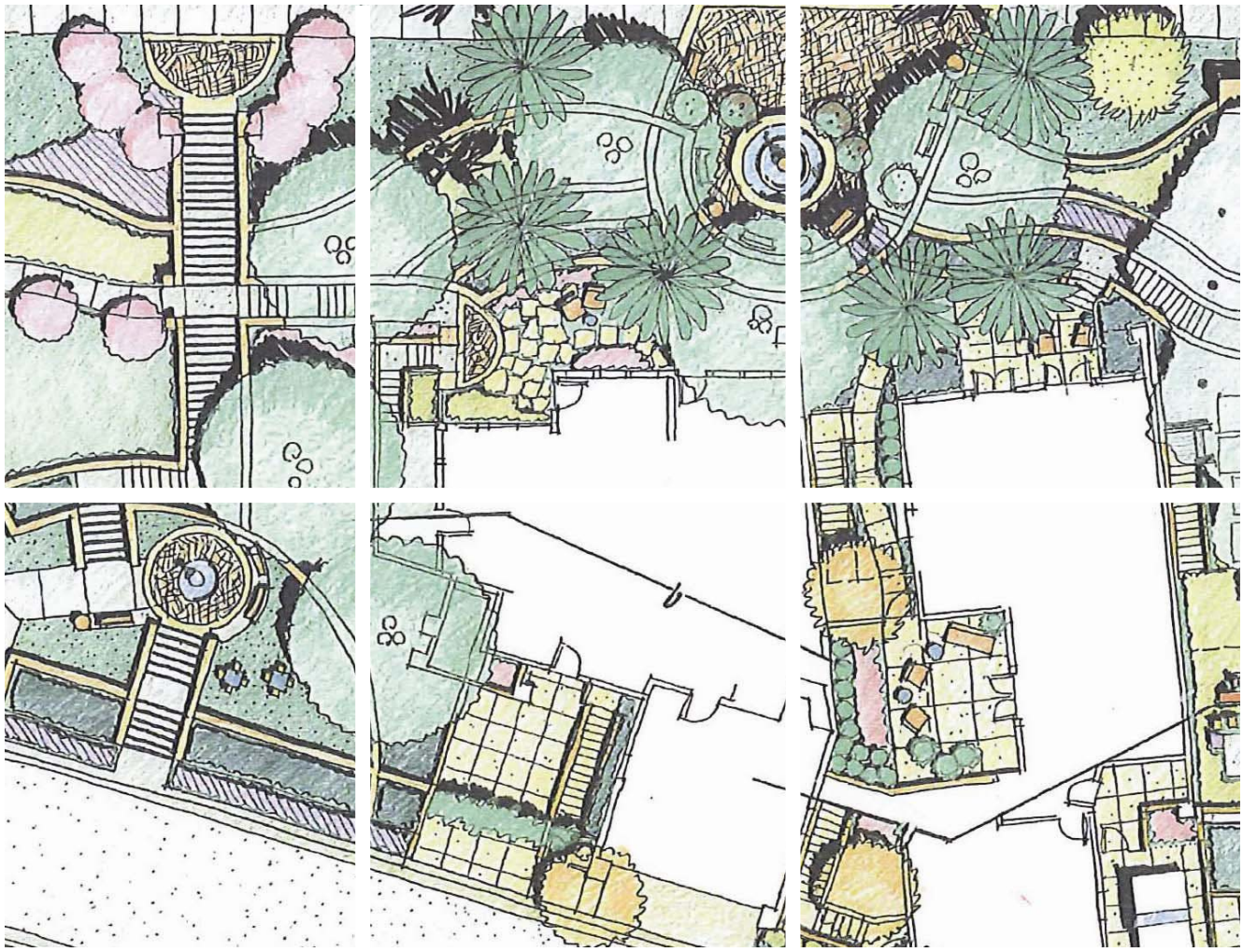


Initial Study and Mitigated Negative Declaration
Capistrano Hillside Project
(ZC23-0001/ZTA07-01/TTM16970/ SDP07-06)

City of Dana Point ▪ March 25, 2024

Initial Study and Mitigated Negative Declaration
Capistrano Hillside Project
(ZC23-0001/ZTA07-01/TTM16970/SDP07-06)
City of Dana Point, Orange County, California

City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629-1805
949.248.3572

Contact: Kurth B. Nelson III, Principal Planner

March 25, 2024

Table of Contents

List of Tables

List of Exhibits

SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of the initial study is to identify the potential environmental impacts associated with the Capistrano Hillside project, located on a 1.99-acre site located just south of the Camino Capistrano/ Via Canon intersection in the City of Dana Point. The Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines, and the City of Dana Point CEQA procedures and includes a review of project design features, other project commitments, and compliance with codes and conditions to reduce potential adverse environmental impacts to less than significant levels.

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Dana Point is the lead agency in the preparation of this Mitigated Negative Declaration (MND). Therefore, the City has primary responsibility for approval or denial of the proposed project.

The remainder of this section provides a description of the proposed location and the characteristics of the proposed project. Section 2 includes an environmental checklist that gives an overview of the potential environmental impacts that would or would not result from project implementation. Section 3 elaborates on the information contained in the environmental checklist and identifies design features and project commitments that have been incorporated into the proposed project to eliminate potential significant adverse environmental effects or reduce them to less than significant levels.

1.2 - Project Location

The project site encompasses approximately 1.99 acres and is located within the southeastern portion of the City of Dana Point in Orange County. The site is located immediately south of the intersection of Via Canon and Camino Capistrano. Regional access to the site is provided via the United States Interstate 5 (I-5), Pacific Coast Highway (State Highway 1), Camino Las Ramblas, and Via California (Exhibit 1 and Exhibit 2). The project site is bordered by Via Canon and Camino Capistrano to the north, and existing single-family and duplex residential developments to the east, west, and south.

1.3 - Project Description

The 1.99-acre project site is proposed to be subdivided into an 11-unit residential development. The development would consist of 11 single-family residential dwelling units ranging from 3,638 to 3,887 square feet (sq ft), a private street, private common open space, and several retaining walls as high as 20 to 36 feet high on a steeply sloping lot. The project proposes three-story, single-family, residential structures at heights consistent with Dana Point Zoning Code (DPZC) provisions for lots containing slopes greater than 20 percent. The proposed project would also require approval of a Planned

Residential Development Overlay (PRDO) District, which would allow deviations from various base development standards of the existing, underlying zoning district in which the site is located. The existing characteristics of the site are described below, followed by a more detailed description of the project.

1.4 - Site Characteristics

The project site is a single parcel with no assigned address and identified by Assessor's Parcel Map number 691-401-37 (1.99 acres). The site consists of an undeveloped hillside lot that was previously disturbed during the installation of the adjacent residences at higher elevations to the south. Topography slopes up steeply from the northern property line fronting Camino Capistrano and Via Canon with existing residential development to the east, west and south to the north. Elevations on the site range from approximately 155 feet at the highest point atop the slope to 86 feet at the lowest point of the project site. Vegetation on the site consists of a single vegetation community comprised of non-native grasslands.

The site is designated Residential Single Family 7 (RSF 7) DU/AC (dwelling units per acre) according to the City's Zoning Map, and is designated as Residential 3.5-7 DU/AC on the Land Use Policy Diagram in the Land Use Element of the City's General Plan.

1.5 - Project Characteristics

1.5.1 - Project Construction

Project construction includes site preparation and clearing, mass grading, site improvements including utilities, paving for the private street and driveways, and vertical construction of homes. During project review it was discovered that an existing, 30-inch water pipe maintained by South Coast Water District traversed the site, but was subsequently realigned within the Camino Capistrano right-of-way in 2011. Any abandoned portions of the 30-inch water pipe remaining on the site may have to be removed during site preparation. Following site clearing, the site will undergo grading and general construction preparation. Site preparation and construction activities are expected to take approximately 30-48 months. The actual timing of construction, leasing, and occupancy of the site will depend on market conditions.

Earthwork quantities for construction are estimated in cubic yards (CY) at 20,000 CY of cut and 3,000 CY of fill, for a net raw export of 17,500 CY of soil material.

1.5.2 - Project Building and Design Features

The project proposes 11 single-family dwellings (SFD) conforming to the particular development limitations proposed by the PRDO and related improvements to create private open space for each lot, vehicular and first responder access to the hillside site (Exhibit 3). The SFDs would have three stories located on multi-level building pads terraced up the hillside. Approximately 33 percent of the site is

planned as landscape area, 29 percent as hardscape area, and 53 percent as project improvements. A small passive park for private common open space purposes is proposed on approximately 0.18 acre near the project entry, comprised of slopes with landscaping, walkways, and picnic tables (Exhibit 4).

Four distinct residential unit plans (A, B, C, D) with living areas ranging from 3,638 sq ft to 3,887 sq ft are identified for the 11 residential lots. Lot sizes range from 3,757 sq ft to 4,513 sq ft. The project is proposed to be developed under provisions of a PRDO District. The PRDO District is expressly identified in the DPZC, Section 9.05.110 to allow development standards and regulations that may deviate from the base zoning district, which in this instance is RSF 7 (Residential Single Family 7 [du/ac]). Table 1 identifies the deviations to the base RSF 7 development regulations proposed PRDO District Regulations for the project site and compares them with standards of the RSF 7 zoning district.

Table 1: Planned Residential Development Regulations

	RSF 7	PRD
Minimum Lot Size	5,000 sq ft	3,750 sq ft
Minimum Lot Width	50 ft	37 ft
Minimum Lot Depth	75 ft	75ft
Maximum Lot Coverage	50%(1)	50%
Maximum Height	28 ft (2 stories)	33 ft (3 stories) (2)
Front Setback (Southern Side fronting private street)	20 ft	5 ft
Interior East Side Setback (Lot 2 thru Lot 10)	5 ft	2 ft
Interior West Side Setback (Lot 2 thru Lot 10)	5 ft	3 ft
Rear Setback - Standard Lot	25 ft	20 ft (3)
Minimum Garage Setback (from street curb)	20 ft (4)	5 ft
Maximum Floor Area Ratio	.75 (5)	1.01

1. Pursuant to Footnote 12 of DPZC Section 9.09.030(d), the maximum lot coverage standard is 50 percent for hillside lots.
2. Proposed SFDs designed consistent with DPZC Sections 9.05.110(a)(4)(B) and 9.05.110(a)(7) may be 33 feet and 3 stories.
3. Both frontages on a through lot require a 20 foot setback pursuant DPZC 9.05.050(a)]
4. 20 feet Per DPZC Section 9.35.050(e).
5. Per DPZC Section 9.05.110(a)(4)(C)

A complete project breakdown in table form with zoning district comparisons is provided in Appendix A, page A-1. These tables provide development standards for each lot, floor plan area tabulations, floor area ratio (FAR) analysis, lot slope calculations, and the PRDO regulations.

1.5.3 - Project Access

A single point for vehicular access to the project site will occur near the northwest corner of the project site along Camino Capistrano. Camino Capistrano forms a T-intersection with Via Canon adjacent to the site. A gated private street commencing at the Camino Capistrano ingress/egress and

turning immediately in an east-west direction will be located near the rear southerly portion of the project site, providing vehicular access to the garages of the SFDs.

1.6 - Intended Uses of this Document

This Initial Study will be used by the City of Dana Point as lead agency in evaluating the environmental impacts of the project. The following are the primary approvals in connection with the project:

1.6.1 - City of Dana Point

Planned Residential Development Overlay District

- Approve the proposed Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA)
- Zone Change and Zone Text Amendment for creation of PRDO District
- Tentative Tract Map
- Site Development Permits:
  - Eleven single-family dwellings in compliance with proposed PRDO District standards
  - Residential structures in a Hillside Condition
  - Roof decks
  - Site retaining walls greater than 30 Inches in height
- Grading and Building Permits

Other Agencies

- The environmental document may be used in conjunction with approvals and permits from other responsible agencies.

1.7 - Environmental Setting

The 1.99-acre project site is located within the southeasterly portion of the City of Dana Point in Orange County. Dana Point is surrounded by the Cities of Laguna Beach and Laguna Niguel to the northwest, San Juan Capistrano to the northeast, San Clemente to east and the Pacific Ocean to the south.

The project site is designated as Residential 3.5-7 in the City's General Plan and is zoned RSF 7. The site currently consists of an undeveloped parcel on steep hillside terrain, surrounded by residential uses, roadways and open space zoned right-of-way across Camino Capistrano and Via Canon surrounding the I-5/State Highway 1 ramp connector (Exhibits 5, 5a, 5b, and 5c). Topography slopes down steeply to the north along Via Canon. The irregularly shaped parcel has been somewhat

modified by past grading consisting of excavations, old roadways, and placement of a limited amount of fill soil. A gentle swale is located near the center of the property. Concrete rubble representing a drainage swale was found to be partially buried in the area. The property has also been modified by erosion and surficial slumping due to a combination of over-steepened road cuts along Camino Capistrano and Via Canon and by concentrated water through burrowing rodent holes and runoff from upslope properties. Existing vegetation consists of seasonal grasses, ice plant, larger shrubs and bushes, with eucalyptus and pine trees bordering the southerly property boundary. Portions of the 30-inch South Coast Water District water pipe that may have been abandoned during rerouting in 2011 may still traverse portions of the site.

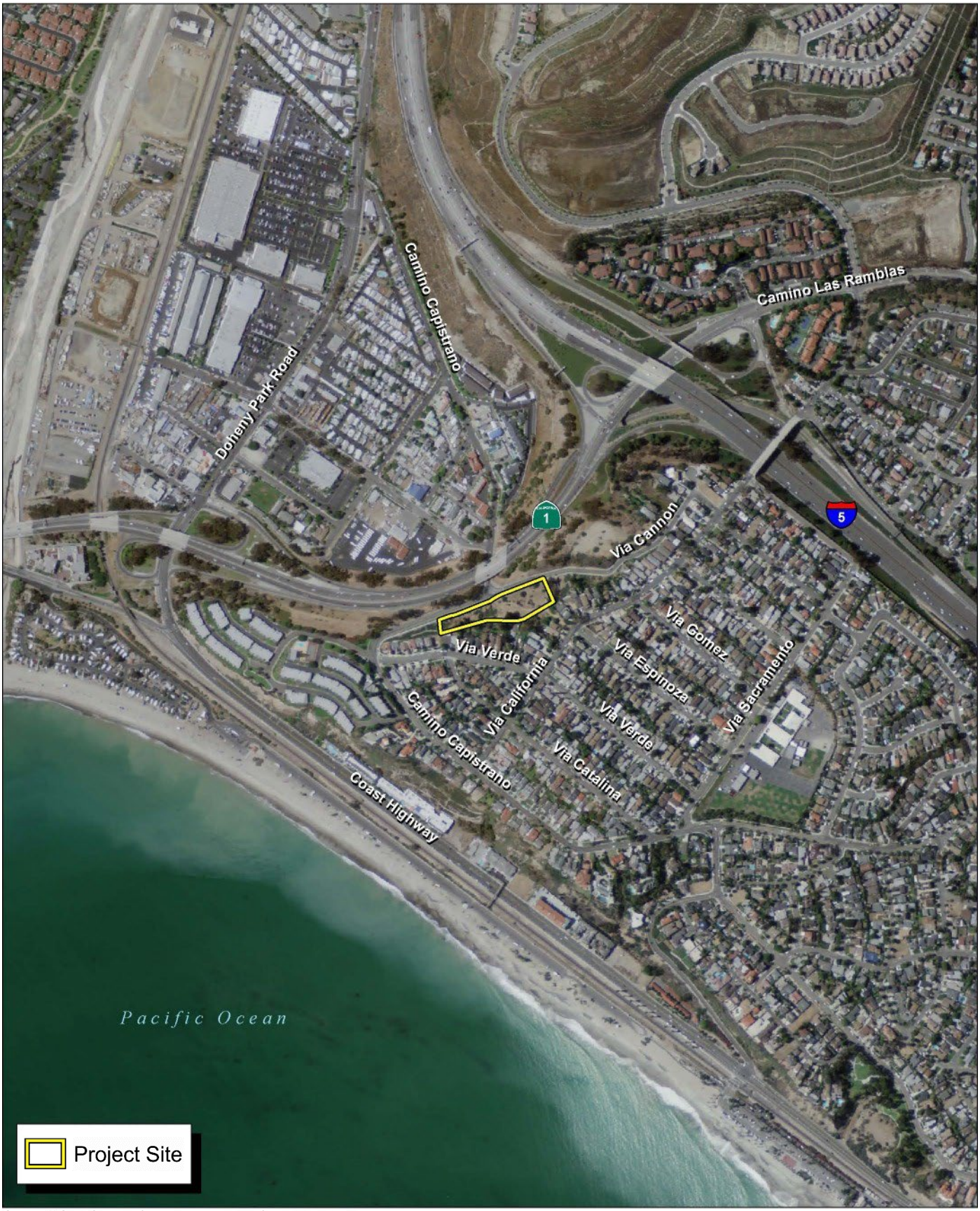
Source: Census 2020 Data, The CaSIL, GIS 2020.

NORTH

5 2.5 0 5 Miles

Exhibit 1
Regional Location

CITY OF DANA POINT • CAPISTRANO HILLSIDE PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION



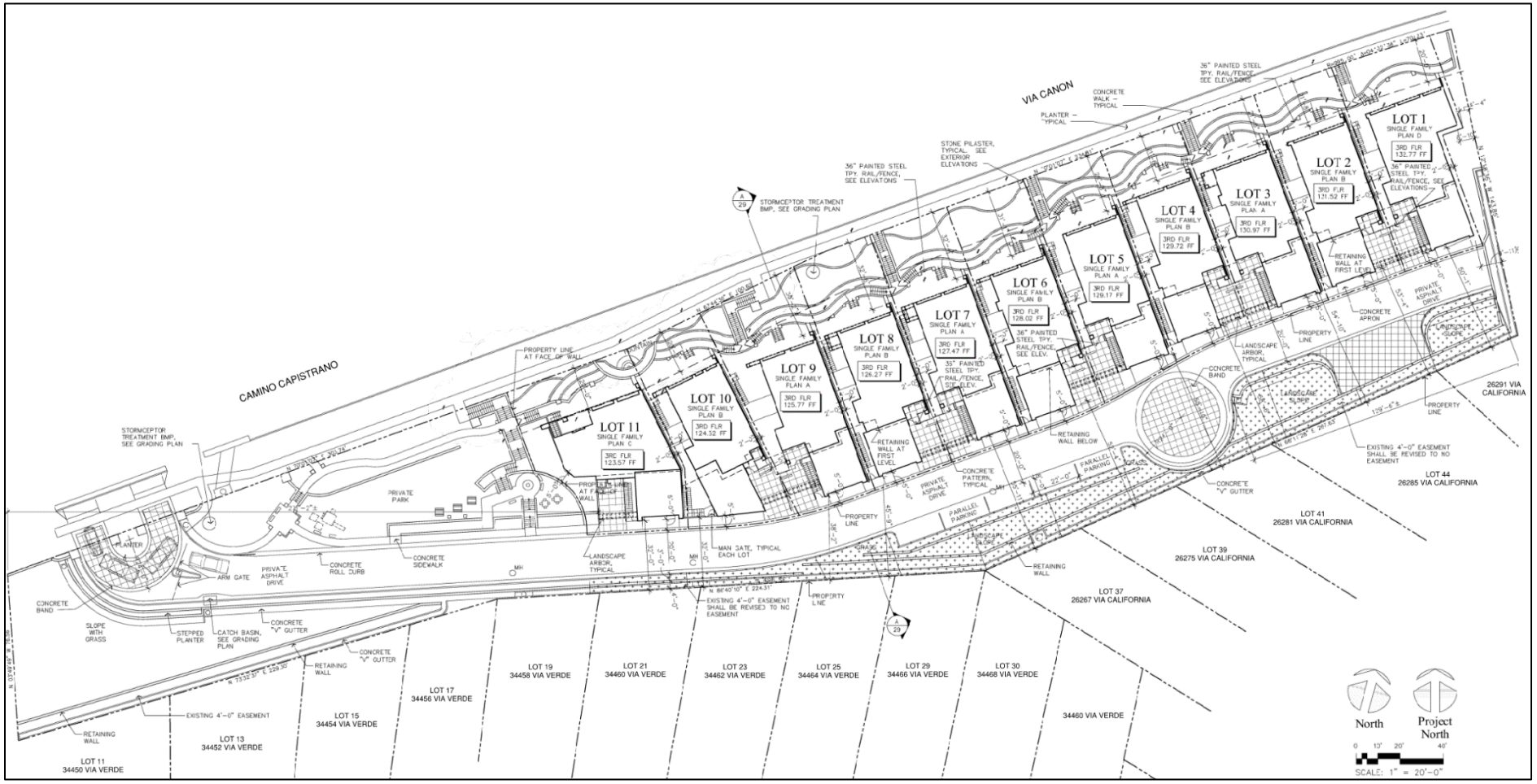
Source: GovClarity (Dana Point 2020)

NORTH

800 400 0 800

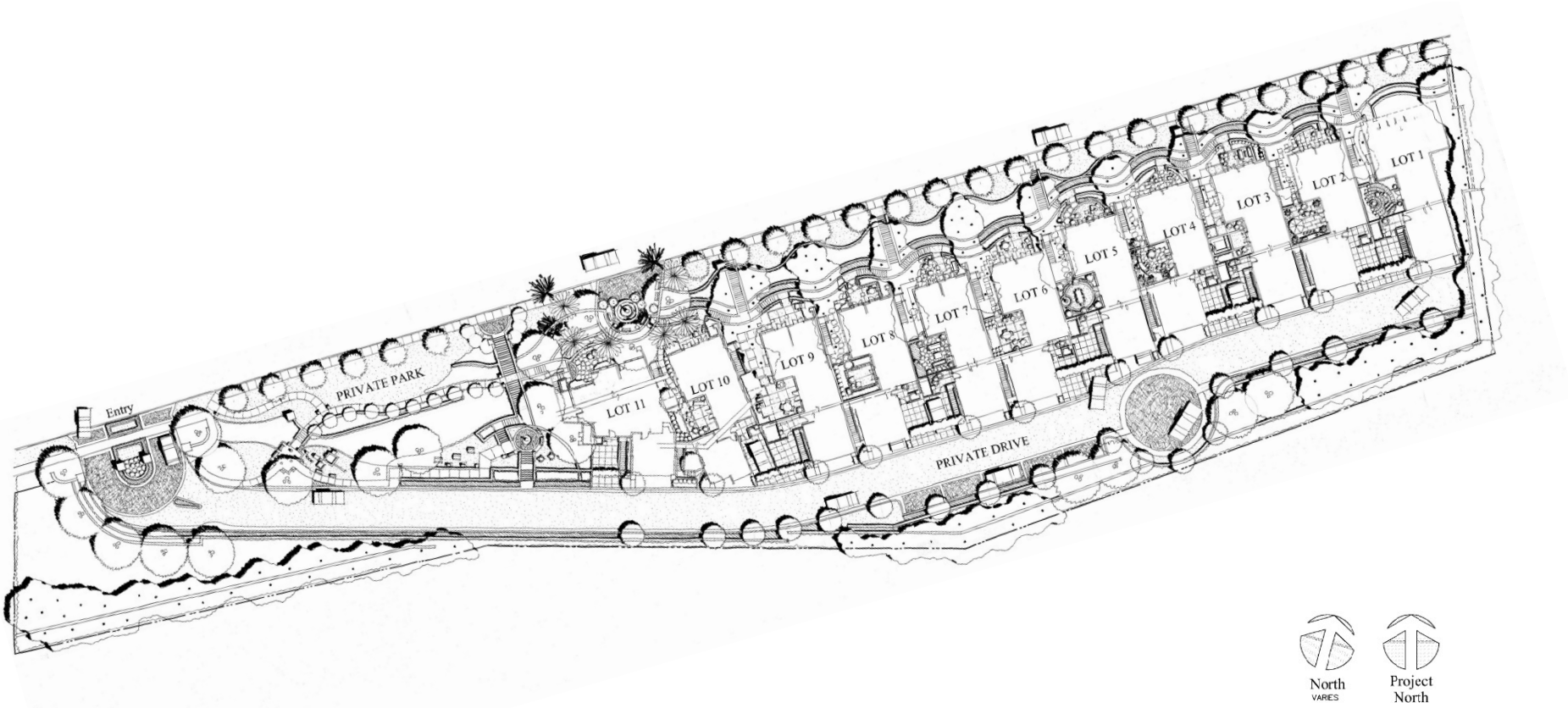
Feet

Exhibit 2
Local Vicinity
Aerial Base



Source: The Corcoran Group Collaborative (12 27-2018).

Exhibit 3
Site Plan



Source: The Corcoran Group Collaborative (12 27-2018)

Exhibit 4
Site Plan with Landscape

Source: Google Earth Pro (March 2017).

NORTH

120 60 0 120

Feet

Exhibit 5
Project Vicinity Aerial View

Photograph 1: Looking southeast at the eastern portion of the project site from the north side of Via Canon.

Photograph 2: Looking south at the central portion of the project site. Non-native trees in the background are located off-site, but many overhang onto the project site.

Source: City of Dana Point, 2024.

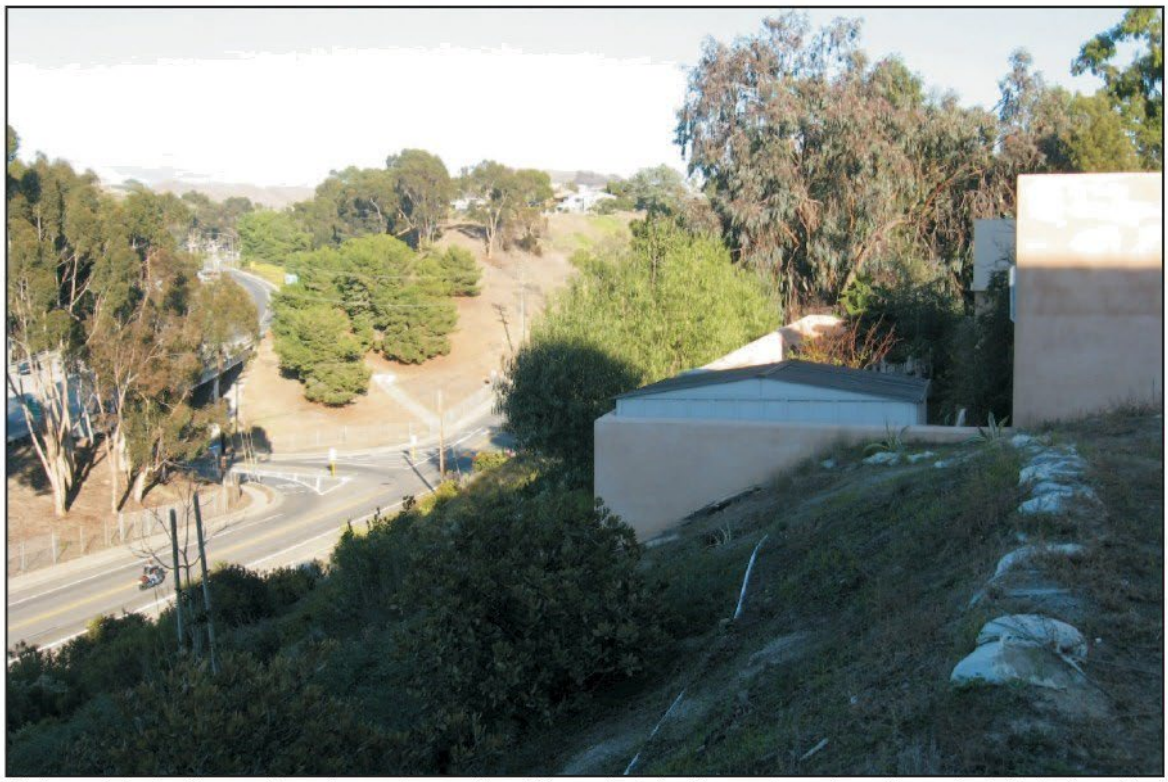
Exhibit 5a
Site Photographs 1 and 2

Photograph 3 Looking southeast at the western portion of the project site from the north side of Via Canon

Photograph 4 Looking west at the central portion of the project site Camino Capistrano and Highway 1 are in the background

Source: City of Dana Point, 2024.

Exhibit 5b
Site Photographs 3 and 4

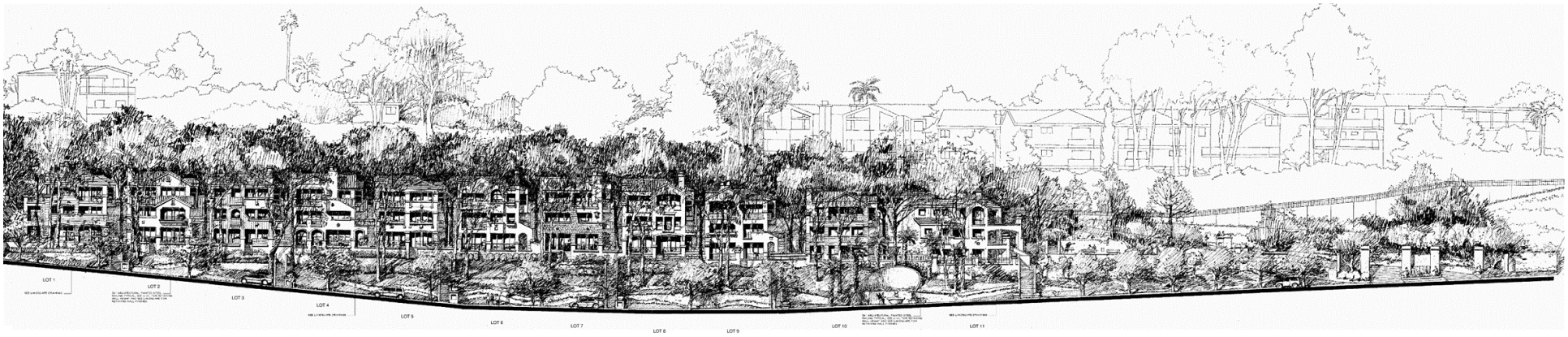


Photograph 5: Looking east from the western portion of the project site. The western edge of the project site begins at the concrete walls in the foreground.

Photograph 6: Looking north at the offsite adjacent property, consisting of a roadside slope associated with Highway 1 as viewed from the eastern portion of the project site.

Source: MBA, 2010 & City of Dana Point, 2024.

Exhibit 5c
Site Photographs 5 and 6



Source: The Corcoran Group Collaborative (12 27-2018.

Exhibit 6
Street Scene

INITIAL STUDY CHECKLIST FORM

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This document incorporates the Environmental Checklist Form from Appendix G of the CEQA Guidelines. The table below lists the environmental factors that are evaluated in this document. Environmental factors that are checked contain at least one impact has been determined to be a "Potentially Significant Impact." Environmental factors that are not checked indicate that impacts were determined to have resulted in no impacts, less than significant impacts, or less than significant impacts with mitigation measures or City Conditions of Approval incorporated into the project.

Environmental Factors Potentially Affected					
☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology / Soils	☐	Greenhouse Gas Emissions	☐	Hazards / Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☐	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities / Services Systems	☐	Wildfire	☐	Mandatory Findings of Significance

Environmental Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed _____ Date March 25, 2024

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on- site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a. Earlier Analyses Used. Identify and state where they are available for review.
b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:

a. the significance criteria or threshold, if any, used to evaluate each question; and
b. the mitigation measure identified, if any, to reduce the impact to less than significant.

SECTION 2: ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics. *Except as provided in Public Resources Code Section 21099, would the project:*				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☐	☐	☒
c) In nonurbanized 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?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
2. 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
3. Air Quality. *Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐
4. 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒
5. Cultural Resources. *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐
6. Energy. *Would the project:*				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐
7. Geology and Soils. *Would the project:*				
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.	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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 wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
8. Greenhouse Gas Emissions. *Would the project:*				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
9. Hazards and Hazardous Materials. *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒
10. Hydrology and Water Quality. *Would the project:*				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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 a substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
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; or	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐
11. Land Use and Planning. *Would the project:*				
a) Physically divide an established community?	☐	☐	☐	☒
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	☐	☐	☒	☐
12. Mineral Resources. *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒
13. Noise. *Would the project result in:*				
a) Generation of 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?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Population and Housing. *Would the project:*				
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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
15. Public Services. *Would the project:*				
a) 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:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐
16. Recreation. *Would the project:*				
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Transportation / Traffic. *Would the project:*				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐
18. Tribal Cultural Resources. *Would the project:*				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) 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), or	☐	☐	☐	☒
ii) 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
19. 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?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the waste water 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐
20. 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
21. Mandatory Findings of Significance				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

SECTION 3: DISCUSSION OF ENVIRONMENTAL EVALUATION

1. Aesthetics

Except as provided in Public Resources Code Section 21099, Would the project:

a) *Have a substantial adverse effect on a scenic vista?*

Less Than Significant Impact. The proposed project site is located within the viewshed of the nearby elevated connectors between State Highway 1 (Pacific Coast Highway or PCH) and United States Interstate 5 (I-5), a portion of which is designated a "type three" urbanscape corridor and a Scenic Highway in the Circulation Element of the City's General Plan. Views from PCH of the proposed hillside homes would be similar to existing views of homes along Via Canon and Via California hillsides and ridgelines. Residential views from the neighborhood surrounding the proposed project site in the south and east would not be substantially altered or diminished by the project. Section IV.B of the City of Dana Point Design Guidelines addresses scenic highways and public view corridors. This section states it is the policy of the City to protect public views when reviewing new development proposals and public improvement. Subsection 1. therein elaborates that the primary concern of this section is the protection of ocean and coastal views from the public areas, rather than coastal views from private residences where no public vistas are involved. Nevertheless, the rooftops of the proposed homes would be significantly lower (approximately 29–49 feet) than the rooftops of adjacent homes with frontages along Via Verde and Via California, so that distant views of the Capistrano Valley from homes along these streets would not be altered. Development of the proposed project represents a continuation of the existing pattern of urban views in the project vicinity and along PCH and no adverse impact on a scenic vista would occur.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?*

No Impact. There are no historic buildings or rock outcroppings located at the proposed project site. Several isolated ornamental trees located near the property boundary may be removed. However, these trees are not considered scenic resources. No impact to scenic resources will occur.

c) *In nonurbanized 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?*

Less than Significant Impact. According to the United States Census Bureau, Dana Point is located within the Mission Viejo—Lake Forest—San Clemente, CA Urbanized Area.[1] As described in CEQA Guidelines Section 15387 and defined by the United States Census Bureau, an "urbanized area" is a central city or a group of contiguous cities with a population of 50,000 or more people, together with adjacent densely populated areas having a population density of at least 1,000 people per square mile. Therefore, Dana Point, including the project site, is considered an urbanized area. The project site is a vacant hillside surrounded by residential uses to the south, east, and west, and to the north across Camino Capistrano and Via Canon is Caltrans right-of way containing the I-5/State Highway 1 ramp connector. The portion of this right-of-way containing the ramp is designated as Transportation Corridor on the City's adopted zoning map while the remaining right-of-way on each side of the ramp connector is zoned as Open Space. The project will introduce new residential buildings to a vacant hillside that is visible from the nearby I-5/State Highway 1 ramp connector, the approach to the site from southbound Camino Capistrano towards the T-intersection with Via Canon, and from Via Canon adjacent to the project site. The introduction of homes to the site will continue the established pattern of views of hillside and ridgetop homes in the area. Although the proposed three-story homes will be compact with relatively narrow lot widths, the visual impression of an uninterrupted facade of structures would be softened by proposed foreground landscaping including screening for retaining walls along the Via Canon/Camino Capistrano frontage, by building designs that emphasize roofline variations and three-story elevations with vertical planes stepped back on successive floors, and varied architectural treatments that create visual interest (Exhibit 6, Street Scene). Views of the 20-foot to 36-foot rear slope retaining walls from Via Canon and Camino Capistrano would be partially, if not completely, blocked by the homes and foreground landscaping that includes vertical trees. Consequently, the existing visual character of the site and its surroundings will not be substantially degraded.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less Than Significant Impact. The proposed residential project does not include expansive window areas or reflective glazing that might otherwise contribute to glare effects. Lighting will be typical of a single-family residential project, including residential lighting, project identification, safety lighting on the private street, and security lighting in parking and common areas. Any proposed lighting sources are subject to Section 9.05.220, (Lighting), of the DPZC which requires exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the

[1] https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua57709_mission_viejo--lake_forest--san_clemente_ca/DC10UA57709.pdf

boundaries of the parcel and that light sources be directed downward way from adjoining properties and public rights-of-way. Compliance with DPZC Section 9.05.220 will ensure that no substantial light or glare effects will be created.

2. 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 proposed project will not involve the conversion of farmland. The proposed project site is not utilized for **farmland** purposes and is not zoned for agricultural uses. Therefore, the proposed project will have no impacts on agricultural resources.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

No Impact. The project site is zoned for residential use. The proposed project would not conflict with existing zoning for agricultural uses, or a Williamson Act contract. Therefore, no impacts will occur.

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 proposed project would not conflict with existing zoning for forest land uses or timberland zoned Timberland Production. Therefore, no impacts will occur.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The proposed project will not involve the conversion of forest land. The proposed project site is not utilized for forest use and is not zoned for forest uses. Therefore, the proposed project will have no impact on forestry resources.

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. The project site and surrounding areas are within an urban area and are not used as farmland or forest land. The project will have no impact that could result in the conversion of agricultural or forest lands to other uses.

3. Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project. Would the project:

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

Less than Significant. On December 2, 2022, the Southern California Air Quality Management District (SCAQMD) Governing Board adopted the *2022 Air Quality Management Plan* (2022 AQMP). The 2022 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 2022 AQMP utilized information and data from Southern California Association of Governments (SCAG) and its *2020-2045 Regional Transportation Plan/Sustainable Community Strategy* (2020-2045 RTP/SCS). According to the *SCAQMD's CEQA Air Quality Handbook*, projects must be analyzed for consistency with two main criteria, as discussed below.

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 pertains to pollutant concentrations, rather than to total regional emissions, an analysis of the project's pollutant emissions relative to localized pollutant concentrations is used

as the basis for evaluating project consistency. As discussed in Air Quality checklist question c) below, localized concentrations of carbon monoxide (CO), nitrogen dioxide NO_2, and particulate matter (PM_{10} and $PM_{2.5}$) would be less than significant during project construction and operations. Therefore, the proposed project would not result in an increase in the frequency or severity of existing air quality violations. Further, there is no ambient standard or localized threshold for reactive organic gases (ROGs), but due to the role ROGs play in ozone (O_3) formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established. It is noted that ROG emissions as a result of the proposed project would not exceed the regional emissions threshold; refer to Air Quality checklist question b) below.

b) *Would the project cause or contribute to new air quality violations?*

As discussed below in Air Quality checklist question b) and c), the proposed project would result in emissions that would be below the SCAQMD's thresholds for regional and localized emissions. Therefore, the proposed project would not have the potential to cause or contribute to a new violation of the ambient air quality standards.

c) *Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?*

The proposed project would result in less than significant impacts regarding localized concentrations during project construction and operation. As such, the proposed project would not delay the timely attainment of air quality standards or 2022 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 South Coast Air Basin (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 the proposed project exceeds the assumptions utilized in preparing the forecasts presented in the 2022 AQMP. Determining whether a project exceeds the assumptions reflected in the 2022 AQMP involves the evaluation of the three factors outlined below. The following discussion provides an analysis of each of these factors.

a) *Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?*

Growth projections included in the 2022 AQMP form the basis for the projections of air pollutant emissions and are based on general plan land use designations and SCAG's 2020-2045 RTP/SCS demographics forecasts. The population, housing, and employment forecasts within the 2022-2045 RTP/SCS are based on local general plans, as well as input from local governments, such as the City. The SCAQMD has incorporated these same demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment) into the 2022 AQMP.

The project proposes the development of 11 single-family residential units on a 1.99-acre site that is currently vacant. The project site is zoned as RSF 7 according to the City's Zoning Map and is designated as Residential 3.5-7 in the City's General Plan. The General Plan land use and existing zoning would allow up to 13 single-family dwelling units on the project site. As such, the proposed 11 single-family dwelling units would be consistent with the land use designation and zoning for the project site.

As part of the proposed project, the project Applicant is required to obtain a Zone Change and Zone Text Amendment for the creation of the PRDO District, a Tentative Tract Map, Site Development Permits, and Grading and Building Permits. Upon approval, such entitlement would allow for the proposed development of the project site and consistent with the types, intensity, and patterns of land use envisioned for the project site vicinity.

According to the State of California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State (Population Estimate), the City has an estimated population of 33,155 persons as of January 1, 2023. The proposed project is a residential development that comprises of 11 single-family residential dwelling units which would result in a direct population growth in the City. Based on an average household size of 2.27 provided by the Population Estimate, the project would result in a direct population increase of approximately 25 persons (11 times 2.27). Based on the SCAG growth forecasts in the 2020-2045 RTP/SCS, the City's population is estimated to reach 35,600 persons by 2045, representing a total increase of 2,445 persons from the 2023 estimate of 33,155 individuals. The project's direct population growth (25 persons) represents approximately 1.02 percent of the City's anticipated population increase by 2045, and only 0.07 percent of the City's total projected 2045 population.

Additionally, SCAG growth forecasts in the 2020-2045 RTP/SCS estimate the City's employment to reach 13,500 jobs by 2045, representing a total increase of

1,800 jobs from the baseline amount of 11,700 from 2016. Due to the residential nature of the project, the proposed development would not directly generate an increase in jobs. As such, the proposed project would not directly increase the City's employment.

Therefore, the indirectly induced population and employment growth as a result of the proposed project would not cause the SCAG growth forecast to be exceeded. As the SCAQMD has incorporated these forecasts on population, housing, and employment into the 2022 AQMP, it can be concluded that the proposed project would be consistent with the 2022 AQMP.

b) *Would the project implement all feasible air quality mitigation measures?*

The proposed project would result in less than significant air quality impacts and mitigation would not be required; refer to Air Quality checklist questions b) and c) below. In addition, the project would be required to comply with all applicable SCAQMD rules and regulations, including Rule 403, which requires excessive fugitive dust emissions to be controlled by regular watering or other dust prevention measures, and Rule 1113, which regulates the ROG content of paint. As such, the proposed project meets this 2022 AQMP consistency factor.

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 2022 AQMP are primarily based on the 2020-2045 RTP/SCS. The project is an infill development that would convert vacant land into a residential development. Further, the project would install listed raceway for electric vehicle (EV) chargers in each private garage of all single-family residential dwelling in accordance with the most recent CALGreen requirements. Therefore, the project would be consistent with the actions and strategies of the 2020-2045 RTP/SCS. In addition, as discussed above, the project would be consistent with City's land use designation and zoning. As such, the proposed project meets this 2022 AQMP consistency factor.

Based on the analysis above, the project would not conflict with or obstruct implementation of the 2022 AQMP, and impacts would be less than significant.

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?

Less than Significant. Regional and local air quality significance thresholds are defined

separately for short-term construction activities and long-term operations.

The project involves construction activities associated with grading, building construction, paving, and architectural coating applications. Exhaust emission factors for typical diesel-powered heavy equipment are based on the California Emissions Estimator Model version 2021.1 (CalEEMod) program defaults. Results from CalEEMod modelling are contained in Appendix B. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. Table 2 presents the estimated maximum daily regional construction emissions for the proposed project.

Table 2: Short-Term Construction Emissions

Construction Year	Emissions (pounds per day)(1)					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Year 1 (2024)	2.03	21.7	21.4	0.04	3.46	1.89
Year 2 (2025)	1.87	19.7	20.4	0.04	3.34	1.78
Year 3 (2026)	1.75	18.3	19.8	0.04	3.27	1.71
Year 4 (2027)	1.86	16.8	25.2	0.04	0.93	0.63
Year 5 (2028)	3.36	11.0	16.7	0.03	0.41	0.33
Maximum Daily Emissions	3.36	21.7	25.2	0.04	3.46	1.89
SCAQMD Significance Threshold	75	100	550	150	150	55
Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**

Note:
1. Emissions were calculated using CalEEMod, version 2021.1. The reduction/credits for construction emissions are based on adjustments to CalEEMod and are required by the SCAQMD Rules. The adjustments applied in CalEEMod includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; and limit speeds on unpaved roads to 15 miles per hour.

Source: Refer to Appendix B for detailed model input/output data.

As shown in Table 2, regional construction-related emissions generated by the proposed project would not exceed the SCAQMD regional construction thresholds of significance.

Operational or long-term emissions occur over the life of the project. Operational emissions include mobile, energy, and area source emissions. Area source emissions result from consumer products, heaters that consume natural gas, gasoline-powered landscape equipment, and architectural coatings (painting). Energy emissions are generated because of electricity usage associated with the project. Mobile emissions from motor vehicles are the largest single long-term source of operational air pollutants from the proposed project. Operational emissions from winter and summer were both shown as a conservative analysis. As shown in these tables, project emissions do not exceed the

SCAQMD regional operational significance thresholds and are considered less than significant.

Table 3: Long-term Operational Emissions (Summer)

Source	Emissions (pounds per day)					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area Sources	1.10	0.01	0.63	<0.01	<0.01	<0.01
Mobile Sources	0.30	0.21	2.49	0.01	0.66	0.17
Energy Sources	<0.01	0.08	0.03	<0.01	0.01	0.01
Total	1.4	0.3	3.15	0.01	0.67	0.21
Significance Threshold	55	55	550	150	150	55
Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**
Source: Refer to Appendix B for detailed model input/output data.						

Table 4: Long-term Operational Emissions (Winter)

Source	Emissions (pounds per day)					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area Sources	1.05	0.00	0.00	0.00	0.00	0.00
Mobile Sources	0.30	0.23	2.32	0.01	0.66	0.17
Energy Sources	<0.01	0.08	0.03	<0.01	0.01	0.01
Total	1.35	0.31	2.35	0.01	0.67	0.18
Significance Threshold	55	55	550	150	150	55
Significant Impact?	**No**	**No**	**No**	**No**	**No**	**No**
Source: Refer to Appendix B for detailed model input/output data.						

As indicated in Table 2 through Table 4, the proposed project would not result in short- or long-term air quality impacts, as emissions would not exceed the SCAQMD adopted construction or operational thresholds. Thus, the proposed project would not contribute a considerable net increase of any nonattainment criteria pollutant and impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The California Air resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular

and chronic respiratory diseases, such as asthma, emphysema, and bronchitis.

The nearest sensitive receptors are residential uses located approximately 82 feet south of the project site. To identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds (LSTs) for construction and operations impacts (area sources only).

The SCAQMD guidance on applying CalEEMod to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day. To properly grade a project site, multiple passes would occur over the site throughout the duration of the grading phase. SCAQMD provides LST thresholds for one-, two-, and five-acre site disturbance areas; SCAQMD does not provide LST thresholds for projects over five acres. The project would actively disturb approximately one acre per day during the grading phase of construction. Therefore, the LST thresholds for one-acre were utilized for the construction LST analysis. The closest sensitive receptors are approximately 82 feet to the east of the proposed construction area on the southern portion of the project site. These sensitive land uses may be potentially affected by air pollutant emissions generated during on-site construction activities. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. According to the SCAQMD LST methodology, projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters. As the nearest sensitive receptor is located approximately 82 feet (approximately 25 meters) from the planned construction area, the LST values for 25-meters were used.

Table 5: Short-term Localized Construction Emissions

Construction Activity	Maximum On-site Daily Emissions (pounds per day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Year 1 (2024)[2]	18.2	18.8	2.68	1.66
Year 2 (2025)[2]	16.3	17.9	2.56	1.55
Year 3 (2026)[2]	15.0	17.4	2.49	1.48
Year 4 (2027)[3]	10.6	15.3	0.36	0.33
Year 5 (2028)[3]	10.1	15.3	0.33	0.30
Maximum Daily Emissions	18.2	18.8	2.68	1.66
Localized Significance Threshold[1]	91	696	4	3
Exceed Threshold?	**No**	**No**	**No**	**No**

Note:
1. Significance threshold for a one-acre construction area, in Source Receptor Area 21 (Capistrano Valley), and a receptor distance of 25 meters.
2. Maximum on-site daily emissions occur during grading phase for all pollutants in Year 1 through 3.
3. Maximum on-site daily emissions occur during building construction phase for all pollutants in Year 4 and 5.
Source: Refer to Appendix B for detailed model input/output data.

As shown in Table 5, the construction of the proposed project would not exceed any of the SCAQMD localized significance thresholds (LST). Therefore, during construction, the proposed project would not expose sensitive receptors to substantial pollutant concentrations of CO, NO_2, PM_{10}, or $PM_{2.5}$. Therefore, this impact is less than significant.

Additionally, equipment used during construction would release toxic air contaminants, principally diesel particulate matter emissions which the CARB has identified as a carcinogenic substance. The health effects of diesel particulate matter include eye, nose, throat, and lung irritation, and can cause coughs, headaches, light-headedness, and nausea. The principal health effects noted for diesel particulate matter are generally due to long-term exposures over a lifetime of an individual. Since the construction of the proposed project is expected to last for only a short duration, the construction diesel emissions are not likely to contribute to a significant health risk, which as noted above, is due to a lifetime of exposure to diesel particulate matter.

Because of the residential nature and limited size of the proposed project, the project's operational emissions arise from vehicle travel away from the proposed project site. The daily trips, vehicle miles traveled and related air emissions from on-site operational activities associated with this 11-unit project are expected to be minimal. The long-term localized air quality impacts of the project are not expected to exceed the SCAQMD's LST during project operations. Therefore, this impact is also less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant. 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 does not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the project 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. The project would also be required to comply with the SCAQMD Regulation XI, *Rule 1113 – Architectural Coating*, which would minimize odor impacts

from ROG emissions during architectural coating. Any impacts to existing adjacent land uses would be short-term and are considered less than significant.

4. Biological Resources

The original Biological Resources Study (BR Study) was prepared during the City's early review of the proposed project in March 2010. To assess the contents of the BR Study and to compare the findings therein to current site conditions, the City solicited current Deputy Director of Community Services, Jeff Rosaler, to review the 2010 BR Study and survey current conditions at the project site. Mr. Rosaler surveyed the site on the morning of February 23, 2024, to assess the presence of the 26 special-status plant species and 40 special-status wildlife species the analyzed in the 2010 BR Study and, an confirm the findings therein. Mr. Rosaler concluded that the findings of the 2010 BR Study were still valid and no additional mitigation measures were necessary to meet the provisions addressed of the six (6) subtopics under the Biological Resources topic.

To highlight Mr. Rosaler's qualifications to make any determination regarding the biological qualities of the project site the following is provided:

Jeff Rosaler holds a Masters of Science in Biological Sciences California State University, San Marcos and a Bachelor of Science in Biology from the University of California, Santa Cruz. He has held numerous jobs as a biologist including working for environmental consulting firms and non-profit organizations conducting surveys of native habitat in southern California. Mr. Rosaler has also managed the City of Dana Point open space areas on the Dana Point Headlands that include native Coastal Sage Scrub habitat and numerous rare and threatened flora and fauna, for over 15 years.

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 Wildlife or U.S. Fish and Wildlife Service?*

Less Than Significant Impact With Mitigation. No federal or state-listed threatened or endangered species occur on the project site. The Cooper's hawk is designated as a California State species of special concern. This species, although not present onsite, could use portions of the project site as potential foraging and/or nesting habitat due to the presence of non-native grassland and adjacent ornamental trees. Construction of the proposed project could potentially result in the temporary displacement of individuals and the permanent removal of habitat that could be used by this species. However, potential impacts to non-listed species are considered less than significant due to the isolation and minimal size of the potential foraging area on the site and the requirement

for pre-construction surveys during the general avian breeding season included as Mitigation Measure B-1 in subtopic 4 (c) below.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Less Than Significant Impact. The proposed project site is comprised of relatively poor quality and low value non-native grasslands. The site does not contain riparian habitat or any vegetation that would be considered a sensitive plant community. The loss of up to 1.99 acres of isolated non-native grassland on the site does not represent a significant impact or substantial affect to vegetation communities due to the relatively poor quality and low overall value of this habitat. Therefore, project related impacts to riparian habitat or other sensitive natural communities would be less than significant.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. No potentially jurisdictional waters or wetlands occur within or immediately adjacent to the proposed project site. Therefore, implementation of the proposed project will not impact waters or wetlands subject to United States Army Corps of Engineers, California Department of Fish and Wildlife or Regional Water Quality Control Board jurisdiction. 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 wildlife nursery sites?*

Less Than Significant with Mitigation. The proposed project site is located in an urbanized area surrounded by developed properties. The movement of migratory wildlife species is not expected to occur on the site. The proposed project would not interfere with the movement of native or migratory species. However, the project site and immediate vicinity supports suitable nesting and foraging habitat for a number of resident and migratory bird species, including raptors, protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFG) Code. The MBTA protects all native wild birds found in the United States. Section 3503 of the CFG Code makes it illegal to destroy any birds' nest or any birds' eggs that are protected under the MBTA without a permit. Special-status species that have a potential to nest and/or forage on the project site and are further protected under the MBTA and CFG Code include the Cooper's hawk. To assure protection of nesting birds covered under the MBTA and CFG Code, the following mitigation measure is recommended:

B-1 If the removal or trimming of any shrubs or trees is proposed during the general avian breeding season (February 1 through August 31), a pre-construction survey should be conducted by a qualified biologist within 10 days prior to vegetation removal or any ground disturbance activities to identify any active nests belonging to bird species protected under the MBTA and CFG Code. If any active nests are identified during the pre-construction survey, no construction activity shall take place within a minimum of 250 feet of any active nest until the young have fledged (as determined by a qualified biologist) and/or the nest is no longer active. This distance shall be expanded to 500 feet for any nesting raptor species. For sensitive species potentially nesting in offsite locations, the distance and placement of the construction avoidance area should be determined through consultation with the USFWS and/or CDFW. Construction activity within the buffer area or any active nest shall be conducted at the discretion of a qualified monitoring biologist.

With implementation of this measure, project impacts to migratory wildlife species would be less than significant. No other wildlife corridor or wildlife nursery site impacts would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Although the City of Dana Point has no local code provisions or ordinances that specifically address biological resources protection, significant biological resources do not occur on the site. Therefore, no conflicts with biological resources and/or tree preservation policies or ordinances would occur.

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. The project site occurs within the boundaries of the Orange County Southern Subregion NCCP/HCP. The project site is located in an area zoned for residential development and is outside of the reserve system. Development of the proposed project would not have impacts on the long-term goals and preservation objectives of the Orange County Southern Subregion NCCP/HCP, and the project is considered consistent with this NCCP/HCP. Therefore, no impacts would occur.

5. Cultural Resources

Would the project:

a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

No Impact. The project site is currently vacant. The property ground was heavily eroded over the last 60 years but is essentially still intact. Review of historic aerials from 1946 and 1952 showed that the property has remained vacant since the Capistrano Beach tracts were subdivided in the late 1920's. Therefore, no historical resources are expected to occur. As a result, implementation of the proposed project would result in no impacts on historical resources.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less Than Significant Impact With Mitigation. There are no known cultural resources located within the project area. Based on the records search and pedestrian survey there are no visible significant prehistoric or historic cultural resources within the undeveloped sections of the property. Field review of the project area showed that the property is very steep and it is unlikely that significant burial cultural resources will be encountered during construction. However, contact with two of the local Juaneño Band tribal leaders when the cultural resource assessment was prepared in 2010, showed that there is tribal concern that prehistoric cultural resources might be uncovered during construction-related earthmoving. The mitigation measures originally recommended in the cultural resource assessment have been updated based on more recent language related to archaeologic Native American monitoring. Inclusion of the following mitigation measures have been incorporated to reduce this impact to less than significant levels:

CR-1 Human Remains. If human remains are encountered during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to California Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the

inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.

CR-2 Cultural Resource Monitoring. Prior to issuance of any grading permit, the Project Applicant shall provide written evidence that a certified archaeologist subject to review and approval by the City of Dana Point (qualifications, certifications, and resume must be provided) and Native American monitor have been retained to observe grading activities and to salvage and catalogue archaeological and/or tribal cultural resources as necessary. The archaeologist and Native American monitors shall be present at the pre-grading conference, shall establish procedures for resource surveillance, and shall establish, in cooperation with the Project Applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. Once grading and foundation preparation activities commence, should it be determined there is a low likelihood of encountering subsurface cultural resources, the option to reduce archaeological and Native American monitoring hours shall be provided to the Project Applicant, upon presenting written concurrence from the archaeological and Native American monitors to the City of Dana Point. If archaeological or tribal cultural resources are found to be significant, the archaeologist shall determine appropriate actions, in cooperation with the State Office of Historic Preservation (SHPO), and the City of Dana Point, for exploration and/or salvage.

The Project Applicant shall obtain approval of the archaeologist's follow-up report from the City of Dana Point. The report shall include the period of inspection, an analysis of any artifacts found, and the present repository of the artifacts. Excavated finds shall be made available for curatorial purposes to the City of Dana Point, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Dana Point.

c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

Less Than Significant Impact With Mitigation. No remains are known to be present on site. However, without a monitor or archaeologist present, it is possible that ground-disturbing activities during construction will uncover previously unknown, buried cultural resources. Consistent with Mitigation Measure CR-2, in the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archeologist shall be consulted to

determine whether the resource requires further study. The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA guidelines. In the event of an accidental discovery or recognition of any human remains, PRC §5097.98 must be followed.

6. Energy

Would the project:

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Less Than Significant Impact. This analysis focuses on three sources of energy that are relevant to the proposed project: electricity, natural gas, and transportation fuel for vehicle trips and off-road equipment associated with project construction and operations. The analysis of operational electricity is based on the California Emissions Estimator Model version 2022.1 (CalEEMod) modeling results for the project. The project's estimated electricity and natural gas consumption is based primarily on CalEEMod's default settings for Orange County, and consumption factors provided by San Diego Gas and Electric, which is the electricity provider, and by the Southern California Gas Company that provides natural gas for the City and the project site. The results of the CalEEMod and energy consumption modeling are included in Appendix B. The amount of operational fuel consumption was estimated using the California Air Resource Board (CARB) Emissions Factor 2021 (EMFAC2021) website platform which provides projections for typical daily fuel (i.e., diesel and gasoline) usage in Orange County, and the project's daily trips generation provided by Linscott, Law and Greenspan Engineers (dated March 6, 2024). The estimated construction fuel consumption is based on the project's construction equipment list timing/phasing, and hours of duration for construction equipment, as well as vendor, hauling, and construction worker trips. The project's estimated energy consumption is summarized in Table 6 below.

Table 6: Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption	Orange County Annual Energy Consumption[2]	Percentage Increase Countywide[2]
Electricity Consumption	68	20,243,722	0.0003%
Natural Gas Consumption	1,711	572,454,744	0.0003%
Fuel Consumption			
Construction Off-Road Fuel Consumption	29,021	14,182,623	0.2046%
Construction On-Road Fuel Consumption	73,302	1,277,762,122	0.0057%
Operational Automotive Fuel Consumption[3]	18,096	1,184,141,101	0.0015%

Notes:
1. As modeled in CalEEMod version 2021.1.
2. The project increases in electricity and natural gas consumption are compared to the total consumption in Orange County in 2022, the latest year consumption data is available. The project's off-road and on-road construction fuel consumption is compared with the projected Countywide fuel consumption in 2024 (construction start year) and the project's operational fuel consumption is compared with the projected 2028 (first year of operation) fuel consumption. Orange County electricity consumption data source: California Energy Commission, *Electricity Consumption by County*, http://www.ecdms. energy.ca.gov/elecbycounty.aspx, accessed February 21, 2024.
3. Project fuel consumption calculated based on CalEEMod results. Countywide fuel consumption is from the California Air Resources Board EMFAC2021 model.
Source: Refer to Appendix B.

As shown in Table 6, the project's energy usage would constitute an approximate 0.0003 percent increase over Orange County's typical annual electricity and natural gas consumption. The project's construction off-road, construction on-road, and operational vehicle fuel consumption would increase the County's consumption by 0.2046, 0.0057, and 0.0015 percent respectively. Overall, the project would result in a nominal energy consumption increase over the County's existing consumption. Therefore, the project would not result in a significant increase in construction and operational energy consumption and impacts would be less than significant in this regard.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The City of Dana Point has adopted the *Dana Point Energy Efficiency and Conservation Plan* (Energy Plan) which 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. Additionally, the City's General Plan contains goals and policies within the Circulation, Conservation/Open Space, and Land Use Elements pertaining to energy usage and efficiency. Table 7 displays the project's consistency to applicable goals identified in the Energy Plan and General Plan.

Table 7: Project's Consistency to the Energy Plan and General Plan

Goals and 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.	**Consistent.** The project would comply with 2022 Title 24 Building Energy Efficiency Standards and CALGreen Code, which require proper building orientation to take advantage of sun/shade patterns and prevailing winds, energy- and water-efficient landscaping, and sustainable building materials. Additionally, the project would incorporate features that would reduce energy use (i.e., high efficiency lighting, energy efficient appliances, low flow fixtures). As such, the project would be consistent with the goals and policies of the plans.
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 is a residential development that would be built on underutilized, vacant land. Additionally, the project site is in close proximity to existing residential uses and commercial uses to the west. The location of the proposed project would promote alternative modes of transportation such as walking and biking, thereby reducing vehicle miles traveled (VMT). As such, the project would be consistent with the goals and policies of the plans.
Energy Plan: Encourage sustainable construction. General Plan: Refer to Policy 10.3, above.	**Consistent.** In accordance with CALGreen and the Specific Plan, the project would be required to divert 65 percent of construction waste from landfills. The project would also comply with applicable requirements of the 2022 Title 24 Building Energy Efficiency Standards and the CALGreen Code, including sustainable construction materials and energy efficient appliances. As such, the project would be consistent with the goals and policies of the plans.
Source: City of Dana Point, *Energy Efficiency and Conservation Plan,* December 2011 City of Dana Point, *Dana Point General Plan*, dated July 9, 1991.	

Additionally, the project would comply with the State and regional plans for renewable energy and energy efficiency. State and regional plans for renewable energy and energy efficiency include the CEC's 2023 Integrated Energy Policy Report (IEPR), Title 24 standards, and CALGreen standards. The project would meet the most recent 2022 Title 24 and CALGreen standards for energy efficiency and incorporates all applicable energy efficiency measures (solar ready roof, high efficiency lighting, energy efficient

appliances, etc.). Compliance with Title 24 and CALGreen standards would ensure the project's consistency with the IEPR building energy efficiency recommendations, which would ensure project conformance with the State's energy reduction goals. Therefore, compliance with applicable plans would ensure that impacts in this regard would be less than significant.

7. Geology and Soils

Would the project:

a) *Directly or indirectly cause, including the risk of loss, injury 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.*

Less Than Significant Impact. The proposed project site is not located in Alquist-Priolo Earthquake Fault Zone. The proposed project site is located approximately 3.5 miles from the offshore Newport-Inglewood fault and would be subject to strong ground motions of 0.57 g due to earthquakes on nearby faults.

Therefore, impacts associated with Alquist-Priolo Earthquake Fault Zones would be less than significant.

ii) *Strong seismic ground shaking?*

Less Than Significant Impact. The primary seismic hazard is ground shaking due to a large earthquake on one of the major active regional faults, such as the Newport-Inglewood fault. A major earthquake exceeding a magnitude of 7.5 and 7.1 originating on the local segments of the Newport-Inglewood fault and the San Joaquin Hills Blind Thrust fault zones, respectively, would be the closest faults that may affect the site within the design life of the proposed development. Accordingly, as with most locations within Southern California, there is potential that within the lifetime of the proposed project structure, the project structures would experience strong ground shaking as a result of seismic activity originating from regional faults. California State law requires structures to incorporate earthquake-reducing design standards in accordance with the latest California Building Code and appropriate seismic design criteria; the adherence to this regulatory requirement would reduce potential impacts so that they would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact. The proposed project site is not located within an area mapped by the State of California as having a potential for soil liquefaction. Furthermore, the potential for liquefaction to occur at this state is considered nil due to the proposed foundations resting entirely on dense bedrock, or compacted fill bedrock. Therefore, no impacts associated with liquefaction would occur.

iv) Landslides?

Less Than Significant Impact. The proposed project site is located within an area mapped by the State of California as an area where previous occurrences of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacement such that mitigation as defined in Public Resource Code Section 2693 (c) would be required. Dana Point Municipal Code (DPMC) Section 8.01.220 requires a soil engineering report and engineering geology report for all projects requiring a Grading Permit. Sub article 5.6(b) of the Dana Point Grading Manual requires recommendations to ensure stability. The City has received a preliminary Geotechnical Engineering Report (soils report) required by Section 7.04.040 of the Dana Point Subdivision Code which was reviewed and deemed to have meeting the requirements of the Subdivision Code for the proposed subdivision and environmental review of the proposed project. The project will include the City's standard conditions related soils reports, and an updated, current, project specific, construction level geotechnical report will be reviewed and approved prior to grading permit issuance and construction. The grading permit review and approval process per the DPMC will ensure a less than significant impact.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The proposed project development is very susceptible to erosion as evidenced by deeply incised erosional features, especially where water is allowed to be directed over or onto the slope face in a concentrated manner. Construction activities associated with the proposed project would result in grading of the proposed project site, which will leave the soil exposed. However, construction activities will utilize best management practices through implementation of an erosion control plan in accordance with City requirements to reduce the potential for soil runoff and with erosion to less than significant levels. The long-term operation of the proposed project will include the construction of impervious surfaces, landscaping, and a drainage system that conveys stormwater from the surfaces to the gutters and downspouts. These project components will reduce the potential for long- term erosion and loss of topsoil to

a less than significant impact. DPMC section 8.01.380-400 requires all projects include erosion and sediment control systems, erosion control plans, and continual maintenance of systems and devices to prevent soil erosion and loss of topsoil. The grading permit review and approval process per the DPMC will ensure a less than significant impact.

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?*

Less Than Significant Impact. The proposed project site is mapped as an area potentially susceptible to earthquake induced landsliding. As mentioned in Response 7 (a)(iv) above, the City has received and reviewed a preliminary Geotechnical Engineering Report soils report) required by Section 7.04.040 of the Dana Point Subdivision Code. The Report finds no evidence of any landslide or other landslide related instability. Sub article 5.6(b) of the Dana Point Grading Manual requires recommendations to ensure stability. An updated, current, project specific, construction level geotechnical report will be reviewed and approved prior to grading permit issuance and construction. With proposed earthwork and incorporation of all the geotechnical recommendations for earthwork and foundations in the approved, construction level reports, the potential for seismically-induced ground subsidence is less than significant. The onsite soils are not conducive to liquefaction and no impact would occur.

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less Than Significant Impact. The soils at the proposed project site have a high to very high expansion index according to Table 18-1-B of the Uniform Building Code. Dana Point Municipal Code (DPMC) Section 8.01.220 requires a soil engineering report and engineering geology report for all projects requiring a Grading Permit. DPMC Section 7.04.040 requires investigation and recommendations related to expansive soils. The City has received a Geotechnical Engineering Report which was reviewed. An updated, current, project specific geotechnical report will be reviewed and approved prior to permit issuance and construction. The grading permit review and approval process per the DPMC will ensure a less than significant impact.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No Impact. Septic tanks or alternative wastewater disposal systems are not proposed with the proposed project. The proposed project will include lateral connections to the

South Coast Water District sewer mainlines. Therefore, no impacts would occur with the proposed project development.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact With Mitigation. Field examinations of the project site showed that the exposed bedrock on the parcel slope is likely fossilferous. The project site has a high chance of containing significant paleontological resources that may be adversely impacted by development-related ground disturbances. The following mitigation measures would reduce this impact to less than significant levels:

GEO-1 A paleontologic mitigation monitoring program shall be developed by a paleontologist registered and qualified to work in the County of Orange and the City of Dana Point. The program should be equipped to salvage fossils as they are unearthed to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large vertebrate specimens.

GEO-2 Preparation of recovered specimens must occur to a point of identification for permanent preservation at an accredited museum. Preparation includes washing of sediments to recover small vertebrates and stabilization of all recovered fossils. Stabilization is essential to fully mitigate for adverse impacts to the resources.

GEO-3 The identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage is required. The paleontologist must have a written repository agreement with an accredited museum in hand prior to initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until curation of recovered, prepared, and stabilized fossils into an established museum repository has been fully completed and documented.

GEO-4 A report detailing the paleontologic findings with an appended itemized inventory of specimens is required and must be sent to the accredited museum. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.

8. Greenhouse Gas Emissions

Neither the City of Dana Point, County of Orange, nor the SCAQMD have yet to adopt a greenhouse gas (GHG) numerical significance threshold. Impacts of climate change are experienced on a global scale regardless of the location of GHG emission sources, and therefore, numerical significance threshold for individual development projects is speculative. Throughout the State, air districts are moving from numerical significance threshold to qualitative significance threshold that focuses on project features to reduce GHG emissions or consistency with GHG reduction plans. To reduce GHG emissions impact, it is more effective for development projects to include project features that directly or indirectly reduce GHG emissions, than relying on a numerical significance threshold, which highly depends on the type and size of the development.

Construction activities associated with the project may generate detectable odors from heavy-duty As such, the significance of the project's potential impacts regarding GHG emissions and climate change will be assessed solely on its consistency with plans and policies adopted for the purposes of reducing GHG emissions and mitigating the effects of climate change and the project's ability to incorporate sustainable features and strategies in its design to reduce GHG emissions. The analysis has also quantified the project's GHG emissions for informational purposes.

Would the project:

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant. As discussed above, the project's GHG emissions are quantified for informational purposes only as the City does not have an applicable numeric threshold for GHG emissions.

Construction activities would primarily include grading, paving, building construction, and architectural coating. GHG emissions from project construction equipment and worker vehicles are shown in Table 8. Construction GHG emissions are amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years), then would be later added to the operational emissions. As shown in this table, the construction of the proposed project would generate a total of 1,877 $MTCO_2e$ during construction or approximately 62.57 $MTCO_2e$ of emissions per year when amortized over 30 years.

Table 8: Proposed Project Construction Greenhouse Gas Emissions

Construction Year	Emissions ($MTCO_2e$)
2024	219
2025	650
2026	387
2027	356
2028	265
Total	**1,877**
Amortized over 30 years	**62.57**

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent.
Totals may be slightly off due to rounding.
Source: Refer to Appendix B for detailed input and output data.

Operational or long-term emissions would occur over the life of the project. Mobile, area source, refrigerants are direct emissions generated by the project. Indirect sources such as energy, water, and solid waste sources would generate emissions off-site. Mobile sources are exhaust emissions from the motor vehicles that would access the project site. Area source emissions are from consumer products, architectural coating, and landscaping. Refrigerants are substances used in equipment for air conditioning and refrigeration. Energy sources refers to the generation of electricity required for the project. Water source refers to the electricity required to transport and treat the water that would be used for the project. Lastly, solid waste refers to the removal of solid waste associated with the operation of the proposed project. The operational emissions for the proposed project are shown in Table 9 on the subsequent page.

Table 9: Proposed Project Operational Greenhouse Gas Emissions

Source	Emissions ($MTCO_2e$ per year)
Direct Emissions	
Construction (amortized)	62.57
Mobile Sources	109.00
Area Sources	0.19
Refrigerants	0.05
Indirect Emissions	
Energy Sources	34.80
Water Sources	4.22
Solid Waste	2.73
Total Project Related Emissions	213.56 $MTCO_2e$
Notes: Emissions calculated using California Emissions Estimator Model Version 2022.1 (CalEEMod) computer model. $MTCO_2e$ = metric tons of carbon dioxide equivalent. Totals may be slightly off due to rounding. Source: Refer to Appendix B for detailed input and output data.	

The project would emit greenhouse gases during operation and construction. The operational emissions plus the amortized construction emissions would be approximately 213.56 $MTCO_2e$ per year. 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. As such, per the Greenhouse Gas checklist question b) below, the proposed project would not have a significant impact on emissions, since the proposed project would be consistent with applicable measures From the Southern California Association of Government's *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS), the California Air Resources Board's *2022 Scoping Plan Update*, and the City's General Plan and Energy Plan. As such, the project's greenhouse gas emissions are less than significant**.**

b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than Significant Impact. The project's GHG plan consistency analysis is based on the project's consistency with the 2022 Scoping Plan, 2020-2045 RTP/SCS, City's Energy Plan, and applicable goals found within the General Plan.

The 2022 Scoping Plan builds upon the framework established by the *2008 Climate Change Scoping Plan* and previous updates while identifying a new, technologically feasible, cost-effective, and equity-focused path to achieve California's climate target. The 2022 Scoping Plan includes policies to achieve a significant reduction in fossil fuel combustion, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon. Project consistency with applicable strategies in the 2022 Scoping Plan is assessed in Table 10 on the following page. Table 10 is an evaluation of applicable reduction actions/strategies to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2022 Scoping Plan.

Table 10: Consistency with 2022 Scoping Plan Reduction Measures

Scoping Plan Reduction Measure	Project Consistency
Smart Growth / Vehicles Miles Traveled (VMT)	
Reduce VMT per capita to 25 percent below 2019 levels by 2030, and 30 percent below 2019 levels by 2045	**Consistent.** The project would install listed raceway in each private garage of all the single-family residential dwellings in accordance with CALGreen. The listed raceway would allow for the future installation of EV chargers which would encourage an alternative mote of transportation. Furthermore, the project site has a bus stop serviced by the Orange County Transportation Authority (OCTA) located approximately 1.3 miles away. The project site is also located within a pedestrian-oriented area given that it fronts existing sidewalks along Camino Capistrano and Via Canon. The project site is in an urbanized area and within walking and biking distance to existing commercial uses which would reduce VMT. The project would be consistent with this action.
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed Statewide by 2030	**Consistent.** The City of Dana Point has not adopted an ordinance or program requiring all electric appliances. However, if adopted, the project would be required to comply with the applicable regulating requiring all electrical appliances in the future. Additionally, the City also does not have any policy that requires an all-electric development. However, if policies related to all electric development are adopted in the future, the project would comply with the applicable goals or policies limiting the use of natural gas equipment in the future and/or requiring all electric developments. Furthermore, the project would comply with Title 24 standards which would reduce energy consumption. The project would be consistent with this action.
Construction Equipment	
Achieve 25 percent of energy demand electrified by 2030 and 75 percent electrified by 2045	**Consistent.** The City of Dana Point has not adopted an ordinance or program requiring electricity-powered construction equipment. However, if adopted, the project would be required to comply with the applicable regulation requiring the use of electric construction equipment in the future. The project would be consistent with this action.
Non-Combustion Methane Emissions	
Divert 75 percent of organic waste from landfills by 2025	**Consistent**. Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of Statewide organic waste disposal from 2014 levels by 2020 and a 75 percent reduction by 2025. The law establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. The project would comply with local and regional regulations and recycle or compost 75 percent of waste by 2025 pursuant to SB 1383. The project would be consistent with this action.
Source: California Air Resources Board, *2022 Scoping Plan*, November 16, 2022.	

The 2020-2045 RTP/SCS includes performance goals that were adopted to help focus future investments on the best-performing projects, as well as different strategies to

preserve, maintain, and optimize the performance of the existing transportation system. The 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. Project consistency with applicable strategies in the 2020-2045 RTP/SCS is assessed in Table 11. Table 11 provides a consistency analysis of the project with these five 2020-2045 RTP/SCS strategies. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

Table 11: Consistency with 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 site has a bus stop serviced by the OCTA located approximately 1.3 miles to the west. The project site is in an urbanized area and within walking and biking distance of existing residential and commercial uses that would contribute to reduction in VMT and associated GHG emissions. Therefore, the project would focus growth near destinations and mobility options. Thus, 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 not displace any residential uses. Additionally, the project would increase the housing supply within the City by developing residential uses in underutilized land. Thus, the project would increase housing supply in the City and would not displace any existing housing units. As such, the project would be consistent with this reduction strategy.

Table 11: Consistency with Applicable Scoping Plan Reduction Measures (Continued)

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
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 Corridors.**	**Consistent.** The project would install a listed raceway for future EV charger in each private garage. in accordance with the most current and applicable Title 24 standards and CALGreen Code. The project would also include solar ready roofs for the future installation of solar photovoltaic panels. Therefore, the proposed project would leverage technology innovations to promote alternative modes of transportation and help the City, County, and State meet their GHG reduction goals. Therefore, the project would be consistent with this reduction strategy.
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.** The project would be located approximately 1.3 miles away from a bus stop serviced by OCTA. Further, the project would comply with sustainable practices included in the most current and applicable Title 24 standards and California Building Codes, including high efficiency lighting, water efficient landscaping, and low-flow water fixtures. Thus, the project would be consistent with this reduction strategy.

Table 11: Consistency with Applicable Scoping Plan Reduction Measures (Continued)

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 includes a residential development comprising of 11 single-family residential units. The construction of the proposed project would take place on an existing vacant land within an urbanized area, located between single-family residential units and roadways (Via Canon and Camino Capistrano). As such, the construction of the project would not interfere with regional wildlife connectivity or concert agricultural land. The project would be required to comply with the most current and applicable Title 24 standards and California Building Code, which would help reduce energy consumption and reduce GHG emissions. Thus, the project would support resource efficient development that reduces energy consumption and GHG emissions. The project would be consistent with this reduction strategy.
Source: Southern California Association of Governments, *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal*, September 3, 2020.		

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 within the City. These energy reduction measures and goals would also help reduce the project's GHG emissions. As shown in Table 7, the project would comply with goals and policies in the Energy Plan and General Plan. Compliance with Title 24 and CALGreen Code 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 Renewables Portfolio Standard (RPS), the project would utilize electricity provided by San Diego Gas and Electric that would achieve 60 percent renewable energy by 2030. Therefore, the proposed project would be consistent with the Energy plan and General Plan goals to reduce energy consumption and GHG emissions.

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 2022 Scoping Plan, 2020-2045 RTP/SCS, the City's Energy Plan, and General Plan. 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 and impacts in this regard would be less than significant.

9. Hazards and Hazardous Materials

Would the project:

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less Than Significant Impact. The proposed project consists of the development of 11 single-family residential dwelling units on a 1.99-acre property. The project will require the removal of existing landscaping which will require the transport and disposal of landscape materials. However, the materials associated with the onsite landscaping are not likely to contain hazardous materials. Compliance with all local, State, and federal regulations during removal, transportation, and disposal of the materials will ensure that impacts related to this issue are less than significant.

The proposed residential project would not involve the routine transport, use or disposal of hazardous materials in any significant quantities during operation of the proposed project. Therefore, impacts would be less than significant.

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?*

Less Than Significant Impact. Although some hazardous materials may be used during construction, the residential development is not expected to employ the use of hazardous materials during long-term operation in significant quantity and concentrations to pose a significant hazard to the public or the environment. Use of any hazardous materials during construction activities would be conducted in compliance with all applicable federal, State, and local regulations. Therefore, impacts related to reasonable foreseeable upset and accident conditions involving the release of hazardous materials would be less than significant.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. The nearest school is Ready Set Grow Preschool, located approximately 0.15 miles away from the proposed project site. However, the proposed project would not involve the emission or handling of hazardous materials during operation of the proposed project. Therefore, impacts related to hazardous

materials or emissions within one-quarter mile of an existing or proposed school would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The California Department of Toxic Substances Control provides a hazardous waste and substances site list. The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The proposed project site is not on the Cortese List provided on the department of toxic substances control's website (California Department of Toxic Substances Control 2024). Therefore, the proposed project will have a less than significant impact and will not create a significant hazard to the public or environment regarding hazardous materials.

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?

No Impact. The proposed project is not located within an existing airport land use plan or within two miles of a public airport or public use airport. Therefore, no airport safety hazard impacts would result from the proposed project.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project will comply with all Orange County Fire Authority codes, regulations and conditions, thus ensuring that implementation of the proposed project will not interfere or impair an adopted emergency response plan or emergency evacuation plan. Furthermore, the Dana Point Disaster Preparedness Plan Evacuation Routes would not be impaired by the development of the proposed project (see section 20 (a) for discussion related to Wildfires). Therefore, impacts related to emergency response or emergency evacuations plans 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 proposed project is located in a highly urbanized area and is surrounded by residential developments, and open space. According to the California

Department of Forestry and Fire's *Orange County Very High Fire Hazard Severity Zones in SRA*, the City is not located in or near a State responsibility area (SRA).[2] Further, according to the California Department of Forestry and Fire's *Orange County Very High Fire Hazard Severity Zones in LRA*, the nearest area designated "Very High Fire Hazard Severity Zone" (VHFHSZ) is situated greater than 0.5-mile east, in the cities of San Juan Capistrano and San Clemente.[3] As such, the project site and immediate vicinity are not classified as a very high fire hazard severity zone and no impact would occur in this regard. Nonetheless, it the Orange County Fire Authority (OCFA) recognizes the proximity of an ember zone (Ember Zone 1) across the street from the project and recommended a limitation landscaping at the project site.[4] The landscape plans will not be allowed to include any plant species from Attachment 7 of OCFA Guideline C-05. Project design will be reviewed by the Orange County Fire Authority (OCFA) to ensure the site design meets OCFA standards including emergency fire access and the landscaping species limitations noted above as well as standards for the proposed structures related to building materials, fire sprinklers, and internal firewalls. Therefore, the proposed project would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. No wildland fire impacts would occur.

10. Hydrology and Water Quality

Would the project:

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less Than Significant Impact. Construction activities associated with the proposed project could result in potentially significant impacts to water quality. In addition to sediment erosion from ground-disturbing activities on the project site, fuels, oils, lubricants, and other hazardous substances used during construction could be released and potentially impact water quality. Long-term operation of the proposed project would increase impervious surfaces on the project site compared to existing conditions. The proposed project may result in varying levels of long-term pollutants compared to existing conditions. Pollutants associated with detached residential development include: nutrients, bacteria, pesticides, sediment, trash and debris, etc. (South Orange County Technical Guidance Document, December, 2018).

Per Dana Point Municipal Code (DPMC) Section 8.01.190, regarding grading permit

[2] California Department of Forestry and Fire Protection, *Orange County Fire Hazard Severity Zones in SRA*, November 7, 2007, accessed March 16, 2024.
[3] California Department of Forestry and Fire Protection, *Dana Point Very High Fire Hazard Severity Zones in LRA*, As Recommended by CAL FIRE, October 2011, accessed March 16, 2024.
[4] *Orange County Fire Authority Dana Point Ember/ Fire Hazard Severity Zones*, accessed March 16, 2024

requirements, "Each person applying to the City for a grading or building permit for projects for which compliance with a State General Permit for Discharges of Storm Water Associated with Construction Activity (General Construction Permit) is required must submit satisfactory proof to City that coverage under the General Construction Permit has been obtained, before the City shall issue any grading or building permit on the construction project. Documents required under the General Construction Permit shall be maintained on-site during grading and construction and shall be made available upon the request of any City inspector. The project must also comply with all activities required by the City's Storm Water/Surface Runoff Water Quality Ordinance and Local Implementation Plan (LIP). Each person applying to the City for a grading or building permit for projects for which compliance with the General Construction Permit is not required must submit evidence that the grading project will be in compliance with the provisions of all applicable storm water permits, including, but not limited to, the implementation of all applicable best management practices (BMPs), and in compliance with all activities required by the City's Storm Water/Surface Runoff Water Quality Ordinance and LIP."

The project would be required to comply with Construction General Permit Order No. 2022-0057-DWQ for stormwater discharges and general construction activities Construction General Permit, which includes preparation and implementation of a stormwater pollution prevention plan (SWPPP), including an erosion and sediment control plan and other standard housekeeping BMPs, such as regular cleaning or sweeping of construction areas and impervious areas to minimize impacts to water quality. Furthermore, the proposed project would be required to comply with the National Pollutant Discharge Elimination System State Water Resources Control Board Region-wide Municipal Separate Storm Sewer System (MS4) Permit, Order No. R9-2013-0001, as amended by Orders R9-2015-0001 and R9-2015-0100, including requirements for Priority Projects that include development of a Project-specific Water Quality Management Plan (WQMP) pursuant to DPMC Chapter 15.10 Storm Water / Surface Runoff Water Quality. The Project's WQMP will detail the permanent storm water quality BMPs including infiltration/biofiltration, hydromodification, source control, and site design BMPs would effectively treat post-construction stormwater runoff prior to discharge from the site in compliance with the requirements of the City's BMP Design Manual (www.danapoint.org/wqrequirements). Compliance with the aforementioned requirements would result in less than significant impacts.

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less Than Significant Impact. The proposed project is not anticipated to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. As detailed in the "Geotechnical Engineering Report" for the proposed project (Appendix E) groundwater was encountered at a depth of 24 feet. However, construction activities associated with the proposed project would not deplete any groundwater supplies that are used by the City, because the project area and underlying groundwater aquifer is not used for domestic water supply

The 2014 Sustainable Groundwater Management Act (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. The project site is located within the SJVB, which is ranked as a "very low" priority basin.[5] Therefore, there is no groundwater sustainability plan established for the SJVB pursuant to the 2014 Sustainable Groundwater Management Act. However, the San Juan Basin Authority, as the groundwater management agency over SJVGB, adopted the San Juan Basin Groundwater and Facilities Management Plan in November 2013. The plan documents the current state of the basin, the conceptual model of the hydrologic system, the environmental and infrastructure resources in the area, management goals and impediments to the goals, management alternatives, recommended management plan(s), and a monitoring and reporting plan.[6] The proposed development would not conflict with or obstruct implementation of the plan upon compliance with existing water quality and groundwater regulations. Because there is not an adopted GSP applicable to the groundwater basin in the project area, the project would not conflict with or obstruct the implementation of a sustainable groundwater management plan.

Per the South Coast Water District, the current available water supply that will serve the project area will be imported water from Metropolitan Water District of Southern California, and this source can be supplemented by water from a connection to the Joint Regional Water Supply System (JRWSS) Water Importation Pipeline system. Although this letter states that the proposed project can also be served by local groundwater treated at South Coast Water District's Groundwater Recovery Facility, it is anticipated that imported water from the Metropolitan Water District and the connection to the Joint Regional Water Supply System will be the primary sources of water for the proposed project. Therefore, the proposed project is anticipated to have a less than significant impact in this regard.

[5] California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, accessed March 19, 2024.
[6] *San Juan Basin Groundwater Management Plan*, accessed March 18, 2024

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 a substantial erosion or siltation on- or off-site;

Less Than Significant Impact. The project site is largely undeveloped. The drainage pattern of the project site would be altered by the proposed project because development of the 11 SFDs will add approximately 24,757 sq ft of hardscape area. The proposed project is required to accommodate adequate drainage capacity on site, and connections to existing facilities, in project-specific plans that will be reviewed and approved by the City. The proposed project would be required to implement BMPs during construction and post-construction, including infiltration/biofiltration and site design BMPs into the development design. With proper drainage design and implementation of the proposed stormwater quality BMPs, the project would not generate runoff volumes that would significantly alter the overall drainage on site. Additionally, project-related runoff would be adequately treated prior to discharge into planned drainage systems via stormwater quality BMPs such that the proposed project would not provide substantial additional sources of polluted runoff and would ensure construction of the project would not result in substantial erosion or siltation on or off site.

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less Than Significant Impact. Currently, runoff from the project site flows untreated downhill to the storm drain in the street along Camino Capistrano/Via Canon. Drainage on site will be directed away from the homes but has been designed so that the project site will not flood during a storm event. Implementation of the proposed project would alter the existing drainage pattern and add impermeable surfaces; however the proposed project is required to accommodate adequate drainage capacity on site, and connections to existing facilities, in project-specific plans that will be reviewed and approved by the City. Post construction BMPs, such as infiltration and biolfitration will also help to reduce storm flow volume so that the increase in storm water flows would not substantially increase the rate and amount of surface runoff in a manner resulting in on- or off-site flooding. Thus, the proposed project is anticipated to have a less than significant impact in this regard.

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; or

Less Than Significant Impact. As previously addressed, the project would increase impervious surfaces; however the project would include a new engineered stormwater drainage system that would be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality. The project will not provide substantial additional sources of polluted runoff because the development would require a project specific WQMP that will include infiltration/biofiltration, site design and source control BMPs to treat stormwater flows. Therefore, impacts associated with altering the existing drainage pattern of the project site and stormwater would be less than significant.

iv) impede or redirect flood flows?

No Impact. As delineated by the Flood Insurance Rate Map (FIRM) No. 06059C0508K, designated by the Federal Emergency Management Agency (FEMA), the proposed project is not located within a 100-year floodplain. The proposed project is located in Zone X (unshaded), which is an area determined to be outside the 0.2 percent annual chance floodplain. Implementation of the proposed project would not impede or redirect flood flows as surrounding properties both up and downslope are also located in unshaded Zone X. Therefore, no impacts would occur in this regard.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. As explained in Response 10 (c)(iv) above, the project site is not located in a 100-year flood hazard zone. Although there are no dams in the area, the Palisades Reservoir (also referred to as the JRSS Bradt Reservoir) is located approximately two (2) miles to the east of the project site in San Clemente. However, according to the California Department of Water Resources, Division of Safety of Dams (DWR DSOD) Dam Breach Inundation Maps, the project site in not within the inundation zone of the Palisades Reservoir.[7] Therefore, the project site is not subject to inundation from flooding during a storm event or from dam failure, and no mitigation is required.

Tsunamis are ocean waves generated by tectonic displacement of the seafloor associated with shallow earthquakes, seafloor landslides, rock falls, and exploding volcanic islands. The proposed project site is located approximately 0.2 mile from the ocean but is not

[7] https://fmds.water.ca.gov/maps/damim/, accessed March 5, 2024.

located within a tsunami hazard area based on the Californian Tsunami Maps accessed through the California Department of Conservation's website.[8] Since the project site is not subject to impacts associated with tsunamis, the release of pollutants therefrom would not be a risk and there is no impact.

Seiches occur when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. As noted above the Palisades Reservoir is approximately two (2) miles from the project site, but not within the inundation zone should a seiche occur. Therefore, the Project site is not subject to inundation from seiche waves and there is no risk of release of pollutants due to inundation from seiche. No mitigation measures are either required or recommended.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Less Than Significant Impact. The South Orange County Water Quality Improvement Plan (WQIP) was developed by the County of Orange, Orange County Flood Control District and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano through a collaborative and public process. The purpose of the South Orange County WQIP is to guide the Responsible Agencies' jurisdictional runoff management plans towards achieving improved water quality in MS4 discharges (or stormwater discharges) and receiving water bodies. The South OC WQIP identifies high priority water quality conditions and sets goals, strategies and schedules to address them. Monitoring the progress and effectiveness of the strategies informs an "adaptive management" approach to updating and amending the plan over time.

The City's LIP (which serves as the City's jurisdictional runoff management Plan) establishes water quality standards for surface runoff waters within Dana Point. Section 7 (Development) of the LIP requires new development and significant redevelopment projects that meet the criteria of a Priority Project to address the quality and quantity of stormwater runoff through the incorporation of permanent (post-construction) BMPs in project design. The project qualifies as a Priority Project and the Applicant will be required to prepare a project specific WQMP in compliance with the Current City Model WQMP and BMP Design Manual with proposed site design, source control, and low impact development (LID) BMPs to ensure stormwater runoff generated during project operations is adequately collected, treated, and conveyed to the City's existing storm drain system. The City of Dana Point Public Works Department is responsible for

[8] https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/, accessed March 5, 2024.

reviewing final project plans during plan check review to ensure that the project meets the requirements of the Model WQMP and that the BMPs identified in the approved Final WQMP are incorporated into the project design. With implementation of construction BMPs and development of a WQMP for the project, which will include site design, source control, infiltration/bioinfiltration and hydromodification BMPs, as applicable, there will be no conflicts with the South OC WQIP or the City's LIP.

As noted in the response to Topic 10 (c) above, there is no groundwater sustainability plan established for the SJVB pursuant to the 2014 Sustainable Groundwater Management Act. However, the San Juan Basin Authority, as the groundwater management agency over SJVGB, adopted the San Juan Basin Groundwater and Facilities Management Plan in November 2013. The plan documents the current state of the basin, the conceptual model of the hydrologic system, the environmental and infrastructure resources in the area, management goals and impediments to the goals, management alternatives, recommended management plan(s), and a monitoring and reporting plan. The proposed development would not conflict with or obstruct implementation of the plan upon compliance with existing water quality and groundwater regulations. Because there is not an adopted GSP applicable to the groundwater basin in the project area, the project would not conflict with or obstruct the implementation of a sustainable groundwater management plan.

11. Land Use and Planning

Would the project:

a) *Physically divide an established community?*

No Impact. The proposed project involves the construction of a single family residential development subject to existing zoning with a proposed Planned Residential District Overlay (PRDO) District. There are no current provisions for public access or movement through the hillside site from surrounding areas. Following project development, vehicular, bicycle and pedestrian movement in the neighborhood will continue unimpeded on surrounding local roads (e.g. Via Canon, Camino Capistrano, Via California). The proposed project will not physically divide an established community. Therefore, no impact related to this issue will result from implementation of the proposed project.

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?*

Less than Significant Impact. The project site is designated Residential 3.5-7 in the

City's General Plan and is zoned RSF-7. These designations would allow approximately 13 homes to be built on the property. However, the project proposes 11 SFDs under the PRDO District proposed as part of the project. The PRDO District is identified in Dana Point Zoning Code, Section 9.29.010 and allows development standards and regulations that may deviate from the base zoning district. In this instance, the development design conforms to the particular limitations and opportunities afforded by the steep hillside site and the proposed PRDO District development standards. Although the establishment of a PRDO District does require a zone change and a zone text amendment, it does not allow an increase to the allowable residential density under the Dana Point General Plan and Zoning Ordinance, and no conflicts with land use plans, policies or regulations would occur for the purpose of avoiding or mitigating an environmental effect.

12. 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. Mineral extraction activities are not present at the proposed project site. The proposed project site and the surrounding areas are not identified as sources of important mineral resources. Therefore, no impacts on mineral resources will occur.

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. No locally-important mineral resource recovery sites are located on or near the proposed project site. Therefore, no adverse impacts to the availability of locally important mineral resources are anticipated.

13. Noise

Would the project result in:

a) *Generation of 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?*

Less Than Significant With Mitigation. Noise levels in the project area would be influenced by construction activity in the short-term and by traffic and residential noise in the long-term. The City of Dana Point specifies outdoor and indoor noise limits for

residential uses. Both standards are based upon the Community Noise Equivalent Level (CNEL) index. The City has adopted an exterior noise standard of 65 CNEL and interior noise standard of 45 CNEL for all residential land use categories.

Site development would occur over a period of approximately 30-48 months, and would include the following activities: clearing and grubbing of vegetation, excavation and site grading, shoring, preparation of the multi-level building pads, placement of caissons and retaining wall construction, roadway and flatwork construction, underground utility installation, driveway placement and vertical home construction. Construction noise associated with these activities represents a short-term increase in ambient noise levels. Noise impacts from construction activities associated with the project would be a function of the noise generated by construction equipment, equipment location, the sensitivity of nearby land uses, and the timing and duration of construction activities.

The City's Municipal Code (Section 8.01.250) restricts grading and equipment operations near residential areas between 5:00 PM and 7:00 AM on weekdays, and on Saturdays, Sundays and recognized holidays altogether. Primary reliance is placed on these limits to reduce temporary construction noise effects on nearby sensitive receptors. However, due to the noise producing effect of required hillside grading, shoring and retaining wall construction, and the proximity of existing homes upslope from the project along Via Verde and Via California, the following mitigation measures would be required:

N-1 The hours of operation of equipment that produces significant noise or levels noticeably above general construction noise, or that creates significant vibrations, shall be limited to occur between the 10:00 AM and 4:00 PM.

N-2 The construction supervisor shall ensure all construction equipment is muffled and maintained in good working order to reduce the equipment-related noise generation.

N-3 All construction and drilling equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

The proposed project homes would face Camino Capistrano/Via Canon, which is not a significant source of traffic noise. Roadway noise from the elevated Pacific Coast Highway (PCH) connector ramps would be partially screened from project homesites by the low ridgeline open space between Via Canon and PCH. No special noise

attenuation features for the proposed homes are anticipated, and no significant long-term noise impact would occur. Additionally, the introduction of 11 single-family homes at the project site is not expected to result in a substantial increase in ambient noise levels in the vicinity. Although the project would add an estimated 104 daily vehicle trips to surrounding roadways, a substantial long-term increase in ambient noise levels from vehicular traffic and activity at the site is not expected.[9]

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

Less Than Significant With Mitigation. Construction activities can produce vibrations or groundborne noise that may be felt by adjacent uses. The construction of the proposed project would include both single vibratory events and periods in which multiple or continuous vibrations would occur. While the proposed project would result in construction vibration, the project is not expected to include activities such as blasting or pile driving that would exceed significance thresholds at the nearest existing residential receptors. Compliance with Mitigation Measure N-1 above would limit the hours of potential vibration effects felt by adjacent uses and reduce impacts to less than significant.

The proposed project would not be expected to result in increased vibrations during long- term operation and occupancy of the homes. Although occasional delivery trucks may operate in the area, these truck movements would not result in a perceptible change and no significant effect would occur.

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, would the project expose people residing or working in the project area to excessive noise levels?*

No Impact. There are no private airstrips in the vicinity of the proposed project; as such, the project would not expose people residing in or working in the project area to excessive noise levels associated with an airstrip. The proposed project is not located within the boundaries of any airport land use plan. The closest airport is John Wayne Airport, which is approximately 20 miles northwest of the proposed project area. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels associated with an airport.

[9] Trip generation rate of 9.43 ADT for single-family detached housing is from Trip Generation, 11th Edition, Institute of Transportation Engineers (ITE), Washington, D.C. (2021) via LLG Memorandum dated March 6, 2024.

14. Population and Housing

Would the project:

a) *Induce substantial 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)?*

Less Than Significant Impact. The proposed project includes the development of 11 SFDs. These new residential units would range from approximately 3,638 sq ft to 3, 887 sq ft. Utilizing an average single family household size of 2.7 persons, the project would directly increase the population by approximately 38-40 persons.[10] This increase is not considered significant. The project is self-contained on an approximate 2-acre site, and would not lead indirectly to substantial new population growth. The proposed project is consistent with City of Dana Point General Plan land use and the Zoning Ordinance, through the PRDO District; therefore, impacts to population growth are considered less than significant.

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The project proposes 11 residential units on a site that is currently undeveloped. The project would not result in displacement of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, no impact would occur.

15. Public Services

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:

i) *Fire protection?*

Less Than Significant Impact. Fire services for the City of Dana Point are provided by the Orange County Fire Authority (OCFA). OCFA stations 29 and 30 in the City of Dana Point provide the primary response for fire suppression and emergency medical services to the community (City of Dana Point Fire Services 2024). OCFA station 29 is

[10] State of California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2023, with 2020 Benchmark, May 2023

the closest fire station and is located at 26111 Victoria Boulevard, approximately .3 mile northeast of the project site. This station includes the following staffing and equipment levels: 1 Battalion Chief, 1 Fire Captain, 1 Fire Apparatus Engineer and 2 Firefighters as well as a PM Engine and a Battalion (OCFA 2024).[11] Development of the proposed project will result in an increased demand for fire protection which as described above, will be met by the OCFA. As required by the California Fire Code and the City of Dana Point Municipal Code Chapter 8.24, the proposed project will be required to include site specific design features such as ensuring appropriate emergency access, and requiring structures to be built with approved building materials, etc. Conformance with these codes reduces the risks associated with fire hazards. OCFA has reviewed the project and provided project conditions of approval to be included as part of the tentative tract map and site development permit approvals required for the subdivision of the 1.99-acre parcel and development of the proposed 11 SFDs. Implementation of the proposed project should not have a significant impact on fire services provided for the project area. Therefore, the impacts on fire services from the proposed project site are considered less than significant.

ii) Police protection?

Less Than Significant Impact. Development of the proposed project will result in an increased demand for police protection. The City of Dana Point contracts with the Orange County Sheriff's Department in providing law enforcement services to the proposed project area (City of Dana Point Public Safety 2024). The proposed project includes infill development of 11 SFDs to be constructed amidst existing residential housing in Dana Point. The addition of 11 SFDs is not anticipated to have a significant impact on Sheriff services in the City of Dana Point. Therefore, the proposed project would have a less than significant impact on police/Sheriff services.

iii) Schools?

Less Than Significant Impact. Development of the proposed project will result in an increased demand for schools within the Capistrano Unified School District (CUSD). The generation rates provided by the CUSD are as follows: 0.14 for Elementary School, 0.06 for Middle School and 0.10 for High School.[12] Based on the above generation rates, the proposed project would result in: 2 elementary school students, 1 middle school student and 1 high school student. The project site would be served by the public schools listed below:

[11] Source: Orange County Fire Authority, Operations Division 3, Coverage Map, https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#coverage accessed March 15, 2024.
[12] Victoria Boulevard Apartments EIR: Written Correspondence, Capistrano Unified School District, Clark Hampton, Deputy Superintendent, June 22, 2021

- Palisades Elementary School, located at 26462 Via Sacramento in Capistrano Beach, approximately 0.5 mile southeast of the project site.
- Shorecliffs Middle School, located at 240 Via Socorro in San Clemente, approximately 3.5 miles southeast of the project site.
- San Juan Hills High School (9th to 12th grade), located at 29211 Vista Montana in San Juan Capistrano, approximately 7.5 miles northeast of the project site.

The CUSD collects developer fees for school facilities from residential and commercial/industrial development in order to offset impacts to school services. As of 2022, CUSD collects $4.79 per square foot of new residential construction projects.[13] The existing school facilities can accommodate the small number of new students generated from the proposed project since developer fees will be assessed to compensate for the additional students that will attend local schools as a result of the proposed project. Additionally, according to Section 65996 of the California Government Code, payment of statutory fees is considered full mitigation for new development projects, and thus, upon payment of required fees by the applicant, consistent with existing CUSD and State requirements, a less than significant impact would occur on school facilities.

iv) Parks?

Less Than Significant Impact. According to the City of Dana Point Parks, Recreation, and Open Space Master Plan (2005), the City contains approximately 199.91 acres of parks and recreational facilities within its boundaries. As stated in the Parks, Recreation, and Open Space Master Plan, the City identifies an acreage goal of 6 acres per 1,000 residents and an acreage standard of 5 acres per 1,000 residents. The City maintains 65.7 acres of the 199.91 acres within its boundaries, with the remaining acreage controlled and maintained by other private, commercial, and public entities including the County of Orange and California State Parks that maintain the Harbor and Doheny State Beach, respectively. Existing public recreational facilities and amenities include several parks near the proposed project site, and City parks near the proposed project are listed in Table 12 below. Implementation of the proposed project would increase demand of existing parks and recreational facilities. However, this increase in demand is not considered significant since there are several parks within walking distance and as part of the PRDO District to include exceptional design features, an approximate 0.18-acre passive park for private common open space purposes and for use by the residents of the PRDO is proposed near the project entry, comprised of slopes with landscaping, walkways, and picnic tables. Therefore, project implementation will not result in substantial adverse physical impacts associated with

[13] Commercial/Industrial Fee Study - 2021 – 2022. Accessed March 18, 2024.

the provision of new or physically altered park facilities because existing facilities will meet the needs of residents of the proposed project.

Table 12: City Parks Near the Proposed Project

Name	Address	Distance from Project Site	Acreage	Facilities
Palisades Gazebo Park	26401 Palisades Drive	0.8 mile southeast	1 acre	Benches, gazebo overlook, rose garden.
Sunset Park	33345 Calle Naranja	0.9 mile east	3 acres	Barbeques, tot lot, benches, picnic tables and a restroom.
Pines Park	34941 Camino Capistrano	1 mile southeast	4 acres	Benches, picnic tables, a playground and barbeques.
Del Obispo Community Park	34052 Del Obispo Street	1.4 miles northwest	9 acres	Community center with gym, all-purpose rooms, kitchen, district office, baseball fields, a basketball court, a playground, tennis courts, picnic tables and a restroom.
Louise Leyden Park	Dana Bluff West and Via Verde	0.14 mile southwest	1.2 acres	Arbor, tables, benches.
Source: General Plan Conservation/Open Space Element and City of Dana Point.				

v) Other public facilities?

Less Than Significant Impact. The proposed project is located within the service areas of AT&T for telephone service and Cox Communications for cable service (City of Dana Point Utilities 2024). AT&T and Cox Cable regularly provide and extend service to the City of Dana Point. Therefore, project implementation is not anticipated to result in substantial adverse physical impacts associated with these public facilities.

16. 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?

Less Than Significant Impact. The proposed project includes the development of 11 residential units. Although this new development would increase the population of the City, the related increase in use of existing neighborhood and regional parks or other recreational facilities is not anticipated to be substantial. The proposed project is in compliance with the City of Dana Point's General Plan and Zoning Ordinance. Furthermore, existing recreational facilities such as Del Obispo Community Park, Louise Leyden Park, and Doheny Beach State Park, and the approximate 0.18-acre passive park for private common open space purposes associated with the project would

provide adequate recreational facilities for project residents and guests. Therefore, project implementation will not result in a substantial deterioration of existing parks and recreational facilities.

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?*

No Impact. The proposed project includes 11 new SFDs and a small area designated as a park for passive recreation. Construction of this passive recreation area would not result in any adverse physical effects on the environment, and no mitigation measures are required.

17. Transportation/Traffic

Would the project:

a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less than Significant Impact. The project will take access from Camino Capistrano near its T-intersection with Via Canon.

The project would generate approximately 104 average daily trips (ADT), of which approximately 8 trips would be expected to occur at the weekday AM peak hour and 10 trips would be expected to occur at the weekday PM peak hour.[14] These vehicle trips would be distributed on Camino Capistrano, Via Canon and connecting roadways, and not conflict with any roadway and intersection level of service (LOS) standards. There are currently no roadway segments or intersections in the vicinity of the proposed project that are congested or operating below City LOS standards outlined in the performance criteria in the Circulation Element of the City's General Plan, with LOS D as the lowest acceptable level of service. Table 13 below provides list of LOS at several intersection near the project site, showing that all intersections operating at LOS C or better. Therefore, with the nominal increase in trips generated by the project, it would result in a less than significant impact on regional and local transportation plans, policies, alternative transportation modes, and circulation system performance standards.

[14] LLG Memorandum dated March 6, 2024, 11 Single family Dwelling Units at Lot 8 Tract 16133, TTM No. 16970, Capistrano Beach-Dana Point, California

Table 13: Existing Intersection Levels of Service

ID	Study Intersection	Traffic Control[1]	Weekday				Saturday	
			AM Peak Hour		PM Peak Hour		Midday Peak Hour	
			V/C or Delay[2]	LOS[3]	V/C or Delay	LOS	V/C or Delay	LOS
1.	Del Obispo St at Pacific Coast Hwy	TS	0.573	A	0.584	A	0 5°8	A
2.	Camino Capistrano at Stonehill Dr/I-5 NB On-Ramp	TS	0.607	B	0.686	B	0.655	B
	HCM Method (Per San Juan Capistrano)	TS	[28.0]	C	[29.9]	C	[28.5]	C
3.	Doheny Park Rd a t Victoria Blvd	TS	0.342	A	0.437	A	0.457	A
4.	Doheny Park Rd at Dominio Ave	CSS	[10.8]	B	[12.1]	B	[12.6]	B
5.	Doheny Park Rd at Las Vegas Ave/SR-1 NB Ramps	TS	0.458	A	0.658	B	0.654	B
6.	Doheny Park Rd at Pacific Coast Hwy	TS	0.211	A	0.279	A	0.261	A
7.	Sepulveda Ave at Victoria Blvd	AWS	[8.1]	A	[8.4]	A	[8.2]	A
8.	Sepulveda Ave a Domingo Ave	CSS	[8.7]	A	[8.6]	A	[8.7]	A
9.	Camino Capistrano at Victoria Blvd	CSS	[10.4]	B	[10.3]	B	[9.4]	A
10.	Camino Capistrano at Via Canon	CSS	[10.1]	B	[10.2]	B	[9.8]	A
11.	Camino Las Ramblas at I-5 NB On-Ramp	TS	0.253	A	0.297	A	0.250	A

Notes

(1) TS = Traffic Signal; CSS = Cross Street Stop; AWS = All Way Stop.

(2) Volume/Capacity (V/C) is shown at non-State highway signalized intersections. Delay is shown in [seconds/vehicle] at State highway and unsignalized intersections. For intersections with traffic signal or all way stop control, overall average intersection control delay and LOS are shown. For intersections with cross street stop control, LOS is based on average delay of the worst individual lane (or movements sharing a lane).

(3) LOS = Level of Service

Source Victoria Boulevard Apartments, Traffic Impact Analysis, City of Dana Point, April 28, 2022, by Ganddini Group, Inc., Table 1-Existing Intersection Levels of Service.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Less than Significant Impact. Section 15064.3 (a) of the CEQA Guidelines describes specific considerations for evaluating a project's transportation impacts, and establishes vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts. Under § 15064.3, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. The Governor's Office of Planning and Research's (OPR) Technical Advisory for Evaluating Transportation Impacts in CEQA (OPR Technical Advisory), dated December 2018, provides "screening thresholds" to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.[15] Since, the City of Dana Point has not adopted a VMT screening criteria for development projects, a screening threshold outlined in the OPR Technical Advisory was utilized for this project. Lead agencies may screen out VMT impacts using among other criteria, project size. The screening threshold for small projects are those projects that generate or attract fewer than 110

[15] State of California Governor's Office of Planning and Research ,*Technical Advisory on Evaluating Transportation Impacts in CEQA*, April 2018.

trips per day. Those projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.

The project would generate 104 average daily trips (ADT), which is under the recommended threshold. Per the OPR Technical Advisory recommendations the project will have a less than significant impact and no mitigation is recommended or required.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less than Significant Impact With Mitigation. Substantial traffic safety hazards are not anticipated. However, the gated project driveway entrance at Camino Capistrano includes a vehicle turn-around and planter, and allows full vehicle turning movements in and out of the site. To assure safe ingress and egress, the following mitigation measure is recommended:

T-1 The project entrance driveway design at Camino Capistrano will be reviewed by the City Engineer to assure safe entry, adequate vehicle queuing space, and adequate sight distance to accommodate ingress and egress.

d) *Result in inadequate emergency access?*

Less Than Significant Impact. Emergency responders currently provide service to the surrounding area and will provide service to the project site. The project design has been reviewed by OCFA and they have approved the project subject to conditions including requiring approval of a fire master plan and the recordation of irrevocable reciprocal emergency access easements concurrent with recordation of the final tract map ensuring adequate emergency access. Creation of the new private street will ensure other emergency service providers have adequate emergency access to the project site.

18. Tribal Cultural Resources

Would the project:

a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

i) *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), or;*

No Impact. The project site is not listed or eligible for listing in the California Register, or in a local register of historical resources. Therefore, because the project site is not listed or eligible for listing, there would be no impacts associated with Topic 18 (a)(i). Refer to the response for Topic 5, Cultural Resources, for detailed information regarding the record search substantiating that no listed properties or resources exist on the project site.

ii) *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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Less than Significant Impact With Mitigation. As noted above, a cultural resources record search, a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), and the Native American Historic Resource Protection Act, or AB 52 consultation were conducted for the proposed project. The City of Dana Point initiated consultation with the tribes that have been culturally and traditionally affiliated with the City's jurisdiction based on previous Native American consultations for projects within the City (Dana Point Harbor Hotels – 2020, and Victoria Boulevard Apartments – 2021). The City sent letters for the purposes of AB 52 consultation on February 29, 2024, to 14 Native American representatives identified from previous AB 52 consultations. The NAHC responded to the City's *Local Government Tribal Consultation List Request* on March 12, 2024, and four (4) additional Native American representatives were identified. Letters were sent to the four (4) additional Native American representatives on March 14, 2024. The purpose of these efforts was to identify known tribal cultural resources on or near the project site. Although no cultural resources were identified as part of the records search related to the project site, previous NAHC SLF search indicated the presence of Native American traditional sites or places near the project area.

At the time of preparation of this Initial Study/Mitigated Negative Declaration one (1) response was received from the Rincon Band of Luiseño Indians, stating that the project site identified within project documents is not within the Band's specific Area of Historic Interest. However, based on the previous consultation with the Juaneño Band of Mission Indians Acjachemen Nation and the separate subgroup Juaneño Band of Mission Indians Acjachemen Nation – Belardes in 2010, archaeologic and Native American monitoring for ground disturbance activities during grading operations is warranted. With implementation of Mitigation

Measures CR-1 and CR-2 outlined in the response to Topic 5 (b), impacts would be reduced to less than significant levels.

19. 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. Implementation of the proposed project would generate an increase in water, wastewater treatment electric power, natural gas and telecommunication facilities. The project's potential impacts related to these utilities and service system facilities are discussed below in more detail.

Water Facilities

The South Coast Water District (SCWD) would provide potable water service to the project. SCWD's distribution system consists of the former SCWD and Capistrano Beach distribution systems, and includes emergency interconnections between the two water systems and with other nearby water agencies. SCWD's water system includes approximately 165 miles of water mains, 11 pressure zones, 9 booster pump stations, and 13 water storage reservoirs storing 22 million gallons (MG) of potable water.[16] An additional 12.5 MG of storage is available in the 48-MG Bradt Reservoir, located along the Joint Transmission Main (JTM) at the south end of the system.

According to SCWD's *2020 Urban Water Management Plan*, single and multifamily residential use is projected to decrease through their 2045 projections.[17] Additionally, the project was previously reviewed by the SCWD early in the review of the proposed project. Near the project site there are ten-inch distribution water mains located within Via Canon, Camino Capistrano and Via California, which can provide water service to the project area. A 30-inch Joint Regional Water Supply System (JRWSS) transmission main formerly traversed the project site, but was relocated off site and realigned within the Camino Capistrano right-of-way in 2011.

In their review of the proposed project, SCWD clarified that the developer will be required to construct in-tract facilities to serve the individual residences within the project. The in-tract facilities must be capable of meeting Orange County Fire Authority

[16] *South Coast Water District 2020 Urban Water Management Plan*. pg. 3-1, accessed March 4, 2024.
[17] *Ibid*. pg. 4-6, accessed March 4, 2024.

hydrant flow and spacing requirements.

Additionally, the developer is responsible for the design and construction of new or expanded facilities necessary to provide service to the proposed project. The developer will be required to execute a Facilities Installation Agreement with SCWD for these facilities. The proposed facilities are to meet SCWD's design criteria with improvement plans acceptable to SCWD. The cost of design and construction of new/expanded facilities is borne by the developer. After the facilities are dedicated to SCWD, the District will be responsible for the maintenance, repair and replacement of the facilities.

The SCWD indicated that the facilities surrounding the proposed project site are adequate to provide water service to the project boundary. Thus, the proposed project would result in a less than significant impact related to water facilities because the SCWD has indicated that adequate facilities exist to serve the project.

Wastewater Facilities

Wastewater generated by the proposed project would initially be sent to the existing sanitary sewer system provided by the SCWD. Wastewater from the project site would be sent to SCWD's existing 12-inch sewer main in the Camino Capistrano. Although the project would require additional on-site facilities to divert wastewater to the existing sanitary sewer system, the developer will be required to design and construct the necessary collection piping and any sewer lines in the private street that would connect to the existing sewer collection system. Additionally, SCWD indicated that no expansion of existing SCWD facilities is required to support the proposed project. Although the project will result in additional facilities for SCWD to maintain and repair (because the developer will be constructing improvements, which will be maintained by SCWD once improvements are built) it is anticipated that SCWD can perform the additional tasks with no reduction in the level of service.

Wastewater from SCWD's sanitary sewer system, would be treated by the South Orange County Wastewater Authority (SOCWA) at the J.B. Latham Plant in Dana Point. The J.B. Latham Plant has a total peak flow capacity of 13 million gallons per day (mgd) [18] for treatment and SCWD owns 27.3 percent of the capacity, approximately 3.549 mgd. SOCWA indicates that the J.B. Latham Plant processes an average capacity use of 6 mgd. Consequently, there are wastewater treatment facilities to accommodate the proposed project.

SCWD has indicated that the existing wastewater facilities are sufficient to adequately service the project and that no expansion of existing SCWD facilities is required to support the proposed project.

[18] South Coast Water District, *Sewer System Management Plan*, page 4.4, revised September 2019, accessed March 5, 2024.

Storm Water Drainage

Less Than Significant Impact. The proposed project includes a drainage design that would direct stormwater flows to a series of 3 foot drainage swales located along the southern edge of the project site. Concrete "V" gutters will direct the water flow through the above mentioned swales on site. Additionally, 2 stormceptor treatment BMPs will be located along the northern edge of the project site. One will be located near the entrance to the site and the second will be located at the rear of lot 8, near Via Canon. The proposed project is anticipated to have a less than significant impact regarding storm water drainage facilities because the undeveloped site currently has no drainage facilities and no water treatment Best Management Practices (BMPs). As described above, the proposed project includes stormceptor treatment BMPs and drainage swales, which will filter the water. Additionally, approximately 24,757 sq ft, which approximately 28 percent of the total 1.99 acre site, will have hardscape. The amount of runoff generated from the proposed project is not anticipated to require or result in the expansion of storm water drainage facilities because the drainage design on site will filter stormwater runoff to existing drains near the project site. Therefore, implementation of the proposed project would result in a less than significant impact.

Electric Power

San Diego Gas & Electric (SDG&E) provides electric power to the City of Dana Point. Temporary construction activities would be limited to portable construction equipment and electric power would be provided via temporary poles. The proposed project would connect to existing SDG&E lines by extending the existing electrical system throughout the site. The developer will pay for the cost of extending electrical service to the project site and the minor increase in demand for electrical power to the would not require the construction of any physical improvements related to the provision of electricity service that would result in significant environmental impacts and the project's potential impacts would be less than significant.

Natural Gas

The Southern California Gas Company supplies natural gas to properties within the City of Dana Point. Although new facilities to provide natural gas would have to be created with implementation of the proposed project, the Southern California Gas Company reviewed the proposed project and provided a correspondence stating the gas facilities in within the service area of the project could be altered or abandoned as necessary without any significant impact to the environment. Impacts during construction and operation of the Project are less than significant. No mitigation measures are either required or recommended.

Telecommunications

The main telecommunication facility providers in the City of Dana Point are AT&T and Cox Communications. The project site and surrounding area are already served by existing telecommunication facilities. No new off-site telecommunication facilities would be required to serve the site, and no new or expanded telecommunication facilities beyond the immediate project are required. As such, impacts during construction and operation of the project are less than significant. No mitigation measures are either required or recommended.

Therefore, implementation of the proposed project would result in a less than significant impact and would not necessitate the construction of new wastewater treatment facilities or an expansion of existing facilities.

b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less Than Significant Impact. 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. Each urban water supplier is required to assess the reliability of their water service during a normal, single dry year and multiple dry years (five consecutive years). The service reliability assessment compares projected supply to projected demand for the three hydrological conditions noted between 2025–2045. Metropolitan's and MWDOC's 2020 Urban Water Management Plans conclude that they can meet full-service demands of their member agencies through 2045 during normal years, single-dry years, and multiple-dry years.[19] SCWD also partakes in various efforts to reduce its reliance on imported water supplies such as increasing the use of local groundwater and recycled water and through conservation measures. Consequently, the SCWD is projected to meet full-service demands through 2045 during normal, single dry year and multiple dry years scenarios. Foreseeable developments including multiple-family residential project with up to 349 units (Victoria Boulevard Apartments EIR) and just west of the United States Interstate 5/ State Highway 1 connector ramp has also recently been assessed and found to have a less than significant impact of the water supply. Given the relatively small increase in demand on the water supply resulting from the proposed project, impacts would be less than significant.

[19] *South Coast Water District 2020 Urban Water Management Plan*, pg. ES-3, accessed March 4, 2024.

c) *Result in a determination by the waste water 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?*

Less Than Significant Impact. According to the SCWD, an existing 12-inch sewer in Camino Capistrano will receive the sewage/wastewater generated by the proposed project. J.B. Latham Treatment Plant in Dana Point receives effluent generated in the area and is a regional facility that is owned and operated by South Orange County Wastewater Authority (SOCWA). SCWD's contracted capacity in this facility is 3.549 million gallons per day (mgd) of the facility total capacity of 13 mgd, and processes and average 6 mgd. The J.B. Latham Treatment Plan treats wastewater generated within Moulton Niguel Water District, Santa Margarita Water District, the City of San Juan Capistrano and South Coast Water District. The proposed 11 unit project is not anticipated to generate significant amounts of wastewater and the SCWD indicated that no expansion of existing facilities is required to support the project. Thus, is anticipated to have a less than significant impact regarding wastewater.

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?*

Less Than Significant Impact. There are three operating landfills in the County of Orange: the Olinda Alpha Landfill, the Frank R. Bowerman Landfill, and the Prima Deshecha Landfill. All three active landfills are permitted as Class III landfills. Class III landfills accept only non-hazardous municipal solid waste for disposal and no hazardous or liquid waste can be accepted. Table 14, Orange County Landfills, summarizes information about these landfills (source: OCgov.com, 2024).

CR&R Incorporated is the franchised trash hauler for the City of Dana Point and it handles all waste and recycling services for the City. (City of Dana Point Solid Waste and Recycling 2024). Solid waste picked up in Dana Point by CR&R is delivered to all three operational landfills in Orange County. Information about each landfill is provided below.

The Olinda Alpha Landfill, located in the City of Brea, accepts municipal solid waste from commercial haulers and the public. The landfill is permitted to receive up to 7,000 tons of waste per day. This landfill is approximately 565 acres with 453 acres permitted for refuse disposal. The Olinda Alpha Landfill opened in 1960 and has a projected capacity to serve residents and businesses until 2030.

The Frank R. Bowerman Landfill, located in the City of Irvine, accepts commercial

waste only. The landfill is permitted to receive a daily maximum of 11,500 tons of waste per day. The landfill is approximately 725 acres with 534 acres permitted for refuse disposal. The Frank R. Bowerman Landfill opened in 1990 and has a projected capacity to serve residents and businesses until approximately 2053.

The Prima Deshecha Landfill, located in San Juan Capistrano, accepts municipal solid waste from commercial haulers and the public. The landfill is permitted to receive up to 4,000 tons of waste per day. This landfill is approximately 1,530 acres with 697 acres permitted for refuse disposal. The Prima Deshecha Landfill opened in 1976 and has a projected capacity to serve residents and businesses until approximately 2102.

Table 14: Orange County Landfills

Landfill Name	Address	Scheduled Date for Closure	Permitted Max. Daily Tonnage	Acres Permitted for Refuse
Olinda Alpha	1942 North Valencia Avenue Brea, CA 92823	2030	7,000	453
Frank R. Bowerman	11002 Bee Canyon Access Road Irvine, CA 92602	2053	11,500	534
Prima Deshecha	32250 La Pata Avenue San Juan Capistrano, CA 92675	2102	4,000	697
Source: Orange County Integrated Waste Management Department (www.oclandfills.com).				

Cal Recycle provides estimated solid waste generation rates for residential developments. Information from Cal Recycle's website was used to estimate the amount of solid waste that would be generated by the proposed 11 unit subdivision. The following disposal rate was used: 12.23 pounds/household/day because it is the highest solid waste generation rate for residential land uses (CalRecycle 2024). This disposal rate was used to calculate the approximate amount of waste the proposed project will generate per unit/per day. With a total of 11 units, the proposed project would generate approximately 135 pounds of solid waste per day. It is anticipated that the Orange County landfills will have enough capacity to accept the project generated waste because the 135 pounds of waste equates to less than one quarter of one percent of the permitted daily maximum tonnage for each of the landfills listed above. Therefore, the project impacts related to landfill capacity are less than significant.

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less Than Significant Impact. The proposed project would generate solid waste that would be stored in refuse containers until picked-up by CR&R Incorporated and transported off-site for recycling and/or disposal. Three containers are provided to each

SFD: one refuse container, one recycle container and one green waste container. CR&R Incorporated empties the containers on a weekly basis (City of Dana Point Solid Waste and Recycling Website, accessed on February 23, 2024). On-site solid waste storage and handling would be required to comply with the City's Municipal Code (Section 6.10.030 Solid Waste Removal and Section 6.10.040 Solid Waste Storage and Collection Locations). These municipal code sections are in place to ensure compliance with applicable State and federal regulations (such as the California Integrated Waste Management Act of 1989, otherwise known as AB 939). AB 939 changed the focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 established mandatory diversion goals of 25 percent by 1995 and 50 percent by 2000. Adherence to the local and state solid waste requirements and standards would ensure that impacts associated with this issue would remain less than significant during construction and operation of the Project. Therefore, the proposed project would result in less than significant impacts regarding regulations related to solid waste.

20. Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. As mentioned is Response 9 (g), the City is not located in or near a State responsibility area (SRA), and the nearest area designated as a very high fire hazard severity zone (VHFHSV) is situated greater than 0.5 mile east, in the cities of San Jua Capistrano and San Clemente. With a portion of the northwest boundary of the City located in a VHFHSV, and the Orange County Fire Authority (OCFA) ember zones in other parts of the City and across from the project site, the City of Dana Point does have a Wildfire Evacuation Zone Program. The Wildfire Evacuation Zone Program designates geographic zones by neighborhood for the purposes of emergency management and orderly evacuation of Dana Point in the event of a wildfire. There are a total of 16 Wildfire evacuation zones throughout the City and the proposed project is in Zone 4 or DPT04.[20] The primary evacuation routes for Zone 4 are northbound Doheny Park Road/Camino Capistrano and Coast Highway that lead the northbound entrance to United States Interstate 5 at the intersection of Stonehill Drive and Camino Capistrano. In the event of an emergency, a particular zone(s) may be

[20] City of Dana Point website: https://www.danapoint.org/department/general-services/emergency-services/evacuation-zones, accessed March 19, 2024.

placed under an evacuation warning or under an evacuation order. However, implementation of the proposed project would not result in any substantial traffic queuing on nearby streets during and post-construction and would not impair or hinder access to the evacuation routes and impacts to an emergency response or evacuation plan would be less than significant.

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?*

Less Than Significant Impact. As stated, a VHFHSV is located more than 0.5 miles from the project site, and an ember zone is located across Via Canon, The project site is steeply sloped and is at the low point of the topography that ascends along both Via Canon and Camino Capistrano before plateauing along Via Verde to the south and Via California to the north. Surrounding the project site are urbanized areas containing residential development similar to that of the proposed project. Adherence to the mandatory obligations of the California Fire Code and OCFA Standards (approval of a fire master plan prior to issuance of grading ensuring water availability and inspections prior to lumber drops, fire sprinklers in the proposed SFDs, landscape irrigation and plant species limits in compliance with OCFA Guideline C-05, Attachment 7), would ensure that on-site wildfire risk is minimized and that, in the unlikely event of a wildfire, the project site contains adequate fire suppression facilities. The Project itself would introduce uses consistent with the surrounding area and therefore would not increase exacerbate wildfire risks as compared to existing conditions and not introduce uses that would exacerbate wildfire risks. Based on these factors, the proposed project would not exacerbate wildfire risks due to slope, prevailing winds, location, and other factors, and would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts during construction and operation of the project would be less than significant and no mitigation would be required.

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?*

Less Than Significant Impact. Although the project would include an internal private roadway typical of residential subdivisions, the project does not include any changes to public or private roadways that would exacerbate fire risk. Although utilities, including water facilities, sewer facilities, storm drain lines, and power lines would be modified and/or extended throughout the project site and in the adjacent Camino Capistrano/Via Canon right-of-way, these improvements would be underground and would not have the potential to exacerbate fire risk.

The installation of project-related utilities and an internal private roadway would not exacerbate fire risk due to the project site's location in a developed area. Furthermore, the improved connectivity of water lines would aid in fire suppression compared to existing conditions on the project site in the unlikely event of a wildfire. Therefore, the project would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Impacts during construction and operation of the project would be less than significant.

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?*

Less Than Significant Impact. As noted in Responses 10 (c)((iv) and (d), the project site is not located in a 100-year flood hazard zone so there would be no significant risk associated with flooding in the unlikely event of a wildfire. Additionally, the proposed project includes the construction of several retaining and shoring walls and 11 SFDs and with proposed earthwork and foundations embedded into bedrock or compacted fill, the potential for landslides or post-fire instability is less than significant as previously noted in Response 7 (c). Additionally, several drainage improvements are proposed as part of the prosed project accounting for stormwater runoff attributed to newly introduced impervious surfaces that will be conveyed to the City's existing storm drain system. Consequently, exposure of people or structures to significant risks from flooding, landslides, runoff, post-fire slope instability or drainage changes would be less than significant, and no mitigation is required.

21. Mandatory Findings of Significance

a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

Less Than Significant Impact. Based on the discussion in Responses 4(a) through 4(f) for Topic 4, Biological Resources, the project would result in less than significant impacts related to habitat, wildlife species, and/or plant and animal communities and would not eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. Additionally, mitigation measures have been proposed to perform a preconstruction biological resources survey to verify the

absence of sensitive species on-site (Mitigation Measure B-1), to perform a nesting bird survey in compliance with the Migratory Bird Treaty Act.

For the reasons stated above, the project would incorporate Mitigation Measure B-1 to reduce impacts to a less than significant level. With incorporation of mitigation (CR-1–CR-2 and GEO-1–GEO-6), construction and operation of the project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The proposed project does not have the potential to significantly degrade the quality of the environment. The City of Dana Point is primarily built-out and the proposed project includes the provision of residential uses, consistent with the goals and objectives of the City's Housing Element. The proposed project will not impact any sensitive nor special status habitat and/or wildlife species.

b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less Than Significant Impact. The project site has no history of development other than the 30-inch Joint Regional Water Supply System transmission main that may have been abandoned during rerouting of the main in 2011. The proposed project has been accounted for in the City's General Plan related to development potential based on maximum density allowed. Although a zone change is proposed, the density of the project site remains unchanged, and 11 dwelling units proposed are less than the 13 that could be developed based on the 1.99-acre parcel under the Residential 3.5-7 Land Use Designation of the project site.

Several past, current, and future projects in the vicinity have been reviewed and were able to be accommodated by public services and utilities and service systems with impacts that were less than significant. The largest and most recent foreseeable project and located nearest to the project site, the Victoria Boulevard Apartments, has been reviewed and all topics associated with cumulative impacts (Air Quality, Energy, Greenhouse Gas Emissions, Population and Housing, Public Services, Recreation, and Utilities and Service Systems), with the exception of the Transportation (required short-term mitigation for a Construction Management Plan during site construction) were found to be less than significant. As discussed in this Initial Study/Mitigated Negative Declaration (IS/MND), all potential project-related impacts can be mitigated to a less

than significant level, and construction and operation of the proposed project would not result in impacts that are cumulatively considerable when evaluated with the impacts of other current projects, or the effects of probable future projects. Therefore, with the incorporation of mitigation measures included in this IS/MND, the Project is not expected to result in cumulatively considerable impacts.

c. *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less Than Significant Impact. Potential impacts related to air quality, noise, and greenhouse gas emissions were determined to be less than significant. As described throughout this document, the proposed project includes various design features and commitments to providing utilities, collection of solid waste that, together with compliance with standard codes and regulations, would reduce potentially adverse impacts on human beings to a less than significant level.

SECTION 4: LIST OF PREPARERS

City of Dana Point – Lead Agency

Principal Planner ..... Kurth B. Nelson III
Principal Civil Engineer ..... Matthew Kunk
Senior Water Quality Engineer ..... Lisa Zawaski
Senior Civil Engineer Senior/Certified Engineering Geologist ..... Brandon Boka

Michael Baker International - Environmental Consultant

Air Quality, Greenhouse Gas Emissions, and Energy Topics

Technical Studies Manager ..... Eddie Torres
Technical Analyst ..... Dennis Dinh
Project Manager ..... Kristen Bogue

Michael Brandman Associates - Environmental Consultant

Section Manager - Biology .....Scott Crawford
Senior Archaeologist - Cultural Resources Technical Report .....Michael Dice

SECTION 5: REFERENCES

California Department of Toxic Substance Control. Website: http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm. Accessed: March 16, 2024.

California Regional Water Quality Control Board San Diego Region. 1994. Water Quality Control Plan for the San Diego Basin. Website: http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/basin_plan/index.shtml. Accessed: March 20, 2024.

CalRecycle. 2024. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates Accessed: March 3, 2024.

Capistrano Unified School District. 2024. Website: https://www.capousd.org/subsites/Facilities/documents/Resolution-2122-63.pdf. Accessed: March 18, 2024.

City of Dana Point Fire Services. 2024. Website: http://www.danapoint.org/index.aspx?page=317. Accessed: March 13, 2024.

City of Dana Point Park. 2024. Website: http://www.danapoint.org/index.aspx?page=170. Accessed: March 13, 2024.

City of Dana Point Public Safety. 2024. Website: https://www.danapoint.org/department/general-services/public-safety Accessed: February 29, 2024.

City of Dana Point Solid Waste and Recycling. 2024. Website: https://www.danapoint.org/department/public-works-engineering/solid-waste-recycling. Accessed: February 23, 2024.

City of Dana Point Utilities. 2024. Website: http://www.danapoint.org/index.aspx?page=346. Accessed: March 4, 2024.

City of Dana Point Utilities. 2024. Website: http://www.danapoint.org/index.aspx?page=346. Accessed: March 5, 2024.

City of Dana Point. 1991. General Plan Conservation/Open Space Element. Page 39, table COS-5. Website: http:www.danapoint.org. Accessed: March 12, 2024.

City of Dana Point. 2024. City of Dana Point WQ Requirements for Development Projects. May. Website: http://www.danapoint.org/index.aspx?page=341#a2. Accessed: March 7, 2024.

City of Dana Point. 2024. City of Dana Point Water Quality Management Plan. May.

City of Dana Point. 2024. Regulations. Website: http://www.danapoint.org/index.aspx?page=458 Accessed: March 7, 2024.

Dana Point Municipal Code.

Earth Systems Southwest. 2006. Geotechnical Engineering Report Multi-Family Residential Development South of Via Canon and Camino Capistrano Dana Point, California. November 17.

Earth Systems Southwest. 2008. Response to City of Dana Point, Geotechnical Report Review Checklist, Proposed Multi-Family Residential Development South of Via Canon and Camino Capistrano, Dana Point, California. May 28.

Earth Systems Southwest. 2008. Response to City of Dana Point, 2"d Review of Geotechnical Report, Proposed Multi-Family Residential Development South of Via Canon and Camino Capistrano, Dana Point, California. August 27.

Lazaruk, M. Community Relations/Recycling Manager, CR&R. Personal communication: correspondence with Margaret Partridge, Assistant Project Manager MBA. June 3, 2010.

Michael Brandman Associates (MBA). 2010. Biological Resources Study Capistrano Hillside Project (TTM16970 / TTM07-01) City of Dana Point, Orange County, California. March 9.

Michael Brandman Associates (MBA). 2010. Cultural Resource Assessment and Paleontological Review: Capistrano Hillside Project (TTM16970 / TTM 07-01) City of Dana Point, California. March 30.

OC Waste & Recycling. 2024. https://www.oclandfills.com/. Accessed: March 15, 2024.

OC Waste & Recycling. 2024. https://oclandfills.com/landfills. Accessed: March 15, 2024.

Orange County Fire Authority (OCFA). 2024. Website: https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#coverage. Accessed: March 15, 2024.