

## 4.11 PUBLIC SERVICES

This section of the Revised Draft Environmental Impact Report (EIR) describes the public services providers with jurisdiction over the site of the modified Dana Point Harbor Hotels Project (Modified Project). This section incorporates research from multiple data sources, including written correspondence and coordination with specific public service providers during preparation of the 2021 Draft EIR (included as Appendix M to this Revised Draft EIR). Because the Modified Project would not introduce a substantially larger service population than the Original Project relative to the overall population served by the public service providers discussed throughout this section, this correspondence remains applicable to the Modified Project.

### 4.11.1 Scoping Process

#### 4.11.1.1 Original Project Scoping

The City of Dana Point (City) received eight comment letters during the public review period of the Notice of Preparation (NOP) prepared for the Original Project. For copies of the 2020 NOP comment letters, refer to Appendix A of this Revised Draft EIR. Two comment letters included comments related to public services.

The letter from the Orange County Fire Authority (OCFA) received on October 8, 2020, noted that the Original Project would be required to comply with OCFA's standard conditions, which include review by the City and OCFA of various construction document plan checks to ensure the Original Project would meet applicable fire master plans, codes, and building codes, and provide adequate fire protection systems. The City of Dana Point initiated the review process with OCFA relative to the preparation of the original EIR and the required Coastal Development Permit, and the County of Orange (County) will be required to conduct a structural plan check for the Original Project prior to construction. OCFA also requested that the 2021 Draft EIR include a measure requiring that the Project Applicant enter into a Secured Fire Protection Agreement with the OCFA to mitigate any potential fire service response impacts. This provision was included as Mitigation Measure (MM) 4.11-1 (MM 4.11-1) in the 2021 Draft EIR and remains applicable to the Modified Project.

In a letter received from the South Coast Water District (SCWD) on October 26, 2020, the SCWD noted that the 2021 Draft EIR must address potential environmental impacts related to parks as part of the Public Services section of the 2021 Draft EIR as they may relate to the SCWD's capacity, infrastructure, or operations. The Initial Study prepared for the Original Project stated that impacts related to parks would not be evaluated further in the 2021 Draft EIR; however, the SCWD comment letter stated that there could be potential impacts resulting from hotel visitors heavily utilizing recreational facilities in the Harbor such as Baby Beach and Doheny State Beach. Therefore, this comment is addressed under Threshold 4.11.1(iv) below. The SCWD comment letter further stated that the evaluation of environmental impacts must include off-site areas where SCWD facilities may have to be modified or operations changed as a direct or indirect result of the Original Project.

#### 4.11.1.2 Modified Project Scoping

A Supplemental NOP for the Modified Project was circulated for public review from July 19, 2024, through August 19, 2024.

Copies of the Supplemental NOP and comment letters received in response to the Supplemental NOP are included within Appendix A of this Revised Draft EIR. No comment letters included comments related to public services.

#### **4.11.2 Existing Environmental Setting**

As improvements associated with the Modified Project would be located within nearly the exact same physical area as the Original Project, the following environmental setting is partially derived from that discussed in the 2021 Draft EIR. However, as noted below, several minor changes to the existing environmental setting have occurred since the preparation of the 2021 Draft EIR.

##### **4.11.2.1 Fire Protection**

The OCFA is a Joint Powers Authority that serves the City of Dana Point, and is responsible for reducing loss of lives and property from fire, medical, and environmental emergencies. OCFA provides fire protection, emergency medical and rescue services, hazardous materials inspection and response, and public education activities to its service area of approximately 1,984,758 residents throughout 24 cities and unincorporated Orange County. As of 2023, OCFA had a total of 78 stations, including two specialty stations, throughout the County.<sup>1</sup> OCFA Reserve Firefighters also work as part of ten different stations in Orange County.<sup>2</sup>

OCFA is divided into six primary departments: Business Services, Communications and Public Affairs, Community Risk Reduction, Human Resources, Operations, and Support Services. The Operations Department comprises seven divisions and eleven battalions that provide regional emergency response to all fires, rescues, hazardous materials incidents, wildland fires, aircraft fire and rescue services to John Wayne Airport, and other miscellaneous emergencies.<sup>3</sup>

In addition to being the main provider of fire suppression efforts including wildland firefighting, technical rescue, and airport firefighting services, the OCFA provides a variety of public services including, but not limited to, the following:

- Receiving and dispatching emergency calls;
- Providing public education programs to schools, businesses, community associations, childcare providers, and other members of the community;
- Adopting and enforcing codes and ordinances relative to fire and life safety issues associated with commercial, industrial, and residential development;

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<sup>1</sup> Orange County Fire Authority (OCFA). 2023. Fiscal Year 2023-2024 Adopted Budget. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%202023-2024%20Adopted%20Budget.pdf> (accessed July 15, 2024).

<sup>2</sup> OCFA. 2020b. Member Cities. Website: <https://www.ocfa.org/aboutus/PartnerCities.aspx> (accessed September 12, 2024).

<sup>3</sup> OCFA. 2020c. Operations. Website: <https://www.ocfa.org/AboutUs/Departments/Operations.aspx> (accessed September 12, 2024).

- Coordinating the inspection of commercial buildings, investigating all fires, and enforcing fire code hazardous materials regulations;
- Working with developers and jurisdictional planning departments on development projects impacting fire protection services, from conception through planning process approval;
- Conducting California Fire Code Inspections and assisting with reducing risks associated with the use of hazardous materials in the community; and
- Interacting with developers, architects, and engineers to meet the fire protection requirements for buildings and developments by reviewing architectural blue prints, development plans, and proposals submitted in OCFA's jurisdiction.

OCFA Operations Division 3 includes Battalions 6 and 7, which are assigned to serve the Cities of San Juan Capistrano, Dana Point, Mission Viejo, Rancho Santa Margarita, and San Clemente, as well as the communities of Coto de Caza, Las Flores, and Ladera Ranch.<sup>4</sup> Both the City of Dana Point and Dana Point Harbor are within the service area of Battalion 6. As a regional fire agency, OCFA engages in service agreements with other local and regional fire agencies. There are two OCFA fire stations (Stations Nos. 29 and 30) within the City of Dana Point. Additionally, the Orange County Sheriff's Department Harbor Patrol Division provides law enforcement, marine/residential firefighting, open-water rescue, and vessel assistance for Dana Point Harbor, as well as the surrounding Orange County coastline. These services are able to be provided through the Harbor Patrol Division's vessel fleet that includes fire boats and single-engine patrol boats docked at the Dana Point Harbor Patrol Station, which is located at 25005 Dana Drive at the eastern end of Dana Island. The Dana Point Harbor Patrol Station is staffed by deputies who are cross-trained to provide police and fire responsibilities. In addition to these functions, the Harbor Patrol deputies are the "first-responders" to hazardous material spills in Dana Point Harbor.<sup>5</sup> As described below, the OCFA would provide fire protection service to the project site; however, the Harbor Patrol Division would be able to provide additional firefighting support to the project site using its staff and equipment based at the Dana Point Harbor Patrol Station.

Fire Station No. 29 is the closest OCFA fire station to the project site and is located at 26111 Victoria Boulevard in the City of Dana Point, approximately 1.2 miles northeast of the project site. As noted by the questionnaire response submitted by OCFA, Fire Station No. 29 would be designated as the "first-in" station to the project site in the event of an emergency. Currently, Fire Station No. 29 is staffed by one battalion chief, one captain, one fire apparatus engineer, and two firefighters.<sup>6</sup>

"Second Call" stations are fire stations that support the "first-in" station. The OCFA has designated Fire Station No. 30 as the "second call" station to support Fire Station No. 29. Fire Station No. 30 is

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<sup>4</sup> OCFA. 2020d. Operations Division 3. Website: <https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx> (accessed July 15, 2024).

<sup>5</sup> County of Orange. 2003. Dana Point Harbor Revitalization Project Program EIR, Section 4.10, Public Services and Utilities.

<sup>6</sup> OCFA. n.d. Operations Division 3. Website: <https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#firestations> (accessed July 15, 2024).

located at 23831 Stonehill Drive in the City of Dana Point, approximately 1.6 miles northwest of the project site. Currently, Fire Station No. 30 is staffed by one fire captain, one fire apparatus engineer, two firefighters, and reserve firefighters.<sup>7</sup>

For Fiscal Year 2023/2024, OCFA has budgeted for 1,598 uniformed and civilian personnel.<sup>8</sup> OCFA aims to maintain a goal of being able to have first responding company for a fire call to reach the emergency scene within 8 minutes and paramedics to reach the scene within 5 minutes, at least 90 percent of the time. In Fiscal Year 2019/2020, OCFA responded to emergency calls within 9 minutes and seven seconds 90 percent of the time across all service areas.<sup>9</sup> According to the OCFA's 2023–2024 Adopted Budget, the OCFA's ratio of firefighters per 10,000 residents has remained steady over the last five fiscal years, ranging from 5.80 to 6.06 firefighters.<sup>10</sup> At the lowest point in Fiscal Year 2015/2016, the ratio was 5.32. During the past 10-year time frame, the emergency call load has increased by 62 percent, due in part to the City of Santa Ana joining the OCFA in April 2012 and the City of Garden Grove joining in August 2019.

According to OCFA's 2019 Statistical Annual Report, OCFA responded to over 146,328 total service calls throughout the entirety of its service area; in total, 3,385 calls were responded to citywide. Approximately 108,219 responses were related to emergency medical services (EMS); citywide, EMS responses totaled 2,613.<sup>11</sup> According to the OCFA, there are currently no plans for expanded services or facilities near the project area.

#### 4.11.2.2 Police Protection

The City of Dana Point contracts with the Orange County Sheriff's Department (OCSD) for police protection services. OCSD provides 24-hour contract law enforcement services to the City and would serve the project site. The OCSD Police Services Station, located at 33282 Golden Lantern, Suite 140, in the City of Dana Point, approximately 1.2 miles north of the project site, serves the City. OCSD's Aliso Viejo Station, located at 11 Journey in the City of Aliso Viejo, approximately 7.5 miles northwest of the project site, also serves the City.

37 OCSD personnel are currently assigned to the City, including 25 full-time deputies, six sergeants, and six parking control officers.<sup>12</sup> Given the City's 2019 population of 33,146 (Department of Finance, 2019), the OCSD maintained a staffing ratio of approximately 1.1 sworn officer for every 1,000 residents in the City at the time the 2021 Draft EIR was prepared.<sup>13</sup> Given the City's estimated

<sup>7</sup> OCFA. n.d. Operations Division 3. Website: <https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#firestations> (accessed July 15, 2024).

<sup>8</sup> OCFA. 2023. Fiscal Year 2023-2024 Adopted Budget. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%202023-2024%20Adopted%20Budget.pdf> (accessed July 15, 2024).

<sup>9</sup> Ibid.

<sup>10</sup> OCFA. 2023. Fiscal Year 2023-2024 Adopted Budget. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%202023-2024%20Adopted%20Budget.pdf> (accessed July 15, 2024).

<sup>11</sup> OCFA. 2020e. 2019 Statistical Annual Report. Website: <https://www.ocfa.org/Uploads/Transparency/OCFA%20Annual%20Report%202019.pdf> (accessed July 15, 2024).

<sup>12</sup> Orange County Sheriff's Department (OCSD). Dana Point. Website: <https://www.ocsheriff.gov/patrol-areas/dana-point> (accessed October 1, 2020).

<sup>13</sup>  $33,146 / 1,000 = 33.146$ .  $37 \text{ officers} / 33.146 = 1.11$  or approximately 1.1 officers per 1,000 residents.

2024 population of 32,596 individuals,<sup>14</sup> the OCSD currently maintains the same staffing ratio of approximately 1.1 sworn officer for every 1,000 residents in the City.<sup>15</sup> Police protection services are expanded in the City consistent with community needs.

As described above, the OCSD provides law enforcement in Dana Point Harbor through its Dana Point Harbor Patrol Station at the eastern end of Dana Island. The Harbor Patrol's jurisdiction encompasses the entirety of Dana Point Harbor including 14 miles seaward, as well as the coastline areas up to Main Beach (in Laguna Beach) and San Mateo Point (the Orange/San Diego County line). The Harbor Patrol is staffed by qualified personnel, including sergeants, deputies, and administrative assistance staff. The Harbor Patrol's fleet includes a fireboat, patrol boat, and an unmarked car.<sup>16</sup> As described above, deputies from the OCSD Police Services Station would provide police protection service to the project site; however, it is expected that the Harbor Patrol Division would also be able to provide additional police protection support to the project site using its staff and equipment.

#### 4.11.2.3 Parks and Other Public Facilities

As mentioned in Section 4.12, Transportation, the proposed hotels would be located approximately 0.15 mile southwest of the nearest bus stop (the Orange County Transportation Authority [OCTA] Route 90 bus stop at the northeast corner of Golden Lantern and Dana Point Harbor Drive). In addition, the City of Dana Point, in partnership with OCTA, provides a trolley service during the summer months for local city transport, and the proposed hotels are located approximately 0.13 mile west of the nearest trolley stop (on the southeast corner of Golden Lantern and Dana Point Harbor Drive). These bus stops currently serve as a means to provide public transit facility options to existing employees and patrons of the Dana Point Marina Inn. These public transit stops will continue to provide these options for future employees of the Dana Point Harbor Hotels, as well as potential transit alternatives to hotel patrons who do not possess a personal vehicle during their stay.

Recreational public facilities in the Harbor include Baby Beach within Dana Cove Park approximately 0.6 mile west of the project site as well as Dana Cove Beach on the seaward side of the Ocean Institute. Doheny State Beach is located approximately 0.6 mile east of the project site. Local and regional visitors, as well as patrons of the existing Dana Point Marina Inn, currently utilize these public parks located within the Dana Point Harbor for recreational uses. These facilities would also provide recreational opportunities for the patrons of the proposed Dana Point Harbor Hotels.

#### 4.11.3 Regulatory Setting

This section includes applicable federal, State, regional, and City regulations related to public services. As the Modified Project would be located on the same site as the Original Project and

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<sup>14</sup> California Department of Finance. 2024. Population and Housing Estimates for Cities, Counties, and the State — January 1, 2023 and 2024. May. Website: <https://dof.ca.gov/forecasting/demographics/estimates-e1/> (accessed July 15, 2024).

<sup>15</sup>  $32,596 / 1,000 = 32.596$ .  $37 \text{ officers} / 32.596 = 1.13$  or approximately 1.1 officers per 1,000 residents.

<sup>16</sup> County of Orange. 2003. Dana Point Harbor Revitalization Project Program EIR, Section 4.10, Public Services and Utilities.

would result in the development of the same types of uses on the project site, the following regulatory setting is derived from that discussed in the 2021 Draft EIR.

#### 4.11.3.1 Federal Regulations

There are no applicable federal regulations related to public services.

#### 4.11.3.2 State Regulations

**California Fire Code.** The California Fire Code includes regulations for emergency planning, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Several fire safety requirements include installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

**Office of Emergency Services.** The State of California passed legislation authorizing the Office of Emergency Services to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

#### 4.11.3.3 Regional Regulations

No regional policies or regulations related to public services are applicable to the Modified Project.

#### 4.11.3.4 Local Regulations

The following local regulations would apply to the Modified Project:

**City of Dana Point Municipal Code.** The Dana Point Municipal Code includes the following requirement that would apply to the proposed Modified Project related to the provision of public services:

**Section 8.24.001, Ordinance No. 19-05 (California Fire Code, adoption, amendments)** adopts the 2022 California Fire Code, with some amendments and modifications. Generally, the intent of the Fire Code is to prescribe regulations for the safeguarding of life and property from the hazards of fire and explosion.

**City of Dana Point General Plan.** The Public Facilities/Growth Management Element (1991) of the City's General Plan establishes a plan for ensuring that future growth is coordinated with the provision of public services and facilities so that desirable level of service standards and community qualities important to the citizens are maintained. This element addresses growth management issues on a local and regional level. The following goals and policies in the City's Public Facilities/Growth Management Element are applicable to the proposed Modified Project:

**Goal 4:** Maintain desirable levels of police, fire, and emergency medical services in the City

**Policy 4.5:** Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.

**County of Orange Municipal Code.** The County of Orange Municipal Code includes the following requirement that would apply to the proposed Modified Project related to the provision of public services:

**Division 3, Article 1, Ordinance No. 19-010 (California Fire Code, adoption, amendments)** adopts the 2022 California Fire Code, with some amendments and modifications. Generally, the intent of the Fire Code is to prescribe regulations for the safeguarding of life and property from the hazards of fire and explosion.

**Dana Point Harbor Revitalization Plan & District Regulations.** The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) include the following policies that would apply to the proposed Modified Project related to the provision of public services:

#### **6.3.1 Recreational Opportunities – Recreational Policies:**

**Policy 6.3.1-1:** Encourage the provision of a range of recreational facilities and programs to meet the needs of Harbor visitors.

**Policy 6.3.1-2:** Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Harbor facilities providing public recreational opportunities are preferred. (Coastal Act Section 30213).

#### **8.6.8 Dana Point Harbor Fire – Policies:**

**Policy 8.6.8-2:** Dana Point Harbor is not located within the very high fire hazard severity zone per the OCFA maps. However, exposed building construction shall meet all requirements for exposed sides, per OCFA requirements. Additionally, automatic sprinklers shall be provided in all applicable structures, per OCFA requirements.

**Policy 8.6.8-3:** OC Dana Point Harbor shall confirm the following items are included as part of development design:

- All applicable building plans shall indicate by note that the interior fire sprinkler system is required for the structure(s). Plans for the fire sprinkler systems shall be submitted for review and approval by the Fire Chief.
- A supervised fire alarm system with an enunciator, per the requirements of the California Fire Code shall be installed in an accessible location.
- Access to and around all structures shall meet the OCFA and California Fire Code requirements.

- A water supply system to supply fire hydrants and automatic fire sprinkler systems shall be installed.
- Turning radii and access in and around the Harbor and other facilities shall be designed to accommodate large fire department vehicles and their weight.
- Emergency access shall be maintained during construction.
- All service roads and fire lanes, as determined by the Fire Chief shall be posted and marked accordingly.

#### **8.7.1 Dana Point Harbor Infrastructure and Utility – Policies:**

**Policy 8.7.1-1:** Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions. (Coastal Act Section 30250)

**Policy 8.7.1-12:** Coordinate with the Orange County Sheriff's Department and Orange County Fire Authority for the continued provision of adequate law enforcement and fire protection.

#### **4.11.4 Methodology**

Public service providers were sent questionnaires requesting information regarding current services being provided to the project site, as well as any information that would result in potential constraints or impacts to those services associated with buildout of the Original Project in 2020. The following impact analyses are based on responses to questionnaires and data obtained through websites as referenced throughout. Correspondence sent to public service providers and the questionnaire response received from the OCFA are provided in Appendix M of this Revised Draft EIR. Because the Modified Project is not anticipated to substantially increase the service population or require an expansion in public service infrastructure within the context of overall public service providers and their projected service demands, this correspondence remains applicable to the Modified Project. Public service questionnaires sent to the OCSD and the SCWD were not returned.

#### **4.11.5 Thresholds of Significance**

The thresholds for public services impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The Modified Project may be deemed to have a significant impact with respect to public services if it would:

**Threshold 4.11.1:** 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:



- Threshold 4.11.1(i):** Fire protection.
- Threshold 4.11.1(ii):** Police protection.
- Threshold 4.11.1(iii):** Schools.
- Threshold 4.11.1(iv):** Parks.
- Threshold 4.11.1(v):** Other public facilities.

The Initial Study prepared for the Original Project in September 2020, included as Appendix B to this Revised Draft EIR, substantiated that the impacts associated with Thresholds 4.11.1(iii) and 4.11.1(v) would be less than significant under the Original Project. The Original Project did not include any residential uses that would increase population growth; therefore, it was found to not result in increased demand for new or expanded school facilities. Additionally, the absence of proposed residential uses was anticipated to not increase demand related to other public facilities such as local library services. Further, it was anticipated that the existing transit service and summer trolley service provided by OCTA and the City would be able to accommodate the transit trips generated by the Original Project, as one 136-room hotel currently operates on the project site and is served by these facilities. As the Modified Project would be located on the same site as the Original Project and does not propose any new residential uses, the conclusions of the Initial Study prepared for the Original Project remain the same for the Modified Project. Therefore, Thresholds 4.11.1(iii) and 4.11.1(v) will not be addressed in the following analysis.

As discussed earlier, the comment letter provided by the SCWD requested that the 2021 EIR address potential impacts associated with the increased use of recreational park sites such as Baby Beach in Dana Cove Park and Doheny State Beach. Although Threshold 4.11.1(iv) was scoped out in the Initial Study prepared for the Original Project, these potential impacts are now addressed below in order to be responsive to the SCWD comment letter and based on the Modified Project.

#### 4.11.6 Project Impacts

**Threshold 4.11.1(i):** **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 fire protection?**

##### 4.11.6.1 Construction

**Less Than Significant Impact.** The construction process for the Modified Project would include the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site. However, the Modified Project does not include any characteristics (i.e., permanent road closure or long-term blocking of road access) that would physically impair or otherwise conflict with emergency response. Moreover, construction activities would be limited to the project site and would not significantly impact the ability of emergency response vehicles traveling through streets

adjacent to the project site. No additional increases in fire service, or the need for additional facilities in order to maintain service ratios, response times, or performance times are expected as a result of construction of the Modified Project. Therefore, construction of the Modified Project would result in less than significant impacts related to the provision of fire services.

As mentioned in Section 4.11.3, Existing Environmental Setting, OCFA Fire Station No. 29 (approximately 1.15 miles northeast of the project site), is designated as the “first-in” station to serve the project site in the event of an emergency. Additionally, OCFA also operates Fire Station No. 30 in the City, which is approximately 1.6 miles northwest of the project site. Both fire stations are adequately equipped to serve the Modified Project should any emergency service need arise during the temporary construction phase. In addition, the OCSD’s Harbor Patrol Division would be able to provide additional firefighting support to the project site using staff and equipment based at its Dana Point Harbor Patrol Station. Therefore, consistent with the Original Project, the Modified Project’s potential impact on fire protection services with respect to construction activities would be less than significant.

#### 4.11.6.2 Operation

**Less Than Significant with Mitigation Incorporated.** The Modified Project would incrementally increase demand for fire protection and emergency service calls, and would do so to a slightly greater extent due to the additional guest rooms included in the modified design. Buildout of the Modified Project would adhere to the construction codes described in the City’s Municipal Code Section 8.24.001, Ordinance 22-04 (adoption of the 2022 California Fire Code) and the County of Orange’s Municipal Code Division 3, Article 1, Ordinance 22-008 (2022 California Fire Code Amendment Package), which would additionally require the Modified Project to be built with adequately spaced fire hydrants, fire access lanes, and adequate emergency access in order to comply with current editions of the California Building Code, the California Fire Code, and other related codes. The Modified Project would also be designed to comply with all OCFA requirements, which include providing adequate access for emergency vehicles and adequate fire flow and structure protection to the project site.

The Modified Project consists of hotel buildings and is not expected to cause or result in direct population growth within the City. As such, the Modified Project would be adequately served by existing OCFA fire stations in the area, with additional firefighting support provided by the OCSD’s Harbor Patrol Division. Written correspondence with the OCFA (Appendix M to this Revised Draft EIR) indicated that all development projects submitted for review must adhere to the OCFA’s fair share approach to mitigate fire service response impacts as well as facility/equipment needs. In order to address any outstanding potential impacts to fire services, implementation of Mitigation Measure (MM) 4.11-1, provided below, which requires the Project Applicant to enter into a Secured Fire Protection Agreement with OCFA prior to the issuance of any building permits, would be required. This Secured Fire Protection Agreement in partnership with OCFA would ensure adequate service to the project site. The OCFA would review the Modified Project as part of the plan check process and would impose its own standard conditions of approval. Overall, the Modified Project would potentially create an incremental increase in demand for new fire protection facilities or upgrades to existing facilities in order to maintain acceptable service ratios, response times, or other fire protection performance objectives. As previously discussed, a decrease in staffing at Fire Station

No. 29 has occurred between 2021 and 2024. However, the implementation of MM 4.11-1, requiring the Modified Project entrance into a Secured Fire Protection Agreement with OCFA would require the Project Applicant's payment of pro-rata fair share funding of capital improvements necessary to establish adequate personnel. Further, as previously discussed, the OCFA's ratio of firefighters per 10,000 residents has remained generally steady over the last five fiscal years, and the Modified Project would not introduce any new permanent residents to the project site. As such, the Modified Project's impacts related to fire protection services would be less than significant, consistent with the analysis presented in the 2021 Draft EIR regarding the Original Project.

**Threshold 4.11.1(ii):** **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 police protection?**

#### 4.11.6.3 Construction

**Less Than Significant Impact.** During the construction process, the Modified Project is not expected to have any substantial adverse impacts on existing police protection services that currently serve the City. There would be minimal police protection needs during construction beyond existing conditions. Therefore, impacts related to the provision of police protection during the temporary construction of the Modified Project would be less than significant, and no mitigation is required.

#### 4.11.6.4 Operation

**Less Than Significant Impact.** The City's police staffing level is based on response times and crime rates. In total, 37 OCSD personnel are assigned to the City, including 25 full time deputies, six sergeants, and six parking control officers.<sup>17</sup> At the present time, OCSD maintains a staffing ratio of approximately one sworn officer for every 880 residents in the City.<sup>18</sup> Additionally, Dana Point Harbor is served by the OCSD's Harbor Patrol Division. As mentioned above, the Modified Project is not expected to generate substantial population growth because it will not include residential uses on site. Although there may be an incremental increase in the demand for additional police protection services with the increased number of guest rooms as compared to existing hotel uses on site, this increase would not occur to a degree that would affect the OCSD's existing staffing ratio of one officer for every 880 residents. As such, the Modified Project would not trigger the need for expanded police services or for new or altered police facilities because the incremental increase in calls for service would be small in comparison to the existing number of calls for police service generated by the existing hotel uses on the project site and the overall OCSD service area. Therefore, the Modified Project would not result in the need for new or physically altered police protection facilities, which would maintain acceptable service ratios, response times, and other related performance objectives. Potential impacts related to the provision of these services for operation of the Modified Project would be less than significant, and no mitigation is required.

<sup>17</sup> Orange County Sheriff's Department. City of Dana Point Overview. Website: <http://ocsheriff.gov/patrol-areas/dana-point> (accessed July 15, 2024).

<sup>18</sup> 32,596 (2024 population) / 37 officers = approximately 1 officer per 880 persons.

**Threshold 4.11.1(iv):** 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 parks?

#### 4.11.6.5 Construction

**Less Than Significant Impact.** During the construction process, the Modified Project is not expected to have any substantial adverse impacts on existing parks within the City as construction activities would be localized to the subject project site. There would be minimal effects to parks during construction as construction equipment would be staged on the project site, and access to public parks would not be impeded. Therefore, impacts related to park facilities during the temporary construction of the Modified Project would be less than significant, and no mitigation is required.

#### 4.11.6.6 Operation

**Less Than Significant Impact.** As discussed previously, the project site is located within 0.6 mile of Baby Beach, Dana Cove Park, and Doheny State Beach. Local and regional visitors, as well as patrons of the existing Dana Point Marina Inn, currently utilize these public recreational parks located within Dana Point Harbor. The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) (2011), which discuss the Land Use Plan for Planning Area (PA) 3, identify the potential for expanded hotel development as well as visitor-serving amenities. Final Program EIR No. 591 for the Dana Point Harbor Revitalization Project concluded the development proposed through the Dana Point Harbor Revitalization Project does not involve the development of housing, which would directly impact existing recreational facilities, and the additional uses are not anticipated to significantly increase employment, and therefore would not directly increase the permanent population that would utilize existing recreational facilities. In addition, Final Program EIR No. 591 concluded that the development proposed through the Dana Point Harbor Revitalization Project would provide additional recreational opportunities and facilities in the Harbor. Specifically, the Modified Project would provide outdoor lawn areas that would allow for outdoor recreational activities, which could reduce the usage of nearby park facilities by hotel guests. Further, given the tourism-oriented nature of Dana Point Harbor, the area's recreational facilities have been designed to accommodate high volumes of visitors. In the context of this anticipated service population, the potential increase in park visitors under the Modified Project would not represent a difference substantial enough to warrant the construction of new park facilities. Further, as previously stated, the potential growth in patronage to these public recreational parks within the Harbor has been anticipated, and the existing park facilities are expected to adequately accommodate any associated increase in visitors that could be generated by the Modified Project. Within the DPHRP&DR, the California Coastal Commission also identifies a goal of encouraging low cost recreation, which is provided by these recreational park areas.<sup>19</sup> Concerns were brought up by the SCWD in response to the NOP prepared for the Original Project in 2020, regarding the potential impacts to water and wastewater services due to the Original Project's increased patronage from additional hotel rooms, the new restaurants,

<sup>19</sup> City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR). Website: <https://www.danapoint.org/Home/ShowDocument/12553> (accessed September 12, 2024).

and possible events at the hotels. These potential impacts would be slightly increased under the Modified Project due to the additional guest rooms under the proposed changes. However, impacts to the SCWD's service levels would be less than significant because, as discussed above, the DPHRP&DR already anticipated expanded hotel development and visitor-serving amenities in PA 3 and the corresponding demand for parks and recreation in the area, and the Modified Project's contribution to this demand is minimal within the greater context of tourism within Dana Point Harbor. While it is true that this increased demand for parks could result in a corresponding increase in demand for water and wastewater service at the parks that would experience increased visitation, this increase would be incremental in comparison to the number of park patrons that currently use restroom facilities in Dana Point Harbor area. Further, unlike most other park patrons, all guests at the proposed hotels would have access to private restrooms in their nearby hotel rooms or in the lobbies of the proposed hotels. The Modified Project would have a less than significant impact on the City's actual population increase and therefore would not warrant increased water and wastewater services within SCWD's service area due to increased residential demand or a substantially increased usage of nearby park or recreational facilities. Therefore, the Modified Project would not result in the need for new or physically altered recreational facilities, and potential impacts related to accommodating new hotel patrons at these recreational parks during the operation of the Modified Project would be less than significant. No mitigation is required.

#### 4.11.7 Level of Significance Prior to Mitigation.

Impacts related to police services would be less than significant prior to mitigation under the Modified Project. The Modified Project may result in significant impacts to fire protection services, and mitigation is required.

#### 4.11.8 Standard Conditions and Mitigation Measures

**Mitigation Measure 4.11-1 Secured Fire Protection Agreement.** Prior to the issuance of any building permits, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA). This Agreement shall specify the Project Applicant's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. The agreement shall be reached as early as possible in the planning process as feasible, but prior to issuance of any building permits.

#### 4.11.9 Level of Significance after Mitigation

With the implementation of MM 4.11-1, potentially significant impacts of the Modified Project related to the provision of fire protection services would be reduced to a less than significant level.

#### 4.11.10 Cumulative Impacts

As defined in the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future

projects within the cumulative impact area for public services. The cumulative area for public services is listed below for each individual public service provider.

#### 4.11.10.1 Fire Protection

Cumulative analysis of fire protection services for the Modified Project is defined within the OCFA service area that serves the City of Dana Point. The Modified Project would be required to comply with all applicable building code requirements adopted within the California Fire Code (Municipal Code Section 8.24.001, Ordinance No, 22-04, [adoption of the 2022 California Fire Code] and the County of Orange’s Municipal Code Division 3, Article 1, Ordinance 22-008 [2022 California Fire Code Amendment Package]). In addition, the Modified Project is expected to result in an incremental increase in calls for fire protection services over existing conditions, which would result in an incremental increase in demand for new construction or physical alterations of existing fire protection facilities. Although the Modified Project would increase building square footage at the project site as compared to the existing hotel and boater service facilities, no substantial population growth is expected to occur as a result of project implementation. As described above, with the implementation of MM 4.11-1, the Modified Project’s impacts related to fire protection services would be less than significant.

Related projects in the City may result in new population growth and calls for fire protection services. However, the new building square footage and population increase associated with the related projects would be properly assessed and reviewed on an individual basis to confirm that the new development would be able to be accommodated as part of OCFA’s long-term growth planning for fire and other public facilities. Additional demands for fire protection services would be funded by existing funding sources (i.e., property tax and government funding), to which the Modified Project and related projects would help contribute. Additionally, the OCFA requires all developers to enter a secured fire protection agreement in partnership with the OCFA to ensure availability of adequate fire protection services. These agreements specify a developer’s pro-rata fair-share funding for capital improvements that are necessary to establish and maintain fire protection facilities, equipment, and fire personnel. Therefore, consistent with the Original Project, the Modified Project’s contribution to fire protection impacts would not be cumulatively significant, and no mitigation is required.

#### 4.11.10.2 Police Protection

The cumulative analysis of police protection services for the proposed Modified Project is the OCSD’s service area within the City of Dana Point. Since the Modified Project would not include residential uses on site, it is not expected to generate substantial population growth and would subsequently allow the OCSD to maintain current staffing ratios of one sworn officer for every 880 residents within the City. The Modified Project is not expected to result in any substantial increase in calls for police services, and would not result in the need for new construction or physical alteration of existing police protection facilities.

Related projects could construct facilities that may result in new population growth and calls for police services. However, new building square footage and population increases associated with all related projects would be properly assessed and reviewed on an individual basis to confirm that the new development would be able to be accommodated by the City and OCSD’s long-term growth

planning for police protection services and facilities. Further, additional demands for OCSD services would be funded by existing funding sources (i.e., property taxes and government funding), to which the Modified Project and related projects would contribute. Therefore, consistent with the Original Project, the Modified Project's contribution to police protection impacts would not be cumulatively considerable, and no mitigation is required.

#### 4.11.10.3 Parks

The cumulative study area for public park facilities is the City, including the Dana Point Harbor area. Visitors to the proposed hotels are anticipated to use nearby park facilities within the Harbor. In addition, related cumulative projects would be expected to generate patrons for the Dana Point Harbor facilities, including parks.

As previously discussed, SCWD noted in its October 26, 2020, scoping letter that there could be potential impacts resulting from hotel visitors heavily utilizing recreational facilities in the Harbor such as Baby Beach and Doheny State Beach. As discussed under Threshold 4.11.1(iv), impacts to the SCWD's service levels would not be cumulatively considerable because, as discussed above, the DPHRP&DR already anticipated expanded hotel development and subsequent increased demand for parks and recreation in the area, and the Modified Project's contribution to this demand is minimal within the greater context of tourism within Dana Point Harbor. Further, the Modified Project includes outdoor spaces that could serve outdoor recreational demands of hotel patrons, which may decrease their usage of other City parks and recreational facilities.

However, an increased number of visitors to the Harbor has been anticipated in planning documents, including the Dana Point Harbor Revitalization Plan, which included objectives to preserve and enhance existing parklands, and enhance public access to the waterfront through the creation of a Pedestrian Promenade that links the project site to the adjacent Commercial Core area of the Harbor with its increased public gathering areas (Festival Plaza) and its enhanced Pedestrian Promenade extending to the Dana Wharf. The Modified Project, in conjunction with related cumulative projects, is not expected to generate substantial visitor growth that cannot be accommodated by the local recreation facilities, as they currently adequately serve local and regional visitors of the Harbor and patrons of the Dana Point Harbor Inn. Further, increased demand for park facilities associated with the related cumulative projects would be properly assessed and reviewed on an individual project basis to ensure that adequate park facilities are available. The Modified Project is not expected to result in any expansion of these recreational facilities, and would not result in the need for new construction of additional public recreational facilities. Therefore, consistent with the Original Project, the Modified Project's contribution to impacts on parks would not be cumulatively considerable, and no mitigation is required.

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