Consistent. Refer to response to Land Use Element Policy 7.2.
Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.	Consistent. Refer to response to Land Use Element Policy 7.2.

Table 5.2-1 (Continued)
Project Consistency with Relevant General Plan Policies

Applicable General Plan Policies	Project Consistency Analysis
Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial offices and multi-family components.	
Policy 6.1: Improve Pacific Coast Highway and Doheny Park Road as aesthetic entrance boulevards to the City.	Consistent. Refer to response to Urban Design Element Policy 2.1.
Policy 6.2: Unify new commercial development through design concepts for consistent building setbacks, landscaping architecture and signage.	Consistent. Refer to response to Land Use Element Policy 1.1.
Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village. Reserve as an open space corridor for public recreational improvements the top of the east bank of the San Juan Creek Channel.	Consistent. The provisions of the V-MS district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road. The San Juan Creek Channel and adjacent open space corridor are located off-site and would not be impacted by the proposed project.
Circulation Element	
Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.	
Policy 1.14: Establish landscaping buffers and building setback requirements along all roads where appropriate.	Consistent. Refer to response to Land Use Element Policy 1.1.
Conservation and Open Space Element	
Goal 5: Reduce air pollution through land use, transportation and energy use planning.	
Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	Consistent. As shown on Exhibits 3-5, Doheny Village Zoning District Update, and 3-6, *Doheny Village Land Use Designations*, parcels along either side of Doheny Park Road where most existing commercial, office, and retail uses are located would be zoned V-MS and V-C/R and designated Commercial/Main Street and Commercial/Residential with allowed residential densities ranging from 10 to 50 dwelling units per acre. As such, high density multi-family uses would be located near existing and future commercial areas to encourage alternative modes of transportation, including walking.
Policy 5.4: Provide commercial areas that are conducive to pedestrian and bicycle circulation.	Consistent. The proposed V-MS district along Doheny Park Road would accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above nonresidential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environments with storefront-style frontages along Doheny Park Road.

Source: City of Dana Point, *City of Dana Point General Plan*, July 9, 1991.

MUNICIPAL CODE CONSISTENCY ANALYSIS

Municipal Code Title 9 includes various site development standards that aid in governing scenic quality. As discussed, the project also proposes to integrate a new chapter into the City's Zoning Code: Chapter 9.14, *Doheny Village Districts*, in the Municipal Code. The chapter would detail allowed uses; development standards (e.g., lot size, setback, density, open space, and landscaping requirements); special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards for each of the three proposed zoning districts. Refer to Appendix 11.1 and Table 3-2 for additional details. Table 5.2-2, *Municipal Code Consistency Analysis Governing Scenic Quality*, provides a consistency analysis of the proposed project and relevant development standards related to scenic quality. Refer to Section 5.1, *Land Use and Relevant Planning*, for a discussion concerning the project's consistency with other applicable zoning requirements.

Table 5.2-2
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Municipal Code Section	Project Consistency Analysis
9.05.170 Coastal Views from Public Areas. To protect the coastal scenic overlooks from public lands identified in the General Plan Urban Design and Conservation/Open Space Elements, a detailed view impact study which includes recommendations to avoid impacts to coastal views from public lands shall be prepared and incorporated into projects where the proposed development impacts such views. (Added by Ord. 93-16, 11/23/93)	Consistent. As concluded in Impact Statement AES-1, the height limitations proposed in Table 3-2 would ensure impacts to public views of coastal bluffs and the Pacific Ocean are less than significant. In addition, based on Figure COS-5, the project site is not located within the viewshed of General Plan-designated scenic overlooks from public lands. The project would be consistent with Municipal Code Section 9.05.170 in this regard.
9.05.220 Lighting. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits. (Added by Ord. 93-16, 11/23/93)	Consistent. The proposed zoning district update affects future development and redevelopment in the Doheny Village area. As proposed, the zoning district update would not impact implementation of the City's lighting standards. Future development occurring within the project site would be required to comply with the exterior lighting requirements included in Municipal Code Section 9.05.220. The project would be consistent with Municipal Code Section 9.05.220 in this regard.
9.37.130 Location and Height. a) All signs, unless otherwise provided for in this Chapter, shall be erected upon the premises occupied by the person or business sought to be identified by such signs. b) No sign shall be located upon or project over a public right-of-way, except projecting signs and signs promoting civic and non-profit activities sponsored by the civic and non-profit organizations subject to the review and approval of the Director of Community Development and in accordance with Section 9.37.160 (Special Use Sign Permits).	Consistent. The proposed zoning district update affects future development and redevelopment in the Doheny Village area. As proposed, the zoning district update would not impact implementation of the City's location and height standards for signs. Rather, the proposed Chapter 9.14 requires future multi-tenant mixed use developments to obtain approval for a project sign program pursuant to Chapter 9.37. The project would be consistent with Municipal Code Section 9.37.130 in this regard.

Table 5.2-2 (Continued)
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Municipal Code Section	Project Consistency Analysis
c) No sign shall be attached to any public utility pole or public property except non-advertising signs or public notices of public utility companies as may be required in their operations which provide service for the health and welfare of the general public or as required by any Federal or State law or agency thereof. d) No sign shall be placed in such a manner that the visibility of a sign on adjacent properties is obscured as viewed from a public or private right-of-way. e) No sign shall extend above the eave line or parapet of the building on which it is located, with the exception of signs located on mansard roofs of buildings without wall area for signage, provided that the sign does not exceed the roofline. f) Signs shall be placed at or near the entrance to a building or site to indicate the most direct access to the business. g) The maximum height of permanent detached signs is six (6) feet. The Community Development Director has the discretion to grant up to a twenty-five (25) percent increase in allowable height, if the Director finds the sign design to be extraordinarily creative and significantly contributing to the character of Dana Point and that the site characteristics warrant the additional height. Sign height shall be measured from the ground (finished grade) directly surrounding the sign to the top of the sign. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal mid-point of the sign. Signs may exceed the maximum height if approved in conjunction with a variance in accordance with Section 9.37.080. h) Signs located within any required building setback, access intersection or street intersection area shall be located in accordance with the sight distance requirements of Section 9.05.090. No sign shall be located so as to promote a safety hazard as determined by the Director of Community Development.	

Table 5.2-2 (Continued)
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Municipal Code Section	Project Consistency Analysis
9.37.140 Materials, Design and Construction. a) All signs, with the exception of monument signs, shall be constructed of permanent materials, including but not limited to, metal, wood, acrylic or other comparable durable weatherproof materials. No material more combustible than treated wood shall be used in the construction of any permanent sign. b) It is acceptable and desirable to utilize the following high quality materials and/or methods for monument signs: 1. Natural materials such as wood (hand carved, sand-blasted, painted or routed), stone, brick or some other natural material that is of a high quality. 2. Ceramic tile either painted or sand blasted. 3. Sign face, supports and standards trimmed with moldings and letter of similar high quality design and material. c) It is not acceptable to utilize the following materials for monument signs: finished materials such as acrylic, fiberglass, plastic or bare aluminum face, or material that exhibits a reflection similar to these materials. Canned signs are not permitted. d) Any sign support used in the construction of any permanent sign shall be reviewed as part of the sign application. Brackets or other structural elements that contribute to the architecture or in any way contribute to the advertisement of a business shall be calculated as part of the aggregate area of signage permitted for the site. e) Design, color, and scale of the sign shall be in keeping with the design elements in the General Plan, respective Specific Plan or Planning Area, and/or with the existing and surrounding architecture.	Consistent. The proposed zoning district update affects future development and redevelopment in the Doheny Village area. As proposed, the zoning district update would not impact implementation of the City's materials, design, and construction standards for signs. Rather, the proposed Chapter 9.14 requires future multi-tenant mixed use developments to obtain approval for a project sign program pursuant to Chapter 9.37. The project would be consistent with Municipal Code Section 9.37.140 in this regard.

Table 5.2-2 (Continued)
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Municipal Code Section	Project Consistency Analysis
f) Signs may be externally illuminated. Signs, with the exception of monument signs, may be internally illuminated. Internal illumination is from the interior of a sign, behind letters (back lighting), channel lighting, or other internal lighting source. Letter and logos may be internally lit but the sign background shall be opaque where the only portion of the signs that is illuminated is the actual letterings and/or a registered trademark or logo. Monument signs are permitted to be externally illuminated only. External illumination is located outside of the sign and is focused to illuminate the exterior of the sign. External lighting shall be designed so as not to reflect glare or visually disturb surrounding land uses or function. Illumination shall be considered excessive when it prevents the normal perception of buildings or structures beyond or in the vicinity of the sign or when it is disruptive to residential zones or any public or private right-of-way. g) Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. The architectural design of the building's facade shall be considered in selecting sign materials that complement the design. h) Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. i) Sign colors and materials should be selected that provide a contrast between the background color(s) and the lettering. j) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices. k) Light sources shall utilize energy-efficient fixtures to the greatest extent possible. l) Sign removal or replacement shall ensure all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.	
Source: City of Dana Point, *Dana Point Municipal Code*, current through Ordinance 20-01 and the July 2020 code supplement.	

As indicated in Table 5.2-2, the proposed project would be consistent with applicable Municipal Code development standards related to scenic quality. In addition, the allowed uses and standards provided in proposed Municipal Code Chapter 9.14 would ensure future development occurring within Doheny Village contributes to an attractive visual setting by facilitating quality development. Thus, the proposed project would be consistent with the Municipal Code and impacts to scenic resources would be less than significant.

1986 LCP CONSISTENCY ANALYSIS

Specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP regulates development within the project site and consists of portions of the General Plan, Municipal Code, and Zoning Map. As analyzed under above, the project would be consistent with applicable goals, policies, and sections of the General Plan, Municipal Code, and Coastal Act governing scenic resources. Therefore, the proposed project would also be consistent with the 1986 LCP and impacts to scenic resources would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STATE SCENIC HIGHWAYS

AES-3 PROJECT IMPLEMENTATION COULD SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.

Impact Analysis: Pacific Coast Highway is also designated as an eligible State-designated scenic highway by the California Department of Transportation (Caltrans).[4] A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.[5] Pursuant to the State Streets and Highways Code Division 1, Chapter 2, *The State Scenic Highway System*, the purpose of designating certain portions of the State highway system as State scenic highways is to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. Scenic highway designation also identifies the location and extent of routes and areas requiring continuing and careful co-ordination of planning, design, construction, and regulation of land use and development to protect the social and economic values provided by the State's scenic resources. The status of a proposed State scenic highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway. At this time, this

4 California Department of Transportation, *List of Eligible and Officially Designated State Scenic Highways*, updated July 2019, accessed August 25, 2020.

5 California Department of Transportation, *Scenic Highways - Frequently Asked Questions*, https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2, accessed September 23, 2020.

process has not yet occurred for Pacific Coast Highway within the vicinity of the project site. Views of the project site are afforded from eastbound and westbound Pacific Coast Highway.

Based on Figure C-6 of the General Plan Circulation Element, Pacific Coast Highway, which bounds the project site to the east and south, is currently designated as a "type three" urbanscape corridor. This type of corridor is defined as: "...one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man." According to the General Plan Circulation Element, scenic corridors within the City such as Pacific Coast Highway must conform with the policies included in the Urban Design Element and modified to Appendix A, *Dana Point Landscape Corridors*, of the General Plan Urban Design Element. As concluded in Table 5.1-1, the proposed zoning district update would be consistent with applicable General Plan Urban Design Element policies governing scenic quality. The proposed project would not involve impacts to Pacific Coast Highway and thus would not impede implementation of the recommended improvements included in General Plan Urban Design Element Appendix A. The purpose and intent of the proposed project is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. To accomplish this goal, the project proposes new zoning districts specific to Doheny Village, including a new Municipal Code Chapter 9.14, *Doheny Village Districts*, with established permitted uses, development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards; refer to Appendix 11.1. The intent of the zoning district update is to establish a clear direction for future revitalization of Doheny Village, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. By establishing new zoning districts, including allowable uses, development standards, and special use standards, the project would preserve and enhance Pacific Coast Highways' function as a visual corridor with views to attractive and existing urban scenes and would not conflict with the its role as a "type three" urbanscape corridor or State scenic highway. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIGHTING

AES-4 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.

Impact Analysis: A significant impact may occur if lighting, as part of the proposed project, exceeds adopted thresholds for light and glare, including exterior lighting or light spillover,[6] or if the proposed project creates a substantial new source of light or glare. Light-sensitive uses within the project boundaries include residential uses associated with the Beachwood Mobile Home Park east of Doheny

6 Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.

Park Road. In addition, residential uses are located to the east of Sepulveda Avenue, with a pocket of multi-family housing units located to the south of Domingo Avenue.

CONSTRUCTION

Future construction activities could involve temporary glare impacts as a result of construction equipment and materials. However, these sources of glare would not be substantial when compared to the existing building materials present in Doheny Village. Pursuant to Municipal Code Section 11.10.014, *Special Provisions*, construction of future projects would be limited to occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday and would be prohibited on Sundays and Federal holidays. Thus, as no construction activities would be permitted after 8:00 p.m. from Monday through Saturday, or on Sundays or Federal holidays, short-term construction-related impacts pertaining to nighttime lighting are not anticipated.

OPERATIONS

Buildout of the proposed project would increase lighting at the project site compared to existing conditions. However, proposed lighting would be similar to the existing surrounding community. Further, future development would be required to comply with the exterior lighting requirements included in Municipal Code Section 9.05.220, which require exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Municipal Code.

In addition, the City would review the site-specific development proposals against the Design Guidelines for all future projects requiring discretionary approval. This regulatory procedure would review building materials to ensure neighboring uses are not exposed to substantial daytime glare. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.2.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

SCENIC VISTAS

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT IMPACTS TO SCENIC VISTAS.**

Impact Analysis: The nearest cumulative projects to the project site identified in Table 4-1 are Cumulative Project No. 16 (Capistrano Hillside Project), which proposes the development of 11

single-family residential units at Camino Capistrano and Via Canon, and Cumulative Project No. 22 (Victoria Boulevard Apartments), which proposes a 400-unit apartment complex, attached parking structure, and amenities. Overall, the City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in Table 4-1 primarily consist of infill development and Cumulative Project No. 16 and Cumulative Project No. 22 would result in development similar to what currently exists in the surrounding vicinity. The projects identified in Table 4-1 would be subject to compliance with the General Plan and Municipal Code requirements in place to minimize impacts to scenic vistas, including views of the Headlands, coastal bluffs, and Pacific Ocean. Specifically, the site and architectural design of cumulative development proposals would be reviewed to ensure cumulative development proposals respond to the natural landform whenever possible to minimize grading and visual impact.

As discussed in Impact Statement AES-1, although the proposed project would modify the visible building massing in Doheny Village, the zoning districts and development standards proposed under the project would not result in substantial view blockage of scenic resources as experienced from public vantage points. Thus, cumulative impacts to scenic vistas would be less than significant, and the proposed project would not significantly contribute to cumulative impacts to scenic vistas.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCENIC QUALITY REGULATIONS

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY.**

Impact Analysis: As discussed, the City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in Table 4-1 primarily consist of infill development and would result in development similar to what currently exists in the surrounding vicinity. All cumulative projects occurring within the coastal zone would be subject to compliance with the Coastal Act and 1986 LCP policies in place to protect scenic resources. In addition, the City would review site-specific development proposals against the Design Guidelines for all future projects requiring discretionary approval. This regulatory procedure would ensure cumulative development is reviewed against the qualities and characteristics expected of development and major renovations in the City. Like the proposed project, cumulative development would be reviewed against applicable General Plan policies and site development standards included Municipal Code Title 9 that aid in governing scenic quality.

As indicated in Impact Statement AES-2, the proposed project would be consistent with applicable zoning and regulations related to scenic quality. Further, future development occurring in accordance with the proposed project would be subject to development standards (e.g., lot size, setback, density, open space, and landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards; refer to Appendix 11.1. Overall, these standards would serve to improve the scenic quality within the project site. Additionally, separately from the proposed project and as directed by City Council, the Doheny Village Working Group and City staff are developing a

beautification plan for the project area and identifying several key capital improvement projects based on priority level. The projects include improved connectivity to the beach at Doheny Park Road and Pacific Coast Highway, street improvements, traffic calming, public parking, and various aesthetic improvements. The Doheny Village Working Group also formed the Village Beautification Committee to work on short-term projects, including a mural program, landscape projects, pocket parks, and public spaces. Thus, cumulative impacts to scenic quality regulations would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STATE SCENIC HIGHWAYS

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.**

Impact Analysis: As with the proposed project, scenic corridors within the City, such as Pacific Coast Highway, must conform with the policies included in the Urban Design Element and modified to Appendix A, *Dana Point Landscape Corridors*, of the General Plan Urban Design Element. Like the proposed project, cumulative development would be reviewed against applicable General Plan Urban Design Element policies that aid in protecting scenic corridors within the City, including Pacific Coast Highway.

As concluded in Impact Statement AES-2, the proposed zoning district update would be consistent with applicable General Plan Urban Design Element policies governing scenic quality. By establishing new zoning districts, including allowable uses, development standards, and special use standards, the project would preserve and enhance Pacific Coast Highways' function as a visual corridor with views to attractive and existing urban scenes and would not conflict with the its role as a "type three" urbanscape corridor or State scenic highway. Thus, cumulative impacts to State scenic highways would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIGHTING

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.**

Impact Analysis: Development of cumulative projects could result in increased lighting in the City. All future development would be required to comply with the exterior lighting requirements included

in Municipal Code Section 9.05.220, which require exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Municipal Code. In addition, the City would review the future cumulative development proposals against the Design Guidelines for all future projects requiring discretionary approval. This regulatory procedure would review building materials to ensure neighboring uses are not exposed to substantial daytime glare or excessive lighting. Overall, cumulatively considerable increases in light and glare would be considered less than significant.

As discussed in Impact Statement AES-4, short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with Municipal Code Section 11.10.014 and Municipal Code Section 9.05.220. Further, compliance with the Design Guidelines pertaining to lighting would minimize the project's operational lighting impacts to less than significant levels. Thus, the project would not cumulatively contribute to the creation of substantial new lighting or glare and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.2.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to aesthetics/light and glare have been identified.

5.3 Tribal and Cultural Resources

5.3 TRIBAL AND CULTURAL RESOURCES

The purpose of this section is to identify existing cultural and tribal cultural resources within and around the project site and to assess the significance of such resources. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. This section is primarily based upon the following technical studies and tribal consultation pursuant to Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52); refer to Appendix 11.3, *Cultural Resources Studies and Tribal Consultation*:

- *Cultural Resources Study for the Doheny Village Plan EIR, Dana Point, Orange County, California* (2016 Cultural Study), prepared by Rincon Consultants, Inc. (Rincon), dated August 11, 2016; and

- *Cultural Resources Study Update for the Capistrano Beach Village Zoning District Overlay Environmental Impact Report (EIR) Project, Dana Point, Orange County, California* (2020 Cultural Study Update), prepared by Rincon Consultants, Inc. (Rincon), dated March 26, 2020.

5.3.1 Existing Setting

NATURAL SETTING

According to the *Preliminary Geotechnical Evaluation Doheny Village Plan Dana Point, California* (Geotechnical Evaluation), prepared by Ninyo & Moore, dated June 8, 2016, the project site is located on the eastern side of the alluvial valley of San Juan Creek, between the San Joaquin Hills to the west and the San Clemente Hills to the east. Regional geologic maps indicate the site is underlain by Holocene-age flood plain deposits comprised of sand, sandy silt, and clay. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area.

Additionally, the adjacent hills north and east of the site are underlain by Tertiary age marine sedimentary formations, predominantly the Capistrano Formation comprised of siltstone, claystone, and sandstone. Younger Tertiary age Niguel Formation comprised of sandstone and siltstone overlies the Capistrano Formation in scattered outcrops in the adjacent hills. Older Tertiary age San Onofre Breccia underlies the Capistrano Formation to the west of the site.

CULTURAL SETTING

Prehistoric Period

The project site is in an area historically occupied by the Acjachemen/Juaneño, people who were associated with Mission San Juan Capistrano during the Spanish period in California.

The Acjachemen/Juaneño occupied territory along the coast between Aliso Creek and Agua Hedionada Creek that extended inland to Santiago Peak in the north and the east side of Palomar Mountain in the south, including Lake Elsinore and the Valley of San Jose. The Acjachemen/Juaneño language belongs to the Cupan group of the Takic subfamily of languages (previously known as Southern California Shoshonean), along with their northern and eastern neighbors, the Gabrielino and Cahuilla.

Acjachemen/Juaneño social structure was more rigid than other Takic-speaking groups, possibly in part because of a higher population density. They were strongly patrilineal and resided in permanent villages of between a few dozen to several hundred people, each of which was politically independent and claimed its own territory, including seasonal camps. Ties between villages were maintained through various economic, religious, and social network.

Historic Period

Post-contact history in California is generally divided into three periods: the Spanish period (1769-1822), Mexican period (1822-1848), and American period (1848-present). Although brief visits were made by Spanish, Russian, and British explorers from 1529 to 1769, the Spanish period in California begins with the establishment in 1769 of a settlement at San Diego. The settlement included a presidio and the first of California's 21 missions, which were constructed between 1769 and 1823. Independence from Spain marks the beginning of the Mexican period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, marks the beginning of the American period when California became a territory of the United States.

ORANGE COUNTY

Many of the ranchos in the area now known as Orange County remained intact after 1848, though many were sold shortly thereafter and subsequently consolidated into extensive properties owned by a select few. The late 19th century discovery of gold in the Santa Ana Mountains brought more people to the region, adding to what was already a notable influx of people drawn by the available cultivatable land. The completed new segments of the Atchison, Topeka, and Santa Fe Railroad and the Southern Pacific Railroads also contributed to the region's growth, making it more accessible to the masses. As a result of the population boom and establishment of numerous successful farms, orchards, vineyards, and ranches, Orange County was established in 1889, consisting of 780 square miles of former Los Angeles County.

Orange County continued to grow throughout the next century, though prior to World War II it remained a largely agricultural area. Disneyland opened in 1955 and increasing numbers of commercial and residential developments were constructed in the second half of the century. The construction of several large freeways connected Orange County with the rest of the State, including the Santa Ana Freeway (Interstate 5 [I-5]), which passed through Anaheim in 1956, and the Riverside Freeway (State Route 91 [SR-91]), which passed through Fullerton in 1963. The transportation connectivity to the metropolitan Los Angeles industrial and commercial areas fueled extensive suburban residential growth, and subsequent localized commercial and industrial development, including the John Wayne Airport and the University of California, Irvine. Today, Orange County retains a connection to its agricultural beginnings but is better known for its amusement parks, beaches, and upscale housing developments.

CITY OF DANA POINT

Dana Point began as a resort community called "San Juan by-the-Sea," which was developed in the area of present-day Doheny Village after the Atchison, Topeka and Santa Fe Railroad built a line to the area in the 1880s. However, the speculative town struggled through an economic slump and essentially dwindled away. Agriculture replaced real estate development and the community was re-named Serra. In the early 1920s, the San Juan Point Corporation subdivided 900 acres into a new community called Dana Point, but financial difficulties led to foreclosure. The tract was acquired in

1926 by a group of investors including Harry Chandler, publisher of the Los Angeles Times, and Sidney Woodruff, developer of the Hollywoodland tract. Woodruff planned Dana Point to be a Mediterranean-themed community oriented around tourism, recreation, and leisure. Simultaneously, the community of Capistrano Beach was being planned slightly to the south. A new coastal highway (the precursor of Pacific Coast Highway) supported the two communities' development. However, both were slow to develop, and in 1929, the Capistrano Beach tract was sold to the Petroleum Securities Company, a corporation owned by the Doheny family. Various improvements were made to the town site, but development was meager. The Great Depression halted growth through most of the 1930s and 1940s.

Dana Point, like many other communities in the region, experienced extensive growth following World War II. The Capistrano Bay area was affected by the construction of I-5 during the late 1950s. Lots that had been created in Dana Point and Capistrano Beach in the 1920s but had remained unimproved for decades began to be developed with housing, businesses and public and private institutions. A fully operational harbor was constructed during the late 1960s. When the City of Dana Point was formally incorporated in 1989, it included in its area portions of three communities: Dana Point, Capistrano Beach, and Monarch Beach, giving its built environment an eclectic character.

DOHENY VILLAGE

Doheny Village is a small community with a variety of property types located between Dana Point and Capistrano Beach. It was first subdivided as the town of San Juan-by-the-Sea in 1887 at the southern end of a freight and passenger railroad line. Subsequently called Serra, in the 1920s to 1930s the area's grammar school and post office were located there. Several streets in modern-day retain their original 19th century names, such as Domingo, Las Vegas, Santa Rosa, Victoria, and Sepulveda.

CULTURAL RESOURCES

Records Search

Literature searches of the California Historical Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton were conducted on January 7, 2016 and March 12, 2020. The searches were conducted to identify previous cultural resources studies and previously recorded cultural resources within a half-mile radius of the project area. The CHRIS search included a review of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest list, California Historical Landmarks list, Archaeological Determinations of Eligibility list, and California State Historic Resources Inventory list.

The 2016 SCCIC records search identified 58 previously conducted studies within the half-mile radius of the project site, 11 of which include a portion of the project site; refer to 2016 Cultural Study Table 2, *Previous Studies Within 0.5 Mile of the Project Site*. The updated SCCIC records search conducted in 2020 identified eight additional cultural resources studies within a half-mile radius of the project site; however, none include a portion of the project site. Overall, a total of 66 previously conducted studies have been identified within a half-mile radius of the project site, 11 of which include a portion of the project site.

The 2016 SCCIC records search also identified 29 previously recorded cultural resources within a half-mile radius of the project site, three of which are located within the project site: prehistoric

archaeological site P-30-000021/CA-ORA-21 (a Native American cemetery); historical archaeological site P-30-001337/CA-ORA-1337H (the remains of the historic-era Serra railroad depot); and historical building P-30-177594 (a private residence); refer to 2016 Cultural Study Table 3, *Previously Recorded Cultural Resources Within 0.5-mile of the Project Site*. Additionally, the 2020 SCCIC records search update identified 14 additional cultural resources within a half-mile radius of the project site, of which eight (P-30-177553, P-30-177554, P-30-177586, P-30-177587, P-30-177589, P-30-177590, P-30-177591, and P-30-177593) are located within the project site; refer to 2020 Cultural Study Update Table 1, *Additional Cultural Resources Within 0.5-mile of the Project Site*. Overall, a total of 43 previously recorded cultural resources have been identified within a half-mile radius of the project site, 11 of which are located within the project site. These 11 previously recorded cultural resources are further discussed below.

P-30-000021/CA-ORA-21

Site P-30-000021/CA-ORA-21 is a prehistoric archaeological site described in the site record as burial grounds in the real estate subdivision of Doheny Park, known previously as Rancho Boca de la Playa. No detailed description of the site is provided. The site's location is described in the site record as located within Township 8 South, Range 7 West, on the border between Sections 24 and 13 and also as within Section 18. The SCCIC maps the location as within Doheny Village, in an area that has been intensely developed and is currently the site of commercial buildings, roads, parking lots, and associated infrastructure. It is likely that the site has been impacted by these developments if the mapped location is accurate. The site has not been formally evaluated for listing in the CRHR. If a subsurface component of the site is present, it would likely be eligible for listing.

P-30-001337/CA-ORA-1337H

Site P-30-001337/CA-ORA-1337H is the remains of the historic-era Serra railroad depot of the Atchison, Topeka, and Santa Fe Railroad. The site consists of a sign reading "Serra," concrete foundation, and piers adjacent to the railroad tracks. No indication of buried cultural deposits is noted in the site record. The site has not been formally evaluated for listing in the CRHR.

P-30-177594

Building P-30-177594 is a historic-era Spanish Colonial Revival private residence with a flat roof and notched parapet located at 34240 Via Santa Rosa. The building was in good condition when it was recorded in 1997. It was built in 1927 and its residents included Carl and Katherine Buchheim, Mr. Buchheim later moved to San Juan Capistrano, where he became the town's first mayor. The building has been recommended ineligible for listing in the NRHP but has not been formally evaluated for listing in the CRHR. It is eligible for local listing in the Dana Point Historic Resource Register.

P-30-177553

Site P-30-177553 represents a historic-age structure of an exposed part of a reinforced concrete groin along the northwestern entrance to San Juan Creek. The structure is mostly covered by sand accumulated via creek outflow and tidal action, particularly after the 1971 completion of the Dana Harbor breakwaters. The resources namesake, "Thor's Hammer," is a large, flat, rectangular section of concrete affixed to an upright vertical concrete shaft. The latter continues below the sandy beach to the groin's westernmost terminus, which is buried below the beach's sandy surface. The structure is not eligible for listing to the CRHR.

P-30-177554

Building P-30-177554 is a bungalow style single-family property located at 25872 Victoria Boulevard. The house was built by the Loncono family in 1927 and housed the family for 70 years. Mr. Loncono was a plasterer and concrete worker and may have been responsible for many of the plaster buildings in Dana Point and San Juan Capistrano. The building was previously determined ineligible for listing to the CRHR. The property meets General Criterion J of the Dana Point Historic Resource Register but has lost much of its context due to surrounding development.

P-30-177586

Building P-30-177586 is a narrow, storefront structure that is now Chick's Plumbing Co. and is located at 34172 Doheny Park Road. The building was constructed around 1920 to 1921 and served as the first post office for Serra or Capistrano Beach. The building also housed a taxi service. Prior to being used as a plumbing business, it served as a garage. The building appears to be previously recommended individually eligible for local listing or designation through survey evaluation. The structure was previously recommended as meeting the General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

P-30-177587

Building P-30-177587 is a storefront building occupied by Beach Cities Glass and is located at 34182 Doheny Park Road. The building was constructed in the 1920s and was known as the J.A. Waldy's real estate office. The building later became a pool hall and then the Joe Miguelena Grocery Store. The building appears to be previously recommended individually eligible for local listing or designation through survey evaluation. The building was previously recommended as meeting the General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

P-30-177589

Building P-30-177589 is a one-story storefront located at 34215 Doheny Park Road. The building was constructed in the 1930s as a hamburger restaurant and has served a variety of retail uses since then. The building appears to be previously recommended individually eligible for local listing or designation through survey evaluation. The building was previously recommended as meeting the General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

P-30-177590

Building P-30-177590 is a storefront building that is narrow and shares brick sidewalls with adjacent stores and is located at 24221 Doheny Park Road. The building was constructed in the 1940s for a dress shop. The building was previously recommended as meeting the General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

P-30-177591

Building P-30-177591 is a storefront building that now houses Stockwell Interiors and is located at 34225 Doheny Park Road. The building has been heavily altered but the original parapets which are

stepped and stucco clad are visible. The building appears to be previously recommended individually eligible for local listing or designation through survey evaluation. The building was previously recommended as meeting General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

P-30-177593

Building P-30-177593 is a two-story storefront building located at 34231 Doheny Park Road. This building was built in 1949 and was the second home for the Capistrano Beach Post Office. Two apartments were built upstairs. The building appears to be previously recommended individually eligible for local listing or designation through survey evaluation. The building was previously recommended as meeting the General Criteria C, D, and J of the Dana Point Historic Resource Register and is considered eligible for consideration in local planning.

HISTORICAL RESOURCES

The City completed a citywide historic resources survey and inventory update in 2016 that included the entire project area. The results of the *City of Dana Point Historic Resources Inventory Update Survey Report* (Survey Report), prepared by Architectural Resources Group, dated February 10, 2016, identified 40 designated resources in Dana Point. One resource is a historic vessel listed in the NRHP and CRHR; the remaining 39 resources are individually listed in the local register. No historic districts were identified within the City. None of the designated resources identified within the Survey Report are located within the project area.

The Survey Report stated that within Doheny Village, a few very modest dwellings were constructed in the 1920s in what was once called Serra and later re-named Capistrano Beach. Residences built in the 1920s and 1930s represent the earliest pattern of development in the area. The survey report advises that it is possible that other remnant features of early development may exist in and around Doheny Village.

The City's Historic Architectural Resources Inventory from 1997 was also updated as part of the Survey Report. Various properties within Doheny Village were recommended to be removed from the City's inventory due to alterations and loss of integrity, or because the property had been demolished since the previous survey had been conducted. Ten properties in the project area were recommended to be removed from the City's Historic Architectural Resources Inventory; refer to 2016 Cultural Study Table 4, *Summary of Properties Recommended to be Removed from the Dana Point Historic Architectural Resources Inventory*.

NATIVE AMERICAN CONSULTATION

Sacred Lands Files Search

As part of the process of identifying cultural resources issues within or near the project area, and to assist the City with Native American government-to-government consultation in accordance with California Government Code 65352 (Senate Bill 18 of 2004; SB 18) and Assembly Bill 52 of 2014 (AB 52), Rincon contacted the Native American Heritage Commission (NAHC) on January 8, 2016 requesting a review of the Sacred Lands Files (SLF), a list of Native American individuals and tribal organizations for tribal consultation per SB 18, and a list of Native American individuals and tribal

organizations for tribal consultation per AB 52. The NAHC responded via email on January 22 and 29, 2016 stating that the SLF search came back with negative results.

On March 10, 2020, Rincon sent a request the NAHC for an updated local government tribal consultation list and SLF search. The NAHC responded via email on March 18, 2020 stating the SLF search was negative.

Tribal Consultation

In 2016, the City sent notification letters to each of the NAHC individuals and tribal organizations to consult in accordance with SB 18 and AB 52. Given the passage of time, notification letters were resent to applicable tribes on April 20and April 21, 2020 to reinitiate consultation efforts.

The Juaneño Band of Mission Indians, Acjachemen Nation (JBMIAN) responded on April 20, 2020 requesting consultation, stating that the project site is situated in an extremely sensitive area within the tribe's core ancestral territory. The City and JBMIAN representative, Ms. Joyce Perry, consulted and Ms. Perry requested review of the 2016 Cultural Study and 2020 Cultural Study Update and requested that both an archaeologist and native monitor from the JBMIAN be present during any ground disturbing activities associated with the project. Ms. Perry also noted concerns regarding Site P-30-000021/CA-ORA-21 and requested the CHRIS record search. The City provided the CHRIS record search and the following mitigation in this section reflect the comments provided by Ms. Perry.

5.3.2 REGULATORY SETTING

FEDERAL LEVEL

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the National Historic Preservation Act (NHPA) declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the Federal, State, and local levels. The NHPA authorized the expansion and maintenance of the NRHP, established the position of SHPO and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

Section 106 Process

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when

there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- *Criterion A:* It is associated with events that have made a significant contribution to the broad patterns of our history; or

- *Criterion B:* It is associated with the lives of persons significant in our past; or

- *Criterion C:* It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- *Criterion D:* It has yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible cultural resources must meet at least one of the above criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

The Section 106 evaluation process does not apply to projects undertaken under City environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a Federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered.

Secretary of the Interior's Standards for the Treatment of Historic Properties

Evolving from the Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards that were developed in 1976, the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are "intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources." "Preservation" acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. "Rehabilitation" not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. "Restoration" involves the retention and replacement of features from a specific period of significance. "Reconstruction," the least used treatment, provides a basis for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

STATE LEVEL

California Environmental Quality Act

CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (*CEQA Guidelines* Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2. Is associated with the lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;

2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is "an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks

programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

Senate Bill 18

Signed into law in 2004, SB 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general plan and specific plan amendment proposals to tribes that have been identified by the NAHC as having traditional lands located within the lead agency's boundaries. If requested by the tribes, the lead agency must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

Assembly Bill 52

On September 25, 2014, Governor Brown signed AB 52. In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of AB 52 to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.

2. Establish a new category of resources in CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.

3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.

4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.

5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.

6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.

7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflicts in the environmental review process.

8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.

9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

CALIFORNIA PUBLIC RESOURCES CODE

Public Resources Code Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the NAHC; require descendants to be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

CALIFORNIA HEALTH AND SAFETY CODE

The discovery of human remains is regulated in accordance with California Health and Safety Code Section 7050.5, which states:

> *In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation…until the coroner…has determined…that the remains are not subject to…provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible…. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and…has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.*

LOCAL LEVEL

City of Dana Point General Plan

CONSERVATION ELEMENT

Although the City of Dana Point is relatively new as an incorporated City, the General Plan Conservation Element states that the area has an established heritage that should be preserved and protected. Historical and cultural-related goals and policies relevant to the proposed project include the following:

Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.

Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.

Policy 8.2: Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes.

Policy 8.3: Development adjacent to a place, structure or object found to be of historic significance should be designed so that the uses permitted and the architectural design will protect the visual setting of the historical site.

Dana Point Historic Resource Register

The treatment and management of historic resources in Dana Point is addressed in Chapter 9.7.250, *Historic Resources*, of the *Dana Point Municipal Code* (Municipal Code). The Municipal Code was adopted by City Council in 2001 and initiated a historic preservation program consisting of various preservation incentives and regulations; a means of inventorying the City's known historic resources (the Inventory); and a process wherein historic resources could be designated at the municipal level and listed in a local register (the Dana Point Historic Resource Register). Listing in the local register is a voluntary process that requires the consent and participation of property owners. In order to be eligible for listing in the local register, a resource must satisfy Criterion (J) and at least two of the other criteria listed below:

- *Criterion A:* Buildings, structures, or places that are key focal or pivotal points in the visual quality or character of an area, neighborhood, or survey district;
- *Criterion B:* Structures that help retain the characteristics of the town that was 50 years ago;
- *Criterion C:* Structures that contribute to the unique urban quality of a downtown;
- *Criterion D:* Structures contributing to the architectural continuity of the street;
- *Criterion E:* Structures that are identified with a person or persons who significantly contributed to the culture and/or development of the City, State, or nation;
- *Criterion F:* Structures that represent an architectural type or period and/or represent the design work of known architects, draftsmen, or builders whose efforts have significantly influenced the heritage of the City, State, or nation;
- *Criterion G:* Structures that illustrate the development of California locally and regionally;
- *Criterion H:* Buildings retaining the original integrity of and/or illustrating a given period;
- *Criterion I:* Structures unique in design or detail, such as, but not limited to, materials, windows, landscaping, plaster finishes, and architectural innovation; and/or
- *Criterion J:* Structures that are least 50 years old or properties that have achieved significance within the past 50 years if they are of exceptional significance.

5.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The purpose of this analysis is to identify any potential cultural or tribal cultural resources within or adjacent to the site, and to assist the City in determining whether such resources meet the official definitions of "historical resources," as provided in the Public Resource Code, in particular CEQA.

SIGNIFICANCE GUIDELINES

Historical Resources

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (*CEQA Guidelines* Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration "in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register" (*CEQA Guidelines* Section 15064.5[b][2][A]). CEQA states that when a project will cause damage to a historical resource, reasonable efforts must be made to preserve the resource in place or left in an undisturbed state. Mitigation measures are required to the extent that the resource could be damaged or destroyed by a project. Projects that follow the Secretary of the Interior's *Standards for the Treatments of Historic Properties* are typically mitigated below the level of significance.

Archaeological Resources

A significant prehistoric archaeological impact would occur if grading and construction activities result in a substantial adverse change to archaeological resources determined to be "unique" or "historic." "Unique" resources are defined in Public Resources Code Section 21083.2; "historic" resources are defined in Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15126.4.

Public Resources Code Section 21083.2(g) states:

> *As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:*
>
> 1. *Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;*
> 2. *Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or*
> 3. *Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

CEQA states that when a project would cause damage to a unique archaeological resource, reasonable efforts must be made to preserve the resource in place or leave it in an undisturbed state. Mitigation

measures are required to the extent that the resource could be damaged or destroyed by a project. Implementation of the following mitigation measures would mitigate to the greatest extent feasible the potential for future projects to impact archaeological resources.

Tribal Cultural Resources

AB 52 established a new category of resources in CEQA called tribal cultural resources. (Public Resources Code Section 21074.) "Tribal cultural resources" are either of the following:

(1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

Cultural Resources

a) Cause a substantial adverse change in the significance of a historical resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-2);

c) Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Impact Statement CUL-3).

Tribal Cultural Resources

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (refer to Impact Statement CUL-4); or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement CUL-4).

5.3.4 IMPACTS AND MITIGATION MEASURES

HISTORICAL RESOURCES

CUL-1 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A HISTORICAL RESOURCE.

Impact Analysis: Based on the 2016 Cultural Study and 2020 Cultural Study Update, a six previously recorded historical resources (P-30-177594, P-30-177586, P-30-177587, P-30-177589, P-30-177591, and P-30-177593) are located within the project area that are eligible for local designation. As stated above, it is possible that additional buildings in the project area may be considered historically significant after they become 50 years of age. Individual development projects within Doheny Village would occur in incremental phases over time through the year 2040. Therefore, it is possible that future development in accordance with the proposed project would impact additional buildings in the project area that are over 50 years of age later in time. Future development in accordance with the proposed Doheny Village Zoning District Update in the project area could potentially impact historic buildings and structures and cause significant adverse impacts to historical resources in this regard.

To avoid and mitigate potential impacts from future projects to historical resources and uphold General Plan Conservation Element Policies 8.1 through 8.3, Mitigation Measures CUL-1 through CUL-3 would be required. Mitigation Measure CUL-1 would require a historical resources assessment be performed by a qualified architectural historian or historian to determine if any resources that may be potentially affected by the proposed development have been previously recorded, evaluated, and/or designated on the NRHP or the CRHR. For future projects that require the relocation, rehabilitation, or alteration of a historical resource, Mitigation Measure CUL-2 would require a report identifying and specifying the treatment of character-defining features and construction activities to be implemented in accordance with the Interior's Standards for the Treatments of Historic Properties. Last, if a future project would result in the demolition or significant alteration of a historical resource, Mitigation Measure CUL-3 would require recordation of the identified historic resource prior to construction activities. Following implementation of Mitigation Measures CUL-1 through CUL-3, impacts to potential historic resources in the project area would be reduced to less than significant levels.

Mitigation Measures:

CUL-1 Historical Resources Assessment. Prior to construction activities that may affect historical resources, a historical resources assessment shall be performed by an architectural

historian or historian who meets the Secretary of the Interior's Professional Qualifications in architectural history or history. The assessment shall include a records search at the South Central Coastal Information Center (SCCIC) to determine if any resources that may be potentially affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Following the records search, the qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project. Pursuant to the definition of a historical resource under CEQA, potential historical resources shall be evaluated under a developed historic context.

CUL-2 Treatment of Historic Properties. Prior to construction activities that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Dana Point Planning Division to ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource would not impair its significance. The Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible in the preparation of such report. The application of the Interior's Standards for the Treatments of Historic Properties in the report shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications.

CUL-3 Recordation of Identified Historic Resource. In the event that the demolition or significant alteration of a historical resource is unavoidable, recordation of the resource prior to construction activities shall be implemented to assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriated in appropriate local, state, or federal institutions. The specific scope and details of documentation would be developed at the project level.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

ARCHAEOLOGICAL RESOURCES

CUL-2 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE ON-SITE.

Impact Analysis: As discussed, results from the 2016 Cultural Study and 2020 Cultural Study Update indicate that the project area contains archaeological resources. While portions of the project area have been previously studied, future development in accordance with the proposed Doheny Village Zoning District Update could potentially impact and cause significant adverse impacts to archaeological resources, such as P-30-001337/CA-ORA-21, a prehistoric burial ground located within the project area.

To avoid and mitigate potential impacts from future projects to archaeological resources and uphold General Plan Conservation Element Policies 8.1 through 8.3, implementation of Mitigation Measures CUL-4 through CUL-7 would be required. Mitigation Measure CUL-4 would require an archaeological resources assessment to be performed by a qualified archaeologist and a representative from one or more of the consulting tribal groups to determine the archaeological sensitivity of the proposed project area prior to construction. If potentially significant archaeological resources are identified as part of Mitigation Measure CUL-4, Mitigation Measure CUL-5 would require extended Phase I testing, and if the results of the extended Phase I testing indicates the presence of archaeological resources, a Phase II investigation is required under Mitigation Measure CUL-7. Further, should the Phase II investigation yield resources that meet CRHR significance standards and if the site cannot be avoided by project construction, Mitigation Measure CUL-8 requires Phase III data recovery. Mitigation Measures CUL-10 through CUL-12 establish monitoring protocol should the project site be of high or medium sensitivity for archaeological resources. Additionally, Mitigation Measure CUL-6 requires archaeological site avoidance, where feasible, and Mitigation Measure CUL-9 requires Worker's Environmental Awareness Program training. Adherence to these measures for future developments in accordance with the proposed project would reduce potential impacts related to archaeological resources to less than significant levels.

Mitigation Measures:

CUL-4 Archaeological Resources Assessment. Prior to issuance of a grading permit, an archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology to determine the archaeological sensitivity of the area. The assessment shall include a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) and of the Sacred Lands Files (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches will determine if the proposed project site has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken by the qualified archaeologist and a representative from one or more of the consulting tribal groups in the areas of the project site not covered with hardscaping and structures to locate any surface cultural materials. Upon completion of the assessment, the qualified archaeologist, in consultation with the representative from one or more of the consulting tribal groups, shall classify the project area as having high, medium, or low sensitivity for archaeological resources. Any project identified as having low sensitivity will require no further management considerations beyond adherence to Mitigation Measure CUL-12 provided below. The assessment shall be provided to the City of Dana Point Planning Division for review and approval.

CUL-5 Extended Phase I Testing. For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by the Phase I study, the City of Dana Point Planning Division shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series of shovel test pits and/or hand augured units and/or mechanical trenching intended to establish the boundaries of archaeological site(s) on the project site. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that

takes place during the XPI testing to monitor for potentially unknown tribal cultural resources.

All archaeological excavation should be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). The assessment shall be provided to the City of Dana Point Planning Division for review and approval.

CUL-6 Archaeological Site Avoidance. When feasible, any identified archaeological site shall be avoided by project-related activities. A barrier (temporary fencing) and flagging should be placed between the work location and any resources within 50 feet of a work location to minimize the potential for inadvertent impacts.

CUL-7 Phase II Site Evaluation. If the results of any Extended Phase I (XPI) (Mitigation Measure CUL-5) indicate the presence of archaeological resources at a given project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the California Register of Historical Resources (CRHR) or qualify as unique archaeological resources.

A Phase II evaluation shall include any necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the sample excavation to monitor for potentially unknown tribal cultural resources.

Cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)."

CUL-8 Phase III Data Recovery. Should the results of the Phase II site evaluation (Mitigation Measure CUL-7) yield resources that meet California Register of Historical Resources (CRHR) significance standards and if the site cannot be avoided by project construction in accordance with Mitigation Measure CUL-5, City of Dana Point Planning Division shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and permits issued for development. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's standards for archaeology according to a research design reviewed and approved by the City of Dana Point Planning Division prepared in advance of fieldwork

and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), *Guidelines for Archaeological Research Design*, or the latest edition thereof. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the Phase III data recovery excavation to monitor for potentially unknown tribal cultural resources.

As applicable, the final Extended Phase I (XPI) Testing (Mitigation Measure CUL-5), Phase II Testing and Evaluation (Mitigation Measure CUL-7), or Phase III Data Recovery reports shall be submitted to the City of Dana Point Planning Division prior to issuance of construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.

CUL-9 Worker's Environmental Awareness Program (WEAP). A qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and a representative from one or more of the consulting tribal groups shall be retained to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological/cultural resources sensitivity for all construction personnel prior to the commencement of any ground disturbing activities for projects identified as having a moderate to high potential to encounter cultural resources. Archaeological/cultural resources sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

CUL-10 Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area but indicates the area to be highly sensitive for archaeological resources, a qualified archaeologist and a representative from one or more of the consulting tribal groups shall monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil.

CUL-11 On-Call Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area, but indicates the area to be of medium sensitivity for archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology and a representative from one or more of the consulting tribal groups shall be retained on an on-call basis.

Prior to any ground-disturbing activities, the archaeologist and representative from one or more of the consulting tribal groups shall conduct cultural awareness training to inform all construction personnel of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources.

In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by the on-call

archaeologist and representative from one or more of the consulting tribal groups pursuant to Mitigation Measure CUL-6.

CUL-12 Unanticipated Discovery of Archaeological Resources. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the City of Dana Point Planning Division shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) and a representative from one or more of the consulting tribal groups immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by both the qualified archaeologist and representative from one or more of the consulting tribal groups. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

HUMAN REMAINS

CUL-3 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO HUMAN REMAINS.

Impact Analysis: Although no conditions exist that suggest human remains are likely to be found in the project area, future development could result in the discovery of human remains and potential impacts to these resources. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." The MLD would have 48 hours to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing regulations, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

TRIBAL CULTURAL RESOURCES

CUL-4 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A TRIBAL CULTURAL RESOURCE.

Impact Analysis:

As stated above, the City sent letters inviting tribes to consult on the project per AB 52 on April 20 and April 21, 2020. The Juaneño Band of Mission Indians, Acjachemen Nation (JBMIAN) responded on April 20, 2020 requesting consultation, stating that the project site is situated in an extremely sensitive area within the tribe's core ancestral territory. The City and the JBMIAN representative, Ms. Joyce Perry consulted and Ms. Perry requested review of the 2016 Cultural Study and 2020 Cultural Study Update and, given the presence of Site P-30-000021/CA-ORA-21 within the project site, requested that both an archaeologist and Native American monitor from the JBMIAN be present during any ground disturbing activities associated with the project.

Based on the records search, literature review, field survey results, and tribal consultation results, the City has determined that there is the potential for unknown tribal cultural resources to be discovered on-site during site disturbance activities. As such, implementation of Mitigation Measures CUL-4 through CUL-12 would ensure that appropriate protocols are in place in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities. As such, impacts to tribal cultural resources would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures CUL-4 through CUL-12.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

- **THE PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CAUSE A CUMULATIVELY CONSIDERABLE IMPACTS TO HISTORICAL RESOURCES, ARCHAEOLOGICAL RESOURCES, HUMAN REMAINS, OR TRIBAL CULTURAL RESOURCES.**

Impact Analysis: Table 4-1 identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. Project-related impacts to historical, archeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1 through CUL-12. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and Federal regulations, as well as project-specific mitigation measures.

As discussed under Impact Statements CUL-1 through CUL-4, implementation of Mitigation Measures CUL-1 through CUL-12 would result in less than significant project impacts to historical, archaeological, and tribal cultural resources. Thus, the project's less than significant impacts would not be cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-12.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.3.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to cultural and tribal cultural resources have been identified.

5.4 Geology and Soils

5.4 GEOLOGY AND SOILS

This section describes the geologic and seismic conditions within the project area and evaluates the potential for geologic hazard impacts associated with implementation of the proposed project. This section is primarily based upon the following technical studies; refer to Appendix 11.4, *Geotechnical* Reports.

- *Preliminary Geotechnical Evaluation Doheny Village Plan Dana Point, California* (Geotechnical Evaluation), prepared by Ninyo & Moore, dated June 8, 2016;
- *Update to Preliminary Geotechnical Evaluation Doheny Village Dana Point, California*, prepared by Ninyo & Moore, dated May 7, 2020; and
- Coastal Geotechnical, *Liquefaction Evaluation Doheny Village Planning Area, Dana Point, California*, April 8, 2016.

5.4.1 EXISTING SETTING

GEOTECHNICAL CONDITIONS

Regional Geology

California is divided into geomorphic provinces defined by geographic location, large-scale bedrock types, and tectonic structure. The project site is situated at the northwest end of the Peninsular Ranges geomorphic province of southern California. This geomorphic province encompasses an area that extends approximately 125 miles from the Transverse Ranges province and the Los Angeles Basin south to the Mexican border, and beyond another approximately 775 miles to the tip of Baja California. The Peninsular Ranges province varies in width from approximately 30 to 100 miles and is characterized by northwest-trending mountain range blocks separated by similarly northwest-trending faults.

The predominant rock type that underlies the Peninsular Ranges province is a Cretaceous-age igneous rock (granitic rock) referred to as the southern California batholith. Older Jurassic-age metavolcanic and metasedimentary rocks and older Paleozoic limestone, altered schist, and gneiss are present within the province. Cretaceous period marine sedimentary rocks, and younger Tertiary period rocks comprised of volcanic, marine, and non-marine sediments overlie the older rocks. More recent Quaternary period sediments, primarily of alluvial origin, comprise the low-lying valley and drainage areas within the region, while Quaternary marine terrace deposits and beach deposits are present along the coastal areas.

Site Geology

The project site is located along the eastern side of the alluvial valley of San Juan Creek between the San Joaquin Hills to the west and San Clemente Hills to the east. Regional geologic maps indicate the site is underlain by Holocene-age flood plain deposits comprised of sand, sandy silt, and clay. Fill soils

of varying thickness and material types related to roadways and existing developments are also present over portions of the project area; refer to Geotechnical Evaluation Figure 3, *Regional Geology*.

The adjacent hills north and east of the site are underlain by Tertiary age marine sedimentary formations, predominantly the Capistrano Formation comprised of siltstone, claystone, and sandstone. Younger Tertiary age Niguel Formation comprised of sandstone and siltstone overlies the Capistrano Formation in scattered outcrops in the adjacent hills. Older Tertiary age San Onofre Breccia underlies the Capistrano Formation to the west of the site.

Groundwater

The project site extends along relatively low-lying terrain and groundwater is anticipated at or above sea level. Various boring logs in the vicinity of the project site indicate that the groundwater elevations in the project area range from elevations of approximately 3 to 20 feet above mean sea level (amsl). These elevations correspond to depths of roughly 5 to 40 feet below existing ground surfaces. In general, the reported groundwater elevations are higher closer to the coastline (i.e., southern portion of the project site), on the order of 2 to 7 feet amsl. The reported groundwater depths are generally deeper away from the coastline, approximately 10 to 30 feet below ground surfaces (or 15 to 40 feet amsl). General groundwater flow is to the south-southwest and eventually discharges into the San Juan Creek Channel.

The California Geological Survey (CGS) Seismic Hazard Zone report for the project area indicates that the historic high groundwater in the vicinity of the site is approximately five feet below ground surface. However, given the proximity of the site to the coast, fluctuations in groundwater depth are expected to occur due to tidal variations, flood events, seasonal precipitation, variations in ground elevations, groundwater pumping, projected sea level rise, and other factors.

SEISMIC HAZARDS

Potential seismic hazards involve primary hazards (i.e., surface fault rupture and seismicity/ground shaking) and secondary hazards including liquefaction, seismically-induced settlement, lateral spreading, seismically-induced landslides, seismically-induced flooding, seiches, and tsunamis. Refer to Section 5.5, *Hydrology and Water Quality*, for an analysis concerning potential impacts involving flooding, seiches, and tsunamis. The primary and secondary seismic hazards with potential to impact the project site are discussed below.

Faulting and Seismicity

The project site is located in a seismically active area, as is the majority of southern California, and has the potential for strong seismic ground shaking. Geotechnical Evaluation Figure 4, *Fault Locations*, shows the project site location relative to the principal faults in the region. Nearby active faults in the site vicinity include the active Newport-Inglewood/Offshore Zone of Deformation fault zone located offshore approximately three miles west of the site and the active San Joaquin Hills Blind Thrust fault located approximately nine miles northwest of the site. Blind thrust faults, including the San Joaquin Hills fault, are low-angle faults at depths that do not break the ground surface and are, therefore, not shown on Geotechnical Evaluation Figure 4, *Fault Locations*. Although blind thrust faults do not have a surface trace, they can be capable of generating damaging earthquakes.

SURFACE FAULT RUPTURE

Surface fault rupture is the offset or rupturing of the ground surface by relative displacement across a fault during an earthquake. Based on the Geotechnical Evaluation, the project site is not transected by known active or potentially active faults. As discussed above, the active Newport-Inglewood/Offshore Zone of Deformation fault zone is located offshore approximately three miles east of the site. Therefore, the potential for surface rupture is considered low. However, lurching or cracking of the ground surface as a result of nearby seismic events is possible.

SEISMIC GROUND SHAKING

Earthquake events from one of the regional active or potentially active faults near the project area could result in strong ground shaking. The level of ground shaking at a given location depends on many factors, including the size and type of earthquake, distance from the earthquake, and subsurface geologic conditions. The type of construction also affects how particular structures and improvements perform during ground shaking.

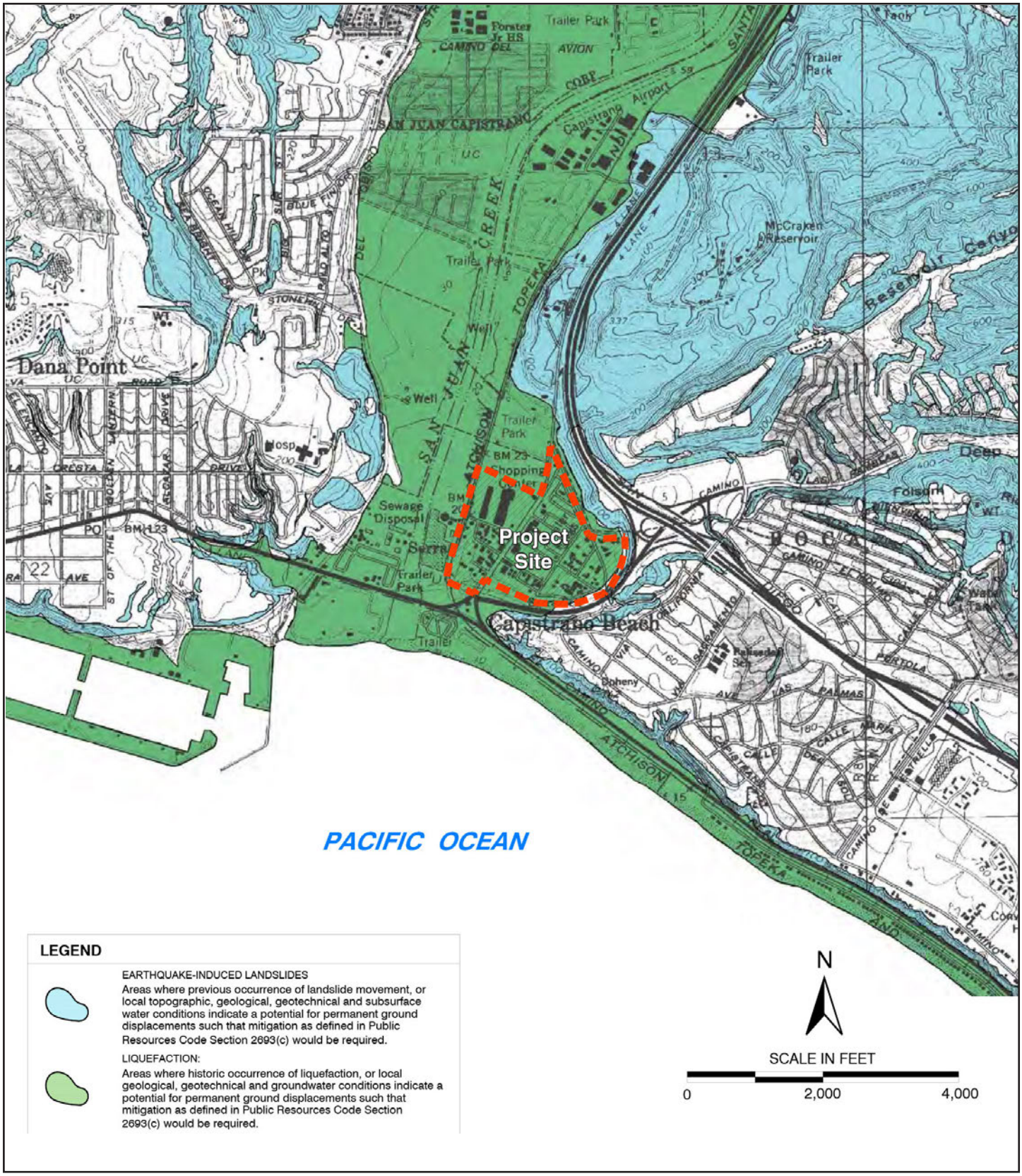
Secondary Seismic Hazards

LIQUEFACTION

Liquefaction is the phenomenon in which loosely deposited granular soils located below the water table undergo rapid loss of shear strength due to excess pore pressure generation when subjected to strong earthquake-induced ground shaking. Ground shaking of sufficient duration results in the loss of grain-to-grain contact due to rapid rise in pore water pressure causing the soil to behave as a fluid for a short period of time. According to the Geotechnical Evaluation, liquefaction is known generally to occur in saturated or near-saturated cohesionless soils at depths shallower than 50 feet. Factors known to influence liquefaction potential include composition and thickness of soil layers, grain size, relative density, groundwater level, degree of saturation, and both intensity and duration of ground shaking. The potential damaging effects of liquefaction include differential settlement, loss of ground support for foundations, ground cracking, heaving and cracking of slabs due to sand boiling, buckling of deep foundations due to liquefaction-induced ground settlement.

According to the Geotechnical Evaluation, the site is located within an area considered susceptible to liquefaction; refer to Exhibit 5.4-1, *Seismic Hazard Zones*. Recent data indicate that groundwater depths in the site vicinity are approximately 3 to 20 feet amsl and the historic high groundwater depths in the site vicinity are approximately five feet below ground surface.

The Geotechnical Evaluation included a liquefaction evaluation report, consisting of a review of previous geotechnical evaluations in the project area, boring analyses, laboratory analyses, and liquefaction analyses. Based on the analysis, the project site is susceptible to liquefaction due to the generally loose, sandy nature of the soils in the project area and high groundwater levels.



Source: Ninyo & Moore, Preliminary Geotechnical Evaluation Doheny Village Plan Dana Point, California, June 8, 2016.

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Seismic Hazard Zones

Michael Baker INTERNATIONAL

09/2020 | JN 150136

Exhibit 5.4-1

LANDSLIDES

Landslides, slope failures, and mudflows of earth materials generally occur where slopes are steep and/or the earth materials are too weak to support themselves. Earthquake-induced landslides may also occur due to seismic ground shaking. According to the Geotechnical Evaluation, areas to the northeast and east of the project site are mapped as being generally susceptible to landslides; refer to Geotechnical Evaluation Figure 5. The Capistrano Formation, the formational unit that underlies the slopes and hills adjacent to the site, is considered prone to landsliding and slope instability. However, landslides are not mapped within the site. The majority of the site is relatively level and has been extensively developed with pavement, hardscape, and structures. Accordingly, the potential for landslide hazards is considered low.

SOIL EROSION

Erosion is a process by which soil or earth material is loosened or dissolved and removed from its original location. Erosion can occur by varying processes and may occur at the project site where bare soil is exposed to wind or moving water (both rainfall and surface runoff). The processes of erosion are generally a function of material type, terrain steepness, rainfall or irrigation levels, surface drainage conditions, and general land uses.

Based on the Geotechnical Evaluation, the materials exposed at the surface of the project site include sands, silty sands, and clayey soils. Sandy soils typically have low cohesion, and have a relatively higher potential for erosion from surface runoff when exposed in cut slopes or utilized near the face of fill embankments. Surface soils with higher amounts of clay tend to be less erodible as the clay acts as a binder to hold the soil particles together.

SUBSIDENCE

Subsidence is characterized as a sinking of the ground surface relative to surrounding areas, and can generally occur where deep soil deposits are present. Subsidence in areas of deep soil deposits is typically associated with regional groundwater withdrawal or other fluid withdrawal from the ground such as oil and natural gas. Subsidence can result in the development of ground cracks and damage to subsurface vaults, pipelines, and other improvements.

Historic evidence of subsidence is not known to have occurred at the project site and the potential for subsidence in the project area is considered to be relatively low.

COMPRESSIBLE/COLLAPSIBLE SOILS

Compressible soils are generally comprised of soils that undergo consolidation when exposed to new loading, such as fill or foundation loads. Soil collapse is a phenomenon where the soils undergo a significant decrease in volume upon increase in moisture content, with or without an increase in external loads. Buildings, structures, and other improvements may be subject to excessive settlement-related distress when compressible soils or collapsible soils are present.

The project area is underlain by both younger to older alluvial deposits that are considered to range from poorly to relatively well consolidated. Therefore, potentially compressible/collapsible soils are present on-site.

EXPANSIVE SOILS

Expansive soils include clay minerals that are characterized by their ability to undergo significant volume change (shrink or swell) due to variations in moisture content. Sandy soils are generally not expansive. Changes in soil moisture content can result from rainfall, irrigation, pipeline leakage, surface drainage, perched groundwater, drought, or other factors. Volumetric change of expansive soil may cause excessive cracking and heaving of structures with shallow foundations, concrete slabs-on-grade, or pavements supported on these materials. The project site has a wide extent and variable surface soils are anticipated at the site. Expansive soils may be encountered in the project area and would require site-specific assessment to determine the potential of expansive soils and any required mitigation techniques.

5.4.2 REGULATORY SETTING

FEDERAL LEVEL

Federal Clean Water Act

The primary goals of the Federal Clean Water Act (CWA) are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for water quality management and control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, anti-degradation policy, nonpoint-source discharge programs, and wetlands protection. The U.S. Environmental Protection Agency (EPA) has delegated the administrative responsibility for portions of the CWA to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. Dana Point lies within jurisdiction of the San Diego RWQCB.

Under the NPDES permit program, the EPA establishes regulations for discharging stormwater by municipal and industrial facilities and construction activities. CWA Section 402 prohibits discharge of pollutants to "Waters of the United States" from any point source unless the discharge complies with an NPDES Permit.

Soil and Water Resources Conservation Act

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. If the soil is impacted, disruptions of its natural functions and of its function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, CWA requirements provide guidance for protection of geologic and soil resources through the NPDES permit.

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) established the National Earthquake Hazards Reduction Program which is coordinated through the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation, and the National Institute of Standards and Technology. The purpose of the program is to establish measures for earthquake hazards reduction and promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments; national standards and model code organizations; architects and engineers; building owners; and others with a role in planning and constructing buildings, structures, and lifelines through (1) grants, contracts, cooperative agreements, and technical assistance; (2) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and (3) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction. The program is intended to improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

Uniform Building Code

The Uniform Building Code (UBC) is published by the International Conference of Building Officials and forms the basis for California's Building Code, as well as approximately half of the state building codes in the United States. It has been adopted by the California Legislature to address the specific building conditions and structural requirements for California, as well as provide guidance on foundation design and structural engineering for different soil types. The UBC defines and ranks the regions of the United States according to their seismic hazard potential. There are four types of regions defined by Seismic Zones 1 through 4, with Zone 1 having the least seismic potential and Zone 4 having the highest.

U.S. Geological Survey Landslide Hazard Program

The USGS Landslide Hazard Program provides information on landslide hazards, including information on current landslides, landslide reporting, real time monitoring of landslide areas, mapping of landslides through the National Landslide Hazards Map, local landslide information, landslide education, and research.

STATE LEVEL

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic

investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50-foot setbacks are required).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the Seismic Hazards Mapping Act is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards.
Staff geologists in the Seismic Hazard Zonation Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake–induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes.

The Seismic Hazards Mapping Act requires that site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards (i.e., liquefaction and earthquake induced landslides) and formulate mitigation measures prior to permitting most developments designed for human occupancy.

As shown on the California Geological Survey's *Earthquake Zone of Required Investigation Dana Point Quadrangle Map*, the project site is mapped within an area that has been identified as being susceptible to liquefaction.[1]

2019 California Building Standards Code

California building standards are published in the California Code of Regulations, Title 24, also known as the California Building Standards Code (CBSC). The CBSC, which applies to all applications for building permits, consists of 11 parts that contain administrative regulations for the California Building Standards Commission and for all State agencies that implement or enforce building standards. Local agencies must ensure development complies with the CBSC guidelines. Cities and counties can adopt additional building standards beyond the CBSC. CBSC Part 2, named the California Building Code (CBC), is based upon the 2019 International Building Code.

Natural Hazards Disclosure Act

The Natural Hazards Disclosure Act requires sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more State-mapped hazard areas, including a Seismic Hazard Zone. State law also requires when houses built before 1960 are sold, the seller must give the buyer a completed earthquake hazards disclosure report and a booklet titled "The Homeowners Guide to Earthquake Safety." This publication was written and adopted by the California Seismic Safety Commission.

[1] California Geological Survey, *Earthquake Zone of Required Investigation Dana Point Quadrangle*, December 21, 2001.

Soils Investigation Requirements

California Health and Safety Code Sections 17953–17955 and in Section 1802 of the California Building Code identify requirements for soils investigations for subdivisions requiring tentative and final maps, and for other specified types of structures. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

California Public Resources Code

Paleontological resources are protected under a wide variety of Public Resources Code policies and regulations. In addition, paleontological resources are recognized as nonrenewable resources and receive protection under the Public Resources Code and CEQA. Public Resources Code Division 5, Chapter 1.7, Section 5097.5, and Division 20, Chapter 3, Section 30244 states:

> *No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.*

This statute prohibits the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with Public Resources Code Section 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. Public Resources Code Section 5097.5 also establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (State, county, city, and district) lands.

State Water Resources Control Board – Construction General Permit Order 2009-0009-DWQ

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit would be addressed in two parts: construction and post-construction (operations). Construction permitting would be administered by the SWRCB, while post-construction permitting would be administered by the RWQCB. Refer to Section 5.5 for further discussion concerning post-construction permitting requirements.

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the SWRCB reissued the

General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the SWRCB amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). Construction General Permit Section A describes the elements that must be contained in a SWPPP, which include a site map(s), a list of Best Management Practices (BMPs) the discharger would use to protect stormwater runoff, and the placement of those BMPs. Additionally, the SWPPP is required to contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. A project applicant must submit a Notice of Intent (NOI) to the SWRCB, to be covered by the Construction General Permit, and prepare the SWPPP prior to construction. Implementation of the plan begins at commencement of construction and continues through project completion. Upon project completion, the applicant is required to submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

LOCAL LEVEL

City of Dana Point Emergency Plan

The *City of Dana Point Emergency Plan* provides the framework for responding to major emergencies or disasters. The goals of the plan are to outline a strategy to prepare for, respond to, and recover from an emergency or disaster that affects the City. In order to facilitate meeting these goals, the plan:

- Identifies potential hazards that form the basis for the emergency plan;
- Identifies authorities and assigns responsibilities to the appropriate agencies;
- Identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated;
- Establishes an organizational structure to manage the emergency response;
- Outlines preplanned response actions to be taken by emergency personnel to mitigate the
- effects of a disaster;
- Outlines a process of disseminating emergency information and instructions to the public;
- Describes the resources available to support emergency response activities;
- Establishes responsibilities for maintaining the overall City emergency preparedness program; and
- Provides the basis for initial training and subsequent retraining of emergency workers.

City of Dana Point General Plan

PUBLIC SAFETY ELEMENT

The purpose of the Public Safety Element is to identify and address those features or characteristics which exist in or near the City that represent a potential danger to the safety of the citizens, sites and structures, public facilities, and infrastructure. The element establishes policies to minimize dangers to residents, workers and visitors, and identifies actions need to deal with crisis situations (e.g., earthquakes, fires, and floods). Natural hazards (i.e., geologic and seismic hazards) are among the topics addressed in this element. Geologic and seismic-related goals and policies relevant to the proposed project include the following:

Goal 1: Reduce the risk to the community from geologic hazards including bluff instability, seismic hazards, and coastal erosion.

Policy 1.1: Require review of soil and geologic conditions by a State-licensed Engineering Geologist under contract to the City, to determine stability prior to the approval of development, where appropriate.

Policy 1.12: Specifically review and limit development on lands with seismic, slide, liquefaction, fire, or topographic constraints.

CONSERVATION AND OPEN SPACE ELEMENT

The Conservation and Open Space Element addresses the preservation and use of the City's important natural resources and open space areas, as well as the City's park system. In regard to conservation, this element contains goals and policies that further the protection and maintenance of the State's natural resources such as water, soils, wildlife, minerals, and other natural resources, and prevents their wasteful exploitation, degradation, and destruction. In regard to open space, this element contains goals and policies concerned with managing all open space areas, including undeveloped lands and outdoor recreation areas. The following goals and policies are relevant to the proposed project:

Goal 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.

Policy 2.2: Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact.

Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements.

Policy 2.4: Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.

Policy 2.7: Require geotechnical studies for developments that are proposed for steep slopes (4:1 or steeper), on or adjacent to coastal or inland blufftops, and where geological instability may be suspected.

Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.

Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.

Policy 8.2: Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes.

Dana Point Municipal Code

CHAPTER 7.04, TENTATIVE MAPS – REQUIREMENTS FOR FILING

This chapter pertains to tentative parcel maps and tentative tract maps in accordance with the provisions of the Subdivision Manual. A preliminary soils report is required to file a tentative map and may also include requirements for geologic, seismic and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans (e.g., building setback lines); evidence from the proposed sewer agency and water supplier with respect to their capability of serving the proposed subdivision; protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions.

CHAPTER 7.22, PARCEL MAPS – REQUIREMENTS AND PROCEDURES

This chapter establishes requirements and procedures to regulate the content and form of parcel maps in accordance with the provisions of the Subdivision Map Act and the Subdivision Manual. This chapter also allows the City's Subdivision Committee to require additional information to be filed or recorded simultaneously with the map, such as building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.

CHAPTER 8.01, GRADING AND EXCAVATION CONTROL

Chapter 8.01 of the Municipal Code is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City. Section 8.01.390, *Erosion Control Plans*, requires preparation of an erosion control plan in accordance with Subarticle 13 of the City's Grading Manual and any applicable storm water permits for all projects which require a grading permit.

CHAPTER 8.02, CALIFORNIA BUILDING CODE

This chapter adopts by reference the 2019 CBC, based on the 2019 International Building Code as published by the International Code Council. The provisions of the CBC constitute the building code regulations within Dana Point, including the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City.

SECTION 9.05.160, CULTURAL AND NATURAL RESOURCES

Municipal Code Section 9.05.160, *Cultural and Natural Resources*, requires the preparation of site-specific cultural and natural resources (e.g., archaeological, paleontological, historical, and biological resources) studies for projects where the City's environmental review process indicates the potential for impacts to these resources. Pursuant to Municipal Code Section 9.05.160, mitigation measures should be incorporated into a project's design to reduce such impacts.

5.4.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (refer to Section 8.0, *Effects Found Not To Be Significant*);

   ii. Strong seismic ground shaking (refer to Impact Statement GEO-1);

   iii. Seismic-related ground failure, including liquefaction (refer to Impact Statement GEO-2);

   iv. Landslides (refer to Section 8.0, *Effects Found Not To Be Significant*);

b) Result in substantial soil erosion or the loss of topsoil (refer to Impact Statement GEO-3);

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (refer to Impact Statement GEO-4);

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (refer to Impact Statement GEO-4);

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water (refer to Section 8.0, *Effects Found Not To Be Significant*); and

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Impact Statement GEO-5).

5.4.4 IMPACTS AND MITIGATION MEASURES

STRONG SEISMIC GROUND SHAKING

GEO-1 PROJECT IMPLEMENTATION COULD EXPOSE PEOPLE AND STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING.

Impact Analysis: Southern California is known to be earthquake prone, and the project would likely be subjected to some degree of seismic ground shaking. The Geotechnical Evaluation concludes that the project area has a high potential for experiencing strong ground motion considering the proximity of the site to active faults capable of producing a maximum moment magnitude of 6.0 or more. Known regional active faults that could produce significant ground shaking at the project site include the Newport-Inglewood/Offshore Zone of Deformation fault zone located offshore approximately three miles west of the site, and the active San Joaquin Hills Blind Thrust fault located approximately nine miles northwest of the site; refer to Figure 4 of the Geotechnical Evaluation. The intensity of ground shaking at the project site would depend primarily upon the earthquake magnitude, the distance from the source, and the site response characteristics.

Future development accommodated through implementation of the Doheny Village Zoning District Update could expose persons or structures to the effects of strong seismic ground shaking. Impacts concerning strong seismic ground shaking would be addressed through compliance with State and local seismic and geologic safety laws, standards, and guidelines, including the Seismic Hazard Mapping Act and the 2019 CBC, among others. To this end, numerous controls would be imposed on future development in the Doheny Village area. In general, the City regulates development (and reduces potential seismic and geologic impacts) through compliance with the 2019 CBC as adopted by the City pursuant to Municipal Code Section 8.02.001, *Adoption of the California Building Code* and project-specific design and construction recommendations. The CBC includes earthquake safety standards based on a variety of factors, including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the project site.

In compliance with the CBC, as adopted by Municipal Code Section 8.02.001, as well as General Plan Public Safety Element Policy 1.1, future developments would be required to prepare a project-specific geotechnical evaluation to evaluate the site's subsurface conditions, identify potential geologic and seismic hazards that may affect the development, and provide preliminary geotechnical recommendations for design and construction. Additionally, future developments within the project area would also be required to comply with recommended "design-level" earthquake standards, as set forth in the CBC. In addition, the City Engineer would be authorized to require additional information be filed or recorded simultaneously with future tract and parcel maps, such as seismic lines and setbacks and additional geologic information, in accordance with Municipal Code Chapter 7.04, *Tentative Maps – Requirements For Filing*, and Section 7.22, *Parcel Maps – Requirements and Procedures*.

Overall, compliance with applicable laws, standards, and guidelines, including the CBC and the Municipal Code would ensure that future development under the Doheny Village Zoning District Update would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LIQUEFACTION

GEO-2 PROJECT IMPLEMENTATION COULD EXPOSE PEOPLE AND STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING LIQUEFACTION.

Impact Analysis: The project site is mapped within an area that has been identified as being susceptible to liquefaction; refer to Exhibit 5.4-1. Specifically, the Geotechnical Evaluation states that the portion of the project site generally west of Doheny Park Road would be more susceptible to liquefaction due to the generally loose, sandy nature of the soils in the area. Liquefaction can result in sand boils, excessive settlement, bearing capacity failures below structural foundations, and seismically-induced lateral ground displacements. There is also potential for ground cracking due to liquefaction.

Numerous controls would be imposed on future developments/improvements through the City's permitting process, in order to lessen impacts associated with seismic-related liquefaction. As discussed above, the City regulates development (and reduces potential geologic impacts) through compliance with the 2019 CBC, as adopted by reference in Municipal Code Section 8.02.001, and project-specific design and construction recommendations. In compliance with the CBC as well as General Plan Public Safety Element Policy 1.1, future developments in accordance with the proposed project would be required to prepare a project-specific geotechnical investigation to evaluate the site's subsurface conditions, identify potential geologic and seismic hazards that may affect the development, and provide preliminary geotechnical recommendations for design and construction. As recommended by the Geotechnical Evaluation, a detailed assessment of the potential for liquefaction of on-site soils and their effect on the project area would be evaluated by the project Geotechnical Engineer on a site-by-site basis prior to design and construction of future project improvements, and incorporated into the design, as appropriate. Site-specific geotechnical evaluations may include exploratory borings, cone penetration tests, groundwater depth evaluations, and laboratory soil testing. Specifically, structural design and mitigation techniques would be developed to reduce the impacts related to liquefaction. Mitigation strategies for potential dynamic settlement related to liquefaction include supporting structures on deep pile foundations that extend through the liquefiable zones into competent material, or stabilization of the liquefiable soils using in-situ ground improvement techniques such as vibro-replacement stone columns, rammed aggregate piers, compaction grouting, soil-cement mixing, or jet grouting. Future developers would be required to implement design and construction recommendations from a project-specific geotechnical investigation in the project design, and grading and building plans.

Overall, compliance with applicable laws, standards, and guidelines, including the CBC, as adopted by reference in Municipal Code Section 8.02.001, would ensure that project implementation would not expose people or structures to potentially significant impacts involving liquefaction. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOIL EROSION

GEO-3 PROJECT IMPLEMENTATION COULD RESULT IN SUBSTANTIAL SOIL EROSION OR LOSS OF TOPSOIL.

Impact Analysis: According to the Geotechnical Evaluation, the materials exposed at the surface of the project site include sands, silty sands, and clayey soils. Sandy soils typically have low cohesion and have a relatively higher potential for erosion from surface runoff when exposed in cut slopes or utilized near the face of fill embankments. Surface soils with higher amounts of clay tend to be less erodible as the clay acts as a binder to hold the soil particles together.

Construction activities associated with future development would include clearing, excavation, and grading, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. Short-term erosion impacts associated with the construction of future development would be prevented through required grading permits. Pursuant to Municipal Code Section 8.01.390, *Erosion Control Plans*, all projects requiring a grading permit would be required to submit an Erosion and Sediment Control Plan to the City for review and approval. In compliance with the NPDES program, individual projects involving one or more acres of site disturbance would be required to prepare and implement a SWPPP and associated BMPs in compliance with the Construction General Permit during grading and construction. Typical BMPs include erosion prevention mats or geofabrics, silt fencing, sandbags, plastic sheeting, temporary drainage devices, and positive surface drainage to allow surface runoff to flow away from site improvements or areas susceptible to erosion. Surface drainage design provisions and site maintenance practices would reduce potential soil erosion following site development. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from grading and construction activities.

Future development would also be required to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which would reduce the potential for soil erosion caused by wind by requiring implementation of dust control measures during construction activities; refer to Section 5.8, *Air Quality*. In addition, future development would be required to implement erosion control measures such as proper grading techniques, vegetation replanting, and installation of proper drainage, during and following construction in accordance General Plan Conservation and Open Space Element Policy 2.3. Conservation and Open Space Element Policy 2.4 would require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems. Additionally, future development would include surface drainage design provisions and site maintenance practices which would reduce potential soil erosion.

Following compliance with Municipal Code Section 8.01.390, NPDES, and SCAQMD Rule 403, future development associated with the proposed project would result in less than significant impacts involving soil erosion and loss of topsoil.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

UNSTABLE AND EXPANSIVE SOILS

GEO-4 THE PROJECT COULD BE LOCATED ON SOILS THAT ARE UNSTABLE, OR EXPANSIVE, AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN GEOLOGIC HAZARDS.

Impact Analysis: Future development in accordance with the proposed Doheny Village Zoning District Update could be located on unstable or expansive soils that could result in landslides, lateral spreading, subsidence, liquefaction, or collapse. Refer to Impact Statement GEO-2 for a discussion concerning the project's potential impacts in regard to liquefaction.

Unstable Soils

Landslide. As discussed, the majority of the site is relatively level and has been extensively developed with pavements, hardscape, and structures; thus, the potential for landslide hazard at the project site is low. The existing slopes along the northeast and southeast portions of the project site, associated with Interstate 55, represent the only landslide risk. Refer to Impact Statement GEO-2 regarding the requirements for site specific risk analysis. The site-specific risk of future developments would be evaluated with proximity to the existing slopes. Over the project site, the impacts in this regard would be less than significant.

Lateral Spreading. Based on the high liquefaction potential on-site, portions of the project site generally west of Doheny Park Road could be more susceptible to liquefaction-induced lateral spreading.

Subsidence. Historic evidence of subsidence is not known to have occurred at the project site and the potential for subsidence in the project area is considered to be relatively low. Impacts in this regard would be less than significant.

Collapse. Based on the Geotechnical Evaluation, the project area is underlain by both younger and older alluvial deposits that are considered to range from poorly to relatively well consolidated. Due to the presence of potentially compressible/collapsible soils at the site, there is a potential for differential settlement to affect future developments without appropriate mitigation during detailed project design and construction. To evaluate the potential for settlement to affect future project components, surface reconnaissance and subsurface evaluation should be performed. During the detailed design phase of the project, site-specific geotechnical evaluations would be performed to assess the settlement potential of the on-site natural soils and undocumented fill. This may include detailed surface reconnaissance to evaluate site conditions, and drilling of exploratory borings or test pits and laboratory testing of soils, where appropriate, to evaluate site conditions.

Alternatives to mitigate potential settlement due to compressible soils at the site include over-excavation and re-compaction, supporting structures on pile foundations, or in-situ ground improvement to limit settlement to acceptable levels so that structures are not adversely impacted.

The exposure of people and structures to potential substantial adverse effects involving unstable soils (i.e., lateral spreading and collapse) would be mitigated through proper design and construction at the project-level. As discussed above, the City regulates development (and reduces potential geologic impacts) through compliance with the 2019 CBC, as adopted by reference in Municipal Code Section

8.02.001, and project-specific design and construction recommendations. Thus, impacts regarding unstable soils would be less than significant.

Expansive Soils

As discussed, the project site has a wide extent and variable subsurface soils are anticipated in the Doheny Village area. Thus, future site-specific assessment of potential expansive soils would be evaluated at the project-level during the design phase of future development within Doheny Village and mitigation strategies would be developed, as appropriate, to reduce such impacts.

Based on the Geotechnical Evaluation, adverse effects of expansive soils could be mitigated by removal of near-surface expansive soils and replacement with low expansive material during construction and providing positive surface drainage for site improvements to reduce infiltration of water into the subsurface, or could involve design of site improvements to resist the effects of expansive soils, including deepening foundation members and strengthening foundations and slabs with additional reinforcement, or utilizing post-tensioned slabs.

Overall, compliance with applicable laws, standards, and guidelines, including the 2019 CBC, as adopted by reference in Municipal Code Section 8.02.001, would ensure that project implementation would not expose people or structures to potential substantial adverse effects involving unstable or expansive soils. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PALEONTOLOGICAL RESOURCES

GEO-5 PROJECT IMPLEMENTATION COULD DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.

Impact Analysis: The project site is located along the eastern side of the alluvial valley of San Juan Creek between the San Joaquin Hills to the west and San Clemente Hills to the east. Regional geologic maps indicate the site is underlain by Holocene-age flood plain deposits comprised of sand, sandy silt, and clay. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area. There is potential for unknown paleontological resources to be located within the project area given the site's proximity to the coast. As such, future development in Doheny Village associated with the proposed Doheny Village Zoning District Update could result in potential impacts to previously undiscovered paleontological resources. Municipal Code Section 9.05.160 requires site-specific studies to be prepared to identify the significance of any on-site cultural and natural resources (e.g., archaeological, paleontological, historical, and biological resources) and required mitigation measures to reduce such impacts. General Plan Conservation and Open Space Element Policy 8.1 requires reasonable mitigation measures where development may affect historical, archaeological, or paleontological resources, and Policy 8.2 ensures resources of significant historical, archaeological, or paleontological value are retained and protected for education, visitor-serving, and scientific purposes.

To ensure future development adequately evaluates and mitigates for potential paleontological resources on-site, Mitigation Measure GEO-1 would require future project applicants to prepare a technical paleontological assessment to evaluate the sensitivity of a project site for buried paleontological resources. If resources are known or reasonably anticipated, the paleontological assessment is required to provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan. Compliance with Mitigation Measure GEO-1 would reduce potential paleontological resource impacts associated with the project to less than significant levels.

Mitigation Measures:

GEO-1 Prior to issuance of grading permits, applicants for future development projects in undeveloped and developed areas where grading is proposed five feet below current elevation shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.

If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following:

- A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities;
- Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the qualified paleontologist and City of Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and
- Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities.

A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.4.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or

increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD EXPOSE PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS INVOLVING GEOLOGY AND SOILS AND COULD IMPACT UNKNOWN PALEONTOLOGICAL RESOURCES.**

Impact Analysis: Cumulative projects identified in Table 4-1 would likely have similar regional geologic setting and seismicity as the proposed project, however, the local geologic setting, surficial geology, and subsurface soil conditions would vary site to site. Additionally, potential paleontological resource impacts associated with the development of each cumulative project would be specific to each site. Cumulative projects would be required to comply with existing Federal, State, and local regulations and project-specific mitigation measures related to geologic hazards and paleontological resources on a project-by-project basis.

As concluded above, geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with established regulatory requirements, including the CBC, Municipal Code, NPDES requirements, and SCAQMD Rule 403. Additionally, implementation of Mitigation Measure GEO-1 would ensure project impacts related to paleontological resources are reduced to less than significant levels. As such, the proposed project would not result in cumulatively considerable impacts in this regard.

Mitigation Measures: Refer to Mitigation Measure GEO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.4.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to geology and soils have been identified.

5.5 Hydrology and Water Quality

5.5 HYDROLOGY AND WATER QUALITY

This section analyzes potential project impacts to water quality, drainage patterns and flood control facilities, and groundwater supplies and recharge. Potential impacts associated with flooding are also analyzed. Mitigation measures are recommended to avoid potential impacts or reduce them to less than significant. This section is primarily based on the *Doheny Village Plan, Hydrology and Water Quality Assessment* (Hydrology Assessment) prepared by Fuscoe Engineering, Inc., dated June 19, 2020, and *San Juan Creek Letter of Map Revision* (2016 LOMR Study) prepared by JLC Engineering & Consulting, Inc., dated February 23, 2016; refer to Appendix 11.5, *Hydrology/Water Quality Memo and Letter of Map Revision*.

5.5.1 EXISTING SETTING

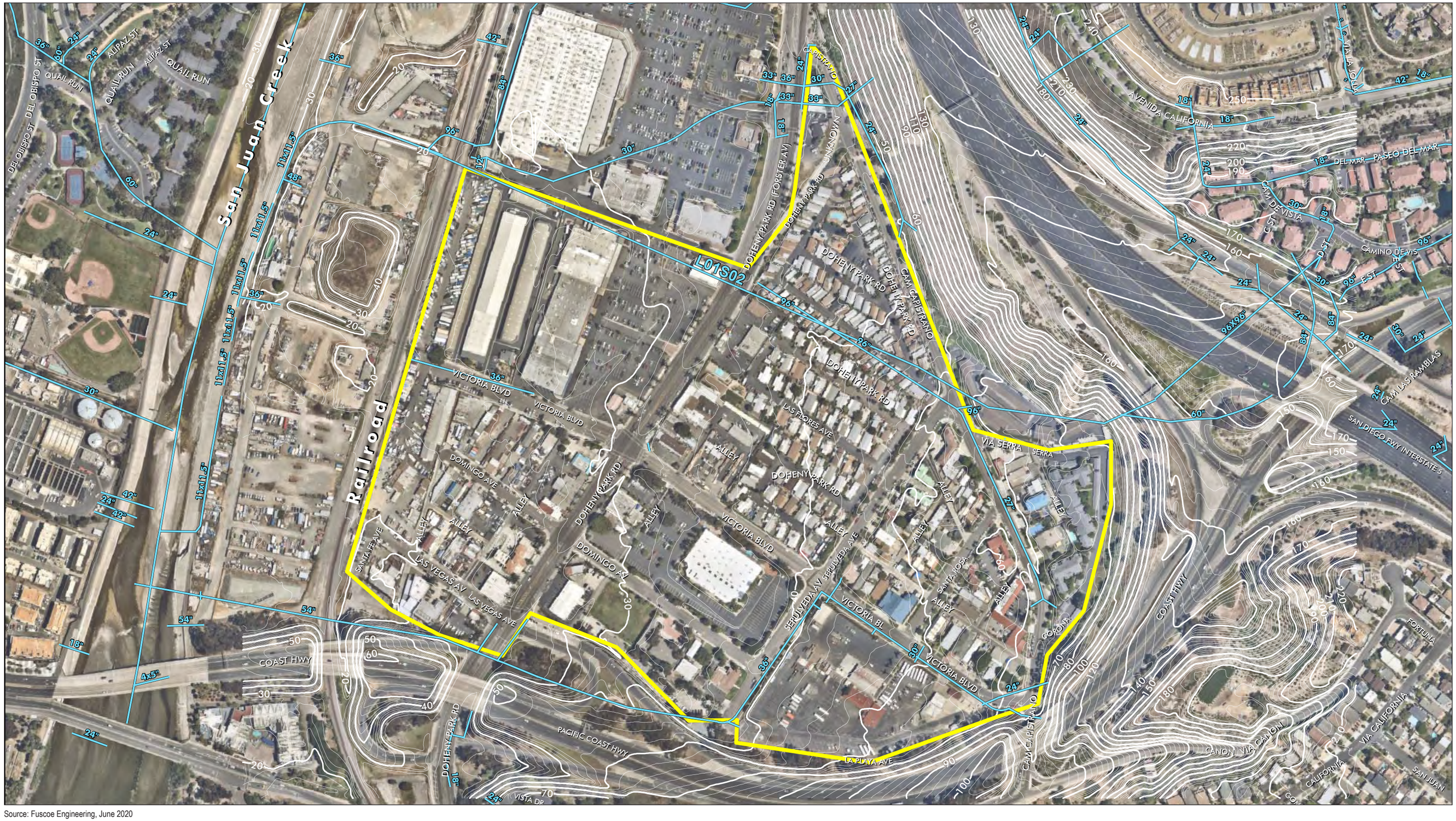
REGIONAL HYDROLOGY AND DRAINAGE

Doheny Village is located within the San Juan Creek Watershed, which covers approximately 160 square miles of southern Orange County and is the second largest watershed within Orange County. The San Juan Creek Watershed covers approximately 160 square miles and includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano. The San Juan Creek, its main tributary, originates in the Cleveland National Forest and ultimately discharges into the Pacific Ocean at Doheny Beach in the City of Dana Point. Major tributaries include Arroyo Trabuco (Trabuco Creek) and Oso Creek, as well as several smaller tributaries. The San Juan Creek is located along the western boundary of the project site; refer to Attachment D, *San Juan Creek Watershed Map*, of the Hydrology Assessment (provided in Appendix 11.5).

PROJECT SITE HYDROLOGY AND DRAINAGE

Under existing conditions, drainage within the project site generally flows east to west across the project area. The high point of the project site is along the eastern perimeter near the Via Serra and Camino Capistrano intersection and is approximately 30 feet higher than the low southeast corner. Storm water in the project site eventually discharges into the San Juan Creek Channel via catch basins, which are located throughout the project site, including the east end of Camino Capistrano, the intersection of Doheny Park Road and Victoria Boulevard, and the intersection of Las Vegas Avenue and Doheny Park Road.

The majority of the project site is currently developed with hardscape features, including existing buildings, streets, and surface parking lot areas. The project site is approximately 80 percent impervious with the pervious areas concentrated in the southern portion of the site (where the only undeveloped lot [approximately 0.07 acre] is located). Runoff generally drains via sheet-flow southward and westward along local streets towards the southwestern corner of the project site towards the San Juan Creek Channel. There are two main storm drain systems that serve the project site, including the County-owned Storm Drain System L01S02 that collects drainage from the northern end, and an unnamed Caltrans-owned storm drain that collects drainage from the southern end of the project site. Refer to Exhibit 5.5-1, *Existing Storm Drain Facilities*, for locations of the existing storm drain facilities.



Source: Fuscoe Engineering, June 2020

NOT TO SCALE

Michael Baker INTERNATIONAL

09/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

Existing Storm Drain Facilities

Exhibit 5.5-1

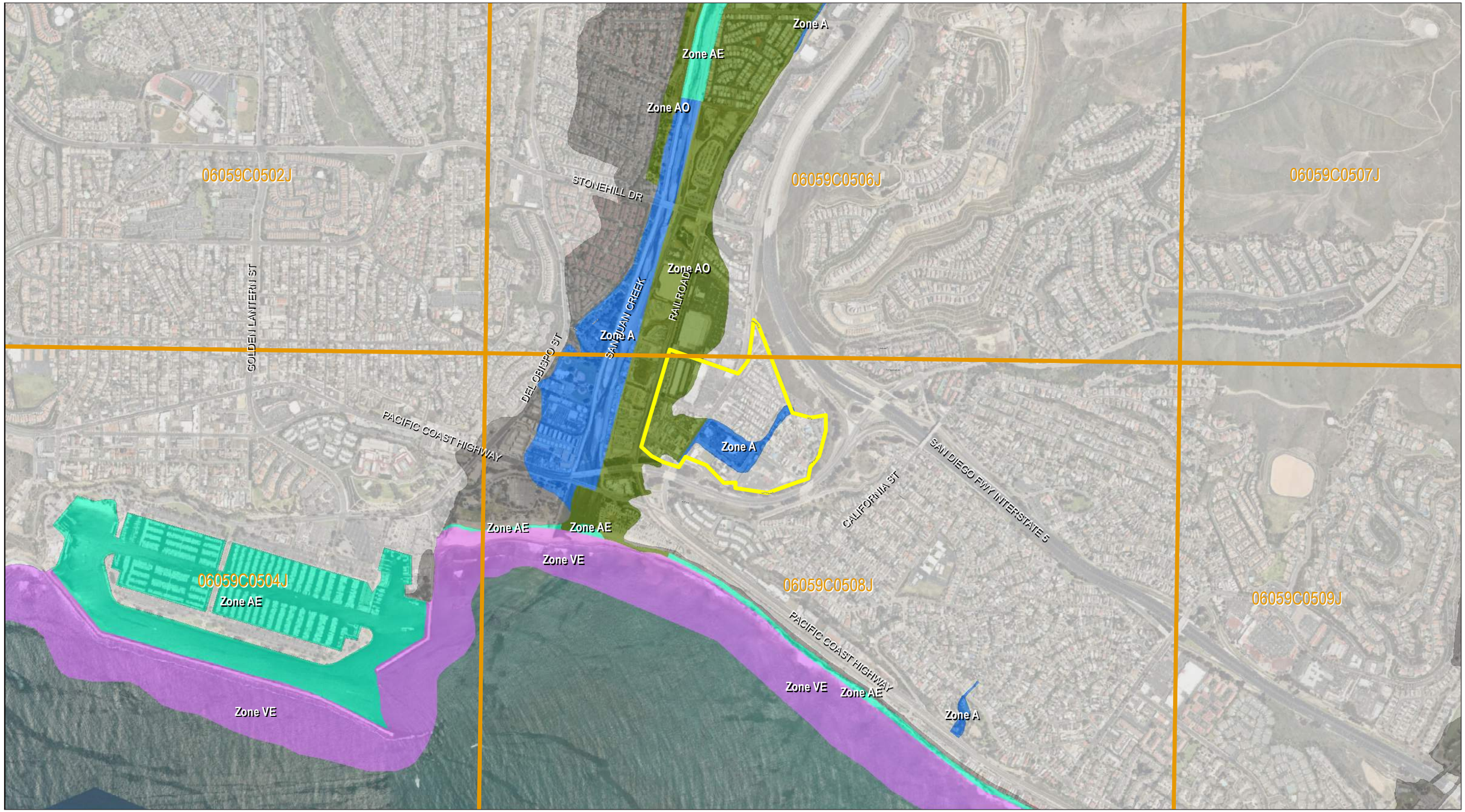
The County-owned Storm Drain System L01S02 crosses the north end of the project site as a 96-inch reinforced concrete pipe (RCP) and then turns south and parallels San Juan Creek as an 11-foot by 11.5-foot reinforced concrete box (RCB) before discharging into San Juan Creek northerly of the City's storm drain system and Pacific Coast Highway. This storm drain line collects runoff from a tributary area of approximately 946 acres, including the northern portion of the project site. The storm drain was designed to collect and convey the 25-year storm event flow rate of 840 cubic feet per second (cfs). As part of the 2016 LOMR Study, hydrology analyses were performed on this storm drain system to determine the 100-year peak flow rate, and where flooding occurs when flows in excess of 840 cfs occur. The hydraulic analysis of L01S02 identified that during a 100-year event, excess flows of approximately 457 cfs are conveyed through the project site. According to the Hydrology Assessment the maximum depth of flooding is five inches above the public right-of-way within sections of Camino Capistrano (for a 100-year storm event) in the event that curb inlets are full. The majority of flooding would occur within the public right-of-way and within the carrying capacity of the curb-and-gutter system of the public streets.

The Caltrans-owned storm drain includes a 36-inch RCP that converts into a 54-inch RCP downstream of the Doheny Park Road and Las Vegas intersection, located at the southern end of the project site. As it is assumed that the flooding associated with the existing condition and the undersized L01S02 system would have a greater flooding impact than the local flooding, the 2016 LOMR Study solely focuses on how stormwater flow would be distributed through the project area based on flows in excess of the L01S02 (overland flow analysis).

FLOODPLAIN MAPPING

As discussed above, the 2016 LOMR Study was prepared by JLC Engineering & Consulting, Inc. for the existing San Juan Creek Channel system from the Pacific Ocean (lower boundary) to Dana Point's City Limits (upper boundary). The purpose of the 2016 LOMR Study was to provide hydraulic analysis that updated the existing floodplain limits and corresponding Federal Emergency Management Agency (FEMA) flood zones, as well as establish Base Flood Elevations, which are the regulatory requirement for the elevation or flood-proofing of structures consistent with the National Flood Insurance Program. The 2016 LOMR Study allowed the revision of FEMA-issued Flood Insurance Rate Map (FIRM) Nos. 06059C0504K, 06059C0508K and 06059C0506K (all revised March 21, 2019), which cover the limits within the City's boundary down to the Pacific Ocean. The portion of San Juan Creek that was modeled included approximately 5,900 feet of improved channel and three bridge structures. The model begins at the Pacific Ocean and ends approximately 1,500 feet upstream of Stonehill Drive, at the City limits.

Under the revised FIRM maps, land uses adjacent to San Juan Creek within the City, including the project site, remain subject to flooding. The two FIRMs that cover the project site include the revised FIRM 06059C0508K, which covers 90 percent of Doheny Village, and FIRM No. 060590506J (dated December 3, 2009), which covers the remaining 10 percent. Refer to Exhibit 5.5-2, *FEMA Flood Zones*.



Source: Fuscoe Engineering, June 2020

Doheny Village Project Site
FEMA Map Panel

FEMA Flood Zones

Zone A
Zone AE
Zone AO
Zone VE
Zone X (0.2% Annual Chance Flood Hazard)
Zone X (Area of Minimal Flood Hazard)

NOT TO SCALE

Michael Baker INTERNATIONAL

09/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

FEMA Flood Zones

Exhibit 5.5-2

According to the revised FIRM 06059CO508J, the western portion of the project site also lies within the Flood Hazard Zone AE, which includes the San Juan Creek floodplain. East of Doheny Park Road, a portion of the site remains within Flood Hazard Zone A, which represents areas subject to inundation by 1-percent-annual-chance flood event generally determined using approximate methodologies with no known Base Flood Elevations or flood depths but limited to the street right-of-way. This area extends easterly in the vicinity of Domingo Ave and Victoria Blvd and northerly along Sepulveda Ave which covers the easterly Storm Drain L01S02 floodplain. The remaining area within the project site is identified as Flood Hazard Zone X, which represents area of minimal flood hazard that is determined to be outside the Special Flood Hazard Area and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood.

In addition to establishing Base Flood Elevations for San Juan Creek, the 2016 LOMR Study also identified flooding limits along the San Juan Creek, should the easterly or westerly levee of San Juan Creek Channel break or fail. The results of the studies performed under the 2016 LOMR Study found that should the easterly levy fail, flooding would occur within the project site among other localized areas within the City limits adjacent to the creek. According to the Hydrology Assessment the maximum flood depths would exceed the capacity of the public right-of-way by approximately five inches within the Doheny Village Zoning District area.

STORMWATER QUALITY

Point Source Pollutants

Historically, point source pollutants have consisted of industrial operations with discrete discharges to receiving waters. Over the past several decades, many industrial operations have been identified as potential sources of pollutant discharges. For this reason, many types of industrial operations require coverage under the State of California's General Industrial Permit. This permit regulates the operation of industrial facilities and monitors and reports mechanisms to ensure compliance with water quality objectives. State regulations require industrial operations to comply with California's General Industrial Permit, which significantly lessens impacts on the quality of receiving waters. However, industrial operations that are not covered under the General Industrial Permit's jurisdiction may still have the potential to affect the water quality of receiving waters. These industrial operations would be considered nonpoint source pollutants.

Nonpoint Source Pollutants

A net effect of urbanization can be to increase pollutant export over naturally occurring conditions. The impact of the higher export affects the adjacent streams and the downstream receiving waters. However, an important consideration in evaluating stormwater quality is to assess whether the beneficial use to the receiving waters is impaired. Nonpoint source pollutants are characterized by the following major categories to assist in determining the pertinent data and its use. Receiving waters can assimilate a limited quantity of various constituent elements; however, there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact. Standard water quality categories of typical urbanization impacts are:

- *Sediment*. Sediment is made up of tiny soil particles that are washed or blown into surface waters. It is the major pollutant by volume in surface water. Suspended soil particles can

cause the water to look cloudy or turbid. The fine sediment particles also act as a vehicle to transport other pollutants, including nutrients, trace metals, and hydrocarbons. Construction sites are the largest source of sediment for urban areas under development. Another major source of sediment is streambank erosion, which may be accelerated by increases in peak rates and volumes of run-off due to urbanization.

- *Nutrients*. Nutrients are a major concern for surface water quality, especially phosphorous and nitrogen, which can cause algal blooms and excessive vegetative growth. Of the two, phosphorus is usually the limiting nutrient that controls the growth of algae in lakes. The orthophosphorous form of phosphorus is readily available for plant growth. The ammonium form of nitrogen can also have severe effects on surface water quality. The ammonium is converted to nitrate and nitrite forms of nitrogen in a process called nitrification. This process consumes significant amounts of oxygen, which can impair the dissolved oxygen levels in water. The nitrate form of nitrogen is very soluble and is found naturally at low levels in water. When nitrogen fertilizer is applied to lawns or other areas more than needed by the plant, nitrates can leach below the root zone, eventually reaching ground water. Orthophosphate from auto emissions also contributes phosphorus in areas with heavy automobile traffic. Generally, nutrient export is greatest from development sites with the most impervious areas. Other problems resulting from excess nutrients are: 1) surface algal scums; 2) water discolorations; 3) odors; 4) toxic releases; and 5) overgrowth of plants. Common measures for nutrients are total nitrogen, organic nitrogen, total Kjeldahl nitrogen (TKN), nitrate, ammonia, total phosphate, and total organic carbon (TOC).

- *Trace Metals*. Trace metals are primarily a concern because of their toxic effects on aquatic life, and their potential to contaminate drinking water supplies. The most common trace metals found in urban run-off are lead, zinc, and copper. Fallout from automobile emissions is also a major source of lead in urban areas. A large fraction of the trace metals in urban run-off are attached to sediment; this effectively reduces the level, which is immediately available for biological uptake and subsequent bioaccumulation. Metals associated with sediment settle out rapidly and accumulate in the soils. Urban run-off events typically occur over a shorter duration, reducing the amount of exposure, which could be toxic to the aquatic environment. The toxicity of trace metals in run-off varies with the hardness of the receiving water. As total hardness of the water increases, the threshold concentration levels for adverse effects increases.

- *Oxygen-Demanding Substances*. Aquatic life is dependent on the dissolved oxygen in the water. When organic matter is consumed by microorganisms, dissolved oxygen is consumed in the process. A rainfall event can deposit significant quantities of oxygen-demanding substance in lakes and streams. The biochemical oxygen demand of typical urban run-off is on the same order of magnitude as the effluent from an effective secondary wastewater treatment plant. A problem from low dissolved oxygen (DO) results when the rate of oxygen-demanding material exceeds the rate of replenishment. Oxygen demand is estimated by direct measure of DO and indirect measures such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), oils and greases, and TOC.

- *Bacteria*. Bacteria levels in undiluted urban run-off exceed public health standards for water contact recreation almost without exception. Studies have found that total coliform counts

exceeded the U.S. Environmental Protection Agency's (EPA) water quality criteria at almost every site and almost every time it rained. The coliform bacteria that are detected may not be a health risk by themselves but are often associated with human pathogens.

- *Oil and Grease*. Oil and grease contain a wide variety of hydrocarbons, some of which could be toxic to aquatic life in low concentrations. These materials initially float on water and create the familiar rainbow-colored film. Hydrocarbons have a strong affinity for sediment and quickly become absorbed to it. The major source of hydrocarbons in urban run-off is through leakage of crankcase oil and other lubricating agents from automobiles. Hydrocarbon levels are highest in the run-off from parking lots, roads, and service stations. Residential land uses generate less hydrocarbon export, although illegal disposal of waste oil into stormwater can be a local problem.

- *Other Toxic Chemicals*. Priority pollutants are generally related to hazardous wastes or toxic chemicals and can be sometimes detected in stormwater. Priority pollutant scans have been conducted in previous studies of urban run-off, which evaluated the presence of over 120 toxic chemicals and compounds. The scans rarely revealed toxins that exceeded the current safety criteria. The urban run-off scans were primarily conducted in suburban areas not expected to have many sources of toxic pollutants (possibly except for illegally disposed or applied household hazardous wastes). Measures of priority pollutants in stormwater include: 1) phthalate (plasticizer compound); 2) phenols and creosols (wood preservatives); 3) pesticides and herbicides; 4) oils and greases; and 5) metals.

Physical Characteristics of Surface Water Quality

Standard parameters, which can assess stormwater quality, provide a method of measuring impairment. A background of these typical characteristics assists in understanding water quality requirements. The quantity of a material in the environment and its characteristics determine the degree of availability as a pollutant in surface run-off. In an urban environment, the quantity of certain pollutants in the environment is a function of the intensity of the land use. For instance, high automobile traffic volumes cause various potential pollutants (such as lead and hydrocarbons) to be more prevalent. The availability of a material, such as a fertilizer, is a function of the quantity and the way in which it is applied. Applying fertilizer in quantities that exceed plant needs leaves the excess nutrients available for loss to surface or ground water.

The physical properties and chemical constituents of water traditionally have served as the primary means for monitoring and evaluating water quality. Evaluating the condition of water through a water quality standard refers to its physical, chemical, or biological characteristics. There are many types and classifications of water quality parameters for stormwater. Typically, the concentration of an urban pollutant, rather than the annual load of that pollutant, is required to assess a water quality problem. Some of the physical, chemical, or biological characteristics that evaluate the quality of the surface run-off are listed below.

- *Dissolved Oxygen*. DO in the water has a pronounced effect on the aquatic organisms and the chemical reactions that occur. It is one of the most important biological water quality characteristics in the aquatic environment. The DO concentration of a water body is determined by the solubility of oxygen, which is inversely related to water temperature, pressure, and biological activity. DO is a transient property that can fluctuate rapidly in time and space and represents the status of the water system at a point and time of sampling. The

decomposition of organic debris in water is a slow process, as are the resulting changes in oxygen status. The oxygen demand is an indication of the pollutant load and includes measurements of biochemical oxygen demand or chemical oxygen demand.

- *Biochemical Oxygen Demand*. The BOD is an index of the oxygen-demanding properties of the biodegradable material in the water. Samples are taken from the field and incubated in the laboratory at 20°C, after which the residual dissolved oxygen is measured. The BOD value commonly referenced is the standard 5-day values. These values are useful in assessing stream pollution loads and for comparison purposes.

- *Chemical Oxygen Demand*. The COD is a measure of the pollutant loading in terms of complete chemical oxidation using strong oxidizing agents. It can be determined quickly because it does not rely on bacteriological actions as with BOD. COD does not necessarily provide a good index of oxygen demanding properties in natural waters.

- *Total Dissolved Solids*. Total dissolved solids (TDS) concentration is determined by evaporation of a filtered sample to obtain residue whose weight is divided by the sample volume. The TDS of natural waters varies widely. There are several reasons why TDS is an important indicator of water quality. Dissolved solids affect the ionic bonding strength related to other pollutants such as metals in the water. TDS are also a major determinant of aquatic habitat. TDS affects saturation concentration of dissolved oxygen and influences the ability of a water body to assimilate wastes. Eutrophication rates depend on TDS.

- *pH*. The pH of water is the negative log, base 10, of the hydrogen ion (H^+) activity. A pH of 7 is neutral; a pH greater than 7 indicates alkaline water; a pH less than 7 represents acidic water. In natural water, carbon dioxide reactions are some of the most important in establishing pH. The pH at any one time is an indication of the balance of chemical equilibrium in water and affects the availability of certain chemicals or nutrients in water for uptake by plants. The pH of water directly affects fish and other aquatic life; generally, toxic limits are pH values less than 4.8 and greater than 9.2.

- *Alkalinity*. Alkalinity is the opposite of acidity, representing the capacity of water to neutralize acid. Alkalinity is also linked to pH and is caused by the presence of carbonate, bicarbonate, and hydroxide, which are formed when carbon dioxide is dissolved. A high alkalinity is associated with a high pH and excessive solids. Most streams have alkalinities less than 200 milligrams per liter (mg/l). Ranges of alkalinity of 100-200 mg/l seem to support well-diversified aquatic life.

- *Specific Conductance*. The specific conductivity of water, or its ability to conduct an electric current, is related to the total dissolved ionic solids. Long-term monitoring of project waters can develop a relationship between specific conductivity and TDS. Its measurement is quick and inexpensive and can be used to approximate TDS. Specific conductivities more than 2000 microohms per centimeter (µohms/cm) indicate a TDS level too high for most freshwater fish.

- *Turbidity*. The clarity of water is an important indicator of water quality that relates to the alkalinity of photosynthetic light to penetrate. Turbidity is an indicator of the property of

water that causes light to become scattered or absorbed. Turbidity is caused by suspended clays and other organic particles. It can be used as an indicator of certain water quality constituents, such as predicting sediment concentrations.

- *Nitrogen*. Sources of nitrogen in stormwater are from the additions of organic matter to water bodies or chemical additions. Ammonia and nitrate are important nutrients for the growth of algae and other plants. Excessive nitrogen can lead to eutrophication since nitrification consumes dissolved oxygen in the water. Nitrogen occurs in many forms. Organic nitrogen breaks down into ammonia, which eventually becomes oxidized to nitrate-nitrogen, a form available for plants. High concentrations of nitrate-nitrogen (N/N) in water can stimulate growth of algae and other aquatic plants, but if phosphorus (P) is present, only about 0.30 mg/l of nitrate-nitrogen is needed for algal blooms. Some fish life can be affected when nitrate-nitrogen exceeds 4.2 mg/l. There are several ways to measure the various forms of aquatic nitrogen. Typical measurements of nitrogen include Kjeldahl nitrogen (organic nitrogen plus ammonia), ammonia, nitrite plus nitrate, nitrite, and nitrogen in plants. The principal water quality criterion for nitrogen focuses on nitrate and ammonia.

- *Phosphorus*. Phosphorus is an important component of organic matter. In many water bodies, phosphorus is the limiting nutrient that prevents additional biological activity from occurring. The origin of this constituent in urban stormwater discharge is generally from fertilizers and other industrial products. Orthophosphate is soluble and considered the only biologically available form of phosphorus. Since phosphorus strongly associates with solid particles and is a significant part of organic material, sediments influence concentration in water and are an important component of the phosphorus cycle in streams. Important methods of measurement include detecting orthophosphate and total phosphorus.

Existing Regional Water Quality Conditions

The San Juan Creek is under the jurisdiction of the San Diego Regional Water Quality Control Board (RWQCB). The San Diego RWQCB adopted the *Water Quality Control Plan for the San Diego Basin* (Basin Plan), dated September 8, 1994 and last amended May 17, 2016, that designates beneficial uses of the San Diego RWQCB's surface and ground waters; designate water quality objectives for the reasonable protection of those uses; and establish an implementation plan to achieve the objectives. A beneficial use is one of the various ways that water can be used for the benefit of people and/or wildlife. Although more than one beneficial use may be identified for a given waterbody, the most sensitive use must be protected. The Basin Plan identifies the following beneficial uses for San Juan Creek:

- AGR – Agricultural Supply;
- IND – Industrial activities that do not depend on water quality;
- REC1 – Water contact recreation;
- REC2 – Non-contact water recreation;
- WARM – Supporting warm water ecosystems;
- COLD – Supporting cold water ecosystems;
- WILD – Wildlife habitat; and
- SPWN – Spawning, reproduction, and development.

The State and RWQCBs assess water quality data for California's waters every two years to determine if they contain pollutants at levels that exceed protective water quality criteria and standards. This biennial assessment is required under Clean Water Act (CWA) Section 303(d). Once a water body has been listed as "impaired", a Total Maximum Daily Load (TMDL) for the constituent of concern (pollutant) must be developed for that water body.
According to the Hydrology Assessment, the lower San Juan Creek and delta area is 303(d) listed for Enterococcus, Fecal Coliform, and Total Coliform. No TMDLs have been established specific to San Juan Creek as a receiving water body. However, San Juan Creek Watershed is identified as a watershed subject to the Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks, approved by the San Diego RWQCB February 10, 2010 as Resolution No. R9-2010-0001.

GROUNDWATER

The San Juan Valley Groundwater Basin (SJVGB) underlies the San Juan Creek Watershed and several tributary valleys in South Orange County. SJVGB encompasses 16,700 acres, or 26 square miles, and is bounded on the west by the Pacific Ocean. The total water storage capacity is estimated at 90,000 acre-feet. The groundwater basin is subdivided into three sub-basins: the upper, middle, and lower subbasins. San Juan Creek drains the San Juan Valley and several other creeks drain valleys tributary to the San Juan Creek. Average annual precipitation ranges from 11 to 15 inches. Recharge of the SJVGB is provided by flows in the San Juan Creek, Oso Creek, and Trabuco Creek and precipitation to the valley floor. Water from springs flows directly from Hot Spring Canyon into San Juan Creek, adding to recharge.

According to Section 5.4, *Geology and Soils*, groundwater elevations in the project area range from elevations of approximately 3 to 20 feet above mean sea level (amsl). These elevations correspond to depths of roughly 5 to 40 feet below existing ground surfaces. In general, the reported groundwater elevations are higher along the coastline, on the order of 2 to 7 feet amsl. The reported groundwater depths are generally deeper away from the coastline, approximately 10 to 30 feet below ground surfaces (or 15 to 40 feet amsl). General groundwater flow is to the south-southwest.

The California Geological Survey (CGS) Seismic Hazard Zone report for the project area indicates that the historic high groundwater in the vicinity of the site is approximately five feet below ground surface. However, given the proximity of the site to the coast, fluctuations in groundwater depth would occur due to tidal variations, flood events, seasonal precipitation, variations in ground elevations, groundwater pumping, projected sea level rise, and other factors.

SEA LEVEL RISE

Future sea level rise (SLR) scenarios are increasingly being incorporated into environmental impact analyses and engineering design for projects within the coastal region. As part of the City's effort to analyze and adapt to SLR, a *City of Dana Point Sea Level Rise Vulnerability Assessment* (2019 SLR Assessment) was prepared by Moffatt & Nichol in October 2019 as part of a California Coastal Commission Local Coastal Program Grant. The 2019 SLR Assessment identified areas subject to future SLR, impacts to infrastructure, and adaption measures. Based on the 2019 SLR Assessment, the project site is located above the projected sea level rise elevation and falls outside the potential sea rise inundation areas; refer to Attachment H, *Sea Level Rise 2100*, of the Hydrology Assessment.

5.5.2 REGULATORY SETTING

FEDERAL LEVEL

Clean Water Act

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act (Clean Water Act [CWA]). Originally enacted in 1948, it was amended in 1972 and has remained substantially the same since. The CWA consists of two major parts: provisions that authorize Federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The CWA authorizes the establishment of effluent standards on an industry basis. The CWA also requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses."

The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint source discharge programs, and wetlands protection. The U.S. Environmental Protection Agency (EPA) has delegated the responsibility for administration of portions of the CWA to state and regional agencies.

Impaired Water Bodies

CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act (described below) require that the State establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a TMDL, which is the maximum quantity of a contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify "impaired" streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

National Pollution Discharge Elimination System

To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The NPDES is the permitting program for discharge of pollutants into surface waters of the United States under CWA Section 402. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB. The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb more than one acre. For other dischargers, such as those affecting groundwater or from nonpoint sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived, and some discharge activities may be handled through being included in an existing General Permit.

National Flood Insurance Program

Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. These Acts are intended to reduce the need for large publicly funded flood control structures and disaster relief by restricting development on floodplains.

The National Flood Insurance Program (NFIP) provides a means for property owners to financially protect themselves from flood damage. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the program. Participating communities agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding. The County of Orange and City of Dana Point are participants and must adhere to the NFIP.

Through its Flood Hazard Mapping Program, FEMA identifies flood hazards, assesses flood risks and partners with states and communities to provide accurate flood hazard and risk data. Flood Hazard Mapping is an important part of the NFIP, as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through FIRMs and risk assessments. A FIRM is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

A Special Flood Hazard Area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence within any given year (commonly referred to as the 100-year flood zone). SFHAs are delineated on flood hazard boundary maps issued by FEMA. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 make flood insurance mandatory for most properties in SFHAs.

STATE LEVEL

California Toxics Rule

The California Toxics Rule (CTR) is a Federal regulation issued by the EPA providing water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses in the State of California. CTR criteria are applicable to the receiving water body and therefore must be calculated based upon the probable hardness values of the receiving waters for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This in turn reduces the bioavailability and resulting potential toxicity of these metals.

Porter-Cologne Water Quality Control Act

The CWA places the primary responsibility for the control of surface water pollution and for planning the development and use of water resources with the states, although it establishes certain guidelines for the states to follow in developing their programs and allows the EPA to withdraw control from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act (Water Code

Sections 13000, et seq.). The Porter-Cologne Act grants the State Water Resources Control Board (SWRCB) and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its state water policy. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

State Water Resources Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit is divided into two parts: construction; and post-construction. Construction permitting is administered by the SWRCB, while post-construction permitting is administered by the RWQCB. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

CONSTRUCTION GENERAL PERMIT ORDER 2009-0009-DWQ

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the State Water Board reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

To obtain coverage under the Construction General Permit, Permit Registration Documents (PRDs), including a Notice of Intent (NOI), Risk Assessment, Site Map, and Storm Water Pollution Prevention Plan (SWPPP), among others, must be filed with the SWRCB prior to the commencement of construction activity. The NOI would notify the SWRCB of the applicant's intent to comply with the Construction General Permit. The SWPPP, which must be prepared by a certified Qualified SWPPP Developer (QSD), would include a list of Best Management Practices (BMPs)[1] the discharger would

[1] The EPA defines BMPs as "a practice or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and

use to protect stormwater run-off and the placement of those BMPs. Additionally, the project's SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

Groundwater Management Act

In 1992, the State Legislature provided for more formal groundwater management with the passage of Assembly Bill (AB) 3030, the Groundwater Management Act (Water Code Section 10750, et seq.). Groundwater management, as defined in DWR's Bulletin 118 Update 2003, is the planned and coordinated monitoring, operation, and administration of a groundwater basin, or portion of a basin, with the goal of long-term groundwater resource sustainability. Groundwater management needs are generally identified and addressed at the local level in the form of Groundwater Management Plans (GMP). The Act provides local water agencies with procedures to develop a GMP to enable those agencies to manage their groundwater resources efficiently and safely while protecting the quality of supplies. Under the Act, development of a GMP by a local water agency is voluntary.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) established a framework for sustainable, local groundwater management. SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. With passage of the SGMA, the Department of Water Resources launched the Sustainable Groundwater Management (SGM) Program to implement the law and provide ongoing support to local agencies around the state. The SGMA:

- Establishes a definition of "sustainable groundwater management";
- Requires that a Groundwater Sustainability Plan be adopted for the most important groundwater basins in California;
- Establishes a timetable for adoption of Groundwater Sustainability Plans;
- Empowers local agencies to manage basins sustainably;
- Establishes basic requirements for Groundwater Sustainability Plans; and
- Provides for a limited state role.

Specifically, SGMA requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP. According to the California Department of Water Resources, the SJVGB is categorizes as a "very low" priority basin.[2] Therefore, there is no groundwater sustainability plan established for the SJVGB.

nonpoint source pollutants at levels compatible with environmental quality goals." BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants. (U.S. Environmental Protection Agency Website, *Vocabulary Catalog, Drinking Water Technical & Legal Terms*, https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=Drink%20Water%20Tech/Legal%202009#formTop, accessed August 25, 2020.)

[2] California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, https://gis.water.ca.gov/app/bp2018-dashboard/p1/, accessed July 30, 2020.

REGIONAL LEVEL

NPDES/MS4 Permits

The CWA mandates that cities in major metropolitan areas, such as Orange County, obtain permits to "effectively prohibit non-stormwater discharges into the storm sewers" and "require controls to reduce the discharge of pollutants to the maximum extent practicable...." The USEPA has delegated this authority to the state of California, which has authorized the SWRCB and its local regulatory agencies, the RWQCBs, to control nonpoint source discharges to California's waterways.

The Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. These regional MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA Section 402(p). The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

The project site is located within jurisdiction of the San Diego RWQCB. The San Diego RWQCB has addressed the obligation to implement the CWA by periodically issuing permits, including MS4 permits, for the County of Orange and the incorporated cities of Orange County within the San Diego region. Further, the San Diego RWQCB periodically issues waste discharge requirements (WDR) to the sanitary district covering the City of Dana Point. The current San Diego RWQCB permit is referred to herein as the "NPDES Permit."

In accordance with the requirements of the City and consistency with the regional MS4 permits issued by the San Diego RWQCB (Order No. R9-2013-0001, amended by Order Nos. R9-2015-0001 and R9-2015-0100; NPDES Permit No. CAS0109266), new development and significant redevelopment projects must prepare and implement project-specific Water Quality Management Plans (WQMPs) aimed at reducing pollutants in post-development runoff. Specifically, a project-specific WQMP would include San Diego RWQCB-approved BMPs, where applicable, that address post-construction management of storm water runoff water quality. As part of the project-specific WQMP, projects must incorporate low impact development (LID), site design, and source control BMPs to address post-construction storm water runoff management. In addition, new development and redevelopment projects are required to implement site design/LID and source control BMPs applicable to their specific priority project categories, as well as implement treatment control BMPs where necessary. Selection of LID and additional treatment control BMPs is based on the pollutants of concern for the specific project site and the BMP's ability to effectively treat those pollutants, in consideration of site conditions and constraints.

Project WQMPs are required for private new development and significant redevelopment projects (and equivalent public agency capital projects) that:

- Qualify as one of the Priority Project Categories, regardless of project size.

- Do not qualify as one of the Priority Project Categories but meet one of the following: require discretionary action that will include a precise plan of development, except for those projects exempted by the Water Quality Ordinance (as applicable); or require issuance of a non-residential plumbing permit. Such projects will be referred to as "Non-Priority Projects."

The primary difference between a Priority Project and a Non-Priority Project is that Priority Projects are required to include treatment control BMPs in project design.

The overall approach to water quality treatment for the future individual projects within the Doheny Village will include incorporation of site design/LID strategies and source control measures throughout the site in a systematic manner that maximizes the use of LID features to provide treatment of storm water and reduce runoff. In accordance with the regional MS4 Permit and City of Dana Point WQMP requirements, the use of LID features will be consistent with the prescribed hierarchy of treatment provided in the MS4 permit (i.e., techniques to infiltrate, filter, store, evaporate, or retain runoff close to the source of runoff). For areas of the site where LID features are not feasible or do not meet the feasibility criteria, treatment control BMPs with biotreatment enhancement design features will be utilized to provide treatment. These land development requirements are detailed in the *Model Water Quality Management Plan (Model WQMP) for South Orange County* (Model WQMP) and the *Technical Guidance Document (TGD) for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (WQMPs) in South Orange County* (TGD), dated September 28, 2017, which jurisdictions in South Orange County have incorporated into their discretionary approval processes for new development and redevelopment projects.

Model Water Quality Management Plan for South Orange County

The County of Orange adopted the Model WQMP and the TGD on September 28, 2017 to assists with NPDES Permit requirements and preparation of WQMPs. Cities, including Dana Point, have incorporated the Model WQMP and TGD into their discretionary approval processes for new development and significant redevelopment projects.

Hydromodification Plan

The County of Orange adopted the *South Orange County Hydromodification Management Plan* (HMP) on April 1, 2015 (revised September 28, 2017). Hydromodification refers to changes in the magnitude and frequency of stream flows due to urbanization and the resulting impacts on receiving channels, such as erosion, sedimentation, and potentially degradation of in-stream habitat. The HMP requires Priory Development Projects with the City to implement hydrologic controls within a project in order to reduce runoff rate and durations. According to the Hydrology Assessment, runoff from the project area is exempt from hydromodification requirements.

LOCAL LEVEL

Local Implementation Plan

The City of Dana Point adopted the *Water Quality Local Implementation Plan (LIP)* in 2017. Under the LIP, the *South Orange County Water Quality Management Plan* describes the land development policies pertaining to hydromodification and LID design which are required for new developments and significant redevelopment projects. The use of LID and BMPs in project planning and design is intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as infiltration, evapotranspiration, and run-off detention. Implementation of LID and BMPs could potentially offset these losses through structural and non-structural design components that restore water quality functions into the project's land plan. BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants.

City of Dana Point General Plan

The General Plan Land Use, Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements includes goals and policies to address the City's stormwater demands. The following policies are relevant to the proposed project:

LAND USE ELEMENT

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

CONSERVATION/OPEN SPACE ELEMENT

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.1: Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off.

Policy 1.2: Protect groundwater resources from depletion and sources of pollution.

Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean.

PUBLIC SAFETY ELEMENT

Goal 2: Reduce the risk to the community's inhabitants from flood hazards.

Policy 2.3: Coordinate with the appropriate agencies to prepare and maintain a master drainage plan

Policy 2.6: Cooperate with the Orange County Flood Control District to plan for and make needed improvements or modifications to San Juan Creek Channel to enable it to carry runoff from a 100 year storm.

Policy 2.7: Cooperate with the Orange County Flood Control District to plan for and correct the potential for overflow from the underground Capistrano Beach Storm Drain to relieve the potential for flooding in the Doheny Village area. Until this is accomplished, encourage affected residents and businesses to purchase Federal flood insurance.

PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT

Goal 2: Maintain and improve portions of the storm drainage system for which the City is responsible and encourage adequate maintenance of other portions of that system.

Policy 2.1: Identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components.

Policy 2.2: Work with the Orange County Flood Control District in ensuring the adequacy of regional storm drainage facilities.

Dana Point Municipal Code

SECTION 7.04.045, ADDITIONAL INFORMATION

This section requires that at the time a vesting tentative map is filed, the Director shall have the authority to request supplemental information such as geologic, seismic, and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans, including building setback lines; evidence from the proposed sewer agency and water supplier with respect to their capability of serving the proposed subdivision; of protection and fuel modification reports and any other information reasonably relevant to proposed subdivisions.

SECTION 7.03.070, VESTING TENTATIVE MAPS

This section requires that at the time a vesting tentative map is filed, the subdivider shall include a hydrology study. The hydrology study shall include a hydrologic analysis of the proposed drainage facilities to convey runoff from the proposed subdivision in a manner which will not adversely impact downstream properties.

CHAPTER 8.01, GRADING AND EXCAVATION CONTROL

This chapter is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City of Dana Point. It includes regulations that would reduce impacts to watercourse, erosion, among other issues, during project construction by requiring proper permits and plans in place to mitigate potential impacts. Specifically, Article 13, *Erosion Control*, establishes erosion control measures to keep sediment on-site during construction.

CHAPTER 15.10, STORM WATER/SURFACE RUNOFF WATER QUALITY

This chapter is intended to enhance and protect the water quality of waters of the State and the United States in a manner that is consistent with the Clean Water Act and State law. It prohibits non-storm water discharges into the MS4; reduces pollutant loads in surface runoff, including in storm water, to the maximum extent practicable; establishes minimum requirements for surface runoff management, including source control requirements, to prevent and reduce pollution; establishes requirements for development and redevelopment project site designs to reduce surface runoff pollution and erosion; and establishes requirements for the management of surface runoff flows from development and redevelopment projects, both to prevent erosion and to protect and enhance existing water-dependent habitats.

5.5.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (refer to Impact Statements HWQ-1);

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (refer to Section 8.0, *Effects Found Not To Be Significant*);

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

   i. Result in substantial erosion or siltation on- or off-site (refer to Impact Statement HWQ-2);

   ii. Substantially increase the rate or amount of surface run-off in a manner that would result in flooding on- or off-site (refer to Impact Statement HWQ-2);

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (refer to Impact Statement HWQ-3); or

iv. Impede or redirect flood flows (refer to Impact Statement HWQ-2);

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (refer to Section 8.0, *Effects Found Not To Be Significant*); and/or

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or a "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.5.4 IMPACTS AND MITIGATION MEASURES

WATER QUALITY

HWQ-1 THE PROJECT COULD VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY.

Impact Analysis: Future development projected in the Doheny Village Zoning District may contribute to water quality degradation in the City. Runoff from disturbed areas could likely contain silt and debris, which might result in a long-term increase in the sediment load of the storm drain system serving the City. There is also the possibility for water quality degradation at future construction sites. Substances such as oils, fuels, paints, and solvents may be transported to nearby drainages, watersheds, and groundwater in storm water runoff, wash water, and dust control water. The significance of these water quality impacts would vary depending upon the level of construction activity, weather conditions, soil conditions, increased sedimentation of drainage systems within the area, compliance with NPDES permit requirements, and proper installation of BMPs.

Maintaining and improving water quality is essential to protect public health, wildlife, and the local watershed. Water conservation and pollution prevention can be dramatically improved through proactive efforts of residents and through City policies. In order to meet Federal and State water quality requirements related to storm water runoff, new development and significant reconstruction projects within the City would be required to comply with the NPDES permit and any BMP conditions and requirements established by the City.

As stated in Section 5.5.2, *Regulatory Setting*, above, the San Diego RWQCB identified the following beneficial uses for the San Juan Creek:

- AGR – Agricultural Supply;
- IND – Industrial activities that do not depend on water quality;
- REC1 – Water contact recreation;
- REC2 – Non-contact water recreation;
- WARM – Supporting warm water ecosystems;
- COLD – Supporting cold water ecosystems;
- WILD – Wildlife habitat; and
- SPWN – Spawning, reproduction, and development.

According to the Hydrology Assessment, the lower San Juan Creek and delta area is 303(d) listed for Enterococcus, Fecal Coliform, and Total Coliform and, the lower portion of the San Juan Creek Watershed is identified as a watershed subject to the Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks.

SHORT-TERM CONSTRUCTION IMPACTS

The proposed project would allow for future development, which could disturb greater than one acre of land area within Doheny Village. In conformance with the NPDES program, developments that disturb greater than one acre of land area will be subject to the storm water discharge requirements of a General Construction Permit (Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002). Compliance with the General Construction Permit would require submittal of an NOI, SWPPP, Risk Assessment, and other Project Registration Documents (PRDs) required by the General Construction Permit prior to the commencement of soil disturbing activities.

The SWPPP would identify point and nonpoint sources of pollutant discharge within Doheny Village, that could adversely affect water quality in the City. The SWPPP must list BMPs that would be used to control sediment and other pollutants in storm water and non-storm water runoff; a visual monitoring program; a chemical monitoring program for "nonvisible" pollutants to be implemented if there is a failure of BMPs; and a monitoring plan if the site discharges directly to a water body listed on the State's 303(d) list of impaired waters. Examples of construction BMPs include soil and wind erosion controls, sediment controls, tracking controls, non-stormwater management controls; and waste management controls. Compliance with the General Construction Permit requirements would minimize construction water quality impacts.

It is the City's policy to preserve water quality in the groundwater basin, streams, estuaries, and the ocean by seeking strict quality standards and enforcement (General Plan Conservation/Open Space Policies 1.2 and 1.4). Accordingly, the project would be required to comply with Municipal Code Chapter 8.01, *Grading and Excavation Control*, and Chapter 15.10, *Storm Water/Surface Runoff Water Quality*, both of which would ensure construction-related impacts to water quality would be minimized to less than significant levels.

LONG-TERM OPERATIONAL IMPACTS

With the proposed land use changes, future development associated with the proposed Doheny Village Zoning District Update may result in increased urban runoff and long-term impacts to the quality of storm water, subsequently impacting downstream water quality. Land use changes can potentially create new sources for runoff contamination. As a result, the project may have the

potential to increase the post-construction pollutant loadings of certain constituent pollutants associated with the proposed land uses and their associated features, such as ornamental landscaping.

To help prevent long-term impacts associated with land use changes, and in accordance with the requirements of the City and the regional MS4 permit, new development and significant redevelopment projects within Doheny Village must prepare and implement Project WQMPs aimed at reducing pollutants in post-development runoff. Specifically, a Project WQMP would include, where applicable, LID, site design, and source or treatment control BMPs to address post-construction storm water runoff management. The use of LID features, including techniques to infiltrate, filter, store, evaporate, or retain runoff close to the source of runoff, would be consistent with the prescribed hierarchy of treatment provided in the MS4 permit. For areas of the site where LID features are not feasible or do not meet the feasibility criteria, treatment control BMPs with biotreatment enhancement design features would be utilized to provide treatment. Selection of LID and additional treatment control BMPs would be based on the pollutants of concern for the specific project site and the BMP's ability to effectively treat those pollutants, in consideration of site conditions and constraints. Furthermore, in accordance with the Model WQMP and the TGD, the BMPs shall be selected and designed to address the pollutants of concern for the project and shall treat the project's pollutants of concern to a medium or high effectiveness, based on performance data for the BMP type. If a single BMP or LID feature does not provide medium or high effectiveness for all primary pollutants of concern, then multiple BMPs shall be used in a treatment train that collectively provides medium or high effectiveness for all primary pollutants of concern.

Runoff form the Doheny Village ultimately discharges into San Juan Creek, which is listed as impaired for enterococcus, fecal coliform and total coliform bacteria indicators. Since natural sources of pathogens (such as wild animal waste) are difficult to control, the focus of the source control measures for the project sites would be on human-related (anthropogenic) and residential sources. Operations of any future development within the Doheny Village Zoning District would be required to collect any sediment and suspended solids generated from future development via proposed LID features and BMPs on a project-by-project basis. These LID features and BMPs would be an effective means for targeting pollutants of concern for the project area. According to the Hydrology Assessment, it is anticipated that storm water BMPs would primarily consist of biofiltration due to high groundwater level and on-site geology. With biofiltration BMPs, treatment is provided by a variety of mechanisms, including media filtration, sedimentation, interception, sorption processes, and biological processes, and includes both volume-based and flow-based design BMPs. The treated runoff is then discharged from the property. Examples of biotreatment BMPs include bioretention cells and bioswales with underdrains, rain gardens, storm water planters, constructed wetlands, and proprietary modular bioretention systems. In accordance with MS4 permit requirements, Priority Projects (as discussed in Section 5.5.2 above) are required to implement LID and treatment BMPs that treat priority pollutants of concern (pollutants for which there is a 303(d) listing or TMDL in place for) to medium or high effectiveness. The TGD rates bioretention-type biofiltration systems as having medium to high removal efficiencies for bacteria and organics. As such, the pathogen runoff potential for future developments on the proposed Doheny Village Zoning District would be reduced to less than significant levels with implement LID and treatment BMPs.

Overall, future developments within the Doheny Village Zoning District would be required to comply with a number of local, State, and Federal regulations that ensure pollutant runoff generated by future projects do not exceed water quality standards and the City continues to comply with waste discharge requirements. The implementation of project-specific SWPPP(s) and WQMP(s) for qualified future

development projects under the Doheny Village Zoning District would effectively minimize the off-site discharge of anticipated and potential pollutant runoff during the construction or post-construction phase of the project through the implementation of construction-phase, site design, LID, source control, and treatment control BMPs. Moreover, the development and implementation SWPPPs and WQMPs for the individual potential development areas would address and minimize the discharge of storm water and non-storm waters that may compromise the beneficial uses of downstream receiving water bodies and their applicable water quality standards. As a result, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

DRAINAGE PATTERN

HWQ-2 THE PROJECT COULD SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF, IN A MANNER THAT WOULD RESULT IN SUBSTANTIAL EROSION, SILTATION, OR FLOODING ON- OR OFF-SITE.

Impact Analysis:

EROSION/SILTATION

Doheny Village is located within an area that is predominately built-out (approximately 80 percent impervious) under existing conditions. The Doheny Village Zoning District Update does not propose site-specific development and would not have the potential to alter existing drainage patterns. Future development projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements. Project implementation would preserve the existing street network and storm drain system and drainage patterns would remain similar to existing conditions. As future development occurs, depending on the project type, hydrology and drainage studies may be required per the City's existing regulations, which would include an analysis of pre- and post-development hydrology conditions (Municipal Code Section 7.03.070, *Vesting Tentative Maps*, and Section 7.04.045, *Additional Information*). Changes in drainage flow paths, percent imperviousness, and flowrate comparisons would be identified in these studies to ensure a project does not substantially alter a site's drainage pattern, resulting in substantial erosion, flooding, or significant risk of loss. These studies may also include LID design, BMPs, and possibly on-site retention techniques (pursuant to Municipal Code 8.01), all of which would reduce peak flow rates or runoff volumes. Further, erosion/siltation during construction activities would be minimized the NPDES program. Implementation of a SWPPP, on a project-by-project basis, would minimize construction water quality impacts (including erosion and siltation) to less than significant levels. Through the implementation with all applicable regulations, proposed runoff rates are anticipated to be equal to or less than existing conditions. Impacts related to erosion and siltation would be less than significant in this regard.

FLOODING

As discussed under Section 5.5.1, *Existing Setting*, above, the results of the 2016 LOMR Study and revised FIRM map indicate the potential for flooding, and depth of flooding within certain streets was limited to less than one foot; greater levels of flooding could occur elsewhere. Additionally, the results of the 2016 LOMR Study identified the maximum inundation levels along the eastside of San Juan Creek if the east levee should fail. The resulting floodplain including portions of the Doheny Village Plan.

The Doheny Village Zoning District Update does not propose site-specific development and would not have the potential to alter existing drainage patterns. Future development projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements. According to the Hydrology Assessment, runoff volumes would remain equal to or less than existing conditions under the proposed condition and would not cause any additional flooding beyond existing conditions. Future development accommodated through implementation of the Doheny Village Zoning District Update may result in the removal and replacement of structures within a 100-year flood hazard area. According to the Hydrology Assessment, during the design of the new structures, the new Base Flood Elevations would be utilized to ensure the new structures are appropriately elevated to remain out of the 100-year flood elevation and in conformance with FEMA guidelines. As such, impacts in this regard would be minimized. If the San Juan Creek east levee should fail, the maximum flood depths only exceed the capacity of the public right-of-way by approximately five inches within the project area, as stated in the Hydrology Assessment. With compliance with existing regulations pertaining to construction in existing flood zones, impacts in this regard would be less than significant. Overall, project implementation would not substantially increase the amount or rate of runoff in a manner that would result in flooding and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

DRAINAGE SYSTEM CAPACITY

HWQ-3 THE PROJECT COULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH COULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.

Impact Analysis: Storm drains and/or stormwater conveyance systems are private and public drainage facilities that transport surface water runoff (typically in urban areas) to another location where the water is discharged to a natural drainage, water course (most likely), or treatment facility. The main purpose of the storm drain system is to properly convey and route stormwater to specially designated areas to capture and treat stormwater and reduce localized flooding or impacts on existing sewer systems.

Growth and urbanization place increased pressure on storm drain capacities. In general, increased urbanization increases the amount of impervious (paved) surfaces, thus reducing the amount of water

that would normally infiltrate into the soil. Rainfall, irrigation runoff, and nuisance flows accumulate on impervious surfaces and flow downstream via the storm drain system to various outfalls that ultimately drain to local tributaries. Without proper stormwater BMPs, urban runoff is not filtered to remove trash, cleaned, or otherwise treated before it is discharged to the local tributaries. As a result, storm drains have become an increasingly important component in managing water quality impacts in addition to reducing flooding.

As discussed under Section 5.5.1, currently there are two main storm drain systems that serve the Doheny Village Plan area. The larger County-owned facility collects runoff from the norther end of the project site, while the City-owned facility collects runoff from the remainder of the site. According to the Hydrology Assessment, the proposed project would not significantly increase the peak flow rate or volume of storm water runoff that could result in environmental harm. As discussed, the project area is primarily developed (approximately 80 percent impervious) under existing conditions, and overall imperviousness would remain similar to existing conditions with project implementation. Although future development may increase impervious surfaces, as compared to existing conditions, any new development that could result in a substantial increase in impervious surface would meet the Priority Project criteria (as discussed in Section 5.5.2, *Regulatory Setting*). Priority Projects would be required to implement LID features and BMPs for all primary pollutants of concern. Compliance with the LID features and BMPs would typically result in the same volume, or a reduction, of runoff on a project-by-project basis, which would minimize impacts to the storm drain system.

Pursuant to General Plan Public Facilities Policy 2.1, the City identifies local storm drainage deficiencies and maintains a capital improvements program for the correction and replacement of aging or inadequate drainage system components to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses. Additionally, depending on the project type, hydrology and drainage studies may be required to ensure on- and off-site drainage facilities can accommodate any increases in stormwater flows per City regulation (Municipal Code Section 7.03.070, and Section 7.04.045). Conformance with these applicable regional and local drainage standards would ensure future development in accordance with the Doheny Village Zoning District Update does not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.5.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

For purposes of hydrology and water quality, cumulative impacts are considered for cumulative projects located in the same watershed (i.e., San Juan Creek Watershed) as the proposed project.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY.**

Impact Analysis: Cumulative projects could contribute to water quality degradation in the City. However, cumulative projects and all future development project accommodated through implementation of the Doheny Village Zoning District would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permits requirements (i.e., project-specific SWPPP and WQMP, and associated BMP conditions or LID features). Additionally, the Municipal Code incorporates Federal and State regulations and guidelines pertaining to stormwater runoff to reduce or eliminate regional water quality impacts.

The Doheny Village Zoning District Update does not propose site-specific development and would not significantly impact drainage courses and hydrologic flows throughout the City. Notwithstanding, as discussed in Impact Statement HWQ-1, implementation of project-specific SWPPP(s) and WQMP(s) for qualified future development projects under the Doheny Village Zoning District would effectively minimize the off-site discharge of anticipated and potential pollutant runoff during the construction or post-construction phase of the project through the implementation of construction-phase, site design, LID, source control, and treatment control BMPs. Moreover, the development and implementation SWPPPs and WQMPs for the individual potential development areas would address and minimize the discharge of storm water and non-storm waters that may compromise the beneficial uses of downstream receiving water bodies and their applicable water quality standards. As a result, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality. As such, implementation of the Doheny Village Zoning District Update would not result in a substantial cumulative contribution to water quality impacts and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF, IN A MANNER THAT WOULD RESULT IN SUBSTANTIAL EROSION, SILTATION, OR FLOODING ON- OR OFF-SITE.**

Impact Analysis: Cumulative projects could alter drainage pattern in the watershed and result in substantial erosion/siltation and/or flooding. However, as state above, cumulative projects would be required to consider specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES, MS4 permits requirements, and FEMA guidelines. These regulations would require project-specific BMP conditions, LID features, and/or on-site retention techniques, which would reduce peak flow rate or

runoff volumes. As such, potential erosion/siltation and flooding would be reduced with compliance with existing Federal, State, and local laws and regulations.

The Doheny Village Zoning District Update does not propose site-specific development and would not significantly impact drainage pattern in the City. As discussed in Impact Statement HWQ-2, changes in drainage flow paths, percent imperviousness, and flowrate comparisons would be identified on a project-by-project basis to ensure a project does not substantially alter a site's drainage pattern, resulting in substantial erosion, flooding, or significant risk of loss. LID design, BMPs, and possibly on-site retention techniques would be identified, all of which would reduce peak flow rates or runoff volumes. Further, erosion/siltation during construction activities would be minimized the NPDES program. Implementation of a SWPPP, on a project-by-project basis, would minimize construction water quality impacts (including erosion and siltation) to less than significant levels. As such, implementation of the Doheny Village Zoning District Update would not result in a substantial cumulative contribution to erosion, siltation, or flooding on- or off-site and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH COULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.**

Impact Analysis: Cumulative projects could contribute runoff water could impact stormwater drainage systems or provide substantial additional sources of runoff in the City. However, as state above, cumulative projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permits requirements (i.e., project-specific SWPPP and WQMP, associated BMP conditions or LID features, and possibly on-site retention techniques). It is the City's policy to identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses (General Plan Public Facilities Policy 2.1). The City would also require individual development projects to prepare drainage and hydrology analyses that ensure on- and off-site drainage facilities can accommodate any increases in stormwater flows pursuant to Municipal Code Section 7.03.070. Implementation of these regulations would minimize increases in peak flow rates or runoff volumes on a project-by-project basis.

As concluded in Impact Statement HWQ-3, conformance with applicable regional and local drainage standards would ensure future development in accordance with the Doheny Village Zoning District Update does not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Although future development may increase impervious surfaces, as compared to existing conditions, any new development that could result in a substantial increase in impervious surface would meet the Priority Project criteria. Priority Projects would be required to implement LID features and BMPs for all primary pollutants of concern.

Compliance with the LID features and BMPs would typically result in the same volume, or a reduction, of runoff on a project-by-project basis, which would minimize impacts to the storm drain system. As such, implementation of the Doheny Village Zoning District Update would not result in a substantial cumulative contribution to runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts in this regard would be less than significant

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.5.6 SIGNIFICANT UNAVOIDABLE IMPACTS

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to hydrology and water quality.

5.6 Hazards and Hazardous Materials

5.6 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for the proposed project to expose the public to hazards, hazardous materials, or risk of upset that may be related to existing conditions or new hazards created as a result of the project. Where significant impacts are identified, mitigation measures are provided to reduce these impacts to the extent feasible. This section is primarily based upon available online databases maintained by the State Water Resources Control Board (SWRCB) (GeoTracker) and the Department of Toxic Substances Control (DTSC) (EnviroStor), as well as a site visit conducted on February 12, 2020.

For the purpose of this analysis, the term "hazardous material" refers to both hazardous substances and hazardous waste. A material is defined as "hazardous" if it appears on a list of hazardous materials prepared by a Federal, tribal, State, or local regulatory agency, or if it possesses characteristics defined as "hazardous" by such an agency. A "hazardous waste" is a solid waste that exhibits toxic or hazardous characteristics (i.e., ignitability, corrosivity, reactivity, and/or toxicity).

5.6.1 EXISTING SETTING

The existing hazardous materials conditions within the Doheny Village area are based on existing (2020) on-the-ground development conditions. On-site topography generally slopes to the west, ranging from approximately 20 feet above mean sea level (msl) along the western edge to approximately 100 feet above msl along the eastern edge of the project site. The project site is bounded by Interstate 5 (I-5) and Pacific Coast Highway along the eastern and southern boundaries, respectively, and the SCRRA/OCTA railroad right-of-way bounds the project site to the west. The existing land uses within the project site consist of a mix of existing residential, commercial, retail, manufacturing, and institutional uses; refer to Exhibit 3-2, *Site Vicinity*.

Industrial/manufacturing uses, including a number of surfboard manufacturing, automotive repair, metal fabrication, and construction-related businesses, are mostly located to the south of Victoria Boulevard and west of Doheny Park Road. Retail uses (Capistrano Valley Plaza Shopping Center) are located in the northern portion of the project site to the west side Doheny Park Road, although manufacturing and building supply uses are also present. The east side of Doheny Park Road, across from the Capistrano Valley Plaza Shopping Center, is developed with a series of older retail establishments that vary from relatively small-scale stores to fairly large retail outlets, including Mission Glass, Surf Cycle Laundromat, Nikki's Café, Ganahl Lumber, Beach Cities Glass, and Feed Barn. South of Victoria Boulevard is a Sherwin-Williams Paint Store, as well as restaurants, a post office, car wash, U-Haul store, Valvoline (oil changing facility), and small structures with a mixture of retail and professional services. To the east of Sepulveda Avenue is the Capistrano Unified School District (CUSD) property, which is currently used for bus maintenance and storage. Institutional uses (private schools and churches) are situated to the east of Doheny Park Road and south of Victoria Boulevard. Residential uses (Beachwood Mobile Home Park) are mainly located to the east of Doheny Park Road and to the east of Sepulveda Avenue. A mix of land uses (residential, commercial, and institutional uses) are located to the south of Domingo Avenue east of Doheny Park Road.

Surrounding land uses include industrial/business park, commercial, community facility, and recreation/open space uses; refer to Section 3.1.2, *Project Setting (Existing Conditions)*. Specifically,

industrial uses are located to the east of the project site while industrial/manufacturing and storage uses as well as the San Juan Creek are located to the west of the site.

In order to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village, the project proposes three new zoning districts to as illustrated on Exhibit 3-5, *Doheny Village Zoning District Update*. Specifically, the project would replace the existing Community Commercial/Vehicle (CC/V) zone west of Doheny Park Road with Village Commercial/Industrial District (V-C/I) and Village Main Street District (V-MS) zones to accurately reflect the mixed uses of commercial and manufacturing/industrial in this region; refer to Exhibit 3-4, *Existing Zoning Map* and Exhibit 3-5.

BACKGROUND AND HISTORY

According to the Doheny Village Plan, the project site was historically used for agricultural uses due the abundance of fertile alluvial lands created by San Juan Creek. In the late 1900s, a rail station was built at the foot of Victoria Boulevard, and residential and resorts type development soon followed. By 1920, taverns, restaurant, school, ballfield, and water towers serving the steam engine railroad as well as stock holding pens and lettuce packing sheds for cattle and agricultural goods, were evident. Following development of highways surrounding the site around the 1940s, larger parcels of land began to be used for, or converted to, storage purposes and small scale industrial, construction, and manufacturing uses, as well as creative start-up companies, which began to occupy the Doheny Village. Ironworks, specialty automotive rebuilding, surfboard shaping shops, paint and glass stores, lumber company, as well as expanding residential development were developed on-site prior to 1989. Currently, Doheny Village is comprised of residential, industrial/manufacturing, institutional, and commercial/retail uses, as described above. It is noted that the majority of the industrial/manufacturing uses are developed along the SCRRA/OCTA railroad right-of-way, which bounds the project site to the west.

ASBESTOS-CONTAINING MATERIALS

On-site structures constructed between the 1940s and the 1960s may be associated with hazardous building materials (e.g., asbestos-containing material [ACM] and/or lead-based paint [LBP]). Additionally, universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are commonly generated by a wide variety of establishments) may also be present on-site.

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. The California Division of Occupational Safety and Health (Cal/OSHA) asbestos construction standard (Title 8, California Code of Regulations (CCR), Section 1259) defines ACM as material containing more than one percent asbestos. Asbestos Containing Construction Material (ACCM) is defined as any manufactured construction material which contains more than one tenth of one percent asbestos by weight (a lower threshold than the one percent for ACM). Suspect materials that may contain ACMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems.

LEAD-BASED PAINTS

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S. In the last twenty-five years, lead-based paint, leaded gasoline, leaded can solder and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use.

ON-SITE REGULATORY PROPERTIES

Many existing on-site industrial/manufacturing, institutional, and commercial/retail uses currently handle/store/transport hazardous materials/waste within the project site. The following describes existing uses that have reported such activities to the SWRCB and/or DTSC. It is acknowledged that other uses, not listed below, may also handle/store/transport hazardous materials/waste, as this list is not all inclusive.

UNDERGROUND STORAGE TANKS

Existing on-site commercial and institutional uses pertaining to automobile use/maintenance are present on-site and are known to have had, or currently have, underground storage tanks (USTs). Based on the SWRCB maintained online data management system, GeoTracker, the following locations have been reported at least one UST:

- UNOCAL #5385/APRO Distribution 2196 (34131 Doheny Park Road, Capistrano Beach);
- Doheny Village Hand Car Wash (34241 Doheny Park Road, Capistrano Beach); and
- CUSD Transportation Center (26126 Victoria Boulevard, Capistrano Beach).

SITES HANDLING, STORING, AND TRANSPORTING HAZARDOUS MATERIALS

Based on the DTSC's online data management system, EnviroStor, the following operation was a permitted hazardous waste facility:

- Price Club #429 (Costco Wholesale; 33961 Doheny Park Road, San Juan Capistrano).

PAST RELEASES/CORTESE LIST

Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to CCR Tile 14 Section 18051 to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. Specifically, Government Code Section 65962.5 requires the DTSC and the SWRCB to compile and update a regulatory sites listing per the Code Section's criteria. Additionally, the State Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and are subject to water analysis pursuant to Health and Safety Code Section 116395. These lists are collectively known as the "Cortese List".

Multiple properties at the project site have reported past releases of hazardous materials to the soil, surface water, soil gas, and/or groundwater. Incidents of releases generally involve leakage from UST's or historical dry cleaners.

- Cannon Bart Inc (25742 Victoria);
- John Groty-Serra Lumber (25802 Victoria);
- Orange County Fire Station #29 (26111 Victoria);
- CUSD Transportation Yard (26126 Victoria);
- UNOCAL Cop #5385 (34131 Doheny Park);
- Capistrano Lumber Co (34162 Doheny Park);
- Ree Industrial (34242 Doheny Park);
- EXXON #7-4816 (34295 Doheny Park Road);
- Victoria Field Office (25842 Victoria Boulevard); and
- Former Doheny Village Dry Cleaners (34073 Doheny Park Road).

OFF-SITE REGULATORY PROPERTIES

It is acknowledged that surrounding off-site properties also handle/store/transport hazardous materials that could have affected soil, soil gas, and groundwater at the project site. According to the SWRCB's GeoTracker database, the following off-site properties have reported at least one UST:

- Costco Wholesale #429 (Gas Station) (33949 Doheny Park Road, San Juan Capistrano); and
- Costco Wholesale #429 (33961 Doheny Park Road, San Juan Capistrano).

SCHOOL SITES

Nobis Preschool, located at 26153 Victoria Boulevard, Little Thinkers Montessori Academy, located at 34240 Camino Capistrano, and Capo Beach Christian School, located at 25975 Domingo Avenue, are located within the project site. No other schools are situated within 0.25-mile of the project site.

5.6.2 REGULATORY SETTING

FEDERAL LEVEL

According to the U.S. Environmental Protection Agency (EPA), a "hazardous" waste is defined as one "which because of its quantity, concentrations, or physiochemical or infectious properties, may either increase mortality or produce irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed" (U.S. Public Health and Welfare Code Section 6903). Special handling and management are required for materials and wastes that exhibit hazardous properties. Treatment, storage, transport, and disposal of these materials are highly regulated at both the Federal and State levels. The Federal and State laws provide the "cradle to grave" regulation of hazardous wastes. Businesses, institutions, and other entities that generate hazardous waste are required to identify and track their hazardous waste from the point of generation until it is recycled, reused, or

disposed of. Compliance with Federal and State hazardous materials laws and regulations minimizes the potential risks to the public presented by these potential hazards.

Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) is the principal federal law that regulates generation, management, and transportation of hazardous waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste. The primary responsibility for implementing RCRA is assigned to the EPA's DTSC, although individual states are encouraged to seek authorization to implement some or all RCRA provisions.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) is a law developed to protect the water, air, and soil resources from the risks created by past chemical disposal practices. This law is also referred to as the Superfund Act and regulates sites on the National Priority List, which are called Superfund sites.

Hazardous Materials Transportation Act (HMTA)

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The HMTUSA statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

Emergency Planning and Community Right-To-Know Act (EPCRA)

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation may be cited as the "Emergency Planning and community Right-to-Know Act of 1986" (EPCRA). The EPCRA required the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of emergency plan. Under the requirements, local emergency planning committees are responsible for developing a plan for preparing for and responding to a chemical emergency, including:

- An identification of local facilities and transportation routes where hazardous materials are present.

- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).

- A plan for notifying the community that an incident has occurred.
- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan.

The emergency plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The local emergency planning committee is required to review, test, and update the plan each year. The goal of the plan is to improve public- and private-sector readiness and to mitigate local impacts resulting from natural or man-made emergencies.

Another purpose of the EPCRA is to inform communities and citizens of chemical hazards in their areas. Sections 311 and 312 of EPCRA require businesses to report to state and local agencies the location and quantities of chemicals stored on-site. Under section 313 of EPCRA, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report off-site transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The EPA maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

National Emission Standards for Hazardous Air Pollutants

The National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants established by the EPA. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance.

STATE LEVEL

The EPA and the DTSC have developed and continue to update lists of hazardous wastes subject to regulation. In addition to the EPA and DTSC, the Regional Water Quality Control Board, San Diego Region (San Diego RWQCB), is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. Other State agencies involved in hazardous materials management include the Office of Emergency Services, California Department of Transportation (Caltrans), California Highway Patrol, Air Resources Board (ARB), and the California Integrated Waste Management Board.

Hazardous Materials Release Notification

Many state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Codes Sections 25270.8, and 25507
- Vehicle Code Section 23112.5
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161)
- Government Code Sections 51018, 8670.25.5 (a)
- Water Codes Sections 13271, 13272
- California Labor Code Section 6409.1 (b)10

Requirements for immediate notification of all significant spills or threatened releases cover owners, operators, persons in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, all releases that result in injuries or harmful exposure to workers must be immediately reported to the California Occupational Safety and Health Administration pursuant to the California Labor Code Section 6409.1(b).

Hazardous Materials Disclosure Programs

The Unified Program administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include: Hazardous Materials Release Response Plans and Inventories (business plans), the California Accidental Release Prevention (CalARP) Program, the UST Program, and the Aboveground Petroleum Storage Tank (APST) Program. The Unified Program is implemented at the local government level by Certified Unified Program Agencies (CUPA).

Hazardous Materials Business Plans

Both the federal government (Code of Federal Regulations) and the State of California (California Health and Safety Code) require all businesses that handle more than a specified amount - or "reporting quantity" - of hazardous or extremely hazardous materials to submit a hazardous materials business plan (business plan) to their CUPA. Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for a business plan. According to the Orange County Health Care Agency (OCHCA) guidelines, the preparation, submittal, and implementation of a business plan is required by any business that handles a hazardous material or a mixture containing a hazardous material in specified quantities.

Business plans must include an inventory of the hazardous materials at the facility. Businesses must update their business plan at least every three years and the chemical portion every year. Also, business plans must include emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. These plans need to identify the procedures for immediate notification of all appropriate agencies and personnel, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information for all company emergency coordinators, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel.

California Accidental Release Prevention (CalARP) Program

The California Accidental Release Prevention (CalARP) program was implemented on January 1, 1997 in response to Senate Bill 1889 and replaced the California Risk Management and Prevention Program (RMPP). CalARP aims to be proactive and therefore requires businesses to prepare risk management plans, which are detailed engineering analyses of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. This requirement is coupled with the requirements for preparation of hazardous materials business plans under the Unified Program, implemented by the CUPA.

Transportation of Hazardous Materials/Wastes

Transportation of hazardous materials/wastes is regulated by CCR Title 26. The U.S. Department of Transportation (DOT) is the primary regulatory authority for the interstate transport of hazardous materials. The DOT establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing) and enforces federal and State regulations and respond to hazardous materials transportation emergencies along with the California Highway Patrol. Emergency responses are coordinated as necessary between federal, State, and local governmental authorities and private persons through a State-mandated Emergency Management Plan.

Worker and Workplace Hazardous Materials Safety

Occupational safety standards exist to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA requires many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

Department of Toxic Substances Control

The responsibility for implementation of RCRA was given to DTSC in August 1992. The DTSC is also responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by EPA are called "non-RCRA hazardous wastes."

San Diego Regional Water Quality Control Board

The San Diego RWQCB is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. The Site Cleanup Program (SCP) regulates and oversees the investigation and cleanup of 'non-federally owned' sites where recent or historical unauthorized releases of pollutants to the environment, including soil, groundwater, surface water, and sediment, have occurred. Sites in the program are varied and include, but are not limited to, pesticide and fertilizer facilities, rail yards, ports, equipment supply facilities, metals facilities, industrial manufacturing and maintenance sites, dry cleaners, bulk

transfer facilities, refineries, and some brownfields. These releases are generally not from strictly petroleum USTs. The types of pollutants encountered at the sites are plentiful and diverse and include solvents, pesticides, heavy metals, and fuel constituents to name a few.

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) works with the California Air Resources Board and is responsible for developing and implementing rules and regulations regarding air toxics on a local level. The SCAQMD establishes permitting requirements, inspects emission sources, and enforces measures through educational programs and/or fines. SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials. Rule 1166 governs the emission of volatile organic compounds (VOCs) from excavating, grading, handling, and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. The requirements for excavating an UST, transfer pipe, or VOC-contaminated soils include operating pursuant to an approved mitigation plan, notification, VOC monitoring, and procedure for handling and transporting contaminated soils. Rule 1401 governs any new, modified, or relocation of permit units (article, machine, equipment, or facility) that emit toxic air contaminants. The rule establishes allowable risks (maximum individual cancer risk, cancer burden, and noncancer acute and chronic hazard index) from operating permit units. Regulation 13 (Rules 1300 – 1325) establishes pre-construction review requirements for the installation or modification of a source facility (i.e., power plant, engine, equipment) of nonattainment air contaminant, ozone-depleting compounds (ODCs), or ammonia.

LOCAL LEVEL

City of Dana Point General Plan

The Public Safety Element of the General Plan contains an evaluation of environmental and man-made hazards that have the potential to threaten human life, public health, and property to varying degrees. The City works in conjunction with several other government entities to ensure a clean environment through various land use policies and its Municipal Code, expediting the cleanup of contaminated sites, and making sure proper measures are taken to manage hazardous materials and plan for hazardous waste incidents. The following Public Safety Element policies apply to the proposed project:

PUBLIC SAFETY ELEMENT

Goal 3: Reduce the risk to the community's inhabitants from exposure to hazardous materials and wastes.

Policy 3.1: Cooperate with the County to implement applicable portions of the County's proposed Hazardous Waste Management Plan.

Policy 3.2: Cooperate with railroad operations to ensure that hazardous materials transported by rail do not pose a threat to life or property.

Policy 3.3: Establish regulations requiring land uses involved in the production, storage, transportation, handling, or disposal of hazardous materials be located a safe distance from other land uses that may be adversely affected by such activities.

Policy 3.4: Establish transportation routes for the conveyance of hazardous materials.

Policy 3.5: Encourage and support the proper disposal of hazardous household waste and waste oil.

Policy 3.6: Ensure that dry cleaners, film processors, auto service establishments and other service businesses generating hazardous waste materials are complying with approved disposal procedures.

Policy 3.11: Establish development standards for storage of industrial chemicals and other potentially hazardous substances.

Dana Point Municipal Code

The following sections of the Municipal Code address hazards and hazardous materials:

CHAPTER 8.24, CALIFORNIA FIRE CODE

The City adopted the California Code of Regulations Title 24, Part 9, known and designated as the 2016 California Fire Code, with the modifications set forth in Section 8.24.010 *Amendments, Additions and Deletions*, of the Municipal Code, for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion. The provisions of the California Fire Code constitute the fire code regulations of the City.

CHAPTER 9.41, HAZARDOUS WASTE FACILITIES

This Chapter establishes uniform standards to control the location, design, and maintenance of hazardous waste facilities and protect the health, quality of life, and the environment of the residents of the City.

Orange County Health Care Agency

The Environmental Health Division is designated as the CUPA for the County of Orange (including the City of Dana Point) by the State Secretary for Environmental Protection on January 1, 1997. The CUPA is the local administrative agency that coordinates the regulation of hazardous materials and hazardous wastes in Orange County through the following six programs:

- Hazardous Materials Disclosure (HMD);
- Business Emergency Plan (BEP);
- Hazardous Waste (HW);

- Underground Storage Tank (UST);
- Aboveground Petroleum Storage Tank (APST); and
- California Accidental Release Prevention (CalARP).

5.6.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The issues presented in the Initial Study Environmental Checklist (Appendix G of the *CEQA Guidelines*) have been utilized as thresholds of significance in this Section. Accordingly, hazards and hazardous materials impacts resulting from the implementation of the proposed project may be considered significant if they would result in the following:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (refer to Impact Statements HAZ-1 and HAZ-2);

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (refer to Impact Statements HAZ-1 and HAZ-2);

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Impact Statement HAZ-2);

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (refer to Impact Statement HAZ-3);

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area (refer to Section 8.0, *Effects Found Not To Be Significant*);

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer to Section 8.0, *Effects Found Not To Be Significant*); and

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fire (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.6.4 IMPACTS AND MITIGATION MEASURES

CONSTRUCTION-RELATED IMPACTS

HAZ-1 SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH FUTURE DEVELOPMENT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT, OR THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.

Impact Analysis: As discussed in Section 3.3.1, *Project Description*, project buildout would allow for future construction of additional residential, commercial, industrial, and office uses within Doheny Village. Construction activities associated with new development could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions or the transport, use, or disposal of hazardous materials. Potential construction-related impacts in this regard are discussed below.

Demolition of Structures

Although specific development projects have not been identified for the proposed project, construction activities associated with future development accommodated through implementation of the Doheny Village Zoning District Update could involve the demolition of existing structures and buildings. Existing buildings in Doheny Village could potentially contain ACMs, LBPs, and/or other contaminants, which are typically present in buildings and structures. All demolition that could result in the release of ACMs or LBPs would be conducted according to Federal and State regulations which govern the renovation and demolition of structures where ACMs and LBPs are present. Specifically, the NESHAP establishes that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition. Further, in accordance with SCAQMD Rule 1403, abatement of asbestos would be required prior to any demolition activities if ACM material is found. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional in accordance with California Code of Regulations Title 8, Section 1532.1. If lead is found in the paint, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with existing regulations related to ACMs and LBPs would reduce potential impacts in this regard to a less than significant level.

Disturbance of Contaminated Properties

As discussed under Section 5.6.1, *Existing Setting*, above, several properties on-site are listed as regulatory sites for containing USTs (gas station or carwash), handling, storing, and/or transporting hazardous materials/waste, or reported instances of releases (industrial facilities, auto-maintenance and storage, gas station, and drycleaners). These industrial/manufacturing uses generally occur west of Doheny Park Road, along the SCRRA/OCTA railroad right-of-way. These on-site properties are further discussed as follows:

- UNOCAL #5385/APRO Distribution 2196 (34131 Doheny Park Road, Capistrano Beach). This property is reported in the UST database as a permitted underground storage tank facility.

- Doheny Village Hand Car Wash (34241 Doheny Park Road, Capistrano Beach). This property is reported in the UST database as a permitted underground storage tank facility.

- CUSD Transportation Center (26126 Victoria Boulevard, Capistrano Beach). This property was categorized as a Leaking Underground Storage Tank (LUST) Cleanup Site. Instances of petroleum products releases to soil and groundwater as well as monitoring and remedial activities had been recorded. This site is currently listed on the UST database as a current permitted underground storage tank facility.

- Price Club #429 (Costco Wholesale; 33961 Doheny Park Road, San Juan Capistrano). This property is listed as a site currently or historically a permitted hazardous waste facility. Note, this property is located outside of the project area.

- Cannon Bart Inc (25742 Victoria). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Five USTs were removed; 536 cubic yards of soils were excavated, and more than 20,000 gallons of water were sampled between 1986 to 2000.

- John Groty-Serra Lumber (25802 Victoria). This property was listed on the LUST Cleanup Site database for past release of diesel/gasoline to soil. Site investigation was conducted.

- Orange County Fire Station #29 (26111 Victoria). This property was listed on the LUST Cleanup Site database for past release of diesel to groundwater. No monitoring or remedial actions were recorded.

- UNOCAL Cop #5385 (34131 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Multiple remedial activities, including Ex Situ physical/chemical treatment, had occurred between 1995 and 2009.

- Capistrano Lumber Co (34162 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to unknown medium. No monitoring or remedial actions were recorded.

- Ree Industrial (34242 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Remedial action such as pump and treat (P&T) groundwater was conducted in 1987.

- EXXON #7-4816 (34295 Doheny Park Road). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Multiple remedial activities, including In Situ physical/chemical treatment, soil vapor extraction, and free product removal, had occurred between 2008 and 2015.

- Victoria Field Office (25842 Victoria Boulevard). This property was listed as a cleanup program site for traceable amount of fuel oxygenates detected in groundwater beneath the site. According to the SWRCB, no known releases originated from this location, and the oxygenates found at this site are most likely associated with the gasoline releases at the UNOCAL station upgradient and across the street (34131 Doheny Park) from the site.

- Former Doheny Village Dry Cleaners (34073 Doheny Park Road). This property was listed as a cleanup program site for its potential to be a source of vapor phased contamination. The site was a former dry cleaning operation from approximately 1966 through 2005. Remedial action (soil vapor extraction) was conducted in 2015, and 9.87 pounds of volatile organic chemicals as tetrachloroethylene (PCE) was removed from soils and soil vapor at the site.

Additionally, two off-site properties are known to handle, store, and/or maintain hazardous materials (i.e., USTs) are present and have the potential to have impacted on-site soil, soil gas, surface water, and/or groundwater.

None of these listed sites are currently under investigation. However, future development accommodated through implementation of the Doheny Village Zoning District Update could involve grading and excavation activities which could expose construction workers and the public to hazardous substances/waste in the soil, soil vapor, and/or groundwater. Although future development project within the project site would identify hazardous material-related impacts on a project-by-project bases, potential risks would be further minimized by compliance with all existing Federal, State, and local laws related to the hazardous materials. The OCHCA, the San Diego RWQCB, as well as the DTSC are responsible for monitoring regulatory sites, including permitted UST and APST facilities, hazardous waste, and prevention of accidental release within the City. Specifically, future businesses handling chemicals and/or wastes stored in aboveground or underground storage tanks would be subject to compliance with the State mandated UST and APST Programs. The UST and APST Programs are administered by the OCHCA to ensure that hazardous materials stored in aboveground or underground petroleum tanks are not released into the environment, potentially polluting ground and surface waters. Owners or operators of APST or UST facilities would be required to file a tank facility statement and develop and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Compliance with these programs would reduce the likelihood and severity of accidents involving leaking storage tanks, which could pollute ground and surface waters. If leaking storage tanks occur, the San Diego RWQCB would be responsible for overseeing cleanup actions. Additionally, Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Compliance with regulations established by these agencies would reduce potential risks related to accidental release of hazardous materials from on-site regulatory properties during construction to less than significant levels.

Hauling and Disposal of Hazardous Waste

Construction activities associated with future development accommodated through implementation of the Doheny Village Zoning District Update could expose construction workers and the public to hazardous substances/materials involving the transport, use, and storage of construction materials/equipment (i.e., oil, diesel fuel, transmission fluid, etc.) and demolition debris. However, these activities would be short-term, and the materials used would not be in such quantities, or stored

in such a manner, as to pose a significant safety hazard. All project construction activities would demonstrate compliance with the applicable laws and regulations governing the use, storage, and transportation of hazardous materials, ensuring that all potentially hazardous materials are used and handled in an appropriate manner. Specifically, regulations established by the DOT and California Highway Patrol as well as status from the HMTUSA would ensure that impacts concerning the hauling or disposal of hazardous materials during construction would be less than significant.

Unknown Contaminated Sites

Future development accommodated through implementation of the Doheny Village Zoning District Update could involve grading and excavation activities which could also reveal unknown contamination. Although future development project within the project site would identify any hazardous materials/waste-related concerns on a project-by-project bases, potential risks would be further minimized by compliance with all existing Federal, State, and local laws related to the hazardous materials/waste, as discussed above. Further, the project would be required to comply with Mitigation Measure HAZ-1, which establishes procedures if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction. Compliance with Mitigation Measure HAZ-1 would further minimize potential risks related to accidental release of hazardous materials from unknown contamination discovered during construction.

Overall, compliance with all existing Federal, State, and local laws related to the hazardous materials and Mitigation Measure HAZ-1 would reduce potential construction-related impacts in this regard to less than significant levels.

Mitigation Measures:

HAZ-1 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Director of Public Works/City Engineer;
- Secure the area as directed by the Director of Public Works/City Engineer; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency [OCHCA], Regional Water Quality Control Board, San Diego Region [San Diego RWQCB], and/or Department of Toxic Substances Control [DTSC], as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

OPERATIONAL IMPACTS

HAZ-2 LONG-TERM OPERATIONAL ACTIVITIES ASSOCIATED WITH FUTURE DEVELOPMENT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT, OR THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.

Impact Analysis: As discussed in Section 3.3.1, *Project Description*, project buildout would allow for future construction of additional residential, commercial, industrial, and office uses within Doheny Village. These uses could potentially increase the use, storage, and/or transport of hazardous materials/waste within the project site, which would increase the potential for accidental releases of hazardous materials and pose a threat to the health and safety of residents.

Many types of businesses utilize various chemicals and hazardous materials, and their routine business operations involve chemicals that are manufactured, warehoused, or transported. Currently, there are a variety of existing land uses within the project site that use, store, or transport hazardous substances, as well as generate hazardous waste. Increased development through implementation of the project would result in an increase in the routine transport, use, and storage of hazardous materials in the project site, potentially resulting in accidental releases of hazardous materials into the environment. Exposure of persons to hazardous materials could also occur through the operations of future developments associated with the improper handling of hazardous materials/wastes, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion, or other emergencies. Typical incidents that could create a hazard involve accidental releases of hazardous materials include accidents during transport (causing a "spill" of a hazardous materials) and/or natural disasters causing the unauthorized release of a substance. If not cleaned up immediately and completely, these and other types of incidents could cause contamination of soil, surface water, and/or groundwater, in addition to any toxic vapors that might be generated. Depending on the nature and extent of the contamination, groundwater supplies could become unsuitable for use as a domestic water source. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

As noted above, the project would replace the existing commercial/light industrial zone (CC/V) west of Doheny Park Road with a mix of commercial/industrial (V-C/I) and pedestrian-friendly commercial (V-MS) zones to accurately reflect the mixed uses of commercial and manufacturing/industrial in this region; refer to Exhibit 3-4 and Exhibit 3-5. Although residential uses are currently present in Doheny Village, the proposed project would allow for increased residential development in the project area, potentially exposing future residents to increased activities involving hazardous materials/waste. Typical incidents that could occur due to the accidental release of hazardous materials include leaking USTs, spills during transport, inappropriate storage or use, and/or natural disasters, particular common for industrial land uses.

Site Handling, Storing, and Transporting Hazardous Materials or Waste

As discussed in Impact Statement HAZ-1 above, several properties on-site and off-site are listed as regulatory sites for handling, storing, and transporting hazardous materials. These industrial/ manufacturing uses that typically handle, store, and transport hazardous materials or wastes would be regulated by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA. Further, all hazardous materials would be required to be stored in designated areas in accordance with existing Federal, State, and local laws related to the storage of hazardous materials. Specifically, all future businesses that use, handle or store a regulated hazardous material or any Extremely Hazardous Substances (EHS)[1] exceeding the specified threshold quantity (500 pounds of a solid, 55 gallons of a liquid, or 200 cubic feet of a gas) would be required to register with the OCHCA and prepare a risk management plan. As required under California Code of Regulations Title 27, Section 15200, the CUPA (in this case, the OCHCA) is required to routinely inspect all hazardous materials or chemicals used by future commercial uses to ensure that these materials are being stored, handled, and used in accordance with all applicable Federal, State, and local standards and regulations, including but not limited to the Hazardous Materials Disclosure Programs, the Hazardous Materials Business Plan, CalARP, HMTA, among others. Further, the City works to minimize accidents and health risks from hazardous materials through its corporation with Federal, State, and County agencies pursuant to General Plan Public Safety Element Policies 3.1 through 3.6 and 3.11. As such, compliance with the requirements of Federal, State, and local laws and regulations regarding the use, storage, and transportation of hazardous materials from existing and future regulatory sites would ensure that risks in this regard would be minimized to less than significant levels during project operation.

Transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. Hazardous substance incidents could occur within the project site due to the transportation systems that traverse and/or surround the project area (I-5, Pacific Coast Highway, and major arterials). Future developments would be subject to compliance with all applicable Federal, State, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including all applicable Caltrans protocols, and DOT's and California Highway Patrol's regulations. Compliance with all applicable laws and regulations related to the transportation of hazardous materials as discussed above would reduce the likelihood and severity of accidents during transit, and impacts would be less than significant in this regard.

Above and Underground Storage Tanks

Future businesses handling chemicals and/or wastes stored in aboveground or underground storage tanks would be subject to compliance with the State mandated UST and APST Programs. The UST and APST Programs are administered by the OCHCA to ensure that hazardous materials stored in underground and aboveground petroleum tanks are not released into the environment, potentially polluting ground and surface waters. Owners or operators of UST and APST facilities would be required to file a tank facility statement and develop and implement a SPCC Plan. Compliance with these programs would reduce the likelihood and severity of accidents involving leaking storage tanks, and impacts would be less than significant in this regard.

[1] Extremely Hazardous Substances (EHS) is a list of maintained by the EPA. Federal and State laws now mandate special reporting of chemicals found on the EHS list. Reporting is required if the amounts of any of these chemicals at any given time exceed the "Threshold Planning Quantity" (TPQ) on the list, or if they exceed the general quantities listed above (55 gallons/500 pounds/200 cubic feet), whichever is less.

School Sites

Doheny Village is served by a variety of public and private schools; refer to Section 5-13, *Public Services/Recreation and Utilities*. Specifically, Nobis Preschool, located at 26153 Victoria Boulevard, and Capo Beach Christian School, located at 25975 Domingo Avenue, are located within the project site. No other schools are situated within 0.25-mile of the project site.

As noted above, future development, particularly industrial/manufacturing uses, could expose the public, including children, to hazardous materials from the routine use, transport, and disposal of hazardous materials during day-to-day business operations. Adherence to applicable Federal, State, and local laws and regulations with safety standards related to the use and storage of hazardous materials and the safety procedures, discussed above, would ensure that risks resulting from the routine transportation, use (including emissions), storage, or disposal of hazardous materials or hazardous wastes within one-quarter mile of an existing or proposed school during project operations would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

HAZARDOUS MATERIALS SITES

HAZ-3 FUTURE DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD BE LOCATED ON A HAZARDOUS MATERIAL SITES LISTED ON GOVERNMENT CODE SECTION 65962.5 AND CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.

Impact Analysis:

As discussed under Section 5.6.1, and Impact State HAZ-1, above, several properties on-site are listed as regulatory sites on the "Cortese List" pursuant to Government Code Section 65962.5. The ten regulatory sites are as follows:

- Cannon Bart Inc (25742 Victoria). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Five USTs were removed; 536 cubic yards of soils were excavated, and more than 20,000 gallons of water were sampled between 1986 to 2000.

- John Groty-Serra Lumber (25802 Victoria). This property was listed on the LUST Cleanup Site database for past release of diesel/gasoline to soil. Site investigation was conducted.

- Orange County Fire Station #29 (26111 Victoria). This property was listed on the LUST Cleanup Site database for past release of diesel to groundwater. No monitoring or remedial actions were recorded.

- CUSD Transportation Center (26126 Victoria Boulevard, Capistrano Beach). This property was categorized as a Leaking Underground Storage Tank (LUST) Cleanup Site. Instances of petroleum products releases to soil and groundwater as well as monitoring and remedial activities had been recorded. This site is currently listed on the UST database as a current permitted underground storage tank facility.

- UNOCAL Cop #5385 (34131 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Multiple remedial activities, including Ex Situ physical/chemical treatment, had occurred between 1995 and 2009.

- Capistrano Lumber Co (34162 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to unknown medium. No monitoring or remedial actions were recorded.

- Ree Industrial (34242 Doheny Park). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Remedial action such as pump and treat (P&T) groundwater was conducted in 1987.

- EXXON #7-4816 (34295 Doheny Park Road). This property was listed on the LUST Cleanup Site database for past release of gasoline to groundwater. Multiple remedial activities, including In Situ physical/chemical treatment, soil vapor extraction, and free product removal, had occurred between 2008 and 2015.

- Victoria Field Office (25842 Victoria Boulevard). This property was listed as a cleanup program site for traceable amount of fuel oxygenates detected in groundwater beneath the site. According to the SWRCB, no known releases originated from this location, and the oxygenates found at the site are most likely associated with the gasoline releases at the UNOCAL station upgradient and across the street (34131 Doheny Park) from this site.

- Former Doheny Village Dry Cleaners (34073 Doheny Park Road). This property was listed as a cleanup program site for its potential to be a source of vapor phased contamination. The site was a former dry cleaning operation from approximately 1966 through 2005. Remedial action (soil vapor extraction) was conducted and 9.87 pounds of volatile organic chemicals as tetrachloroethylene (PCE) was removed from soils and soil vapor at the site in 2015.

As noted, none of these listed sites are currently under investigation. However, future development accommodated through implementation of the Doheny Village Zoning District Update could be located on these sites and could potentially expose construction workers and future users/residents to previously undiscovered hazardous substances present in the soil, soil gas, and/or groundwater on beneath these sites. As discussed in Impact Statements HAZ-1 and HAZ-2, future development projects within the project site would identify hazardous material-related impacts on a project-by-project bases, and would be required to comply with all existing Federal, State, and local laws related to the hazardous materials from the OCHCA, San Diego RWQCB, as well as DTSC, and Cal/OSHA. Compliance with regulations established by these agencies would reduce potential risks from on-site regulatory properties to less than significant levels.

Mitigation Measures: Refer to Mitigation Measure HAZ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.6.5 CUMULATIVE IMPACTS

Section 15355 of the *CEQA Guidelines* requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

- **SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN CUMULATIVELY CONSIDERABLE HAZARDS TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT, OR THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.**

Impact Analysis: Cumulative projects could result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, during site disturbance/demolition/grading activities. However, as discussed above, with implementation of existing laws and regulations established by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA, among others, and implementation of the recommended Mitigation Measures HAZ-1, the proposed project would not result in significant impacts from these activities. Compliance with all applicable Federal and State laws and regulations related to the handling/transport of hazardous materials/waste would reduce the likelihood and severity of accidents, thereby ensuring that a less than significant cumulative impacts result. As the proposed project would not result in significant impacts involving hazards and hazardous materials during construction with implementation of Mitigation Measure HAZ-1, the project would not significantly contribute to a cumulatively considerable impact in this regard.

Mitigation Measures: Refer to Mitigation Measure HAZ-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

- **LONG-TERM OPERATIONAL ACTIVITIES ASSOCIATED WITH FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN CUMULATIVELY CONSIDERABLE HAZARDS TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT, OR THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.**

Impact Analysis: Cumulative projects that result in the operations of facilities that use, handle or transport a regulated hazardous substance or material, or any EHS exceeding the specified threshold quantity, would be required to register with the OCHCA and prepare a Risk Management Plan. Compliance with all applicable Federal and State laws and regulations related to the

handling/storage/transport of hazardous materials would reduce the likelihood and severity of accidents, thereby ensuring that a less than significant cumulative impacts result. In addition, the proposed project would not result in significant impacts from sites handling, storing and transporting hazardous materials or waste or leaking USTs and ASTs with compliance with the laws and regulations established by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA, among others. As the proposed project would not result in significant impacts involving hazards and hazardous materials, the project would not significantly contribute to a cumulatively considerable impact in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **FUTURE DEVELOPMENT COULD BE LOCATED ON A HAZARDOUS MATERIAL SITES LISTED ON GOVERNMENT CODE SECTION 65962.5 AND RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO THE PUBLIC OR THE ENVIRONMENT.**

Impact Analysis: As discussed above, the proposed project would not result in significant impacts to as none of the listed sites within Doheny Village are currently under investigation. Future development project within the project site would identify hazardous material-related impacts on a project-by-project bases, and would be required to comply with all existing Federal, State, and local laws related to the hazardous materials from the OCHCA, San Diego RWQCB, as well as DTSC, and Cal/OSHA. Compliance with all applicable Federal and State laws and regulations related to the handling of hazardous materials would ensure that a less than significant cumulative impacts would occur in this regard. The project would not significantly contribute to a cumulatively considerable impact in this regard

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.6.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant impacts related to hazards and hazardous materials have been identified following implementation of the recommended Mitigation Measures HAZ-1 and compliance with the applicable Federal, State, and local regulatory requirements.

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5.7 Transportation

5.7 TRANSPORTATION

This section evaluates potential transportation-related impacts resulting from construction and operation of the proposed project. Mitigation measures are recommended, as indicated, to avoid or reduce project impacts on transportation. This section is primarily based on the *Doheny Village Overlay Project, Dana Point Vehicle Miles Traveled (VMT) Analysis* (VMT Analysis) prepared by Linscott, Law and Greenspan, Engineers, dated April 13, 2021; see Appendix 11.6, *VMT Analysis*.

In September 2013, the Governor's Office of Planning and Research (OPR) signed Senate Bill (SB) 743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. SB 743 identifies Vehicle Miles Travelled (VMT) as the most appropriate CEQA transportation metric and eliminates of auto delay, or level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resource Agency certified and adopted the CEQA statute (14 California Code of Regulations Section 15064.3). Per the CEQA statute, the VMT guidelines shall apply Statewide beginning July 1, 2020. As such, the following analysis utilizes VMT as the transportation metric to evaluate the project's potential impacts.

5.7.1 EXISTING SETTING

EXISTING STREET SYSTEM

The principal local network of streets serving the project site includes Doheny Park Road, Del Obispo Street, Camino Capistrano, Pacific Coast Highway, Stonehill Drive, Victoria Boulevard, Domingo Avenue, Las Vegas Avenue, and Sepulveda Avenue.

- **Doheny Park Road** is primarily a four-lane, divided roadway oriented in the north-south direction. Parking is generally permitted on both sides of the roadway in the vicinity of the Project. The posted speed limit on Doheny Park Road is 35 miles per hour (mph). Doheny Park Road is designated as a primary arterial per the General Plan Circulation Element.

- **Del Obispo Street** is primarily a four-lane, divided roadway oriented in the north-south direction. Parking is generally not permitted on either side of the roadway in the vicinity of the Project. The posted speed limit on Del Obispo Street is 40 mph. Del Obispo Street is designated as a primary arterial per the General Plan Circulation Element and Orange County *2020 Master Plan of Arterial Highways* (MPAH).

- **Camino Capistrano** is primarily a four-lane, divided roadway oriented in the north-south direction. Parking is generally not permitted on either side of the roadway. The posted speed limit on Camino Capistrano is 40 mph south of Avenida Aeropuerto and 45 mph north of Avenida Aeropuerto. Camino Capistrano is designated as a primary arterial per the General Plan Circulation Element.

- **Pacific Coast Highway** is primarily a six-lane, divided roadway oriented in the east-west direction. Parking is generally not permitted on either side of the roadway. The posted speed

limit on Pacific Coast Highway is 35 mph. Pacific Coast Highway is designated as a major arterial per the General Plan Circulation Element.

- **Stonehill Drive** is primarily a four-lane, divided roadway oriented in the east-west direction. Parking is generally not permitted on either side of the roadway. The posted speed limit on Stonehill Drive is 40 mph. Stonehill Drive is designated as a primary arterial per the General Plan Circulation Element.

- **Victoria Boulevard** is primarily a two-lane, undivided roadway oriented in the east-west direction. Parking is generally permitted on both sides of the roadway. The posted speed limit on Victoria Boulevard is 25 mph. Victoria Boulevard is designated as a collector street per the General Plan Circulation Element.

- **Domingo Avenue** is primarily a two-lane, undivided roadway oriented in the east-west direction. Parking is generally permitted on both sides of the roadway. The posted speed limit on Domingo Avenue is 25 mph. Domingo Avenue is designated as a collector street per the General Plan Circulation Element.

- **Las Vegas Avenue** is primarily a two-lane, undivided roadway oriented in the east-west direction. Parking is generally permitted on both sides of this roadway. The posted speed limit on Las Vegas Boulevard is 25 mph. Las Vegas Avenue is designated as a collector street per the General Plan Circulation Element.

- **Sepulveda Avenue** is primarily a two-lane, undivided roadway oriented in the north-south direction. Parking is generally permitted on both sides of this roadway. The posted speed limit on Sepulveda Avenue is 25 mph. Sepulveda Avenue is designated as a collector street per the General Plan Circulation Element.

EXISTING TRANSIT SERVICE

Orange County Transportation Authority (OCTA) currently provides public transit services in the project area. OCTA Route 91 currently serves Del Obispo Street. Additionally, during the summer months, the City operates a trolley service that also serves the project area.

OCTA's *OC Bus South County System Map*, effective June 14, 2020, graphically illustrates the transit routes of OC Bus in South Orange County, including the project area.[1] Existing transit stops are located along Doheny Park Road/Camino Capistrano, Stonehill Drive, Pacific Coast Highway, and Del Obispo Street. Transit stops along Doheny Park Road/Camino Capistrano are located in the southwest corner of Camino Capistrano/Avenida Aeropuerto, southeast corner of Camino Capistrano/Camino Capistrano, the southwest corner of Doheny Park Road/Costco Driveway, and in the northeast and southwest corners of Doheny Park Road/Victoria Boulevard. Transit stops along Stonehill Drive are located in the northwest corner of Camino Capistrano/Stonehill Drive, and the northwest corner of Del Obispo Street/Stonehill Drive. Transit stops along Pacific Coast Highway are located in the northwest and southwest corners of Doheny Park Plaza/Pacific Coast Highway

[1] Orange County Transportation Authority, *OC Bus South County System Map*, https://www.octa.net/Bus/Routes-and-Schedules/System-Map/, accessed September 23, 2020.

(PCH) and the northeast and southeast corners of Del Obispo Street/Pacific Coast Highway. Transit stops along Del Obispo Street are evenly dispersed along the roadway between Pacific Coast Highway and Camino Del Avion, with a total of 20 stops located within the project vicinity.

EXISTING BICYCLE AND PEDESTRIAN FACILITIES

Map 4.1 of the *City of Dana Point Bicycle and Pedestrian Trail Master Plan* presents the locations of existing bicycle facilities in the City. Currently, there are Class II bike lanes along Del Obispo Street and for the majority of Doheny Park Road, a Class I bike path along the San Juan Creek Trail, and a Class III bike route that traverses adjacent to Pacific Coast Highway in the project area.

Pedestrian facilities such as sidewalks and crosswalks generally exist within the project site. The signalized crosswalks within project site are at the Doheny Park Road/Victoria Boulevard intersection and Doheny Park Road/Las Vegas intersection. No landscaped buffer exists between the sidewalk and the adjacent vehicle travel lane in most areas of the site.

5.7.2 REGULATORY SETTING

FEDERAL LEVEL

Surface Transportation Assistance Act

The Surface Transportation Assistance Act (STAA) of 1982 was a comprehensive transportation funding and policy act of the federal government. The STAA addresses concerns about the surface transportation infrastructure (highways and bridges), and defines state truck routes and key freight corridors.

STAA Sections 411-412, *National Truck Network*, first authorized the establishment a national network of highways, which are designated for use by large trucks and on which federal width and length limits apply. The National Network includes most of the Interstate Highway System and other, specified non-Interstate highways. Section 412 also specifically prohibits any state from denying reasonable access to the National Network. Trucks within federal width and length limits are referred to as "STAA trucks."

STATE LEVEL

Senate Bill 743

In September 2013, OPR signed SB743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. SB 743 identifies VMT as the most appropriate CEQA transportation metric and eliminates of auto delay, or LOS, and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resource Agency certified and adopted the CEQA statute (14 California Code of Regulations Section 15064.3).

LOCAL LEVEL

Orange County Congestion Management Program

The Orange County Congestion Management Program (CMP) was developed by the Orange County Transportation Authority (OCTA) in June 1990 in accordance with Proposition 111. The goals of the Orange County's CMP are to support regional mobility objectives by reducing traffic congestion, to provide a mechanism for coordinating land use and development decisions that support the regional economy, and to support gas tax funding eligibility. To meet these goals, the CMP contains a number of policies designed to monitor and address system performance issues. OCTA developed the policies that makeup Orange County's CMP in coordination with local jurisdictions, the California Department of Transportation (Caltrans), and the South Coast Air Quality Management District (SCAQMD). The CMP performance measures provide an index of the effectiveness and efficiency of Orange County's fixed-route bus and commuter rail services.

City of Dana Point Bicycle and Pedestrian Trail Master Plan

The *City of Dana Point Bicycle and Pedestrian Trail Master Plan* was developed in February 2006 to serve as a resource document to guide the development and maintenance of a bicycle and pedestrian trail network, support facilities and other programs for Dana Point over a 20-year timespan. The Plan address important issues related to the City's bikeways and pedestrian trails, such as planning, community involvement, utilization of existing resources, facility design, multi-modal integration, safety and education, support facilities as well as specific programs, implementation, maintenance and funding.

The *City of Dana Point Bicycle and Pedestrian Trail Master Plan* identifies the pathway between Pacific Coast Highway, Doheny Park Road, and Coast Highway as one of the most critical missing linkages.

City of Dana Point General Plan

The General Plan Circulation Element includes goals and policies that aim to improve traffic congestion and mass transit services in the City. The following Circulation Element policies are relevant to the proposed project:

CIRCULATION ELEMENT

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.2: Develop circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity, maximum grades and associated features such as medians and bicycle lanes.

Policy 1.6: Develop a transportation network that is capable of meeting the needs of projected increases in the population and in non-residential development.

Policy 1.8: Work with the appropriate entities to improve rail and other public transit systems to serve the resident and visitor population of the area.

Policy 1.9: Limit driveway access on arterial streets to maintain a desired quality of flow.

Policy 1.11: Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

Policy 1.13: Minimize pedestrian and vehicular conflicts.

Goal 3: Maximize the efficiency of the circulation system through the use of Transportation System Management and Demand Management strategies.

Policy 3.4: Require that proposals for major new non-residential developments (in excess of 50,000 square feet) include submission of a TDM plan to the City, including monitoring and enforcement provisions.

Goal 5: Encourage non-motorized transportation, such as bicycle and pedestrian circulation.

Policy 5.2: Maintain existing pedestrian facilities and encourage new development to provide pedestrian walkways between developments, schools and public facilities.

Policy 5.3: Ensure accessibility of pedestrian facilities to the elderly and disabled.

Policy 5.4: Support and coordinate the development and maintenance of bikeways in conjunction with the County of Orange Master Plan of Countywide Bikeways to assure that local bicycle routes will be compatible with routes of neighboring jurisdictions.

Policy 5.6: Develop programs that encourage the safe utilization of easements and/or rights-of-way along flood control channels, public utility rights-of-way, railroad rights-of-way, and street rights-of-way wherever possible for the use of bicycles and/or hiking trails.

Policy 5.8: Improve the safety of pedestrians crossing Pacific Coast Highway.

Policy 5.9: Support and coordinate the development and maintenance of bikeways and trails in conjunction with the master plans of the appropriate agencies.

Policy 5.12: Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation.

Goal 6: Provide for well-designed and convenient parking facilities.

Policy 6.1: Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.

Policy 6.3: Provide sufficient off-street parking.

Policy 6.4: Encourage the use of shared parking facilities, such as through parking districts or other mechanisms.

Additionally, the General Plan Conservation/Open Space Element includes the following policies are relevant to the traffic condition of proposed project:

CONSERVATION/OPEN SPACE ELEMENT

Goal 5: Reduce air pollution through land use, transportation and energy use planning.

Policy 5.1: Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress.

Additionally, the General Plan Land Use Element includes the following policies are relevant to the traffic condition of proposed project:

LAND USE ELEMENT

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.8: The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses.

Dana Point Municipal Code

CHAPTER 7.08, STANDARDS OF DESIGN

Municipal Code Chapter 7.08, Standards of Design, establishes standards of design for subdivisions to be consistent with the General Plan.

CHAPTER 9.35, ACCESS, PARKING AND LOADING

Municipal Code Chapter 9.35, *Access, Parking and Loading,* establishes regulations for parking requirement and design standards for parking facilities and is intended to ensure that all land uses provide safe access and on-site circulation along with adequate off-street parking and loading facilities within the City. The regulations would also ensure that the use of land does not negatively affect the safety, use of, or vehicular circulation within public rights-of-way.

CHAPTER 9.43, TRANSPORTATION DEMAND MANAGEMENT

Municipal Code Chapter 9.43, *Transportation Demand Management*, establishes trip reduction and travel demand standards for all new development projects that are estimated to employ a total of 100 or more persons.

5.7.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

VMT SIGNIFICANCE THRESHOLDS

The Governor's Office of Planning and Research (OPR) *Technical Advisory for Evaluating Transportation Impacts in CEQA* (OPR Technical Advisory), dated December 2018, states that a 15 percent reduction in VMT is achievable for development projects in a variety of place types and is consistent with SB 743's direction to OPR to select a threshold that aligns with the State's three statutory goals: 1) the reduction of greenhouse gas emissions; 2) the development of multimodal transportation networks; and 3) a diversity of land uses.

The OPR Technical Advisory provides recommendations for thresholds of significance for only three types of development, focusing only on the project types which tend to have the greatest effect on VMT. The OPR Technical Advisory does not provide recommendations on thresholds for other kinds of development projects; however, the three main development project types, residential, office, and retail may be considered proxies for developments which exhibit certain trip/travel characteristics as detailed below:

- "Residential" may be considered a proxy for a development which generates new trips;
- "Office" may be considered a proxy for a development which generates primarily work trips; and
- "Retail" may be considered a proxy for a development which primarily attracts already existing trips, leading to a diversion of trips rather than generating new trips.

If a project can be demonstrated to match one of these proxy categories, the applicable thresholds may be utilized. The proposed project components are expected to generate new trips and thus, have been analyzed under the residential, office, and retail thresholds as listed below:

- A proposed residential project exceeding a level of 15 percent below average existing regional (i.e., City of Dana Point) VMT per capita may indicate a significant transportation impact;

- A proposed office project exceeding a level of 15 percent below existing regional (i.e., City of Dana Point) VMT per employee may indicate a significant transportation impact; and

- A proposed retail project with a net increase in total VMT may indicate a significant transportation impact.

The VMT Analysis includes additional discussion regarding OPR's guidance on the methodology for calculating VMT and evaluating project impacts; refer to Appendix 11.6.

CEQA SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (refer to Impact Statement TRA-1);

b) Conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b) (refer to Impact Statement TRA-2);

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (refer to Impact Statement TRA-3); and

d) Result in inadequate emergency access (refer to Impact Statement TRA-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.7.4 IMPACTS AND MITIGATION MEASURES

PROJECT TRAFFIC GENERATION

TRA-1 PROJECT IMPLEMENTATION COULD GENERATE TRAFFIC VOLUMES THAT WOULD CONFLICT WITH A PROGRAM PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES.

Impact Analysis: Development associated with the Doheny Village Zoning District Update would not conflict with or interfere with any adopted policies, plans or programs related to public transit,

bicycle, or pedestrian facilities. Instead, goals and policies proposed under the Doheny Village Zoning District Update promote and support multimodal opportunities within the City. Specifically, the project proposes to "improve connectivity and access to Doheny State Beach and areas across the San Juan Creek and Pacific Coast Highway". The project also proposes to "provide parking opportunities by identifying additional on-street parking sites and applying parking management tools". Overall, the Doheny Village Zoning District Update supports a multi-modal transportation network. Alternative modes of transportation would be provided and encouraged through the provision of various pedestrian, bicyclist, and transit user opportunities.

All future development projects would be required to be reviewed by City, as well as OCTA and Caltrans, as applicable. As such, the City would ensure that future development accommodated through the proposed project would coordinate with Caltrans for bicycle and pedestrian facilities that are located on State facilities. Future development would also be required to comply with the Municipal Code Chapter 9.43, which requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08, which provides standards of design and requirements for sidewalks. Adherence with the Municipal Code provisions would ensure that future development within Doheny Village would be designed to be consistent with General Plan Circulation Element Goals, including the following:

- Goal 1 – providing a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods,
- Goal 3 – maximizing the efficiency of the circulation system through the use of Transportation System Management and Demand Management strategies,
- Goal 5 – encouraging non-motorized transportation, and
- Goal 6 – providing well-designed and convenient parking facilities.

Additionally, future development within Doheny Village would comply with Conservation/Open Space Element Policy 5.1 in regard to designing efficient vehicle ingress and egress, and Land Use Element Policy 1.8, which would encourage new development to facilitates transit services, provide for non-automobile circulation, and minimizes vehicle miles traveled. Overall, the proposed project would not conflict with adopted policies, plans, or programs related to public transit, bicycle, or pedestrian facilities, nor impact the performance or safety of these systems. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.
Level of Significance: Less Than Significant Impact.

VEHICLE MILES TRAVELED

TRA-2 PROJECT IMPLEMENTATION COULD CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).

Impact Analysis: The VMT Analysis prepared for the project utilizes the Orange County Transportation Analysis Model (OCTAM) to determine the project's VMT and City's average VMT. Table 5.7-1, *City of Dana Point Average VMT*, summarizes the City's average VMT per capita, average VMT per employee, and total VMT.

Table 5.7-1
City of Dana Point Average VMT

Year	2016 Existing	2045 Entitled	2045 Proposed	Threshold (15% below 2045 Entitled)
VMT per Capita	21.5	21.3	--	18.11
VMT per Employee	20.0	20.4	--	17.34
Total VMT	1,353,350.2	1,464,172.1	1,526,267.7	62,095.60
Source: Refer to Appendix 11.6.				

Table 5.7-2, *Proposed Project Average VMT*, details the project's average VMT per capita, average VMT per employee, and total VMT.

Table 5.7-2
Proposed Project Average VMT

Year	2016 Existing	2045 Entitled	2045 Proposed	Comparison to Threshold
VMT per Capita	16.8	16.8	16.6	-8.34%
VMT per Employee	20.4	20.5	18.6	+7.27%
Total VMT	1,353,350.2	1,464,172.1	1,526,267.7	+4.24%
Source: Refer to Appendix 11.6.				

As shown in Table 5.7-2, the project would result in an average VMT per capita approximately 8.34 percent lower than the City's average VMT per capita threshold (i.e., 15 percent below the City's average VMT per capita). Thus, the project would result in less than significant VMT impacts for residential land uses.

The project's VMT per employee would be 7.27 percent higher than the City's average VMT per employee threshold (i.e., 15 percent below the City's average VMT per employee), and would result in a potentially significant impact regarding office use.

Further, as shown in Table 5.7-2, the proposed project's net total VMT would be 4.24 percent higher than the City's total VMT, and would exceed the City's total VMT threshold. Thus, VMT impacts regarding retail use would be potentially significant.

To reduce the project's VMT per employee and total VMT, Transportation Demand Management (TDM) strategies can be implemented. The California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7 (CAPCOA Report; dated August 2010), quantifies the reduction in VMT associated with particular strategies. VMT Analysis Table 2, *Transportation Demand Management (TDM) Strategies*, identifies TDM strategies that can be implemented by the project to reduce VMT per employee and total VMT to below the established significance threshold. Mitigation Measure TRA-1 would require all future development within the project site to implement LUT-9 (Improve Design of Development), SDT-1 (Provide Pedestrian Network Improvements); SDT-2 (Traffic Calming Measures); and any additional VMT measures determined by the City of Dana Point Community Development Director and Director of Public Works to the

extent feasible. Implementation of Mitigation Measure TRA-1 would ensure a range of approximately 3.25 to 24.3 percent reduction in GHG emissions through pedestrian-friendly design (e.g., large doors and windows), sidewalks, and traffic calming measures. Additionally, Mitigation Measure TRA-2 would require all future non-residential projects and non-residential components of future projects to implement trip reduction programs (TRT-1 through TRT-15). Implementation of Mitigation Measure TRA-2 would ensure future non-residential projects provide, at a minimum, a ride share program (1 percent reduction), have remote working options (2 to 3 percent), and offer a subsidy for public transportation (1 percent reduction). Together, implementation of Mitigation Measure TRA-1 and TRA-2 would reduce the project's VMT per employee (regarding office use) and total VMT (regarding retail use) to below the established threshold. As such, impacts would be reduced to less than significant levels.

Mitigation Measures:

TRA-1 Future development within the limits of the project site shall be required to implement the following measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:

- LUT-9: Improve Design of Development (3.0 to 21.3 percent reduction);
- SDT-1: Provide Pedestrian Network Improvements (0 to 2 percent reduction); and
- SDT-2: Traffic Calming Measures (0.25 to 1.0 percent reduction).

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

TRA-2 Future non-residential developments and non-residential components of a development within the limits of the project area shall be required to implement the following commute trip reduction measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:

- TRT-1: Implement Voluntary CTR Programs (1.0 to 6.2 percent reduction);
- TRT-2: Implement Mandatory CTR Programs – Required Implementation/Monitoring (4.2 to 21.0 percent reduction);
- TRT-3: Provide Ride-Sharing Programs (1 to 15 percent reduction);
- TRT-4: Implement Subsidized or Discounted Transit Program (0.3 to 20.0 percent reduction)
- TRT-5: Provide End of Trip Facilities;

- TRT-6: Telecommuting and Alternative Work Schedules (0.07 to 5.5 percent reduction);
- TRT-7: Implement Commute Trip Reduction Marketing (0.8 to 4.0 percent reduction);
- TRT-8: Implement Preferential Parking Permit Program;
- TRT-9: Implement Car-Sharing Program (0.4 to 0.7 percent reduction);
- TRT-10: Implement School Pool Program (7.2 to 15.8 percent reduction);
- TRT-11: Provide Employer-Sponsored Vanpool/Shuttle (0.3 to 13.4 percent reduction);
- TRT-12: Implement Bike-Sharing Program;
- TRT-13: Implement School Bus Program (38 to 63 percent reduction);
- TRT-14: Price Workplace Parking (0.1 to 19.7 percent reduction); and
- TRT-15: Implement Employee Parking "Cash-Out" (0.6 to 7.7 percent reduction).

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

GEOMETRIC DESIGN FEATURE

TRA-3 PROJECT IMPLEMENTATION COULD SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT).

Impact Analysis: The project does not include any site-specific development project and future development projects in accordance with the Doheny Village Zoning District Update are not anticipated to result in inadequate design features or incompatible uses. Through the City's development review process, future developments would be evaluated to determine the appropriate land use permit for authorizing their use and the conditions for their establishment and operation. Future development projects would be evaluated on a case-by-case basis to ensure that adequate access and circulation to and within the development would be provided. Access to development sites would be required to comply with all applicable Municipal Code and City design standards and would be reviewed by the City and the Orange County Fire Authority (OCFA) to ensure that inadequate design features or incompatible uses do not occur. The development review by City and OCFA would also ensure that structures are designed to meet adopted standards and that adequate emergency access is provided. Therefore, implementation of the proposed project would not result in significant impacts involving inadequate design features or incompatible uses.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EMERGENCY ACCESS

TRA-4 PROJECT IMPLEMENTATION COULD RESULT IN INADEQUATE EMERGENCY ACCESS.

Impact Analysis: West of the project site, Del Obispo Street at Pacific Coast Highway is designated as one of the Dana Point Tsunami Evacuation Routes.[2] Future development projects would be required to comply with the City's development review process including review for compliance with the City's Zoning Code. New developments would also be required to comply with all applicable fire and building codes and ordinances for construction and access to the site during both construction and operational phases. Individual projects would be reviewed by OCFA to determine the specific fire requirements applicable to the specific development and to ensure compliance with these requirements. This would ensure that new developments would provide adequate emergency access to and from the site. Further, the City and OCFA would review any modifications to existing roadways to ensure that adequate emergency access or emergency response would be maintained. Emergency response and evacuation procedures would be coordinated through the City in coordination with the Orange County Sheriff's Department (OCSD) and OCFA. As the project would not alter emergency access along Del Obispo Street at Pacific Coast Highway, and existing Zone Code regulations pertaining to ensuring emergency access on a project-by-project basis would be required, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.7.5 CUMULATIVE IMPACTS

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT WITH A PROGRAM PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES, AND RESULT IN CUMULATIVE IMPACTS.**

Impact Analysis: Cumulative transportation impacts are analyzed in terms of impacts within the cities of Dana Point and San Juan Capistrano and in neighboring communities. As cumulative projects are developed in the area, overall demands on the transportation system would increase. Cumulative development would be required to be reviewed by the City, as well as the Orange County Transportation Authority (OCTA) and Caltrans, as applicable. As such, the City would ensure that future development, on a project-by-project basis, would comply with Municipal Code Chapter 9.43, which requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08, which provides standards of design and requirements for sidewalks. There are a number of planned Capital Improvement Projects planned in this area to promote pedestrian and bicycle connectivity. The most significant of those is the Doheny Village Connectivity

[2] City of Dana Point, *Tsunami, Map, Dana Point Tsunami Evacuation Routes*, https://www.danapoint.org/department/general-services/emergency-services/tsunami, accessed September 21, 2020.

Enhancement Project that provided for following intersection and bikeway facility improvements in the project area:

- Reconfiguration of Doheny Park Road
    - An additional southbound lane will be provided from the Freeway On-Ramps to Coast Highway
    - Bike lanes will be extended from Doheny Park Road/Las Vegas to the Coast Highway/Doheny Park Road intersection
    - Asphalt medians will be removed
    - The sidewalk along the west side of Doheny Park Road will be widened and enhanced with beautification elements, i.e. landscaping, street furniture, lighting, etc.
- Pacific Coast Highway (PCH) Connector
    - The sidewalk is being widened and enhanced with a landscaped buffer (landscaping between vehicle lanes and sidewalk), bollard lighting, and other improvements.
    - The roadway lane configuration will be altered; See #3 below.
- Coast Highway/Doheny Park Road Intersection
    - Intersection modifications are planned and a new traffic signal will be installed
    - The current free right lane to Southbound Coast Highway from the PCH Connector will be eliminated
    - A pedestrian crosswalk will be added to connect to new north side sidewalk connection on Coast Highway; See #4 below
    - Bulb Outs/Landscaping are Added
    - Pedestrian/Bicycle Amenities are Added
    - Enhanced Lighting is Added
    - Storm Drain Improvements are Included
- Coast Highway
    - Additional southbound lane is added (2 lanes total) to align with the County Master Plan of Arterial Highways.
    - Sidewalk extension is provided from terminus of existing north side sidewalk (at Riviera Hotel) to Coast Highway/Doheny Park Road.
    - Widened sidewalk on south side of Coast Highway is provided
    - Other street improvements including storm drain, asphalt repairs, street lighting, etc. are also included.

These improvements would support all modes of transport and would enhance connectivity for bicyclists and pedestrians than what currently exists in the project area.

The project does not include any site-specific development project and future development within Doheny Village would not conflict with a program plan, ordinance or policy addressing the circulation system. Future development associated with implementation of the Doheny Village Update would involve an increase in residential and non-residential development above existing conditions, resulting in increased demand on the circulation system in the project area. However, with compliance with

the existing regulations and standards pertaining to pedestrian, bike, and transit, cumulative impacts in this regard would be reduced. As discussed under Impact Statement TRA-1, future development projects within Doheny Village would be required to comply with Municipal Code Chapter 9.43, which requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08, which provides standards of design and requirements for sidewalks. Individual development project would be reviewed by the City as well as OCTA and Caltrans, as applicable, which would ensure development consistency with General Plan goals as well as OCTA's and Caltrans' standards. Overall, the Doheny Village Zoning District Update supports a multi-modal transportation network. Future development accommodated through implementation of the Doheny Village Zoning District Update would provide and encourage alternative modes of transportation through the provision of various pedestrian, bicyclist, and transit user opportunities. As such, the proposed project would not significantly contribute to a cumulative impact in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).**

Impact Analysis: Similar to the proposed project, cumulative projects in the site vicinity have the potential to increase the City's average VMT per capita/employee and total VMT. Each cumulative project would be evaluated on a project-level basis to determine the project's generated VMT in order to compare to the City's average and total VMT. Additionally, each cumulative project would be required to comply with project-specific mitigation measures, as needed, on a project-by-project basis.

Based on the VMT Analysis, a project that falls below the established VMT threshold would not result in cumulative impacts. As analyzed above, implementation of TDM measures identified in VMT Analysis Table 2, *Transportation Demand Management (TDM) Strategies*, per Mitigation Measures TRA-1 and TRA-2 would reduce project-generated VMT to below established thresholds. Thus, the project would not significantly contribute to a cumulatively considerable impact regarding VMT and impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measures TRA-1 and TRA-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT), AND RESULT IN CUMULATIVE IMPACTS.**

Impact Analysis: Cumulative projects could result in an increase in hazards due to a geometric design feature or incompatible use. However, future projects would be evaluated on a case-by-case basis through the City's development review process to determine the appropriate land use permit for authorizing their use and the conditions for their establishment and operation. The development

review would ensure that safe access and circulation to and within the development area would be provided. Additionally, access to development sites would be required to comply with all applicable Municipal Code and City design standards and would be reviewed by the City and the OCFA to ensure that inadequate design features or incompatible uses do not occur as development occurs.

The proposed project would involve an increase in residential and non-residential development above existing conditions. As stated in the Impact Statement TRA-3 above, the project does not include any site specific development project; however, future development would be subject to applicable Municipal Code and City design standards and would be reviewed by the City and the OCFA to ensure that inadequate design features or incompatible uses do not occur. As such, the proposed project would not significantly contribute to a cumulative impact involving inadequate design features or incompatible uses. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN INADEQUATE EMERGENCY ACCESS.**

Impact Analysis: Cumulative projects could result in inadequate emergency access in the area. However, future projects would be required to comply with the City's development review process on a case-by-case basis, including review for compliance with the City's Zoning Code pertaining to maintaining/providing emergency access. New developments would also be required to comply with all applicable fire and building codes and ordinances for construction and access to the site during both construction and operational phases. Individual projects would be reviewed by the City and OCFA to determine the specific fire requirements applicable to the specific development and to ensure compliance with these requirements. This would ensure that new developments would provide adequate emergency access to and from the site. Further, the City and OCFA would review any modifications to existing roadways to ensure that adequate emergency access or emergency response would be maintained. Emergency response and evacuation procedures would be coordinated through the City in coordination with the OCSD and OCFA.

Future development associated with implementation of the Doheny Village Update would involve an increase in residential and non-residential development above existing conditions. As stated in the Impact Statement TRA-4 above, the project does not propose or approve any site-specific development project. Notwithstanding, future development on-site would be required to comply with the City's development review process, applicable Zoning Code regulations, as well as fire and building codes and ordinances for construction and access to the site during both construction and operational phases. As such, the project would not significantly contribute to a cumulatively considerable impact regarding emergency access and a less than significant impact would result in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

5.7.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to transportation have been identified.

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5.8 Air Quality

5.8 AIR QUALITY

This section addresses the potential air emissions generated by the construction and operation of the proposed project and impacts to air quality. The analysis also addresses the consistency of the proposed project with the air quality policies set forth within the South Coast Air Quality Management District's (SCAQMD) *2016 Air Quality Management Plan* (2016 AQMP). The analysis of project-generated air emissions focuses on whether the proposed project would cause an exceedance of an ambient air quality standard or SCAQMD significance thresholds. Air quality technical data is included in Appendix 11.7, *Air Quality/Greenhouse Gas Emissions/Energy Data*.

5.8.1 EXISTING SETTING

SOUTH COAST AIR BASIN

Geography

The City is located within the South Coast Air Basin (Basin), a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Gorgonio Pass area of Riverside County.

The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of air pollutants throughout the Basin.

Climate

The general region lies in the semipermanent high-pressure zone of the eastern Pacific. As a result, the climate is mild, tempered by cool sea breezes. The climate consists of a semiarid environment with mild winters, warm summers, moderate temperatures, and comfortable humidity. Precipitation is limited to a few winter storms. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The average annual temperature varies little throughout the Basin, averaging 75 degrees Fahrenheit (°F). However, with a less-pronounced oceanic influence, the eastern inland portions of the Basin show greater variability in annual minimum and maximum temperatures. All portions of the Basin have recorded temperatures over 100°F in recent years.

Although the Basin has a semi-arid climate, the air near the surface is moist due to the presence of a shallow marine layer. Except for infrequent periods when dry, continental air is brought into the Basin by offshore winds, the ocean effect is dominant. Periods with heavy fog are frequent, and low stratus clouds, occasionally referred to as "high fog," are a characteristic climate feature. Annual average relative humidity is 70 percent at the coast and 57 percent in the eastern part of the Basin. Precipitation in the Basin is typically 9 to 14 inches annually and is rarely in the form of snow or hail due to typically warm weather. The frequency and amount of rainfall is greater in the coastal areas of the Basin.

The height of the inversion is important in determining pollutant concentration. When the inversion is approximately 2,500 feet above sea level, the sea breezes carry the pollutants inland to escape over the mountain slopes or through the passes. At a height of 1,200 feet, the terrain prevents the pollutants from entering the upper atmosphere, resulting in a settlement in the foothill communities. Below 1,200 feet, the inversion puts a tight lid on pollutants, concentrating them in a shallow layer over the entire coastal basin. Usually, inversions are lower before sunrise than during the day. Mixing heights for inversions are lower in the summer and more persistent, being partly responsible for the high levels of ozone (O_3) observed during summer months in the Basin. Smog in southern California is generally the result of these temperature inversions combining with coastal day winds and local mountains to contain the pollutants for long periods of time, allowing them to form secondary pollutants by reacting with sunlight. The Basin has a limited ability to disperse these pollutants due to typically low wind speeds.

The area in which the project is located offers clear skies and sunshine yet is still susceptible to air inversions. These inversions trap a layer of stagnant air near the ground, where it is then further loaded with pollutants. These inversions cause haziness, which is caused by moisture, suspended dust, and a variety of chemical aerosols emitted by trucks, automobiles, furnaces, and other sources.

The City experiences average high temperatures of up to 80°F during the month of August, and average low temperatures of 43°F during the month of December. The annual average precipitation in the City is 13.93 inches. Rainfall occurs most frequently in February, with an average rainfall of 3.42 inches.[1]

LOCAL AMBIENT AIR QUALITY

The SCAQMD monitors air quality at 37 monitoring stations throughout the Basin. Each monitoring station is located within a Source Receptor Area (SRA). The communities within an SRA are expected to have similar climatology and ambient air pollutant concentrations. The project is located in the Capistrano Valley SRA (SRA 21). The monitoring station representative of the project area is the Mission Viejo – 26081 Via Pera monitoring station, located approximately 11.00 miles north of the project site. The air pollutants measured at Mission Viejo – 26081 Via Pera station include O_3, carbon monoxide (CO), particulate matter (PM_{10}), and fine particulates ($PM_{2.5}$). The closest monitoring station with nitrogen oxide (NO_2) air quality data is the Costa Mesa – Mesa Verde Drive monitoring station, located approximately 20.20 miles northwest of the project site. The air quality data monitored at the Mission Viejo – 26081 Via Pera and Costa Mesa – Mesa Verde Drive monitoring stations from 2017 to 2019 are presented in Table 5.8-1, *Measured Air Quality Levels*.

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions.

[1] The Weather Channel, *City of Dana Point, CA*, https://weather.com/weather/monthly/l/30f27507323e420667cee89aaf7ad7f310f7ebd718b06e2229f6d574813038a9, accessed September 8, 2020.

Table 5.8-1
Measured Air Quality Levels

Pollutant	Primary Standard		Year	Maximum Concentration[1]	Number of Days State/Federal Std. Exceeded
	California	Federal			
Carbon Monoxide (CO)[2] (1-Hour)	20 ppm for 1 hour	35 ppm for 1 hour	2017 2018 2019	1.402 ppm 1.197 0.963	0 / 0 0 / 0 0 / 0
Ozone (O_3)[2] (1-Hour)	0.09 ppm for 1 hour	N/A	2017 2018 2019	0.103 ppm 0.121 0.106	3 / 0 2 / 0 3 / 0
Ozone (O_3)[2] (8-Hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2017 2018 2019	0.084 ppm 0.088 0.088	27 / 25 10 / 9 11 / 11
Nitrogen Dioxide (NO_x)[3]	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2017 2018 2019	45.3 ppm * *	0 / * 0 / * 0 / *
Particulate Matter (PM_{10})[2,4,5]	50 µg/m^3 for 24 hours	150 µg/m^3 for 24 hours	2017 2018 2019	58.2 µg/m^3 55.6 45.1	1 / 0 1 / 0 0 / 0
Fine Particulate Matter ($PM_{2.5}$) [2,5]	No Separate State Standard	35 µg/m^3 for 24 hours	2017 2018 2019	19.5 µg/m^3 38.9 20.8	* / 0 * / 1 * / 0

ppm = parts per million
µg/m^3 = micrograms per cubic meter
NM = Not Measured
PM_{10} = particulate matter 10 microns in diameter or less
$PM_{2.5}$ = particulate matter 2.5 microns in diameter or less
NA = Not Applicable

Notes:
1. Maximum concentration is measured over the same period as the California Standard.
2. Measurements taken at the Mission Viejo – 26081 Via Pera Monitoring Station located at 26081 Vie Pera, Mission Viejo, California 92691.
3. Measurements taken at the Costa Mesa – Mesa Verde Drive Monitoring Station located at 2850 Mesa Verde Drive East, Costa Mesa, California 92626.
4. PM_{10} exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
5. PM_{10} and $PM_{2.5}$ exceedances are derived from the number of samples exceeded, not days.

Sources:
California Air Resources Board, i*ADAM Air Quality Data Statistics*, http://www.arb.ca.gov/adam/, accessed on April 20, 2021.
California Air Resources Board, *AQMIS Air Quality and Meteorological Information's Systems*, https://www.arb.ca.gov/aqmis2/aqdselect.php, accessed on April 20, 2021.

CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O_3). O_3 occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O_3 layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays. "Bad" O_3 is a photochemical pollutant, and needs volatile organic compounds (VOCs), nitrogen oxides (NO_X), and sunlight to form; therefore, VOCs and NO_X are O_3 precursors. To reduce O_3 concentrations, it is necessary to control the emissions of these O_3 precursors. Significant O_3 formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable

atmosphere with strong sunlight. High O_3 concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O_3 in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level O_3 (in the troposphere) can adversely affect the human respiratory system and other tissues. O_3 is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O_3. Short-term exposure (lasting for a few hours) to O_3 at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO_2). NO_X are a family of highly reactive gases that are a primary precursor to the formation of ground-level O_3 and react in the atmosphere to form acid rain. NO_2 (often used interchangeably with NO_X) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO_2 occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO_2 can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO_2 concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO_2 may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM_{10}). PM_{10} refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM_{10} arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM_{10} scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter ($PM_{2.5}$). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal $PM_{2.5}$ standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new $PM_{2.5}$ standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards.

On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for Federal $PM_{2.5}$ standards. On June 20, 2002, CARB adopted amendments for statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging. On July 8, 2016, EPA made a finding

that the South Coast has attained the 1997 24-hour and annual $PM_{2.5}$ standards based on 2011-2013 data. However, the Basin remains in nonattainment as the EPA has not determined that California has met the Federal Clean Air Act requirements for redesignating the Basin nonattainment area to attainment.

Sulfur Dioxide (SO_2). Sulfur dioxide (SO_2) is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with SO_X. Exposure of a few minutes to low levels of SO_2 can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O_3 to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include: carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O_3, which is a criteria pollutant. The SCAQMD uses the terms VOC and reactive organic gases (ROG) (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOCs, ROGs are also precursors in forming O_3 and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O_3, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC interchangeably.

SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools, and parks. Sensitive receptors in the project vicinity include residential uses, schools, and churches.

5.8.2 REGULATORY SETTING

FEDERAL LEVEL

U.S. Environmental Protection Agency

The EPA is responsible for implementing the Federal Clean Air Act (FCAA), which was first enacted in 1955 and amended numerous times after. The FCAA established federal air quality standards known as the National Ambient Air Quality Standards (NAAQS). These standards identify levels of air quality for "criteria" pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to Table 5.8-2 *National and California Ambient Air Quality Standards*.

STATE LEVEL

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 5.8-2, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMP's also serve as the basis for the preparation of the State Implementation Plan for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data show that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard, and are not used as a basis for designating areas as nonattainment.

Table 5.8-2
National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California[1]		Federal[2]	
		Standard[3]	Attainment Status	Standards[3,4]	Attainment Status
Ozone (O_3)	1 Hour	0.09 ppm (180 μg/m³)	**Nonattainment**	N/A	N/A[5]
	8 Hours	0.070 ppm (137 μg/m³)	**Nonattainment**	0.070 ppm (137 μg/m³)	**Nonattainment**
Particulate Matter (PM_{10})	24 Hours	50 μg/m³	**Nonattainment**	150 μg/m³	Attainment/Maintenance
	Annual Arithmetic Mean	20 μg/m³	**Nonattainment**	N/A	N/A
Fine Particulate Matter ($PM_{2.5}$)	24 Hours	No Separate State Standard		35 μg/m³	**Nonattainment**
	Annual Arithmetic Mean	12 μg/m³	**Nonattainment**	12.0 μg/m³	**Nonattainment**
Carbon Monoxide (CO)	8 Hours	9.0 ppm (10 mg/m³)	Attainment	9 ppm (10 mg/m³)	Attainment/Maintenance
	1 Hour	20 ppm (23 mg/m³)	Attainment	35 ppm (40 mg/m³)	Attainment/Maintenance
Nitrogen Dioxide (NO_2)[5]	Annual Arithmetic Mean	0.030 ppm (57 μg/m³)	N/A	53 ppb (100 μg/m³)	Attainment/Maintenance
	1 Hour	0.18 ppm (339 μg/m³)	Attainment	100 ppb (188 μg/m³)	Attainment/Maintenance
Lead (Pb)[7,8]	30 days Average	1.5 μg/m³	Attainment	N/A	N/A
	Calendar Quarter	N/A	N/A	1.5 μg/m³	**Nonattainment**
	Rolling 3-Month Average	N/A	N/A	0.15 μg/m³	**Nonattainment**
Sulfur Dioxide (SO_2)[6]	24 Hours	0.04 ppm (105 μg/m³)	Attainment	0.14 ppm (for certain areas)	Unclassified/Attainment
	3 Hours	N/A	N/A	N/A	N/A
	1 Hour	0.25 ppm (655 μg/m³)	Attainment	75 ppb (196 μg/m³)	N/A
	Annual Arithmetic Mean	N/A	N/A	0.30 ppm (for certain areas)	Unclassified/Attainment
Visibility-Reducing Particles[9]	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	**No Federal Standards**	
Sulfates	24 Hour	25 μg/m³	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 μg/m³)	Unclassified		
Vinyl Chloride[7]	24 Hour	0.01 ppm (26 μg/m³)	N/A		

μg/m³ = micrograms per cubic meter; ppm = parts per million; ppb = parts per billion; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; N/A = Not Applicable

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 μg/m³ is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
5. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
6. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of ppb. California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
7. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
8. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 μg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
9. In 1989, CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source: California Air Resources Board and U.S. Environmental Protection Agency, *Ambient Air Quality Standards chart,* http://www.arb.ca.gov/research/aaqs/aaqs2.pdf, May 4, 2016.

REGIONAL LEVEL

South Coast Air Quality Management Control District

The SCAQMD is one of 35 air quality management districts that have prepared AQMP's to accomplish a five-percent annual reduction in emissions. On March 3, 2017, the SCAQMD Governing Board approved the 2016 AQMP, which is a regional blueprint for achieving air quality standards and healthful air. The 2016 AQMP represents a new approach, focusing on available, proven, and cost-effective alternatives to traditional strategies, while seeking to achieve multiple goals in partnership with other entities promoting reductions in greenhouse gases and toxic risk, as well as efficiencies in energy use, transportation, and goods movement. The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories. The 2016 AQMP relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. These agencies (EPA, CARB, local governments, Southern California Association of Governments [SCAG] and the SCAQMD) are the primary agencies that implement the AQMP programs.

The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2016 AQMP utilized information and data from the SCAG's 2016-2040 *Regional Transportation Plan/Sustainable Communities Strategy* (2016-2040 RTP/SCS). While SCAG has recently adopted the 2020-2045 RTP/SCS, SCAQMD has not released an updated AQMP. The 2016 AQMP includes integrated strategies and measures to meet the NAAQS.

To ensure air quality goals will be met while maximizing benefits and minimizing adverse impacts to the regional economy, the following policy objectives have guided the development of the 2016 AQMP:

- Eliminate reliance on future technologies (FCAA Section 182(e)(5)) measures to the maximum extent feasible;
- Calculate and take credit for co-benefits from other planning efforts;
- Develop a strategy with fair-share emission reductions at the Federal, State, and local levels;
- Invest in strategies and technologies meeting multiple objectives regarding air quality, climate change, air toxics exposure, energy, and transportation;
- Identify and secure significant funding for incentives to implement early deployment and commercialization of zero and near-zero technologies;
- Enhance the socioeconomic analysis and pursue the most efficient and cost-effective path to achieve multi-pollutant and multi-deadline targets; and

- Prioritize enforceable regulatory measures as well as non-regulatory, innovative and "win-win" approaches for emission reductions.

SCAQMD is currently working on the next iteration of the AQMP, the *2022 Air Quality Management Plan* (2022 AQMP). The 2022 AQMP will incorporate the recently adopted SCAG's 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS). However, until the adoption of the 2022 AQMP, project AQMP consistency will be analyzed off the 2016 AQMP and the RTP/SCS that was adopted at the time, the 2016-2040 RTP/SCS.

In addition to the 2016 AQMP and its rules and regulations, the SCAQMD published the *CEQA Air Quality Handbook*. The SCAQMD *CEQA Air Quality Handbook* provides guidance to assist local government agencies and consultants in developing the environmental documents required by CEQA. With the help of the *CEQA Air Quality Handbook*, local land use planners and other consultants are able to analyze and document how proposed and existing projects affect air quality and should be able to fulfill the requirements of the CEQA review process. The SCAQMD is in the process of developing an *Air Quality Analysis Guidance Handbook* to replace the current *CEQA Air Quality Handbook* approved by the SCAQMD Governing Board in 1993.

Southern California Association of Governments

The SCAG 2016–2040 RTP/SCS was adopted on April 7, 2016. The 2016–2040 RTP/SCS reaffirms the land use policies that were incorporated into the 2012–2035 RTP/SCS. These foundational policies, which guided the development of the 2016–2040 RTP/SCS's strategies for land use, include the following:

- Identify regional strategic areas for infill and investment;
- Structure the plan on a three-tiered system of centers development;[2]
- Develop "Complete Communities";
- Develop nodes on a corridor;
- Plan for additional housing and jobs near transit;
- Plan for changing demand in types of housing;
- Continue to protect stable, existing single-family areas;
- Ensure adequate access to open space and preservation of habitat; and
- Incorporate local input and feedback on future growth.

The 2016–2040 RTP/SCS recognizes that transportation investments and future land use patterns are inextricably linked, and continued recognition of this close relationship will help the region make choices that sustain existing resources and expand efficiency, mobility, and accessibility for people across the region. In particular, the 2016–2040 RTP/SCS draws a closer connection between where people live and work, and it offers a blueprint for how southern California can grow more sustainably. The 2016–2040 RTP/SCS also includes strategies focused on compact infill development and

[2] Complete language: "Identify strategic centers based on a three-tiered system of existing, planned and potential relative to transportation infrastructure. This strategy more effectively integrates land use planning and transportation investment." A more detailed description of these strategies and policies can be found on pages 90–92 of the SCAG 2008 Regional Transportation Plan, adopted in May 2008.

economic growth by building the infrastructure the region needs to promote the smooth flow of goods and easier access to jobs, services, educational facilities, healthcare and more.

The 2016–2040 RTP/SCS states that the SCAG region was home to about 18.3 million people in 2012 and currently includes approximately 5.9 million homes and 7.4 million jobs.[3] By 2040, the integrated growth forecast projects that these figures will increase by 3.8 million people, with nearly 1.5 million more homes and 2.4 million more jobs. High Quality Transit Areas[4] (HQTAs) will account for 3 percent of regional total land but are projected to accommodate 46 percent and 55 percent of future household and employment growth respectively between 2012 and 2040. The 2016–2040 RTP/SCS overall land use pattern reinforces the trend of focusing new housing and employment in the region's HQTAs. HQTAs are a cornerstone of land use planning best practice in the SCAG region because they concentrate roadway repair investments, leverage transit and active transportation investments, reduce regional life cycle infrastructure costs, improve accessibility, create local jobs, and have the potential to improve public health and housing affordability.

The 2016–2040 RTP/SCS is expected to reduce per capita transportation GHG emissions by 8 percent by 2020 and 18 percent by 2035. This level of reduction would meet the region's GHG targets set by CARB of 8 percent per capita passenger vehicle GHG emissions by 2020 and exceed the region's GHG target set by CARB of 13 percent per capita passenger vehicle GHG emissions by 2035.[5,6] Furthermore, although there are no per capita GHG emission reduction targets for passenger vehicles set by CARB for 2040, the 2016–2040 RTP/SCS's GHG emission reduction trajectory shows that more aggressive GHG emission reductions are projected for 2040.[7] The 2016–2040 RTP/SCS would result in an estimated 21 percent decrease in per capita GHG emissions by 2040. By meeting and exceeding the SB 375 targets for 2020 and 2035, as well as achieving an approximately 21-percent decrease in per capita GHG emissions by 2040 (an additional 3-percent reduction in the five years between 2035 [18 percent] and 2040 [21 percent]), the 2016–2040 RTP/SCS is expected to fulfill and exceed its portion of SB 375 compliance with respect to meeting the State's GHG emission reduction goals.

In March 2018, CARB updated the SCAG SB 375 targets to require an 8-percent reduction per capita passenger vehicle GHG emissions by 2020 and a 19-percent reduction by 2035 in per capita passenger vehicle GHG emissions.[8] As this reduction target was updated after publication of the 2016-2040 RTP/SCS, it is expected that the next iteration of the RTP/SCS will be updated to include this target.

On September 3, 2020, the Regional Council of SCAG formally adopted the *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020–2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs

[3] 2016-2040 RTP/SCS population growth forecast methodology includes data for years 2012, 2020, 2035 and 2040.

[4] Defined by the 2016–2040 RTP/SCS as generally walkable transit villages or corridors that are within 0.5 mile of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours.

[5] Southern California Association of Governments, 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy, Executive Summary, p. 8, April 2016.

[6] These GHG reduction targets were established for SCAG by CARB and were effective through September 30, 2018. CARB has created new GHG reduction targets for SCAG, effective October 1, 2018 that will be addressed in the next iteration of the SCAG RTP/SCS (expected in December 2020).

[7] Southern California Association of Governments, Final Program Environmental Impact Report for 2016–2040, RTP/SCS, Figure 3.8.4-1, April 2016.

[8] California Air Resources Board, *SB 375 Regional Greenhouse Gas Emissions Reduction Targets, Final*, 2018.

from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita VMT: Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and -green regions.

LOCAL LEVEL

City of Dana Point General Plan

The Conservation/Open Space and Land Use Elements of the *Dana Point General Plan* (General Plan), include goals and policies pertaining to air quality within the City. The following goals and policies would be applicable to the project:

LAND USE ELEMENT

Goal 2: Incorporate noise considerations into land use planning decisions.

Policy 2.1**:** Establish acceptable limits of noise for various land uses throughout the community, in accordance with Table N-2 (Table 5.11-6).

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.6: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act/30250)

CONSERVATION/OPEN SPACE ELEMENT

Goal 5: Reduce air pollution through land use, transportation, and energy use planning.

Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

Policy 5.4: Provide commercial areas that are conducive to pedestrian and bicycle circulation.

Dana Point Municipal Code

Municipal Code Chapter 12.10, *Mobile Source Air Pollution Reduction Program*, establishes the Air Quality Improvement Trust Fund. The Air Quality Improvement Trust Fund is authorized to receive a portion of funds from motor vehicle registration to be expended on programs and projects aimed at reducing mobile-source emissions. As established in the City's Municipal Code, programs implemented by the City using funds utilized from the Air Quality Improvement Trust Fund shall be consistent with the California Clear Air Act of 1988, or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

5.8.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

REGIONAL AIR QUALITY

In its *CEQA Air Quality Handbook*, the SCAQMD has established significance thresholds to assess the impact of project related air pollutant emissions. Table 5.8-3, *SCAQMD Regional Pollutant Emission Thresholds of Significance*, presents these significance thresholds. There are separate thresholds for short-term construction and long-term operational emissions. A project with daily emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

Table 5.8-3
SCAQMD Regional Pollutant Emission Thresholds of Significance

Phase	Pollutant (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Construction	75	100	550	150	150	55
Operation	55	55	550	150	150	55
CO = carbon monoxide; VOC = volatile organic compounds; NO_X = nitrogen oxides; PM_{10} = particulate matter smaller than 10 microns; $PM_{2.5}$ = particulate matter smaller than 2.5 microns						
Source: South Coast Air Quality Management District, *CEQA Air Quality Handbook,* November 1993.						

LOCAL AIR QUALITY

Localized Significance Thresholds

Localized Significance Thresholds (LSTs) were developed in response to the SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (revised July 2008) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with proposed projects. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting CO, NO_X, PM_{10}, and $PM_{2.5}$. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways.

Localized CO

In addition, the project would result in a local air quality impact if the project results in increased traffic volumes that would result in an exceedance of the CO ambient air quality standards of 20 parts per million (ppm) for 1-hour CO concentration levels, and 9 ppm for 8-hour CO concentration levels. If the CO concentrations at potentially impacted intersections with the project are lower than the standards, then there is no significant impact. If future CO concentrations with the project are above the standard, then the project would have a significant local air quality impact.

Cumulative Emissions

The SCAQMD's 2016 AQMP was prepared to accommodate growth, meet State and Federal air quality standards, and minimize the fiscal impact that pollution control measures have on the local economy. According to the *CEQA Air Quality Handbook*, project-related emissions that fall below the established construction and operational thresholds should be considered less than significant unless there is pertinent information to the contrary.

If a project exceeds these emission thresholds, the *CEQA Air Quality Handbook* states that the significance of a project's contribution to cumulative impacts should be determined based on whether the rate of growth in average daily trips exceeds the rate of growth in population.

CEQA SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement AQ-4);

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (refer to Impact Statements AQ-1 and AQ-2);

c) Expose sensitive receptors to substantial pollutant concentrations (refer to Impact Statements AQ-3); and

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (refer to Impact State AQ-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.8.4 IMPACTS AND MITIGATION MEASURES
SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

AQ-1 SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE PROPOSED PROJECT COULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD.

Impact Analysis: The proposed project would allow up to 1,258 dwelling units, 364,902 square feet of commercial use, 251,533 square feet of industrial use, 68,599 square feet of office use, and 11,204 square feet of other nonresidential uses. In comparison to existing built conditions, project buildout would allow up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. Additionally, while the proposed project plans for less other nonresidential development compared to existing conditions, existing on-site uses would remain until future redevelopment is proposed at a later date. No demolition or development activities are proposed as part of the project.

The thresholds of significance recommended by the SCAQMD for construction emissions were developed for individual development projects. Construction-related emissions are described as short-term or temporary in duration and have the potential to represent a significant impact with respect to air quality. Implementation of the project (draft zoning map) would include three new zoning districts in Doheny Village. Some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes would likely spur both small- and large-scale redevelopment in Doheny Village. However, the project does not propose demolition or development activities.

As discussed above, the proposed project would not include demolition or development activities. However, future construction-related activities associated with build out of the proposed development within the Doheny Village area would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, excavation, grading, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). Future development within the Doheny Village area would be analyzed at a detailed level and be reviewed by the City to ensure that development occurs in a logical manner consistent with the project, General Plan, Municipal Code, and that additional environmental review is conducted under CEQA, as needed.

Because the project proposes future development but does not contain specific development proposals, construction-related emissions that may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process. Assuming relatively robust economic conditions over the next 25 years, construction activities would occur throughout the project area, but the rate of development cannot be predicted. Environmental review shall be carried out in accordance with the California Environmental Quality Act, State Environmental Impact Report Guidelines, City's Environmental Guidelines, and other applicable regulations. Future development projects would be required to comply with all applicable SCAQMD rules and regulations as well as other control

measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. Specifically, Mitigation Measure AQ-1 would require future projects within the project area to utilize construction equipment vehicles in proper condition and in tune per manufacturer's specifications to ensure ozone precursor emissions are reduced. Additionally, Mitigation Measure AQ-2 would require a Construction Management Plan and traffic control plan be prepared and implemented to reduce traffic congestion during future temporary construction activities, thus reducing construction-related air quality emissions. Compliance with existing SCAQMD regulations and Mitigation Measures AQ-1 and AQ-2 would ensure impacts in this regard are reduced to less than significant levels.

Mitigation Measures:

AQ-1 Prior to issuance of any grading permit for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), the City Planning Division shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.

AQ-2 Each development project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) shall submit a Construction Management Plan to the City Engineer prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a traffic control plan shall include, as deemed necessary by the City Engineer, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the traffic control plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

LONG-TERM (OPERATIONAL) AIR EMISSIONS

AQ-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN INCREASED IMPACTS PERTAINING TO OPERATIONAL AIR EMISSIONS.

Impact Analysis: Operational emissions generated by both stationary and mobile sources would result from normal daily activities on the project site after occupation (i.e., increased concentrations of ROG, NO_X, SO_X, PM_{10}, and CO). Mobile source emissions would be generated by the motor vehicles traveling to and from the project site. Stationary area source emissions would be generated by consumption of natural gas for space and water heating devices, operation of landscape maintenance equipment, potential machinery, and use of consumer products. Stationary energy

emissions would result from natural gas consumption associated with the project. Analysis of mobile emissions is based primarily upon traffic data provided by Linscott, Law & Greenspan, Engineers (refer to Appendix 11.7, *Air Quality/Greenhouse Gas/Energy Data)*. The analysis of daily operational emissions has been prepared utilizing the California Emissions Estimator Model Version 2016.3.2 (CalEEMod). CalEEMod model runs were conducted for both the existing conditions and the proposed project; refer to Appendix 11.7. Further, vehicle emission factors were taken from the 2017 CARB EMission FACtor (EMFAC2017) model.

Existing Operational Emissions

The existing project site encompasses a mix of residential, light industrial, commercial, retail, manufacturing, and institutional uses. Specifically, the existing Doheny Village area is comprised of approximately 137,729 square feet of general light industrial uses, 57,187 square feet of general office uses, 172,501 square feet of commercial uses, 273 low-rise multifamily dwelling units, 46,690 square feet of church uses, 13 single family detached homes, a 160 dwelling unit mobile home park, and approximately 101,300 square feet of other uses[9]. A CalEEMod model run was conducted to quantify the existing operational emissions from this developed area for the year 2045; refer to Table 5.8-4, *Existing Operational Air Emissions*. The year 2045 was selected in order to compare the operational emission difference between the existing site conditions (no change in land uses) and the proposed project build out. The CalEEMod model run relied on land-use information provided in the Transportation Impact Analysis. According to the Transportation Impact Analysis, the existing project site create approximately 12,656 mobile daily trips on weekdays and 13,861 daily trips on Saturdays.

Table 5.8-4
Existing Operational Air Emissions

Emissions Source	Pollutant (pounds/day)[1,2]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Existing Summer Emissions						
Area	140.02	9.68	263.79	0.58	34.27	34.27
Energy	0.42	3.68	2.33	0.2	0.29	0.29
Mobile	14.23	41.80	210.36	0.73	100.82	27.20
Total Existing Summer Emissions	**154.64**	**55.15**	**476.19**	**1.34**	**135.38**	**61.76**
Existing Winter Emissions						
Area	140.02	9.68	263.79	0.58	34.27	34.27
Energy	0.42	3.68	2.33	0.02	0.29	0.29
Mobile	14.90	44.13	205.09	0.71	100.82	27.20
Total Existing Winter Emissions	**155.31**	**57.48**	**470.92**	**1.31**	**135.38**	**61.76**

Notes:
1. Based on CalEEMod results, worst-case seasonal emissions have been modeled.
2. Refer to Appendix 11.7 for assumptions used in this analysis.

[9] Other land uses consist of boat storage, museum, fire station, daycare, athletic club, and bus storage.

Proposed Project Operational Emissions

The proposed project would allow for a zoning code update for a potential buildout of approximately 251,533 square feet of industrial uses, 68,599 square feet of office uses, 364,902 square feet of commercial uses, 1,258 dwelling units, and 11,204 square feet of church uses. Table 5.8-5, *Proposed Project Operational Air Emissions*, presents the anticipated project operational emissions. Project operational emissions were calculated using CalEEMod and an EMFAC2017 model run for the buildout year 2045. The buildout and operational year of 2045 was selected for consistency with the Transportation Impact Analysis. The proposed project would include operational emission reductions in part to Senate Bill 100 (100 percent renewable energy by 2045), Assembly Bill 341 (75 percent of solid waste generated to be reduced, recycled, or composted by 2020), and the most current building energy Efficiency Standards - Title 24 and the California Green Building Standards Code (CalGreen).

Table 5.8-5
Proposed Project Operational Air Emissions

Emissions Source	Pollutant (pounds/day)[1,2]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Project Summer Emissions						
Area	45.75	1.19	103.40	<0.01	0.58	0.58
Energy	0.66	5.78	3.22	0.04	0.46	0.46
Mobile	21.98	57.92	313.31	1.11	156.20	42.13
Total Summer Emissions	**68.39**	**64.89**	**419.93**	**1.15**	**157.24**	**43.17**
Project Winter Emissions						
Area	45.75	1.19	103.40	<0.01	0.58	0.58
Energy	0.66	5.78	3.22	0.04	0.46	0.46
Mobile	23.6	61.11	305.11	1.07	156.2	42.13
Total Winter Emissions	**69.48**	**68.09**	**411.73**	**1.11**	**157.24**	**43.17**

Notes:
1. Based on CalEEMod results, worst-case seasonal emissions have been modeled.
2. Refer to Appendix 11.7 for assumptions used in this analysis.

Project Net Operational Emissions

Table 5.8-6, *Net Long-Term Operational Air Emissions* presents the project's net operational emissions. The net operation emissions were calculated by subtracting the existing use emissions (Table 5.8-4) from the proposed project emissions (Table 5.8-5). As shown in Table 5.8-6, the proposed project would create a net decrease in operational pollutants besides NO_X and PM_{10}.

MOBILE SOURCE EMISSIONS

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents

readily transport SO_X, PM_{10}, and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod and an EMFAC2017 model run for the buildout year 2045. This model predicts ROG, CO, SO_X, NO_X, PM_{10}, and $PM_{2.5}$ emissions from motor vehicle traffic associated with new or modified land uses; refer to Appendix 11.2. According to the Transportation Impact Analysis, the proposed project would generate 19,912 daily trips on the weekdays and 21,479 daily trips on Saturdays. Table 5.8-6 presents the anticipated net mobile source emissions. As seen in Table 5.8-6, the project would increase the mobile NO_X and PM_{10} emissions over the existing conditions. However, these increased emissions would be below the SCAQMD thresholds. As such, a less than significant impact would occur due to the proposed project operational mobile emissions

Table 5.8-6
Net Long-Term Operational Air Emissions

Emissions Source	Pollutant (pounds/day)[1,3]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Net Project Operational Emissions						
Net Summer Emissions[4]						
Area	-94.24	-8.49	-160.10	-0.58	-33.69	-33.69
Energy	0.24	2.1	0.89	-0.16	0.17	0.17
Mobile	7.75	16.12	102.95	0.38	55.38	14.93
Net Summer Emissions[5]	**-86.25**	**9.74**	**-56.26**	**-0.19**	**21.86**	**-18.59**
Significance Threshold[2]	*55*	*55*	*550*	*150*	*150*	*55*
Is Threshold Exceeded? (Significant Impact?)	***No***	***No***	***No***	***No***	***No***	***No***
Net Winter Emissions[4]						
Area	-94.24	-8.49	-160.10	-0.58	-23.69	-33.69
Energy	0.24	2.10	0.89	0.02	0.17	0.17
Mobile	8.16	16.99	100.02	0.36	55.38	14.93
Net Winter Emissions[5]	***-85.83***	***10.61***	***-59.19***	***-0.2***	***21.86***	***-18.59***
Significance Threshold[2]	*55*	*55*	*550*	*150*	*150*	*55*
Is Threshold Exceeded? (Significant Impact?)	***No***	***No***	***No***	***No***	***No***	***No***

Notes:
1. Based on CalEEMod modeling results, worst-case seasonal emissions for area and mobile emissions have been modeled.
2. Regional daily thresholds are based on the SCAQMD significance thresholds.
3. Refer to Appendix 11.2, *Air Quality, Energy, and Greenhouse Gas Data*, for assumptions used in this analysis.
4. Project operational emissions were modeled with the buildout year of 2045, consistent with the Transportation Traffic Analysis.
5. The net summer and winter emissions represent the net increase or decrease in operational air emissions from the existing conditions within the Doheny Village Area (values from within Table 5.2-5 were subtracted from the mitigated project operational emissions found within the project CalEEMod model run; refer to Appendix 11.2)

AREA SOURCE EMISSIONS

Area source emissions are generated from consumer products, architectural coating, landscaping, and hearths (wood stoves and fireplaces). On March 7, 2008, SCAQMD adopted Rule 445. SCAQMD Rule 445 prohibits the permanent installation of a wood-burning device in any residential development that begun construction on March 9, 2009. However, residential development prior to this date may

still include hearths. Thus, the CalEEMod defaults for wood burning devices were selected for the existing CalEEMod run. The proposed project buildout CalEEMod run did not include hearths as future development would be required to comply with SCAQMD Rule 445. As indicated in Table 5.8-6, the project would have a net reduction in area source emissions and would not exceed SCAQMD thresholds for ROG, CO, SO_X, NO_X, PM_{10}, and $PM_{2.5}$. Therefore, operational area emissions for all criteria pollutants would be below the SCAQMD's significance thresholds.

ENERGY SOURCE EMISSIONS

Energy source emissions (i.e., generated at the site of the power generation source) would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. It should be noted that the project would comply with the most current version of the California Building Code, Title 24 standards which would further reduce the proposed project's energy use. As indicated in Table 5.8-6, the project's net energy source emissions would not exceed SCAQMD thresholds.

OPERATIONAL EMISSIONS CONCLUSION

As shown in Table 5.8-6, the proposed project net operational emissions would not exceed the SCAQMD regional thresholds for ROG, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$. Furthermore, individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. Therefore, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

LOCALIZED EMISSIONS

AQ-3 DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN LOCALIZED EMISSIONS IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Impact Analysis:

LOCALIZED SIGNIFICANCE THRESHOLDS

LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised October 2009]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting CO, NO_X, $PM_{2.5}$, or PM_{10}. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The project site is located within SRA 21.

Construction

As described above, the project does not include any planned demolition or development. Individual development projects within Doheny Village would occur in incremental phases over time. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze LSTs. Additionally, future development projects would be required to comply with all applicable SCAQMD rules and regulations as well as other control measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. As such, impacts in this regard would be less than significant with mitigation incorporated.

Operational

According to SCAQMD localized significance threshold methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). The proposed project proposes light industrial uses that might include extended periods of queuing and idling at site. However, individual development projects within Doheny Village would occur in incremental phases over time. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze operational LSTs. Furthermore, as show in Table 5.8-6, net operational emissions for all criteria pollutants would be below the SCAQMD's significance thresholds. Thus, impacts would be less than significant.

CARBON MONOXIDE HOTSPOTS

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

The Basin is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. Nationwide estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions.[10] CO emissions have continued to decline since this time. The Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

A detailed CO analysis was conducted in the Federal Attainment Plan for Carbon Monoxide (CO Plan) for the SCAQMD's *2003 Air Quality Management Plan*, which is the most recent AQMP that addresses CO concentrations. The locations selected for microscale modeling in the CO Plan are worst-case intersections in the Basin and would likely experience the highest CO concentrations.

[10] United States Environmental Protection Agency, *Carbon Monoxide Emissions*, https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=10, accessed by September 8, 2020.

Thus, CO analysis within the CO Plan is utilized in a comparison to the proposed project, since it represents a worst-case scenario with heavy traffic volumes within the Basin.

Of these locations, the Wilshire Boulevard/Veteran Avenue intersection in Los Angeles experienced the highest CO concentration (4.6 parts per million [ppm]), which is well below the 35-ppm 1-hr CO Federal standard. The Wilshire Boulevard/Veteran Avenue intersection is one of the most congested intersections in Southern California with an ADT volume of approximately 100,000 vehicles per day. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection, it can be reasonably inferred that CO hotspots would not be experienced at any intersections within the City near the project site due to the comparatively net volume of traffic (7,256 net daily trips during the weekdays and 7,618 net daily trips on Saturdays within the entire project area) that would occur as a result of project implementation. Furthermore, the highest hourly recorded CO value at the Mission Viejo – 26081 Via Pera monitoring station between 2016 and 2019 was 1.402 ppm, which is well below the 35-ppm 1-hour CO Federal Standard. Therefore, impacts would be less than significant in this regard.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, O_3 precursors VOCs and NO_x affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD,[11] the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD),[12] SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example is correlated with the increases in ambient level of ozone in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The

11 South Coast Air Quality Management District, *Application of the South Coast Air Quality Management District for Leave to File Brief of Amicus Curiae in Support of Neither Party and Brief of Amicus Curiae. In the supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

12 San Joaquin Valley Air Pollution Control District, *Application for Leave to File Brief of Amicus Curiae Brief of San Joaquin Valley Unified Air Pollution Control District in Support of Defendant and Respondent, County of Fresno and Real Party In Interest and Respondent, Friant Ranch, L.P. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

SCAQMD states that based on their own modeling in the SCAQMD's *2012 Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO_X and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_X or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. As such, for the purpose of this analysis, since the project would not exceed SCAQMD regional thresholds for operational air emissions, the project would have a less than significant impact for air quality health impacts as well.

Health Risk Assessment

The Doheny Village area is located in proximity to Interstate 5 (I-5), a regionally significant freeway with high volumes of vehicle trips, including heavy-duty trucks. According to SCAQMD and CARB, siting sensitive receptors within 500 feet of a major freeway can greatly increase the potential cancer risk from diesel particulate matter (DPM), as air pollution levels can be significantly higher within 500 feet of a freeway. CARB studies have shown that a downwind distance of 984 feet or more would reduce relative DPM concentrations by over 80 percent.[13] As discussed above, the proposed project would not include specific development. Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. Potential residential development may occur within 500 feet of I-5, which may expose sensitive receptors to elevated levels of air pollution. Therefore, development within the Doheny Village area would be required to comply with Mitigation Measure AQ-3. Mitigation Measure AQ-3 requires that proposed residential development that would be sited within 500 feet of I-5 shall conduct a Health Risk Assessment (HRA) in accordance with SCAQMD, California Office of Environmental Health hazard Assessment (OEHHA), and CARB guidance.

Furthermore, individual proposed development projects within Doheny Village would be required to comply with the most current version of the Title 24 and CalGreen Code. Currently, these codes require that newer construction include building filtration systems with Minimum Efficiency Report Value (MERV) 13 or higher. MERV13 filters help reduce particulate matter (PM) emissions that are over 1.0 micrometer (μm)($PM_{2.5}$ and PM_{10}) by approximately 85 percent. Thus, with implementation of Mitigation Measure AQ-3, potential health risk impacts due to development within the project would be less than significant.

Mitigation Measures: Mitigation Measures AQ 1 and AQ-2 and;

AQ-3 The City of Dana Point shall require applicants of future residential developments within the Doheny Village Zoning District to conduct a Health Risk Assessment (HRA) in accordance with South Coast Air Quality Management District (SCAQMD), the California Office of Environmental Health hazard Assessment (OEHHA), and California Air Resources Board (CARB) recommended guidance as part of the environmental review process if any portion of a proposed residential development is sited within 500 feet of Interstate 5 (I-5).

[13] South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

CONSISTENCY WITH REGIONAL PLANS

AQ-4 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

Impact Analysis: On March 3, 2017, the SCAQMD Governing Board adopted the 2016 AQMP. The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2016 AQMP utilized information and data from the SCAG and its 2016-2040 RTP/SCS. While SCAG has recently adopted the 2020-2045 RTP/SCS, SCAQMD has not released an updated AQMP. As such, this consistency analysis is based off the 2016 AQMP and the RTP/SCS that was adopted at the time, the 2016-2040 RTP/SCS. According to the SCAQMD's CEQA Air Quality Handbook, two main criteria must be addressed.

CRITERION 1

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

a) Would the project result in an increase in the frequency or severity of existing air quality violations?

Since the consistency criteria identified under the first criterion pertain to pollutant concentrations, rather than to total regional emissions, an analysis of a project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency.

As discussed in Impact Statement AQ-1, the program-level emissions associated with the future development within Doheny Village would be required to comply with current SCAQMD regulatory requirements to ensure thresholds for CO, NO_X, PM_{10}, and $PM_{2.5}$ are not exceeded. It is noted that the SCAQMD thresholds are intended to evaluate the air quality impacts from individual development projects, and do not apply to plan-level projects such as the project. These individual development projects within the Doheny Village would be required to undergo environmental review pursuant to CEQA. Furthermore, these future developments would comply with Mitigation Measures AQ-1 and AQ-2, as well as all applicable SCAQMD Rules and Regulations. Because ROGs are not a criteria pollutant, there is no ambient standard or localized threshold for ROGs. Due to the role ROG plays in O_3 formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established.

b) Would the project cause or contribute to new air quality violations?

As discussed above in Impact Statement AQ-2, the proposed project would result in emissions that would be below the SCAQMD's thresholds for regional operational emissions.

Therefore, the proposed project would not have the potential to cause or affect a violation of the ambient air quality standards with mitigation incorporated.

c) *Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?*

As discussed above, the project would not include any demolition or development. Future individual development projects within Doheny Village would be required to undergo environmental review pursuant to CEQA, as well as comply with Mitigation Measures AQ-1 and AQ-2 and all applicable SCAQMD Rules and Regulations. Further, as discussed in Impact Statement AQ-3, with incorporation of Mitigation Measures AQ-3, the project would result in less than significant impacts with regard to operational localized air emission concentrations and health risk impacts. As such, the project would not delay the timely attainment of air quality standards or 2016 AQMP emissions reductions.

CRITERION 2

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the project exceeds the assumptions utilized in preparing the forecasts presented in the 2016 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

a) *Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?*

A project is consistent with the 2016 AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the 2016 AQMP. In the case of the 2016 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the General Plan, SCAG's regional growth forecast, and the SCAG 2016-2040 RTP/SCS. The 2016-2040 RTP/SCS also provides socioeconomic forecast projections of regional population growth.

The goal of the proposed project is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed-uses in Doheny Village. The project proposes the following three new zoning districts specific to the project area as illustrated on Exhibit 3-5, *Doheny Village Zoning District Update*. Specifically, some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes would likely spur both small- and large-scale redevelopment in Doheny Village. As such, the proposed project would require a Zoning Code amendment to allow for the new zoning districts. The project proposes to be comprehensively integrated into the City's Municipal Code. Table 3-2, *Doheny Village Development Standards*, details the proposed development standards for each new zoning district.

Furthermore, the project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site, specifically, development intensity and density standards. The proposed land use designations, intensities, and densities are detailed in Exhibit 3-7, *Doheny Village Land Use Designations*. Additionally, given that portions of Doheny Village are located within the coastal zone, a Local Coastal Program (LCP) Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the California Coastal Commission.

As demonstrated in Table 5.1-1, *General Plan Consistency Analysis*, the proposed project is determined to be consistent with the relevant General Plan policies. Thus, with approval of the Zoning Code, General Plan Amendment, and LCP Amendment the project would be consistent with the types, intensity, and patterns of land use envisioned for the site vicinity in the 2016-2040 RTP/SCS. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review. As concluded in Section 6.3, *Growth-Inducing Impacts*, the forecast population and household growth attributed to the project is considered less than significant. Additionally, project implementation would not cause SCAG's 2045 employment forecast for the City to be exceeded or conflict with SCAG's employment forecasts. As the SCAQMD has incorporated these same projections into the 2016 AQMP, it can be concluded that the project would be consistent with the projections.

b) Would the project implement all feasible air quality mitigation measures?

Demolition and development activities are not proposed as part of the project. Future individual development projects within Doheny Village would be required to comply with all applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions controlled by regular watering or other dust prevention measures and Rule 1113 that regulates the ROG content of paint. Further, as discussed above, the future individual development projects within Doheny Village would comply with Mitigation Measures AQ-1 through AQ-3. As such, the proposed project meets this AQMP consistency criterion.

c) Would the project be consistent with the land use planning strategies set forth in the AQMP?

Land use planning strategies set forth in the 2016 AQMP are primarily based on the 2016-2040 RTP/SCS. The purpose of the project and planning effort is to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. The proposed Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Lastly, The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and

commercial or residential uses above non-residential space. These districts would allow for higher density mixed-use residential projects (30-50 dwelling units per acre).

Additionally, the project would be consistent with the General Plan Land Use Element Policy 3.6 by encouraging patterns of development necessary to minimize air pollution and vehicle miles traveled, as well the General Plan Conservation/Open Space Element Policy 5.2 and 5.4 by encouraging multi-family developments close to commercial areas and by providing commercial areas that are conducive to pedestrian and bicycle orientation. Therefore, the project would be consistent with the actions and strategies of the 2016-2040 RTP/SCS, as the project would promote high density residential zoning within a mixed-use infill area. In addition, as discussed above, the project would be consistent with the General Plan land use designation upon approval of a General Plan Amendment. Furthermore, the project would be consistency with the SCAG 2016-2040 RTP/SCS and the 2016 AQMP. As such, the proposed project meets this AQMP consistency criterion.

In conclusion, the determination of 2016 AQMP consistency is primarily concerned with a project's long-term influence on the Basin's air quality. The project would not result in a long-term impact on the region's ability to meet State and Federal air quality standards. Also, the project would be consistent with the 2016 AQMP's goals. As discussed above, the project's long-term influence would also be consistent with the SCAQMD and SCAG's goals and policies and is, therefore, considered consistent with the 2016 AQMP. Impacts associated with compliance with the 2016 AQMP would be less than significant with mitigation incorporated.

Mitigation Measures: Refer to Mitigation Measures AQ-1 through AQ-3.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

AQ-5 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE.

Impact Analysis: According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project may include future development uses identified by the SCAQMD as being associated with odors.

The proposed project does not include any demolition or development. Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. Construction activities associated with these developments may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, these construction-related odors would be analyzed on a case-by-case basis. In addition, developments within Doheny Village would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would further reduce the detectable odors from heavy-duty equipment exhaust. Developments within the Doheny Village area would also comply with the

SCAQMD Regulation XI, *Rule 1113 – Architectural Coating*, which would minimize odor impacts from ROG emissions during architectural coating. Thus, odors associated with project construction would be less than significant.

Potential operational airborne odors could be created by cooking activities associated with the commercial (i.e., food service) uses within Doheny Village. These odors would be similar to existing residential and food service uses throughout the City and would be confined to the immediate vicinity of the new buildings. Restaurants are also typically required to provide ventilation systems that avoid substantial adverse odor impacts. The other potential source of odors would be new waste receptacles within the community. The receptacles would be stored in areas and in containers, as required by City (Municipal Code Section 6.10, *Integrated Waste Management*) and Orange County Health Department regulations, and be emptied on a regular or weekly basis, before potentially substantial odors have developed. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis and each project would be required to analyze potential operational odor impacts. As such, the project would have a less than significant operational odor impact.

Mitigation Measures: No mitigation is required.

Level of Significance: Less Than Significant Impact.

5.8.5 CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

- **SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS, COULD RESULT IN INCREASED AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO INCREASED POLLUTANT CONCENTRATIONS.**

Impact Analysis: The SCAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The SCAQMD significance thresholds for construction are intended to meet the objectives of the 2016 AQMP to ensure the NAAQS and CAAQS are not exceeded. As the project applicant has no control over the timing or sequencing of the related projects, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. In addition, construction-related criteria pollutant emissions are temporary in nature and cease following project completion.

Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted 2016 AQMP

emissions control measures) would also be imposed on construction projects throughout the Basin, which would include each of the related projects listed in Section 4.0, *Basis of Cumulative Analysis*. Based on the programmatic-level construction analysis above, construction-related emissions associated with future development projects within Doheny Village and surrounding area would be required to comply with the applicable SCAQMD rules and regulations, as well as Mitigation Measures AQ-1 and AQ-2. Therefore, the project would not result in cumulatively considerable impacts regarding construction air quality emissions.

Mitigation Measures: Refer to Mitigation Measures AQ-1 and AQ-2.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

LONG-TERM (OPERATIONAL) AIR EMISSIONS

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN INCREASED IMPACTS PERTAINING TO OPERATIONAL AIR EMISSIONS.**

Impact Analysis: The SCAQMD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The SCAQMD's approach for assessing cumulative impacts is based on the SCAQMD's 2016 AQMP forecasts of attainment of NAAQS in accordance with the requirements of the Federal and State CAAs. This forecast also takes into account SCAG's 2016 AQMP forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether the proposed project is consistent with the growth assumptions upon which the SCAQMD's 2016 AQMP is based. If the project is consistent with the growth assumptions, then future development would not impede the attainment of NAAQS and a significant cumulative air quality impact would not occur.

As discussed above, the proposed project would not result in long-term air quality impacts, as the project's operational emissions would not exceed the SCAQMD adopted operational thresholds. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Emission reduction technology, strategies, and plans are constantly being developed. Mitigation Measure AQ-3 would require that proposed residential development that would be sited within 500 feet of I-5 shall conduct an HRA in accordance with SCAQMD, OEHHA, and CARB guidance. With implementation of Mitigation Measure AQ-3, potential health risk impacts due to development within the project area would be less than significant. As a result, the proposed project would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant or expose sensitive receptors to potentially significant health risk impacts. Therefore, cumulative operational impacts associated with the implementation of the proposed project would be less than significant with mitigation incorporated.

Mitigation Measures: Refer to Mitigation Measure AQ-3.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

CUMULATIVE ODOR IMPACTS

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND RELATED PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE ODOR IMPACTS.**

Impact Analysis: Cumulative development would not have a potentially significant impact in terms of the creation of objectionable odors affecting a substantial number of people. Thus, this is considered to be a less than significant cumulative impact. Development anticipated within the project would include residential, industrial, and commercial uses and could include restaurants. Odors resulting from the construction of projects that would occur within the Doheny Village Area are not likely to affect a substantial number of people, since construction activities occur in a limited area and do not usually emit odors that are considered offensive. Other odor impacts resulting from these projects are also not expected to affect a substantial amount of people, as solid waste from these projects would be stored in areas and in containers as required by City regulations and restaurants are typically required to have ventilation systems that avoid substantial adverse odor impacts.

Further, the threshold is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, *Nuisance*, which include facilities such as agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project may include future development uses identified by the SCAQMD as being associated with odors. However, demolition or development is not proposed as a part of the project. Individual development projects within Doheny Village would occur in incremental phases over time and exact details of each project would be evaluated by the City on a case-by-case basis. The individual developments would be required to analyze odors and mitigate any potential odor impacts. Thus, implementation of the project would not result in significant or highly objectionable odor. Cumulative odor impacts would thus be less than significant.

Mitigation Measures: No mitigation is required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE CARBON MONOXIDE HOTSPOTS

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND RELATED PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE CARBON MONOXIDE HOTSPOT IMPACTS.**

Impact Analysis: Cumulative development is not expected to expose sensitive receptors to substantial pollutant concentrations such as CO hotspots. Future ambient CO concentrations resulting from the project would be substantially below National and State standards, as the highest hourly recorded CO value at the Mission Viejo – 26081 Via Pera monitoring station between 2016 and 2019 was 1.402 ppm, which is well below the 35-ppm 1-hour CO Federal Standard. Therefore, the project's contribution would not be cumulatively considerable, and the cumulative impact would be less than significant.

Mitigation Measures: No mitigation is required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE CONSISTENCY WITH APPLICABLE AIR QUALITY PLAN

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND RELATED PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE INCONSISTENCIES WITH THE APPLICABLE AIR QUALITY PLAN.**

Impact Analysis: As analyzed above, operational concentrations of criteria air pollutants, including CO, NO_X, PM_{10}, and $PM_{2.5}$, under the project would be lower than existing conditions. Therefore, the project would not result in an increase in the frequency or severity of existing air quality violations. Further, the project would be consistent with the SCAQMD and SCAG's goals and policies (refer to Table 5.1-3). In addition, the growth anticipated by the project would be consistent with SCAG's growth forecast, and therefore is consistent with the 2016 AQMP. As such, impacts associated with the project in this regard would not be cumulatively considerable. Cumulative impacts would be less than significant.

Mitigation Measures: No mitigation is required.

Level of Significance: Less Than Significant Impact.

5.8.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to air quality have been identified.

5.9 Greenhouse Gas Emissions

5.9 GREENHOUSE GAS EMISSIONS

This section evaluates greenhouse gas (GHG) emissions associated with the proposed project and analyzes project compliance with applicable regulations. Consideration of the project's consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is included in this section. GHG technical data is included as Appendix 11.7, *Air Quality/Greenhouse Gas Emissions/Energy Data*.

5.9.1 EXISTING SETTING

The City of Dana Point (City) lies within the southern portion of the South Coast Air Basin (Basin). The Basin is a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Gorgonio Pass area in Riverside County. The Basin's terrain and geographical location (i.e., a coastal plain with connecting broad valleys and low hills) determine its distinctive climate.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific. The climate is mild and tempered by cool sea breezes. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin.

SCOPE OF ANALYSIS FOR CLIMATE CHANGE

The study area for climate change and the analysis of GHG emissions is broad as climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the *CEQA Guidelines* [Section 15064(d)], which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact which may be caused by the project.

The baseline against which to compare potential impacts of the project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 70 percent between 1970 and 2004. The State of California is leading the nation in managing GHG emissions. Accordingly, the impact analysis for this project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).

GLOBAL CLIMATE CHANGE – GREENHOUSE GASES

The natural process through which heat is retained in the troposphere is called the "greenhouse effect."[1] The greenhouse effect traps heat in the troposphere through a threefold process as follows: Short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHG in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This "trapping" of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and carbon dioxide (CO_2). Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a Global Warming Potential (GWP) for each GHG based on its ability to absorb and re-radiate long wave radiation. GHGs normally associated with development projects include the following:[2]

- Water Vapor (H_2O). Although water vapor has not received the scrutiny of other GHGs, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers, and transpiration from plants, contribute 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human related source of water vapor comes from fuel combustion in motor vehicles; however, it does not contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor. The IPCC has not determined a GWP for water vapor.

- Carbon Dioxide (CO_2). Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, CO_2 emissions from fossil fuel combustion increased by a total of 3.7 percent between 1990 and 2018.[3] Carbon dioxide is the most widely emitted GHG and is the reference gas (GWP of 1) for determining GWPs for other GHGs.

- Methane (CH_4). Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The United States' top three methane sources are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, used for space and water heating, steam production, and power generation. The GWP of methane is 25.

- Nitrous Oxide (N_2O). Nitrous oxide is produced by both natural and human related sources. Primary human related sources include agricultural soil management, animal manure

[1] The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth's surface to 10 to 12 kilometers.

[2] All GWPs are given as 100-year GWP. Generally, GWPs were obtained from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (AR4), with the addition of GWPs from the IPCC's Fifth Assessment Report for fluorinated GHGs that did not have GWPs in the AR4.

[3] United States Environmental Protection Agency, *Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2018*, 2020, https://www.epa.gov/sites/production/files/2020-04/documents/us-ghg-inventory-2020-main-text.pdf accessed September 9, 2020.

management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 298.

- Hydrofluorocarbons (HFCs). Typically used as refrigerants for both stationary refrigeration and mobile air conditioning, use of HFCs for cooling and foam blowing is increasing, as the continued phase out of chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year GWP of HFCs range from 12 for HFC-161 to 14,800 for HFC-23.

- Perfluorocarbons (PFCs). PFCs are compounds consisting of carbon and fluorine and are primarily created as a byproduct of aluminum production and semiconductor manufacturing. PFCs are potent GHGs with a GWP several thousand times that of CO_2, depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years). The GWP of PFCs range from 7,390 to 12,200.

- Sulfur hexafluoride (SF_6). SF_6 is a colorless, odorless, nontoxic, nonflammable gas. SF_6 is the most potent GHG that has been evaluated by the IPCC with a GWP of 22,800. However, its global warming contribution is not as high as the GWP would indicate due to its low mixing ratio compared to CO_2 (4 parts per trillion [ppt] in 1990 versus 365 ppm, respectively).

In addition to the six major GHGs discussed above (excluding water vapor), many other compounds have the potential to contribute to the greenhouse effect. Some of these substances were previously identified as stratospheric ozone (O_3) depletors; therefore, their gradual phase out is currently in effect. The following is a listing of these compounds:

- Hydrochlorofluorocarbons (HCFCs). HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, all developed countries that adhere to the Montreal Protocol are subject to a consumption cap and gradual phase out of HCFCs. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year GWPs of HCFCs range from 77 for HCFC-123 to 2,310 for HCFC-142b.

- 1,1,1 trichloroethane. 1,1,1 trichloroethane or methyl chloroform is a solvent and degreasing agent commonly used by manufacturers. The GWP of methyl chloroform is 146 times that of CO_2.

- Chlorofluorocarbons (CFCs). CFCs are used as refrigerants, cleaning solvents, and aerosols spray propellants. CFCs were also part of the U.S. Environmental Protection Agency's (EPA) Final Rule (57 Federal Register [FR] 3374) for the phase out of O_3 depleting substances. Currently, CFCs have been replaced by HFCs in cooling systems and a variety of alternatives for cleaning solvents. Nevertheless, CFCs remain suspended in the atmosphere contributing to the greenhouse effect. CFCs are potent GHGs with 100-year GWPs ranging from 4,750 for CFC-11 to 14,400 for CFC-13.

5.9.2 REGULATORY SETTING

FEDERAL LEVEL

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007. The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.

- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.

- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding. The EPA authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (carbon dioxide [CO_2], methane [CH_4], nitrous oxide [N_2O], hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF_6]) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards. In response to the U.S. Supreme Court ruling discussed above, the George W. Bush Administration issued Executive Order 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency

and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO_2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

Presidential Executive Order 13783. Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), orders all federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of carbon, nitrous oxide, and methane.

STATE LEVEL

Various statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term.

Executive Order S-1-07. Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32. The development of the 2017 Scoping Plan Update has identified the LCFS as a regulatory measure to reduce GHG emissions to meet the 2030 emissions target. In calculating statewide emissions and targets, the 2017 Scoping Plan Update has assumed the LCFS be extended to an 18-percent reduction in carbon intensity beyond 2020. On September 27, 2018, CARB approved a rulemaking package that amended the Low Carbon Fuel Standard to relax the 2020 carbon intensity reduction from 10 percent to 7.5 percent and to require a carbon intensity reduction of 20 percent by 2030.

Executive Order S-3-05. Executive Order S-3-05 set forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary also submits biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team, made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Executive Order S-13-08. Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of the State's first climate adaptation strategy. This Executive Order results in consistent guidance from experts on how to address climate change impacts in the State of California.

Executive Order S-14-08. Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the "Renewable Electricity Standard" on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Assembly Bill 1493. AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State." To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. The near-term standards were intended to achieve a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards were intended to achieve a reduction of about 30 percent.

Assembly Bill 32 (California Global Warming Solutions Act of 2006). California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve

quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 32 (SB 32). Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

Senate Bill 100 (SB 100). SB 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, 60 percent by December 31, 2030, and 100 percent by December 31, 2045. The bill would require the California Public Utilities Commission (CPUC), CEC, state board, and all other state agencies to incorporate that policy into all relevant planning. In addition, SB 100 would require the CPUC, CEC, and state board to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every 4 years thereafter, that includes specified information relating to the implementation of the policy.

CARB Scoping Plan. On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve the California GHG reductions required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California would implement to reduce the projected 2020 "Business-as-Usual" (BAU) emissions to 1990 levels, as required by AB 32. These strategies are intended to reduce CO_2e emissions by 174 million metric tons. This reduction of 42 million metric tons carbon dioxide equivalent ($MTCO_2e$), or almost ten percent from 2002 to 2004 average emissions, would be required despite the population and economic growth forecasted through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as those expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. When CARB's Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks

beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals in water, waste, natural resources, clean energy, transportation, and land use.

On January 20, 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy. The Second Update was finalized in November 2017 and approved on December 14, 2017 and reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The 2017 Scoping Plan Update establishes a new statewide emissions limit of 260 million $MTCO_2e$ for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030. The 2017 Scoping Plan Update contains the following goals:

1. SB 350

    - Increases renewable electricity procurement goal from 33 percent to 50 percent by 2030.
    - Doubling of energy efficiency savings by 2030.

2. Low Carbon Fuel Standard (LCFS)

    - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).

3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)

    - Maintaining existing GHG standards for light- and heavy-duty vehicles.
    - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
    - Increase ZEV buses, delivery and other trucks.

4. Sustainable Freight Action Plan

    - Improve freight system efficiency.
    - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
    - Deploy over 100,000 zero-emission trucks and equipment by 2030.

5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy

    - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
    - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.

6. SB 375 Sustainable Communities Strategies
    - Increased stringency of 2035 targets.

7. Post-2020 Cap-and-Trade Program

- Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
- CARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements.

8. 20 percent reduction in GHG emissions from the refinery sector.

9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Senate Bill 375. Acknowledging the relationship between land use planning and transportation sector GHG emissions, SB 375 was passed by the State Assembly on August 25, 2008 and signed by the Governor on September 30, 2008. The legislation links regional planning for housing and transportation with the GHG reduction goals outlined in AB 32. Reductions in GHG emissions can be achieved by, for example, locating employment opportunities close to transit. Under SB 375, each Metropolitan Planning Organization (MPO) is required to adopt a Sustainable Communities Strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled (VMT) and trips so the region can meet a target, created by CARB, for reducing GHG emissions. If the SCS is unable to achieve the regional GHG emissions reduction targets, then the MPO is required to prepare an alternative planning strategy that shows how the GHG emissions reduction target can be achieved through alternative development patterns, infrastructure, and/or transportation measures.

REGIONAL LEVEL

Southern California Association of Governments

On September 3, 2020, the Regional Council of SCAG formally adopted *The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020–2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita VMT: Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and -green regions.

LOCAL LEVEL

Dana Point Energy Efficiency and Conservation Plan

The *Dana Point Energy Efficiency and Conservation Plan* (Energy Plan) provides goals, measures, and recommendations for the City, its residents, and businesses to reduce overall energy consumption and increase natural resource conservation in conformance with statewide legislation and executive orders. Specifically, the plan has the following six main goals:

- Reduce energy use, and hence reduce greenhouse gas emissions;
- Promote sustainable land use and redevelopment;
- Encourage sustainable construction;
- Promote efficient transportation;
- Continue current efforts to conserve and efficiently use water; and;
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

City of Dana Point General Plan

City policies and implementation measures pertaining to energy are contained in the Circulation, Conservation/Open Space, and Land Use Elements of the *Dana Point General Plan* (General Plan). These policies and implementation measures include the following:

CIRCULATION ELEMENT

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

CONSERVATION/OPEN SPACE ELEMENT

Goal 4: Conserve energy resources through use of available technology and conservation practices.

Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.

Policy 4.2: Maintain local legislation to establish, update and implement energy performance building code requirements established under State Title 24 Energy Regulations.

LAND USE ELEMENT

Goal 10: Protect the resident-serving land uses throughout the City.

Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.

5.9.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. This section recommends certain factors to be considered in the determination of significance (i.e., the extent to which a project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHGs). The amendments do not establish a quantified or performance-based threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)).

The California Natural Resources Agency (CNRA) has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)).[4] A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.[5]

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the South Coast Air Quality Management District (SCAQMD), CARB, or any other state or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the project's impacts related to GHG emissions focuses on its consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. This evaluation of consistency with such plans is the sole basis for determining the significance of the project's GHG-related impacts on the environment.

[4] See Generally California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action (December 2009), pp. 11-13, 14, 16*; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, secretary for Natural Resources, April 13, 2009. Available at https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/C01.pdf, accessed September 14, 2020.

[5] 14 CCR Section 15064(h)(3).

Notwithstanding, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the project using recommended air quality models, as described below. The primary purpose of quantifying the project's GHG emissions is to satisfy State CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. The estimated emissions inventory is also used to determine if there would be a reduction in the project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. However, the significance of the project's GHG emissions impacts is not based on the amount of GHG emissions resulting from the project.

Consistency with Plans

The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and statewide GHG reduction plans and strategies. On a regional level, the SCAG 2020-2045 RTP/SCS contains measures to achieve VMT reductions required under SB 375. On a statewide level, the 2017 Scoping Plan Update provides measures to achieve SB 32 targets. Thus, if the project complies with these plans, policies, regulations, and requirements, the project would result in a less than significant impact because it would be consistent with the overarching State and regional plans for GHG reduction. A consistency analysis is provided below and describes the project's compliance with performance-based standards included in the regulations outlined in the applicable portions of the 2020-2045 RTP/SCS and 2017 Scoping Plan Update.

Quantification of Emissions

In view of the above considerations, this EIR quantifies the project's total annual GHG emissions for informational purposes, taking into account the GHG emission reduction features that would be incorporated into the project's design. The California Emissions Estimator Model version 2016.3.2 (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the SCAQMD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.

CEQA SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Impact Statement GHG-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.9.4 IMPACTS AND MITIGATION MEASURES

GREENHOUSE GAS EMISSIONS

GHG-1 GREENHOUSE GAS EMISSIONS GENERATED BY THE PROJECT COULD HAVE A SIGNIFICANT IMPACT ON GLOBAL CLIMATE CHANGE.

GHG-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE GREENHOUSE GAS REDUCTION PLAN, POLICY, OR REGULATION.

Project-Related Sources of Greenhouse Gases

Impact Analysis: The proposed project would allow up to 1,258 dwelling units, 364,902 square feet of commercial use, 251,533 square feet of industrial use, 68,599 square feet of office use, and 11,204 square feet of other nonresidential uses. In comparison to existing built conditions, project buildout would allow up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. Additionally, while the proposed project plans for less other nonresidential development compared to existing built conditions, existing on-site uses would remain until future redevelopment is proposed at a later date. The project does not propose any demolition or development activities within Doheny Village. Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. Therefore, construction GHG emissions are not quantified in this EIR.

The proposed project-related GHG emissions would include emissions from direct and indirect sources. The proposed project would result in direct and indirect emissions of CO_2, N_2O, and CH_4, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project-related GHG emissions include emissions from area sources and mobile sources, while indirect sources include emissions from electricity and natural gas consumption, water demand, and solid waste generation. CalEEMod was used to calculate project-related GHG emissions.

CalEEMod relies upon trip data provided by Linscott, Law & Greenspan, Engineers, dated August 26, 2020, (refer to Appendix 11.7), the CARB EMission FACtor (EMFAC2017) model, and project-specific land use data to calculate emissions. Two operational CalEEMod runs were conducted in order to calculate the existing Doheny Village GHG emissions, and the proposed project GHG emissions. Table 5.9-1, *Project Greenhouse Gas Emissions*, presents the estimated existing and proposed project's CO_2, CH_4, and N_2O emissions. CalEEMod outputs are contained within Appendix 11.7.

Existing Sources of Greenhouse Gases

The existing project site encompasses a mix of residential, light industrial, commercial, retail, manufacturing, and institutional uses. Specifically, the existing Doheny Village area is comprised of approximately 137,729 square feet of general light industrial uses, 57,187 square feet of general office uses, 172,501 square feet of commercial uses, 273 low-rise multifamily dwelling units, 46,690 square feet of church uses, 13 single family detached homes, a 160 dwelling unit mobile home park, and approximately 101,300 square feet of other uses[6]. A CalEEMod model run was conducted to quantify the existing operational emissions from this developed area for the year 2045. The year 2045 was chosen in order to compare the emission difference between the existing developed area and the developed area under the proposed zoning districts. The CalEEMod model run relied on land use information provided in the Transportation Impact Analysis; refer to Table 5.9-1. According to the Transportation Impact Analysis, the existing project site generates approximately 12,656 mobile daily trips on weekdays and 13,861 daily trips on Saturdays. In total, according to the CalEEMod run and as shown in Table 5.9-1, the existing Doheny Village area emits approximately 12,642.58 $MTCO_2e$/year.

GHG reductions

The existing conditions and proposed project would include operational emission reductions in part to Senate Bill 100 (100 percent renewable energy by 2045) and Assembly Bill 341 (75 percent of solid waste generated to be reduced, recycled, or composted by 2020). In addition, SCAQMD Rule 445 (gaseous-fueled fireplaces and stoves only; no wood burning devices) and the most current building energy Efficiency Standards - Title 24 and the California Green Building Standards Code (CALGreen) were applied to the proposed project CalEEMod run. These reductions were only applied to the proposed project CalEEMod run as they would only apply to future development, and not the existing development.

[6] Other land uses consist of boat storage, museum, fire station, daycare, athletic club, and bus storage.

Table 5.9-1
Project Annual Greenhouse Gas Emissions

Source	CO_2	CH_4		N_2O		Total Metric Tons of CO_2e
	Metric Tons/year[1]	Metric Tons/year[1]	Metric Tons of CO_2e[2]	Metric Tons/year[1]	Metric Tons of CO_2e[2]	
EXISTING CONDITIONS[4,5,7]						
Direct Emissions						
♦ Area Source	145.94	0.15	3.71	<0.01	0.96	150.61
♦ Mobile Source	11,403.76	0.87	21.70	0.00	0.00	11,425.47
Total Direct Emissions[3,5]	***11,549.70***	***1.02***	***25.41***	***<0.01***	***0.96***	***11,576.08***
Indirect Emissions						
♦ Energy	753.81	0.01	0.37	.01	4.11	758.29
♦ Solid Waste	74.24	4.39	109.69	0.00	0.00	183.94
♦ Water Demand	28.96	2.98	74.36	0.08	20.95	124.28
Total indirect Emissions[3,5]	***857.01***	***7.38***	***184.42***	***0.09***	***25.06***	***1,066.51***
Total Existing Emissions[3]	***12,642.58 $MTCO_2e$/year***					
PROPOSED PROJECT GHG EMISSIONS[4,7]						
Direct Emissions						
♦ Area Source[6]	21.21	0.02	0.50	0.00	0.00	21.71
♦ Mobile Source	17,367.20	1.08	26.97	0.00	0.00	17,394.17
Total Direct Emissions[3,5]	***17,388.41***	***1.10***	***27.47***	***0.00***	***0.00***	***17,415.88***
Indirect Emissions						
♦ Energy	1,198.8	0.02	0.57	0.02	6.56	1,205.93
♦ Solid Waste	71.19	4.21	105.19	0.00	0.00	176.38
♦ Water Demand	45.61	4.69	117.12	0.11	32.96	195.68
Total Indirect Emissions[3]	***1,315.60***	***8.92***	***222.88***	***0.13***	***39.52***	***1,577.99***
Total Project-Related Emissions[3]	***18,993.88 $MTCO_2e$/year***					
Total Net Project Emissions[6]	***6,351.30 $MTCO_2e$/year***					

Notes:

1. Emissions calculated using California Emissions Estimator Model Version 2016.3.2 (CalEEMod) computer model.
2. CO_2 Equivalent values calculated using the EPA Website, *Greenhouse Gas Equivalencies Calculator*, http://www.epa.gov/cleanenergy/energy-resources/calculator.html, accessed September 2020.
3. Totals may be slightly off due to rounding.
4. This analysis compared GHG emissions from the existing on-site land uses and the proposed project buildout for the year 2045, consistent with the Transportation Impact Analysis.
5. Existing on-site emissions would not have any construction emissions attributed to them as they are already built and operational. Furthermore, the project does propose any demolition or development activities within Doheny Village. Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis
6. The total Net Project Emissions represents the net increase in mitigated GHG emissions from existing conditions within the Doheny Village Area (18,993.88 $MTCO_2e$/year – 12,642.58 $MTCO_2e$/year = 6,351.30 $MTCO_2e$/year).
7. Emission reductions applied in the CalEEMod model, or 'mitigated emission', include regulatory requirements such as compliance with the 2019 Title 24 Building Standards Code, the 2019 CALGreen Code, AB 341, and SB 100. SB100 and AB 341 compliance was applied to both the existing and proposed project runs, as these would apply to the operational emissions in 2045. 2019 Title 24 Building Standards Code and the 2019 CALGreen Code would only apply to future development and as such were only applied to the proposed project run. These mandatory regulatory requirements would include high efficiency lighting, low flow plumbing fixtures, solid waste diversion, and electricity from renewable energy sources.

Refer to Appendix 11.7, for detailed model input/output data.

Direct Project-Related Sources of Greenhouse Gases

Area Source

Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment, such as lawnmowers, shedders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site. As noted in Table 5.9-1, the proposed project would result in 21.71 $MTCO_2e$/year of area source GHG emissions, while the existing conditions result in 150.61 $MTCO_2e$/year. As such, the proposed project would have a net reduction of 128.90 $MTCO_2e$/year of area source GHG emissions.

Mobile Source

The proposed project would allow for a zoning code update for a potential buildout of approximately 251,533 square feet of industrial uses, 68,599 square feet of office uses, 364,902 square feet of commercial uses, 1,258 dwelling units, and 11,204 square feet of church uses. According to the Transportation Impact Analysis, the proposed project would generate 19,912 daily trips on weekdays and Sunday, and 21,479 daily trips on Saturdays. Compared to the existing conditions, this would be a net increase of 7,256 daily trips on weekdays and Sundays, and 7,618 daily trips on Saturdays. Based on the proposed project-generated daily vehicle trips, the proposed project would result in approximately 17,394.17 $MTCO_2e$/year of mobile source-generated GHG emissions; refer to Table 5.9-1. As seen in Table 5.9-1, the existing conditions result in approximately 11,425.47 $MTCO_2e$/year of mobile source generated GHG emissions. Thus, the project would cause an increase of approximately 5,968.70 $MTCO_2e$/year from mobile emissions. Further, as shown in Table 5.9-1, the predominant source of the proposed project GHG emissions would come from mobile emissions. The project would be required to use fuel sources that comply with the CARB LCFS, which would reduce fuel reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020. It should be noted that neither the lead agency, nor the project applicant has authority to control the rates of GHG emissions from vehicles that would travel to and from the proposed project.

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption

Energy Consumption emissions were calculated using the CalEEMod model and project specific land use data. On-site electricity would be provided by San Diego Gas and Electric (SDG&E). As noted above and analyzed within the Transportation Impact Analysis, it is anticipated that the proposed project would have a built out year of 2045. Based off the regulatory requirements in SB 100, 100 percent of the electricity provided by December 31, 2045 would be from eligible renewable energy resources. Thus, the emission factors for electricity were set to zero in CalEEMod. As shown in Table 5.9-1, the project would indirectly result in 1,205.93 $MTCO_2e$/year GHG emissions due to energy consumption, while the existing conditions would result in 758.29 $MTCO_2e$/year. Thus, the project's energy GHG emissions would be 447.64 $MTCO_2e$/year due to energy consumption. Therefore, the proposed project would help reduce GHG emissions from energy consumption compared to the existing conditions.

Solid Waste

Solid waste emissions associated with operations of the project were calculated using the CalEEMod model and project-specific land use data. Per AB 341, the project would be required to reduce, recycle, or compost 75 percent of the solid waste generated by the year 2020. Therefore, a 75 percent reduction in solid waste was modeled in the CalEEMod. Table 5.9-1 shows the project's operational solid waste emissions, which would result in 176.38 $MTCO_2e$/year, while existing conditions result in 183.94 $MTCO_2e$/year. Thus, the proposed project would result in a net GHG emissions reduction from solid waste of 7.56 $MTCO_2e$/year. Therefore, the proposed project would help reduce solid waste GHG emissions compared to existing conditions.

Water Demand

The South Coast Water District (SCWD) would be the main water supply provider to the proposed project. The project's water supply would be provided by local surface water, groundwater, as well as recycled water sources. The project would be required to comply with the CALGreen Code, which requires newer developments to be fitted with low flow plumbing fixtures and fittings, as well as water-efficient landscaping. The project is anticipated to consume approximately 255.96 million gallons of water per year, resulting in 195.68 $MTCO_2e$/year. The existing uses within the Doheny Village area consume approximately 129.64 million gallons of water per year, resulting in 124.28 $MTCO_2e$/year. While the proposed project would increase water demand, future distribution of water would have a lower carbon footprint due to SB 100 and SDG&E's production of renewable energy. As such, the proposed project would result in an increase of 71.40 $MTCO_2e$/year from water demand.

Total Project-Related Sources of Greenhouse Gases

As shown in Table 5.9-1, the total amount of project related operational GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would be 6,351.30 $MTCO_2e$/year.

Consistency with applicable GHG plans, Policies, or Regulations

The GHG plan consistency for the project is based on the project's consistency with the 2020-2045 RTP/SCS, the 2017 Scoping Plan Update, the City's Energy Plan, and applicable goals found within the General Plan. The 2020-2045 RTP/SCS is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the Southern California region. The 2020-2045 RTP/SCS incorporates local land use projections and circulation networks in city and county general plans. The 2017 Scoping Plan Update describes the approach California will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030. The City's Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption and GHG emissions within the City.

Consistency with the SCAG 2020-2045 RTP/SCS

On September 3, 2020, the Regional Council of SCAG formally adopted the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS includes performance goals that were adopted to help focus future investments on the best-performing projects; and different strategies to preserve, maintain, and

optimize the performance of the existing transportation system. These goals are discussed in greater detail in Section 5.01, *Land Use and Relevant Planning*. The SCAG 2020-2045 RTP/SCS is forecast to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by 8 percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. Five key SCS strategies are included in the 2020-2045 RTP/SCS to help the region meet its regional VMT and GHG reduction goals, as required by the State. Table 5.9-2 , *Consistency with the 2020-2045 RTP/SCS* shows the project's consistency with these five strategies found within the 2020-2045 RTP/SCS. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

Table 5.9-2
Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Focus Growth Near Destinations and Mobility Options		
• Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations • Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets • Plan for growth near transit investments and support implementation of first/last mile strategies • Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses • Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods • Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) • Identify ways to "right size" parking requirements and promote alternative parking strategies (e.g. shared parking or smart parking)	**Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.**	**Consistent.** The project would include three new zoning districts which would help preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. The proposed Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Lastly, The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. These districts would allow for higher density mixed-use residential projects (30 to 50 dwelling units per acre). The proposed project would promote high density urban development in an infill area. By doing so, the project would promote the redevelopment of underperforming retail developments, help accommodate new growth in the City (creation of an additional 804 high density dwelling units) and encourage a mixed-use development near HQTA's.

Table 5.9-2 (Continued)
Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
		In addition, project proposes to "improve connectivity and access to Doheny State Beach and areas across the San Juan Creek and Pacific Coast Highway". The project also proposes to "provide parking opportunities by identifying additional on-street parking sites and applying parking management tools". As such, the project would be consistent with this reduction strategy.
Promote Diverse Housing Choices		
• Preserve and rehabilitate affordable housing and prevent displacement • Identify funding opportunities for new workforce and affordable housing development • Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply • Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions	**PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening.**	**Consistent.** The proposed project would include the allowable zoning for approximately 1,256 multifamily dwelling units and two single family detached homes (812 net new dwelling units). The majority of these dwelling units would be placed within high density areas (30 to 50 dwelling units per acre). Furthermore, the V-C/R and V-MS zoning districts would promote mixed-use developments with housing nearby commercial and job centers. As such, the proposed project would help increase housing while promoting mixed-use development within a compact area with potential jobs, commercial uses, as well as access to a HQTA. The project would be consistent with this reduction strategy.
Leverage Technology Innovations		
• Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space • Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a "mobility wallet," an app-based system for storing transit and other multi-modal payments • Identify ways to incorporate "micro-power grids" in communities, for example solar energy, hydrogen fuel cell power storage and power generation	**HQTA, TPAs,NMA, Livable Cooridors.**	**Consistent.** Potential development within the project area would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require electric vehicle (EV) charging stations, designated EV parking, as well as bike parking and storage. Furthermore, as of 2020, the Title 24 code requires photovoltaic solar panels on residential development. Therefore, proposed development within the project would leverage technology innovations and help the City, County, and State meet its GHG reduction goals. The project would be consistent with this reduction strategy.

Table 5.9-2 (Continued)
Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Support Implementation of Sustainability Policies		
• Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions • Support statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations • Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space • Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies • Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region • Continue to support long range planning efforts by local jurisdictions • Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy	**Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.**	**Consistent.** As described above, the proposed project would help the City preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. Future development within the project area would analyze sustainability policies and would be required to comply with the most recent version of the Title 24 and CALGreen Code. Lastly, the project is within a HQTA, which would promote alternatives of transportation. Thus, the project would be consistent with this reduction strategy.

Table 5.9-2 (Continued)
Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Promote a Green Region		
• Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards • Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration • Integrate local food production into the regional landscape • Promote more resource efficient development focused on conservation, recycling and reclamation • Preserve, enhance and restore regional wildlife connectivity • Reduce consumption of resource areas, including agricultural land • Identify ways to improve access to public park space	**Green Region, Urban Greening, Greenbelts and Community Separators.**	**Consistent.** The proposed project would help the City preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. The new zoning districts would help promote high density mixed-use development in an infill area. Future proposed development within the project area would be required to comply with all applicable Title 24 and CALGreen code measures, which would help reduce energy consumption and reduce GHG emissions. Lastly, the project would require a Local Coastal Program (LCP) Amendment from the California Coastal Commission. Thus, the project would support climate change resilience and local policies for efficient development that reduces energy consumption and GHG emissions. The project would be consistent with this reduction strategy.

Source: Southern California Association of Governments, *2025-2040 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal*, September 3, 2020.

Consistency with the 2017 CARB Scoping Plan Update

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets. Provided in Table 5.9-3, *Consistency with the 2017 Scoping Plan Update*, is an evaluation of applicable reduction actions/strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2017 Scoping Plan Update.

Table 5.9-3
Consistency with the 2017 Scoping Plan Update

Actions and Strategies	Project Consistency Analysis
SB 350	
Achieve a 50 percent Renewables Portfolio Standard (RPS) by 2030, with a doubling of energy efficiency savings by 2030.	**Consistent.** The proposed project would not be an electrical provider or would delay the goals of SB 350. Furthermore, the project would utilize electricity from SDG&E which would be required to comply with SB 350. As such, the project would be in compliance with SB 350.

Table 5.9-3 (Continued)
Consistency with the 2017 Scoping Plan Update

Actions and Strategies	Project Consistency Analysis
Low Carbon Fuel Standard (LCFS)	
Increase stringency of carbon fuel standards; reduce the carbon intensity of fuels by 18 percent by 2030, which is up from 10 percent in 2020.	**Consistent.** Motor vehicles driven within the project area would be required to use LCFS complaint fuels, thus the project would be in compliance with this goal.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario)	
Maintain existing GHG standards of light and heavy-duty vehicles while adding an addition 4.2 million zero-emission vehicles (ZEVs) on the road. Increase the number of ZEV buses, delivery trucks, or other trucks.	**Consistent.** The proposed project would include light industrial uses which may include light, medium, and heavy-duty trucks. Truck uses within the project would be required to comply with all CARB regulations, including the LCFS and newer engine standards. The proposed project would not conflict with the CARB's goal of adding 4.2 million zero-emission (ZEVs) on the road. Furthermore, development within the project area would be required to comply with the most current version of the Title 24 and CALGreen Code at the time of construction. The current version of the CALGreen code requires the installation of electric vehicle (EV) charging stations in public parking lots. It can be reasonably assumed that this will also be a regulatory requirement during the project buildout. As such, the project would not conflict with the goals of the Mobile Source Strategy.
Sustainable Freight Action Plan	
Improve the freight system efficiency and maximize the use of near zero emission vehicles and equipment powered by renewable energy. Deploy over 100,000 zero-emission trucks and equipment by 2030.	**Consistent.** As described above, the truck uses within the project area would be required to comply with all CARB regulations, including the LCFS and newer engine standards. Additionally, the project would not conflict with CARB's goal to deploy over 100,000 zero-emission trucks and equipment by 2030, as the project would comply with all future applicable regulatory standard adopted by CARB.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy	
Reduce the GHG emissions of methane and hydrofluorocarbons by 40 percent below the 2013 levels by 2030. Furthermore, reduce the emissions of black carbon by 50 percent below the 2013 levels by the year 2030.	**Consistent.** The project would not emit a large amount of CH_4 (methane) emissions; refer to Table 5.9-1. Furthermore, the project would comply with all CARB and SCAQMD hydrofluorocarbon regulations. As such, the proposed project would not conflict with the SLCP reduction strategy.
SB 375 Sustainable Communities Strategies	
Increase the stringency of the 2035 GHG emission per capita reduction target for metropolitan planning organizations (MPO).	**Consistent.** As shown in Table 5.9-2, the project would be consistent with the 2020-2045 RTP/SCS and would not conflict with the goals of SB 375. Furthermore, the project would be consistent with the City's Energy Plan goals by helping reduce energy and water usage.
Post-2020 Cap and Trade Programs	
The Cap-and-Trade Program will reduce greenhouse gas (GHG) emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals.	**Not Applicable.** As seen in Table 5.9-1, the project would generate 6,651.30 $MTCO_2e$/year, which is below the 25,000 $MTCO_2e$/yr Cap-and-Trade screening level. Therefore, the project would not conflict with this goal.
Source: California Air Resources Board, *2017 Scoping Plan*, November 2017.	

Consistency with the City's Energy Plan and General Plan

As described in Table 5.10-5, *Energy Plan and General Plan Project Consistency Analysis*, the project would comply with the applicable goals identified in the City's Energy Plan and General Plan. The Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. These energy reduction measures and goals would also help reduce the project's GHG emissions. Compliance with Title 24 and CALGreen standards would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure, which is consistent with the goals and policies of the Energy Plan and General Plan. Additionally, per the RPS, the project would utilize electricity provided by SDG&E that would achieve 100 percent renewable energy by 2045. Therefore, the proposed project would be consistent with the Energy Plan and the City's General Plan goals to reduce energy consumption and GHG emissions.

Conclusion

In summary, the plan consistency analysis provided above demonstrates that the proposed project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in the 2020-2045 RTP/SCS and the 2017 Scoping Plan Update. The proposed project would also be consistent with the City's Energy Plan and General Plan; refer to Section 5.10, *Energy*. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Thus, as the project does not conflict with 2020-2045 RTP/SCS, the 2017 Scoping Plan, or the City's General Plan or Energy Plan, the project specific impacts with regard to climate change would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

GREENHOUSE GAS EMISSIONS AND CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES, OR REGULATIONS

- **GREENHOUSE GAS EMISSIONS GENERATED BY THE PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD HAVE A SIGNIFICANT IMPACT ON GLOBAL CLIMATE CHANGE.**

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD CONFLICT WITH AN APPLICABLE GREENHOUSE GAS REDUCTION PLAN, POLICY, OR REGULATION.**

Impact Analysis: Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. Therefore, impacts identified under Impact Statement GHG-1 are not project-specific impacts to global climate change, but the proposed project's contribution to this cumulative impact. Furthermore, the City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the SCAQMD, CARB, or any other state or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project.

GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the project and proposed project also serve as the project's cumulative impact. Impact Statement GHG-2 concludes that the proposed project would be consistent with the applicable measures in the 2020-2045 RTP/SCS, 2017 Scoping Plan Update, the City's General Plan and Energy Plan. Thus, the project would not cumulatively contribute to GHG impacts and impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.9.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No unavoidable significant impacts related to GHG emissions have been identified in this section.



5.10 Energy

5.10 ENERGY

This section analyzes potential project impacts related to energy consumption and energy plan consistency. Mitigation measures are recommended to avoid potential impacts or reduce them to a less than significant level.

5.10.1 EXISTING SETTING

Energy consumption is analyzed in this EIR due to the potential direct and indirect environmental impacts associated with the project. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both construction and operations.

ELECTRICITY/NATURAL GAS SERVICES

San Diego Gas and Electric (SDG&E) provides electrical services in Southern Orange County (and to the City) through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California's electrical system has become more reliant on renewable energy sources, including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, generation of electricity is usually not tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatt (MW). One MW provides enough energy to power 1,000 average California homes per day. Net generation refers to the gross amount of energy produced by a unit, minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

The Southern California Gas Company (SCGC) provides natural gas services to the City. Natural gas is a hydrocarbon fuel found in reservoirs beneath the earth's surface and is composed primarily of methane (CH_4). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to increase in coming years because it is a relatively clean alternative to other fossil fuels like oil and coal. In California and throughout the western United States, many new electrical generation plants that are fired by natural gas are being brought online. Thus, there is great interest in importing liquefied natural gas from other parts of the world. Nearly 45 percent of the electricity consumed in California was generated using natural gas.[1] While the supply of natural gas in the United States and production has increased greatly, California produces little, and imports 90 percent of its natural gas.[2]

ENERGY USAGE

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 7,966.6 trillion BTU in 2018 (the most recent year for which this specific data is

[1] California Energy Commission, *Supply and Demand of Natural Gas in California*, https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california, accessed September 10, 2020.

[2] Ibid.

available), which equates to an average of 202 million BTU per capita.[3,4] Of California's total energy usage, the breakdown by sector is 39.8 percent transportation, 23.2 percent industrial, 18.9 percent commercial, and 18.1 percent residential.[5] Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2019, taxable gasoline sales (including aviation gasoline) in California accounted for 15,338,758,756 gallons of gasoline.[6]

The electricity consumption attributable to Orange County from 2008 to 2018 is shown in Table 5.10-1, *Electricity Consumption in Orange County 2008-2018*.[7] As indicated in Table 5.10-1, energy consumption in Orange County remained relatively constant between 2008 and 2018, with no substantial increase or decrease.

Table 5.10-1
Electricity Consumption in Orange County 2008-2018

Year	Electricity Consumption (in millions of kilowatt hours)
2008	21,545
2009	20,687
2010	19,820
2011	20,034
2012	20,544
2013	20,413
2014	20,835
2015	20,675
2016	20,140
2017	20,310
2018	20,197

Source: California Energy Commission, *Electricity Consumption by County*, http://www.ecdms. energy.ca.gov/elecbycounty.aspx, accessed September 10, 2020.

The natural gas consumption in Orange County from 2008 to 2018 is shown in Table 5.10-2, *Natural Gas Consumption in Orange County 2008-2018*.[8] Similar to energy consumption, natural gas consumption in Orange County remained relatively constant between 2008 and 2018, with no substantial increase or decrease.

[3] U.S. Energy Information Administration, *Rankings: Total Energy Consumed per Capita, 2018 (million Btu)*, https://www.eia.gov/state/rankings/?sid=CA#series/12, accessed September 10, 2020.

[4] U.S. Energy Information Administration, *Table F33: Total Energy Consumption, Price, and Expenditure Estimates, 2018*, https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_te.html&sid=US, accessed September 10, 2020.

[5] U.S. Energy Information Administration, *California Energy Consumption by End-Use Section, 2018*, https://www.eia.gov/state/?sid=CA#tabs-1, accessed September 10, 2020.

[6] California Department of Tax and Fee Administration, *Net Taxable Gasoline Gallons*, https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.xlsx, accessed September 10, 2020.

[7] Electricity consumption data is not available for the City. The year 2018 is the most recent year for which the County's electricity consumption data is available.

[8] Natural gas consumption data is not available for the City. The year 2018 is the most recent year for which the County's natural gas consumption data is available.

Table 5.10-2
Natural Gas Consumption in Orange County 2008-2018

Year	Natural Gas Consumption (in millions of therms)
2008	633
2009	611
2010	636
2011	640
2012	613
2013	636
2014	545
2015	544
2016	570
2017	576
2018	575

Source: California Energy Commission, *Gas Consumption by County*, http://www.ecdms.energy. ca.gov/gasbycounty.aspx, accessed September 10, 2020.

GASOLINE/DIESEL FUELS

Automotive fuel consumption in Orange County from 2009 to 2019 is shown in Table 5.10-3, *Automotive Fuel Consumption in Orange County 2009-2019* (projections for the year 2020 are also shown). As shown in Table 5.10-3, since 2009 on-road automotive fuel consumption in Orange County has generally declined and heavy-duty vehicle fuel consumption has steadily increased.

Table 5.10-3
Automotive Fuel Consumption in Orange County 2009-2019

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2009	1,277,341,479	118,989,432
2010	1,289,459,709	122,557,282
2011	1,275,780,419	130,334,169
2012	1,269,292,445	132,722,716
2013	1,272,313,526	138,649,249
2014	1,295,373,466	143,868,172
2015	1,320,757,949	144,148,021
2016	1,351,969,255	158,225,971
2017	1,349,553,304	161,153,421
2018	1,318,757,349	162,657,020
2019	1,291,125,551	164,036,439
2020 (projected)	1,262,485,728	164,381,753

Source: California Air Resources Board, EMFAC2017.

5.10.2 REGULATORY SETTING

STATE LEVEL

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

In 1978, the CEC established the Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24,", California's energy efficiency standards for residential and non-residential buildings, in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. The 2016 Title 24 standards went into effect on January 1, 2017. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2016 Title 24 standards are 28 percent more efficient than previous standards for residential development.[9] The standards offer developers better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. Further, the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020, promote photovoltaic systems in newly constructed residential buildings. With rooftop solar electricity generation, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards.[10] Additionally, under 2019 Title 24 Building Energy Efficiency Standards nonresidential buildings will use about 30 percent less energy, mainly to lighting upgrades, when compared to 2016 standards.[11]

California Green Building Code

The California Green Building (CALGreen) Code (California Code of Regulations, Title 24, Part 11), is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and went into effect on January 1, 2020. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

California Public Utilities Commission Energy Efficiency Strategic Plan

The California Public Utilities Commission (CPUC) prepared an Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in greenhouse gases. Assembly Bill

[9] California Energy Commission, *2016 Energy Standards Overview*, https://www.lgc.org/wordpress/wp-content/uploads/2016/02/2016-Energy-Standards-Overview-California-Energy-Commission.pdf, accessed September 10, 2020.

[10] California Energy Commission, *2019 Building Energy Efficiency Standards*, March 2018.

[11] Ibid.

1109, adopted in 2007, also serves as a framework for lighting efficiency. This bill requires the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency standards as a means to reduce average statewide electrical energy consumption by not less than 50 percent from the 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by 2018. According to the Energy Efficiency Strategic Plan, lighting comprises approximately one-fourth of California's electricity use while nonresidential sector exterior lighting (parking lot, area, walkway, and security lighting) usage comprises 1.4 percent of California's total electricity use, much of which occurs during limited occupancy periods.

California Energy Commission Integrated Energy Policy Report

In 2002, the California State legislature adopted Senate Bill (SB) 1389, which requires the CEC to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the 2019 IEPR on February 20, 2020. The 2019 IEPR provides the results of the CEC's assessments of various energy issues facing California and covers a broad range of topics, including implementation of SB 100 (statewide greenhouse gas reduction targets), integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission, landscape-scale planning, electricity and natural gas demand forecast, transportation energy demand forecast, renewable gas, updates on Southern California's electricity reliability, natural gas outlook, and climate adaptation and resiliency.

LOCAL LEVEL

Dana Point Energy Efficiency and Conservation Plan

The *Dana Point Energy Efficiency and Conservation Plan* (Energy Plan) provides goals, measures, and recommendations for the City, its residents, and businesses to reduce overall energy consumption and increase natural resource conservation in conformance with statewide legislation and executive orders. Specifically, the Energy Plan has the following six main goals:

- Reduce energy use, and hence reduce greenhouse gas emissions;
- Promote sustainable land use and redevelopment;
- Encourage sustainable construction;
- Promote efficient transportation;
- Continue current efforts to conserve and efficiently use water; and
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

City of Dana Point General Plan

City policies and implementation measures pertaining to energy are contained in the Circulation, Conservation/Open Space, and Land Use Elements of the *Dana Point General Plan* (General Plan). These policies and implementation measures include the following:

CIRCULATION ELEMENT

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

Goal 3: Maximize the efficiency of the circulation system through the use of Transportation System Management and Demand Management strategies.

Policy 3.4: Require that proposals for major new non-residential developments (in excess of 50,000 square feet) include submission of a TDM plan to the City, including monitoring and enforcement provisions.[12]

CONSERVATION/OPEN SPACE ELEMENT

Goal 4: Conserve energy resources through use of available technology and conservation practices.

Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.

Policy 4.2: Maintain local legislation to establish, update and implement energy performance building code requirements established under State Title 24 Energy Regulations.

LAND USE ELEMENT

Goal 10: Protect the resident-serving land uses throughout the City.

Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.

[12] TDM stands for Transportation Demand Management.

5.10.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (refer to Impact Statement EN-1); and

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency (refer to Impact Statement EN-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or a "potentially significant impact." If a potentially significant impact cannot be reduced to a less than significant level through the application of goals, policies, standards, or mitigation, it is categorized as a significant and unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative because appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

Appendix F of the CEQA Guidelines is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis in Impact Statement EN-1 relies upon Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1**: The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.

- **Criterion 2**: The effects of the project on local and regional energy supplies and on requirements for additional capacity.

- **Criterion 3**: The effects of the project on peak and base period demands for electricity and other forms of energy.

- **Criterion 4**: The degree to which the project complies with existing energy standards.

- **Criterion 5**: The effects of the project on energy resources.

- **Criterion 6**: The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses **Criterion 1**. The discussion on construction-related energy use focuses on **Criteria 2, 4,** and **5**. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The

transportation energy demand analysis discusses **Criteria 2, 4,** and **6**, and the building energy demand analysis discusses **Criteria 2, 3, 4,** and **5**.

5.10.4 IMPACTS AND MITIGATION MEASURES

ENERGY CONSUMPTION

EN-1 THE PROJECT COULD RESULT IN WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES.

Impact Analysis: Electricity, natural gas, and fuel consumption associated with the proposed project has been prepared utilizing the California Emissions Estimator Model Version 2016.3.2 (CalEEMod) and the 2017 CARB EMission FACtor (EMFAC2017) model. Energy consumption was calculated for both the existing conditions and the proposed project; refer to Appendix 11.7, *Air Quality/Greenhouse Gas/Energy Data*. The project's electricity, natural gas, and fuel consumption depicted in Table 5.10-4, *Project and Countywide Energy Consumption*, include energy consumption reductions from existing uses. As shown in Table 5.10-4, the project's energy usage would constitute an approximate 0.260 percent increase over the County's typical annual electricity consumption, and an approximate 0.0145 percent increase over the County's typical annual natural gas consumption. Additionally, the project's operational vehicle fuel consumption would increase the County's consumption by 0.7120 percent. (**CEQA Appendix F - Criterion 1**).

Table 5.10-4
Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption[1]	Orange County Annual Energy Consumption[2]	Percentage Increase Countywide
Electricity Consumption[3]	5,252 MWh	20,197,000 MWh	0.0260%
Natural Gas Consumption[3]	83,387 therms	575,000,000 therms	0.0145%
Operational Automotive Fuel Consumption[4]	8,989,237 gallons	1,262,485,728 gallons	0.7120%

Notes:
1. As modeled in CalEEMod version 2016.3.2.
2. The project's electricity and natural gas consumption are compared to the total consumption in Orange County in 2018. The project's automotive fuel consumption is compared with the projected Countywide fuel consumption in 2020.
   Orange County electricity consumption data source: California Energy Commission, *Electricity Consumption by County*, http://www.ecdms. energy.ca.gov/elecbycounty.aspx, accessed September 10, 2020.
   Orange County natural gas consumption data source: California Energy Commission, *Gas Consumption by County*, http://www.ecdms.energy. ca.gov/gasbycounty.aspx, accessed September 10, 2020.
3. The project's electricity and natural gas consumption includes reductions from existing uses.
4. Project fuel consumption is calculated based on CalEEMod results for the proposed project. Trip generation and vehicle miles traveled modeled under proposed project included reductions from existing uses. Countywide fuel consumption is from the California Air Resources Board's EMFAC2017 model.

Refer to Appendix 11.2 for assumptions used in this analysis.

Construction-Related Energy

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Implementation of the proposed project would not directly result in new development. Therefore, construction-related energy consumption that may occur at any one time is speculative and cannot be accurately determined at this stage of the planning process. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce construction-related energy consumption impacts during construction.

Notwithstanding, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**CEQA Appendix F - Criterion 4**).

Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials.[13] The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials.[14] It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment, building materials, or methods that would be less energy efficient than at comparable construction sites in the region or State. Therefore, fuel energy and construction materials consumed during construction would not represent a significant demand on energy resources (**CEQA Appendix F - Criterion 5**).

Therefore, construction energy use would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

Operational Energy

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 5.10-4 estimates the annual fuel consumed by vehicles traveling to and from the project site. As indicated in Table 5.10-4, project operations are estimated to consume approximately 8,989,237 net gallons of fuel per year, which would increase Countywide automotive fuel consumption by 0.7120 percent. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption (**CEQA Appendix F - Criterion 2**).

[13] California Department of Resources Recycling and Recovery, *Green Building Materials*, https://www.calrecycle.ca.gov/greenbuilding/materials#Material, accessed September 14, 2020.

[14] Ibid.

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the proposed project. However, the project would include on-site electric vehicle charging stations in parking lots in compliance with the CALGreen Code. This project design feature would encourage and support the use of electric vehicles by residents, workers, and visitors of the proposed project and thus reduce the petroleum fuel consumption. In addition, consistent with General Plan Policies 3.4 and 10.3, the project would implement a TDM plan for non-residential uses (in excess of 50,000 square feet) and reduce vehicle miles traveled (VMT) though high density mixed-use nature of the project (**CEQA Appendix F - Criterion 4** and **Criterion 6**).

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

Building Energy Demand

The CEC developed 2018–2030 forecasts for energy consumption and peak demand in support of the 2017 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections. CEC forecasts that the statewide annual average growth rates of energy demand between 2016 and 2030 would be 0.99 percent to 1.59 percent for electricity and 0.25 percent to 0.77 percent for natural gas.[15] As shown in Table 5.10-4, operational energy consumption of the project would represent approximately 0.0260 percent increase in electricity consumption and 0.0145 percent increase in natural gas consumption over the current Countywide usage. Although the project would be fully operational in 2045, the project's electricity increase of 0.0260 percent and natural gas increase of 0.0145 percent would be significantly lower than the CEC's energy demand forecasts. The commercial component of the project would consume energy during the same time periods as other commercial developments. Additionally, the residential and industrial component of the project would consume energy evenly throughout the day. As a result, the project would not result in unique or more intensive peak or base period electricity demand (**CEQA Appendix F - Criterion 2** and **Criterion 3**).

The proposed project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the current 2019 Title 24 standards significantly reduces energy usage (30 percent compared to the 2016 standards). The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update; therefore, complying with the latest 2019 Title 24 standards would make the proposed project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards. Compliance with 2019 Title 24 standards would also ensure the project would be consistent with General Plan Policies 4.1 and 4.2 by incorporating sustainable building design features (**CEQA Appendix F - Criterion 4**).

Furthermore, the electricity provider, SDG&E, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community

[15] California Energy Commission, *California Energy Demand 2018-2030 Revised Forecast*, February 2018. Annual average growth rates of electricity demand and natural gas per capita demand are shown in Table 1 and Table 3, respectively.

choice aggregators to increase procurement from eligible renewable energy resources to 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that new development projects would not result in the waste of the finite energy resources (**CEQA Appendix F - Criterion 5**).

Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONFLICT WITH APPLICABLE ENERGY PLAN

EN-2 THE PROJECT COULD CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.

Impact Analysis: The project would comply with the applicable goals identified in the City's Energy Plan and General Plan, as listed in Table 5.10-5, *Energy Plan and General Plan Project Consistency Analysis*. The Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. Compliance with Title 24 and CALGreen standards would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure, which is consistent with the goals and policies of the Energy Plan and General Plan. Additionally, per the RPS, the project would utilize electricity provided by SDG&E that would achieve 100 percent renewable energy by 2045. Therefore, the proposed project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

Table 5.10-5
Energy Plan and General Plan Project Consistency Analysis

Goals/Policies	Project Consistency
Energy Plan: • Reduce energy use, and hence reduce greenhouse gas emissions. *General Plan*: • Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials. • Policy 4.2: Maintain local legislation to establish, update and implement energy performance building code requirements established under State Title 24 Energy Regulations.	**Consistent.** The project would comply with 2019 Title 24 Building Energy Efficiency Standards, which require solar photovoltaic systems for new homes and would be 53 percent more energy efficient than the 2016 standards. Additionally, under 2019 Title 24 Building Energy Efficiency Standards nonresidential buildings will use about 30 percent less energy, mainly to lighting upgrades, when compared to 2016 standards. The project would also be required to comply with applicable requirements of the CALGreen Code. The CALGreen code requires installation of electric vehicle (EV) charging stations, designated EV parking spaces, and bike parking spaces. Further, as discussed in Section 5.9-14, *Greenhouse Gas Emissions*, the proposed project would result in a net reduction of greenhouse gas emissions when compared to existing conditions.
Energy Plan: • Promote sustainable land use and redevelopment. *General Plan*: • Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.	**Consistent.** The proposed project would promote high density urban development in an infill area. By doing so, the project would promote the redevelopment of underperforming retail developments, help accommodate new growth in the City and encourage a mixed-use development near High Quality Transit Areas (HQTAs). As a result, the project would encourage alternative modes of transportation such as walking and biking, thereby reducing vehicle miles traveled (VMT).
Energy Plan: • Encourage sustainable construction. *General Plan*: • Refer to Policy 10.3, above.	**Consistent.** In accordance with the CALGreen Code, the project would be required to divert 65 percent of construction waste from landfills. The project would also comply with applicable requirements of the 2019 Title 24 Building Energy Efficiency Standards and the CALGreen Code, including sustainable construction materials and energy efficient appliances.
Energy Plan: • Promote efficient transportation. *General Plan*: • Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled. Policy 3.4: Require that proposals for major new non-residential developments (in excess of 50,000 square feet) include submission of a TDM plan to the City, including monitoring and enforcement provisions.	**Consistent.** As previously discussed, the project would be an infill development near HQTAs. Multiple bus stops are located within walking distance in the project vicinity. As a high density mixed-use development, the project would support a range of mobility options including walking and biking, thereby reducing VMT. As previously discussed, the project would install EV charging stations, designated EV parking spaces, and bike parking spaces in accordance with the CALGreen Code. Pursuant to General Plan Policy 3.4, non-residential developments (in excess of 50,000 square feet) would be required to submit a TDM plan to the City.
Energy Plan: Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.	**Not Applicable.** This goal is directed at the City, and not at individual development projects.
Sources: City of Dana Point, *Energy Efficiency and Conservation Plan,* dated December 2011; City of Dana Point, *Dana Point General Plan*, dated July 9, 1991.	

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.10.5 CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

ENERGY CONSUMPTION AND PLAN CONSISTENCY

- **IMPLEMENTATION OF THE PROJECT AND OTHER CUMULATIVE PROJECTS COULD RESULT IN WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES.**

- **IMPLEMENTATION OF THE PROJECT AND OTHER CUMULATIVE PROJECTS COULD CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.**

Impact Analysis: The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to SDG&E and SCGC's service areas. While the geographic context for the transportation-related energy use is more difficult to define, it is meaningful to consider the project in the context of Countywide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As shown above, the project would nominally increase the County's electricity, natural gas, and operational fuel consumption by 0.0260, 0.0145, and 0.7120 percent, respectively; refer to Table 5.10-4. Additionally, per the RPS, the project and cumulative projects identified in Table 4-1 would utilize electricity provided by SDG&E that would be comprised of 100 percent renewable energy by 2045. Furthermore, the project and other cumulative projects in the site vicinity would be subject to Title 24 and CALGreen standards, as well as goals and policies of the Energy Plan and General Plan. Thus, the project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Mitigation Measures: No mitigation measures required.

Level of Significance: Less Than Significant Impact.

5.10.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to energy have been identified.

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5.11 Noise

5.11 NOISE

The purpose of this section is to evaluate noise source impacts on-site and to surrounding land uses as a result of implementation of the proposed project. This section evaluates short-term construction-related impacts, as well as future buildout conditions. Mitigation measures are also recommended to avoid or lessen the project's noise impacts. Information in this section is based on the *Dana Point General Plan* (General Plan) and the *Dana Point Municipal Code* (Municipal Code). Noise measurement and traffic noise modeling data can be found in Appendix 11.8, *Noise Data*.

5.11.1 EXISTING SETTING

NOISE SCALES AND DEFINITIONS

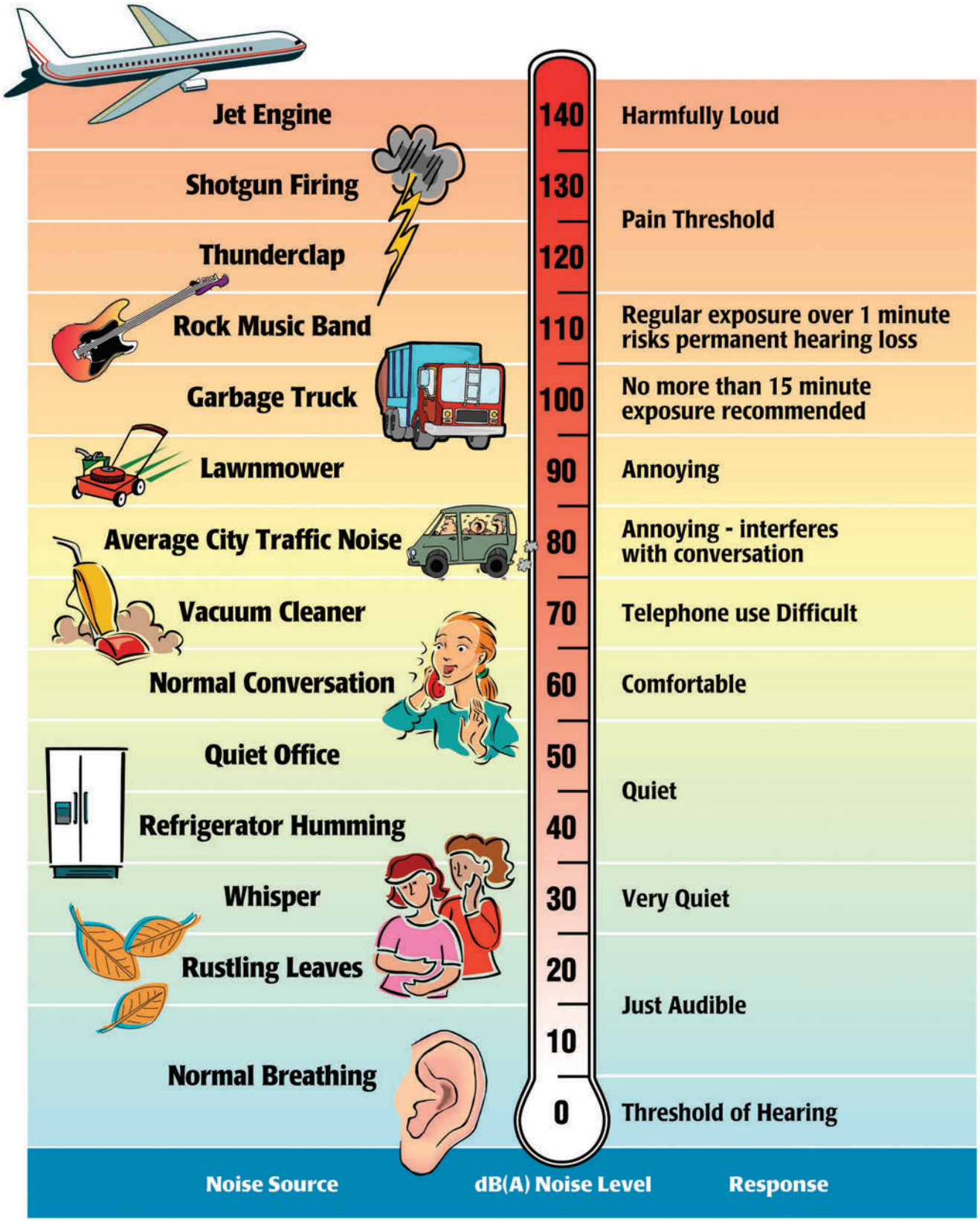
Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated on Exhibit 5.11-1, *Common Environmental Noise Levels*.

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.

Numerous methods have been developed to measure sound over a period of time; refer to Table 5.11-1, *Noise Descriptors*.



Source:

Melville C. Branch and R. Dale Beland, *Outdoor Noise in the Metropolitan Environment*, 1970.

Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA/ONAC 550/9-74-004)*, March 1974.

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
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Common Environmental Noise Levels

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Exhibit 5.11-1

Table 5.11-1
Noise Descriptors

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq}. The L_{dn} is calculated by averaging the L_{eq}'s for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM) by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level (L_n)	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01}, L_{10}, L_{50}, L_{90}, respectively) of the time during the measurement period.

Source: Cyril M. Harris, *Handbook of Noise Control*, dated 1979.

HEALTH EFFECTS OF NOISE

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed."

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-Induced Hearing Loss;
- Interference with Communication;
- Effects of Noise on Sleep;
- Effects on Performance and Behavior;
- Extra-Auditory Health Effects; and
- Annoyance.

According to the United States Public Health Service, nearly ten million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools, and can cause fatigue and vocal strain in those who need to communicate in spite of the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the United States Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community is highly annoyed. When levels exceed 65 dBA CNEL, that percentage rises to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, it is clear that noise can affect human health. Most of the effects are, to a varying degree, stress related.

GROUND-BORNE VIBRATION

Sources of earthborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions).

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source. Both construction and operation of development projects can generate ground-borne vibration.

Table 5.11-2, *Human Reaction and Damage to Buildings for Continuous Vibration Levels*, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in Table 5.11-2 should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Table 5.11-2
Human Reaction and Damage to Buildings for Continuous Vibration Levels

Peak Particle Velocity (inch/second)	Human Reaction	Effect on Buildings
0.006–0.019	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings[1]
0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage

Note:
1. Historic and some old buildings have a threshold of 0.25 PPV (in/sec).

Source: California Department of Transportation, *Transportation and Construction Vibration Guidance Manual, Table 20*, April 2020.

SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of noise than are the general population. Land uses considered sensitive by the State of California include schools, playgrounds, athletic facilities, hospitals, rest homes, rehabilitation centers, long-term care and mental care facilities. Generally, a sensitive receptor is identified as a location where human populations (especially children, senior citizens, and sick persons) are present.

Land uses less sensitive to noise are business, commercial, and professional developments. Noise receptors categorized as being least sensitive to noise include industrial, manufacturing, utilities, agriculture, natural open space, undeveloped land, parking lots, warehousing, and transit terminals. These types of land uses often generate high noise levels. Moderately sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, and outpatient clinics. Current land uses located within the project vicinity that are sensitive to intrusive noise include residential uses, schools, and churches.

AMBIENT NOISE MEASUREMENTS

In order to quantify existing ambient noise levels in the project area, Michael Baker International conducted noise measurements on February 12, 2020; refer to Exhibit 5.11-2, *Noise Measurement Locations,* and Table 5.11-3, *Noise Measurements*. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site. Short-term measurements were taken at each site between 10:00 a.m. and 12:00 p.m. Meteorological conditions were clear skies, warm temperatures, with light wind speeds (approximately 0 to 5 miles per hour), and low humidity.

Table 5.11-3
Noise Measurements

Measurement Location Number	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Peak (dBA)	Time
1	Inside Beachwood Park & Village Mobile Home Park	49.7	43.2	67.4	86.9	10:05 a.m.
2	Next to a light pole in parking lot northwest of Doheny Park Road and Vitoria Boulevard intersection	59.2	49.5	79.7	95.0	10:28 a.m.
3	West end of Victoria Boulevard	50.0	45.0	60.2	84.3	10:46 a.m.
4	Surface parking lot located at 34272 Doheny Park Road	67.6	57.8	85.9	105.5	11:22 a.m.
5	In front of property on 25775 Las Vegas Street	54.3	46.4	71.0	95.0	11:20 a.m.
6	Sidewalk in the west corner of Camino Capistrano and Via Santa Rosa Intersection	61.1	46.5	78.2	96.6	11:38 a.m.

Source: Michael Baker International, February 12, 2020.



Source: Google Maps Pro, 2020

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Noise Measurement Locations

Exhibit 5.11-2

MOBILE SOURCES

In order to assess the potential for mobile source noise impacts, it is necessary to determine the noise currently generated by vehicles traveling through the project area. The existing roadway noise levels in the vicinity of the project site were projected. Noise models were run using the Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108) together with several roadway and site parameters. These parameters determine the projected impact of vehicular traffic noise and include the roadway cross-section (such as the number of lanes), roadway width, average daily traffic (ADT), vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-view, and site conditions ("hard" or "soft"). The model does not account for ambient noise levels (i.e., noise from adjacent land uses) or topographical differences between the roadway and adjacent land uses. Noise projections are based on modeled vehicular traffic as derived from the project's Transportation Impact Analysis.

A 25- to 40-mile per hour (mph) average vehicle speed was assumed for existing conditions based on empirical observations and posted maximum speeds along the adjacent roadways. Existing modeled traffic noise levels can be found in Table 5.11-4, *Existing Traffic Noise Levels*. As shown in Table 5.11-4, noise within the area from mobile noise ranges from 45.4 dBA to 65.6 dBA at 100 feet from roadway centerline.

Table 5.11-4
Existing Traffic Noise Levels

Roadway Segment	ADT[1]	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)[2]		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
Camino Capistrano					
West of Doheny Park Road	5,044	55.9	53	-	-
South of Sepulveda Avenue	3,498	51.8	-	-	-
South of Victoria Boulevard	4,969	55.9	53	-	-
Between Stonehill Drive and Costco Driveway	24,895	64.3	195	90	-
Doheny Park Road					
South of Camino Capistrano	633	47.1	-	-	-
Victoria Boulevard					
West of Doheny Park Road	715	47.4	-	-	-
East of Doheny Park Road	3,758	54.6	44	-	-
Domingo Avenue					
West of Doheny Park Road	453	45.4	-	-	-
East of Doheny Park Road	765	47.7	-	-	-
Las Vegas Avenue					
West of Doheny Park Road	1,719	51.2	-	-	-
Sepulveda Avenue					
Between Camino Capistrano and Victoria Boulevard	1,404	47.8	-	-	-

Table 5.11-4 (Continued)
Existing Traffic Noise Levels

Roadway Segment	ADT[1]	dBA CNEL @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)[2]		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
Stonehill Drive					
Between Camino Capistrano and Del Obispo Street	33,047	65.6	235	109	-

Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level; "-" = contour is located within the roadway right-of-way
1. As a worst-case scenario, weekday ADT volumes were analyzed.
2. Roadway noise levels and contours were calculated using the FHWA RD-77-108 model.

Source: Noise modeling is based upon traffic data provided by Linscott, Law & Greenspan, Engineers.

STATIONARY NOISE SOURCES

The project area consists of residential, commercial, retail, manufacturing, and institutional uses. The primary sources of stationary noise in the project vicinity are urban-related activities (e.g., mechanical equipment, parking areas, and commercial/retail/manufacturing operations). The noise associated with these sources may represent a single-event or a continuous occurrence.

5.11.2 REGULATORY SETTING

This section summarizes the laws, ordinances, regulations, and standards that are applicable to the project. Regulatory requirements related to environmental noise are typically promulgated at the local level. However, Federal and State agencies provide standards and guidelines to the local jurisdictions.

FEDERAL LEVEL

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) offers guidelines for community noise exposure in the publication Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise. These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other Federal agencies have adopted suggested land use compatibility guidelines that indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

STATE LEVEL

California Environmental Quality Act

The State Office of Planning and Research Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 5.11-5, *Land Use Compatibility for Community Noise Environments*, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 5.11-5
Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential-Low Density, Single-Family, Duplex, Mobile Homes	50 – 60	55 - 70	70 – 75	75 – 85
Residential – Multiple Family	50 – 65	60 – 70	70 – 75	70 – 85
Transient Lodging – Motel, Hotels	50 – 65	60 – 70	70 – 80	80 – 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 70	60 – 70	70 – 80	80 – 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 – 70	NA	65 – 85
Sports Arenas, Outdoor Spectator Sports	NA	50 – 75	NA	70 – 85
Playgrounds, Neighborhood Parks	50 – 70	NA	67.5 – 77.5	72.5 – 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 – 70	NA	70 – 80	80 – 85
Office Buildings, Business Commercial and Professional	50 – 70	67.5 – 77.5	75 – 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 – 75	70 – 80	75 – 85	NA
CNEL = community noise equivalent level; NA = not applicable				
NORMALLY ACCEPTABLE: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. CONDITIONALLY ACCEPTABLE: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice. NORMALLY UNACCEPTABLE: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design. CLEARLY UNACCEPTABLE: New construction or development should generally not be undertaken.				
Source: Office of Planning and Research, California, *General Plan Guidelines,* July 2017.				

As depicted in Table 5.11-5, the range of noise exposure levels overlap between the normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable categories. OPR's *State General Plan Guidelines* note that noise planning policy needs to be rather flexible and dynamic to reflect not only technological advances in noise control, but also economic constraints governing application of noise-control technology and anticipated regional growth and demands of the community. In project specific analyses, each community must decide the level of noise exposure its residents are willing to tolerate within a limited range of values below the known levels of health

impairment. Therefore, the City may use their discretion to determine which noise levels are considered acceptable or unacceptable, based on land use, project location, and other project factors.

LOCAL LEVEL

City of Dana Point General Plan

The Noise Element of the *Dana Point General Plan* (General Plan) adopted standards for noise compatibility for land uses. The guidelines categorize the land uses in terms of community noise exposure; refer to Table 5.11-6, *Noise/Land Use Compatibility Matrix*. The guidelines are intended to be used as one of the many factors used in the land use planning process. In addition, interior and exterior noise standards are depicted in Table 5.11-7, *General Plan Interior and Exterior Noise Standards*.

Table 5.11-6
Noise/Land Use Compatibility Matrix

Land Use Categories		Community Noise Exposure (CNEL)						
Designations	Uses	<55	55-60	60-65	65-70	70-75	75-80	>80
RESIDENTIAL (ALL EXCEPT MOBILE HOME)	Single Family, Duplex, Multiple Family	A	A	B	B	C	D	D
RESIDENTIAL	Mobile Home	A	A	B	C	C	D	D
VISITOR/RECREATION COMMERCIAL	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
NEIGHBORHOOD COMMERCIAL, COMMUNITY COMMERCIAL	Commercial Retail, Bank, Restaurant, Movie Theater	A	A	A	A	B	B	C
PROFESSIONAL/ADMINISTRATIVE, INDUSTRIAL/ BUSINESS PARK	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
COMMUNITY FACILITY	Amphitheater, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
VISITOR/RECREATION COMMERCIAL, COMMUNITY COMMERCIAL	Children's Amusement Park, Miniature Golf Course, Co-cart Track; Equestrian Center, Sports Club	A	A	A	B	B	D	D
COMMUNITY COMMERCIAL, INDUSTRIAL/BUSINESS PARK, COMMUNITY FACILITY	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
COMMUNITY FACILITY	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
RECREATION/OPEN SPACE	Parks	A	A	A	B	C	D	D
RECREATION/OPEN SPACE	Golf Course, Cemeteries, Nature Centers, Wildlife Reserves/ Habitat	A	A	A	A	B	C	C
RECREATION/OPEN SPACE	Agriculture	A	A	A	A	A	A	A

ZONE A – CLEARLY COMPATIBLE: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
ZONE B – NORMALLY COMPATIBLE: New construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.
ZONE C - NORMALLY INCOMPATIBLE: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.
ZONE D - CLEARLY INCOMPATIBLE: New construction or development should generally not be undertaken.

Table 5.11-7
General Plan Interior and Exterior Noise Standards

Land Use Category		Community Noise Exposure (CNEL)	
Designations	**Uses**	**Interior[1]**	**Exterior[2]**
Residential (All)	Single Family Duplex, Multiple Family	45[3]	65
	Mobile Home	-	65[4]
Neighborhood Commercial, Community Commercial, Visitor/Recreation Commercial, Commercial/Residential, Professional/Administrative, Industrial/Business Park, Open Space, Harbor Marine Land	Hotel, Motel, Transient Lodging	45	-
	Commercial Retail, Bank, Restaurant	55	-
	Office Building, Research and Development, Professional Offices, City Office Building	50	-
	Amphitheater, Concert Hall, Auditorium, Meeting Hall	45	-
	Gymnasium (Multipurpose)	50	-
	Sports Club	55	-
	Manufacturing, Warehousing, Wholesale, Utilities	65	-
	Movie Theaters	45	-
Community Facility	Hospital, Schools classroom	45	65
	Church, Library	45	-
Open Space	Parks	-	65

Notes: CNEL: Community Noise Equivalent Level
1. Indoor environment including: Bathrooms, toilets, closest, corridors
2. Outdoor environmental limited to: Private yard of single family, multi-family private patio or balcony which is served by a means of exit from inside the dwelling, balconies 6 feet deep or less are exempt, mobile home park, park's picnic area, schools' playground.
3. Noise level requirement with closed windows. Mechanical ventilating system or other means of natural ventilation shall be provided as of Chapter 12, Section 1205 of State of California Uniform Building Code (UBC).
4. Exterior noise levels should be such that interior noise levels will not exceed 45 CNEL.

Source: City of Dana Point, *City of Dana Point General Plan*, July 9, 1991.

Noise and land use incompatibilities can be avoided for new developments when noise is properly considered in the planning, design, and permitting of a project. The City desires to prevent future land use and noise conflicts through the planning and approval process. The following General Plan goals, policies, and strategies are applicable to the proposed project:

NOISE ELEMENT

Goal 2: Incorporate noise considerations into land use planning decisions.

Policy 2.1: Establish acceptable limits of noise for various land uses throughout the community, in accordance with Table N-2 (Table 5.11-6).

Policy 2.2: Ensure acceptable noise levels near schools, hospitals, convalescent homes, and other noise sensitive areas, in accordance with Table N-1 (Table 5.11-7).

Policy 2.3: Establish standards for all types of noise not already governed by local ordinances or preempted by State or Federal Law.

Policy 2.4: Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.

Policy 2.5: Discourage locating noise sensitive land uses in noisy environments.

Strategy 5: Enforce standards that specify acceptable limit of noise for various land uses throughout the City. Table N-1 (Table 5.11-6) shows criteria used to assess the compatibility of proposed land uses with the noise environment. These criteria are the bases of specific Noise Standards. These standards, presented in Table N-2 (Table 5.11-7), define City policy related to land uses and acceptable noise levels.

Strategy 6: Incorporation of noise reduction features during site planning to mitigate anticipated noise impacts on affected noise sensitive land uses. New development will be permitted only if appropriate mitigation measures are included such that the standards contained in the Noise Element are met.

Strategy 7: Enforce the provisions of the State of California Uniform Building Code (UBC) which specifies that the indoor noise levels for multi-family residential living spaces not exceed 45 dB CNEL due to the combined effect of all noise sources. The State requires implementation of this standard when the outdoor noise levels exceed 60 dB CNEL. The Noise Referral Zones (60 dB CNEL) can be used to determine when this standard needs to be addressed. The Uniform Building Code (specifically, the California Administrative Code, Title 24, Part 6, Division T25, Chapter 1, Subchapter 1, Article 4, Sections T25-28) requires that "Interior community noise levels (CNEL/LDN) with windows closed, attributable to exterior sources shall not exceed an annual CNEL or LDN of 45 dB in any habitable room". The code requires that this standard he applied to all new hotels, motels, apartment houses and dwellings other than detached single-family dwellings. The City will also, as a matter of policy, apply this standard to single family dwellings.

Dana Point Municipal Code

SECTION 11.10, NOISE CONTROL

The City's standards for governing environmental noise are set forth in Chapter 11.10, *Noise Control* of the Municipal Code. The City has also adopted community noise standards within Chapter 11.10 of the Municipal Code in order to limit unnecessary, excessive and annoying noise in the City; refer to Table 5.11-8, *Municipal Code Interior and Exterior Noise Standards*.

Table 5.11-8
Municipal Code Interior and Exterior Noise Standards

Noise Zone[1]	Interior Noise Level (dBA)[2]		Exterior Noise Level (dBA)[3]	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
1	55	45	55	50

Notes:
1. The entire City is designated as "Noise Zone 1."
2. For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the interior noise standard:
   - for more than 5 minutes;
   - plus 5 dB(A) for more than 1 minutes;
   - plus 10 dB(A) for any period of time.
3. For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the exterior noise standard:
   - for more than 30 minutes;
   - plus 5 dB(A) for more than 15 minutes;
   - plus 10 dB(A) for more than 5 minutes;
   - plus 15 dB(A) for more than 1 minute; or
   - plus 20 dB(A) for any period of time.

Source: City of Dana Point, *Dana Point Municipal Code*, Chapter 11.10, Noise Control.

SECTION 11.10.014, SPECIAL PROVISIONS

Section 11.10.014, *Special Provisions*, of the Municipal Code specifies the following exemptions from the noise standard, including construction-related noise:

The following activities shall be exempted from the provisions of this Chapter:

(a) Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college;

(b) Outdoor gatherings, public dances and shows; provided said events are conducted pursuant to a license or permit duly issued by the City;

(c) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity;

(d) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work;

(e) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a Federal holiday, with the exception of work on Pacific Coast Highway between the San Juan Creek Bridge and Crystal Lantern which is defined in Subsection (k) of this Section;

(k) Noise sources associated with the construction, street repairs, utility work, striping work, signal work, maintenance work including, but not limited to, landscape and tree maintenance, and any other noise generating activity related to construction or maintenance of Pacific Coast Highway between the San Juan Creek Bridge and Crystal Lantern, at any time. (Added by Ord. 92-11, 11/24/92; amended by Ord. 06-06, 8/23/06)

Section 11.10.016 (Schools, Hospitals and Churches – Special Provisions) of the Municipal Code states the following:

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise limits as specified in Section 11.10.010 prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three (3) separate locations within one-tenth (1/10) of a mile of the institution indicating the presence of a school, church or hospital.

5.11.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (refer to Impact Statements NOI-1 and NOI-3);

b) Generate excessive groundborne vibration or groundborne noise levels (refer to Impact Statement NOI-2); and/or

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

NOISE IMPACT CRITERIA

Significance of Changes in Traffic Noise Levels

An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dB are often identified as substantial, while changes less than 1 dB will not be discernible to local residents. A 5-dB change is generally recognized as a clearly discernable difference.

As traffic noise levels at sensitive uses likely approach or exceed the City's 60 dBA CNEL clearly compatible standard, a 3.0 dB increase as a result of the project is used as the increase threshold for the project. Thus, the project would result in a significant noise impact if a permanent increase in ambient noise levels of 3.0 dB occurs upon project implementation and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

Significance of Changes in Cumulative Traffic Noise Levels

The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds the perception level (i.e., auditory level increase) threshold. The combined effect compares the "cumulative with project" condition to the "existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list. The following criteria have been utilized to evaluate the combined effect of the cumulative noise increase.

- *Combined Effects:* The cumulative with project noise level ("Future With Project") would cause a significant cumulative impact if a 3.0 dB increase over existing conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use.[1]

Although there may be a significant noise increase due to the proposed project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed project. The following criteria have been utilized to evaluate the incremental effect of the cumulative noise increase.

- *Incremental Effects*: The "Future With Project" causes a 1 dBA increase in noise over the "Future Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

5.11.4 IMPACTS AND MITIGATION MEASURES

SHORT-TERM CONSTRUCTION NOISE IMPACTS

NOI-1 CONSTRUCTION-RELATED ACTIVITIES WITHIN THE PROJECT AREA COULD RESULT IN SIGNIFICANT TEMPORARY NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.

Impact Analysis: Typical activities associated with construction are a highly noticeable temporary noise source. Noise from construction activities is generated by two primary sources: (1) the transport of workers and equipment to construction sites and (2) the noise related to active construction equipment. These noise sources can be a nuisance to local residents and businesses or unbearable to sensitive receptors (i.e., residences, hospitals, senior centers, schools, day care facilities, etc.).

While implementation of the proposed project would not directly result in new development within the City, it projects additional development within the City, which would generate noise during construction activities. Construction noise levels are dependent upon the specific locations, site plans, and construction details of individual projects, which have not yet been identified. Construction would be localized and would occur intermittently for varying periods of time. Because specific project-level information is not available at this time, it is not possible to quantify the construction

[1] As shown in Table 5.11-6, the City of Dana Point considers 60 dBA CNEL clearly compatible for sensitive uses. Therefore, this analysis utilizes 60 dBA CNEL as the sensitive use exterior standard.

noise impacts at specific sensitive receptors. Construction of individual developments associated with implementation of the proposed project could temporarily increase the ambient noise environment in the vicinity of each individual project. Pursuant to Municipal Code Section 11.10.014, *Special Provisions*, construction of future projects would be limited to occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, and is prohibited on Sundays and Federal holidays. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts during construction.

Construction noise levels would be reduced through implementation of Mitigation Measure NOI-1, which would require construction best management practices (BMPs) for projects subject to CEQA review (i.e., non-exempt projects). Specifically, Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). Therefore, compliance and/or adherence to the Municipal Code and recommended Mitigation Measure NOI-1 would reduce short-term construction noise impacts to less than significant levels.

Mitigation Measures:

NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 11.10.014, *Special Provisions*, of the Dana Point Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Development Services Department.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

VIBRATION IMPACTS

NOI-2 PROJECT IMPLEMENTATION COULD RESULT IN SIGNIFICANT VIBRATION IMPACTS TO NEARBY SENSITIVE RECEPTORS AND STRUCTURES.

Impact Analysis: Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment.

As shown in Table 5.11-2, the California Department of Transportation (Caltrans) has published reactions of people and the effects on buildings produced by continuous vibration levels. Based on Table 5.11-2, there is a risk of architectural damage to normal dwellings at 0.2 inch/second PPV and a risk of architectural damage to historic buildings at 0.25 inch/second PPV. Further, Table 5.11-2 notes that vibrations may begin to annoy people at 0.2 inch/second PPV. The typical vibration produced by construction equipment is illustrated in Table 5.11-9, *Typical Vibration Levels for Construction Equipment*.

Table 5.11-9
Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inch/second)	Approximate peak particle velocity at 26 feet (inch/second)	Approximate peak particle velocity at 60 feet (inch/second)	Approximate peak particle velocity at 100 feet (inch/second)
Pile Driver (impact)	1.518	1.431	0.408	0.190
Pile Driver (sonic)	0.734	0.692	0.197	0.092
Vibratory compactor/roller	0.210	0.198	0.056	0.026
Caisson Drilling	0.089	0.084	0.024	0.011
Large bulldozer	0.089	0.084	0.024	0.011
Loaded trucks	0.076	0.072	0.020	0.010
Jackhammer	0.035	0.033	0.009	0.004
Small bulldozer	0.003	0.003	0.0008	0.0004

Notes:
1. Calculated using the following formula:
$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$
where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level at 25 feet in in/sec
D = the distance from the equipment to the receiver

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Ground-borne vibration generated during construction activities would primarily impact existing structures that are located adjacent to or within the vicinity of specific projects. Based upon the information provided in Table 5.11-9, vibration levels could reach up to 0.210 inch/second PPV for typical construction activities (and up to 1.518 inch/second PPV if pile driving activities were to occur) at structures located within 25 feet of construction. For structures that are located at or within 25 feet of potential project construction sites, structures at these locations may experience vibration levels during construction activities that exceed the Caltrans vibration impact threshold of 0.2 inch/second PPV; refer to Table 5.11-2. However, pursuant to Mitigation Measure NOI-2, should construction activities requiring operation of groundborne vibration generating equipment take place within 25 feet of a structure, a project-specific vibration impact analysis shall be conducted. In addition, the 0.2 inch/second Caltrans vibration impact threshold would be exceeded within 100 feet of impact pile driving activities and within 60 feet of sonic pile driving activities. Therefore, Mitigation Measure NOI-3 would prohibit impact and sonic pile driving within 100 and 60 feet, respectively, of buildings and instead utilize alternative installation methods. With implementation of Mitigation Measures NOI-2 and NOI-3, construction vibration levels would not exceed 0.2 inch/second PPV. Therefore, the human annoyance threshold criteria (i.e. 0.2 inch/second PPV) would not be exceeded. Short-term vibration impacts would be less than significant with implementation of Mitigation Measures NOI-2 and NOI-3.

Operation of the proposed residential, commercial, and light industrial land uses would not generate high levels of groundborne vibration. Occasional large truck movements may occur in conjunction with transport of materials to the project site. However, large truck movements would generate minor levels of vibration for very short time periods. Therefore, impacts associated with operational groundborne vibration would be less than significant.

Mitigation Measures:

NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.

- Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers.
- Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

LONG-TERM OPERATIONAL NOISE IMPACTS

NOI-3 FUTURE NOISE LEVELS ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY AND EXPOSE PERSONS TO OR GENERATE NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.

Impact Analysis:

MOBILE SOURCES

The "Future Without Project" and "Future With Project" scenarios were compared for long-term conditions. In Table 5.11-10, *Future Traffic Noise Levels*, the noise levels (dBA at 100 feet from roadway centerline) depict what would typically be heard 100 feet perpendicular to the roadway centerline. As

indicated in Table 5.11-10 under the "Future Without Project" scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 45.8 dBA to 66.1 dBA. The highest noise levels under "Future Without Project" conditions would occur along Stonehill Drive, between Camino Capistrano and Del Obispo Street. Under the "Future With Project" scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 49.9 dBA to 66.2 dBA. The highest noise levels occurring under these conditions would also occur along Stonehill Drive, between Camino Capistrano and Del Obispo Street.

Table 5.11-10
Future Traffic Noise Levels

Roadway Segment	Future Without Project					Future With Project					Difference in dBA @ 100 feet from Roadway
	ADT[1]	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT[1]	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Camino Capistrano											
West of Doheny Park Road	5,792	56.5	58	-	-	6,754	57.2	65	-	-	0.7
South of Sepulveda Avenue	3,848	52.2	-	-	-	2,851	50.9	-	-	-	-1.3
South of Victoria Boulevard	5,644	56.4	58	-	-	5,912	56.6	59	-	-	0.2
Between Stonehill Drive and Costco Driveway	27,163	64.7	206	96	-	30,130	65.2	221	103	-	0.5
Doheny Park Road											
South of Camino Capistrano	696	47.5	-	-	-	2,373	52.9	-	-	-	5.4
Victoria Boulevard											
West of Doheny Park Road	787	47.8	-	-	-	3,473	54.3	41	-	-	6.5
East of Doheny Park Road	4,312	55.2	48	-	-	4,534	55.4	50	-	-	0.2
Domingo Avenue											
West of Doheny Park Road	498	45.8	-	-	-	1,267	49.9	-	-	-	4.1
East of Doheny Park Road	842	48.1	-	-	-	1,778	51.4	-	-	-	3.3
Las Vegas Avenue											
West of Doheny Park Road	1,891	51.6	-	-	-	3,486	54.3	42	-	-	2.7
Sepulveda Avenue											
Between Camino Capistrano and Victoria Boulevard	1,544	48.2	-	-	-	3,300	51.5	-	-	-	3.3
Stonehill Drive											
Between Camino Capistrano and Del Obispo Street	37,323	66.1	255	118	55	38,037	66.2	258	120	56	0.1

Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level
1. As a worst-case scenario, weekday ADT volumes were analyzed.
Source: Noise modeling is based upon traffic data provided by Linscott, Law & Greenspan, Engineers.

Table 5.11-10 also compares the "Future Without Project" scenario to the "Future With Project" scenario. As shown in Table 5.11-10, two of the roadway segments modeled (along Camino Capistrano and Stonehill Drive) would generate noise levels above the 60 dBA CNEL standard.

However, the increase in ambient noise would not exceed the 3.0 dB threshold. Furthermore, five of the roadway segments modeled (along Doheny Park Road, Victoria Boulevard, Domingo Avenue, and Sepulveda Avenue) would increase ambient noise levels above the 3.0 dB threshold. Although noise levels generated along these roadway segments would exceed the 3.0 dB threshold, the modeled noise levels would not exceed the 60 dBA CNEL standard. Therefore, a less than significant impact would occur as noise generated along roadway segments under the "Future With Project" scenario would not exceed both the 3.0 dB threshold and the 60 dBA CNEL standard.

STATIONARY SOURCES

Stationary noise generated on the project site would occur within the proposed residential, commercial, and light industrial land uses. On-site sensitive receptors would be located adjacent to commercial land uses, similar to existing conditions. The nearest off-site sensitive receptors are residences located approximately 300 feet to the northwest of the project site. Stationary noise sources at the project site may include slow-moving trucks, mechanical equipment, and parking lot activity.

Slow-Moving Trucks

The predominant noise source during on-site operations would be from on-site truck movements and idling. Typically, slow-moving, heavy-duty delivery trucks accessing loading docks can generate a maximum noise level of approximately 79 dBA at a distance of 50 feet.[2] These are levels generated by a truck that is operated by an experienced "reasonable" driver with typically applied accelerations. The closest off-site sensitive receptors (i.e., residences) are located approximately 300 feet to the northwest of the project site. Assuming slow-moving trucks could operate up to the project boundary line, off-site sensitive receptors may experience noise levels associated with slow-moving trucks at a distance of 300 feet. At this distance, noise levels would be approximately 63.4 dBA. However, an existing masonry wall would separate the nearest sensitive receptors and the proposed project site, which would result in a noise level reduction of at least 10 dBA.[3] Therefore, noise levels at the nearest off-site sensitive receptor would be approximately 53.4 dBA which is below the City's daytime exterior noise standard (i.e., 55 dBA). Although noise levels at the nearest off-site sensitive receptor would exceed the City's exterior nighttime noise standard (i.e., 50 dBA), existing traffic noise levels in the vicinity of the off-site sensitive receptor (i.e., along Camino Capistrano, between Stonehill Drive and Costco Driveway) is approximately 65.3 dBA CNEL; refer to Table 5.11-4. Therefore, noise levels generated from slow-moving truck activity at the project site during nighttime hours would not be audible above existing traffic noise levels. Thus, impacts resulting from truck delivery activities at off-site sensitive receptors would be less than significant.

As previously discussed, on-site sensitive receptors would be located adjacent to commercial land uses. As specific project-level information is not available at this time, it is not possible to quantify noise impacts associated with slow-moving truck loading dock activity at specific sensitive receptors. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts associated with slow-moving truck loading dock activity. Pursuant to Municipal Code 9.35.090, *Loading Facility Standards*, all loading docks shall be screened from adjacent residential zoning districts by landscaping no less than six feet in height.

[2] Elliot H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

[3] National Cooperative Highway Research Program (NCHRP), Synthesis *of Highway Practice 87, Highway Noise Barriers*, December 1981, http://onlinepubs.trb.org/Onlinepubs/nchrp/nchrp_syn_87.pdf, accessed September 8, 2020.

Notwithstanding, slow-moving truck loading dock activity noise levels would be reduced through implementation of Mitigation Measure NOI-4. Mitigation Measure NOI-4 would ensure on-site sensitive receptors are not exposed to noise levels above the City's noise standards. Thus, noise impacts associated with slow-moving trucks would be less than significant with implementation of Mitigation Measure NOI-4.

Mechanical Equipment

The proposed residential, commercial, and light industrial land uses would use heating, ventilation, and air conditioning units (HVAC). HVAC systems typically result in noise levels that average 55 dBA at 50 feet from the source.[4] Although detailed site plans for future development within the project site have not yet been developed, HVAC equipment associated with light industrial and commercial uses would typically be roof mounted. Pursuant to Municipal Code Section 9.05.140, *Roof Mounted Appurtenances*, roof mounted HVAC systems shall be shielded and architecturally screened from adjacent residentially zoned property. At the time of this analysis, identification of specific mechanical equipment and detailed site plans have not been developed. Therefore, Mitigation Measure NOI-4 would be implemented to ensure noise-generating stationary source equipment would not exceed the City's noise regulations. Further, the nearest off-site sensitive receptor is located approximately 300 feet to the northwest of the project site. At this distance, HVAC noise levels would be approximately 39.4 dBA, which would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) exterior noise standard. Thus, noise levels generated from mechanical equipment on the project site would result in a less than significant impact with implementation of Mitigation Measure NOI-4.

Parking Areas

Traffic associated with parking lots is not of sufficient volume to exceed community noise standards that are based on a time averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, an engine starting-up, and car passing by range from 53 dBA to 61 dBA at 50 feet from the source and may be an annoyance to adjacent sensitive receptors.[5] Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. The nearest off-site sensitive receptor is located approximately 300 feet to the northwest of the project site. At this distance, parking area noise levels would range from approximately 37.4 dBA to 45.4 dBA, which would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) noise standard. However, parking area noise levels may exceed the City's exterior noise standards at on-site sensitive receptors. Therefore, Mitigation Measure NOI-4 would be implemented to ensure noise generated in parking lots would not exceed the City's noise regulations on-site. With implementation of Mitigation Measure NOI-4, noise levels generated from parking lot activities on the project site would result in a less than significant impact.

Mitigation Measures:

NOI-4 Prior to issuance of building permits, a Noise Assessment shall be prepared, to the satisfaction of the City of Dana Point City Planner, which demonstrates on-site placement of stationary noise sources at commercial and industrial uses would not exceed noise

[4] U.S. Environmental Protection Agency, *Community Noise*, 1971.
[5] Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

standards established in the City of Dana Point Municipal Code Chapter 11.10, Noise Control. The Noise Assessment shall verify that stationary noise sources (e.g., loading dock facilities, mechanical equipment, and parking lots) are adequately shielded and/or located at an adequate distance from on-site sensitive receptors and residences in order to comply with noise regulations established by the City of Dana Point.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.11.5 CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

SHORT-TERM CONSTRUCTION NOISE IMPACTS

- **CONSTRUCTION-RELATED ACTIVITIES WITHIN THE PROJECT AREA COULD RESULT IN SIGNIFICANT TEMPORARY NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.**

Impact Analysis: Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. As previously discussed, implementation of the proposed project would not directly result in new development within the City. However, the project proposes additional development within the City, which would generate noise during construction activities. As discussed above, construction noise for the proposed project was determined to be less than significant with implementation of Mitigation Measure NOI-1. The construction activities associated with cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, the project's contribution to cumulative noise impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Mitigation Measures: Refer to Mitigation Measure NOI-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

VIBRATION IMPACTS

- **PROJECT IMPLEMENTATION COULD RESULT IN SIGNIFICANT VIBRATION IMPACTS TO NEARBY SENSITIVE RECEPTORS AND STRUCTURES.**

Impact Analysis: As discussed above, project construction and operational activities would not generate groundborne vibration on-site above the significance criteria (i.e. 0.2 in-per-second PPV threshold as established by Caltrans) with implementation of Mitigation Measures NOI-2 and NOI-3. Groundborne vibration generated from cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to

CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measures NOI-2 and NOI-3.

Mitigation Measures: Refer to Mitigation Measures NOI-2 and NOI-3.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

LONG-TERM NOISE IMPACTS

- **THE PROPOSED PROJECT COULD RESULT IN A SIGNIFICANT INCREASE IN TRAFFIC AND LONG-TERM STATIONARY AMBIENT NOISE LEVELS.**

Impact Analysis:

MOBILE NOISE

The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other projects are compared. Second, for combined effects that are determined to be cumulatively significant, the project's incremental effects then are analyzed. The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Future With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon, and reduces as distance from the source increases. Consequently, only the proposed project and growth due to occur in the project site's general vicinity would contribute to cumulative noise impacts. Table 5.11-11, *Cumulative Noise Scenario*, lists the traffic noise effects along roadway segments in the project vicinity for "Existing," "Future Without Project," and "Future With Project" conditions, including incremental and net cumulative impacts.

As indicated in Table 5.11-11, the Incremental Effects criterion of 1.0 dBA and the Combined Effects criterion of 3.0 dBA are exceeded along Doheny Park Road, Victoria Boulevard, Domingo Avenue, Las Vegas Avenue, and Sepulveda Avenue. Although both the combined and incremental effects criteria have been exceeded, cumulative traffic noise levels along Doheny Park Road, Victoria Boulevard, Domingo Avenue, Las Vegas Avenue, and Sepulveda Avenue would not exceed the City's sensitive use exterior noise standards (i.e. 60 dBA CNEL). Therefore, the proposed project, in combination with cumulative background traffic noise levels, would result in less than significant impacts.

Table 5.11-11
Cumulative Noise Scenario

Roadway Segment	Existing	Future Without Project	Future With Project	Combined Effects	Incremental Effects	Future With Project Noise Level Exceeds City's 60 dBA CNEL Noise Standard for Sensitive Receptors?	Cumulatively Significant Impact?
	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	Difference In dBA Between Existing and Future With Project	Difference In dBA Between Future Without Project and Future With Project		
Camino Capistrano							
West of Doheny Park Road	55.9	56.5	57.2	1.3	0.7	No	**No**
South of Sepulveda Avenue	51.8	52.2	50.9	-0.9	-1.3	No	**No**
South of Victoria Boulevard	55.9	56.4	56.6	0.7	0.2	No	**No**
Between Stonehill Drive and Costco Driveway	64.3	64.7	65.2	0.9	0.5	Yes	**No**
Doheny Park Road							
South of Camino Capistrano	47.1	47.5	52.9	5.8	5.4	No	**No**
Victoria Boulevard							
West of Doheny Park Road	47.4	47.8	54.3	6.9	6.5	No	**No**
East of Doheny Park Road	54.6	55.2	55.4	0.8	0.2	No	**No**
Domingo Avenue							
West of Doheny Park Road	45.4	45.8	49.9	4.5	4.1	No	**No**
East of Doheny Park Road	47.7	48.1	51.4	3.7	3.3	No	**No**
Las Vegas Avenue							
West of Doheny Park Road	51.2	51.6	54.3	3.1	2.7	No	**No**
Sepulveda Avenue							
Between Camino Capistrano and Victoria Boulevard	47.8	48.2	51.5	3.7	3.3	No	**No**
Stonehill Drive							
Between Camino Capistrano and Del Obispo Street	65.6	66.1	66.2	0.6	0.1	Yes	**No**

Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level
Source: Noise modeling is based upon traffic data provided by Linscott, Law & Greenspan, Engineers.

STATIONARY NOISE

Although the related cumulative projects have been identified within the project study area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of conceptual nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities.

The nearest cumulative project to the project site is the Victoria Boulevard Specific Plan project, located adjacent to the project site along Sepulveda Avenue and Victoria Boulevard. As noted above, the proposed project would not result in significant stationary noise impacts with implementation of

Mitigation Measure NOI-4. Therefore, the proposed project would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Mitigation Measures: Refer to Mitigation Measure NOI-4.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.11.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No unavoidable significant impacts related to noise have been identified following implementation of the recommended Mitigation Measures NOI-1 through NOI-4, and compliance with the applicable Federal, State, and local regulatory requirements.

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5.12 Population and Housing

5.12 POPULATION AND HOUSING

This section identifies the existing population, housing, and employment statistics in the City of Dana Point (City) and provides an analysis of potential impacts that may result from project implementation. More specifically, the impact analysis evaluates how project implementation would induce population, housing, or employment growth in Dana Point, either directly or indirectly. The following analyses are based primarily on data obtained from the 2000 and 2010 U.S. Census, California Department of Finance, California Employment Development Department, and Southern California Association of Governments' (SCAG) *The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy Of The Sothern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS).

5.12.1 EXISTING SETTING

POPULATION

Population data for the County of Orange (County) and City is presented in Table 5.12-1, *Population Estimates and Projections*.

Table 5.12-1
Population Estimates and Projections

Year	County of Orange	City of Dana Point	City of Dana Point as Percent of County of Orange
Population			
2010[1]	3,010,232	33,351	1.1%
Existing Conditions (May 2020)[2]	3,194,332	33,146	1.0%
2010-2020 Change	*+184,100*	*-205*	--
2010-2020 % Change	*+6.1%*	*-0.6%*	--
2045 SCAG Forecast[3]	**3,534,700**	**35,600**	**1.0%**
2020-2045 Change	*+340,368*	*+2,454*	--
2020-2045 % Change	*+10.7%*	*7.4%*	--

Sources:
1. U.S. Census Bureau, *2010 Census*.
2. California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark*, May 1, 2020.
3. Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, September 2020, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf, accessed September 29, 2020.

County of Orange

The County's population totaled 3,010,232 persons in 2010 and is currently estimated to be approximately 3,194,332 persons, representing a growth rate of approximately 6.1 percent between 2010 and 2020.

SCAG projects the County's population to increase to approximately 3,534,700 persons by 2045, a 10.7 percent increase from 2020 to 2045.

City of Dana Point

As indicated in Table 5.12-1, the City's population was an estimated 33,351 persons in 2010 and is currently estimated to be approximately 33,146 persons, representing a population decrease rate of approximately 0.6 percent between 2010 and 2020.

SCAG forecasts the City's population to increase to approximately 35,600 persons by 2045, an 7.4 percent increase from 2020 to 2045. Comparatively, the City is forecast to grow at a lower rate than the County, which is forecast to grow by approximately 10.7 percent. By 2045, the City is forecasted to constitute approximately 1.0 percent of the County's total population.

HOUSING

Housing data for the County and City is presented in Table 5.12-2, *Housing Inventory Estimates and Projections*.

Table 5.12-2
Housing Inventory Estimates and Projections

	Dwelling Units	
	County of Orange	**City of Dana Point**
2010[1]	1,048,907	15,938
Existing Conditions (May 2020)[2]	1,111,421	16,172
2010-2020 Change	*+62,514*	*+234*
2010-2020 % Change	*+6.0%*	*+1.5%*
2020 Vacancy Rate[2]	5.2%	12.7%
2020 Persons per Household[2]	2.98	2.33
2045 SCAG Forecasts[3]	**1,094,087[4]**	**13,270[4]**
2020-2045 Change	*-17,334*	*-2,902*
2020-2045 % Change	*-1.6%*	*-18%*

Sources:
1. U.S. Census Bureau, *2010 Census*.
2. California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark*, May 1, 2020.
3. Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, September 2020, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf, accessed September 29, 2020.
4. Dwelling unit forecasts are based on 2020 vacancy rates and SCAG forecasted household estimates.

County of Orange

The County's housing inventory was an estimated 1,048,907 dwelling units in 2010 and is currently estimated to be approximately 1,111,421 dwelling units, representing an increase of approximately 6.0 percent between 2010 and 2020.

Vacancy rates are a measure of the general availability of housing. They also indicate how well the types of available units meet the housing market demand. A low vacancy rate suggests that households may have difficulty finding housing within their price range, whereas a high vacancy rate indicates that either the units available are not suited to the population's needs or there is an oversupply of housing units. The availability of vacant housing units provides households with choices of type and price to

accommodate their specific needs. Low vacancy rates can result in higher prices, limited choices, and settling with inadequate housing. Low vacancy rates may also contribute to overcrowding. A vacancy rate between 4.0 and 6.0 is considered "healthy." As of 2020, the County has an estimated vacancy rate of 5.2 percent and an average household size of 2.98.

SCAG forecasts the County's households to reach 1,154,100 by 2045.[1] Assuming a 5.2 percent vacancy rate, the County's housing inventory is forecast to total approximately 1,094,087 dwelling units by 2045, representing a decrease of approximately 1.6 percent between 2020 and 2045; refer to Table 5.12-2.

City of Dana Point

The City's housing inventory was an estimated 15,938 dwelling units in 2010 and is currently estimated to be approximately 16,172 dwelling units, representing an increase of approximately 1.5 percent; refer to Table 5.12-2. Comparatively, the City's housing growth rate between 2010 and 2020 was lower than the County's growth rate for the same period (5.9 percent).

As indicated in Table 5.12-2, the City's 2020 vacancy rate is estimated to be approximately 12.7 percent. Comparatively, the City's vacancy rate is higher than the County's overall vacancy rate of 5.2 percent.

SCAG forecasts the City's households to reach 15,200 by 2045.[2] Assuming a 12.7 percent vacancy rate, the City's housing inventory is anticipated to decrease to 13,270 dwelling units by 2045, representing a decrease of approximately 18 percent between 2020 and 2045; refer to Table 5.12-2.

EMPLOYMENT

Table 5.12-3, *Employment Estimates and Projections*, details employment data for the County and City.

Table 5.12-3
Employment Estimates and Projections

	County of Orange		City of Dana Point	
	Employment	Unemployment Rate	Employment	Unemployment Rate
Existing Conditions (June 2020)[1]	1,377,000	13.7%	16,000	12.0%
2045 SCAG Forecast[2]	1,980,500	--	13,500	--
2020-2045 Change	*+603,500*	--	*-2,500*	--
2020-2045 % Change	*+43.8%*	--	*-15.6%*	--

Sources:
1. California Employment Development Department, Labor Market Information Division, *Monthly Labor Force Data for Cities and Census Designated Places (CDP) June 2020 - Preliminary,* June 2020.
2. Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, September 2020, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf, accessed September 29, 2020.

[1] Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, Table 14, September 2020, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf, accessed September 29, 2020.

[2] Ibid.

County of Orange

According to the California Employment Development Department, the County has an estimated 1,377,000 jobs and an unemployment rate of 13.7 percent as of June 2020. SCAG projections indicate that the County is forecasted to have an estimated 1,980,500 jobs by 2045.

City of Dana Point

As indicated in Table 5.12-3, the City has an estimated 16,000 jobs and an unemployment rate of 12.0 percent as of June 2020. SCAG projections indicate that the number of jobs within the City are forecast to decrease by 2,500 jobs to 13,500 jobs by 2045.

The jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. However, it does not indicate the types of jobs available or if wages are commensurate with housing prices. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As of 2020, the City's jobs/housing ratio is approximately 0.99.

5.12.2 REGULATORY SETTING

REGIONAL LEVEL

Southern California Association of Governments

SCAG is the responsible agency for developing and adopting regional housing, population, and employment growth forecasts for local governments from Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of anticipated growth. On September 3, 2020, SCAG's Regional Council adopted the 2020-2045 RTP/SCS, a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals.

Regional Housing Needs Assessment (RHNA)

State law requires that jurisdictions provide their fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) is mandated to determine the State-wide housing need. In cooperation with HCD, local governments and Councils of Governments (COGs) are charged with making a determination of the existing and projected housing needs as a share of the State-wide housing need of their city or region.

The Regional Housing Needs Assessment (RHNA) is an assessment process performed periodically as part of housing element and general plan updates at the local level. The RHNA quantifies the housing need by income group within each jurisdiction during specific planning periods. The *5th Cycle Final RHNA Allocation Plan* was adopted by the SCAG Regional Council on October 4, 2012 and covers the planning period from October 15, 2013 to October 15, 2021. The 6th RHNA cycle covers the housing element planning period from October 2021 through October 2029. The *6th Cycle Final*

RHNA Allocation Plan was adopted by SCAG on March 4, 2021. Housing elements for the 6th RHNA cycle are due to the HCD in October 2021.

The RHNA allows communities to anticipate growth so that collectively, the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

LOCAL LEVEL

City of Dana Point 2014-2021 Housing Element

The *City of Dana Point 2014-2021 Housing Element* (Housing Element) was adopted on December 3, 2013. The Housing Element identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. It establishes policies that guide City decision making and an action program to implement housing goals for the State-designated planning period from January 1, 2014, through September 30, 2021. The City's housing strategy is based on a comprehensive evaluation of existing housing programs and policies; an assessment of the City's population, economic, and housing characteristics; and a discussion of the physical and regulatory resources and constraints for housing production.

According to the 6th Cycle's *Estimate of SCAG RHNA Allocation Based on Regional Council-Approved Final RHNA Methodology*, SCAG estimated the housing needs of the City for the 2021-2029 projection period to be 529 housing units; refer to Table 5.12-4, *Dana Point 2021-2029 RHNA Estimated Allocation*. Table 5.12-4 summarizes the specific number of housing units anticipated to be served between 2021 and 2029.

Table 5.12-4
Dana Point 2021-2029 RHNA Estimated Allocation

Income Category[1]	RHNA Allocation (Units)
Very Low	147
Low	84
Moderate	101
Above Moderate	198
Total	**530**

Notes:
1. Income Categories:
   Very Low Income: Four-person household does not exceed 50 percent of the median family income of the County.
   Low Income: Four-person household with income between 51 percent and 80 percent of the County median family income.
   Moderate Income: Four-person household with income between 81 percent and 120 percent of the County median family income.
   Above Moderate Income: Four-person household with income 121 percent or more of the County median family income.

Source: Southern California Association of Governments, *SCAG 6th Cycle Final RHNA Allocation Plan*, March 4, 2021, https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-proposed-final-allocation-plan.pdf?1614911196, accessed March 8, 2021.

5.12.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (refer to Impact Statement PHE-1); and/or

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.12.4 IMPACTS AND MITIGATION MEASURES

POPULATION GROWTH

PHE-1 THE PROJECT COULD DIRECTLY OR INDIRECTLY INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH.

Impact Analysis: The proposed Doheny Village Zoning District Update would introduce new zoning districts and land use designations specific to parcels within Doheny Village; refer to Exhibits 3-5, *Doheny Village Zoning District Update*, and 3-7, *Doheny Village Land Use Designations*. Future buildout in accordance with the proposed project is anticipated to result in up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use; refer to Table 3-3, *Proposed Development Potential*. However, no demolition or development activities are proposed as part of the project and existing on-site uses would remain until future redevelopment is proposed at a later date. Therefore, project implementation would induce direct population growth in the City through future anticipated buildout in accordance with the proposed project.

It is speculative at this point to determine whether all future residents of the anticipated 812 additional dwelling units would relocate from within or outside of the City. Thus, this analysis conservatively assumes future residents would relocate from outside of the City. Based on the City's average household size of 2.33, the anticipated 812 additional units would introduce up to 1,892 additional residents to the City. The anticipated population growth associated with the project represents only a 5.7 percent increase from the City's current population of 33,146 persons.

Table 5.12-5, *Proposed Project's Development Potential Compared to General Plan Buildout Assumptions*, compares the project's potential population and housing growth to the General Plan's population and housing forecasts for the City at buildout. The City's housing stock is forecast to total approximately

16,500 dwelling units at General Plan buildout, with a resultant population of approximately 40,000 persons; refer to Table 5.12-5. Compared to the General Plan buildout assumptions, the proposed development potential would increase the City's housing stock by 812 dwelling units and increase the City's population by 1,892 persons. As shown in Table 5.12-5, buildout in accordance with the proposed Doheny Village Zoning District Update would not exceed the General Plan's buildout population forecasts but would exceed its housing forecasts. Nevertheless, the General Plan was adopted in 1991 and information, including existing conditions data and buildout assumptions, are predominantly outdated. As such, comparing the project's anticipated net development potential to the General Plan buildout assumptions is provided solely for informational purposes.

Table 5.12-5
Proposed Project's Development Potential Compared to General Plan Buildout Assumptions

Description	Dwelling Units	Population
Existing Conditions (May 2020)[1]	16,172	33,146
Proposed Net Development Potential	812	1,892[2]
Total City (Including Proposed Net Development Potential)	*16,984*	*35,038*
General Plan Buildout Assumptions	16,500	40,000
Project's Net Development Potential Compared to General Plan Buildout Increase Assumption	*+484*	*-4,962*

Notes:
1. California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark*, May 1, 2020.
2. Based on City's average household size of 2.33.

Table 5.12-6, *Proposed Project's Development Potential Compared to SCAG Growth Forecasts*, compares the project's anticipated housing and population growth with SCAG's 2045 growth projections for Dana Point. As indicated in Table 5.12-6, SCAG projects that the City's housing stock would total 13,270 dwelling units with a resultant population of 35,600 persons by 2045. Compared to SCAG's growth forecasts, the proposed development potential would increase the City's housing stock by 812 dwelling units and increase the City's population by up to 1,892 persons. As shown, the proposed project's development potential would not exceed SCAG's population estimates for 2045 but would exceed SCAG's 2045 growth forecasts for dwelling units. However, according to the California Department of Finance, 16,172 dwelling units are available in Dana Point; thus, the City has already exceeded SCAG's forecast for 2045 as of May 2020. Moreover, the City's General Plan forecasts development of 16,500 dwelling units at buildout; refer to Table 5.12-5. Thus, SCAG's housing forecast may be underestimated by approximately 19.6 percent. The project would not result in substantial unplanned population growth and impacts in this regard would be less than significant.

Table 5.12-6
Proposed Project's Development Potential Compared to SCAG Growth Forecasts

Description	Dwelling Units	Population
Existing Conditions (May 2020)[1]	16,172	33,146
Proposed Net Development Potential	812	1,892[2]
Total City (Including Proposed Net Development Potential)	*16,984*	*35,038*
SCAG 2045 Forecasts[3,4]	13,270	35,600
Project's Net Development Potential Compared to SCAG's 2045 Forecast Increase Assumption	*+3,714*	*-562*

Notes:
1. California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2020, with 2010 Benchmark*, May 1, 2020.
2. Based on City's average household size of 2.33.
3. Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, September 2020, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf, accessed September 29, 2020.
4. Dwelling unit forecasts are based on 2020 vacancy rate.

Last, as discussed in Section 3.3.1, *Project Description*, the three new zoning districts proposed by the project would be specific to the project area and not applicable anywhere else in the City. As such, the project would not result in substantial unplanned population growth as a result of the proposed Doheny Village Zoning District Update and impacts in this regard would be less than significant.

JOBS/HOUSING BALANCE

As stated above, the jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. As of 2020, the City's jobs/housing ratio is approximately 0.99.

Future projects implemented in accordance with the Doheny Village Zoning District Update would develop new dwelling units and generate new jobs. The project's anticipated development potential would allow up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office uses. The project's additional commercial, industrial, and office square feet would generate approximately 517 new jobs.[3] As such, the proposed project would increase the City's employment base over existing conditions (June 2020) from approximately 16,000 to 16,517 jobs, representing an approximately 3.3 percent increase. However, the 812 additional dwelling units would also increase the City's housing stock from 16,172 (May 2020) to 16,980, representing an approximately 5.0 percent increase. Based on these increases, the City's jobs/housing ratio would slightly decrease from the existing 0.99 to 0.97. This reduction represents a nominal reduction in employment opportunities, compared to the existing condition, for residents to work within the community (rather than commuting to neighboring cities).

[3] The Natelson Company, Inc., *Employment Density Study Summary Report*, Table 6A, October 31, 2001. Job generation forecast utilized Table 6A's square feet per employee based on assumed associated land use category types. The total number of new jobs were calculated based on the assumptions that commercial land use equated to regional retail (704 square feet/employee), office land use equated to low-rise office (287 square feet/employee), and industrial land use equated to light manufacturing (558 square feet/employee).

This nominal reduction in the jobs/housing ratio (0.02 percent) is considered a less than significant impact.

Further, it is acknowledged that the City's 6th cycle RHNA allocations will substantially increase from its 5th cycle allocation of two low income units. Thus, the City anticipates Citywide policy changes to accommodate more housing in infill and mixed-use environments to meet its RHNA requirements for the next planning period from 2021 through 2029. The project would provide up to 812 dwelling units, a portion of which would be allocated as affordable housing. Therefore, the project would contribute towards the City's future housing goals. Overall, the project would result in less than significant impact related to job/housing balance.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.12.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO SUBSTANTIAL UNPLANNED POPULATION GROWTH.**

Impact Analysis: Cumulative impacts involving population and housing are analyzed in terms of consistency with General Plan and SCAG growth assumptions for applicable jurisdictions. As stated above, the project's proposed development potential would introduce up to 1,892 additional residents and 812 dwelling units to the City. Tables 5.12-5 and 5.12-6 compare the project's anticipated population and housing growth to the General Plan buildout assumptions and SCAG growth forecasts, respectively. As summarized above, the project would not exceed SCAG's population estimates for 2045 but would exceed SCAG's 2045 growth forecasts for dwelling units. However, according to the California Department of Finance, 16,172 dwelling units are currently available in Dana Point; thus, the City has already exceeded SCAG's forecast for 2045 as of May 2020. Moreover, the City's General Plan forecasts development of 16,500 dwelling units at buildout; refer to Table 5.12-4. Thus, SCAG's housing forecast may be underestimated by approximately 19.6 percent. It is noted that project's population and employment growth would also be offset by the increase in housing units, a portion of which would include affordable housing to help meet the City's 6th cycle RHNA allocations. The project's incremental effects involving population and housing growth are not considered cumulatively significant and would not result in substantial unplanned cumulative population growth.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.12.6 SIGNIFICANT UNAVOIDABLE IMPACTS

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to population or housing.

5.13 Public Services/ Recreation and Utilities

5.13 PUBLIC SERVICES/ RECREATION AND UTILITIES

Public services addressed in this section include fire protection, police protection, schools, and other public facilities such as libraries. Utilities addressed in this section include water, wastewater treatment, stormwater drainage, electric power, natural gas, telecommunications, and solid waste. Potential impacts to park and reaction facilities are also addressed in this section. This section discusses the existing conditions, which provide the necessary baseline information. Mitigation measures are identified to avoid or lessen potential impacts, where necessary.

5.13.1 EXISTING SETTING

FIRE PROTECTION

Orange County Fire Authority (OCFA), Division 3, Battalion 6, provides fire protection and emergency response services to the project area. As a joint powers authority, OCFA contracts with multiple cities for fire protection services, including the City of Dana Point. OCFA is organized into five departments: Operations, Community Risk Reduction, Support Services, Business Services, and Organizational Planning. The City of Dana Point is served by four OCFA fire stations. OCFA Station No. 29 is located in Doheny Village at 26111 Victoria Boulevard. The OCFA fire stations that serve Dana Point, along with their locations, equipment, and personnel are identified in Table 5.13-1, *Fire Stations*.

Table 5.13-1
Fire Stations

Station	Equipment and Personnel
OCFA Station No. 29 26111 Victoria Boulevard Dana Point, CA 92624	Equipment: 1 PM Engine Personnel: 3 Battalion Chiefs, 3 Fire Captains, 3 Fire Apparatus Engineers, 6 Firefighters
OCFA Station No. 30 23831 Stonehill Drive Dana Point, CA 92629	Equipment: 1 Air Utility, 1 Engine, 1 Medic Engine, 1 Patrol Personnel: 3 Fire Captains, 3 Fire Apparatus Engineers, 6 Firefighters, Reserve Firefighters
OCFA Station No. 7 31865 Del Obispo San Juan Capistrano, CA 92675	Equipment: 2 Engines, 1 Medic, 1 Patrol, 1 Water Tender Personnel: 3 Fire Captains, 3 Fire Apparatus Engineers, 9 Firefighters, Reserve Firefighters
OCFA Station No. 50 670 Camino de Los Mares San Clemente, CA 92673	Equipment:1 Ambulance, 1 Engine, 1 PAU Engine Personnel: 3 Fire Captains, 3 Apparatus Engineers, 6 Firefighters, 6 ETTs
Note: 1. Identified personnel represent total station staffing. Daily staffing is one-third of the numbers identified above.	
Source: Orange County Fire Authority, *Operations Division 3, Coverage Map*, https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#coverage, accessed August 11, 2020.	

As indicated in Table 5.13-1, the City of Dana Point is served by approximately 20 OCFA firefighters per day.[1] The General Plan identifies the following target response times for OCFA:

- Response time for arrival of the first fire engine at an emergency scene should be within 5 minutes for 80 percent of the City.
- Response time for arrival of the paramedics full first alarm assignment at a scene should be within 10 minutes for 80 percent of the City.

According to the General Plan, OCFA meets its adopted response standards in the City of Dana Point. In 2019, the OCFA responded to 33 fire calls; 2,613 emergency medical service calls; and 739 calls on other incidents within the City.[2] There are currently no plans for new or expanded fire protection facilities in the City.

POLICE PROTECTION

The City contracts the Orange County Sheriff's Department (OCSD) for police services. OCSD operates from the Dana Point Police Department located at 33282 Golden Lantern, Suite 140. According to the OCSD, Dana Point is served by approximately 25 fulltime deputies, 6 sergeants, and 6 parking control officers.[3]

SCHOOLS

The project site is served by Capistrano Unified School District (CUSD). According to the CUSD website, CUSD serves 200 square miles of southern Orange County, serving approximately 47,205 students.[4] Existing CUSD school facilities include the following:

- 38 elementary schools;
- 15 middle schools;
- 9 high schools; and
- 6 charter schools.

Table 5.13-2, *Capistrano Unified School District Facilities*, identifies the existing enrollment and capacity of each school serving Doheny Village and, as shown, indicates a shortage of capacity at the Intermediate and High School education levels.

[1] OCFA daily staffing levels are approximately one-third of total staff.

[2] Orange County Fire Authority, *2019 Statistical Annual Report*, https://www.ocfa.org/Transparency/Governance.aspx, accessed September 18, 2020.

[3] Orange County Sheriff's Department, *City of Dana Point Overview*, https://www.ocsd.org/patrol/dpoint, accessed August 11, 2020.

[4] Capistrano Unified School District Website, *About CUSD*, https://capousd-ca.schoolloop.com/, accessed August 11, 2020.

Table 5.13-2
Capistrano Unified School District Facilities

School	Enrollment (2019-2020)	Capacity
Elementary Schools	22,975	23,549
Intermediate	7,536	7,004
High Schools	15,966	11,905

Source: Cooperative Strategies, *Residential and Commercial/Industrial Development School Fee Justification Study, Capistrano Unified School District*, Table 1, Existing School Facilities Capacity and Student Enrollment, page 19, February 25, 2020.

The CUSD collects developer fees for school facilities from residential and commercial/industrial development in order to offset impacts to school services. As of 2020, the CUSD collects developer fees in the amount of $4.08 per square foot of residential development and between $0.016 to $0.66 for commercial/industrial development.[5]

PARKS AND RECREATION

The City of Dana Point maintains 28 public parks in the City totaling 82 acres. The City also maintains the Dana Point Community Center, which includes a community services building, organized sport leagues, and senior center. According to the Table COS-5, *Existing and Future Park Acreage Needs*, of the General Plan Conservation/Open Space Element, the City has a parkland standard of four acres of park space per 1,000 residents (2.5 acres of district park per 1,000 residents and 1.5 acres of school playground per 1,000 residents). As described previously in Section 5.12.1, *Existing Setting*, the City's existing population is approximately 33,146 persons. Based on this population estimate and the City's parkland standard (a total of four acres per 1,000 residents), the City has a parkland demand of 133 acres. As the City currently offers approximately 82 acres of parkland (or 2.47 acres per 1,000 residents), there is a parkland deficiency of approximately 51 acres citywide. However, the City also has a joint-use agreement with the CUSD for use of school facilities. These facilities are generally open to the public during non-school hours, which would supplement this deficiency. Table 5.13-3, *Local Area Parks*, identifies existing City parks within an approximately one-mile radius of the project area. There are no parks or joint-use facilities within the project area.

Table 5.13-3
Local Area Parks

Park and Address	Distance from Project	Restrooms	Ocean View	Playground	Picnic Tables	Barbeques	Baseball/Softball	Basketball	Dog Fun Zone	Volleyball	Tennis	Wedding Site
Louise Leyden Park Dana Bluff West at Via Verde	0.2		X									
Del Obispo Park 34052 Del Obispo Street	0.2	X		X	X	X	X	X			X	
Palisades Gazebo Park 26401 Palisades Drive	0.5		X									X

[5] Cooperative Strategies, *Residential and Commercial/Industrial Development School Fee Justification Study, Capistrano Unified School District*, Table 1, Existing School Facilities Capacity and Student Enrollment, page 36-37, February 25, 2020.

Table 5.13-3 (Continued)
Local Area Parks

Park and Address	Distance from Project	Restrooms	Ocean View	Playground	Picnic Tables	Barbeques	Baseball/Softball	Basketball	Dog Fun Zone	Volleyball	Tennis	Wedding Site
Sunset Park 33345 Calle Naranja	0.8	X		X	X	X						
Pines Park 34941 Camino Capistrano	0.7		X	X	X	X						X
Sea View Park 25262 Manzanita	0.6		X	X								
Heritage Park 34400 Old Golden Lantern	1.0		X						X			X
Lantern Bay Park 25111 Park Lantern	0.6	X	X	X	X	X						X
Creekside Park 25743 Stonehill Drive	0.4	X		X	X			X	X	X		

Source: City of Dana Point, *City of Dana Point Parks & Facilities*, https://www.danapoint.org/home/showdocument?id=17127, accessed August 11, 2020.

WATER

The project site receives potable water services from the South Coast Water District (SCWD). SCWD relies on a combination of imported water, local groundwater, and recycled water to meet its current water needs. SCWD works with two primary agencies, Metropolitan Water District of Southern California (Metropolitan) and Municipal Water District of Orange County (MWDOC) to ensure a safe and reliable water supply that would continue to serve the community in periods of drought and shortage. According to the *SCWD 2015 Urban Water Management Plan* (2015 UWMP), SCWD serves an 8.3 square mile service area consisting of Dana Point, South Laguna Beach, parts of San Clemente, and San Juan Capistrano. According to the 2015 UWMP, the SCWD has 30 miles of transition mains and two reservoirs that hold a total of 60 million gallons of water.

The following discussion is based upon *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project* (WSA), prepared by Michael Baker International, dated March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

Water Supply

As stated, the SCWD's water portfolio is comprised of imported water, local groundwater, and recycled water. According to the 2015 UWMP, the SCWD is 80 percent dependent on imported water and 20 percent dependent on its Groundwater Recovery Facility (GRF) and recycled water. The sources of imported water supplies include the Colorado River and the State Water Project (SWP) provided by Metropolitan and delivered through MWDOC. The local groundwater is from the San Juan Basin. According to the 2015 UWMP, this supply mix is expected to remain consistent through 2040.

Table 5.13-4, *SCWD Current and Planned Water Supply*, summarizes each of these water supply sources, which are further described below.

Table 5.13-4
SCWD Current and Planned Supplies

Water Supply	2015	2020	2025	2030	2035	2040
Imported Water	5,737	6,223	6,223	6,223	6,223	6,223
Groundwater	859	1,040	1,040	1,040	1,040	1,040
Recycled Water	178	1,252	1,472	1,472	1,472	1,472
Total Water Supplies	**6,774**	**8,515**	**8,735**	**8,735**	**8,735**	**8,735**

Note: All units in acre-feet per year (AFY).

Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Table 5-3, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

Imported Water

In 2015, the SCWD supplemented its local groundwater with 5,737 acre-feet per year (AFY) of imported water purchased wholesale by Metropolitan through MWDOC. Metropolitan's principal sources of water are the Colorado River via the Colorado River Aqueduct (CRA) and the Lake Oroville watershed in Northern California through the SWP. For Orange County, the raw water obtained from these sources is treated at the Robert B. Diemer Filtration Plant (Diemer Filtration Plant) located north of Yorba Linda. Typically, the Diemer Filtration Plant receives a blend of Colorado River water from Lake Mathews through the Metropolitan Lower Feeder and SWP water through the Yorba Linda Feeder. Imported water is conveyed to SCWD through the East Orange County Feeder (ECOF) #2 system, which conveys Diemer Filtration Plant's water to the Aufdenkamp Transmission Main (ATM) and the Joint Transmission Main (JTM).

Groundwater

In 2008, the SCWD incorporated local groundwater into its water resource portfolio with the construction of its GRF, which extracts and treats brackish groundwater from the San Juan Basin. The SCWD's past groundwater production has averaged roughly 850 AFY, or about 12 percent of the SCWD's total water supply. According to the 2015 UWMP, the SCWD would be able to extract its full permitted amount of 1,300 AFY from the San Juan Basin, which would net approximately 1,040 AFY of treated groundwater production, with the addition of the SCWD's second GRF well (Creekside GRF well), located in the City's Creekside Park. The Creekside GRF well was drilled in 2013 and is currently being considered for operation by the SCWD at this time of writing.

The San Juan Basin is located in southern Orange County within the San Juan Creek Watershed. The San Juan Basin is comprised of four sub-basins: Upper San Juan, Middle San Juan, Lower San Juan, and Lower Trabuco and is bound on the west by the Pacific Ocean and by tertiary semi-permeable marine deposits. Recharge of the San Juan Basin occur through flow from San Juan Creek, Oso Creek, and Arroyo Trabuco, precipitation to the valley floor, and Hot Spring Canyon spring flows. Currently, five agencies, including the SCWD, have groundwater rights to the San Juan Basin, and use this water for either municipal purposes or for irrigation. The agencies with groundwater rights to the San Juan Basin and their current rights are listed below:

- South Coast Water District: 1,300 AFY
- San Juan Basin Authority: 8,026 AFY
- Santa Margarita Water District: 643 AFY
- San Juan Hills Golf Course: 450 AFY
- City of San Juan Capistrano: 3,325 AFY

The SCWD obtained its own water rights permit from the State Water Resources Control Board (SWRCB). That permit allows the SCWD to extract 1,300 AFY from the San Juan Basin. A summary of the net volume of treated groundwater produced by the SCWD into the potable water system is shown in Table 5.13-5, *SCWD Historical Annual Treated Groundwater Production*.

Table 5.13-5
SCWD Historical Annual Treated Groundwater Production

Basin Name(s)	2011	2012	2013	2014	2015
San Juan Basin	807	933	907	764	178
Total Groundwater Treated	**807**	**933**	**907**	**764**	**178**

Note: All units in acre-feet per year.

Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Table 5-1, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

Recycled Water

The SCWD's recycled water distribution system consists of 16 miles of pipeline, three pump stations with a total pumping capacity of 5,200 gallons per minute, and three reservoirs with a capacity of 4.7 million gallons. The distribution system begins at the Advanced Wastewater Treatment Plant (AWT) facility to the north and a pipeline that runs south along Pacific Coast highway to Stonehill Drive.

Recycled water is used to irrigate parks, golf courses, greenbelts, and offsets demand on imported potable water. Current customers receiving recycled water from the SCWD include the Montage Resort, Lang Park, The Ranch Golf Course & Bungalows, Monarch Links Golf Course at the St. Regis Resort, Niguel Shores Community Association, Dana Hills High School, the majority of City of Dana Point parks, Golden Lantern and Town Center medians, Gloria Dei Lutheran Church, Lantern Bay Villas Home Owner Association, Lantern Bay estates, Cape Cove Home Owner Association, Ritz Cove, Pacific Coast Highway median areas, and numerous other greenbelt areas located within private home owner associations.

The SCWD furnishes approximately 800 to 850 AFY of recycled water to its customers in South Laguna Beach and Dana Point. Additionally, Moulton Niguel Water District (MNWD) has an agreement with the SCWD to receive a contracted amount not to exceed 1,000 AFY of recycled water. Current and projected recycled water uses are shown in Table 5.13-6, *SCWD Recycled Water Supply*.

Table 5.13-6
SCWD Recycled Water Supply

Supply	2015	2020	2025	2030	2035	2040
Recycled Water – Tertiary Treated	859	1,149	1,350	1,350	1,350	1,350
Total Recycled Water Supply	**859**	**1,149**	**1,350**	**1,350**	**1,350**	**1,350**
Note: All units in acre-feet per year (AFY).						
Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Table 5-2, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).						

Other Planned Water Supply – Desalinated Water and GRF Well No. 2 Wellhead Facilities & Pipeline

On March 11, 2016, the SCWD issued a Notice of Preparation (NOP) to notify reviewing agencies that it, as the Lead Agency, will be preparing an Environmental Impact Report for the proposed Doheny Ocean Desalination Project. The SCWD intends to initially construct a five million gallon per day (mgd) demonstration phase of the project, with potential future expansions up to 15 mgd. Both the initial five mgd and ultimate 15 mgd capacities would be available for SCWD and local water agencies to provide a high quality, locally-controlled, drought-proof potable drinking water supply. The desalination facility would also provide emergency back-up water supplies, should an earthquake, system shutdown, or other event disrupt the delivery of imported water to the area. At this time, this project has not been approved.

In addition, as stated above, the SCWD installed a second extraction well to the GRF (Creekside GRF well) that would allow SCWD to extract its full permitted amount of 1,300 AFY from the Basin and produce 1,040 AFY of potable water supply for its customers. The Creekside GRF well was drilled in 2013 and is currently being considered for operation by the SCWD at this time of writing.

Water Demand

The SCWD served approximately 12,553 domestic water customer service connections, either active or inactive, within the water distribution system, with all existing connections metered in the fiscal year of 2014-15. Approximately 63 percent of SCWD's water demand is residential; 19 percent is commercial/industrial/institutional (CII); 16 percent is used by dedicated landscape irrigation meters; and the remaining two percent consists of non-revenue water. SCWD also serves approximately 185 recycled water customer services, accounting for approximately 13 percent of the current demands. The total number of customer services connections served by SCWD is 12,738. Table 5.13-7, *SCWD Projected Water Demand* contains a summary of SCWD's current and total water demand projections.

Table 5.13-7
SCWD Projected Water Demand

Water Uses	2015[1]	2020	2025	2030	2035	2040
Potable and Raw Water	5,915	5,460	5,503	5,870	6,219	6,295
Recycled Water Demand	859	1,149	1,350	1,350	1,350	1,350
Total Water Demand	**6,774**	**6,609**	**6,853**	**7,220**	**7,569**	**7,645**

Note: All units in acre-feet per year (AFY).
1. Based on actual volumes as reported by the South Coast Water District (SCWD) for 2015. Demand includes approximately 2 percent of water that is un-accounted for through system losses or other non-revenue water. The total Potable Water demands shown in the table do not include the proposed Doheny Village demand increase of 96.8 AFY.

Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Table 4-1, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

WASTEWATER

Wastewater services for the project site are provided by SCWD through the existing sanitary sewer system. The existing system consists of approximately 744,480 lineal feet of gravity sewer pipelines, 14 sewage lift stations, and 3,722 manholes. Sanitary sewer is conveyed to one of two wastewater treatment facilities owned and operated by the South Orange County Wastewater Authority (SOCWA).[6] The project's wastewater would be treated by SOCWA at plants in Laguna Niguel (Coastal Treatment Plant) or Dana Point (J.B. Latham Plant). The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment. The J.B. Latham Plant has a total capacity of 13 million gallons per day (mgd) for treatment. SOCWA indicates that the Coastal Treatment Plant and the J.B. Latham Plant process an average capacity use of 2.9 mgd and 6 mgd, respectively.

Table 5.13-8, *SCWD Average Annual and Projected 2035 Wastewater Flows*, details a comparison of the 2009, 2010, and projected 2040 average annual wastewater flows for SCWD.

Table 5.13-8
SCWD Average Annual and Projected 2035 Wastewater Flows

Water Uses	2009[1]	2010[1]	2014[1]	2040[2]
Wastewater Flow	4.8	4.1	2.9	3.8

Note: All units in million gallon per day (mgd).
1. Actual Flow from meter data
2. Projected flows based on 2015 Urban Water Management Plan water demand projections.

Source: AECOM, *South Coast Water District Infrastructure Master Plan Update*, Table 5-7, October 2017.

SCWD design standards and guidelines are implemented to ensure SCWD has adequate conveyance and wastewater treatment capacity. To enhance older facilities, SCWD collects capital improvement funds from new development. However, SCWD is not currently experiencing long-term capacity related problems and the capital improvements are anticipated to not be needed to accommodate future flow.[7]

[6] South Coast Water District, *Sewer System Management Plan*, page 4.4, revised September 2014.
[7] Ibid, page 8.5.

STORMWATER

Refer to Section 5.5, *Hydrology and Water Quality*, for a detailed discussion on the drainage conditions for Doheny Village.

Runoff generally drains via sheet-flow southward and westward along local streets towards the southwestern corner of the project site towards the San Juan Creek Channel. There are two main storm drain systems that serve the project site, including the County-owned Storm Drain System L01S02 that collects drainage from the northern end, and an unnamed Caltrans storm drain that collects drainage from the southern end of the project site. Refer to Exhibit 5.5-1, *Existing Storm Drain Facilities*, for locations of the existing storm drain facilities.

The County-owned Storm Drain System L01S02 crosses the north end of the project site as a 96-inch reinforced concrete pipe (RCP) and then turns south and parallels San Juan Creek as an 11-foot by 11.5-foot reinforced concrete box (RCB) before discharging into San Juan Creek northerly of the City's storm drain system and Pacific Coast Highway. This storm drain line collects runoff from a tributary area of approximately 440 acres, including the northern portion of the project site. The storm drain was designed to collect and convey the 25-year storm event flow rate of 840 cubic feet per second (cfs). As part of the *San Juan Creek Letter of Map Revision* (2016 LOMR Study) prepared by JLC Engineering & Consulting, Inc., dated February 23, 2016, hydrology analyses were performed on this storm drain system to determine the 100-year peak flow rate, and where flooding occurs when flows in excess of 840 cfs occur; refer to Appendix 11.5, *Hydrology/Water Quality Memo and Letter of Map Revision*. The hydraulic analysis of L01S02 identified that during a 100-year event, excess flows of approximately 457 cfs are conveyed through the project site. The maximum depth of flooding is five inches above the public right-of-way within sections of Camino Capistrano (for a 100-year storm event) in the event that curb inlets are full. The majority of flooding would occur within the public right-of-way and within the carrying capacity of the curb-and-gutter system of the public streets.

The Caltrans storm drain includes a 36-inch RCP that converts into a 54-inch RCP downstream of the Doheny Park Road and Las Vegas intersection, located at the southern end of the project site. As it is assumed that the flooding associated with the existing condition and the undersized L01-S02 system would have a greater flooding impact than the local flooding, the 2016 LOMR Study solely focuses on how stormwater flow would be distributed through the project area based on flows in excess of the L01S02 (overland flow analysis). As such, no detailed analysis of the 36-inch/54-inch RCP Caltrans storm drain system was conducted as part of the 2016 LOMR Study.

SOLID WASTE

Solid waste disposal services to the project site would be contracted through CR&R Environmental Services (CR&R). In addition to solid waste services, CR&R also offers residential curbside recycling services, hazardous waste services, electronic waste services, bulky items pickup, organic waste services, and construction services.

In 2018, a total of 28,997 tons of solid waste were disposed in six permitted landfills serving the City.[8] Among the six sites serving the City, the Prima Deshecha Landfill admitted approximately 91 percent of City's waste. Table 5.13-9, *Landfills Serving the City*, provides a summary of these facilities.

Table 5.13-9
Landfills Serving the City

Landfill/Location	Amount Disposed by City in 2019 (tons per day)	Maximum Daily Throughput (tons per day)	Remaining Capacity (cubic yards)	Anticipated Closure Date
Prima Deshecha Landfill 32250 Avenida La Pata, San Juan Capistrano, CA 92675	26,368.68	4,000	134,300,000	12/31/2102
Frank R. Bowerman Sanitary Landfill 11002 Bee Canyon Access Road, Irvine, CA 92618	1,252.7	11,500	205,000,000	12/31/2053
Olinda Alpha Landfill 1942 North Valencia Avenue, Brea, CA 92823	786.92	8,000	34,200,000	12/31/2021
Simi Valley Landfill & Recycling Center 2801 Madera Road, Simi Valley, CA 93065	373.11	64,750	82,954,873	3/31/2063
El Sobrante Landfill 10910 Dawson Canyon Road, Corona, CA 91719	152.8	16,054	143,977,170	01/01/2051
Azusa Land Reclamation Co. Landfill 1211 West Gladstone Street, Azusa, CA 91702	63.18	8,000	51,512,201	01/01/2045
Total	**28,997.39**	--	**651,944,244**	--

Sources:
1. California Department of Resources Recycling and Recovery, *SWIS Facility/Site Search*, https://www2.calrecycle.ca.gov/SolidWaste/Site/Search, accessed September 21, 2020.
2. California Department of Resources Recycling and Recovery, *Jurisdiction Disposal By Facility, Disposal during 2019 for Dana Point*, https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility, accessed September 21, 2020.

5.13.2 REGULATORY SETTING

To aid the reader, this section is organized by subject rather than by Federal, State, and local regulations as seen in other Draft EIR sections.

[8] California Department of Resources Recycling and Recovery, *Jurisdiction Disposal By Facility*, *Disposal during 2019 for Dana Point*, https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility, accessed September 21, 2020.

FIRE PROTECTION

Federal Level

There are no Federal regulations directly applicable to fire protection with respect to this project.

State Level

CALIFORNIA CODE OF REGULATIONS TITLE 24 – FIRE CODES

California Code of Regulations (CCR) Title 24, refers to the California Building Code (CBC), contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 of the CBC was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 of the CBC, refers to the California Fire Code, which contains other fire safety-related building standards. In particular, the CBC Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, addresses fire safety standards for new construction.

CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 4290-4299 AND GENERAL CODE SECTION 51178

A variety of State codes, particularly Public Resources Code Sections 4290-4299 and General Code Section 51178, require minimum statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the Federal, State, and local governments. In addition, any person who owns, leases, controls, operates or maintains a building or structure in or adjoining a mountainous area or forest-covered, brush-covered or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.

Local Level

DANA POINT GENERAL PLAN

The General Plan Land Use, Public Facilities/Growth Management, and Public Safety Elements include goals and policies to address the City's fire protection needs. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works

facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Public Facilities/Growth Management Element

Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City.

Policy 4.1: Periodically evaluate services and service criteria to ensure the City has adequate police, fire and emergency medical services.

Policy 4.5: Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.

Goal 7: Develop a Growth Management Plan which ensures that growth and development are based upon the City's ability to provide an adequate circulation system and public facilities pursuant to the Countywide Growth Management Plan Component and the Traffic Improvement and Growth Management Ordinance (Measure M), and which preserves the City's quality of life and natural resources while protecting its fiscal well-being.

Policy 7.1: Adopt Orange County level of service standards for law enforcement, fire, library, and storm drains and Capistrano Bay Park and Recreation District standards for parks and open space (see Table PF-1).

Public Safety Element

Goal 4: Reduce the risk to the community's inhabitants from fires or explosions.

Policy 4.4: Establish and maintain mutual aid agreements with surrounding cities for fire protection.

Policy 4.5: Encourage building code requirements that assure adequate fire protection.

DANA POINT MUNICIPAL CODE

Municipal Code Chapter 8.24, *California Fire Code*, adopts by reference the 2016 edition of the California Fire Code with amendments. Municipal Code Chapter 8.02, *California Building Code*, adopts by reference the 2016 edition of the California Fire Code with amendments.

POLICE PROTECTION

Federal Level

There are no Federal regulations directly applicable to police protection with respect to this project.

State Level

There are no State regulations directly applicable to police protection with respect to this project.

Local Level

DANA POINT GENERAL PLAN

The General Plan Land Use, Public Facilities/Growth Management, and Public Safety Elements include goals and policies to address the City's police protection needs. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Public Facilities/Growth Management Element

Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City.

Policy 4.1: Periodically evaluate services and service criteria to ensure the City has adequate police, fire and emergency medical services.

Policy 4.5: Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.

Goal 7: Develop a Growth Management Plan which ensures that growth and development are based upon the City's ability to provide an adequate circulation system and public facilities pursuant to the Countywide Growth Management Plan Component and the Traffic Improvement and Growth Management Ordinance (Measure M), and which preserves the City's quality of life and natural resources while protecting its fiscal well-being.

Policy 7.1: Adopt Orange County level of service standards for law enforcement, fire, library, and storm drains and Capistrano Bay Park and Recreation District standards for parks and open space (see Table PF-1).

SCHOOLS

Federal Level

There are no Federal regulations directly applicable to school services with respect to this project.

State Level

LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998 (SENATE BILL 50)

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998 and made significant amendments to existing state law governing school fees. Specifically, SB 50 amended prior California Government Code Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute in connection with "any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property...." The legislation also amended California Government Code Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "legislative or adjudicative act [involving] the planning, use or development of real property." Further, SB 50 established the base amount of allowable developer fees: $1.93 per square foot for residential construction and $0.31 per square foot for commercial. These base amounts are commonly called "Level 1 fees" and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50 percent of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions:

- At least 30 percent of the district's students are on a multi-track year-round schedule;
- The district has placed on the ballot within the previous four years a local school bond that received at least 50 percent of the votes cast;
- The district has passed bonds equal to 30 percent of its bonding capacity; or
- At least 20 percent of the district's teaching stations are relocatable classrooms.

Additionally, if the State's bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as "Level 3 fees," these fees

are equal to 100 percent of land and construction costs of new schools required as a result of new developments.

Local Level

DANA POINT GENERAL PLAN

The General Plan Land Use and Public Facilities/Growth Management Elements includes goals and policies to address the City's school service needs. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Public Facilities/Growth Management Element

Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.

Policy 5.8: Coordinate the approval of new development with the capacity of the Capistrano Unified School District.

Policy 5.9: Ensure to the extent feasible that adequate sites are available for public facilities, churches, schools, museum(s), government offices, a civic/cultural center or other facilities that may serve the public interest.

DANA POINT MUNICIPAL CODE

Under Municipal Code Section 7.10.025, *Elementary School Sites*, the City may require projects involving a subdivision to dedicate land for the elementary school facilities, as necessary. Dedication of elementary school facilities would ensure that the future residents of the subdivision would acquire adequate public school service in accordance with the requirements and procedures set forth in the Subdivision Map Act.

PARKS AND RECREATION

Federal Level

There are no Federal regulations directly applicable to parks and recreation with respect to this project.

State Level

QUIMBY ACT

The Quimby Act (Government Code Section 66477) states that the legislative body of a city or county may, by ordinance, require the dedication of land or impose a fee payment requirement of in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided certain requirements are met. This Section further states that "the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three (3.0) acres of park area per 1,000 persons residing within a subdivision subject to this section."

PROPOSITION 40 PARK BOND ACT

Proposition 40 is intended to maintain a high quality of life for California's growing population by providing a continuing investment in park and recreational facilities. Specifically, it is for acquisition and development of neighborhood, community, and regional parks, and recreational land and facilities, in urban and rural areas. Projects eligible for funding include an acquisition, development, improvement, rehabilitation, restoration, enhancement and the development of interpretative facilities, or local parks and recreational land and facilities, and funds are distributed based on a city's population.

Local Level

DANA POINT GENERAL PLAN

The General Land Use, Urban Design, and Public Facilities/Growth Management Elements include goals and policies to address the City's parks and recreation needs. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Policy 3.5: Public facilities including parking areas or facilities shall, wherever appropriate and feasible, be distributed throughout the coastal zone area to mitigate against the impacts, social and otherwise, of overcrowding and overuse by the public of any single area.

Urban Design Element

Goal 4: Maintain and enhance the City's public spaces and resources.

Policy 4.4: Encourage development of community cultural and recreational facilities.

Public Facilities/Growth Management Element

Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.

Policy 5.3: Develop a capital improvements plan to include service standards and a mitigation fee program for new development.

Policy 5.7: Encourage well-planned neighborhood and community park facilities that are within convenient distance to all residential areas.

Policy 5.9: Ensure to the extent feasible that adequate sites are available for public facilities, churches, schools, museum(s), government offices, a civic/cultural center or other facilities that may serve the public interest.

Policy 5.11: Consider creating various funding mechanisms, such as developer impact fees, to contribute toward the cost of new civic facilities.

Policy 5.12: Coordinate the provision of community facilities with the development of new parks and recreational facilities.

DANA POINT MUNICIPAL CODE

Municipal Code Section 7.10.010, *Required Dedication for Public Use or Benefit*, requires all real property to include (both on- and off-site) dedication to the public, the City, or other public agency for public use or benefit. Such dedication could include but not limited to local streets, arterial highways and transportation corridors; alleys; trails, paths and pedestrian-ways; flood-control facilities; parks; easements for landscaping maintenance; public utility easements; public transit facilities; other public easements; accessways to the shoreline or to lakes and reservoirs as provided in Sections 7.08.125 and 7.08.130 of the Municipal Code.

Municipal Code Section 7.36.050, *Payment of In-Lieu Fees for Park and Recreation Purposes*, would require payment of in-lieu fees in subdivisions containing 50 or less parcels (or lots). However, a dedication of land may be required for a condominium project exceeding 50 dwelling units notwithstanding the fact that the number of parcels may be less than 50. The provision would also allow for the payment of in-lieu fees for park and recreation purposes instead of dedication of parkland, if the location or topography of the subdivision is not conducive to the development of parks and recreation facilities.

WATER

Federal Level

FEDERAL SAFE DRINKING WATER ACT OF 1974

The Safe Drinking Water Act authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA, states, and water systems

then work together to make sure that these standards are met. Originally, Safe Drinking Water Act focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996 amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The Safe Drinking Water Act applies to every public water system in the United States.

State Level

STATE OF CALIFORNIA WATER RECYCLING ACT

Enacted in 1991, the Water Recycling Act established water recycling as a State priority. The Water Recycling Act encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

CALIFORNIA CODE OF REGULATIONS, TITLE 22, DIVISION 4, CHAPTER 3 WATER RECYCLING CRITERIA

California regulates the wastewater treatment process and use of recycled water pursuant to California Code of Regulations, Title 22, Division 4, Chapter 3, *Water Recycling Criteria*. According to these regulations, recycled water to be used for irrigation of public areas must be filtered and disinfected to tertiary standards.

URBAN WATER MANAGEMENT ACT

The Urban Water Management Plan Act was passed in 1983 and codified as Water Code Sections 10610 through 10657. Since its adoption in 1983, the Urban Water Management Plan Act has been amended on several occasions. Some of the more notable amendments include an amendment in 2004, which required additional discussion of transfer and exchange opportunities, non-implemented demand management measures, and planned water supply projects. Also, in 2005, another amendment required water use projections (required by Water Code Section 10631) to include projected water use for single-family and multi-family residential housing needed for lower income households. In addition, Government Code Section 65589.7 was amended to require local governments to provide the adopted housing element to water and sewer providers. The Act requires "every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and adopt, in accordance with prescribed requirements, an urban water management plan." Urban water suppliers must file these plans with the California Department of Water Resources every five years describing and evaluating reasonable and practical efficient water uses, reclamation, and conservation activities. As required by the Memorandum of Understanding Regarding Urban Water Conservation in California and Assembly Bill 11 (Filante, 1991), the 2005 Urban Water Management Plan Act, incorporated water conservation initiatives, and a Water Shortage Contingency Plan as well.

WATER CONSERVATION ACT OF 2009

Water Code Sections 10800, *et seq*. creates a framework for future planning and actions by urban (and agricultural) water suppliers to reduce California's water use. The law requires urban water suppliers to reduce statewide per capita water consumption by 20 percent by 2020. Additionally, the State is

required to make incremental progress towards this goal by reducing per capita water use by at least 10 percent by 2015. Each urban retail water supplier was required to develop water use targets and an interim water use target by July 1, 2011. Each urban retail water supplier was required, by July 2011, to include in their water management plan the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

SENATE BILL 610

Water Code Sections 10610 to 10656 require water suppliers to prepare an UWMP to promote water demand management and efficient use in their service areas. UWMPs are included with the environmental document for specified projects.

Concerning water supply, the Water Code requires preparation of a Water Supply Assessment for certain projects.[9] The Water Code requires that a Water Supply Assessment be prepared for any "project" which would consist of one or more of the following:[10]

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;

- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects specified above; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

SENATE BILL 221

Senate Bill 221 (SB 221),[11] amended State law, effective January 1, 2002, to improve the link between information on water supply availability and land use at the tentative map preparation phase of a project. SB 610 and SB 221 are companion measures which seek to:

- Promote more collaborative planning between local water suppliers and cities and counties;
- Require detailed information regarding water availability be provided to city and county decision-makers prior to approval of specific large development projects;
- Require that this detailed information be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects; and

[9] Water Code Sections 10910–10915.
[10] Water Code Section 10912(a).
[11] Business and Professions Code Section 11010 and Government Code Section 66473.4.

- Recognize local control and decision making regarding the availability of water for projects and the approval of projects.

SB 221 pertains only to residential projects and establishes the relationship between the Water Supply Assessment prepared for a project and the project approval under the Subdivision Map Act.

EFFICIENCY STANDARDS

CCR Title 20 addresses Public Utilities and Energy and includes appliance efficiency standards that promote water conservation. The CBC (CCR Title 24) includes the California Plumbing Code (Part 5), which promotes water conservation. In addition, a number of California laws listed below require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Sections 25352(i) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

Local Level

SOUTH COAST WATER DISTRICT URBAN WATER MANAGEMENT PLAN 2015

In compliance with Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, the SCWD adopted its UWMP in June 2016. The UWMP outlines the SCWD's existing and future water supplies and assesses the SCWD's forecasted water demands and supply availability through 2040. The UWMP is organized by topic and includes a discussion of the SCWD's water service area and facilities, water sources and supplies, water use by customer type, demand management measures, water supply reliability, planned water supply projects and programs, a water shortage contingency plan, and recycled water use.

DANA POINT GENERAL PLAN

The General Plan Land Use, Conservation/Open Space, and Public Facility/Growth Management Elements includes goals and policies to address the City's water demands. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Conservation/Open Space Element

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.2: Protect groundwater resources from depletion and sources of pollution.

Policy 1.3: Conserve imported water by providing water conservation techniques, and using reclaimed water, water conserving appliances, and drought-resistant landscaping when feasible.

Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean.

Public Facilities/Growth Management Element

Goal 1: Encourage adequate water and sewer service.

Policy 1.1: Work closely with local-serving water and sewer districts in determining future area needs and expanding sewer service to the Headlands area, when necessary.

Policy 1.2: Encourage the use of drought resistant landscaping to reduce overall water use.

Policy 1.3: Support public education programs for water conservation.

Policy 1.7: Evaluate the varying levels of service provided by the water and sewer districts serving the City and support increased coordination among these districts in order to provide consistent service levels.

Policy 1.8: Encourage and support water and sewer districts in the effective management of their revenue resources to ensure equitable service throughout the City.

DANA POINT MUNICIPAL CODE

Municipal Code Chapter 9.55, *Water Efficient Landscape Standards and Requirements*, promotes and encourages high quality landscape improvements that recognize and respect the limited availability of water in California. This Chapter requires the consideration of water conservation measures through the appropriate design, installation and maintenance of landscape and irrigation systems.

WASTEWATER

Federal Level

FEDERAL CLEAN WATER ACT (33 USC SECTIONS 1251, ET SEQ.)

The Clean Water Act's (CWA) primary goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of CWA portions to State and regional agencies. In California, the SWRCB administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

State Level

There are no State regulations directly applicable to wastewater treatment with respect to this project.

Local Level

SOUTH COAST WATER DISTRICT SEWER SYSTEM MASTER PLAN

The *South Coast Water District Sewer System Master Plan* (SSMP), last updated in September 2014, was prepared pursuant to SWRCB's Statewide General Waste Discharge Requirements and Monitoring and Reporting Program (GWDR) Order No. 2006-0003. SSMPs are state-mandated requirements for California public collection system agencies that own or operate sanitary sewer systems greater than one mile in length. The goals for these plans are to reduce Sanitary Sewer Overflows (SSOs), protect public health and environment, and improve the overall maintenance and management of sewer systems, including neighborhood lift stations. SCWD's SSMP includes a comprehensive assessment of the SCWD's sewer system and its ability to accommodate existing and future wastewater collection needs.

SOUTH COAST WATER DISTRICT INFRASTRUCTURE MASTER PLAN

The *South Coast Water District Infrastructure Master Plan Update* (IMP Update), published in October 2017, provides a comprehensive Capital Improvement Program (CIP) for the SCWD. The IMP Update details the water supply, water distribution, wastewater, and recycled water infrastructure in SCWD. It also identifies existing and potential system inefficiency or deficiencies in the SCWD's infrastructure that needs to be addressed.

DANA POINT GENERAL PLAN

The General Plan Land Use and Public Facility/Growth Management Elements includes goals and policies to address the City's wastewater treatment demands. The following goals and policies are relevant to the proposed project:

Land Use Element

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1: Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Public Facility/Growth Management Element

Goal 1: Encourage adequate water and sewer service.

Policy 1.1: Work closely with local-serving water and sewer districts in determining future area needs and expanding sewer service to the Headlands area, when necessary.

Policy 1.4: Support the appropriate regional agencies in developing and utilizing reclaimed water facilities.

Policy 1.5: Consider requiring new development to pay for the cost of extending reclaimed water lines in the City.

Policy 1.7: Evaluate the varying levels of service provided by the water and sewer districts serving the City and support increased coordination among these districts in order to provide consistent service levels.

Policy 1.8: Encourage and support water and sewer districts in the effective management of their revenue resources to ensure equitable service throughout the City.

STORMWATER

Federal Level

Refer to Section 5.5.2, *Regulatory Setting*, for a discussion on all applicable Federal level regulations regarding stormwater.

State Level

Refer to Section 5.5.2 for a discussion on all applicable State level regulations regarding stormwater.

Local Level

Section 5.5.2 includes a discussion on all applicable local level regulations regarding stormwater. Nevertheless, the following discussion on local regulations and standards are specifically focused on impacts to stormwater as a utility service system.

REGIONAL WATER QUALITY CONTROL BOARD

NPDES permits are required for operators of municipal separate storm sewer systems, construction projects, and industrial facilities. These permits specify limits on the amount of pollutants that can be contained in the discharge of each facility of property. The SOCWA operates its two wastewater treatment plants (Coastal Treatment Plant and J.B. Latham Plant) and wastewater collection and disposal systems pursuant to the requirements of Order No. R8-2004-0062, issued by the San Diego RWQCB.

LOCAL IMPLEMENTATION PLAN

The City of Dana Point adopted the *Water Quality Local Implementation Plan (LIP)* in 2017. Under the LIP, the *South Orange County Water Quality Management Plan* describes the land development policies pertaining to hydromodification and LID design which are required for new developments and significant redevelopment projects. The use of LID and BMPs in project planning and design is intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as infiltration, evapotranspiration, and run-off detention. Implementation of LID and BMPs could potentially offset these losses through structural and non-structural design components that restore water quality functions into the project's land plan. BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants.

DANA POINT GENERAL PLAN

The General Plan Land Use, Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements includes goals and policies to address the City's stormwater demands. The following policies are relevant to the proposed project:

Land Use Element

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

Conservation/Open Space Element

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.1: Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off.

Public Facilities/Growth Management Element

Goal 2: Maintain and improve portions of the storm drainage system for which the City is responsible and encourage adequate maintenance of other portions of that system.

Policy 2.1: Identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components.

Policy 2.2: Work with the Orange County Flood Control District in ensuring the adequacy of regional storm drainage facilities.

DANA POINT MUNICIPAL CODE

SECTION 7.03.070, VESTING TENTATIVE MAPS

This section requires that at the time a vesting tentative map is filed, the subdivider shall include a hydrology study. The hydrology study shall include a hydrologic analysis of the proposed drainage facilities to convey runoff from the proposed subdivision in a manner which will not adversely impact downstream properties.

CHAPTER 8.01, GRADING AND EXCAVATION CONTROL

This chapter is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City of Dana Point. It includes regulations that would reduce impacts to watercourse, erosion, among other issues, during project construction by requiring proper permits and plans in place to mitigate potential impacts. Specifically, Article 13, *Erosion Control*, establishes erosion control measures to keep sediment on-site during construction.

CHAPTER 15.10, STORM WATER/SURFACE RUNOFF WATER QUALITY

This chapter is intended to enhance and protect the water quality of waters of the State and the United States in a manner that is consistent with the Clean Water Act and State law. It prohibits non-storm water discharges into the MS4; reduces pollutant loads in surface runoff, including in storm water, to

the maximum extent practicable; establishes minimum requirements for surface runoff management, including source control requirements, to prevent and reduce pollution; establishes requirements for development and redevelopment project site designs to reduce surface runoff pollution and erosion; and establishes requirements for the management of surface runoff flows from development and redevelopment projects, both to prevent erosion and to protect and enhance existing water-dependent habitats.

SOLID WASTE

Federal Level

RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

The Resource Conservation and Recovery Act (RCRA) of 1976 (Title 40 of the Code of Federal Regulations), Part 258 contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the Federal landfill criteria. The Federal regulations address the location, operation, design (liners, leachate collection, run-off control, etc.), groundwater monitoring, and closure of landfills.

State Level

CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 (AB 939)

The Integrated Solid Waste Management Act of 1989 (AB 939) (California Public Resources Code Section 40050 et seq.) established an integrated waste management system that focuses on source reduction, recycling, composting, and land disposal of waste. AB 939 requires every city and county in California to divert 50 percent of its waste from landfills whether through waste reduction, recycling, or other means. Compliance with AB 939 is measured in part by comparing solid waste disposal rates for a jurisdiction with target disposal rates. Actual rates at or below target rates are consistent with AB 939. AB 939 also requires California counties to show 15 years of disposal capacity for all jurisdictions in the county or show a plan to transform or divert its waste.

ASSEMBLY BILL 341

AB 341 (Chapter 476, Statutes of 2011) increased the Statewide solid waste diversion goal to 75 percent by 2020. The law also mandates recycling for commercial and multi-family residential land uses as well as school districts.

ASSEMBLY BILL 1826

AB 1826 (California Public Resources Code Sections 42649.8 et seq.) requires recycling of organic matter by businesses generating such wastes in amounts over certain thresholds. AB 1826 also requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses and multi-family developments that consist of five or more units (CalRecycle 2019a).

CALIFORNIA GREEN BUILDING STANDARDS CODE

Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of the California Green Building Standards Code (CALGreen) (Title 24, California Code of Regulations, Part 11) requires at least 50 percent of nonhazardous construction and demolition waste from non-residential construction operations be recycled and/or salvaged for reuse. CALGreen is updated on a three-year cycle; the 2016 CALGreen took effect on January 1, 2017. The 2019 CALGreen takes effect on January 1, 2020.

Local Level

DANA POINT GENERAL PLAN

The General Plan Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements includes goals and policies to address the City's solid waste demands. The following goals and policies are relevant to the proposed project:

Public Facilities/Growth Management Element

Goal 3: Provide necessary control of solid waste.

Policy 3.1:	Continue to work with the cities of San Clemente and San Juan Capistrano in the development of an SRR Element which will include a recycling plan.
Policy 3.2:	Identify and evaluate alternatives to reduce solid waste in accordance with AB 939.
Policy 3.3:	Support litter clean up efforts on public and private properties.
Policy 3.4:	Work closely with the County of Orange in developing strategies and programs to manage solid and hazardous wastes.
Policy 3.5:	Support recycling by requiring areas for recycling bins.

DANA POINT MUNICIPAL CODE

Municipal Code Chapter 6.10, *Integrated Waste Management*, includes regulations adopted for the purposes of promoting public health, safety and well-being; preventing the spread of vectors; and limiting adverse impacts on air quality and traffic from excessive numbers of collection vehicles. The provisions within this Chapter establish standards for solid waste removal, storage, rates, service requirements, among others.

CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM (C&DWR)

The City's Construction and Demolition Waste Ordinance (No.03-17) requires contractors and other construction related persons to obtain a permit and haul at least 75 percent of their construction waste to a recycling facility certified by the City. The City also requires a construction and demolition deposit

in the amount of $1.00 per square foot per floor of the work area of the project in order to encourage compliance with the ordinance.

5.13.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

Public Services

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection (refer to Impact Statement PSRU-1);
- Police protection (refer to Impact Statement PSRU-2);
- Schools (refer to Impact Statement PSRU-3);
- Parks (refer to Impact Statement PSRU-4); or
- Other public facilities (refer to Section 8.0, *Effects Found Not To Be Significant*).

Recreation

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (refer to Impact Statement PSRU-4);

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (refer to Impact Statement PSRU-4);

Utilities and Service Systems

a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (refer to Impact Statements PSRU-5, PSRU-6, PSRU-7, and Section 8.0, *Effects Found Not To Be Significant*);

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (refer to Impact Statement PSRU-5);

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (refer to Impact Statement PSRU-6);

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (refer to Impact Statement PSRU-8); and

e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? (refer to Impact Statement PSRU-8).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.13.4 IMPACTS AND MITIGATION MEASURES

FIRE PROTECTION SERVICES

PSRU-1 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL FIRE PROTECTION FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES.

Impact Analysis:

CONSTRUCTION-RELATED IMPACTS

The project does not identify site-specific development. Nevertheless, construction activities associated with future development within Doheny Village would be subject to compliance with applicable State and local regulations in place to reduce risk of fire, such as installation of a temporary construction fencing to restrict site access and maintenance of a clean construction site. Specifically, future construction activities would be subject to the Municipal Code Chapter 8.02 (adopts by reference the 2019 CBC), which includes site access requirements and fire safety precautions. Construction-related impacts to fire protection services from future development within Doheny Village would be less than significant in this regard.

OPERATIONAL IMPACTS

Implementation of the Doheny Village Zoning District Update would result in additional demands on existing fire protection services, as individual projects are developed and associated increases in population are realized. As presented in Table 3-3, *Proposed Development Potential*, buildout of the proposed project is anticipated to result in up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. It should be noted that feasible future development under the proposed

project is assumed to occur through 2040; thus, any increase in demand for fire protection services would occur gradually as additional development and associated population growth is added to Doheny Village. Although future development activities would generate an increase in demand for OCFA fire protection services, future development associated with the proposed project is not anticipated to directly or indirectly induce substantial unplanned population growth; refer to Section 5.12, *Population and Housing*.

To further reduce impacts to fire protection services, future development accommodated through implementation of the proposed project would be subject to conformance with Municipal Code Chapter 8.24 (adopts by reference the 2016 edition of the California Fire Code), which includes fire safety-related building standards for construction, access, water mains, fire flows, and hydrants. In conformance with Public Facilities/Growth Management Policies 4.1 and 4.5, the City would ensure desirable level of fire protection services is maintained by periodically evaluating services and service criteria and coordinate with other agencies. Further, in conformance with Public Safety Policies 4.4, 4.5, and 7.1, the City would establish and maintain mutual aid agreements with surrounding cities for fire protection, encourage building code requirements that assure fire protection, and adopt Orange County level of service standards for fire. Additionally, it is the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (General Plan Land Use Element Policy 3.1). Both the City and the OCFA would review project plans to ensure individual development projects provide adequate emergency access, fire hydrant availability, and demonstrate compliance with all applicable State and local codes and standards. Following conformance with existing legislations and standards, including the Municipal Code and General Plan policies, the project's additional demand for fire protection services would not adversely impact OCFA's ability to meet its established response times and firefighting staffing levels. As such, future development within Doheny Village would result in less than significant operation impacts to fire protections services.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICES

PSRU-2 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL POLICE PROTECTION FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES.

Impact Analysis:

CONSTRUCTION-RELATED IMPACTS

The project does not identify site-specific development. Nevertheless, construction activities associated with future development within Doheny Village would be subject to compliance with applicable State and local regulations in place to reduce impacts to police protection services, including Municipal Code Chapter 8.02 (adopts by reference the 2019 CBC), which includes site access

requirements and other relevant safety precautions. Construction-related impacts concerning police protection services from future development within Doheny Village would be less than significant in this regard.

OPERATIONAL IMPACTS

Implementation of the Doheny Village Zoning District Update would result in additional demands on existing police protection services, as individual projects are developed and associated increases in population are realized. As presented in Table 3-3, buildout of the proposed project is anticipated to result in up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. It should be noted that feasible future development under the proposed project is assumed to occur through 2040; thus, any increase in demand for police protection services would occur gradually as additional development and associated population growth is added to Doheny Village. Although the project's proposed zone changes would allow for new light industrial, commercial, and residential mixed use development which would increase demand for police protection services, future development associated with the proposed project is not anticipated to directly or indirectly induce substantial unplanned population growth; refer to Section 5.12.

The project would also be subject to conformance with several General Plan policies intended to reduce impacts to police protection services. In conformance with Public Facilities/Growth Management Policies 4.1 and 4.5, the City would ensure desirable level of police services is maintained by periodically evaluating services and service criteria and coordinate with other agencies; and in conformance with Public Safety Policies 4.4, 4.5, and 7.1, the City would establish and maintain mutual said agreements with surrounding cities for police protection, encourage building code requirements that assure police protection, and adopt Orange County level of service standards for law enforcement. During the development review process of potential buildout, the City would coordinate with the applicant(s) on a project-by-project basis to ensure the future development is designed with public safety in mind to prevent crime and minimize impacts on police protection facilities. Additionally, it is the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (General Plan Land Use Element Policy 3.1). Compliance with relevant legislations and General Plan policies would ensure the project's potential additional demand for police protection services would not adversely impact OCSD's ability to meet its established response times and police staffing levels. Impacts concerning police protection services would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOL SERVICES

PSRU-3 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL SCHOOL FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE PERFORMANCE OBJECTIVES.

Impact Analysis: Future development associated with implementation of the Doheny Village Zoning District Update may result in the need for additional demand for school services (i.e., additional staffing or expanded/new facilities). The proposed project would directly induce population growth as concluded in Section 5.12. As indicated in Table 5.13-2, the CUSD does not currently possesses the capacity necessary to accommodate the students generated from project implementation. However, it should be noted that feasible future development under the proposed project is assumed to occur through 2040; thus, any increase in demand for school services would occur gradually as additional development and associated population growth is added to Doheny Village.

In compliance with State law and General Plan Land Use Element Policy 3.1, the City would require new development to contribute its share of the cost of providing school facilities through equitable development fees, as applicable. Pursuant to SB 50, school fees imposed through the Education Code are deemed to be full mitigation for new development projects; thus, payment of school impact fees would offset the cost of providing service for the students potentially generated by any development project. Additionally, the City may require a future subdivider to dedicate land for the elementary school facilities pursuant to Municipal Code Section 7.10.025. Further, in conformance with the General Plan Public Facilities/Growth Management Element Policies 5.8 and 5.9, the City would coordinate the approval of new development with CUSD and ensure that adequate sites are available for schools within the City. Compliance with applicable regulations and standards, including SB 50 and General Plan policies, would reduce impacts related to school services to less than significant levels.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PARKS AND RECREATIONAL FACILITIES

PSRU-4 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL PARKS AND RECREATIONAL FACILITIES AND/OR THE INCREASED USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION COULD OCCUR OR BE ACCELERATED. PROJECT IMPLEMENTATION WOULD RESULT IN THE CONSTRUCTION OF PARKS AND RECREATIONAL FACILITIES WHICH COULD HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT.

Impact Analysis: Future development associated with implementation of the Doheny Village Zoning District Update could result in the need for additional parks and recreation facilities. The proposed project would directly induce population growth as concluded in Section 5.12. However, it should be noted that feasible future development under the proposed project is assumed to occur through 2040; thus, any increase in demand for parks and recreation facilities would occur gradually as additional development and associated population growth is added to Doheny Village.

The General Plan Conservation/Open Space and the Public Facilities/Growth Management Elements specifies that a minimum of four acres of park space per 1,000 City residents (2.5 acres of district park per 1,000 residents and 1.5 acres of school playground per 1,000 residents) to be devoted

to parks and recreation. According to Section 5.12, *Population and Housing*, the project's potential buildout would generate a population increase of approximately 1,892 persons, with a resultant increased demand of 7.6 acres of park space, based on the City's standards.

While there are no existing or planned parks within the project area, the proposed Municipal Code Chapter 9.14, *Doheny Village Districts*, requires future development to include a variety of open space; refer to Appendix 11.1, *Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)*. Specifically, 100 square feet of open space per residential dwellings would be required as part of the Doheny Village Development Standards; refer to Section 9.14.030 of Appendix 11.1. Further, pursuant to Municipal Code Section 7.10.010, all real property shall include dedication to the public, the City, or other public agency for public use or benefit. Pursuant to Municipal Code Section 7.36.050, future development activities involving a tentative tract map or tentative parcel map would be required to dedicate land for park facilities or pay in-lieu fees incident to and as a condition of the approval. Funding from the in-lieu fees would be utilized by the City for the maintenance of existing and development of new parks and recreational facilities.

Further, the City would encourage adequate community facilities, including parks and recreational facilities, in conformance with General Plan Public Facilities/Growth Management Element Policies 5.3, 5.7, 5.9, 5.11, and 5.12. Additionally, it is the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (General Plan Land Use Element Policy 3.1). Compliance with all applicable regulations and relevant General Plan policies would ensure the project's impacts concerning parks and recreational facilities and increased use of existing facilities would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WATER SUPPLY AND DISTRIBUTION

PSRU-5 PROJECT IMPLEMENTATION COULD HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY AND MULTIPLE DRY YEARS, AND WOULD NOT REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Impact Analysis: The Doheny Village Zoning District Update anticipates additional development beyond existing conditions, potentially resulting in an increase in the City's population, and thus, an overall increase in total water demand. As such, a project-specific Water Supply Assessment was prepared for the SCWD to analyze whether water demand generated by the proposed project would be adequately accommodated by existing SCWD water supplies. The following discussion is based upon the WSA, prepared by Michael Baker International, dated March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

The proposed Doheny Village Zoning District Update anticipated a net growth of 812 dwelling units, 192,401 additional square feet of commercial uses, 113,804 square feet of industrial uses, and 11,412 square feet of office use; refer to Table 3-3. The estimated domestic water demand of the anticipated net growth associated with the Doheny Village Zoning District Update are shown in Table 5.13-10, *Estimated Project Water Demand*. As detailed in Table 5.13-10, the proposed project's additional domestic water demand is estimated to be approximately 96.8 AFY over existing conditions.

Table 5.13-10
Estimated Project Water Demand

Land Use	Existing Demand	Proposed Demand	Net Change in Demand
Residential	22.4	63.1	40.7
Commercial	52.1	110.2	58.1
Industrial	1.9	3.4	1.5
Office	1.6	1.9	0.3
Other	4.1	0.3	-3.8
Total Water Demand	**82.0**	**178.8**	**96.8**

Notes: All units in acre-feet per year (AFY).

Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Table 3-5, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

Table 5.13-11, *SCWD Water Supply and Demand Comparison*, compares total water demand with the project for years 2020 through 2040 to SCWD's projected water supply in normal year, single dry year, and multiple dry year conditions. It is noted that an annual nine percent demand increase (based on MWDOC's assumption for south Orange County) was repeated over the three-year span as a conservative assumption where demand would increase significantly in a prolonged drought and would remain constant through the years. As shown, SCWD would have adequate water supplies to accommodate the proposed project's water demand (approximately 96.8 AFY) in addition to existing and future demands through 2040 for normal, single dry, and multiple dry years, with a supply surplus.

The project does not identify site-specific development. Nevertheless, construction activities associated with future development within Doheny Village would be subject to compliance with the existing Federal, State, and local laws, ordinances, and regulations pertaining to water service/infrastructure, which would ensure impacts are reduced to less than significant levels. In compliance with SB 221 and SB 610 requirements, future development would be required to demonstrate adequate water supply with either a signed Water Availability Form, "Will-Serve" letter, or Water Supply Assessment from the SCWD, as applicable. Future development would also be subject to compliance with SCWD's Standard Drawings and Design Criteria for water and sewer facilities, and the most recently adopted edition of the Uniform Building Code. The City would continue to coordinate with SCWD to ensure adequate water distribution facilities are available to serve future development. Further, in conformance with General Plan Conservation/Open Space Element Policy 1.3 and Public Facilities/Growth Management Element Policy 1.2 and 1.3, the City would encourage water conservation efforts through encouraging the use of reclaimed water, water conserving appliance, and drought-resistant landscaping. In conformance with General Plan Public Facilities/Growth Management Element Policies 1.1, 1.7, and 1.8, the City would ensure adequate and consistent water service would be provided through coordination with SCWD and evaluating the varying levels of service provided to the City. Additionally, it is the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities

through equitable development fees and exactions (General Plan Land Use Element Policy 3.1). New development would also be required to pay all applicable connection fees and ongoing user fees related to the provision of water services.

Table 5.13-11
SCWD Water Supply and Demand Comparison

Water Supply and Project Demand	2020[1]	2025[1]	2030[1]	2035[1]	2040[1]
Normal Year Supply Total	8,515	8,735	8735	8,735	8,735
Total Potable Demand with Project	6,633	6,902	7,293	7,666	7,742
Difference	***1,882***	***1,833***	***1,442***	***1,069***	***993***
Single Dry Year Supply Total	8,515	8,735	8,735	8,735	8,735
Total Potable Demand with Project	7,228	7,519	7,943	8,347	8,430
Difference	***1,287***	***1,216***	***792***	***388***	***305***
Multiple Dry Year Supply					
First Year Supply Total	8,515	8,735	8,735	8,735	8,735
Total Potable Demand with Project	7,228	7,519	7,943	8,347	8,430
Difference	***1,287***	***1,216***	***792***	***388***	***305***
Second Year Supply Total	8,515	8,735	8,735	8,735	8,735
Total Potable Demand with Project	7,228	7,519	7,943	8,347	8,430
Difference	***1,287***	***1,216***	***792***	***388***	***305***
Third Year Supply Total	8,515	8,735	8,735	8,735	8,735
Total Potable Demand with Project	7,228	7,519	7,943	8,347	8,430
Difference	***1,287***	***1,216***	***792***	***388***	***305***

Notes: All units in acre-feet per year.
1. Net increase in water demands of the Doheny Village Zoning District Update (approximately 96.8 AFY) is added to the current SCQD demand projections.

Source: Michael Baker International, *California Senate Bill 610, Water Supply Assessment Draft for South Coast Water District, Doheny Village Zoning District Update Project*, Tables 6-1 through 6-3, March 2021 (refer to Appendix 11.9, *Water Supply Assessment*).

As such, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and SCWD would have sufficient water supplies to serve the project from existing entitlements and resources. Compliance with the abovementioned regulatory framework would reduce potential water supply and infrastructure impacts to less than significant levels.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER TREATMENT

PSRU-6 PROJECT IMPLEMENTATION COULD RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS, EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD, OR RESULT IN THE CONSTRUCTION OF NEW WASTEWATER TREATMENT FACILITIES OR

EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Impact Analysis: Future development associated with implementation of the Doheny Village Zoning District Update would accommodate an increase in the City's population and employment, and thus, an overall increase in demand on the existing sewer system associated with increased sewage flows. The SCWD's *2017 Master Plan Update* utilizes the following return-to-sewer rates based on projected water demand:

- Single-Family Residential: 65 percent;
- Multi-Family Residential: 65 percent;
- Commercial: 85 percent; and
- Other: 65 percent.

As detailed in Table 5.13-10, the project would result in a net increase in water demand of 96.8 AFY (+40.7 AFY for residential uses; +58.1 additional AFY for commercial uses; and -2 AFY for other uses). SCWD utilizes the same projections for water demand from its 2015 UWMP for its wastewater system; as such, utilizing the project's estimated water demand and aforementioned return-to-sewer rates, the project would generate approximately 74.5 AFY of wastewater, or 66,510 gallons per day; refer to Table 5.13-12, *Project Generated Wastewater*.

Table 5.13-12
Project Generated Wastewater

Land Use	Estimated Water Demand (AFY)[1]	Return-to-Sewer Rate	Estimated Wastewater (AFY)
Residential	40.7	65 percent	+26.5 AFY
Commercial	58.1	85 percent	+49.4 AFY
Other	-2	65 percent	-1.3 AFY
		TOTAL	**74.5 AFY (66,510 gpd)**

Notes: AFY = acre-feet per year; gpd = gallons per day
[1] Refer to Table 5.13-10.

Source: AECOM, South Coast Water District *2017 Master Plan Update*, 2017.

Sanitary sewer generated within Doheny Village would be conveyed to one of two wastewater treatment facilities in Laguna Niguel (Coastal Treatment Plant) or Dana Point (J.B. Latham Plant) owned and operated by the SOCWA. The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment, and the J.B. Latham Plant has a total capacity of 13 mgd for treatment. The Coastal Treatment Plant and the J.B. Latham Plant process an average capacity use of 2.9 mgd and 6 mgd, respectively. Therefore, the Coastal Treatment Plant and the J.B. Latham Plant would have a combined remaining capacity of 10.8 mgd to treat the project-generated 66,510 gallons per day, or 0.07 mgd of wastewater. As such, development of the proposed project would not result in inadequate capacity from the SCWD to serve the project's projected wastewater treatment demands in addition to the provider's existing commitments nor require the construction of new wastewater treatment facilities or expansion of existing facilities.

Further, feasible future development under the proposed project is assumed to occur through 2040; thus, any increase in demand for parks and recreation facilities would occur gradually as additional development and associated population growth is added to Doheny Village. Future developments within Doheny Village would be reviewed by the City and the SCWD during plan check review to ensure sufficient local and trunk sewer capacity exists to serve the specific development. The City would also ensure that new development pays its fair share to increase capacity of wastewater treatment facilities per General Plan Land Use Element Policy 3.1, which requires new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions, in addition to paying the standard connection fees to connect to the existing sewer system. Additionally, wastewater flows generated by the proposed project would not interfere with SCWD ability to meet wastewater treatment requirements of the San Diego RWQCB because the project-generated flows would be well within the design capacities of SCWD's wastewater treatment facilities. Therefore, project implementation would not result in an exceedance of wastewater treatment requirements and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STORMWATER DRAINAGE FACILITIES

PSRU-7 PROJECT IMPLEMENTATION COULD RESULT IN THE CONSTRUCTION OF NEW STORM WATER DRAINAGE FACILITIES OR THE EXPANSION OF EXISTING FACILITIES.

Impact Analysis:

Refer to Section 5.5, *Hydrology and Water Quality*, for a detailed discussion on the potential for the proposed project to create or contribute runoff water that could exceed the capacity of existing or planned stormwater drainage systems (Impact Statement HWQ-3).

As discussed under Section 5.13.1, *Existing Setting*, there are two main storm drain systems that currently serve the Doheny Village area. The larger collects drainage from the northern end, and an unnamed Caltrans-owned storm drain that collects drainage from the southern end of the project site. As discussed under Impact Statement HWQ-3, the proposed project would not significantly increase the peak flow rate or volume of storm water runoff to result in environmental harm, and the overall imperviousness would remain similar to existing conditions with project implementation. Any new development within this area that meets the Priority Project criteria (as discussed in Section 5.5.2, *Regulatory Setting*) would require the implementation of low impact development (LID) features and best management practices (BMPs), which typically result in the same volume, or a reduction, of runoff on a project-by-project basis, in compliance with the NPDES permitting requirements. As such, project implement would not result in substantial runoff volume that may require construction or expansion of storm drain facilities.

Pursuant to General Plan Public Facilities Policy 2.1, the City identifies local storm drainage deficiencies and maintains a capital improvements program for the correction and replacement of aging or inadequate drainage system components to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses. Additionally, depending on the project type,

hydrology and drainage studies may be required to ensure on- and off-site drainage facilities can accommodate any increases in stormwater flows per City regulation (Municipal Code Section 7.03.070, and Section 7.04.045). Conformance with these applicable regional and local drainage standards would ensure future development in accordance with the Doheny Village Zoning District Update does not exceed the capacity of existing or planned stormwater drainage systems. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE GENERATION

PSRU-8 PROJECT IMPLEMENTATION COULD BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT'S SOLID WASTE DISPOSAL NEEDS AND COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

Impact Analysis:

CONSTRUCTION-RELATED IMPACTS

Future temporary construction impacts are anticipated to potentially involve demolition of existing structures, construction of new structures, and grading to construct building pads and internal streets. Other construction may include building walls and fencing, adding signage and lighting, providing landscaping, onsite utilities, trails, and infrastructure improvements (i.e., sewer, water, and dry utilities). All future construction activities would be subject to conformance with relevant Federal, State, and local requirements concerning solid waste. Specifically, the project would be required to demonstrate compliance with the AB 939, which requires all California cities to "reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible." AB 939 requires that at least 50 percent of waste produced is recycled, reduced, or composted. Future development construction would also be subject to the City of Dana Point's Construction and Demolition Waste Recycling (C&DWR) Program. City's C&DWR requirements, the project would be required to demonstrate compliance with the 2019 (or most recent) Green Building Code, which includes design and construction measures that act to reduce construction-related waste though material conservation measures and other construction-related efficiency measures. Compliance with these programs would ensure the project's construction-related solid waste impacts would be less than significant.

OPERATIONAL IMPACTS

Buildout of the Doheny Village Zoning District Update would generate solid waste requiring disposal at the Prima Deshecha Landfill, which accepts approximately 91 percent of the City's solid waste. According to the project's air quality modeling assumptions for the proposed project, buildout of the Doheny Village Zoning District Update is expected to generate approximately 1,400 tons of solid waste per year (3.84 tons per day); refer to Appendix 11.2, *Air Quality, Energy, and Greenhouse Gas Data*. As indicated in Section 5.13.1, *Existing Setting*, the Prima Deshecha Landfill has maximum permitted throughput of 4,000 tons per day and a remaining capacity of 134,300,000 cubic yards (or 36,261,000

tons). Thus, buildout of the Doheny Village Zoning District Update would represent less than 0.1 percent of the Prima Deshecha Landfill's daily permitted throughput.

Compliance with all applicable Federal, State, and local laws, regulations, and standards regarding solid waste disposal, including the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Chapter 6.10 (which includes regulations for solid waste management within the City) and the City's General Plan Public Facilities/Growth Management Element Policies 3.1 through 3.5 would further reduce impacts to solid waste disposal. Specifically, pursuant to the AB 939, future construction activities associated with buildout of the proposed project would be required to recycle, reduce, or compost at least 50 percent of waste produced during construction activities. In furtherance of AB 939, future development would be subject to compliance with all applicable solid waste handling, processing, and disposal requirements stipulated under Chapter 6.10, *Integrated Waste Management*, of the Municipal Code. It is also the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (General Plan Land Use Element Policy 3.1). As such, operational impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.13.5 CUMULATIVE IMPACTS

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

FIRE PROTECTION SERVICES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR FIRE PROTECTION SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative fire protection service impacts are analyzed in terms of impacts within OCFA's service area in the City of Dana Point. Cumulative development within the City has the potential to result in the need for additional OCFA resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for fire protection and emergency services. Development occurring within the City would be required to demonstrate compliance with all applicable regulations, including the Municipal Code Chapter 8.24 (adopts by reference the 2016 edition of the California Fire Code) requirements regarding construction, access, water mains, fire flows, and hydrants. In conformance with Public Facilities/Growth Management Element Policies 4.1 and 4.5, the City would ensure desirable level of police services is maintained by periodically evaluating services and service criteria and coordinate with other agencies; and in conformance with Public Safety Element Policies 4.4 and 4.5, the City would establish and maintain mutual said agreements with surrounding cities for fire protection and encourage building code requirements that assure fire protection. Further, in

conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Individual cumulative projects would be reviewed by the City and the OCFA to determine specific fire requirements (e.g., fire hydrant spacing, sprinkler requirements in certain types of construction, safe vehicular access for evacuation or response, and ensuring the development does not negatively impact response times) applicable to the specific development and to ensure compliance with all applicable requirements as discussed.

As concluded in Impact Statement PSRU-1, buildout of the proposed Doheny Village Zoning District Update is not anticipated to involve significant impacts to fire protection services following conformance with the applicable laws, ordinances, and regulations in place for fire protection and emergency services as detailed above. Further, as buildout of the proposed project is anticipated to gradually occur through 2040, the City and OCFA would be able to effectively plan for increases in population and demands for fire protection services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to fire protection services.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

POLICE PROTECTION SERVICES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR POLICE PROTECTION SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative police protection service impacts are analyzed in terms of impacts within OCSD's service area in the City of Dana Point. Cumulative development within the City has the potential to result in the need for additional OCSD resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for police services. Site-specific development would be reviewed by the City and the OCSD to determine specific safety requirements applicable to the individual development proposals and to ensure compliance with these requirements under including the Municipal Code Chapter 8.02 (adopts by reference the 2019 CBC), which includes site access requirement and other relevant safety precautions. In conformance with Public Facilities/Growth Management Element Policies 4.1 and 4.5, the City would ensure desirable level of police services is maintained by periodically evaluating services and service criteria and coordinate with other agencies; and in conformance with Public Safety Element Policies 4.4, 4.5, and 7.1, the City would establish and maintain mutual said agreements with surrounding cities for police protection, encourage building code requirements that assure police protection, and adopt Orange County level of service standards for law enforcement. During the development review process of potential buildout, the City would coordinate with the project applicant to ensure the project is designed with public safety in mind to prevent crime and minimize impacts on police protection facilities. Further, in conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development.

As concluded in Impact Statement PSRU-2, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts to police protection services following conformance with the applicable laws, ordinances, and regulations in place for police protection services as detailed above. Further, as buildout of the Doheny Village Zoning District Update is anticipated to gradually occur through 2040, the City and the OCSD would be able to effectively plan for increases in population and demands for police protection services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to police protection services.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SCHOOL SERVICES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR SCHOOL SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Project implementation would introduce future additional residential, commercial, and industrial development which would increase demands for CUSD school services. However, future development would be subject to Education Code Sections 17620 et seq., which allow school districts to collect impact fees from developers of new commercial and residential building space. As future development would be required to pay these development impacts fees, which are deemed to be full mitigation, the project's incremental effects to local school facilities are not cumulatively considerable.

For purposes of school services analysis, cumulative impacts are considered for projects which would also be sited within the CUSD. Cumulative development would also be subject to Education Code Sections 17620 *et seq*. Cumulative development would be evaluated on a case-by case basis at the project level, as they are implemented, for their potential to impact CUSD school services. Thus, cumulative impacts to school services would be less than significant.

Cumulative school services impacts are analyzed in terms of impacts within CUSD boundaries. Cumulative development within the CUSD boundaries has the potential to result in the need for additional school resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for school services. Individual development projects would be required to pay the statutory school fees based on the type and size of development proposed pursuant to SB 50. Payment of fees to the appropriate school district is considered full mitigation for project impacts associated with the need to provide new or altered school facilities to serve new students generated by future development. Further, in conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development.

As concluded in Impact Statement PSRU-3, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts to school services following conformance with the

applicable laws, ordinances, and regulations in place for school services as discussed above. Further, as buildout of the propose project is anticipated to gradually occur through 2040, the City and CUSD would be able to effectively plan for increases in population and demands for school services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to school services.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PARKS AND RECREATIONAL FACILITIES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR PARKS AND RECREATIONAL FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative development within the City would increase demands on existing parks and recreation facilities. However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for parks and recreation facilities. Cumulative development would be evaluated on a case-by case basis at the project level, as they are implemented, for their potential to impact City-owned parks and recreational facilities. Pursuant to Municipal Code Section 7.10.010, all real property shall include dedication to the public, the City, or other public agency for public use or benefit. Pursuant to Municipal Code Section 7.36.050, future development activities involving a tentative tract map or tentative parcel map would be required to dedicate land for park facilities or pay in-lieu fees incident to and as a condition of the approval. Further, the City would encourage adequate community facilities, including parks and creational facilities, in conformance with General Plan Public Facilities/Growth Management Element Policies 5.3, 5.7, 5.9, 5.11, and 5.12. In conformance with Land Use Element Policy 3.1, the City would also ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development.

As concluded in Impact Statement PSRU-4, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts to parks and recreation facilities following conformance with the applicable laws, ordinances, and regulations in place for school services as detailed above. Impacts to existing parks and recreational from future development accommodated through Doheny Village would be reduced to less than significant levels following conformance with Municipal Chapter 7.1 and relevant General Plan policies. Specifically, General Plan Land Use Policy 3.1 requires new development to contribute its share of the cost of providing necessary park and recreational facilities through equitable development fees and exactions. Further, as buildout of the Doheny Village Zoning District Update is anticipated to gradually occur through 2040, the City would have sufficient time to plan for increases in population and demands for parks and recreation facilities as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to parks and recreation facilities.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WATER SERVICES AND INFRASTRUCTURE

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR WATER FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative development (as identified in Table 4-1) would result in increased demand for water service within the project vicinity and the City. However, as discussed above, SCWD would have adequate water supply capable of meeting demands under normal, single dry and multiple dry years through 2040. Future cumulative projects would be required to evaluate potential impacts on existing and planned SCWD water supplies to determine whether sufficient water supply is available to serve anticipated demands in normal, single dry, and multiple dry year conditions on a project-by-project basis. Specifically, future cumulative development would be required to demonstrate adequate water supply with either a signed Water Availability Form, a "Will-Serve" letter, or a Water Supply Assessment from the SCWD, as applicable, in compliance with SB 221 and SB 610 requirements. As such, the City would continue to coordinate with SCWD to ensure adequate water distribution facilities are available to serve future cumulative development that may would result in increased demand for water services. Future cumulative development would also be subject to compliance with SCWD's Standard Drawings and Design Criteria for water and sewer facilities, and the most recently adopted edition of the Uniform Building Code. Further, in conformance with General Plan Conservation/Open Space Element Policy 1.3 and Public Facilities/Growth Management Element Policy 1.2 and 1.3, the City would encourage water conservation efforts through encouraging the use of reclaimed water, water conserving appliance, and drought-resistant landscaping. In conformance with General Plan Public Facilities/Growth Management Element Policies 1.1, 1.7, and 1.8, the City would ensure adequate and consistent water service would be provided through coordination with SCWD and evaluating the varying levels of service provided to the City. Additionally, it is the City's policy to require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (General Plan Land Use Element Policy 3.1).

As concluded in Impact Statement PSRU-5, the project would result in a net water demands would be adequately met by SCWD's existing supplies through year 2040. Future development within Doheny Village would be subject to conformance with all Federal, State, and local regulations concerning water use. Additionally, new development would be required to pay all applicable connection fees and ongoing user fees related to the provision of water services. Payment of required connection fees and ongoing user fees and compliance with all applicable laws, ordinances, and regulations would ensure impacts regarding water supply, distribution, and infrastructure are less than significant. Thus, as the project would result in less than significant impacts in regard to water supply and demand, the project's incremental increase on cumulative considerations to water supply and facilities would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WASTEWATER SERVICES AND INFRASTRUCTURE

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR WASTEWATER FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative development (as identified in Table 4-1) would result in increased wastewater generation within the project vicinity, which would require wastewater conveyance by the City and treatment at the Coastal Treatment Plant or J.B. Latham Plant. In conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be subject to payment of sewer connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary wastewater infrastructure upgrades.

As concluded in Impact Statement PSRU-6, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts concerning wastewater generation, conveyance, or treatment following conformance with the applicable laws, ordinances, and regulations in place for wastewater treatment as detailed above. Further, as buildout of the Doheny Village Zoning District Update is anticipated to gradually occur through 2040, the City would effectively plan for increases in population and demands for wastewater treatment and conveyance as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to wastewater treatment.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

STORMWATER DRAINAGE FACILITIES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR STORMWATER DRAINAGE FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative development (as identified in Table 4-1) would likely result in the need for the construction of new stormwater drainage facilities or the expansion of existing facilities on a project-by-project basis. In conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be required to conduct drainage and hydrology analyses on a case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on stormwater drainage facilities. Cumulative project would be subject to NPDES permitting process, which may require implementation of BMPs and LIDs depending on project's size.

As concluded in Impact Statement PSRU-7 and within Section 5.5.2 of this EIR, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts concerning

stormwater drainage following conformance with the applicable laws, ordinances, and regulations in place for stormwater drainage as detailed above and in Section 5.5.2. Further, as buildout of the Doheny Village Zoning District Update is anticipated to gradually occur Through 2040, the City would effectively plan for increases in population and demands for stormwater drainage as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to stormwater drainage.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOLID WASTE GENERATION

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR SOLID WASTE GENERATION THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

Impact Analysis: Cumulative development within the project area would increase demands for solid waste disposal services. However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for solid waste, including RCRA, AB 939, AB341, AB 1826, the California Green Building Code, Municipal Code Chapter 6.10, the City's General Plan Public Facilities/Growth Management Polices 3.1 through 3.5. As indicated in Impact Statement PSRU-8, the Prima Deshecha Landfill has sufficient remaining capacity for solid waste disposal for future development within the City.

As concluded in Impact Statement PSRU-8, buildout of the Doheny Village Zoning District Update is not anticipated to involve significant impacts concerning solid waste generation and regulations following conformance with the applicable laws, ordinances, and regulations in place for solid waste disposal as discussed above. Further, solid waste generated by full buildout of the Doheny Village Zoning District Update would represent less than 0.1-percent of the daily disposal capacity of the Prima Deshecha Landfill. Therefore, the proposed project would not result in cumulatively considerable impacts to solid waste.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.13.6 SIGNIFICANT UNAVOIDABLE IMPACTS

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to public services, recreation, and utilities and service systems.

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6.0 Other CEQA Considerations

6.0 OTHER CEQA CONSIDERATIONS

6.1 LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT

Pursuant to *CEQA Guidelines* Section 15126.2, the following is a discussion of short-term uses of the environment and the maintenance and enhancement of long-term productivity. If the proposed project is approved and implemented, a variety of short- and long-term impacts would occur on a local level. For example, future development projects accommodated by the proposed Doheny Village Zoning District Update may temporarily impact adjacent uses from dust and noise during future construction activities. Short-term soil erosion may also occur during grading activities. There may also be an increase in emissions caused by grading and construction activities. However, these disruptions would be temporary and may be avoided or lessened to a large degree through mitigation cited in this EIR and through compliance with the established regulatory framework; refer to Section 5.0, *Environmental Analysis*, and Section 8.0, *Effects Found Not To Be Significant*.

Future projects developed in accordance with the proposed Doheny Village Zoning District Update would potentially create long-term environmental consequences. Development associated with implementation of the proposed Doheny Village Zoning District Update and the subsequent long-term effects may impact the physical, aesthetic, and human environments. Long-term physical consequences of development include increased traffic volumes, increased noise from project-related mobile (i.e., vehicular traffic) and stationary (e.g., mechanical, landscaping, and truck ignition and idling) sources, hydrology and water quality impacts, and increased energy and natural resource consumption. Incremental degradation of local and regional air quality would also occur due to mobile source emissions generated from increased traffic, and stationary source emissions generated from the consumption of natural gas and electricity.

6.2 IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

According to *CEQA Guidelines* Sections 15126(c) and 15126.2(c), an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented. As stated in *CEQA Guidelines* Section 15126.2(d):

> *"Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely, Primary impacts and, particularly, secondary impacts [such as highway improvement which provides access to a previously inaccessible area] generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."*

The environmental impacts associated with implementation of the Doheny Village Zoning District Update are analyzed in Section 5.0 and Section 8.0. The project site is almost entirely developed and built out. Future development would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during each individual project's construction phase and would continue throughout its operational lifetime. Future development would require a commitment of resources including building materials; fuel and operational materials/resources; and transportation of goods and people to and from individual development sites. Construction would require the consumption of resources that are not renewable or which may renew so slowly as to be considered non-renewable. These resources include, but are not limited to, lumber and other forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment.

Development accommodated through the proposed project would consume resources similar to those currently consumed within the City (e.g., energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle trips, fossil fuels, and water). Fossil fuels would represent the primary energy source associated with both construction and ongoing operation, and the existing, finite supplies of these natural resources would be incrementally reduced. Future development operations would occur in accordance with California Code of Regulations Title 24 Part 6, which sets forth conservation practices that would limit energy consumption. Nonetheless, the project's energy requirements represent a long-term commitment of essentially non-renewable resources.

Future construction activities associated with implementation of the proposed Doheny Village Zoning District Update could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions; refer to Section 5.6, *Hazards and Hazardous Materials*. All potential demolition, grading, and excavation activities would be subject to the established regulatory framework to ensure that hazardous materials are not released into the environment. Compliance with the established regulatory framework and mitigation measures would protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In addition, there is the potential that individual future development projects would use and store limited amounts of potentially hazardous materials; refer to Section 5.6. All future development activities requiring the routine use, storage, transport, or disposal of hazardous materials would be subject to all applicable Federal, State, and local regulations and standards in place for hazardous materials. Compliance with these regulations and standards would protect against significant and irreversible environmental changes due to the accidental release of hazardous materials.

In conclusion, future development accommodated through project implementation would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these resource quantities for future generations or for other uses during the life of the individual developments. It is noted that the continued use of such resources would be on a relatively small scale in a regional context. Although irreversible environmental changes would result from project implementation, such changes would not be considered significant.

6.3 GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires that an EIR analyze a project's growth inducing impacts. Specifically, *CEQA Guidelines* Section 15126.2(e) requires that an EIR:

> *"Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth [a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas]. Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."*

In general, a project may foster spatial, economic, or population growth in a geographic area, if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service and provision of new access to an area);
- Fosters economic expansion or growth (e.g., changes in revenue base and employment expansion);
- Fosters population growth (e.g., construction of additional housing or employment-generating land uses), either directly or indirectly;
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning and general plan amendment approval); or
- Develops or encroaches on an isolated or adjacent area of open space (being distinct from an infill project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing under CEQA. Generally, growth inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or encourage premature or unplanned growth.

It is noted that while CEQA does require an EIR to "discuss the ways" a project could be growth inducing and "discuss the characteristics of some projects that may encourage…activities that could significantly affect the environment," CEQA does not require an EIR to predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. Answering such questions would require speculation, which CEQA discourages; see *CEQA Guidelines* Section 15145, *Speculation*.

In accordance with the *CEQA Guidelines* and based on the above-listed criteria, the project's potential growth inducing impacts are analyzed below.

REMOVAL OF AN IMPEDIMENT TO GROWTH

Future development anticipated by the proposed project would increase demands for public services (i.e., fire and police protection, schools, parks and recreational facilities, and libraries) and utility and

service systems (i.e., water, wastewater, stormwater, and solid waste). The project area is already served by essential public services and utilities; refer to Section 5.13, *Public Services/Recreation and Utilities*. Future individual developments would negotiate cooperative agreements between service agencies/utility providers to address each project's incremental increased demands on public services and utilities. The proposed project would rely upon the existing network of utilities and service systems in the Doheny Village area, including water, wastewater, storm drain, telecommunication, and solid waste services. Thus, project implementation would not result in a removal of an impediment to growth by establishing an essential public service or utility or service system.

Regional access to the project site is provided via Interstate 5 and Pacific Coast Highway. Local roadway access to the project site is provided via Doheny Park Road and Victoria Boulevard. As explained in Section 5.7, *Transportation*, the project area's roadway network is already fully constructed. Future roadway improvements implemented as part of individual development projects would not provide new access to Doheny Village since both regional and local access is already provided by an existing roadway network. Therefore, implementation of the proposed project would not remove an existing impediment to growth through the provision of new access to an area.

ECONOMIC GROWTH

The proposed project anticipates a net development potential of approximately 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use; refer to Table 3-3, *Proposed Development Potential*.

Construction activities associated with future anticipated development would generate construction jobs. However, individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. In addition, these jobs would be temporary and would likely be filled by workers living in the area. Therefore, temporary construction jobs would not be growth inducing in this regard.

The anticipated increase in non-residential development would increase the City's employment base over existing conditions (June 2020) from approximately 16,000 to 16,517 jobs, an approximately 3.3 percent increase; refer to Impact Statement PHE-1 . This projected employment growth is anticipated to increase sales, with resultant increases in the City's revenue base. Thus, implementation of the proposed project would foster economic growth through changes in the revenue base resulting from population and employment growth. As such, the proposed project is considered growth inducing with respect to economic expansion.

POPULATION GROWTH

A project can induce population growth in an area either directly (i.e., by proposing new homes or businesses) or indirectly (i.e., through the extension of roads or other infrastructure). The project site is located in a developed area of the City and the project would not involve the extension of roads or other infrastructure into undeveloped areas; refer above to the 'Removal of an Impediment to Growth" section. However, the Doheny Village Zoning District Update anticipates development of new residences and businesses which would induce direct growth in the City's population.

The anticipated increase in residential development would increase the City's population over existing conditions (May 2020) from approximately 33,146 to 35,038 residents, an approximately 5.7 percent increase; refer to Table 5.12-5, *Proposed Project's Development Potential Compared to General Plan Buildout Assumptions*. Additionally, the anticipated increase in non-residential development would increase the City's jobs as mentioned above. Thus, implementation of the proposed project would foster population growth through new housing and employment opportunities. As such, the proposed project is considered growth inducing with respect to population growth.

PRECEDENT-SETTING ACTION

The majority of existing structures in the project area were built when the project site was under the jurisdiction of the County of Orange (prior to City incorporation) and thus, are mostly identified as nonconforming uses according to the General Plan and Zoning Code. A primary purpose of the project is to bring existing, nonconforming uses within Doheny Village into conformance with the General Plan and Zoning Code. As such, the three proposed zoning districts, land use designations, and associated development standards and development intensities were developed based on existing uses by City staff and the Doheny Village Working Group. Additionally, the zoning district development standards and land use designation development intensities, if approved, would be limited to the project site itself. The three proposed zoning districts, Mixed Commercial/Residential Main Street, Mixed Light Industrial/Commercial, and Mixed Commercial/Residential, would only apply to areas within the project site. Therefore, while the project would require a General Plan Amendment and Zoning Code Amendment, the project is not considered growth inducing in regard to establishing a precedent-setting action.

DEVELOPMENT OR ENCROACHMENT OF OPEN SPACE

The Doheny Village area is largely built out and encompasses a mix of residential, commercial, retail, manufacturing, and institutional uses; refer to Exhibit 3-2, *Site Vicinity*. There are no existing open space areas within the project site. Therefore, future development in accordance with the proposed project would not develop or encroach on an isolated or adjacent area of open space, resulting in a growth inducing impact. No impacts would occur in this regard.

SUMMARY

In summary, project implementation is not considered growth inducing with respect to removing an impediment to growth, establishing a precedent-setting action, or encroaching into an isolated area of open space. The project is considered growth inducing with respect to fostering economic and population growth.

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7.0 Alternatives to the Proposed Project

7.0 ALTERNATIVES TO THE PROPOSED PROJECT

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. CEQA Public Resources Code Section 21002.l(a) establishes the need to address alternatives in an Environmental Impact Report (EIR) by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is ... to identify alternatives to the project."

Direction regarding the definition of project alternatives is provided in the *CEQA Guidelines* as follows:

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.*[1]

The *CEQA Guidelines* emphasize that the selection of project alternatives be based primarily on the ability to reduce significant effects relative to the proposed project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."[2] The *CEQA Guidelines* further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed.[3]

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. *CEQA Guidelines* Section 15126.6(f)(1) states that:

> *Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site ...*

Beyond these factors, *CEQA Guidelines* require the analysis of a "no project" alternative and an evaluation of alternative location(s) for the project, if feasible. Based on the alternatives analysis, an environmentally superior alternative is to be designated. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.[4] In addition, *CEQA Guidelines* Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The range of potential alternatives to the proposed project shall also include those that could feasibly accomplish most of the basic objectives

1 *CEQA Guidelines Section 15126.6(a).*
2 *CEQA Guidelines Section 15126.6(b).*
3 *CEQA Guidelines Section 15126.6(f).*
4 *CEQA Guidelines Section 15126.6(e)(2).*

of the project and could avoid or substantially lessen one or more of the significant effects. Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). Only locations that would avoid or substantially lessen any of the project's significant effects need be considered for inclusion. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative need not be considered.

Potential environmental impacts associated with the following alternatives are compared to the project's impacts:

- Alternative 1 – "No Project" Alternative; and
- Alternative 2 – "ROMA Design Group Draft Plan" Alternative.

These alternatives were selected based on their potential to implement certain components of the project (such as development of a warehouse facility), to accomplish some or most of the basic objectives of the project and avoid or substantially lessen one or more of the proposed project's significant effects. Specifically, the "No Project" Alternative is considered to enable the decision-makers to compare the impacts of approving the project with the impacts of not approving the project. The "ROMA Design Group Draft Plan" Alternative was selected for analysis to evaluate the 2013 version of the project and whether it would reduce any potentially significant impacts associated with the proposed project. Throughout the following analysis, the alternatives' impacts are analyzed for each environmental issue area, as examined in Section 5.1, *Land Use and Relevant Planning*, through Section 5.13, *Public Services, Recreation, and Utilities*, of this EIR. In this manner, each alternative can be compared to the project on an issue-by-issue basis. A table is included at the end of this section that provides an overview of the alternatives analyzed and a comparison of each alternative's impact in relation to the project. This section also identifies alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Among the factors used to eliminate alternatives from detailed consideration include failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. Section 7.6, *"Environmentally Superior" Alternative*, identifies the "environmentally superior" alternative, as required by the *CEQA Guidelines*.

7.1 SUMMARY OF PROJECT OBJECTIVES

An EIR must only discuss in detail an alternative that is capable of feasibly attaining most of the basic objectives associated with the action, while at the same time avoiding or substantially lessening any of the significant effects associated with the proposed project. As discussed in Section 3.0, *Project Description*, the project is intended to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. To this end, the project proposes a Zoning Code Amendment to introduce three new zoning districts specific to the project area; refer to Section 3.3, *Project Characteristics*. In addition to a Zoning Code Amendment, implementation of the proposed project would require a General Plan Amendment and Local Coastal Program Amendment to reflect the new land use and zoning district classifications.

Below is a summary of the project objectives, as provided in Section 3.4, *Goals and Objectives*.

1. Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).

2. Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.

3. Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.

4. Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.

7.2 SUMMARY OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Only those impacts found significant and unavoidable are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed project. As detailed in Section 5.1 through Section 5.13 of this EIR, upon compliance with existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable impacts.

7.3 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to CEQA Guidelines, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative's failures to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. One alternative that has been considered and rejected as infeasible is the "Alternative Site" Alternative. As a land use planning project, the City has had the goal of revitalizing Doheny Village since adoption of the General Plan in 1991; refer to Goal 7 of the General Plan Land Use Element. There are no other areas of the City that are available and optimal for the proposed project based on its unique variety of uses, including industrial, mixed-use, and commercial uses, as well as a variety of housing types. In addition, selection of an alternative site would not achieve any of the objectives identified in Section 7.1, *Summary of Project Objectives*. Thus, the Alternative Site Alternative was not carried forward for additional analysis.

7.4 "NO PROJECT" ALTERNATIVE

In accordance with the *CEQA Guidelines*, "the no project analysis shall discuss the existing conditions …, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."[5] The *CEQA Guidelines* continue to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained."[6] The "No Project" Alternative includes a discussion and analysis of the existing baseline conditions at the time the Notice of Preparation was published on March 13, 2020. The "No Project" scenario is described and analyzed to enable the decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

According to *CEQA Guidelines* Section 15126.6(e), the specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The "no project" analysis is required to discuss the existing conditions (at the time the Notice of Preparation is published), as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Therefore, the No Project Alternative discussed below considers the existing baseline conditions at the time the Notice of Preparation was published on March 13, 2020.

DESCRIPTION

The project site encompasses a mix of existing residential, commercial, retail, manufacturing, and institutional uses; refer to Exhibit 3-2, *Site Vicinity*. Based on the Dana Point General Plan (General Plan) Land Use Map, the project site is designated Community Commercial (CC), Commercial/Residential (C/R), Residential 22-30 DU/AC (RES-22-30), Community Facility (CF), and Recreation/Open Space (R/OS) and is situated within the Coastal Overlay Boundary; refer to Exhibit 3-3, *Existing General Plan Land Use Map*. Based on the City's Zoning Map, the project site is zoned Community Commercial/Vehicle (CC/V), Community Commercial/Pedestrian (CC/P), Commercial/Residential (C/R), Residential Multiple Family 30 DU/AC (RMF 30), Community Facilities (CF), Recreation (REC), and Open Space (OS), and is situated within the Floodplain Overlay (FP-2) and Coastal Overlay; refer to Exhibit 3-4, *Existing Zoning Map*. Refer to Section 3.1.2, *Project Setting (Existing Conditions)*, for a detailed description of existing uses.

The No Project Alternative assumes the circumstance under which the proposed project does not proceed, and the project site's existing General Plan land use designations and zoning are preserved. Under this Alternative, the site's existing improvements associated with the site's existing uses would remain. However, the No Project Alternative would not preclude future redevelopment in accordance with the site's existing General Plan land use designations and zoning. Under the No Project Alternative, the Zoning Code Amendment, General Plan Amendment, and Local Coastal Program Amendment would not occur. Table 7-1, *No Project Alternative Compared to the Proposed Project*, compares the assumed net development potential associated with the site's existing land use designations and

[5] *CEQA Guidelines Section 15126.6(e)(2).*
[6] *CEQA Guidelines Section 15126.6(e)(3)(B).*

zoning with the proposed project.

Table 7-1
No Project Alternative Compared to the Proposed Project

Description	Dwelling Units	Population[1]	Nonresidential Development (Square Feet)
No Project Net Development Potential	-37	-86	301,055
Doheny Village Zoning District Update Project (Project) Net Development Potential	812	1,892	317,617[2]
No Project's Net Development Potential Compared to Project Net Development Potential	*-849*	*-1,978*	*-16,562*

Notes:
1. Based on the City's average household size of 2.33.
2. Includes 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office uses.

Compared to existing conditions, the No Project Alternative would have a net development potential of -37 dwelling units and 301,055 additional square feet of nonresidential development, with a net population decrease of 86 persons. In other words, buildout of the No Project Alternative would result in less residential development compared to existing conditions. In comparison to the net development potential of the proposed project, this alternative would result in 849 fewer dwelling units, 1,978 fewer residents, and 16,562 fewer square feet of non-residential development. Thus, compared to the proposed project, the No Project Alternative is essentially a "no build" alternative in which no new development would occur. The following discussion evaluates the potential environmental impacts associated with the No Project Alternative, as compared to impacts from the proposed project.

IMPACT COMPARISON TO THE PROPOSED PROJECT

Land Use and Relevant Planning

As stated, the proposed project would require a number of discretionary approvals, including a Zoning Code Amendment, General Plan Amendment, and Local Coastal Program Amendment. Under the No Project Alternative, the project site would maintain its existing land use designations and zoning and thus, would not conflict with the General Plan, Local Coastal Program, or Municipal Code, or require a Zoning Code Amendment, General Plan Amendment, and Local Coastal Program Amendment. However, this alternative would conflict with several existing General Plan policies intended to revitalize Doheny Village; refer to Table 5.1-1, *General Plan Consistency Analysis*. Most notably, the No Project Alternative would not develop design guidelines that assure that development is consistent in terms of scale and character (Land Use Element Policy 7.3) and would not uphold the City's policy to revitalize the Doheny Village area based on extensive public input (Land Use Element Policy 7.7).

In contrast, the proposed project would establish three new zoning districts and development standards for parcels within Doheny Village that align and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area. As analyzed Section 5.1, *Land Use and*

Relevant Planning, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, California Coastal Act, *Dana Point Specific Plan* (1986 LCP), and the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Sothern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). Overall, this alternative would be neither environmentally superior nor inferior to the proposed project in this regard.

Aesthetics/Light and Glare

Doheny Village is predominantly built out; therefore, future projects developed in accordance with the Doheny Village Zoning District Update would likely occur as infill or redevelopment. As shown in Table 7-1, the No Project Alternative would not result in any new development compared to the proposed project. Therefore, existing development would remain and no aesthetic impacts related to new construction or operational activities would occur under this alternative. In comparison, the proposed project would allow redevelopment of Doheny Village based on new zoning districts and associated development standards. Thus, this alternative would be environmentally superior to the proposed project in this regard.

Tribal and Cultural Resources

As stated, the No Project Alternative would not result in any new development compared to the proposed project. Thus, the potential to impact previously undiscovered cultural or tribal cultural resources during construction activities would not occur. This alternative would be environmentally superior to the proposed project in this regard.

Geology and Soils

As elaborated in Section 5.5, *Geology and Soils*, Doheny Village is susceptible to a variety geological and seismic hazards, including strong seismic ground shaking, liquefaction, soil erosion, and unstable and expansive soils. In addition, there is potential for unknown paleontological resources to be located within the project area given the site's proximity to the coast. However, the proposed project's geology and soils impacts would be reduced to less than significant levels following conformance with established regulatory requirements, including the California Building Code (CBC), Municipal Code, National Pollutant Discharge Elimination System (NPDES) requirements, and SCAQMD Rule 403. Additionally, implementation of Mitigation Measure GEO-1 would ensure project impacts related to paleontological resources are reduced to less than significant levels. In comparison, the net development potential of this alternative compared to the proposed project would not result in any new development. Thus, this alternative would not introduce structures or people to existing geologic and seismic hazards in Doheny Village. Additionally, the No Project Alternative would not result in any construction activities that could impact previously undiscovered paleontological resources. This alternative would be environmentally superior to the proposed project.

Hydrology and Water Quality

Compared to the proposed project, the No Project Alternative would not result in any new net development; refer to Table 7-1. Thus, no new construction or operational activities would impact existing hydrologic and water quality conditions in Doheny Village. This alternative would be environmentally superior to the proposed project.

Hazards and Hazardous Materials

No new development would occur under the No Project Alternative compared to the proposed project. Thus, the potential to expose workers and the public to hazards and hazardous materials, such as asbestos containing materials (ACMs) and lead based paints (LBPs), during demolition and construction activities would not occur. As such, no mitigation would be required to reduce such impacts. In addition, given that no development would occur, the No Project Alternative would not result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials. This alternative would be environmentally superior to the proposed project.

Transportation

No new development would occur under the No Project Alternative compared to the proposed project. Thus, no transportation impacts related to a potential conflict with a program plan, ordinance or policy addressing the circulation system, VMT, hazard due to a geometric design feature or incompatible use, or inadequate emergency access would occur. Overall, this alternative would be environmentally superior to the proposed project.

Air Quality

Under the No Project Alternative, the project site would maintain its existing General Plan designations and zoning. Compared to the proposed project's net development potential, this alternative would result in no new development. Thus, no short-term construction or long-term operational air quality emissions would be generated. This alternative would be environmentally superior to the proposed project.

Greenhouse Gas Emissions

Compared to the proposed project's net development potential, the No Project Alternative would not result in any new development in Doheny Village. Thus, no construction or operational greenhouse gas (GHG) emissions would be generated and this alternative would be environmentally superior to the proposed project.

Energy

As stated, no new development would occur under this alternative compared to the proposed project. Thus, no impacts would occur from energy usage related to electricity and natural gas consumption. Thus, the No Project Alternative would be environmentally superior to the proposed project.

Noise

As discussed, the net development potential of the No Project Alternative compared to that of the proposed project would result in no new development within Doheny Village. Thus, no construction or operational noise or vibration impacts would occur and no mitigation would be required. The No Project Alternative would be environmentally superior to the proposed project in this regard.

Population and Housing

As shown in Table 7-1, the net development potential of the No Project Alternative compared to the proposed project would result in no new development. Thus, population and housing impacts related to the introduction of new housing or nonresidential development in the project area would not occur. The proposed project's anticipated population and housing growth would result in direct population growth. However, the project would also introduce substantial housing near employment opportunities in Doheny Village, including those associated with the proposed Housing Incentive Overlay and possibility of affordable housing to assist the City in meeting its Regional Housing Needs Assessment (RHNA) requirements. As this alternative would not provide any new development, it would not provide housing, improve jobs/housing ratio, or assist the City in meeting its State mandated housing goals. Overall, it would be neither environmentally superior nor inferior to the proposed project.

Public Services/Recreation and Utilities

No new net development would occur under this alternative compared to the proposed project. Thus, this alternative would not increase demands for public services, recreation, or utilities. the No Project Alternative would be environmentally superior to the proposed project.

RELATIONSHIP TO THE PROJECT OBJECTIVES

As detailed in Table 7-2, *No Project Alternative and Project Objectives*, the No Project Alternative would achieve only one of the project's basic objectives.

Table 7-2
No Project Alternative and Project Objectives

Objective	Discussion
Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).	Redeveloping Doheny Village based on its existing land use designations and zoning would revitalize the existing industrial, mixed-use, and commercial uses and housing types. Thus, this alternative would achieve this project objective.
Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.	Since the No Project Alternative assumes buildout of Doheny Village based on under existing land use designations and zoning, this alternative would not achieve the project objective to provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.
Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.	As shown in Table 7-1, the No Project Alternative would result in 37 fewer net dwelling units compared to existing conditions and thus, would not increase the City's housing stock. No new residential development would occur. Thus, this alternative would not achieve this project objective.
Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.	No incentives for rehabilitation and new development would be offered under the No Project Alternative. Thus, this alternative would not achieve this objective.

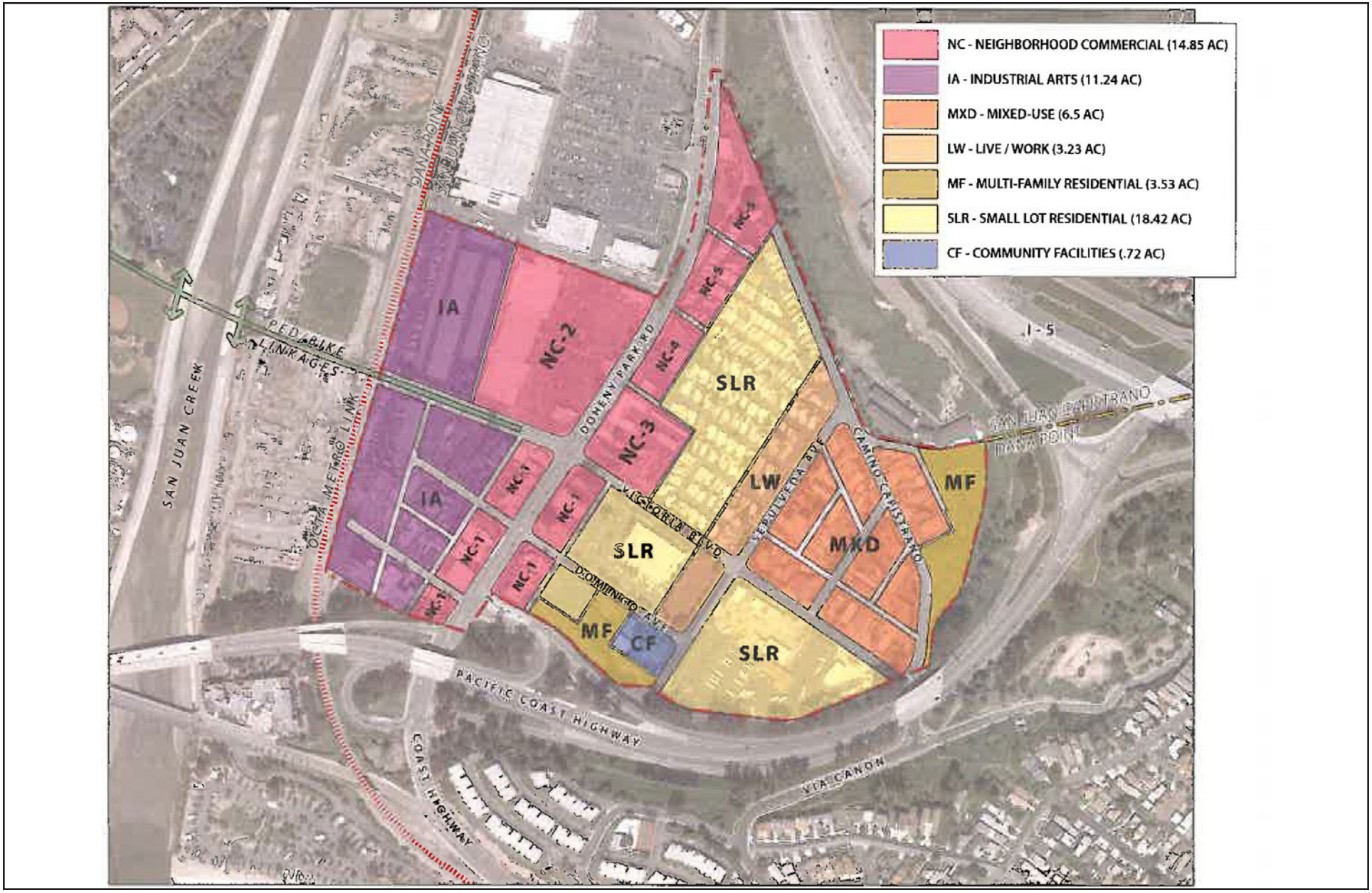
7.5 "ROMA DESIGN GROUP DRAFT PLAN" ALTERNATIVE

The City retained the services of ROMA Design Group in 2011 for the development of a new land use plan (draft ROMA plan) for the project area (formerly called the "Doheny Village Plan"). The purpose of the planning effort was to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. The draft ROMA plan was completed in 2013; however, due to a variety of reasons, it was not processed for approval.

The draft ROMA plan includes an overview of the area, background on its history and evolution, planning goals and policies to guide the future development of Doheny Village, and a more specific description of the development strategy and the recommendations for land use, circulation, and access. The land use plan included in the draft ROMA plan proposed two residential areas - the Small Lot Residential area and the Live/Work residential district. In addition, it identified a Mixed Use area of residential, commercial, and institutional uses that already exists, a Neighborhood Commercial frontage along Doheny Park Road, and the Industrial Arts District. It also identified two existing smaller uses within the area, institutional and multi-family residential, which were not intended to be expanded, simply maintained. An expanded discussion of the land use plan proposed under the draft ROMA plan is provided below and is illustrated on Exhibit 7-1, *ROMA Design Conceptual Land Use Plan*.

- *Small Lot Residential*: The residential neighborhood within Doheny Village was envisioned as maintaining a small lot, pedestrian scale, and providing for greater opportunities for individual ownership of housing as well as flexibility within the parcel for secondary rental units and home occupations. This residential zone provides for residential densities ranging from approximately 20 to 35 dwelling units per acre (net). Parcels would be set back from the street and vehicular parking would be provided from the rear or alley. Because this residential use would occupy lands that are currently on large assembled parcels of land, the draft ROMA plan assumed that a subdivision map and prototypical building designs would be required prior to development.

- *Live/Work*: The Live/Work district was similar to the Small Lot Residential area but provided for a greater mix and commercial orientation on the ground floor space fronting along Sepulveda Boulevard to create a friendly streetscape across from mixed uses across the street. Allowable uses would include residential or mixed use; however, commercial uses would only be permitted as part of a dominant residential occupancy. The density ranges for residential would be the same as in the Small Lot Residential area, but would require a minimum of 1,000 square feet of high bay ground floor space. All lots within this area would front on to Sepulveda and parking would be at the rear of the parcel and off of the alley.



Source: ROMA Design Group, *Doheny Village Plan*, July 2013.

NOT TO SCALE

Michael Baker INTERNATIONAL

09/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
ENVIRONMENTAL IMPACT REPORT

ROMA Design Conceptual Land Use Plan

Exhibit 7-1

- *Mixed Use*: The Mixed Use area would provide for the existing scale, character and diversity of uses similar to the neighborhood to the east of Sepulveda Avenue and north of Victoria Boulevard. In this district, there would be an emphasis on a mix of residential and commercial buildings as well as live/work and institutional uses. Residential uses could be the same as in Small Lot Residential and Live/Work districts but there would be the opportunity for small multi-family projects as well as stand-alone commercial uses on parcels no greater than 12,000 square feet and with a maximum building size of 9,000 square feet. The draft ROMA plan restricted retail and personal services within this area.

- *Neighborhood Commercial*: Along Doheny Park Road, an emphasis was placed on the continuity of pedestrian, scale street oriented retail uses that serve the local community. A limited amount of office uses would be allowable only if directly related to a retail function and service uses would be permitted on a limited basis. Specific targets for the type and configuration of retail activities and parking are identified by sub-area, but all uses would be subject to approval of a Conditional Use Permit. Commercial uses could be developed to an intensity of 1 floor area ratio (FAR) and within one or two story buildings. All on-site parking would be located to the rear of the parcels and away from Doheny Park Road.

- *Industrial Arts District*: The Industrial Arts district was envisioned to the north and south of Victoria Boulevard and to the west of the commercial zone along Doheny Park Road. This district was envisioned as honoring the area's history as a place where small-scale innovation has taken place and continues to take place related to arts, crafts and manufacturing of unique products. Allowable uses would include small-scale art and design, fabrication, and light manufacturing, as well as entertainment and the performing arts. Retail sales of items manufactured on the premises would be permitted. The draft ROMA plan prohibited storage uses within this area.

- *Multi-Family Residential*: The draft ROMA plan maintained two existing multi-family residential zones within the area, both adjacent to the freeway. One is located to the south of Domingo Avenue and the other to the north of Camino Capistrano.

- *Community Facility*: The draft ROMA plan maintained a small area adjacent to the multi-family zone along Domingo Avenue for existing community facilities which include a church and small pre-school.

Table 7-3, *Draft ROMA Plan Development Standards*, details the proposed development standards for each zoning district proposed.

Table 7-3
Draft ROMA Plan Development Standards

Development Standards	Small Lot Residential	Live/Work	Mixed Use	Neighborhood Commercial	Industrial Arts District
Minimum Density	1 Unit/2,500-3,250 SF 2 Units/3,250-6,500 SF	1 Unit/2,500-3,250 SF 2 Units/3,250-6,500 SF	Not Specified	N/A	N/A
Maximum Density	2 Units/2,500-3,250 SF 3 Units/3,250-6,500 SF	2 Units/3,250 SF 3 Units/6,500 SF	6 Units/6,500 SF	N/A	N/A
Floor Area Ratio	N/A	N/A	N/A	1.0:1	Not Specified
Minimum Ground Floor High Bay Space	N/A	1,000 SF fronting Sepulveda Boulevard	N/A	N/A	N/A
Maximum Lot Coverage	Not Specified	Not Specified	Not Specified	Not Specified	None
Maximum Building Footprint	Not Specified	Not Specified	Not Specified	Not Specified	20,000 SF
Maximum Commercial Building	N/A	N/A	7,500 SF	N/A	N/A
Minimum Lot Size	2,500 SF	2,500 SF	Not Specified	4,000 SF	2,500 SF
Maximum Lot Size	6,500 SF	6,500 SF	6,500 SF (Residential) 9,000 SF (Mixed Use) 12,000 SF (Commercial)	Not Specified	Not Specified
Minimum Lot Width	25 Feet with Exceptions	25 Feet	Not Specified	40 Feet	25 Feet
Maximum Lot Width	30 Feet with Exceptions	50 Feet	Not Specified	Not Specified	Not Specified
Minimum Lot Depth	100 Feet with Exceptions	Not Specified	Not Specified	100 Feet	100 Feet
Front Yard Setback	15 Feet with Exceptions	5 Feet	Consistent with Existing Setback with Exceptions	None for parcels adjacent to Doheny Park Road	None
Side Yard Setback	None	None	None	Not Specified	None
Rear Yard Setback	5 Feet	5 Feet	5 Feet	50-Feet for Lots of 120-130 Feet Depth	None
Building Height	3 Stories/40 Feet	3 Stories/45 Feet	3 Stories/40 Feet	Not Specified	2 Stories/45 Feet
Minimum Landscaped Open Space	20% of Lot Area	20% of Lot Area	20% of Lot Area	Not Specified	Not Specified
Parking Requirements	1/du	Max. 4 car Tandem	Varies	Varies	Not Specified

Notes: N/A = Not Applicable, du = Dwelling Unit, SF = Square Feet

Source: ROMA Design Group, *Doheny Village Plan*, July 2013.

At buildout, the draft ROMA plan would accommodate development of the following:

- Small Lot Residential: 330 dwelling units on 165 parcels
- Live/Work: 66 dwelling units plus 33,000 square feet of commercial uses
- Neighborhood Commercial: 265,000 square feet. This includes 185,000 square feet of existing and new street front retail plus 80,000 square feet of existing retail in the Capistrano Valley Plaza shopping center.
- Industrial Arts: 170,000 square feet
- Small Lots south of Victoria: 85,000 square feet (110,000 square feet of land on approximately 20 parcels, each around 5,500 square feet) and assumes 65,000 square feet of ground floor space plus a 20,000 square foot mezzanine.
- Large Parcel north of Victoria: 153,000 square foot parcel and 85,000 square feet of new industrial arts (comparable to the existing mini-storage building size).
- Existing Mixed Use Area:
    - Commercial Office : 40,000 square feet
    - Residential: 40 units
    - Mixed Residential and Commercial: 22,000 square feet
    - Institutional: Fire Station, 2 pre-schools

Overall, buildout of the ROMA Design Group Draft Plan Alternative would allow for the development of 476 dwelling units and 768,000 square feet of nonresidential development, with a resultant population of 1,109 persons.[7] Compared to existing conditions, this alternative would have a net development potential of 26 dwelling units, 312,990 square feet of nonresidential development, with a net population increase of 61 persons. As with the proposed project, the ROMA Design Group Draft Plan would require approval of a General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Amendment. To create an integrated street system, the draft ROMA plan included a variety of intersection improvements, new intersections, and new streets altogether to support future land divisions; refer to Section 6, *Streets and Public Ways*, of the draft ROMA plan. The draft ROMA plan also assumed that a subdivision map would be required prior to future development activities involving land divisions.

IMPACT COMPARISON TO THE PROPOSED PROJECT

Land Use and Relevant Planning

In addition to approval of a General Plan Amendment, Local Coastal Plan Amendment, and Zoning Code Amendment, the ROMA Design Group Draft Plan Alternative proposed an integrated street

[7] Based on the City's average household size of 2.33.

system as well as future subdivisions. Thus, this alternative would require an amendment to the General Plan Circulation Element as well as the approval of future Tentative Tract Maps for future development activities. The City received a number of written and verbal comments regarding disapproval of the ROMA Design Group Draft Plan; thus, it can be reasonably inferred that this alternative would not uphold the City's policy to revitalize the Doheny Village area based on extensive public input (Land Use Element Policy 7.7). Based on the additional discretionary approvals associated with the ROMA Design Group Draft Plan Alternative and public input, this alternative would be environmentally inferior to the proposed project.

Aesthetics/Light and Glare

Doheny Village is predominantly built out; therefore, future projects would likely occur as infill or redevelopment. Construction-related aesthetic impacts would be similarly less than significant under both development scenarios as impacts would be temporary and would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. Like the proposed project, development or redevelopment in accordance with the ROMA Design Group Draft Plan Alternative would have the potential to impact views to coastal bluffs and the Pacific Ocean, which are designated by the General Plan as scenic resources. The ROMA Design Group Draft Plan Alternative would allow for a maximum building height of:

- 40 feet (or three stories) for the Small Lot Residential and Mixed Use zones;
- 45 feet (or three stories) for the Live/Work zone; and
- 45 feet (or two stories) for the Industrial Arts District Zone.

The Draft ROMA Plan does not specify a maximum building height for the Neighborhood Commercial zone. In comparison, the proposed project would allow for a maximum building height of:

- 35 to 40 feet (or three stories) within the V-C/I zone;
- 35 to 50 feet north of Victoria Boulevard and 35 to 40 feet south of Victoria Boulevard within the V-C/R zone; and,
- 35 to 40 feet (or three stories) within the V-MS zone; refer to Table 3-2.

As shown, the proposed project would allow for similar maximum building heights as the Draft ROMA Plan. As concluded in Section 5.2, the three zoning districts and development standards proposed under the project would not result in view blockage of coastal bluffs or the Pacific Ocean. Further, as the project site is already developed with one to three story development, the scale of future development accommodated by the project would complement the height and scale of existing development within Doheny Village; refer to Exhibit 5.2-3 through Exhibit 5.2-5. Impacts would be similarly less than significant under both the ROMA Design Group Draft Plan Alternative and the proposed project in this regard.

Development or redevelopment in accordance with the ROMA Design Group Draft Plan Alternative would have the potential to change the community character of Doheny Village through its introduction of more land uses compared to the proposed project as well as new subdivisions, streets, and public ways. As a result, this alternative may not fully achieve the General Plan goals and policies intended to revitalize Doheny Village while preserving the community's eclectic character; refer to

Table 5.1-1. Based on the extensive public input regarding disapproval of the plan's development standards and nonconforming uses, the ROMA Design Group Draft Plan Alternative would not uphold the City's policy to revitalize the Doheny Village area based on extensive public input (Land Use Element Policy 7.7). In contrast, the proposed project is intended to address the community concerns identified during the ROMA Design Group Draft Plan and is based upon an extensive public engagement process. The allowed uses, development standards, special development standards, and special use standards proposed under the project's comprehensive update to the Municipal Code would establish a clear direction for future revitalization of Doheny Village as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood. Thus, this alternative would be environmentally inferior to the proposed project in this regard.

Tribal and Cultural Resources

Like the proposed project, residential and non-residential development could be constructed on the project site pursuant to the draft ROMA plan. Thus, construction activities may involve ground disturbing activities that could adversely impact previously undiscovered cultural and tribal cultural resources. Similar to the proposed project, implementation of mitigation would ensure impacts in this regard are reduced to less than significant levels. Thus, this alternative would be neither environmentally superior nor inferior to the proposed project.

Geology and Soils

As elaborated in Section 5.5, Doheny Village is susceptible to a variety geological and seismic hazards, including strong seismic ground shaking, liquefaction, soil erosion, and unstable and expansive soils. In addition, there is potential for unknown paleontological resources to be located within the project area given the site's proximity to the coast. However, the proposed project's geology and soils impacts would be reduced to less than significant levels following conformance with established regulatory requirements, including the CBC, Municipal Code, NPDES requirements, and SCAQMD Rule 403. Additionally, implementation of Mitigation Measure GEO-1 would ensure project impacts related to paleontological resources are reduced to less than significant levels. Development of the site pursuant to the ROMA Design Group Draft Plan Alternative would similarly introduce structures and people to existing geologic and seismic hazards and may require implementation of site-specific construction and/or design standards to minimize potential impacts. Thus, this alternative would be neither environmentally superior nor inferior to the proposed project.

Hydrology and Water Quality

Like the proposed project, the ROMA Design Group Draft Plan Alternative does not propose site-specific development and would not significantly impact drainage courses and hydrologic flows throughout the City since the majority of the project site is currently developed with hardscapes. Future development projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements under both the ROMA Design Group Draft Plan Alternative and proposed project. Additionally, the Municipal Code incorporates Federal and State regulations and guidelines pertaining to stormwater runoff to reduce or eliminate regional water quality impacts. Impacts associated with future development in Doheny Village and the region would be addressed at a site-specific level to

ensure impacts to hydrology and water quality would be less than significant. As such, this alternative would be neither environmentally superior nor inferior to the proposed project.

Hazards and Hazardous Materials

Like the proposed project, future redevelopment under existing land use designations and zoning would involve demolishing existing structures and buildings. As discussed in Section 5.6, buildings in Doheny Village could potentially ACMs, LBPs, and/or other contaminants, which are typically present in buildings and structures constructed prior to 1978. Additionally, future construction activities under ROMA Design Group Draft Plan Alternative would involve grading and excavation activities which could expose construction workers and the public to previously unknown hazardous substances present in the soil or groundwater. Thus, similar to the project, this alternative would require implementation of Mitigation Measures HAZ-1 and HAZ-2 to reduce such impacts. In addition, future development and redevelopment accommodated under the No Project Alternative could result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, particularly during site disturbance/demolition/ remedial activities. As with the proposed project, development and redevelopment occurring under the ROMA Design Group Draft Plan Alternative would be subject to compliance with all applicable Federal and State laws and regulations related to the routine use, transport, and disposal of hazardous materials, or the accidental release of hazardous materials. As such, this alternative would be neither environmentally superior nor inferior to the proposed project.

Transportation

The reduced development potential under the ROMA Design Group Draft Plan Alternative would likely have the potential to reduce the proposed project's transportation impacts. However, the additional land uses compared as well as new subdivisions, streets, and public ways proposed under the ROMA Design Group Draft Plan Alternative would proportionally increase the potential to conflict with the General Plan Circulation Element, particularly in regard to the City's existing Circulation Plan. Like the proposed project, future development associated with implementation of the ROMA Design Group Draft Plan Alternative would be required to comply with Municipal Code Chapter 9.43, which requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08, which provides standards of design and requirements for sidewalks. In addition, the new streets and public ways would proportionally increase the potential to substantially increase hazards due to a geometric design feature or, based on extensive public input, incompatible uses. Nonetheless, development or redevelopment in accordance with the ROMA Design Group Draft Plan Alternative would be subject to applicable Municipal Code and City design standards and would be reviewed by the City and the OCFA to ensure that inadequate design features or incompatible uses do not occur.

Compared to the proposed project's net development potential, this alternative would allow less net residential development (26 units under this alternative compared to 812 units under the proposed project) but similar net nonresidential development (312,990 square feet under this alternative compared to 317,617 square feet under the proposed project). Providing substantially less residential development in the project area may adversely impact VMT per capita, VMT per employee, and total VMT. However, similar to the proposed project, impacts would likely remain less than significant with

mitigation incorporated. Overall, this alternative would be neither environmentally superior nor inferior to the proposed project.

Air Quality

Since the proposed project's development potential would allow for up to 1,892 additional residents and 812 dwelling units (net) and the ROMA Design Group Draft Plan Alternative would allow for up to 61 additional residents and 26 dwelling units (net), buildout of Doheny Village based on under the ROMA Design Group Draft Plan Alternative would proportionally reduce the project's short-term construction and long-term operational air quality emissions. As such, this alternative would be environmentally superior to the proposed project.

Greenhouse Gas Emissions

Compared to the proposed project, the reduced development potential proposed under the ROMA Design Group Draft Plan Alternative would proportionally reduce the project's GHG emissions. As such, this alternative would be environmentally superior to the proposed project.

Energy

Compared to the proposed project, impacts from energy usage related to electricity and natural gas consumption would proportionally decrease given that the development intensity allowed under the ROMA Design Group Draft Plan Alternative would be less than proposed for the project. Thus, the ROMA Design Group Draft Plan Alternative would be environmentally superior to the proposed project.

Noise

As noted, the City received several verbal and written comments regarding land use compatibility issues associated with the draft ROMA plan. Thus, compared to the proposed project, development in accordance with the ROMA Design Group Draft Plan Alternative would not achieve the City's policy to discourage locating noise sensitive land uses in noisy environments (General Plan Noise Element Policy 2.5) based on the alternative's land use compatibility issues with no noise mitigation measures in place. In contrast, the proposed project has incorporated noise considerations into the proposed land use plan to buffer sensitive receptors from noise sources. Further, the proposed project would not result in significant noise impacts following implementation of Mitigation Measures NOI-1 through NOI-4; refer to Section 5.11. Since the ROMA Design Group Draft Plan Alternative would allow for the development or redevelopment of incompatible uses without the application of Mitigation Measures NOI-1 through NOI-4, the ROMA Design Group Draft Plan Alternative would be environmentally inferior to the proposed project in this regard.

Population and Housing

Like the proposed project, the ROMA Design Group Draft Plan Alternative provided for a variety of residential and non-residential uses to provide for a balance of living and working. However, the

reduced housing opportunities proposed under the ROMA Design Group Draft Plan Alternative could result in a jobs/housing imbalance. The ROMA Design Group Draft Plan Alternative would allow for the development of up to 26 additional dwelling units and 312,990 square feet of nonresidential development. In contrast, the proposed project's anticipated net development potential would allow up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office uses. The potential new jobs generated by the project's additional commercial, industrial, and office square feet would generate approximately 508 new jobs.[8,9] As such, this alternative would be environmentally inferior to the proposed project.

Public Services/Recreation and Utilities

Since the proposed project's development potential would allow for up to 1,892 additional residents and 812 dwelling units (net) and the ROMA Design Group Draft Plan Alternative would allow for up to 26 additional dwelling units and 312,990 square feet of nonresidential development, buildout of Doheny Village under the ROMA Design Group Draft Plan Alternative would proportionally reduce impacts to public services, recreation, and utilities. As described in Section 5.13, the proposed project would involve less than significant impacts to public services, recreation, and utilities with implementation of existing Federal, State, and local laws, ordinances, and regulations. As such, this alternative would be neither environmentally superior nor inferior to the proposed project.

RELATIONSHIP TO THE PROJECT OBJECTIVES

The ROMA Design Group Draft Plan Alternative would only achieve one of the project's basic objectives; refer to Table 7-4, *ROMA Design Group Draft Plan Alternative and Project Objectives*.

[8] The Natelson Company, *Incorporate, Employment Density Study Summary Report*, Table 6A (Derivation of Square Feet per Employee Based on: Average Employee per Acre, Average FAR; Orange County), page 19, October 31, 2001.

[9] Job generation forecast utilized Table 6A's square feet per employee based on assumed associated land use category types. The total number of new jobs were calculated based on the assumptions that commercial land use equated to regional retail (704 square feet/employee), office land use equated to low-rise office (287 square feet/employee), and industrial land use equated to light manufacturing (558 square feet/employee).

Table 7-4
ROMA Design Group Draft Plan Alternative and Project Objectives

Objective	Discussion
Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).	Based on extensive public input, redeveloping Doheny Village based on the ROMA Design Group Draft Plan Alternative would not preserve the character and vitality of Doheny Village based on its existing uses. This alternative placed a focus on redevelopment rather than emphasizing the unique qualities that give Doheny Village its sense of place. Thus, this alternative would not achieve this project objective.
Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.	As discussed in Section 3.2, the City retained Opticos Design, Inc. (Opticos) to further refine the draft ROMA plan for the project area and develop implementation language to be incorporated into the City's Zoning Code utilizing form-based code. In March 2016, the draft code was informally distributed as part of a Notice of Preparation for the Doheny Village Plan EIR. A scoping meeting was also held on March 16, 2016 at the Dana Point Community Center. The City received a number of written and verbal comments regarding issues related to parking, nonconforming uses, and development standards. Thus, this alternative would not achieve this project objective.
Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.	The ROMA Design Group Draft Plan Alternative would allow for the development of up to 26 additional dwelling units. In contrast, the proposed project's anticipated net development potential would allow up to 812 additional dwelling units. Thus, this alternative would achieve this project objective, although to a lesser degree than the proposed project.
Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.	No incentives for rehabilitation and new development would be offered under the ROMA Design Group Draft Plan Alternative. Thus, this alternative would not achieve this objective.

7.6 "ENVIRONMENTALLY SUPERIOR" ALTERNATIVE

Table 7-5, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the proposed project).

Table 7-5
Comparison of Alternatives

Sections	No Project	ROMA Design Group Draft Plan Alternative
Land Use and Relevant Planning	=	↑
Aesthetics/Light and Glare	↓	↑
Tribal and Cultural Resources	↓	=
Geology and Soils	↓	=
Hydrology and Water Quality	↓	=
Hazards and Hazardous Materials	↓	=
Transportation	↓	=
Air Quality	↓	↓
Greenhouse Gas Emissions	↓	↓
Energy	↓	↓
Noise	↓	↑
Population and Housing	=	↑
Public Services/Recreation/Utilities	↓	=

↑ Indicates an impact that is greater than the proposed project (environmentally inferior).
↓ Indicates an impact that is less than the proposed project (environmentally superior).
= Indicates an impact that is equal to the proposed project (neither environmentally superior nor inferior).

Review of Table 7-5 indicates the No Project Alternative is the environmentally superior alternative, as it would avoid or lessen most of the project's environmental impacts. According to CEQA Guidelines Section 15126.6(e), "if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the ROMA Design Group Draft Plan Alternative is considered environmentally superior to the proposed project. The ROMA Design Group Draft Plan Alternative would be environmentally superior to the proposed project for three topical areas but would be environmentally inferior to the proposed project for four topical areas; refer to Table 7-5. However, as noted above, the ROMA Design Group Draft Plan Alternative would only achieve one of the project's basic objectives. This alternative would not preserve the character and vitality of Doheny Village, provide updated zoning within Doheny Village that aligns and respects existing nonconforming uses, or offer incentives for rehabilitation and new development in Doheny Village by investing in beautification. Further, the City received a number of written and verbal comments regarding issues related to parking, nonconforming uses, and development standards included in the draft ROMA plan.

8.0 Effects Found Not To Be Significant

8.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA provides that an EIR shall focus on the significant effects on the environment and discuss potential environmental effects with emphasis in proportion to their severity and probability of occurrence. During preparation of this EIR, the City of Dana Point (City) conducted an analysis of the proposed project's effect on specific environmental topic areas, included as part of the Environmental Checklist form presented in *CEQA Guidelines* Appendix G. Through the course of this evaluation, certain impacts were identified as "less than significant" or "no impact" due to the inability of a project of this scope to yield such impacts or the absence of project characteristics producing effects of this type. These effects are not required to be included in the EIR's primary environmental analysis sections (Section 5.1 through 5.13). In accordance with *CEQA Guidelines* Section 15128, the following discussion includes a brief description of potential impacts found to be less than significant. The lettered analyses under each topical area directly correspond to their order in *CEQA Guidelines* Appendix G.

AGRICULTURE AND FORESTRY RESOURCES. ***In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:***

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No Impact. The project site is urbanized and predominantly built out with a mix of existing residential, commercial, retail, industrial, and institutional uses. According to the California Department of Conservation, the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[1] The California Important Farmland Finder designates the project site "Urban and Built-Up Land." Thus, project implementation would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. No impact would occur in this regard.

[1] California Department of Conservation Farmland Mapping and Monitoring Program, *California Important Farmland Finder*, https://maps.conservation.ca.gov/DLRP/CIFF/, accessed August 12, 2020.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. According the City's Zoning Map, the City does not have a zoning district for agricultural uses and there are no Williamson Act contracts in effect within or near the City.[2] The project site is currently zoned Community Commercial/Vehicle (CC/V), Community Commercial/Pedestrian (CC/P), Commercial/Residential (C/R), Residential Multiple Family 30 DU/AC (RMF 30), Community Facilities (CF), Recreation (REC), and Open Space (OS), and is situated within the Floodplain Overlay (FP-2) and Coastal Overlay. Thus, project implementation would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur in this regard.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No Impact. The City does not have a zoning district for forest land, timberland, or timberland production. As discussed, the project site is currently zoned CC/V, CC/P, C/R, RMF 30, CF, REC, and OS, and is situated within the FP-2 and Coastal Overlay. Thus, project implementation would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production. No impact would occur in this regard.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. Refer to response to Agriculture and Forestry Resources (c). No impact would occur.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. Refer to responses to Agriculture and Forestry Resources (a) through (c). No impact would occur.

BIOLOGICAL RESOURCES. *Would the project:*

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less Than Significant Impact With Mitigation Incorporated. The *Results of a Biological Resources Assessment for the Doheny Village Zoning District Update Project – City of Dana Point, Orange County, California* (Biological Resources Report), prepared by Michael Baker International and dated July 2, 2020, provides a detailed assessment of the suitability of on-site habitat to support special-status plant and wildlife species; refer to Appendix 11.10, *Biological Resources Report*.

According to the Biological Resources Report, land cover types on-site consist solely of disturbed and developed areas. The California Department of Fish and Wildlife (CDFW) California Natural

[2] California Department of Conservation, *Agricultural Preserves 2004 Williamson Act Parcels, Orange County, California*, 2004.

Diversity Database RareFind 5 (CNDDB) and California Native Plant Society (CNPS) Online Inventory were queried for reported locations of special-status plant and wildlife species as well as special-status natural vegetation communities in the U.S. Geologic Survey (USGS) Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles. In addition, the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Consultation System (IPaC) database was queried to identify any threatened, endangered, and proposed species, designated Critical Habitat, and candidate species that may occur within the boundary of the project site. Further, a field survey was conducted to assess the conditions of the habitat(s) within the boundaries of the project site to determine if existing vegetation communities, at the time of the field survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified 50 special-status plant species and 42 special-status wildlife species as occurring within the USGS Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles. In addition, seven special-status vegetation communities were identified. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Special-status biological resources identified during the literature review as having the potential to occur within the vicinity of the project site are presented in Attachment D, *Potentially Occurring Special-Status Biological Resources*, of the Biological Resources Report.

Special-Status Plants

As stated, 50 special-status plant species have been recorded in the USGS Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles by the CNDDB, CNPS Online Inventory, and IPaC database. However, no special-status plant species were observed during the field survey. Based on the result of the field survey and a review of specific habitat preferences, distributions, and elevation ranges, it was determined that no special-status plant species identified by the CNDDB, CNPS, and IPaC databases are expected to occur within the project site, since the project site is completely developed. As such, no impacts would occur in this regard.

Special-Status Wildlife

Forty-two special-status wildlife species have been recorded in the USGS Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles by the CNDDB and IPaC database. However, no special-status wildlife species identified by the CNDDB and IPaC were observed within the project site during the field survey. Based on the results of the habitat assessment and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that all special-status wildlife species identified by the CNDDB and IPaC database either have a low potential or are not expected to occur within the project site with the exception of Cooper's hawk (*Accipiter cooperii*; CDFW Watch List), which has a high potential to occur, and yellow warbler (*Setophaga petechia*; CDFW Species of Special Concern), which has a moderate potential to occur, both strictly as foraging birds in the project site.

Overall, the project site and surrounding vegetation communities provide limited suitable foraging and/or nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area. Nesting birds are protected under the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and California Fish and Game Code. Mitigation Measure BIO-1 would ensure a pre-construction nesting bird clearance survey is conducted by a

qualified biologist should future construction activities be initiated during the nesting season (typically January 1st through August 31st). Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels.

Mitigation Measures:

BIO-1 Should a future development project accommodated by the Doheny Village Zoning District Update initiate construction activities during the nesting season (January 1st through August 31st), the project applicant shall retain a qualified biologist to conduct a pre-construction nesting bird clearance survey no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone (typically 500 feet) surrounding the project impact area. If no active nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures are required.

If an active nest is found, the bird species shall be identified and a "no-disturbance" buffer shall be established around the active nest. The size of the "no-disturbance" buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. It is further recommended that the qualified biologist periodically monitor any active nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the "no-disturbance" buffer may occur.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. As stated, the Biological Resources Report identified seven special-status vegetation communities reported in the USGS Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles by the CNDDB: Southern Coast Live Oak Riparian Forest, Southern Coastal Salt Marsh, Southern Cottonwood Willow Riparian Forest, Southern Dune Scrub, Southern Foredunes, Southern Sycamore Alder Riparian Woodland, and Valley Needlegrass Grassland. However, based on the results of the field survey and review of specific vegetation types in each community, no special-status vegetation communities occur within the project site. As such, the proposed project would not adversely impact any special-status vegetation communities.

Additionally, while the project site is located within the coastal zone, the area is predominantly urbanized with residential, commercial, and industrial development and surrounded by additional urban uses. Based on the field survey, the project site is heavily disturbed, built out, and constrained by adjacent and surrounding uses. Thus, the site does not meet the definition of an environmentally sensitive habitat area. Further, the site is not located within any Federally-designated critical habitat; refer to Figure 6, *Critical Habitat*, of the Biological Resources Report.

Overall, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. No impacts would occur in this regard.

c) *Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. There are four key agencies that regulate activities within streams, wetlands, riparian, and coastal areas in California. The U.S. Army Corps of Engineers (Corps) Regulatory Branch regulates discharge of dredged or fill material into "waters of the U.S." (WoUS) pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Water Quality Control Board (RWQCB) regulates discharges to surface waters pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated vegetation communities under Section 1600 et seq. of the California Fish and Game Code. In addition, for projects located within the coastal zone, the California Coastal Commission (CCC) plans and regulates the use of land and water in the Coastal Zone pursuant to the Coastal Act of 1976. Development projects, which are broadly defined by the California Coastal Act (CCA), generally require a coastal development permit from either the CCC or the local government.

Based on a review of aerial photographs, USGS quadrangle maps, and observations made during the field survey, two channelized culverts located at the southern end of Sepulveda Avenue in the southeastern portion of the project site and at the western end of Las Vegas in the southwestern portion of the project site were observed. These drainage features qualify as jurisdictional waters and fall under the regulatory authority of the Corps, CDFW, RWQCB, and/or CCC. However, as stated, the project proposes a programmatic zoning district update and no development is proposed as part of the project that could impact existing drainage features on-site. Approvals from the regulatory agencies may be required if future development within the project site result in impacts to either of the drainage features. Further, future developments accommodated by the proposed project would be required to conduct site-specific analysis regarding the project's potential to impact any protected wetlands.

Thus, the proposed project would not have an adverse effect on State or Federally protected wetlands, and no impacts would occur.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less Than Significant Impact With Mitigation Incorporated. Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site is located in the *Orange County Southern Subregion Natural Community Conservation Plan/Master Streambed Alteration Agreement/Habitat Conservation Plan* (Orange County Southern Subregion NCCP/MSAA/HCP). Based on Figure 41-M, *Wildlife Corridors and Habitat Linkages*, of the Orange County Southern Subregion NCCP/MSAA/HCP, the project site is not located within any

identified wildlife corridors or habitat linkages in the NCCP/MSAA/HCP study area, most of which are located within Rancho Mission Viejo and the Cleveland National Forest. Additionally, the project site is predominantly built out and surrounded by urban development and provides no opportunities for wildlife to move through the site. Thus, the project site does not act as a wildlife movement corridor or habitat linkage.

However, as stated above, the project site and surrounding vegetation communities provide limited suitable foraging and/or nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area. Nesting birds are protected under the MBTA, Bald and Golden Eagle Protection Act, and California Fish and Game Code. To reduce potential impacts to nesting and migratory birds, Mitigation Measure BIO-1 would require a pre-construction nesting bird clearance survey be conducted by a qualified biologist should future construction activities be initiated during the nesting season (typically January 1st through August 31st). Upon implementation of Mitigation Measure BIO-1, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. The project would not conflict with any local policies or ordinances protecting biological resources. The General Plan Conservation/Open Space Element does not contain a tree preservation policy or ordinance. Further, as stated, the proposed Doheny Village Zoning District Update does not propose any development as part of the project. Therefore, no impacts would occur in this regard.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

No Impact. While the project site is located within the Orange County Southern Subregion NCCP/MSAA/HCP study area, the City, including the project site, is not located within any of the four subareas of the NCCP/MSAA/HCP study area. As such, the project site is not located within any identified critical habitat areas, habitat reserves, wildlife corridors or habitat linkages, or restoration areas. The proposed project is a programmatic zoning district update and would not result in any new development. Additionally, the project site is predominantly built out and surrounded by urban development. Thus, the project would not conflict with the biological goals and objectives of the NCCP/MSAA/HCP. No impact would occur in this regard.

GEOLOGY AND SOILS. *Would the project:*

a)(i) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings

used for human occupancy on the surface trace of active faults. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50-foot setbacks are required).

Based on the Geotechnical Evaluation, the project site is not transected by any known active or potentially active faults; refer to Appendix 11.4, *Geotechnical Reports*. As discussed in Section 5.4, *Geology and Soils*, the active Newport-Inglewood/Offshore Zone of Deformation fault zone is located offshore approximately three miles east of the project site. Therefore, the potential for surface rupture is considered low, and the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact would occur in this regard.

a)(iv) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

No Impact. According to the Geotechnical Evaluation, the potential for landslide hazards on-site is considered low as the majority of the project site is relatively level and has been extensively developed with pavements, hardscape, and structures; refer to Appendix 11.4. Therefore, project implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No impact would occur in this regard.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. The sewer system within Dana Point is owned, operated and maintained by the South Coast Water District (SCWD). The project would involve a programmatic zoning district update and no development is proposed that could involve septic tanks or alternative wastewater disposal systems. Further, all future development within the project area would be required to connect to existing SCWD sewer mainlines and service lines. Therefore, no impact would occur in this regard.

HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. The closest public use airport, John Wayne Airport, is located approximately 17.5 miles to the northwest of the project site. The project site is located outside of the John Wayne Airport Influence Area and is not located within the vicinity of a private airstrip or any airport land use plan, or within two miles of a public airport. As such, no impacts would occur in this regard.

f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

No Impact. The *City of Dana Point Emergency Preparedness Plan* (Emergency Preparedness Plan) provides the framework for responding to major emergencies or disasters within the City. The Emergency Preparedness Plan identifies potential hazards; identifies authorities and assigns responsibilities to the appropriate agencies; identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated; establishes an organizational structure to manage the emergency response; outlines preplanned response actions to be taken by emergency personnel to mitigate the effects of a disaster; outlines a process of disseminating emergency information and instructions to the public; describes the resources available to support emergency response activities; establishes responsibilities for maintaining the overall City emergency preparedness program; and provides the basis for initial training and subsequent retraining of emergency workers. Moreover, the General Plan Public Safety Element includes a Public Safety Plan which described the approach to be used in implementing the goals and policies outlined in the Public Safety Element.

The proposed project would not result in any permanent alterations to vehicular circulation routes or obstruct public access along adjacent roadways. Additionally, all construction staging associated with future development within Doheny Village would occur within the boundaries of the project site and would not interfere with circulation along Victoria Boulevard, Sepulveda Avenue, I-5, Pacific Coast Highway, or any other nearby roadways. Therefore, project implementation is not expected to impair or interfere with any adopted emergency response plan or emergency evacuation plan. Additionally, the project's design, site access, and internal circulation (e.g., provision of adequate access roads to accommodate emergency response vehicles, minimum turning radii, adequate numbers/locations of fire hydrants) would be reviewed by the City Engineer and Orange County Fire Authority (OCFA) to ensure emergency access requirements are met. As such, the proposed project would not impair implementation of or physically interfere with the City's adopted Emergency Preparedness Plan. Impacts in this regard would be less than significant.

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

No Impact. The project site consists of, and is surrounded by, urban/developed land, and no areas of wildland are present in the project vicinity. Additionally, the California Department of Forestry and Fire Protection's Dana Point Very High Fire Hazard Severity Zones mapping does not identify very high fire hazard severity zones in the project vicinity.[3] Therefore, project implementation would not expose people or structures to a significant risk involving wildland fires, and no impacts would occur in this regard.

HYDROLOGY AND WATER QUALITY. *Would the project:*

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

[3] California Department of Forestry and Fire, *FHSZ Viewer*, https://egis.fire.ca.gov/FHSZ/, accessed August 12, 2020.

Less Than Significant Impact. According to the *Doheny Village Plan, Hydrology and Water Quality Assessment* (Hydrology Assessment) prepared by Fuscoe Engineering, Inc., dated June 19, 2020 (refer to Appendix 11.5, *Hydrology/Water Quality Memo and Letter of Map Revision*), the project is located within an urbanized and built-out area of the City with approximately 80 percent impervious surfaces. As such, the site has limited groundwater recharge potential and is not utilized as a groundwater recharge area. Future development in accordance with the Doheny Village Zoning District Update would not substantially increase impervious surfaces in the project area given that additional landscaping and open space requirements would likely lower existing impervious conditions and slightly increase incidental infiltration. Additionally, future development accommodated through implementation of the Doheny Village Zoning District Update would not require local water well reliance. As such, implementation of the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge in a manner that would impede sustainable groundwater management of the San Juan Valley basin. Impacts in this regard are less than significant.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Less Than Significant Impact.

Flooding

As discussed in Section 5.5, *Hydrology and Water Quality*, the Federal Emergency Management Agency (FEMA) categorizes portions of the project site as Flood Hazard Zones A and AO, both of which represents areas subject to inundation by a 100-year flood. The *San Juan Creek Letter of Map Revision* (2016 LOMR Study), prepared by JLC Engineering & Consulting, Inc. and dated February 23, 2016, identifies the worst-case flooding scenario should the east levee of San Juan Creek fail and inundate on the project site; refer to Appendix 11.5. According to the 2016 LOMR Study, the maximum flood depths within the project area would exceed the capacity of the public right-of-way by approximately five inches. Given the nominal exceedance, the maximum flood depths within the project site would not result in significant risk of loss, injury or death. Impacts in this regard are less than significant.

Additionally, future redevelopment in accordance with the Doheny Village Zoning District Update would result in the removal or replacement of existing structures currently located within the 100-year flood hazard areas. Future development occurring within these flood hazard areas would be required to adhere to base flood elevations per the 2016 LOMR Study to ensure the new structures are appropriately elevated to remain out of the 100-year flood elevation and in conformance with FEMA guidelines. As such, compliance with applicable flood hazard regulations would reduce impacts in this regard to less than significant levels.

Tsunami

A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. According to the Hydrology Assessment, the project site is not located in an area that is subject to tsunami inundation; refer to Hydrology Assessment (Appendix 11.5) Appendix I, *Tsunami Inundation Map*. No impacts would occur in this regard.

Seiche

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. The project site is not in the vicinity of a reservoir, harbor, lake, or storage tank capable of creating a seiche that could inundate into the project area. The closest semi-enclosed body of water is the Dana Point Harbor, which is located over half a mile to the southwest of the project site. At this distance, the risk of seiche would be negligible. No impacts would occur in this regard.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Less Than Significant Impact. The 2014 Sustainable Groundwater Management Act requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP. As discussed in Section 5.5, the project site is located within the San Juan Valley Basin, which is ranked as a "very low" priority basin. Therefore, there is no groundwater sustainability plan established for the San Juan Valley Basin. The project would not conflict with or obstruct a sustainable groundwater management plan in this regard.

The *Water Quality Control Plan for the San Diego Basin* (Basin Plan) establishes water quality standards for ground and surface waters within the San Diego Regional Water Quality Control Board's (San Diego RWQCB's) jurisdiction, which includes Dana Point, and is the basis for the San Diego RWQCB's regulatory programs. The Basin Plan defines the beneficial uses, water quality objectives, implementation programs, and surveillance and monitoring programs for waters of the coastal drainages in the San Diego region. Implementation of the proposed project would not conflict with the Basin Plan. Future projects accommodated by the proposed Doheny Zoning District Update would be required to comply with the National Pollutant Discharge Elimination System requirements as discussed under Impact Statement HWQ-1 of Section 5.5, and thus, would not conflict with the Basin Plan. Further, the project would not substantially deplete groundwater supplies or interfere with groundwater recharge; refer to Hydrology and Water Quality (b). As such, upon compliance with all applicable regulations, the proposed project is not anticipated to conflict with or obstruct implementation of the Basin Plan. Impacts would be less than significant in this regard.

LAND USE AND RELEVANT PLANNING. *Would the project:*

a) *Physically divide an established community?*

No Impact. The 80-acre project site is commonly referred to as Doheny Village and encompasses a mix of existing residential, commercial, retail, industrial, and institutional uses. The proposed project would introduce three new zoning districts specific to the project area as illustrated on Exhibit 3-5, *Doheny Village Zoning District Update*. The new Village Commercial/Industrial (V-C/I), Village Commercial/Residential (V-C/R), and Village Main Street (V-MS) districts are specific to Doheny Village and aim to preserve and enhance the eclectic combination of existing and future commercial, light industrial, and residential uses in Doheny Village.

The project also proposes to integrate a new Chapter 9.14, *Doheny Village Districts*, into the Municipal Code to establish permitted uses; development standards (e.g., lot size, setback, density, open space,

and landscaping requirements); special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program); and special use standards for each of the three new zoning districts.

Overall, the proposed project would establish zoning districts and development standards for parcels within Doheny Village in a manner that would allow unified and cohesive development. Additionally, existing uses on-site would not be demolished or redeveloped as part of this project. Thus, the project would not physically divide an established community, and no impacts would occur in this regard.

MINERAL RESOURCES. ***Would the project:***

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

No Impact. The State Mining and Geology Board establishes Mineral Resources Zones (MRZs) to designate lands that contain mineral deposits. The classifications used by the State to define MRZs are as follows:

- *MRZ-1:* Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *MRZ-2:* Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.
- *MRZ-3:* Areas containing mineral deposits the significance of which cannot be evaluated from available data.
- *MRZ-4:* Areas where available information is inadequate for assignment to any other MRZ.

According to the California Department of Conservation Division of Mine and Geology, the project site is mapped as MRZ-3.[4] Additionally, no active mining operations currently occur on-site and the project site is mostly developed. As such, project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the State's residents. No impact would occur in this regard.

b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. Refer to response to Mineral Resources (a). No locally-important mineral resource recovery sites are located within the project area nor are mineral resources identified for the City by the General Plan Conservation/Open Space Element. Thus, project implementation would not result in the loss of availability of a locally-important mineral resource recovery site and no impact would occur.

[4] California Department of Conservation Division of Mine and Geology, *Generalized Mineral Land Classification of Orange County, California*, 1994.

NOISE. ***Would the project:***

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?*

No Impact. The nearest airport/private airstrip to the project site is the John Wayne International Airport, located approximately 17.5 miles to the northwest. Therefore, the project would not expose people residing or working in the project area to excessive noise levels, and no impact would occur in this regard.

POPULATION AND HOUSING. ***Would the project:***

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Less Than Significant Impact. The project site is currently developed with a mixture of residential, commercial, office, and industrial uses. Specifically, existing residential development consists of 13 single-family units, 273 multifamily units, and 160 mobile home park units, totaling 446 units; refer to Table 3-1, *Existing On-Site Development*.

The proposed Doheny Village Zoning District Update would introduce new zoning districts specific to parcels within Doheny Village that would allow for the development of up to 812 additional dwelling units, 192,401 additional square feet of commercial uses, 113,804 additional square feet of industrial uses, and 11,412 additional square feet of office use. However, no demolition or development activities are proposed as part of the project and existing on-site uses would remain until future redevelopment occurs at a later date. As such, project implementation would not displace the existing residential uses on-site, and no replacement housing that could result in environmental impacts would need to be constructed. Impacts in this regard would be less than significant.

PUBLIC SERVICES. ***Would the project:***

a)(5) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?

Less Than Significant Impact. Library services for the City of Dana Point are provided from the Orange County Public Libraries (OCPL). The project site would be served by the Dana Niguel Branch Library, located at 33841 Niguel Road. Although project implementation would increase demands for library services within the project area, the Dana Nigel Branch Library has access to a circulation of more than two million volumes at all branches of the OCPL system, including those available in surrounding communities. Funding for OCPL services is provided through County property taxes dedicated to the library. These funds would be used to upgrade and expand existing facilities, if necessary. The project's impacts to library services would be further reduced through the conformance with General Plan Land Use Policy 3.1, which requires that the applicant(s) pay their proportionate share of the cost of providing/upgrading library service facilities through payment of development impact fees. Thus, adequate materials would be available to serve the future develop accommodate through implementation of the City's existing regulations, and impacts concerning library services would be less than significant.

UTILITIES AND SERVICE SYSTEMS. ***Would the project:***

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact.

Dry Utilities

Future development accommodated through the Doheny Village Zoning District Update would result in the construction of new private on-site dry utilities associated with electricity, natural gas, and telecommunication services. It is the City's policy to consider the impacts on infrastructure when reviewing proposals for new development (Land Use Element Policy 2.1). Construction of future dry utilities would be subject to compliance with all applicable local, State, and Federal laws, ordinances, and regulations, as well as the specific mitigation measures in this EIR. Compliance with the relevant laws, ordinances, and regulations would ensure the project's impacts related to dry utilities are less than significant.

WILDFIRE. ***If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:***

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. According to the California Department of Forestry and Fire, the project site is not located within or near a State responsibility area nor is the site classified as a very high fire hazard severity zone.[5] Thus, no impact would occur in this regard.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Refer to response to Wildfire (a).

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. Refer to response to Wildfire (a).

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. Refer to response to Wildfire (a).

[5] California Department of Forestry and Fire, *FHSZ Viewer*, https://egis.fire.ca.gov/FHSZ/, accessed August 12, 2020.

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9.0 Organizations and Persons Consulted

9.0 ORGANIZATIONS AND PERSONS CONSULTED

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10.0 BIBLIOGRAPHY

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