DRAFT ENVIRONMENTAL IMPACT REPORT

DANA POINT HARBOR HOTELS

DANA POINT, CALIFORNIA

LSA

April 2021

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DANA POINT HARBOR HOTELS

DANA POINT, CALIFORNIA

Submitted to:

City of Dana Point
Planning Division
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Prepared by:

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Project No. DPC2001

LSA

April 2021

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TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY 1-1
1.1 Introduction 1-1
1.2 Summary of Location and Setting 1-1
1.3 Summary of Project Description 1-2
1.4 Significant Unavoidable impacts 1-3
1.5 Alternatives 1-3
1.6 Areas of Controversy 1-5
1.7 Summary of Impacts and Mitigation Measures 1-5

2.0 INTRODUCTION 2-1
2.1 Overview and Project Background 2-1
2.2 Purposes and Type of EIR/Intended Uses of the EIR 2-1
2.3 Environmental Review Process 2-3
2.4 Scope of This Draft EIR 2-6
2.5 Effects Found Not to be Significant 2-6
2.6 Format of the Draft EIR 2-13
2.7 Incorporation by Reference 2-15

3.0 PROJECT DESCRIPTION 3-1
3.1 Project Overview 3-1
3.2 Location, Existing Uses, and Site Context 3-1
3.3 Project Characteristics 3-4
3.4 Discretionary Actions and Permits Required 3-11

4.0 EXISTING ENVIRONMENTAL SETTING, ENVIRONMENTAL ANALYSIS, IMPACTS, AND MITIGATION MEASURES 4-1
4.1 Aesthetics 4.1-1
4.2 Air Quality 4.2-1
4.3 Cultural Resources 4.3-1
4.4 Energy 4.4-1
4.5 Geology and Soils 4.5-1
4.6 Greenhouse Gas Emissions 4.6-1
4.7 Hazards and Hazardous Materials 4.7-1
4.8 Hydrology and Water Quality 4.8-1
4.9 Land Use and Planning 4.9-1
4.10 Noise 4.10-1
4.11 public services 4.11-1
4.12 Transportation 4.12-1
4.13 Tribal Cultural Resources 4.13-1
4.14 Utilities and Service SystemS 4.14-1

5.0 ALTERNATIVES 5-1
5.1 Introduction 5-1
5.2 Selection of Alternatives 5-2
5.3 Alternatives Initially Considered But Rejected From Further Consideration 5-5

5.4 Proposed Project 5-6
5.5 Alternative 1: No Project Alternative 5-7
5.6 Alternative 2: Reduced Intensity Alternative 5-12
5.7 Alternative 3: Mixed Use Alternative 5-18
5.8 Identification Of Environmentally Superior Alternative 5-25

6.0 OTHER CEQA CONSIDERATIONS 6-1

6.1 Summary of Significant Unavoidable Impacts 6-1
6.2 Energy Impacts 6-1
6.3 Growth-Inducing Impacts 6-2
6.4 Significant Irreversible Environmental Changes 6-5

7.0 MITIGATION AND MONITORING AND REPORTING PROGRAM 7-1

7.1 Mitigation Monitoring Requirements 7-1
7.2 Mitigation Monitoring Procedures 7-2

8.0 LIST OF PREPARERS AND PERSONS CONSULTED 8-1

8.1 City of Dana Point 8-1
8.2 EIR Preparers 8-1
8.3 Technical Report Preparers 8-1
8.4 Project Applicant 8-3
8.5 Persons Consulted 8-3

9.0 REFERENCES 9-1

APPENDICES

A: Initial Study, Scoping Comments, and Notice of Preparation
B: Biological Resources Memorandum
C: Air Quality and Greenhouse Gas Assessment
D: Cultural Resources Memorandum
E: Energy Consumption Analysis
F: Geotechnical Reports
G: Phase I ESA
H: Sea Level Rise Analysis
I: Preliminary Water Quality Management Plan
J: Noise Impact Assessment
K: Traffic Impact Analysis
L: PA 3 Parking Assessment
M: Native American Consultation
N: Utility and Public Service Letters

FIGURES AND TABLES

FIGURES

Figure 3.1: Regional Location Map 3-13
Figure 3.2: Project Vicinity Map/Aerial Photograph 3-15
Figure 3.3: General Plan Land Uses 3-17
Figure 3.4: Dana Point Harbor Revitalization Plan Planning Area Map 3-19
Figure 3.5: Dana Point Harbor Revitalization Plan 3-21
Figure 3.6: Planning Area 3 Boundary 3-23
Figure 3.7: Preliminary Conceptual Site Plans 3-25
Figure 3.8: Preliminary Dana Point Surf Lodge Elevations 3-29
Figure 3.9: Preliminary Dana House Hotel Elevations 3-33
Figure 3.10: Preliminary Landscape Plans 3-39
Figure 3.11: Preliminary Planting Palette 3-43
Figure 4.1.1: Dana Point Harbor View Corridors 4.1-27
Figure 4.1.2: Headlands Coastal View Opportunities 4.1-29
Figure 4.1.3: Key View Locations 4.1-31
Figure 4.1.4: Key View 1 – View from Dana Point Harbor Drive/Street of the Golden Lantern 4.1-33
Figure 4.1.5: Key View 2a – View from Heritage Park (southeast) 4.1-35
Figure 4.1.6: Key View 2b – View from Heritage Park (south) 4.1-37
Figure 4.1.7: Key View 2c – View from Heritage Park (southwest) 4.1-39
Figure 4.1.8: Key View 3 – View from Street of the Amber Lantern 4.1-41
Figure 4.1.9: Key View 4 – View from Street of the Blue Lantern 4.1-43
Figure 4.1.10: Key View 5 – View from Hilltop Conservation Park 1 ..... 4.1-45
Figure 4.1.11: Key View 6 – View from Hilltop Conservation Park 2 ..... 4.1-47
Figure 4.1.12: Key View 7a – View from Harbor Point Conservation Park 1 ..... 4.1-49
Figure 4.1.13: Key View 7b – View from Harbor Point Conservation Park 2 ..... 4.1-51
Figure 4.1.14: Key View 8 – View from East Dana Island Marina 4.1-53
Figure 4.1.15: Key View 9 – View from Harbor Patrol Station 4.1-55
Figure 4.1.16: Lighting Plan 4.1-57
Figure 4.9.1: Coastal Zone 4.9-5
Figure 4.10-1: Noise Monitoring Locations 4.10-3

TABLES

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance 1-6
Table 2.A: Reapportionment of Development Intensity for PA 3 2-11
Table 3.A: Construction Equipment 3-9
Table 3.B: Non-Discretionary Permits/Approvals 3-12
Table 4.A: Summary of Related Projects 4-4
Table 4.2.A: Attainment Status of Criteria Pollutants in the South Coast Air Basin 4.2-4
Table 4.2.B: Ambient Air Quality Monitored in the Project Vicinity 4.2-5
Table 4.2.C: SCAQMD Air Quality Significance Thresholds 4.2-12

Table 4.2.D: Tentative Project Construction Schedule 4.2-16
Table 4.2.E: Diesel Construction Equipment Utilized by Construction Phase 4.2-17
Table 4.2.F: Unmitigated Short-Term Regional Construction Emissions 4.2-18
Table 4.2.G: Regional Operational Emissions 4.2-19
Table 4.2.H: Construction Localized Impacts Analysis 4.2-20
Table 4.2.I: Long-Term Operational Localized Impacts Analysis 4.2-21
Table 4.4.A: Construction Off-Road Equipment 4.4-8
Table 4.4.B: Off-Road Construction Equipment Diesel Fuel Usage 4.4-9
Table 4.4.C: Construction Worker Vehicle Gasoline Fuel Use 4.4-11
Table 4.4.D: Existing and Estimated Annual Energy Use of Proposed Project 4.4-11
Table 4.6.A: Global Warming Potential for Selected Greenhouse Gases 4.6-3
Table 4.6.B: Regional GHG Construction Emissions 4.6-15
Table 4.6.C: Net New Project Operational Greenhouse Gas Emissions 4.6-16
Table 4.6.D: State 2017 Scoping Plan Consistency Analysis 4.6-18
Table 4.6.E: Southern California Association of Governments Connect SoCal 2020 RTP/SCS Goals 4.6-21
Table 4.6.F: Project Consistency with the City's GHG Emission Reduction Measures 4.6-22
Table 4.6.G: Project Consistency with the City's Harbor Emission Reduction Measures 4.6-23
Table 4.8.A: Water Quality Objectives 4.8-9
Table 4.9.A: Proposed Changes to Dana Point Harbor Revitalization Plan Statistical Table Development Intensity for PA 3 ..... 4.9-18
Table 4.9.B: General Plan Policy Consistency Analysis 4.9-20
Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis 4.9-34
Table 4.10.A: Existing Noise Level Measurements 4.10-5
Table 4.10.B: Existing Traffic Noise Levels- Weekday and Weekend Conditions 4.10-6
Table 4.10.C: Interpretation of Vibration Criteria for Detailed Analysis 4.10-7
Table 4.10.D: Construction Vibration Damage Criteria 4.10-7
Table 4.10.E: County of Orange—Noise Standards 4.10-9
Table 4.10.F: City of Dana Point General Plan Noise Element Interior and Exterior Noise Standards 4.10-10
Table 4.10.G: Typical Maximum Construction Equipment Noise Levels (L_{max}) 4.10-15
Table 4.10.H: Potential Construction Noise Impacts by Phase 4.10-16
Table 4.10.I: Potential Construction Noise Impacts at Nearby Receptors 4.10-17
Table 4.10.J: Existing Weekday Traffic Noise Levels Without and With Project 4.10-19
Table 4.10.K: Existing Weekend Traffic Noise Levels Without and With Project 4.10-20
Table 4.10.L: Year 2025 Weekday Traffic Noise Levels Without and With Project 4.10-21
Table 4.10.M: Year 2025 Weekend Traffic Noise Levels Without and With Project 4.10-22
Table 4.10.N: Summary of HVAC Activity Noise Levels 4.10-23
Table 4.10.O: Vibration Source Amplitudes for Construction Equipment 4.10-25
Table 4.10.P: Summary of Construction Vibration Levels 4.10-26
Table 4.12.A: Existing Conditions Study Intersection Level of Service 4.12-4
Table 4.12.B: Level of Service Methodology 4.12-9
Table 4.12.C: Volume/Capacity Ratio Methodology 4.12-9
Table 4.12.D: Highway Capacity Manual Methodology 4.12-10
Table 4.12.E: Study Intersection Level of Service Targets 4.12-10
Table 4.12.F: Dana Point Harbor Hotels Trip Generation 4.12-14

Table 4.12.G: Existing and Existing Plus Project Intersection Level of Service Summary 4.12-15
Table 4.12.H: Cumulative Project Trip Generation 4.12-21
Table 4.12.I: Cumulative and Cumulative Plus Project Intersection Level of Service Summary .. 4.12-23
Table 4.14.A: Orange County Class III Landfills 4.14-3
Table 4.14.B: Existing Wastewater Generation Volumes at Project Site 4.14-4
Table 4.14.C: Existing Water Demand at Project Site 4.14-5
Table 4.14.D: Water Supply and Demand Projections Comparison Third Dry-Year Scenario (2020–2040) 4.14-5
Table 4.14.E: Water Demand at Project Buildout 4.14-12
Table 4.14.F: Wastewater Generation Volumes at Project Buildout 4.14-14
Table 5.A: Summary of Project Alternatives 5-3
Table 5.B: Comparison of the Environmental Impacts of the Proposed Project to the Project Alternatives 5-26
Table 7.A: Mitigation and Monitoring Reporting Program 7-3

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LIST OF ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
µin/sec	microinch(es) per second
AAQS	ambient air quality standards
AB	Assembly Bill
ACMs	asbestos-containing materials
ADT	average daily trips
afy	acre-feet per year
amsl	above mean sea level
APN(s)	Assessor's Parcel Number(s)
AQMP	Air Quality Management Plan
BACMs	best available control measures
Basin	South Coast Air Basin
Basin	South Coast Air Basin
BAU	business as usual
bgs	below ground surface
BMPs	Best Management Practices
BTU	British Thermal Unit
C&D	Construction and Demolition
C/OS	Conservation/Open Space
CAA	(federal) Clean Air Act
CAAQS	California ambient air quality standards
CAFE	Corporate Average Fuel Economy

CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	California Office of Emergency Services
Cal/OSHA	California Occupational Safety and Health Administration
CalEEMod	California Air Quality Emissions Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
California Register	California Register of Historical Resources
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDMG	California Department of Conservation Division of Mines and Geology
CDP	Coastal Development Permit
CDS	continuous deflective separation
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 19180
CFC	California Fire Code

CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
City	City of Dana Point
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
Coastal Act	California Coastal Act
County	County of Orange
COVID-19	coronavirus
CPUC	California Public Utilities Commission
CTR	California Toxics Rule
CUPA	Certified Unified Program Agency
CUSD	Capistrano Unified School District
CVC	California Vehicle Code
CWA	Clean Water Act
cy	cubic yard(s)
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel
dBA L_{eq}	average A-weighted hourly noise level

DCDA	Double Check Detector Assembly
DOC	California Department of Conservation
DOGGR	State of California Division of Oil, Gas, and Geothermal Resources
DPHCDDP	Dana Point Harbor Planned Community District Development Plan
DPHDR	Dana Point Harbor District Regulations
DPHRP	Dana Point Harbor Revitalization Plan
DPHRP&DR	Dana Point Harbor Revitalization Plan and District Regulations
DPHRP-ZC	Dana Point Harbor Revitalization Plan and District Regulations- Zoning Code
DPZC	Dana Point Zoning Code
DTSC	Department of Toxic Substances
DU	dwelling unit
DUC	Day Use Commercial
DWR	California Department of Water Resources
EDD	Employment Development Department
EIA	(United States) Energy Information Administration
EIR	Environmental Impact Report
EMP	employee
EMS	emergency medical services
EO	Executive Order
EPA	United States Environmental Protection Agency
EPS	Emissions Performance Standard
ESA	Environmentally Sensitive Area
EV	electric vehicle

FAR	Floor Area Ratio
FDC	Fire Department Connections
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
ft	foot/feet
FTA	Federal Transit Administration
GCC	global climate change
GHG	greenhouse gas
GPA	General Plan Amendment
gpd	gallons per day
gpd/ac	gallons per day per acre
GSA	Groundwater Sustainability Agency
GWh	gigawatt-hour
GWP	global warming potential
HA(s)	hydrologic area(s)
HBP	Harbors, Beaches & Parks
HCA	Orange County Health Care Agency
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HCP/NCCP	Habitat Conservation Plan/Natural Community Conservation Plan
HDCP	The Headlands Development and Conservation Plan
HFCs	hydrofluorocarbons

HML	Harbor Marine Land
HMP	Hydromodification Management Plan
HMSS	Hazardous Materials Services Section
HP	horsepower
HSA	hydrologic subarea
HSC	California Health and Safety Code
HU(s)	hydrologic unit(s)
HVAC	heating, ventilation, and air conditioning
I-10	Interstate 10
I-5	Interstate 5
IBC	International Building Code
ICU	intersection capacity utilization
in/sec	inch/inches per seconds
IPCC	Intergovernmental Panel on Climate Change
IS	Initial Study
IS/NOP	Initial Study/Notice of Preparation
ISU	Iowa State University
ITE	Institute of Transportation Engineers
kWh	kilowatt hours
LACM	Natural History Museum of Los Angeles County
LBP	lead-based paint
lbs/day	pounds per day
LCP	Local Coastal Program
LCPA	Local Coastal Program Amendment

L_{dn}	day-night average level
L_{eq}	equivalent continuous sound level
LID	Low Impact Development
L_{max}	maximum instantaneous noise level
LOS	level of service
Low-E	low-emissivity
LST	Localized Significance Threshold
LUE	Land Use Element
LUP	Land Use Plan
LUST/LAST	Leaking Underground and Aboveground Storage Tank
MAR	marine
Marina Inn	Dana Point Marina Inn
MBTA	Migratory Bird Treaty Act of 1918
MC	Marine Commercial
MCE	Maximum Considered Earthquake
mg/L	milligrams per liter
mgd	million gallons per day
mL	milliliter
MLD	Most Likely Descendant
MMT	million metric tons
MMT CO_2e	million metric tons carbon dioxide equivalent
MPAH	Master Plan of Arterial Highways
mpg	miles per gallon
mph	miles per hour

MPO(s)	Metropolitan Planning Organization(s)
MS4	Municipal Separate Storm Sewer System
MT	metric tons
MT CO_2e	metric tons of carbon dioxide equivalent
MT CO_2e/year/SP	metric tons of carbon dioxide equivalent per year per service population
MT/yr	metric tons per year
MUN	Municipal and Domestic Supply
MW	megawatts
M_W	maximum earthquake magnitude
MWD	Metropolitan Water District
MWDOC	Municipal Water District of Orange County
N	nitrogen
N_2O	nitrous oxide
NAAQS	national ambient air quality standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places
NAVD 88	North American Vertical Datum of 1988
NB	northbound
NCCP	Natural Community Conservation Plan
ND	no data available
NEHRP	National Earthquake Hazards Reduction Program
NF_3	nitrogen trifluoride

NFIP	National Flood Insurance Program
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOI	Notice of Intent
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NTU	nephelometric turbidity units
NW	Northwest
O_3	ozone
OC	County of Orange
OC OA/EOC	Orange County and Operational Area Emergency Operations Center
OCFA	Orange County Fire Authority
OCFCD	Orange County Flood Control District
OCSD	Orange County Sheriff's Department
OCTA	Orange County Transportation Authority
OCWR	Orange County Waste & Recycling
OPR	(Governor's) Office of Planning and Research
P	phosphorus
PA(s)	Planning Area(s)
PCBs	polychlorinated biphenyls
PCH	Pacific Coast Highway, also State Route 1 (SR-1)
PFCs	perfluorocarbons
PGA	peak horizontal ground acceleration

pH	potential of hydrogen
Phase I ESA	Phase I Environmental Site Assessment
PIV	post indicator valve
PM_{10}	particulate matter less than 10 microns in size
$PM_{2.5}$	particulate matter less than 2.5 microns in size
PMP	Parking Management Plan
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1970
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PRDs	Permit Registration Documents
Project Applicant	R.D. Olson Development
proposed project	Dana Point Harbor Hotels Project
RCMs	Regulatory Compliance Measures
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act of 1976
REC	recognized environmental conditions
REC1	Contact Water Recreation
REC2	Non-contact Water Recreation
RHNA	Regional Housing Needs Assessment
RMS	root-mean-square
ROGs	reactive organic gases
RPS	Renewables Portfolio Standard
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy

RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SB	Senate Bill
SB	southbound
SC	Standard Condition
SCA	Standard Condition of Approval
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCH	State Clearinghouse
SCWD	South Coast Water District
SDG&E	San Diego Gas and Electric
sec	seconds
SEMS	Standardized Emergency Management System
sf	square foot/feet
SF_6	sulfur hexafluoride
SGMA	Sustainable Groundwater Management Act
SHELL	shellfish harvesting
SHMA	Seismic Hazard Mapping Act
SHPO	State Historic Preservation
SIPs	State Implementation Plans
SLF	Sacred Lands File
SMARTS	Stormwater Multiple Application and Report Tracking System
SO_2	sulfur dioxide

SoCalGas	Southern California Gas Company
SOCWA	South Orange County Wastewater Authority
SOG	slab-on-grade
SO_X	sulfur oxides
SP	service population
SR-1	State Route 1, also Pacific Coast Highway or PCH
SRA	Source Receptor Area
State CEQA Guidelines	Guidelines for the California Environmental Quality Act
SUVs	sport utility vehicle
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDS	total dissolved solids
TGD	Technical Guidance Document
TIA	*Traffic Impact Analysis for the Dana Point Harbor Hotels, Dana Point, Orange County, California*
TMDL	Total Maximum Daily Load
tpd	tons per day
TSCA	Toxic Substance and Control Act
TSF	thousand square foot/feet
UBC	Uniform Building Code
UNFCCC	United Nations Framework Convention on Climate Change
USC	United States Code
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service

USGS	United States Geologic Service
UWMP	Urban Water Management Plan
v/c	volume-to-capacity
V/RC	Visitor/Recreation Commercial
VdB	vibration velocity decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOC	volatile organic compound
VRF	variable refrigerant flow
VSC	Visitor Serving Commercial
WDID	Waste Discharge Identification
WQMP	Water Quality Management Plan
WRCC	Western Regional Climate Center
WRRP	Waste Reduction and Recycling Plan
ZE	zero emission
ZEVs	zero emission vehicles
ZNE	zero net energy
ZTA	Zone Text Amendment

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1.0 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that local government agencies, before taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An Environmental Impact Report (EIR) is a public document designed to provide both the public and local and State governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

This Executive Summary has been prepared according to *State CEQA Guidelines* Section 15123 for the Draft EIR for the proposed Dana Point Harbor Hotels Project (proposed project). This Draft EIR has been prepared for the City of Dana Point (City) to analyze the proposed project's potential impacts on the environment; to propose mitigation measures for identified potentially significant impacts that would minimize, offset, or otherwise reduce or avoid those environmental impacts; and to discuss alternatives that could reduce the potentially significant impacts of the proposed project.

1.2 SUMMARY OF LOCATION AND SETTING

The proposed project is located on an approximately 10-acre site (project site) in Dana Point, which is located in the southwest portion of Orange County, California. The City encompasses approximately 29.5 square miles of land (approximately 18,880 acres) within Orange County. The City is bounded by the City of San Juan Capistrano on the northeast, the Cities of Laguna Niguel and Laguna Beach on the northwest, the City of San Clemente on the east, and the Pacific Ocean on the south and west. Roughly 2,158 acres of the City lie within the Local Coastal Zone (Coastal Overlay District), including the project site.

Regional access to the project site is provided by Pacific Coast Highway (PCH, also known as State Route 1 or SR-1) and Interstate 5 (I-5). PCH runs in a northwest to southeast direction through the City and is located approximately 0.3 mile north of the project site. I-5 runs through the eastern portion of the City and is located approximately 1.3 miles northeast of the project site. Access to the project site is provided from Dana Point Harbor Drive and Casitas Place.

The project site is primarily comprised of three legal lots (consisting of Assessor's Parcel Numbers [APNs] 682-022-01 – 682-022-08, and a portion of 682-022-16) located within Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) Planning Areas (PAs) 2 and 3. Improvements are also planned within the public right-of-way along Island Way (PA 4), and Dana Point Harbor Drive (PA 3) and include new landscaping and loading zones. Improvements in a small portion of PA 2, just south of the termination of Casitas Place, include the eastern portion of Dana House Hotel's podium structure, the adjacent Festival Plaza, and a small portion of the Pedestrian Promenade along the East Cove Marina bulkhead in the Commercial Core, are also part of the proposed project.

Surrounding land uses include Heritage Park located to the north, restaurant and retail uses to the east, and marina uses located south, east, and west of the project site. Additionally, a plaza containing commercial uses is located northeast of the project site and single-family residential uses are located north of the project site on the other side of Heritage Park, above the coastal bluff.

The project site is generally bounded on the north by Dana Point Harbor Drive, to the west by Island Way, to the east by Casitas Place and restaurant, retail, and marina uses, and to the south by Dana Point Harbor waters and boat docks. In the existing condition, the project site is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking on the southern portion of the project site. Access is currently provided to the project site from Dana Point Harbor Drive to the northeast and from Casitas Place to the east.

1.3 SUMMARY OF PROJECT DESCRIPTION

The project site encompasses approximately 10 acres and includes development within PAs 2, 3, and 4 of the DPHRP&DR Planning Areas as described above. Within these planning areas, the proposed project involves the demolition of the existing Dana Point Marina Inn (Marina Inn), two boater service buildings, and parking areas on the project site, and includes the development of two hotels, one of which would include space for boater services, associated ancillary uses, and designated boater and hotel parking. The existing Marina Inn, boater service buildings, and associated parking compromise approximately 9.16 acres of the 10-acre project site. Also included in the proposed project are associated infrastructure improvements necessary to facilitate pedestrian and vehicular access to and from the project site, landscaping improvements, and utility upgrades. Refer to Figure 3.7, Preliminary Conceptual Site Plans, in Chapter 3.0, Project Description, of this EIR, for the location of the proposed improvements on the project site.

The proposed Dana Point Surf Lodge would consist of a four-story, approximately 56,896-square-foot (sf) structure providing 139 guest rooms on the western portion of the project site. Dana Point Surf Lodge would be a lower-cost overnight accommodation hotel. The proposed Dana Point Surf Lodge would also include a lobby area, business areas, bars, lounges, outdoor dining area, communal kitchen, a fitness center, a pool and recreation center, accessory retail space, and guest laundry. The proposed Dana House Hotel would consist of a four-story, approximately 125,026 sf structure that includes a partially buried lower level, and four floors providing 130 market-rate hotel rooms. The partially buried lower level, referred to as the structural podium level, would be accessible for parking and other uses and would support the four floors of hotel rooms and amenities. Other amenities provided at Dana House Hotel would include lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space. Additionally, approximately 6,800 sf of floor space on the partially-buried podium level would replace the existing PA 3 boater service buildings slated for demolition. This total 6,800 sf of floor area would include approximately 3,800 sf dedicated to ancillary space for boaters (i.e., showers, lockers, laundry, and vending machines), with the remaining 3,000 sf dedicated to marina office/meeting space.

The proposed hotels would include landscaped open space areas and walking paths. Sidewalks and landscaping would surround the proposed hotels, providing access from the parking lots and harbor, to the building entry points. The proposed project would also include on and off-site landscaping improvements on each side of Casitas Place, adjacent to and in the median of Dana Point Harbor Drive (within PA 3), and off-site loading zones and landscape improvements to the area west of Dana Point Surf Lodge and on each side of Island Way (within PA 4). The proposed sidewalks would provide public access from the rights-of-way to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site.

See Chapter 3.0, Project Description, for a complete description of the project components.

1.4 SIGNIFICANT UNAVOIDABLE IMPACTS

As described in Chapter 4.0, Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures, the proposed project would not result in significant unavoidable adverse impacts related to aesthetics; air quality; cultural resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; public services; transportation; tribal cultural resources; or utilities and service systems. Also, Chapter 4.0 includes proposed mitigation measures for potentially significant impacts for aesthetics; air quality; geology and soils; hazards and hazardous materials; and public services to ensure that no significant, adverse effects on the environment would occur. In addition, as described in Chapter 2.0, Introduction, the project would have no impacts related to agricultural resources; biological resources; mineral resources; population and housing; recreation; and wildfire. The proposed project would not result in any significant and unavoidable impacts.

1.5 ALTERNATIVES

The following alternatives to the proposed project were selected for consideration, and include the No Project Alternative as required by CEQA:

1.5.1 Alternative 1: No Project Alternative

CEQA requires analysis of a "No Project" alternative. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. According to *State CEQA Guidelines* Section 15126.6(e)(3)(C), the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Alternative 1 would involve no changes to the existing land uses and conditions on the project site. Under this alternative, no new development on the project site would be proposed, and therefore, no development would occur and the existing project site would remain in its current condition. The No Project Alternative would allow for the existing project site to remain developed with the Marina Inn, existing boater service buildings and the existing designated boater parking areas into the foreseeable future.

The No Project Alternative would be environmentally superior to the proposed project on the basis of the reduced physical impacts that would occur with this alternative. The No Project Alternative would have the least impact on the environment because it would not require the construction and operation of the development areas included in the proposed project. While the No Project Alternative would lessen or avoid impacts of the proposed project, the beneficial impacts of the proposed project—including the provision of both affordable and market-rate overnight accommodations that provide visitor-serving commercial uses for Dana Point Harbor and the City—would not occur, and none of the project objectives (as discussed in Chapter 3.0, Project Description) would be met.

1.5.2 Alternative 2: Reduced Intensity Alternative

Alternative 2 would involve the development of a hotel use on the project site at a reduced intensity compared to the proposed project. The Reduced Intensity Alternative involves the replacement of the Marina Inn with Dana Point Surf Lodge and the elimination of the top floor of the proposed Dana House Hotel (overall reduction of 30 rooms). Boater service facilities would be provided in Dana House Hotel, similar to the proposed project. The Reduced Intensity Alternative would have the same basic building footprint, architecture, open space areas, and vehicular access as the proposed project, but one less floor of guest rooms. The development associated with this alternative would include the demolition of the existing structures. This alternative would be consistent with the existing land use designation and zoning districts of the project site. The Reduced Intensity Alternative would meet all the project objectives; however, these objectives would be met to a lesser degree than the proposed project due to the reduced number of hotel rooms, and resulting reduced development potential and economic benefits.

1.5.3 Alternative 3: Mixed Use Alternative

Alternative 3 would involve the development of hotel and retail/restaurant uses on the project site. The Mixed Use Alternative involves the replacement of Dana House Hotel with approximately 25,000 sf of retail and restaurant space and the construction of Dana Point Surf Lodge as proposed under the proposed project. Boater service facilities would be provided at Dana Point Surf Lodge. The development associated with this alternative would include the demolition of the existing structures. This alternative would be consistent with the existing land use designation and zoning districts of the project site. The Mixed Use Alternative would not meet the goal of developing two hotels offering a mix of market-rate and affordable overnight accommodations accessible to a range of income levels. In addition, the Mixed Use Alternative would not meet the goal of developing a project that balances the development potential of the project site with environmental considerations, as the full potential of overnight accommodations would not be developed as anticipated in accordance with the pending Zone Text Amendment and Local Coastal Program Amendment proposed for PA 3 in conjunction with the revitalization of Dana Point Harbor. Therefore, the Mixed Use Alternative would meet some of the project objectives, but to a lesser extent than the proposed project.

1.6 AREAS OF CONTROVERSY

Pursuant to *State CEQA Guidelines* Section 15123, this EIR acknowledges the areas of controversy and issues to be resolved that are known to the City or that were raised during the scoping process. A Notice of Preparation (NOP) for an EIR was circulated and public comments on the Initial Study were solicited for a period of 32 days, starting on September 25, 2020, and ending on October 26, 2020. A scoping meeting was held on October 7, 2020. Major issues and concerns raised during the NOP process included: (1) recommendations requesting the air quality analysis follow South Coast Air Quality Management District (SCAQMD) guidance for air quality analysis; (2) recommendations for consultation with Native American tribes regarding the potential for tribal cultural resources on the project site; (3) concerns regarding the impacts to facilities owned and operated by the South Coast Water District (SCWD); (4) recommendations that the EIR discuss multimodal mobility and transit connectivity; (5) recommendations that the EIR discuss the project's consistency with the City's Regional Housing Needs Assessment (RHNA); (6) suggestions from the Orange County Fire Authority (OCFA) for compliance with applicable safety codes and regulations; (7) recommendations for the vehicle miles traveled (VMT) analysis to include impacts to roadway segments and intersections included in the Orange County Transportation Authority (OCTA) Congestion Management Program (CMP); (8) recommendations that the development is consistent with the Orange County Master Plan of Arterial Highways (MPAH); (9) recommendations that the traffic analysis consider impacts to State Route 1 (SR-1) and Interstate 5 (I-5); and (10) recommendation that emergency access be addressed in the EIR. Please note that these are not exhaustive lists of areas of controversy, but rather key issues that were raised during the scoping process and public review period preceding the preparation of the Draft EIR.

This Draft EIR addresses each of these areas of concern or controversy in detail, examines project-related and cumulative environmental impacts, identifies significant adverse environmental impacts, and proposes mitigation measures designed to reduce or eliminate potentially significant impacts of the proposed project.

1.7 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table 1.A, below, identifies the potential environmental impacts, proposed mitigation measures, and level of significance after mitigation is incorporated into the proposed project. Table 1.A also identifies cumulative impacts resulting from the proposed project. Environmental topics addressed in this Draft EIR include Aesthetics, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Mandatory Findings of Significance.

Refer to Chapter 2.0, Introduction, of this Draft EIR for a discussion of additional effects found not to be significant through the NOP process (e.g., Agricultural Resources, Biological Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire).

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.1: Aesthetics		
Threshold 4.1.1: Would the project have a substantial adverse effect on scenic vista? **Less Than Significant Impact.** The City of Dana Point's (City) General Plan describes various Scenic Overlooks from Public Lands, which includes locations on the coastal bluffs north of Dana Point Harbor Drive and the Headlands located west of the project site. These locations provide panoramic views of the Pacific Ocean and Dana Point Harbor. In addition, scenic View Corridors are identified in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) with public vantage points along Dana Point Harbor Drive, the coastal bluffs, the Headlands, and Doheny State Beach, and are therefore also considered scenic vistas. Although construction activities may temporarily disrupt views of the marina, Dana Point Harbor, and the Pacific Ocean from these scenic vistas, prior to the start of construction and as part of the Coastal Development Permit Application, the Project Applicant will prepare and submit a Construction Phasing and Construction Management Parking Plan for review and approval by the City prior to project approval. This Plan will identify the location of all construction staging areas, temporary access routes and parking areas. In addition, screened construction fencing will be provided to minimize the visual impacts of construction activity from Dana Point Harbor Drive, other adjacent roadways, and surrounding Harbor areas. Implementation of the proposed project would partially obstruct/block views of the boats in the marina and Dana Point Harbor from limited locations on nearby roads and sidewalks. In addition, views from Heritage Park of a small portion of the East Marina would be partially blocked. However, the proposed project would include architectural design elements that would reduce massing on the Harbor-side building frontages thereby minimizing any view loss and enhancing the visual character from the Heritage Park scenic	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
vista. These design elements would preserve views of Dana Point Harbor through the use of interlocking massing and stepped terraces. The proposed height and massing of the proposed development would not significantly impact views from the scenic vistas described above, and the overall scale of the proposed project and would not preclude, impair, or inhibit existing views of the Pacific Ocean, shoreline, or Dana Point Harbor. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista, and no mitigation is required.		
Threshold 4.1.3: In non-urbanized areas, would the project 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 a 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.** During demolition, grading, and construction activities, the on-site construction area would be surrounded by temporary construction fencing thereby minimizing potential visual impacts to adjacent roadways and the visual Harbor surroundings during construction. In addition to the demolition activities noted above, implementation of the proposed project includes the development of two hotels, including boater services in one hotel, ancillary uses, and designated boater and hotel parking. Therefore, the proposed project would not change the nature of the site as a commercial development. The proposed structures would be consistent with the California Coastal design theme outlined in the DPHRP&DR intended to unify the entire Dana Point Harbor. The DPHRP&DR also includes regulations on building heights and setbacks. The proposed project would adhere to these height requirements, and would ensure the proposed hotels would not obstruct views of the	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Harbor, the Pacific Ocean, the California coastline, or the Headlands from scenic vistas or public vantage points. Though the proposed project would be consistent with the allowable uses for the site as provided in the DPHRP&DR, the proposed project would require a Zone Text Amendment/Local Coastal Program Amendment (ZTA/LCPA) to address an increase in number of hotels and hotel rooms and reapportionment of other land use categories within Planning Area (PA) 3. Therefore, while the commercial nature of the development would not change, the visual character of the project site would change due to the additional hotel development. However, for the reasons described above, the proposed project design would not conflict with the applicable zoning regulations (the DPHRP&DR) governing scenic quality. Therefore, while the proposed project would permanently alter the visual conditions of the project site and its surroundings, no significant impacts or complete obstructions of any views from the aforementioned view locations would occur, and no mitigation is required.		
Threshold 4.1.4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **Less Than Significant Impact with Mitigation Incorporated.** Construction activities related to the proposed project would occur only during daylight hours in compliance with Standard Condition 4.10-1; therefore, artificial light associated with construction activities would not significantly impact adjacent light-sensitive uses nor substantially alter the character of light and glare in off-site areas surrounding the construction area. The proposed project would include lighting on facades for both proposed hotels, pedestrian walkways and stairways, landscaping, festoon lighting for common outdoor areas, and parking lots. The proposed lighting would be similar to the existing parking lot, and pedestrian lighting and lighting on the exterior of the existing Marina Inn and boater service buildings.	See **Standard Condition 4.10-1: Construction Noise,** below. **EIR No. 591 Mitigation Measure 4.2-4:** Prior to the issuance of a building permit, an Exterior Lighting Plan (including outdoor recreation areas) for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the County of Orange Dana Point Harbor Department.	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
The proposed lighting plan includes low-intensity lighting with minimal spillover and would not impact adjacent land uses. Materials uses for building construction would be non-reflective and low e-glazing would be utilized to reduce potential impacts related to glare. Implementation of the specific shielded lighting, downward directed lighting, and e-glazing to minimize light and glare would substantially reduce potential impacts; however, the proposed project would also be required to comply with Mitigation Measure 4.2-4 from EIR No. 591, which requires development of a lighting plan ensuring adequate security lighting while minimizing any lighting impacts on adjacent uses. Therefore, the proposed project would have a less than significant impact with regard to light and glare in the project area with implementation of Mitigation Measure 4.2-4 from EIR No. 591.		
Cumulative Aesthetic Impacts. **Less Than Significant Impact.** None of the cumulative related projects identified in Chapter 4.0 of this Draft EIR would be located adjacent to the project site, except for the development associated with the Dana Point Harbor Revitalization Plan (DPHRP). Development associated with the Harbor was analyzed in the Dana Point Harbor Revitalization Programmatic EIR, which concluded cumulative impacts to aesthetics would be less than significant. Specific development proposals for the Dana Point Harbor area would also undergo project-specific environmental analysis and CEQA clearance. Therefore, the proposed project, when considered in conjunction with these projects, would not have the potential to cumulatively contribute to an increase of nighttime lighting within the project vicinity. In addition, because the project site is located in a developed area and is consistent with the style, massing, and character of proposed surrounding development, the contribution of the proposed project to potential cumulative aesthetics impacts in the City is considered less than cumulatively significant, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.2: Air Quality		
Threshold 4.2.1: Would the project conflict with or obstruct implementation of the applicable air quality plan? **Less Than Significant Impact.** Projects are considered consistent with and would not conflict with or obstruct implementation of the Air Quality Management Plan (AQMP) when they do not increase the frequency or severity of an air quality standards violation or cause a new violation, and when they are consistent with the growth assumptions in the AQMP. The proposed project would result in short-term construction and long-term operational criteria pollutant emissions that are less than the significance thresholds set forth by the South Coast Air Quality Management District (SCAQMD). The proposed project would not result in any air quality violations and is consistent with the land use designation and zoning classifications. Therefore, impacts related to the conflict with or obstruction of implementation of the AQMP would be less than significant, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.
Threshold 4.2.2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? **Less Than Significant Impact.** Construction of the proposed project would not result in any exceedances of any criteria pollutant. In addition, construction equipment/vehicle emissions during construction periods would not exceed any of the SCAQMD established daily emissions thresholds for which the project region is nonattainment under the California ambient air quality standards (CAAQS) or national ambient air quality standards (NAAQS). Standard Conditions 4.2-1 through 4.2-3 require compliance with SCAQMD standard conditions, including Rule 402 (Nuisance) to control nuisance emissions, Rule 403 (Fugitive Dust) to control fugitive dust, and Rule 1113 (Architectural Coatings) to control VOC emissions from paint.	No mitigation is required. **Standard Condition 4.2-1: South Coast Air Quality Management District (SCAQMD) Rule 402, Nuisance.** This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Compliance with SCAQMD standard conditions are regulatory requirements, not mitigation, and were considered in the analysis of construction emissions. Therefore, the proposed project would not exceed the SCAQMD construction emissions thresholds and short-term (construction) air quality impacts would be less than significant. No mitigation is required. The net increased emission results during operation of the proposed project would not exceed the corresponding SCAQMD daily emission thresholds for any criteria pollutants. While the project would result in the increased emissions of criteria pollutants, emissions during operation of the proposed project would not exceed the thresholds of significance for any criteria pollutants for which the project region is nonattainment under the CAAQS or NAAQS. Therefore, operational emissions for the proposed project would have a less than significant impact, and no mitigation is required.	**Standard Condition 4.2-2: SCAQMD Rule 403, Fugitive Dust.** The Project Applicant shall ensure the Construction Contractor implements fugitive dust control measures in compliance with SCAQMD Rule 403. The Project Applicant shall include the following fugitive dust control measures for SCAQMD Rule 403 compliance in the project plans and specifications: • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour (mph) per SCAQMD guidelines in order to limit fugitive dust emissions. • The Construction Contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project site are watered, with complete coverage of disturbed areas, at least three (3) times daily during dry weather and preferably mid-morning, afternoon, and after work is done for the day. • The Construction Contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 mph or less. **Standard Condition 4.2-3: SCAQMD Rule 1113.** The Project Applicant shall ensure the Construction Contractor implements measures to control volatile organic compound (VOC) emissions from architectural coatings in compliance with SCAQMD Rule 1113. The Project Applicant shall include the following control measures for SCAQMD Rule 1113 compliance in the project plans and specifications:	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	• Only "Low-Volatile Organic Compounds" paints (no more than 50 grams/liter of VOC) shall be used.	
Threshold 4.2.3: Would the project expose sensitive receptors to substantial pollutant concentrations? **Less Than Significant Impact.** The proposed project would introduce criteria pollutants and fugitive dust into the air during the short-term construction period. Operation of the proposed project would also generate criteria pollutant air emissions through operational vehicle trips from patrons, employees, and deliveries, as well as stationary source emissions, which include landscaping, lighting, HVAC, appliances, and other operational uses. The nearest sensitive receptors would be patrons to Heritage Park located approximately 31 meters (103 feet) north of the project boundary. Based on the SCAQMD Localized Significance Thresholds (LSTs), the proposed project would not result in a significant level of exposure to sensitive receptors during short-term project construction or long-term operation. In addition, based on the CO concentrations in the project area, project-related vehicles are not expected to contribute significantly to CO concentrations exceeding the State or federal CO standards. Because no CO hot spots would occur, there would be no project-related impacts related to CO concentrations. No mitigation is required. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant. No mitigation is required.	No mitigation is required.	Less Than Significant Impact.
Cumulative Air Quality Impacts. **Less Than Significant Impact.** The proposed project's construction- and operation-related regional daily emissions are less than the SCAQMD significance thresholds for all criteria pollutants. In addition, adherence to SCAQMD rules and regulations on a project-by-project basis would substantially reduce potential impacts associated with the related cumulative	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
projects and basin-wide air pollutant emissions. Therefore, the proposed project would not have a cumulatively considerable increase in emissions, and the proposed project's cumulative air quality impacts would be less than significant.		
4.3: Cultural Resources		
Threshold 4.3.2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? **Less Than Significant Impact.** Aerial photographs and historic maps demonstrate that the project site was located offshore before construction of the harbor, and would have been constructed using imported sediments, which would not contain subsurface archaeological cultural resources. Given that the project site was constructed using imported sediments, the likelihood of encountering intact subsurface archaeological cultural resources during ground-disturbing construction activities is low. However, based on consultation with the Juaneño Band of Mission Indians Acjachemen Nation there is the potential for tribal cultural resources and other archaeological resources to be present within the artificial fill on site, based on the origin of the fill material. The monitoring requirements from Program EIR No. 591 (Standard Condition of Approval 4.11-1 [SCA 4.11-1]) would be required for the proposed project as provided in Standard Condition 4.3-2. Therefore, impacts related to this issue are considered less than significant.	No mitigation is required. **Standard Condition 4.3-2: Cultural Resource Monitoring.** Prior to issuance of any grading permit, the Project Applicant shall provide written evidence that a County-certified archaeologist and Native American monitor have been retained to observe grading activities within areas where artificial fill may be disturbed and to salvage and catalogue archaeological and 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 County of Orange and the City of Dana Point. If archaeological or tribal cultural resources are found to be significant, the archaeologist shall determine appropriate	Less Than Significant Impact

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	actions, in cooperation with OC Parks, the State Office of Historic Preservation (SHPO), and City of Dana Point, for exploration and/or salvage. The Project Applicant shall obtain approval of the archaeologist's follow-up report from the Director of OC Parks. 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 County of Orange, 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 Director of OC Parks.	
Cumulative Cultural Resources Impacts. **Less Than Significant Impact.** Potential impacts of the proposed project to unknown cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the City of Dana Point, could contribute to a cumulatively significant impact due to the overall loss of archaeological artifacts and cultural resources unique to the region. However, each development proposal received by the City is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts to archaeological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant.	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.4: Energy		
Threshold 4.4.1: Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? **Less Than Significant Impact.** Construction worker trips would consume an estimated 28,612 gallons of gasoline. This would represent a small percentage of the annual gasoline consumption in Orange County. Impacts related to energy use during construction would be temporary and would be relatively small in comparison to Orange County's overall usage and the State's available energy sources. Energy use consumed during operation of the proposed project would be associated with electricity consumption and gasoline to fuel project-related vehicle trips. The project's natural gas demand would result in a net decrease compared to existing uses, and the project's electricity usage demand would total less than 0.0003 percent of the electricity generated in the State of California in 2020. The proposed project would result in an increase in vehicle miles traveled (VMT), and would also result in an increase in gallons of gasoline per year for vehicle trips. However, new automobiles purchased by employees and visitors driving to and from the project site would be subject to fuel economy and efficiency standards applied throughout the State. As such, the fuel efficiency of vehicles associated with the project site would increase throughout the life of the project. Therefore, implementation of the proposed project would not result in a substantial increase in transportation-related energy uses. Impacts related to energy use during construction and operation would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, project impacts would be less than significant and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Threshold 4.4.2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? **Less Than Significant Impact.** Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact on regional energy supplies would be minor, the proposed project would not conflict with or obstruct California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report. The proposed project would be required to comply with the California Building Code (CBC) and the California Green Building Standards Code (CALGreen Code) pertaining to energy and water conservation standards in effect at the time of construction plan check submittal to the County of Orange and as applicable during construction of the project. Therefore, the proposed project would be consistent with applicable plans related to renewable energy and energy efficiency. Impacts would be less than significant, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.
Cumulative Energy Impacts. **Less Than Significant Impact.** The proposed project would result in an increased services demand in electricity and natural gas. Although the proposed project would result in a net increase in electricity usage, this increase would not require SDG&E to expand or construct infrastructure that could cause substantial environmental impacts. Additionally, it is anticipated that SoCalGas would be able to meet the natural gas demand of the proposed project and related projects in their service area without additional facilities. Furthermore, the proposed project's percent of cumulative electricity and natural gas consumption would be negligible, and there are sufficient planned natural gas and electricity supplies in the region for the estimated increases in energy demands. Therefore, the proposed project's contribution to impacts related to the inefficient, wasteful, and unnecessary consumption of energy would not be cumulatively considerable, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.5: Geology and Soils		
Threshold 4.5.1(ii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking? **Less Than Significant with Mitigation Incorporated.** The project site is subject to strong ground motion resulting from earthquakes on nearby faults, including the Newport-Inglewood Fault and the San Joaquin Hills Fault. During an earthquake along any of these faults, seismically induced ground shaking would be expected to occur. Mitigation Measures 4.5-1 and 4.5-2 require the Project Applicant to comply with the recommendations of the Preliminary Geotechnical Investigation, Geotechnical Review, and the most current California Building Code (CBC), which provides seismic design recommendations that shall be implemented with project design and construction. With implementation of Mitigation Measures 4.5-1 and 4.5-2, potential project impacts related to seismic ground shaking would be reduced to a less than significant level.	**Mitigation Measure 4.5-1: Incorporation of and Compliance with the Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review.** All grading operations and construction on the project site shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Investigation (GMU 2019a), the *Response to City of Dana Point Geotechnical Report Review* (GMU 2019b) the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (GMU 2020), and the Geotechnical Review (Ninyo & Moore 2020). Design, grading, and construction shall be performed in accordance with the requirements of the City of Dana Point (City) Municipal Code, County of Orange (County) Codes, and the California Building Code (CBC) applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project Geotechnical Consultant as summarized in a final written report. All grading and construction documents shall be subject to review by the Director of the County Public Works Department, or designee, prior to commencement of grading activities. Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review include, but are not limited to, the following topics: • Clearing and Grubbing • Remedial Grading • Foundation Design (either Mat Founds or	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	Geopiers/Equivalent Gravel Piers) • Appurtenant Structures/Retaining Walls • Screen Walls • Vehicular Pavement • Flatwork/Hardscape/Pedestrian Pavers • Geogrid Reinforced Fill Slopes • Temporary Excavations • Shoring • Lateral Spreading • Pole Foundations • Structural Concrete • Ferrous Metal Corrosion • Trench Backfill **Final Design-Level Geotechnical Report.** Additional site testing and evaluation shall be conducted by the project Geotechnical Consultant to refine and enhance these recommendations during the final design phase. A corrosion engineer shall be consulted to perform more detailed testing and develop appropriate mitigation measures (if necessary). Grading plan review shall also be conducted by the Geotechnical Consultant and the Director of the County Public Works Department, or designee, prior to the start of grading to verify that the recommendations provided in the final design-level geotechnical report have been appropriately incorporated into the project plans. Final design shall be based on testing and analyses of the near-surface soils following the completion of grading. Design, grading, and construction shall be conducted in accordance with the specifications of the Geotechnical Consultant as summarized in a final report based	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	on the California Building Code (CBC) applicable at the time of grading and building and the County Municipal Code. On-site inspection during grading shall be conducted by the Geotechnical Consultant and the Director of the County of Public Works Department to ensure compliance with geotechnical specifications as incorporated into project plans. **Mitigation Measure 4.5-2: California Building Code Compliance and Seismic Standards.** Structures shall be designed in accordance with the seismic parameters presented in the 2019 CBC. Prior to issuance of building permits for planned structures, the project Geotechnical Consultant and the Director of the County Public Works Department, or designee, shall review building plans to verify that structural design conforms to the recommendations of the CBC.	
Threshold 4.5.1(iii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction? **Less Than Significant with Mitigation Incorporated.** The project site is located within a zone of required investigation for liquefaction as shown on the Seismic Hazard Zone Map for the Dana Point Quadrangle. In addition, testing performed as part of the Preliminary Geotechnical Investigation found that soils on the site would likely liquefy during an earthquake. Mitigation Measures 4.5-1 and 4.5-2 require the Project Applicant to comply with the recommendations of the Preliminary Geotechnical Investigation, the Geotechnical Review, and the most current CBC, which stipulate appropriate design provisions (including provisions related to foundation design) and for additional investigation and analysis during the final design	Refer to Mitigation Measures 4.5-1 and 4.5-2, above.	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
phase that shall be incorporated into project design and construction. With implementation of Mitigation Measures 4.5-1 and 4.5-2, potential project impacts related to seismically induced ground failure, including liquefaction, would be reduced to a less than significant level.		
Threshold 4.5.1(iv): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: landslides? **Less Than Significant Impact.** According to the Preliminary Geotechnical Investigation, no landslides or related features underlie the project site. In addition, the proposed project would not introduce a new land use that would expose people or structures to hazards for potential landslides that may occur as a result of seismic activity at the adjacent coastal bluffs. Based on the distance between the coastal bluffs and the project site, and the nature of the development of the proposed hotels on a previously developed site, neither construction nor operation of the proposed project would cause potential substantial adverse effects including loss, injury, or death involving landslides. Impacts related to seismically induced landslides would be less than significant.	No mitigation is required.	Less Than Significant impact.
Threshold 4.5.2: Would the project result in substantial soil erosion or the loss of topsoil? **Less Than Significant impact.** During construction activities, soil would be exposed and there would be an increased potential for soil erosion compared to existing conditions due to soil disturbance and the exposure of substantial amounts of soil to weather conditions (e.g., wind, rain). During a storm event, soil erosion could occur at an accelerated rate. The increased erosion potential could result in short-term water quality impacts as identified in Section 4.8, Hydrology and Water Quality. During construction, the Project Applicant would be required to adhere to the requirements of the General Construction Permit and utilize typical Best Management	No mitigation is required. Refer to Standard Conditions 4.8-1 and 4.8-2 in Section 4.8, Hydrology and Water Quality.	Less Than Significant impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Practices (BMPs) specifically identified in the Storm Water Pollution Prevention Plan (SWPPP) (as required by Standard Condition 4.8-1). In addition, in compliance with the DPHRP&DR, the Project Applicant would be required to prepare an Erosion Control Plan (as required by Standard Condition 4.8-2). The County of Orange Municipal Code Section 7-1-836 also requires erosion control plans to be prepared in accordance with Subarticle 13 of the Grading Manual and submitted to the County Building Office for approval. Compliance with the requirements of the Construction General Permit, the County of Orange Municipal Code, and the City Municipal Code would ensure that construction impacts related to erosion would be less than significant. The proposed project would result in a decrease in the impervious area on the project site and a net decrease in stormwater runoff. The Preliminary Water Quality Management Plan (WQMP) prepared for the proposed project includes proposed Site Design BMPs, including: minimizing impervious area; preserving existing drainage patterns and timing of concentration; disconnecting impervious areas; revegetating disturbed areas; minimizing soil compaction; runoff collection; and implementing water efficient landscaping with native or drought tolerant species. Therefore, the proposed project would not result in substantial on-site or downstream erosion, siltation, or flooding. Impacts from operation of the proposed project related to erosion would be less than significant.		
Threshold 4.5.3: Would the project 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-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse? **Slope Stability.** **Less Than Significant with Mitigation Incorporated.** As previously stated, no existing landslides are present on or	Refer to Mitigation Measures 4.5-1 and 4.5-2, above.	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
immediately adjacent to the property and the project site is in a generally flat area with no evidence of historic landslides. Therefore, the potential for seismically induced landslides on site is considered low. As part of the project design, the building walls of Dana House Hotel will include planted fill slopes as part of the architectural design. In addition, grading would entail cut-and-fill slopes, and construction of retaining walls and below-grade walls would be necessary in some areas. Furthermore, shoring would be required during excavation. Unstable cut-and-fill slopes could create significant short-term and long-term hazards. Mitigation Measure 4.5-1 requires planned grading and shoring to conform to the recommendations of the Preliminary Geotechnical Investigation, which contains specific recommendations for addressing potential slope instability and geogrid-reinforced fill slopes. With implementation of Mitigation Measure 4.5-1, the project's impacts related to slope instability would be less than significant. **Unsuitable Soils.** **Corrosive Soils and Soluble Sulfate Content.** **Less Than Significant with Mitigation Incorporated.** Corrosion testing indicates that the on-site soils have a moderate sulfate exposure level and are corrosive to buried ferrous metals and reinforcing steel. Consequently, any metal exposed to the soil will need protection. Mitigation Measure 4.5-1 provides recommendations for reducing corrosion potential. Additional provisions will be required to address high chloride contents of the soil per the 2019 CBC to protect the concrete reinforcement, as required by Mitigation Measure 4.5-2. With implementation of Mitigation Measures 4.5-1 and 4.5-2, potential impacts related to corrosive soils would be reduced to a less than significant level. **Settlement Potential.** **Less Than Significant with Mitigation Incorporated.** The		

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
underlying artificial fill and bedrock soils encountered are slightly to moderately compressible under loads with low levels of hydro-collapse (based on laboratory testing performed for adjacent sites). However, the geotechnical engineering characteristics of the underlying surficial soils are highly variable. Seismic settlements due to liquefaction could be up to 2.25 inches on the portions of the project site under the proposed hotels and up to 3.5 inches under the surface parking lot area. Corrective grading will be required to support the proposed improvements. Compliance with the recommendations contained in the Geotechnical Preliminary Investigation for the proposed project, including those related to earthwork activities such as corrective grading, and foundation design, would be required to reduce potential impacts related to ground settlement. Implementation of Mitigation Measure 4.5-1 would reduce potential impacts with respect to ground settlement to a less than significant level. **Subsidence.** **Less Than Significant impact.** Overpumping and excessive groundwater withdrawal have not occurred in the project area. In addition, the project site does not have an oil, gas, or water pump on site and none are located near the site. In addition, the project site and has not been used for the extraction of these resources. Subsidence is therefore not considered a potential constraint or a potentially significant impact of the project, and no mitigation is required. **Lateral Spreading.** **Less Than Significant with Mitigation Incorporated.** The project site has a high potential for lateral spreading due to the free face geometry of the site adjacent to the existing sea wall and harbor and the presence of shallow liquefiable soils with low residual shear strengths. Therefore, there is a high potential for some lateral movements of these slopes due to seismic-related		

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
liquefaction. Mitigation will be required along the southern portion of the site adjacent to the existing sea wall (i.e., such as some type of ground improvement). Compliance with the recommendations contained in the Geotechnical Preliminary Investigation for the proposed project, including the installation of a series of deep soil mixing columns or rammed aggregate piers to reduce lateral deformations to an acceptable range, would be required to reduce potential impacts related to lateral spreading. Implementation of Mitigation Measure 4.5-1 would reduce potential impacts with respect to ground settlement to a less than significant level.		
Threshold 4.5.4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property? **Less Than Significant with Mitigation Incorporated.** The project site is largely overlaid with Artificial Fill and is anticipated to have a low-to-medium expansion potential. The Preliminary Geotechnical Investigation contains specific construction recommendations for building foundations and other structural design elements to reduce project impacts associated with expansive soils to a less than significant level. Mitigation Measure 4.5-1 incorporates the recommendations in the Preliminary Geotechnical Investigation related to expansive soils, including the use of mat foundations or geopier-supported foundations and the use of on-site soil material for trench backfilling. Therefore, adherence to Mitigation Measure 4.5-1 will reduce project impacts related to expansive soils to a less than significant level.	Refer to Mitigation Measure 4.5-1, above.	Less Than Significant with Mitigation Incorporated.
Threshold 4.5.6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Less Than Significant Impact.** The project site is underlain by sediments of the Capistrano Formation and marine terrace	No mitigation is required. **Standard Condition 4.5-1: Paleontological Resource Monitoring.** Prior to issuance of any grading permit, the Project Applicant shall provide written evidence that a County of	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
deposits. As described above, the majority of the site is overlain by Artificial Fill; however, with the underlying sediments of the Capistrano Formation, there is the potential to encounter paleontological resources during any ground-disturbing activities for the proposed project. Therefore, Program EIR No. 591 included Standard Condition of Approval 4.11-1 to recommend monitoring for paleontological resources where earth-moving or disturbing activities would occur. The monitoring requirements from SCA 4.11-1 would also be required for the proposed project as provided in Standard Condition 4.5-1. With implementation of Standard Condition 4.5-1, impacts to paleontological resources would be less than significant, and no mitigation is required.	Orange-certified paleontologist has been retained to observe grading activities that may extend to the Capistrano Formation and salvage and catalogue paleontological resources as necessary. The paleontologist 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. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with OC Parks, the State Office of Historic Preservation (SHPO), and City of Dana Point, for exploration and/or salvage. The Project Applicant shall obtain approval of the paleontologist's follow-up report from the Director of OC Parks. 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 County of Orange, 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 Director of OC Parks	
Cumulative Geology and Soils Impacts. **Less Than Significant Impact.** No rare or special geological features or soil types on the project site would be affected by project activities or other known activities or projects with activities that affect the geology and soils of this site. In addition, the proposed project, as with all foreseeable projects,	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
would be required to comply with the applicable State and local requirements, including the DPHRP&DR, County of Orange Municipal Code, and CBC requirements. Therefore, the project's contribution to cumulative geotechnical and soil impacts is less than significant. Future development in the Dana Point Harbor could include excavation and grading that could potentially affect paleontological resources. If there were a potential for significant impacts to paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. If subsurface paleontological resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. In addition, the City's General Plan policies would be implemented as appropriate to reduce the effects of additional development within the City. Therefore, the project's contribution to the cumulative destruction of known and unknown paleontological resources throughout the City would be less than cumulatively significant.		
4.6: Greenhouse Gas Emissions		
Threshold 4.6.1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Less Than Significant Impact.** Per the SCAQMD's guidance on Interim GHG significance thresholds, due to the long-term nature of the GHGs in the atmosphere, instead of determining significance of construction emissions alone, the total construction emissions are amortized over 30 years (a conservative estimate of the building life of the proposed project), added to the operational emissions, and compared to the applicable GHG significance threshold (SCAQMD 2008). Long-term operation of the proposed project would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
consumption. After amortized construction emissions are added, the total net operational emissions are less than the South Coast Air Quality Management District (SCAQMD) Tier 3 threshold of 3,000 metric tons of carbon dioxide equivalent (MT CO_2e) per year for all land use types. Therefore, impacts related to operational GHG emissions would be less than significant. No mitigation would be required.		
Threshold 4.6.2: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Less Than Significant Impact.** The City of Dana Point (City) has established GHG emission reduction goals in the Dana Point Energy Efficiency and Conservation Plan, adopted in December of 2011. The 2017 Climate Change Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. The City's Plan outlines goals to reduce emissions to 1990 levels by 2020, consistent with Assembly Bill (AB) 32. The proposed project would not conflict with the State 2017 Scoping Plan, Senate Bill 32, Southern California Association of Governments' (SCAG) Connect SoCal 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or the City's General Plan. In addition, the project supports four of the action categories of the 2017 Scoping Plan through energy efficiency, water conservation, recycling, and landscaping. Therefore, impacts related to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions would be less than significant, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.
Cumulative Greenhouse Gas Emissions Impacts. **Less Than Significant Impact.** Cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for GHG emissions. GHG emissions are global pollutants, and therefore,	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
result in cumulative impacts by nature. The project's emissions are less than the SCAQMD Tier 3 threshold of 3,000 MT CO_2e per year for all land use types and are therefore less than cumulatively significant. The proposed project, in conjunction with other cumulative projects, would be subject to all applicable regulatory requirements which would further reduce GHG emissions. Therefore, the project's cumulative contribution of GHG emissions would be less than significant and the project's cumulative GHG impacts would also be less than significant. No mitigation is required.		
4.7: Hazards and Hazardous Materials		
Threshold 4.7.2: Would the project 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 with Mitigation Incorporated.** Construction activities associated with the proposed project would include site preparation and demolition activities, building construction, paving, and the implementation of native, drought tolerant landscaping and pedestrian improvements. Hazardous waste might be generated during demolition, excavation, or other activities that require the removal of potential hazardous building materials (e.g., asbestos-containing materials [ACMs], lead-based paint, mercury, and polychlorinated biphenyls [PCBs]) or unknown hazardous materials. The demolition of structures containing hazardous building materials requires specialized procedures and equipment and appropriately certified personnel. Procedures for handling and disposal of hazardous building materials are specified in Mitigation Measure 4.7-1, Demolition Plan. Procedures for handling suspect or unknown hazardous materials are specified in Mitigation Measure 4.7-2, Construction Contingency Plan. Therefore, with implementation of Mitigation Measures 4.7-1 and 4.7-2, impacts related to a	**Mitigation Measure 4.7-1: Demolition Plan.** Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Demolition Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Demolition Plan shall include the procedures for pre-demolition surveys and testing for hazardous building materials such as asbestos, lead-based paint, mercury, and polychlorinated biphenyls, and removal and disposal of hazardous building materials. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations. All identified hazardous materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures. The Construction Contractor shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the Director of the County Public Works Department, or designee, showing	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
reasonably foreseeable upset or accident condition related to the release of hazardous materials during construction would be less than significant.	that abatement of hazardous building materials has been completed in full compliance with all applicable regulations. **Mitigation Measure 4.7-2: Construction Contingency Plan.** Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Construction Contingency Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Construction Contingency Plan shall include provisions for emergency response in the event that unidentified hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes are discovered during construction activities. The Construction Contingency Plan shall address field screening, contaminant materials testing methods, mitigation and contaminant management requirements, and health and safety requirements for construction workers. The construction contractor shall implement the Construction Contingency Plan during all construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the Construction Contractor shall stop work, cordon off the affected area, and notify the Orange County Fire Authority (OCFA). The OCFA responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. If an unexpected release of oil and/or chemical substances into the environment occurs resulting in an imminent	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	threat to public, the Construction Contractor shall notify the National Response Center by calling 1-800-424-8802 immediately. The Construction Contractor shall clean up any unexpected releases under appropriate federal, State, and local agency oversight.	
Cumulative Hazards and Hazardous Materials Impacts. **Less Than Significant Impact.** The contribution of hazardous materials use and hazardous waste disposal with implementation of the project would be minimal, and the combined hazardous materials effects from past, present, and reasonably foreseeable projects within the City of Dana Point (City) and immediate area would not be significant. Compliance with federal, State, and local regulations would prevent the proposed project as well as other projects from creating cumulative impacts in terms of hazards and hazardous materials. Impacts associated with hazards and the use of hazardous materials on site would be controlled through application of regulatory compliance measures. Implementation of the proposed project would not result in an incremental contribution to cumulative impacts related to hazards and hazardous materials that are cumulatively considerable; therefore, cumulative hazards and hazardous materials impacts are considered less than significant.	No mitigation is required.	Less Than Significant Impact.
4.8: Hydrology and Water Quality		
Threshold 4.8.1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? **Less Than Significant Impact.** During construction, approximately 10.94 acres of soil would be disturbed. Because construction of the proposed project would disturb greater than 1 acre of soil, the proposed project would comply with existing Construction General Permit (Standard Condition 4.8-1). In addition, the project would comply with the County of Orange	No mitigation is required. **Standard Condition 4.8-1: Construction General Permit.** Prior to commencement of construction activities, the Project Applicant shall obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit),* NPDES No.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Municipal Code for preparation of an Erosion Control Plan (Standard Condition 4.8-2), the National Pollutant Discharge Elimination System (NPDES) for Groundwater Discharge Permit (Standard Condition 4.8-3), and South Orange County MS4 Permit for preparation of a Water Quality Management Plan (Standard Condition 4.8-4). The project would implement construction and operational Best Management Practices (BMPs) to reduce pollutants of concern in stormwater runoff, and would ensure that water quality impacts are less than significant. No mitigation is required.	CAS000002, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board (SWRCB) via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the project from the SMARTS and provided to the Director of the County of Orange (County) Public Works Department, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the project. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in stormwater runoff. Construction Site BMPs shall also conform to the requirements specified in the	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	latest edition of the Orange County Stormwater Program *Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers* (County of Orange et al. 2012) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. Upon completion of construction activities and stabilization of the project site, a Notice of Termination shall be submitted via SMARTS. **Standard Condition 4.8-2: Erosion Control Plan.** In compliance with the Dana Point Harbor Revitalization Plan and District Regulations and the requirements of Title 7 (Land Use and Building Regulations), Article 8 (Orange County Grading and Excavation Code), Subarticle 13 (Erosion Control), of the Codified Ordinances of the County of Orange (County), the Project Applicant shall submit a grading plan and erosion control plan to the County of Orange Permit Center for review and approval prior to issuance of a grading permit. **Standard Condition 4.8-3: Groundwater Discharge Permit.** If groundwater dewatering is required during construction or excavation activities and the dewatered groundwater is discharged to the sanitary sewer system, the Project Applicant shall obtain a discharge permit from the South Coast Water District (SCWD). If the dewatered groundwater is discharged to the stormdrain system, the Project Applicant shall obtain coverage under the San Diego Regional Water Quality Control Board's (RWQCB) *General Waste Discharge Requirements for Discharges*	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	from Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013, NPDES No. CAG919003), or any other subsequent permit, and provide evidence of coverage to the Director of the County Public Works Department, or designee. This shall include submission of a Notice of Intent (NOI) for coverage under the permit to the San Diego RWQCB at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the San Diego RWQCB. **Standard Condition 4.8-4: Water Quality Management Plan.** Prior to issuance of building permits, the Project Applicant shall submit a Final Water Quality Management Plan (WQMP) to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval in compliance with the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region* (South Orange County MS4 Permit), Order R9-2013-0001, NPDES No. CAS6010266, as amended by Order No. R9-2015-0001, or any other subsequent permit. The Final WQMP shall be prepared	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	consistent with the requirements of the *Model Water Quality Management Plan (Model WQMP) for South Orange County* (County of Orange 2017a) and the *Technical Guidance Document (TGD) for the Preparation of Conceptual/ Preliminary and/or Project Water Quality Management Plans (WQMPs)* (County of Orange 2018), or subsequent guidance manuals. The Final WQMP shall specify the BMPs to be incorporated into the project design to target pollutants of concern in runoff from the project site. The Director of the County Public Works Department or designee, shall ensure that the BMPs specified in the Final WQMP are incorporated into the final project design.	
Threshold 4.8.3(iv): Would the project 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: Impede or redirect flood flows? **No Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0504K (March 21, 2019), the project site is located within Zone X, an Area of Minimal Flood Hazard. Because the project would not place improvements or structures directly within a 100-year floodplain, the project would not impede or redirect flood flows. Therefore, no impact would occur related to impeding or redirecting of flood flows, and no mitigation is required.	No mitigation is required.	No Impact.
Threshold 4.8.4: Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? **Less Than Significant Impact.** The proposed project is not located within a 100-year flood hazard area, nor is it located	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
within a dam inundation zone. Therefore, the project site is not subject to inundation from flooding during a storm event or from dam failure. Although the project site is located in a tsunami inundation area and is subject to inundation in the unlikely event of a tsunami, the amount of hazardous substances present during project construction and operation is limited and would be used in compliance with existing standards and regulations. Similarly, although the risk of seiche at the project site is considered to be high due to the presence of the Dana Point Harbor adjacent to the site, the amount of hazardous substances used during project construction and operation would be limited, and would be used in compliance with existing standards and regulations. Therefore, in the unlikely event of inundation from tsunami or seiche, the proposed project would not increase the risk of release of pollutants, and a less than significant impact would occur. No mitigation is required.		
Threshold 4.8.5: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? **Less Than Significant Impact.** The proposed project would comply with existing Construction General Permit, NPDES regulations, County of Orange Municipal Code, and County of Orange MS4 Permit and would implement construction and operational BMPs to reduce pollutants of concern in stormwater runoff, and would ensure that impacts related to conflict with the San Diego Regional Water Quality Control Board (RWQCB) Water Quality Control Plan (i.e., Basin Plan) would be less than significant. Additionally, because there is not an adopted groundwater sustainability plan applicable to the groundwater basin in which the project is located, the project would not conflict with or obstruct the implementation of a sustainable groundwater management plan. Impacts would be less than significant, and no mitigation is required.	No mitigation is required. Refer to Standard Conditions 4.8-1 through 4.8-4 provided above.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Cumulative Hydrology and Water Quality Impacts. **Less Than Significant Impact.** The proposed project in combination with other related projects would comply with the applicable NPDES and City requirements and would implement construction and operational BMPs and drainage facilities to reduce impacts related to hydrology and water quality (as required in Standard Conditions 4.8-1 through 4.8-4. Therefore, the proposed project's incremental hydrology and water quality impacts would not be cumulatively considerable.	No mitigation is required. Refer to Standard Conditions 4.8-1 through 4.8-4 provided above.	Less Than Significant Impact.
4.9: Land Use and Planning		
Threshold 4.9.2: Would the project 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.** **Southern California Association of Governments Regional Comprehensive Plan.** The proposed project includes the demolition of the existing Dana Point Marina Inn and the development of visitor-serving amenities on an existing site near major transportation corridors, transit, and multi-modal facilities. The project site is not located within residential land uses and the coastal bluffs north of Dana Point Harbor Drive provide a natural landform separation between this development and the adjacent residential uses. As the project site is currently developed, the proposed project would not result in significant impacts to environmentally sensitive habitats or open space. The proposed project would be consistent with the Southern California Association of Governments' (SCAG) Regional Comprehensive Plan (RCP) Goal 1 to focus growth along major transportation corridors, RCP Goal 4 to encourage new development near existing transportation stations, RCP Goal 5 to preserve existing single-family neighborhoods, and RCP Goal 6 to protect open space	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
and environmentally sensitive habitat areas. Therefore, the proposed project would be consistent with applicable goals and policies in the SCAG 2008 RCP. No mitigation is required. **Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).** The proposed project would include the demolition of the existing Dana Point Marina Inn and the development of visitor-serving amenities on an existing site near major transportation corridors, transit, and multi-modal facilities. A complimentary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts would be provided for hotel guests and boaters. Development of two hotels on the project site would also provide additional employment opportunities that would promote economic development and improve global competiveness in the area due to the new overnight accommodations. The proposed project would promote energy efficiency through compliance with the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements. The proposed Dana Point Surf Lodge is designed as a lower cost accommodation to replace the existing Dana Point Marina Inn and to also provide additional lower cost accommodations that mitigate the absence of such accommodations within the proposed Dana House Hotel. Therefore, the proposed project would be consistent with applicable goals (Goal 1 to promote economic development, Goal 2 to improve mobility and access, Goal 3 to enhance the regional transportation system, Goal 5 to reduce greenhouse gas emissions, Goal 6 to support healthy and equitable communities, Goal 7 to adapt to a changing climate and support an integrated transportation network, and Goal 8 to leverage new data for transportation solutions) outlined in Connect SoCal. **General Plan Consistency.** The proposed project would not result in conflicts with the current Visitor/Recreation		

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Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Commercial (V/RC) General Plan land use designation for the project site because the proposed project includes the replacement and expansion of existing on-site hotel facilities. The proposed project would also be consistent with all applicable policies in the City of Dana Point's (City) General Plan Land Use, Urban Design, Conservation/Open Space, Public Safety, Circulation, Noise, and Public Facilities/Growth Management Elements. Therefore, impacts related to potential conflicts with the City's General Plan are anticipated to be less than significant, and no mitigation is required. **Zoning Regulations/Local Coastal Program/Dana Point Harbor Revitalization Plan and District Regulations**. The project site is zoned Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC). The majority of the project site is located within Planning Area (PA) 3 of the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR), which has a corresponding land use designation/district of Visitor Serving Commercial (VSC). The proposed loading zones and landscape improvements to the east of Island Way are located within PA 4 of the DPHRP&DR, which has a land use designation/district of Marine Commercial (MC). The proposed improvements south of the terminus of Casitas Place are located within PA 2 of the DPHRP&DR, which has a land use designation/district of Day Use Commercial (DUC). Although the proposed uses are consistent with the Dana Point Harbor District Regulations (DPHDR), the development intensity of those uses, determined through maximum square footage and the number of hotel rooms for the proposed project, differs from that contained in the Dana Point Harbor Statistical Table for PA 3 in Chapter 17 of the DPHDR. The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories, require a Zone Text Amendment. The proposed		

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
project is also located within the City's Coastal Overlay District. Per Chapter 9.69 of the City's Municipal Code, a Coastal Development Permit (CDP) is required for all development located within the Coastal Overlay District. Issuance of the CDP would ensure that the proposed project would be consistent with applicable provisions in the City's Municipal Code related to development within coastal zones. Therefore, approval of the CDP, Zone Text Amendment, and Local Coastal Program (LCP) Amendment for the increased development intensity standards for PA 3 would ensure the proposed project's consistency with the City's established development standards, and no mitigation would be required.		
Cumulative Land Use and Planning Impacts. **Less Than Significant Impact.** The proposed project would include land uses that would be compatible with and would serve the surrounding area. Therefore, the proposed project would not contribute to a pattern of development that adversely impacts adjacent land uses or conflicts with existing hotel development that would be replaced on the site or the surrounding land uses in the Harbor and adjacent areas. There are no incompatibilities between the proposed project and planned future projects in the City, which primarily include mixed-use and residential developments or other improvements included in the Dana Point Harbor Revitalization Plan. In addition, each of the related projects in the City would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, the related projects are anticipated to be consistent with applicable General Plan and zoning requirements, or would be subject to allowable exceptions; further, they would be subject to CEQA, mitigation requirements, and design review. Therefore, the proposed project would not contribute a significant cumulative land use compatibility impact in the study area, and no mitigation is required.	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.10: Noise		
Threshold 4.10.1: Would the project result in 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? **Construction Noise.** **Less Than Significant Impact.** Compliance with the City of Dana Point's (City) Noise Ordinance would ensure that construction noise would not disturb the nearby park, single-family homes, and commercial uses during hours when ambient noise levels are likely to be lower. Although construction noise would be higher than the ambient noise in the project vicinity, construction noise would cease once project construction is completed. In addition to compliance with appropriate construction times, the following Standard Condition 4.10-1 would implement measures during construction to reduce noise impacts to the greatest extent feasible. As noted in Chapter 3.0, Project Description, Dana Point Surf Lodge is estimated to open in April 2024, approximately 12 months prior to the opening of Dana House Hotel in April 2025. By the time Dana Point Surf Lodge is open, exterior construction activities at Dana House Hotel would be limited to the application of architectural coatings, landscaping, and other minor exterior finishing work as most of the remaining construction would take place inside the hotel. As described above, construction activities would be required to comply with the hours and days outlined in the City's Municipal Code and construction noise at the project site would be reduced to the extent feasible with implementation of Standard Condition 4.10-1. Therefore, with implementation of Standard Condition 4.10-1, construction activity noise impacts would be less than significant, and no mitigation is required. **Operational Noise.**	**Standard Condition 4.10-1: Construction Noise.** Prior to issuance of grading and building permits, the Project Applicant shall submit grading plans and building plans for review and approval by the Director the County of Orange (County) Public Works Department, or designee. These plans shall include the following requirements for construction activities: • Construction activities shall only occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and federal holidays. Additionally, grading operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and federal holidays. • Construction contracts must specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards. • In order to maximize the distance between construction equipment staging areas and the sensitive noise receivers in the area, all equipment staging areas and material storage areas shall be placed as far from these receivers as possible. • During construction, stationary construction equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest the proposed project site,	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Less Than Significant with Mitigation Incorporated. Operational noise sources associated with the proposed project include mobile and stationary (i.e., truck delivery and unloading activities, HVAC equipment, trash pick-up/compactor operations, and parking lot activities) sources. The proposed project would not result in any exceedances in mobile-source or stationary source noise standards. The proposed project includes a variety of speakers and outdoor active areas. The areas include outdoor dining and lounge areas with both limited and full food service menus, and event spaces. Due to the variety and location of the proposed speakers, the variety and size of proposed events, and the shielding provided by the proposed buildings, Mitigation Measure 4.10-1 is proposed and would require that once both of the hotels are open, operating and programmed with outdoor events, the owner of the hotels must complete noise monitoring during three (3) activity weekends that confirm compliance with the City and County of Orange noise ordinances for both daytime and nighttime hours is being achieved. With the implementation of Mitigation Measure 4.10-1, noise levels generated from operation of the project would be less than significant. The proposed on-site hotel uses would also be exposed to traffic noise impacts primarily from Dana Point Harbor Drive. Based on the anticipated future on-site traffic noise level, a reduction of 20 dBA (A-weighted decibels) are necessary to achieve the 45 dBA CNEL (community noise equivalent level) interior noise standard for hotel uses as noted in the Noise Element of the City's General Plan. In order to confirm that the necessary reduction is achieved, a Final Acoustical Report (FAR) shall be prepared based on final architectural plans and window specifications to document expected interior noise levels, as required by Standard Condition 4.10-2. With the implementation of Standard Condition 4.10-2, interior noise levels during project operation would be less than significant.	to the extent feasible. **Standard Condition 4.10-2: Final Acoustical Report.** Prior to issuance of any certificates of building permits, the Project Applicant/ Developer shall submit a Final Acoustical Report, prepared by a qualified acoustical consultant, to be reviewed and approved by the County of Orange (County) Building Official and the City of Dana Point (City) Director of Community Development, or their respective designees. The County Building Official and City Director of Community Development, or their respective designees, shall verify that the Final Acoustical Report demonstrates that all sensitive rooms with exterior façades, comply with the City and County's interior noise standard. Noise reduction techniques that may be incorporated into construction plans in order to reduce interior noise levels include, but are not limited to, incorporation of upgraded windows and doors, improved wall construction, or reduced window and door sizes should oversized windows and door be originally designed. **Mitigation Measure 4.10-1: Operations Compliance Inspection and Monitoring.** Prior to issuance of an occupancy permit, the County of Orange (County) Building Official and the City of Dana Point (City) Director of Community Development, or their respective designees, shall confirm that an acoustical engineer has verified operation of the outdoor speaker system or any other temporary speaker system will be operated in compliance with the exterior maximum noise standards at the surrounding sensitive land uses.	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
	Measures capable of reducing the noise levels include, but are not limited to: • Post signage to identify hours in which noise level requirements are more strict • Keep all kitchen and service area doors closed when not in use • Limit the number of simultaneous events or places with amplified music • Reducing the speaker noise levels; • Direct speakers away from sensitive receptors • Using highly directional speakers. Due to the varying noise levels that may be generated by concurrent activities, locations of amplified music and most importantly speaker volume, it is required that during the first three operational weekends after both hotels are open, operating and programmed with outdoor events that noise monitoring be completed to verify compliance with the City and County noise ordinances. If it is discovered that noise level impacts exceed the exterior noise level requirements, additional mitigation would be recommended by an acoustical engineer that may include, but not be limited to, speaker noise level restriction, event hours restrictions, and noise barriers.	
Threshold 4.10.2: Generation of excessive groundborne vibration or groundborne noise levels? **Less Than Significant Impact.** The proposed project's groundborne noise and vibration from construction activity would be mostly low to moderate. The closest structures to the	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
project site are the existing commercial buildings to the east, approximately 57 ft from the location at which vibration compaction would occur, and the existing residential structures approximately 260 ft to the north of the project construction area limits where typical equipment would be utilized. Based on the conducted analysis, vibration levels would not exceed any of the established guidelines considered for damage potential; therefore, the project is not expected to result in the generation of excessive groundborne vibration. In addition, vibration levels associated with construction of the project would not exceed any annoyance guidelines and would be less than significant. This impact would be less than significant, and no mitigation is required.		
Cumulative Noise Impacts. **Less Than Significant Impact.** A cumulative noise impact would occur if multiple sources of noise from cumulative projects combine to create impacts in close proximity to a sensitive receptor. Because construction noise and vibration are localized and rapidly attenuate within an urban environment, the identified cumulative projects are located too far from the project site to contribute to cumulative impacts related to noise levels due to construction activities. Construction activities at any related project site would not result in a noticeable increase in noise to sensitive receptors adjacent to the project site. Furthermore, all related projects would be required to comply with both the County's and the City's noise ordinances. Therefore, cumulative construction noise impacts are considered less than significant.	No mitigation is required. See Standard Condition 4.10-1 under Threshold 4.10.1 above.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.11: Public Services		
Threshold 4.11.1(i): Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection? **Less Than Significant with Mitigation Incorporated**. No additional increases in fire service, or the need for additional facilities in order to maintain service ratios, response times, or performance times are expected as a result of project construction. Buildout of the proposed project would adhere to the development standards described in the City of Dana Point's (City) Municipal Code, and the County of Orange Municipal Code, which would require that the project comply with current editions of the California Building Code, California Fire Code, and related codes. The proposed project would also be designed to comply with all Orange County Fire Authority (OCFA) requirements, which include providing adequate access for emergency vehicles and adequate fire flow and structure protection to the project site. In order to address any outstanding potential impacts to fire services, Mitigation Measure 4.11-1, which requires the Project Applicant to enter a Secured Fire Protection Agreement with OCFA prior to the issuance of any building permits, is required to ensure adequate service to the project site. Therefore, with the implementation of Mitigation Measure 4.11-1, impacts would be less than significant.	**Mitigation Measure 4.11-1: Secured Fire Protection Agreement.** Prior to the issuance of any building permits, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA). This Agreement shall specify the Project Applicant's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. The agreement shall be reached as early as possible in the planning process as feasible, but prior to issuance of any building permits.	Less Than Significant Impact with Mitigation Incorporated.
Threshold 4.11.1(ii): Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
to maintain acceptable service ratios, response times or other performance objectives for police protection? **Less Than Significant Impact.** The proposed project is not expected to result in any substantial population growth that would necessitate an increased demand for police services. The Orange County Sheriff's Department's (OCSD) current level of service is anticipated to adequately serve the proposed project during construction and operation phases. Although there may be an incremental increase in the demand for additional police protection services, the proposed project would not trigger the need for expanded police services or for new or altered police facilities because the incremental increase in calls for service would be very small in comparison to the existing number of calls for police service generated by the existing hotel uses on the project site and the City overall. Therefore, the project would not result in any new or altered police protection facilities, which would be required to maintain acceptable service ratios, response times, and other related performance objectives. Potential impacts related to the provision of these services for operation of the proposed project would be less than significant, and no mitigation is required.		
Threshold 4.11.1(iv): Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks? **Less Than Significant Impact.** During the construction process, the proposed project is not expected to have any substantial adverse impacts on existing parks within the City as construction activities would be localized to the subject project site. The proposed project is located within 0.6 mile of Baby Beach, Dana Cove Park, and Doheny State Beach. Patrons of the	No mitigation is required.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
existing Dana Point Marina Inn currently utilize these public recreational parks located within Dana Point Harbor. However, the potential growth in patronage to these public recreational parks within the Harbor has been anticipated, and the existing park facilities are expected to adequately accommodate any associated increase in visitors that could be generated by the proposed project. The proposed project would have a less than significant impact on the City's actual population increase and, thus, would not warrant increased water and wastewater services due to increased residential demand, and would not result in the need for new or physically altered parks or recreational facilities. Potential impacts related to accommodating new hotel patrons at these recreational parks during the operation of the proposed project would be less than significant. No mitigation is required.		
Cumulative Public Services Impacts. **Less Than Significant with Mitigation Incorporated.** Impacts related to fire protection services would overall be less than significant upon implementation of Mitigation Measure 4.11-1. In addition, impacts related to police services and parks would be less than significant. Related projects in the City may result in new population growth and calls for fire or police protection services and additional parks and recreational facilities. However, any new building square footage and population increase associated with the related projects would be properly assessed and reviewed on an individual basis to be accommodated as part of the long-term growth plans for the City's public services providers. Other new development would also be subject to the pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment as required by Mitigation Measure 4.11-1. Therefore, with implementation of Mitigation Measure 4.11-1, impacts to public services are considered less than cumulatively significant.	See Mitigation Measure 4.11-1 under Threshold 4.11.1(i) above.	Less Than Significant with Mitigation Incorporated.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.12: Transportation		
Threshold 4.12.1: Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? **Less Than Significant Impact.** The proposed project would be required to comply with the City of Dana Point (City) General Plan and the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The proposed project would also be required to comply with the City's transportation-related goals, policies, and metrics for determining traffic impacts, as well as the Orange County Congestion Management Program (CMP) (2019) and the Transportation Demand Management Plan for the Dana Point Harbor Revitalization Plan (Walker Parking Consultants 2013). A trip generation analysis was conducted to determine the number of trips that would occur following implementation of the project. The proposed project would generate approximately 934 net new daily vehicle trips, 68 a.m. peak-hour trips, 81 p.m. peak-hour trips, and 105 Saturday peak hour trips. Project impacts are based on level of service (LOS) significance criteria for two CMP intersections within the study area, Golden Lantern/Pacific Coast Highway (PCH) and Golden Lantern/Del Prado Avenue. Both CMP intersections are anticipated to operate within their LOS targets and would not be degraded by the addition of project traffic. Therefore, the proposed project would not result in an inconsistency with applicable plans and policies addressing roadway performance. Any construction-related temporary lane closures or traffic control, including transit, bicycle, and pedestrian, would comply with the policies and provisions contained in the DPHRP&DR, as	No mitigation is required. **Standard Condition 4.12-1: Construction Management Plan.** Prior to the issuance of demolition, grading or any construction permits, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Dana Point (City) Traffic Engineer and the County of Orange. The Construction Management Plan shall include, at a minimum, the following measures, which shall be implemented during all construction activities as overseen by the Construction Contractor: • Traffic controls shall be implemented for any street closure, detour, or other disruption to traffic circulation and will maintain emergency access to the site. • The routes that construction vehicles shall utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to access the site shall be identified; traffic controls and detours shall be identified; and the proposed construction phasing plan for the project shall be provided. • The hours during which transport activities will occur shall be specified. • Identify the haul route for the materials to be removed (i.e., concrete, soil, steel, etc.) during the demolition phase and/or soil import during the site preparation phase. • Subject to the direction of the City's Traffic	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
described in Standard Condition 4.12-1. Per Standard Condition 4.12-1, the proposed project will be subject to review, approval, and inspection by the County of Orange to ensure that no impacts would occur. Compliance with the Standard Condition 4.12-1 would ensure compliance with the City's land use regulations and Zoning Ordinance via adoption of the DPHRP&DR, and no conflicts with adopted plans or policies would occur. Implementation of Standard Condition 4.12-1 would also ensure traffic controls are implemented during construction to ensure emergency access is maintained during construction, consistent with Land Use Policy 8.6.8-3 of the DPHRP, Dana Point Harbor Fire Policies. In addition, due to the existing parking on the project site, construction of the proposed project would temporarily impact parking, specifically for boaters. The proposed project would comply with the provisions and policies of the DPHRP&DR related to construction impacts on parking within the Harbor, including Special Provision 3, through preparation of a Construction Phasing & Construction Management Parking Plan, which is required as part of the Coastal Development Permit Application. Through implementation of a Construction Phasing and Construction Management Parking Plan approved during the City's Coastal Development Permit processing, parking impacts due to construction would be less than significant.	Engineer, haul operations associated with the materials export/soil import may be prohibited during the a.m. and p.m. peak commute periods (i.e., between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). • The Project Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Project Applicant shall clean adjacent streets, as directed by the City's Traffic Engineer (or representative of the City Engineer), of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. • Hauling or transport of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays. • Use of local streets as haul routes shall be prohibited. • Haul trucks entering or exiting public streets shall at all times yield to public traffic. Implementation of the measures included in the Construction Management Plan, including maintenance of emergency access, shall be continued through construction inspection services.	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Threshold 4.12.2: Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)? **Less Than Significant Impact.** The proposed project is a hotel use, which generates trips from employees and guests. The project's vehicle miles traveled (VMT) per service population (21.9) is more than 15 percent below the regional average VMT per service population (27.1). The project does not exceed an applicable threshold and would, therefore, have a less than significant impact. In addition, as described in Chapter 3.0, Project Description, Section 3.3.3, Parking and Access, of this Draft EIR, included as part of the project design, a complementary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts would be provided for hotel guests. These golf carts may also be used for boater services. Pedestrian access, golf cart shuttle service, and proximity to transit would result in reduced vehicle trips by hotel patrons. The Planning Area (PA) 3 Parking Assessment (October 2020) also recommends that a transportation coordinator be appointed for employees within PA 3. If this recommendation is adopted, further VMT reductions are anticipated.	No mitigation is required.	Less Than Significant Impact.
Threshold 4.12.4: Would the project result in inadequate emergency access? **Less Than Significant Impact.** As described above, the proposed project would not change the local circulation or the configuration of local roadways. Emergency access to the project site would continue to be provided via Dana Point Harbor Drive during construction and operation. Implementation of Standard Condition 4.12-1 would also ensure traffic controls are implemented during construction to maintain emergency access during construction. Therefore, with implementation of Standard Condition 4.12-1, the proposed project's impact related to emergency access would be less than significant.	No mitigation is required. See Standard Condition 4.12-1 under Threshold 4.12.1 above.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Cumulative Transportation Impacts. **Less Than Significant Impact.** According to the Project Applicant, the project will open in 2025. To develop a Year 2025 condition, a list of 19 approved and pending projects included in Table 4.A, in Chapter 4.0, that could reasonably be assumed to be operating by the project opening year was analyzed. For several of these projects, traffic studies were available that calculated weekday peak-hour trip generation. Application of a 0.5 percent per year growth rate to the existing traffic volumes is considered conservative and would account for any additional future development in the project vicinity. **Cumulative Peak Hour LOS Analysis for the Study Area Intersections.** With the addition of the proposed project, all study area intersections are forecast to operate at satisfactory LOS during both peak hours. Therefore, a significant project impact is not expected to occur at any study area intersection in the Opening Year (2025) conditions.	No mitigation is required.	Less Than Significant Impact.
4.13: Tribal Cultural Resources		
Threshold 4.13.1(i): Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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: 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)? **No Impact.** The project site is not listed or eligible for listing in the California Register of Historical Resources (California Register), or in a local register of historical resources. Therefore, because the project site is not eligible for listing, there would be no impacts associated with Threshold 4.13.1(i). Refer to Section	No mitigation is required.	No Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
4.3, Cultural Resources, for detailed information regarding the record search substantiating that no listed properties or resources exist on the project site.		
Threshold 4.13.1(ii): Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. **Less Than Significant Impact.** A cultural resources Record Search, a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), and Native American consultation per Assembly Bill (AB) 52 were conducted for the proposed project. The purpose of these efforts was to identify known tribal cultural resources on or near the project site. No cultural resources were identified as part of the records search. Further, aerial photographs and historic maps demonstrate that the project site was located offshore before construction of the harbor, and would have been constructed using imported sediments. While the project site was constructed using imported sediments, based on consultation with the Juaneño Band of Mission Indians Acjachemen Nation, there is the potential of encountering tribal cultural resources during ground-disturbing construction activities due to the origin of the imported soils. As described in Section 4.3, Cultural Resources, Standard Condition 4.3-2 would require monitoring for ground-disturbing activities within areas that would impact artificial fill.	No mitigation is required. Refer to Standard Condition 4.3-2 above.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
With implementation of Standard Condition 4.3-2, impacts to tribal cultural resources would be less than significant, and no mitigation would be required.		
Cumulative Tribal Cultural Resources Impacts. **Less Than Significant Impact.** Potential impacts of the proposed project to unknown cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the City of Dana Point (City), could contribute to a cumulatively significant impact due to the overall loss of archaeological artifacts and cultural resources unique to the region. However, each development proposal received by the City is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts to archaeological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant. As such, implementation of Standard Condition 4.3-2 would ensure that the proposed project, in conjunction with other development in the City, would not result in a significant cumulative impact to unique archaeological resources and previously undiscovered buried human remains.	No mitigation is required. Refer to Standard Condition 4.3-2 above.	Less Than Significant Impact.
4.14: Utilities and Service System		
Threshold 4.14.1: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? **Less Than Significant Impact.** Short-term construction activities would require minimal water and would generate minimal wastewater and are not expected to have adverse impacts to the existing water or wastewater systems or cause a demand	No mitigation is required. Refer to Standard Conditions 4.4-1 and 4.8-1 above. **Standard Condition 4.14-1: Recycling of Demolition and Construction Materials**. The Project Applicant shall provide to the City of Dana Point (City) Director of Public Works, or designee, for review and approval documentation demonstrating compliance with the City's debris recycling regulations. The Project Applicant and/or the Construction	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
that would result in the construction of new water treatment facilities or the expansion of existing facilities. Therefore, the impacts on water and wastewater facilities during construction would be less than significant, and no mitigation is required. Adherence to the regulatory standards described in Standard Condition 4.8-2 would ensure that any changes in stormwater drainage from the project site are controlled during construction. In addition, construction activities would require minimal electricity, would not require natural gas and telecommunication usage. The project site is served by existing on-site utilities and the proposed project would reconfigure and relocate existing on-site utilities as needed due to the removal of several buildings on the project site. Any new connections to the South Coast Water District's (SCWD) domestic and recycled water distribution systems would be subject to review by SCWD during plan check per Standard Condition 4.14-2. The proposed project would also be subject to the requirements of the Construction General Permit (Standard Condition 4.8-1) and Title 24. With adherence to Standard Condition 4.14-2, the proposed project would result in less than significant impacts related to these facilities. No mitigation is required. Operation of the project would connect to existing utilities. Any new connections to the SCWD domestic and recycled water distribution systems would be subject to review by the SCWD during plan check per Standard Condition 4.14-2. As described in the Final Program EIR 591 for the Dana Point Harbor Revitalization Project, no significant intensification of land uses are proposed, nor are major expansions of impervious surfaces and additional runoff quantities expected throughout the Harbor, and consequently, the regional storm drain facilities that collect off-site flows and on-site flows will remain in place. Therefore, the County of Orange's existing stormwater drainage capacity is sufficient to serve the proposed development included in the Revitalization Project, and no improvements are	Contractor shall provide documentation (e.g., all required waste manifests, receipts, tonnage measurements, and/or recycling center notices) clearly showing the transportation and recycling of construction and demolition debris per City of Dana Point Municipal Code Chapter 6.12 has been completed in full compliance with all applicable City regulations. **Standard Condition 4.14-2: Water System Plan Submittals.** The South Coast Water District (SCWD) will require the Project Applicant to submit a water system, sewer system, and recycled water system master plan, including a hydraulic distribution network analysis, for SCWD review and approval.	

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
expected or required for the regional facilities. Furthermore, as the proposed project has been included in projections related to land uses within the DPHRP&DR as part of public review of Final Program EIR 591, these projections have informed providers of the anticipated demands for utilities and service systems within the Harbor. Therefore, project impacts associated with the relocation or construction of new or expanded facilities would be less than significant, and no mitigation is required.		
Threshold 4.14.2: Would the project 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 would result in an approximately 50 percent increase in the demand for domestic water services at the project site compared to existing conditions and an increase in demand for recycled water at the project site over existing conditions. Additionally, the proposed project would be required to implement Standard Condition 4.14-3, which requires the project to comply with all State and local water conservation regulations, including the installation of low-flow fixtures. The Municipal Water District of Orange County's (MWDOC) 2015 Urban Water Management Plan (UWMP) concludes that the MWDOC service area, which includes SCWD, will have sufficient existing and planned supplies to meet full service demands under every water-year hydrologic scenario from 2015 through 2040. The proposed project has been included in projections related to land uses within the DPHRP&DR that the MWDOC relies on to develop their projections. Therefore, the proposed project would not necessitate new or expanded water entitlements, and the SCWD would be able to accommodate the proposed project's demand for potable and recycled water. With implementation of Standard Condition 4.14-3, impacts to water supplies would be less than significant. No mitigation is required.	Refer to Standard Condition 4.14-2 above. **Standard Condition 4.14-3: Water Conservation.** The Project Applicant shall comply with all State and local water conservation regulations. Voluntary water conservation strategies shall be encouraged. The Orange County Development Services Department shall determine compliance prior to issuance of building permits.	Less Than Significant Impact.

Table 1.A: Summary of Potential Environmental Impacts, Mitigation Measures, Standard Conditions, and Level of Significance

Potential Environmental Impact	Mitigation Measures and Standard Conditions	Level of Significance After Mitigation
Threshold 4.14.3: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **Less Than Significant Impact.** The proposed project would result in a net increase of wastewater over existing conditions; however, this increase would only represent a small percentage of the remaining daily treatment capacity at the J.B. Latham Plant. Through long-range planning activities, SCWD would be able to accommodate the demand for wastewater treatment generated by the proposed project and other projects in its service area. Furthermore, the proposed project has been included in projections related to land uses planned for the Dana Point Harbor. Therefore, the proposed project would result in less than significant impacts related to wastewater treatment capacity, and no mitigation measures are required.	No mitigation is required.	Less Than Significant Impact.
Cumulative Utilities and Service Systems Impacts. **Less Than Significant Impact.** The proposed project would not induce significant population, employment or housing growth, either directly or indirectly. In addition, the proposed project is consistent with planned land uses considered in the DPHRP&DR, which provides land use policies and regulations based on the planned land uses and associated population and service projections. The cumulative utility and service system demand in the City of Dana Point (City) has already been accounted for in long-range planning projections for utility providers. Therefore, the proposed project's contribution to utility and service demand in the City would not be cumulatively considerable, and no mitigation is required. The proposed project's potential impacts to wastewater, potable water, solid waste, electricity, natural gas, and telecommunications services are not cumulatively considerable.	No mitigation is required.	Less Than Significant Impact.

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2.0 INTRODUCTION

2.1 OVERVIEW AND PROJECT BACKGROUND

This Draft Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts associated with the proposed Dana Point Harbor Hotels Project (proposed project) in the City of Dana Point (City). The City is the "public agency which has the principal responsibility for carrying out or approving the project" and, as such, is the "Lead Agency" for this project under the California Environmental Quality Act of 1970 (CEQA) (*State CEQA Guidelines* for Implementation of CEQA Section 15367). CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This Draft EIR is intended to serve as an informational document to be considered by the City and the Responsible Agencies during deliberations on the proposed project. The anticipated project approvals associated with the proposed project are described in Chapter 3.0, Project Description.

The City of Dana Point, as the Lead Agency, determined that the proposed project may have a significant effect on the environment and that an EIR would be required to more fully evaluate potential adverse environmental impacts that may result from development of the proposed project. As a result, this Draft EIR has been prepared in accordance with CEQA, as amended (Public Resources Code [PRC] Section 21000, et seq.), and the *State CEQA Guidelines* for Implementation of CEQA (California Code of Regulations [CCR], Title 14, Section 15000, et seq.). This Draft EIR also complies with the procedures established by the City for the implementation of CEQA.

Preparation of an EIR for the proposed project began in mid-2020. Prior to the preparation of the Draft EIR, an Initial Study (LSA, September 2020) (provided in Appendix A of this Draft EIR) determined that the proposed project may have a significant effect on the environment and that an EIR would be required to more fully evaluate potential adverse environmental impacts that may result from development of the proposed project. Consequently, this Draft EIR was prepared.

Questions regarding the preparation of this document and the City's review of the proposed project should be referred to the following:

Kurth B. Nelson III, Principal Planner
City of Dana Point, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Phone: (949) 248-3572
Email: knelson@danapoint.org

2.2 PURPOSES AND TYPE OF EIR/INTENDED USES OF THE EIR

This Draft EIR has been prepared to evaluate environmental impacts that may result from implementation of the proposed project. As the Lead Agency, the City has the authority for preparation of this Draft EIR and, after the comment/response process, certification of the Final EIR and approval of the proposed project as described in this Draft EIR.

The City and Responsible Agencies have the authority to make decisions on discretionary actions relating to development of the proposed project. As previously stated, this Draft EIR is intended to serve as an informational document to be considered by the City and Responsible Agencies during deliberations on the proposed project. This Draft EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with the proposed project.

This Draft EIR will serve as a Project EIR pursuant to *State CEQA Guidelines* Section 15161. According to Section 15161 of the *State CEQA Guidelines*, a Project EIR is appropriate for specific development projects in which information is available for all phases of the project, including planning, construction, and operation.

As previously stated, the City is the Lead Agency for the proposed project under CEQA (*State CEQA Guidelines* Section 15367). CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This Draft EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from construction and operation of the proposed project. The purpose of the public review of the Draft EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the *State CEQA Guidelines* states the following regarding standards from which adequacy is judged:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Under CEQA (PRC Section 21002.1[a]):

> "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided."

As previously discussed in Chapter 1.0, Executive Summary, an EIR is the most comprehensive form of environmental documentation identified in CEQA and the *State CEQA Guidelines* and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

2.3 ENVIRONMENTAL REVIEW PROCESS

The California Environmental Quality Act (CEQA) (PRC Section 21000, et seq.), requires that a public agency prepare an EIR when the public agency finds substantial evidence that the project may have a significant effect on the environment (PRC Section 21080 (d)). The basic purposes of CEQA are to:

1. Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities;

2. Identify the ways that environmental damage can be avoided or significantly reduced;

3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and

4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

In compliance with the *State CEQA Guidelines*, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The City conducted the scoping process, issued a Notice of Preparation (NOP) for the proposed project, and determined that an EIR was required to evaluate the potentially significant environmental effects of the proposed project and related actions. In addition, a public scoping meeting was held, as discussed further below.

2.3.1 Initial Study and Notice or Preparation

The City, as the Lead Agency, originally prepared an Initial Study (IS) and issued an NOP for an EIR on September 25, 2020.

The State Clearinghouse (SCH) issued a project number for the EIR (SCH No. 2020099024). The primary purpose of preparing the IS was to scope the environmental analysis and describe potential environmental impacts that may result from project approval. The IS was also used to scope out environmental issues that were determined to be "less than significant" or "no impact."

In accordance with the *State CEQA Guidelines*, Section 15082, the NOP was circulated to trustee and responsible agencies and individuals for a period of 32 days, during which time written comments were solicited pertaining to environmental issues and topics that the EIR should evaluate.

Responses to the IS/NOP were received from the following agencies:

- Native American Heritage Commission (NAHC), dated September 28, 2020
- Orange County Fire Authority (OCFA), dated October 8, 2020
- California Department of Fish & Wildlife (CDFW), dated October 22, 2020
- South Coast Air Quality Management District (SCAQMD), October 22, 2020
- Orange County Transportation Authority (OCTA), dated October 26, 2020
- California Department of Transportation (Caltrans) District 12, dated October 26, 2020

- South Coast Water District (SCWD), dated October 26, 2020
- Southwest Regional Council of Carpenters, dated October 26, 2020

No individuals submitted written comments on the proposed project.

2.3.2 Scoping Meeting Summary

The public scoping meeting was held at 6:00 p.m. on Wednesday, October 7, 2020, to present the proposed project and to solicit input from interested individuals regarding environmental issues that should be addressed in the Draft EIR. The City held the public scoping meeting electronically via live broadcast on the City's YouTube page at: https://www.youtube.com/channel/UCdNW_5KL2Q7lC-DFHUyFr7A/featured. The Council Chambers, located at 33282 Golden Lantern, were also open to the public at a reduced capacity to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus.

Key environmental issues and concerns raised in the response to the NOP scoping process or at the scoping meeting included:

- **Air Quality/Greenhouse Gas Emissions:** The letter from SCAQMD suggests that the proposed project utilize its 1993 *CEQA Air Quality Handbook* (and associated updates) and the California Emissions Estimator Model (CalEEMod) to analyze air quality and greenhouse gas impacts.

- **Cultural Resources/Tribal Cultural Resources:** The letter from NAHC suggests that there may be cultural resources sensitive for Native Americans in the vicinity of the project site and recommended consultation with Native American tribes that are culturally affiliated with the project site.

- **Geology & Soils/Hazards & Hazardous Materials:** The letter from SCWD suggests the Draft EIR should include an analysis of all off-site SCWD facilities that may have to be modified as required for the proposed project.

- **Land Use & Planning:** The letter from Caltrans District 12 suggests that the Draft EIR should discuss the City's Multimodal Mobility Strategies, such as transit and connectivity that encourages the design of Complete Streets. The letter from Southwest Regional Council of Carpenters suggests that the Draft EIR should discuss any inconsistencies with applicable general plans, specific plans, and regional plans, particularly in reference to the City's Regional Housing Needs Assessment (RHNA) targets. The letter from OCFA suggests that the proposed project would result in less than significant impacts if measures were included related to compliance with applicable safety codes and regulations.

- **Public Services:** OCFA provided measures related to fire code requirements, fire sprinkler systems, water supply systems, and occupancy requirements that should be included as part of the proposed project. OCFA also included a mitigation measure requiring the Project Applicant to enter into a Secured Fire Protection Agreement with OCFA prior to approval of the project.

- **Transportation:** The letter from OCTA suggests that in addition to an analysis of vehicle miles traveled (VMT) for impacts under CEQA, a level of service (LOS) analysis should be included to address impacts to roadway segments and intersections included in the OCTA Congestion Management Program (CMP). The comment letter also requests the right-of-way necessary to build out Dana Point Harbor Drive, consistent with the current four-lane designation of this roadway as a Primary Arterial in the Orange County Master Plan of Arterial Highways (MPAH) (2020), be maintained. The letter from Caltrans District 12 requests that a Traffic Impact Analysis report be prepared for the project, which should consider impacts to State Route 1 (SR-1) and Interstate 5 (I-5). The comment letter also requests that the Draft EIR discuss Multimodal Mobility Strategies encouraging coordination with OCTA for multimodal strategies including prioritizing transit, bicycle, and pedestrian opportunities. Lastly, the comment letter requests that an encroachment permit be obtained for any work within State right-of-way. The letter from SCWD suggests that temporary impacts to emergency access from construction along Island Way, Dana Point Harbor Drive, and Casitas Place be analyzed in the Draft EIR.

- **Utilities & Service Systems:** The letter from SCWD noted the addition of a recycled water distribution system installed in 2015 to serve the Dana Point Harbor area and specified that the EIR should address potential additions or modifications to this existing SCWD infrastructure. Additionally, the comment letter requests that the EIR include an analysis of impacts of construction modifications to the SCWD's infrastructure and identify mitigation measures and alternatives deemed feasible for reducing or eliminating direct and indirect project impacts associated with modifications to SCWD infrastructure.

2.3.3 Public Review Period

This Draft EIR is being distributed to numerous public agencies and other interested parties for review and comment. The Draft EIR is available at the following location:

City of Dana Point, Community Development Public Counter
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Hours: Monday through Friday, 8:00 a.m. to 12:00 p.m. for walk-in services
Monday through Friday, 1:00 p.m. to 4:00 p.m. by appointment only

The Draft EIR is also available on City's website: https://www.danapoint.org/department/community-development/planning/environmental-documents

All comments received from agencies and individuals on the Draft EIR will be accepted during the public review period, which will not be less than 45 days, in compliance with CEQA. All comments on the Draft EIR should be sent to the following City contact person:

Kurth B. Nelson III, Principal Planner
City of Dana Point, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Phone: (949) 248-3572
Email: knelson@danapoint.org

2.4 SCOPE OF THIS DRAFT EIR

As required by *State CEQA Guidelines* Section 15126.2, this Draft EIR must identify the effects of the proposed project determined to be significant. Per *State CEQA Guidelines* Section 15060, the City determined that the proposed project may have a significant impact on the environment after preparation of the IS, and the EIR process was initiated. As explained in Section 2.3.1 above, the City issued an NOP soliciting comments from Responsible and Trustee Agencies and other interested parties, including members of the public.

The thresholds of significance criteria utilized in this Draft EIR are based on Appendix G of the *State CEQA Guidelines*. All environmental topics contained in the Appendix G Checklist are addressed in this Draft EIR: aesthetics, agriculture (refer to discussion below in Section 2.5.1, Agricultural Resources), air quality, biological resources (refer to discussion below in Section 2.5.2, Biological Resources), cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources (refer to discussion below in Section 2.5.3, Mineral Resources), noise, population and housing (refer to discussion below in Section 2.5.4, Population and Housing), public services, recreation (refer to discussion below in Section 2.5.5, Recreation), transportation, tribal cultural resources, utilities and service systems, and wildfire (refer to discussion below in Section 2.5.6, Wildfire). The analysis herein determines whether there are no impacts, less than significant impacts, less than significant impacts with mitigation, or significant and unavoidable impacts associated with the proposed project. Mitigation measures are proposed where feasible to reduce or eliminate identified impacts.

2.5 EFFECTS FOUND NOT TO BE SIGNIFICANT

As required by *State CEQA Guidelines* Section 15128, this Draft EIR identifies the potential effects of the proposed project that were determined not to be significant and adverse and therefore not addressed in the Draft EIR. The proposed project would not result in adverse impacts related to agricultural resources, biological resources, mineral resources, population and housing, recreation, and wildfires. These issues are briefly discussed below along with the substantiation for why they were determined not to be significant.

2.5.1 Agricultural Resources

The project site is located in an urbanized area predominantly developed with restaurant, retail, and marina uses. According to the City's Zoning Map, the project site is zoned as Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC). Additionally, the project site is designated as Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML) in the City's General Plan. As such, the project site is not zoned or designated for agricultural, forest land, or timberland uses and is not currently used for agricultural or timberland production. The project site is currently mapped as Urban and Built Up Land by the Farmland Mapping and Monitoring Program (FMMP).[1] There are no designated Prime Farmlands, Unique Farmlands, or Farmlands of Statewide Importance on the project site or in the project's immediate vicinity, nor are there areas zoned for agricultural or forestry uses. The project site does not contain any timberland resources. Further,

[1] California Department of Conservation (DOC). 2016. Orange County Important Farmland. Website: https://www.conservation.ca.gov/dlrp/fmmp (accessed July 9, 2020).

the project area is not protected by a Williamson Act contract.[1] Therefore, implementation of the proposed project would not result in environmental changes that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Therefore, project-related impacts with respect to agricultural and forestry resources are not evaluated further in this Draft EIR.

2.5.2 Biological Resources

A Biological Assessment (March 2021) was prepared by Hamilton Biological Inc., for the proposed project and is provided as Appendix B of this Draft EIR. As described in the Biological Assessment, the project site is currently developed in its existing condition, with exposed native soils occurring only along Dana Point Harbor Drive within the median and northern shoulder. In addition, the general location of the project site is within an urbanized area of the City, as the entirety of the Dana Point Harbor has been previously developed since basic infrastructure and public facilities were constructed and the Dana Point Harbor first opened in 1971. The project site contains ornamental landscaping and non-native trees, which could potentially support nests and roosting for bird species. However, the proposed project would comply with all legal requirements including the Migratory Bird Treaty Act of 1918 (MBTA) and the California Fish and Game Code (CFGC) Sections 3503, 3503.5, and 3513 (refer to Standard Condition BIO-1, below) would ensure project implementation would not impact nesting birds. In addition, as stated in the Biological Assessment, there is no suitable habitat for listed species on the project site. Suitable habitat for the federally-listed California gnatcatcher is located within 500 feet of the project site, but no direct and indirect impacts would occur. Construction of the proposed project would result in the removal of some ornamental trees currently present on the project site. However, compliance with environmental commitments included in Final Program EIR No. 591 for the Dana Point Harbor Revitalization Program (FEIR No. 591) and included as policies specific to tree maintenance and removal in the Dana Point Harbor Revitalization Plan (DPHRP) would ensure that the proposed project would not conflict with any local policies or ordinances protecting biological resources (refer to Standard Condition BIO-2, below). The proposed project would also comply with all commitments in Final Program EIR No. 591 and the subsequent policies included in the DPHRP related to air quality, water quality, and noise that would also ensure no impacts to native plants and nesting birds would occur as a result of project construction or operation. Refer to Sections 4.2 (Air Quality), 4.8 (Hydrology & Water Quality), and 4.10 (Noise) of this Draft EIR for a detailed discussion of these applicable policies and associated environmental commitments.

In addition, as described in the Biological Assessment, most songbirds migrate at night during spring and fall and during these flights they often follow the coastline, routinely flying over the ocean itself. At daybreak, birds that find themselves over the water reorient and fly to the coast. There they spend the day, or multiple days, resting and foraging before continuing on with their migration. At Dana Point Harbor, installation of glass or plexiglass windows, wind screens, etc., on harbor-facing parts of the new buildings may cause the potential for songbirds flying in off the ocean and toward the coastal bluffs to mistake reflections of sky in windows or other glass panels for open space, resulting in bird-strikes. Therefore, Standard Condition BIO-3 is included below to ensure that any

[1] DOC. 2019. Williamson Act. Website: https://www.conservation.ca.gov/dlrp/wa/Pages/stats_reports.aspx (accessed July 9, 2020).

project-related harbor-facing glass or glass-like surfaces have been designed to reduce the incidence of bird-strikes.

There are no riparian habitats or other sensitive natural communities as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS). The project site does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Within the vicinity of the project site, there are no large areas of natural habitat that would facilitate migratory fish or wildlife movement or serve as a wildlife corridor. The project site is not covered under the Orange County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) or any other conservation plan. For the reasons stated above, project-related impacts with respect to biological resources are not evaluated further in this Draft EIR.

The following Standard Conditions would be applicable to the proposed project:

Standard Condition BIO-1 **Compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) Sections 3503, 3503.5, and 3513.** As specified in the MBTA, project construction activities should avoid any removal of any trees that are identified as supporting active nests. If it is determined that it is not possible to relocate these trees within the site, then these trees shall be replaced with species as determined appropriate by the County of Orange in consultation with a qualified biologist or ornithologist and arborist and reported to the City of Dana Point (City). If tree removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required no more than three (3) days prior to the start of ground disturbance, vegetation removal, or construction activities to ensure that any active nests are identified and appropriate measures taken to ensure that impacts to nesting species and the avoidance of the incidental loss of eggs or nestlings are in compliance with regulations established in the MBTA and the CFGC.

Standard Condition BIO-2 **Tree Removal/Trimming.** The Project Applicant shall comply with the environmental commitments included in Final Program EIR No. 591 for the Dana Point Harbor Revitalization Project. The Project Applicant shall also comply with the policies outlined in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) related to tree removal for both maintenance and construction activities.

Per Land Use Plan Policy LUP 7.1.2.2, the Project Applicant shall ensure the protection of bird nesting habitat protected by the MBTA and the long-term protection of breeding, roosting and nesting habitat of bird species listed pursuant to the Federal or California Endangered Species Acts, California bird species of special

concern and wading birds (herons or egrets) as well as owls or raptors. The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Wildlife, the United States Fish and Wildlife Service, and the U.S. Migratory Bird Treaty Act (MBTA), and shall be conducted under the parameters described in the Tree Trimming Procedures outlined in Special Provision 21 included as a part of the Implementation Plan of the DPHRP&DR. Special Provision 21 also includes conditions for tree maintenance during the non-breeding and non-nesting season (October through December) as well as during the breeding season (January through September). All tree trimming and tree removal will be conducted in compliance with these provisions.

Furthermore, the Project Applicant will comply with Special Provision 22, which includes provisions specific to construction during the breeding and nesting season.

Per LUP I-7.1.2-3, Tree Maintenance Procedures for the trimming and/or removal of trees shall include, but not be limited to, the following provisions:

- Tree trimming or tree removal when necessary, shall be conducted only during the non-breeding and non-nesting season (October through December) of the identified bird species unless the County of Orange in consultation with a qualified arborist and with review and comment from the Audubon Society determines that a tree causes danger to public health and safety. A health and safety danger shall be considered to exist if a qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The County shall be proactive in identifying and addressing diseased, dying, or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season.
- Trees or branches with a nest of a State or federal listed species, a California bird species of special concern or a wading bird (heron or egret) as well as owls or raptors, that have been active anytime within the last 5 years shall not be removed or disturbed unless a health and safety danger exists.
- The removal of any tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36-inch box size), planting specifications

and a 5-year monitoring program with specific performance standards.

Standard Condition BIO-3 **Minimization of Window-Strikes by Migratory Birds.** Prior to County of Orange issuance of any building permits, the City of Dana Point Director of Community Development shall verify that all proposed harbor-facing glass or glass-like surfaces (e.g., plexiglass) have been designed to minimize bird-strikes. Clear glass or glass-like materials shall not be installed unless patterning (fritting or appliqués) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Patterning shall be applied to the outside-facing glass surface. Patterning shall leave untreated two inches or less of horizontal space or four inches or less of vertical space unless the applicant can demonstrate equivalent protection against bird-strikes using a different scheme. Use of opaque or partially opaque materials is preferred to clear glass or plexiglass and appliqués. All materials, including any appliqués, shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird-strikes and shall be maintained at a minimum in accordance with manufacturers' specifications and as recommended by the City Director of Community Development.

2.5.3 Mineral Resources

As indicated in the City's General Plan Conservation/Open Space Element, no mineral resources have been identified within the City. Implementation of the proposed project would not result in the loss of a known commercially valuable mineral resource that would be of value to the region and residents of the State because no known mineral resources are present on the project site. Further, no impacts related to the loss of availability of a locally important mineral resource recovery site would occur as a result of project implementation. Therefore, project-related impacts with respect to mineral resources are not evaluated further in this Draft EIR.

2.5.4 Population and Housing

Short-term and long-term employment opportunities offered by the construction and operational phases of the proposed project are likely to be met by the available local and regional labor pool. Construction of the proposed project would provide short-term construction jobs over an approximately 36-month period. Many of the construction jobs would be temporary and would be specific to the variety of construction activities. Although the proposed project is replacing an existing hotel use on the project site, operation of the proposed project would result in an increase in the number of employees due to the increased number of hotel rooms and expanded amenities associated with two hotels. However, as of September 2020, the City had a labor force of 18,000, and the County had a labor force of 1,571,600, with approximately 2,400 and 224,500 people

unemployed, respectively.[1] The September 2020 unemployment rate was 7.6 percent for the City and 9.0 percent for the County.[2] This suggests an available local and regional labor pool to serve the long-term employment opportunities offered by the completion of the proposed project. Therefore, the proposed project would not result in an imbalance of employment opportunities or available residential capacity as it is unlikely that employees would need to be relocated from outside the region to meet the number of employees needed for operation of the proposed hotels. The proposed project would also be located within a developed area of Dana Point with an established roadway network that would be utilized by employees accessing the project site.

The reapportionment of development intensity included for the proposed project is also entirely for visitor-serving uses, rather than for residential development (refer to Table 2.A below). As described above, employment opportunities for these visitor-serving uses would be addressed by the local labor pool and would not indirectly or directly induce population or growth. Operation of the proposed project would not induce substantial population growth or accelerate development in an underdeveloped area. Furthermore, construction and operation of the project would not result in a loss of housing or persons, nor require or necessitate the development of replacement housing elsewhere as future employees are expected to come from the existing local labor force. Therefore, project-related impacts with respect to population and housing are not evaluated further in this Draft EIR.

Table 2.A: Reapportionment of Development Intensity for PA 3

Use	Proposed Changes from Table 17-A
Hotel / Motel	+ 49 rooms
-- Function Meeting	- 6,000 sf
-- Restaurant / Food Service	+ 9,275 sf
-- Accessory Retail	+ 450 sf
-- Fitness / Health Center	+ 900 sf
Boater Service Buildings	- 7,800 sf

Source: City of Dana Point. Proposed Zoning Text Amendment/Local Coastal Program Amendment for the Dana Point Harbor Hotels Project (2021).
PA = Planning Area
sf = square foot/feet

2.5.5 Recreation

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

1 State of California Employment Development Department (EDD). 2020. Monthly Labor Force Data for Cities and Census Designated Places, September 2020. October 16, 2020. Website https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html (accessed on October 22, 2020).

2 Ibid.

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. Although the project is anticipated to increase the number of employees and visitors on the project site with the addition of a second hotel and increased overall lodging and accommodations, the anticipated increase would be minor compared to the amount of parks and recreational space within the City. While it is possible that employees may visit parks and recreational facilities in the City, including the Harbor, Baby Beach, and Doheny State Beach, during lunch breaks or after-work hours, it is unlikely that the use of parks by project employees would increase the use of those parks and recreational facilities to a level that would contribute to substantial physical deterioration of those facilities. While the proposed project would result in approximately 130 additional hotel rooms compared to the existing Dana Point Marina Inn, the proposed hotels would also include several recreational amenities to accommodate these additional visitors. Dana Point Harbor is itself a recreation destination intended to be utilized by visitors, such as hotel guests. Any additional use of the vast recreational resources within the Harbor and surrounding area from the additional guests or employees would be partially offset by guest use of the on-site recreational facilities, and the net increase in use of these resources when compared to the existing use by Dana Point Marina Inn guests and employees and would not contribute to substantial physical deterioration of those facilities.

In addition, the DPHRP&DR already anticipate expanded hotel development and visitor-serving amenities in Planning Area 3 and the corresponding demand for parks and recreation in the area. While it is true that this increased demand for parks would result in a corresponding increase in demand for water and wastewater service at the parks that would experience increased visitation, this increase would be very small in comparison to the number of park patrons that currently use restroom facilities in the Dana Point Harbor area because as described above, only a small percentage of the hotel guests are expected to patronize the nearby parks since, unlike most other park patrons, all of the proposed project's hotel guests would have access to private restrooms in their nearby hotel rooms. Therefore, the project would not result in the need for new or physically altered recreational facilities.

The proposed project would not develop residential uses that would require the construction or expansion of recreational facilities that might have an adverse effect on the environment. The proposed project does not propose any public recreational uses, which might have an adverse physical effect on the environment. Although the two proposed hotels would include private on-site recreational amenities (i.e., bocce ball court and pools) and pedestrian walkways, the proposed project would not include public recreational facilities aside from an outdoor kitchen/BBQ in Planning Area (PA) 4, which may allow some public use. Therefore, project-related impacts with respect to recreation are not evaluated further in this Draft EIR.

2.5.6 Wildfire

The project site is not located within a High Fire Hazard Zone according to the City's Very High Fire Hazard Severity Zone and Ember Zones Map (2012).[1] According to the California Department of Forestry and Fire Protection (CAL FIRE) and Resource Assessment Program, the project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ). [2] Overall, due to the project site's distance from the nearest VHFHSZ, risks associated with wildfires are considered less than significant. The project site is located in a developed area and does not include any characteristics that would impair emergency response or evacuation or which would expose occupants to increased risks resulting from a wildfire. While there are slopes (bluffs) adjacent to the project site, the project site is currently developed and within an urbanized portion of the City, and lacks combustible materials and vegetation necessary for the uncontrolled spread of a wildfire. In addition, approval of the proposed project does not include any physical improvements that would result in the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The project site is unlikely to experience wildfire-related risks resulting from geologic features, such as significant slopes, or geologic activities, such as landslide or flooding. Therefore, project-related impacts with respect to wildfire are not evaluated further in this Draft EIR.

2.6 FORMAT OF THE DRAFT EIR

Pursuant to *State CEQA Guidelines*, Section 15120(c), this Draft EIR contains the information and analysis required by *State CEQA Guidelines*, Sections 15122 through 15131. Each of the required elements is covered in one of the Draft EIR chapters described below.

- **Chapter 1.0: Executive Summary.** Chapter 1.0 contains the Executive Summary of the Draft EIR, listing all significant project impacts, mitigation measures that have been recommended to reduce any insignificant impacts of the proposed project, and the level of significance of each impact following mitigation. The summary is presented in a table format.
- **Chapter 2.0: Introduction.** Chapter 2.0 contains a discussion of the purpose and intended use of the Draft EIR; a background on project initiation, the NOP, and areas of controversy known to the Lead Agency, including issues raised by the public. A summary discussion of effects found not to be significant and, therefore, not included in the Draft EIR analysis is also included in this chapter.
- **Chapter 3.0: Project Description.** Chapter 3.0 includes a discussion of the project's geographical setting, the history of the project site, and the project's goals, objectives, characteristics, components, construction phasing, and anticipated discretionary actions and permits.

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1 City of Dana Point. 2012. Very Fire Hazard Severity Zone and Ember Zones. Website: https://www.danapoint.org/department/community-development/building-safety/fire-hazard-severity-zones (accessed August 9, 2020).

2 California Department of Forestry and Fire Protection (CAL FIRE). 2020. California Fire Hazard Severity Zone Viewer. Website: https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414 (accessed July 2020).

- **Chapter 4.0: Environmental Analysis, Impacts, and Mitigation Measures.** Chapter 4.0 includes an analysis of the proposed project's environmental impacts. It is organized into the following topical sections: aesthetics, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, and utilities and service systems. The environmental setting discussions describe the "existing conditions" of the environment on the project site and in the vicinity of the site as they pertain to the environmental issues being analyzed (Section 15125 of the *State CEQA Guidelines*).

  The project impact discussions identify and focus on the significant environmental effects of the proposed project. The direct and indirect significant effects of the proposed project on the environment are identified and described, giving due consideration to both the short-term and long-term effects, as necessary (Section 15126.2[a] of the *State CEQA Guidelines*).

  Chapter 4.0 also includes within the analysis of each environmental topic a discussion of the cumulative effects of the proposed project when considered in combination with other projects, causing related impacts as required by Section 15130 of the *State CEQA Guidelines*. Cumulative impacts are based on the buildout of the project and surrounding area, including all other known proposed projects in the surrounding area.

  The discussions of mitigation measures identify and describe feasible measures that could minimize or lessen significant adverse impacts for each significant environmental effect identified in the Draft EIR (Section 15126[e] of the *State CEQA Guidelines*). The levels of significance before and after mitigation are provided. Unavoidable adverse effects are identified where mitigation is not expected to reduce the effects to less than significant levels.

- **Chapter 5.0: Alternatives.** In accordance with CEQA, the alternatives discussion in Chapter 5.0 describes a reasonable range of alternatives that could feasibly attain the basic objectives of the proposed project and that are capable of eliminating or substantially reducing any of the proposed project's significant adverse environmental effects or reducing them to a less than significant level. No unavoidable significant impacts have been identified in the Draft EIR. The alternatives analyzed in Chapter 5.0 include the No Project Alternative and two Project Alternatives.

  The No Project Alternative would involve no changes to the existing land uses and conditions on the project site. No new development on the project site would occur, and the existing facilities would remain in operation on the site.

  The Project Alternatives would include a Reduced Intensity Alternative and a Mixed Use Alternative. The Reduced Intensity Alternative would involve the demolition of the existing Dana Point Marina Inn and replacement with the proposed Dana Point Surf Lodge and the elimination of the top floor of the proposed Dana House Hotel for an overall reduction of 30 market-rate rooms. The Mixed Use Alternative would involve the construction of Dana Point Surf Lodge as proposed under the proposed project and the replacement of Dana House Hotel with an approximate 25,000 square foot (sf) structure consisting of retail and restaurant space.

- **Chapter 6.0: Other CEQA Considerations.** Chapter 6.0 includes CEQA-mandated discussions on the following topics as required by Section 15126 of the *State CEQA Guidelines*: (1) significant irreversible environmental changes that would result from implementation of the proposed

project; (2) significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible, and (3) growth-inducing impacts of the proposed project.

- **Chapter 7.0: Mitigation Monitoring and Reporting Program.** PRC Section 21081.6 requires that agencies adopt a mitigation monitoring and reporting program for any project for which it had made findings pursuant to PRC Section 21081. Chapter 7.0 provides a list of all proposed project mitigation measures and applicable performance standards, defines the parties responsible for implementation and review/approval, and identifies the timing for implementation of each control measure.
- **Chapter 8.0: List of Preparers and Persons Consulted.** Chapter 8.0 provides a list of the Draft EIR preparers, technical report authors, and other experts included in the preparation of the Draft EIR and the organizations and persons consulted during preparation of the Draft EIR.
- **Chapter 9.0: References.** Chapter 9.0 provides the references used in this Draft EIR.

2.7 INCORPORATION BY REFERENCE

As permitted in Section 15150 of the *State CEQA Guidelines*, an EIR may reference all or portions of another document that is a matter of public record or is generally available to the public. Information from the documents that has been incorporated by reference has been briefly summarized in the appropriate sections of this Draft EIR, along with a description of how the public may obtain and review these documents. These documents include:

- City of Dana Point. 2011. Dana Point Harbor Revitalization Plan and District Regulations. (available online at: https://www.danapoint.org/Home/ShowDocument/12553)
- Dana Point Harbor Revitalization Project Program EIR (available online at: https://media.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=52835).
- Dana Point Harbor Marina Improvement Project Subsequent EIR (available online at: https://media.ocgov.com/gov/dph/revitalization/waterside/eirdraft.asp)
- City of Dana Point General Plan Elements (as amended through General Plan Amendment (GPA_GPA00-07—Subsequent GPAs available via request at https://www.danapoint.org/department/city-clerk/records-management) (available online at: https://www.danapoint.org/i-want-to-/general-plan)
- City of Dana Point Municipal Code and other titles referenced herein (available online at: http://qcode.us/codes/danapoint/?view=desktop)

Documents that are incorporated by reference are available for review at

City of Dana Point, Community Development Public Counter
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Hours at release date of this Draft EIR (subject to change):
- Monday through Friday, 8:00 a.m. to 12:00 p.m. for walk-in services
- Monday through Friday, 1:00 p.m. to 4:00 p.m. by appointment only

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3.0 PROJECT DESCRIPTION

This Draft Environmental Impact Report (EIR) has been prepared to evaluate the environmental impacts that may result from implementation of the proposed Dana Point Harbor Hotels Project (proposed project). As Lead Agency, the City of Dana Point (City) has the authority for preparation of this Draft EIR and, after the comment/response process, certification of the Final EIR and approval of the proposed project as described in this Draft EIR. The City and Responsible Agencies have the authority to make decisions on discretionary actions related to the approval of the proposed project. This Draft EIR is intended to serve as an informational document to be considered by the City and the Responsible Agencies during deliberations on the proposed project. This Draft EIR evaluates a reasonable worst-case scenario of potential environmental impacts associated with the proposed project and provides mitigation where necessary.

3.1 PROJECT OVERVIEW

R.D. Olson Development (the Project Applicant) proposes to construct two hotels (Dana House Hotel and Dana Point Surf Lodge or the "proposed project") located at 24800 Dana Point Harbor Drive, near the intersection of Island Way and Dana Point Harbor Drive in Dana Point. The proposed project involves the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site and includes the development of two hotels, one of which would include space for boater services, associated ancillary hotel uses, and replacement of parking areas, including designated boater and hotel parking. Also included in the proposed project are associated infrastructure improvements necessary to facilitate pedestrian and vehicular access to and from the project site, landscaping improvements, and utility upgrades necessary to implement the proposed project. Dana House Hotel would be designed as a boutique hotel including 130 market-rate rooms and associated amenities. Dana Point Surf Lodge would be an affordable hotel that includes 139 rooms, three of which would be developed as dorm-style rooms, and associated amenities.

3.2 LOCATION, EXISTING USES, AND SITE CONTEXT

3.2.1 Regional Project Location

The proposed project is located on an approximate 10-acre site (project site) in Dana Point, which is located in the southwest portion of Orange County, California. The City encompasses approximately 29.5 square miles of land (approximately 18,880 acres) within Orange County. The City is bounded by the City of San Juan Capistrano on the northeast, the Cities of Laguna Niguel and Laguna Beach on the northwest, the City of San Clemente on the east, and the Pacific Ocean on the south and west. Roughly 2,158 acres of the City lie within the Local Coastal Zone (Coastal Overlay District), including the project site.

As shown on Figure 3.1, Regional Location Map (all figures are provided at the end of this chapter), regional access to the project site is provided by Pacific Coast Highway (PCH, also known as State Route 1 or SR-1) and Interstate 5 (I-5). PCH runs in a northwest to southeast direction through the City and is located approximately 0.30 mile north of the project site. I-5 runs through the eastern

portion of the City and is located approximately 1.3 miles northeast of the project site. Access to the project site is provided from Dana Point Harbor Drive and Casitas Place.

3.2.2 Project Vicinity and Surrounding Land Uses

As noted above, the project site is located within the City's Coastal Overlay District. The land use and development regulations for the entire Dana Point Harbor, including the project site, are included in the Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR).

The majority of the project site consists of three legal lots (consisting of Assessor's Parcel Numbers [APNs] 682-022-01 – 682-022-08 and a portion of 682-022-16) located within DPHRP&DR Planning Areas (PAs) 2 and 3. Improvements within the public right-of-way along Island Way (PA 4) and Dana Point Harbor Drive (PA 3) include new landscaping and loading zones. Improvements in a small portion of PA 2 just south of the termination of Casitas Place include the eastern portion of Dana House Hotel's podium structure, the adjacent Festival Plaza, and a small portion of the Pedestrian Promenade along the East Cove Marina bulkhead in the Commercial Core, and are also part of the proposed project. Surrounding land uses include Heritage Park located to the north, restaurant and retail uses to the east, and marina uses located south, east, and west of the project site. Additionally, a plaza containing commercial uses is located northeast of the project site and single-family residential uses are located north of the project site on the other side of Heritage Park, above the coastal bluff. A detailed project vicinity map is shown on Figure 3.2, Project Vicinity Map/Aerial Photograph.

3.2.3 Existing Project Site

The project site is generally bounded on to the north by Dana Point Harbor Drive, to the west by Island Way, to the east by Casitas Place and restaurant, retail, and marina uses, and to the south by Dana Point Harbor waters and boat docks. In the existing condition, the project site is currently developed with the Dana Point Marina Inn on the central portion of the project site and two Boater Services Buildings with surface parking reserved for boaters on the southern portion of the project site. Access is currently provided to the project site from Dana Point Harbor Drive to the northeast and from Casitas Place to the east.

3.2.4 Land Use and Zoning

As shown in Figure 3.3, General Plan Land Uses, according to the City's General Plan Land Use Map, the project site is designated Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML). The V/RC land use designation provides for primarily visitor-serving uses, such as restaurant, resort hotels and motel uses, commercial, recreation specialty and convenience retail goods and services. The HML designation provides for land-based harbor uses such as marinas, marine-oriented commercial and industrial services, marine-oriented governmental facilities and services, visitor-serving commercial uses, open space uses, and community facilities.

According to the Dana Point Zoning Code (DPZC), Dana Point Harbor is zoned Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC). The DPHRP&DR was incorporated by reference as Chapter 9.25 of the DPZC, and included as Appendix A of the DPZC in 2011. The DPZC comprises a part of the larger Local Coastal Program (LCP) for a majority of the City. The DPHRP&DR

is divided into two parts: (1) the Land Use Plan (Dana Point Harbor Revitalization Plan [DPHRP]) comprising the general planning and policy document, and (2) the Implementation Plan (Dana Point Harbor District Regulations [DPHDR]) containing land use regulations and site development standards for all Planning Areas in Dana Point Harbor.

The DPHRP&DR refers to both Land Use Designations (DPHRP) and Land Use Districts (DPHDR), and these coincide with one of the 12 Planning Areas identified in the DPHRP&DR that establish land use and development regulations within the Dana Point Harbor (Figure 3.4, Planning Area Map). Although the terms used to describe these components of a typical general plan (land use designations) and zoning code (zoning districts) differ from the Land Use Plan and the Implementation Plan, the name of these land use designations/districts are the same in both the DPHRP and the DPHDR. Figure 3.5, Dana Point Harbor Revitalization Plan, illustrates the Planning Areas and corresponding land use designations/districts in the DPHRP&DR. According to Figure 3.5 and Figures 3.6, Planning Area 3 Boundary, and 3.7, Preliminary Conceptual Site Plans, for the proposed project, the majority of the project site is located within PA 3, which has a corresponding land use designation/district of Visitor Serving Commercial (VSC). The VSC is intended to provide for a variety of visitor serving commercial overnight accommodations, ancillary uses, and facilities in addition to commercial, recreational uses, and facilities supportive of the general community and the regional recreational needs of residents and visitors. The proposed loading zones and landscape improvements to the east of Island Way are located within PA 4 of the DPHRP&DR, which has a land use designation/district of Marine Commercial (MC), which is intended to provide for a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, and private and public club uses supportive of the general boating public and to serve the regional recreational needs of residents and visitors. The proposed improvements south of the terminus of Casitas Place are located within PA 2 of the DPHRP&DR, which has a land use designation/district of Day Use Commercial (DUC).

The DPHDR is the Implementation Plan for the DPHRP&DR, constitutes the zoning for the project site, and governs the permitted uses and development standards associated with the project site. The Dana Point Harbor Revitalization Plan Statistical Table is included in Chapter 17 (Revitalization Plan and Statistical Table Regulations and Procedures) of the DPHDR. Chapter 17 provides regulations and procedures for the City to revise the Dana Point Harbor Revitalization Plan Statistical Table, which contains a statistical breakdown for each of the Planning Areas shown on the DPHRP in terms of acreage and maximum amount of allowable development intensity. Since the proposed project would increase the number of hotel rooms and the square footage of the associated ancillary hotel uses in PA 3, as well as specifically change text in the DPHRP&DR to allow a second hotel, a Local Coastal Program Amendment (LCPA) and Zone Text Amendment (ZTA) are proposed, as described under Section 3.4, below. Additionally, due to its proximity to the Pacific Ocean, the project site falls within the boundaries of the City's Coastal Overlay District.

3.2.5 California Coastal Commission Compliance: Coastal Development Permit

According to its mission statement, the California Coastal Commission (Coastal Commission) was established to protect, conserve, restore and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and

future generations. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the California Coastal Act to include (among others) construction of buildings, divisions of land and activities that change the intensity of use of land or public access to coastal waters, generally require a Coastal Development Permit from either the Coastal Commission or the local government.

The City of Dana Point has a certified Local Coastal Program, and therefore issues Coastal Development Permits for landside improvements within PAs 1 through 7 of the DPHRP&DR. The Coastal Commission retains appeal jurisdiction for City issued Coastal Development Permits within the Dana Point Harbor.

3.3 PROJECT CHARACTERISTICS

The proposed project involves the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site and includes the development of two hotels, one of which would include space for boater services, associated ancillary uses, and designated boater and hotel parking. Also included in the proposed project are associated infrastructure improvements necessary to facilitate pedestrian and vehicular access to and from the project site, landscaping improvements, and utility upgrades. Refer to Figure 3.7, Preliminary Conceptual Site Plans, for the location of the proposed improvements on the project site.

3.3.1.1 Dana Point Surf Lodge

The proposed Dana Point Surf Lodge would consist of a four-story, approximately 56,896-square-foot (sf) structure providing 139 guest rooms on the western portion of the project site. Dana Point Surf Lodge would be a lower-cost overnight accommodation hotel. Three of the rooms would be dedicated as “dorm” type accommodations with 16 bunk beds per room for a total of 48 beds. These dorm-type rooms would be located on the first floor. The remaining 136 rooms would more closely resemble typical hotel rooms and would be located on floors 2, 3, and 4. The proposed Dana Point Surf Lodge would also include a lobby area, business areas, bars, lounges, outdoor dining area, communal kitchen a fitness center, a pool and recreation center, accessory retail space, and guest laundry.

Dana Point Surf Lodge is designed using the allowable exception to the PA 3 35-foot (ft) height limit up to 50 ft as shown on Figure 3.8, Preliminary Dana Point Surf Lodge Elevations. Projections of appropriately screened mechanical units not exceeding 10 percent of the total roof area, and not exceeding the height limit by more than 5 ft are also proposed. Dana Point Surf Lodge would utilize a classical composition of architectural elements with the use of form and a variety of materials to bring a modern style and residential scale to the proposed project. The use of color, texture, and materials would provide a connection to the visual character of the surrounding beach and surf community.

3.3.1.2 Dana House Hotel

The proposed Dana House Hotel would consist of a four-story, approximately 125,026 sf structure that includes a partially buried lower level, four floors of hotel rooms, and amenities. The partially

buried lower level, referred to as the structural podium level, would be accessible for parking and other uses and would support the four floors of hotel rooms and amenities. Dana House Hotel would provide 130 market-rate guest rooms on floors 1 through 4. Other amenities include a lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space.

Additionally, approximately 6,800 sf floor space on the partially buried podium level would replace the existing PA 3 boater service buildings slated for demolition. This total 6,800 sf floor area includes approximately 3,800 sf devoted as ancillary space for boaters (i.e., showers, lockers, laundry, and vending machines), with the remaining 3,000 sf dedicated to marina office/meeting space.

Dana House Hotel is designed using the allowable exception to the 35 ft height limit of PA 3 up to 50 ft, with architectural treatments and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions, as shown on Figure 3.9, Preliminary Dana House Hotel Elevations. Dana House Hotel would utilize a contemporary composition of Traditional Nautical architectural styled elements using a variety of materials with well-proportioned massing to develop an elegant and yet informal use of color and materials to provide a connection to the visual character and historical precedents of Dana Point Harbor. The massing would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point.

The proposed structures would be consistent with the California Coastal design theme intended to unify the Dana Point Harbor Revitalization Planning Areas. The building design would be consistent with the requirements outlined in the applicable sections of Chapter 8 of the DPHRP and Chapter 6 of the DPHDR.

3.3.2 Sidewalks and Landscaping

The proposed hotels would include landscaped open space areas and walking paths. Sidewalks and landscaping would surround the proposed hotels, providing access from the parking lots and harbor, to the building entry points. The proposed project would also include on and off-site landscaping improvements on each side of Casitas Place, and adjacent to and in the median of Dana Point Harbor Drive (within PA 3), and off-site loading zones and landscape improvements to the area west of Dana Point Surf Lodge and on each side of Island Way (within PA 4). The established PA 3 boundary includes Dana Point Harbor Drive along the project frontage, extending to Golden Lantern. The extension of the project site boundary to Golden Lantern allows for improvements along Dana Point Harbor Drive required by the project or proposed by the Project Applicant for the benefit of the public. A new traffic signal and pedestrian improvements to the intersection of Casitas Place and Dana Point Harbor Drive were constructed as part of the previously approved Commercial Core Revitalization Project. The current proposal for Dana Point Harbor Drive in PA 3 consists of landscape improvements. As discussed further in Section 4.12, Transportation, of this EIR, additional improvements along Dana Point Harbor Drive in PA 3 may be included during the detailed and technical construction design and permitting process. The proposed sidewalks surrounding the proposed hotels would provide public access from the rights-of-way to the Pedestrian Promenade

located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site.

In total, the proposed project would include approximately 56,000 sf (approximately 1.3 acres) of landscaping on the site. The proposed landscaping would include a variety of trees, shrubs, and groundcover throughout the project site. Landscaping features would be designed to support stormwater management and infiltration on the project site. Refer to Figure 3.10, Preliminary Landscape Plans.

The proposed landscaping would include a variety of shrubs and groundcover, and the use of several varieties of trees, including strawberry tree (*Arbutus unedo*), rusty-leaf fig (*Ficus rubiginosa*), crepe myrtle (*Lagerstroemia indica*), olive (*Olea europaea*), date palm (*Phoenix dactylifera*), and Aleppo pine (*Pinus halepensis*). Additionally, several eucalyptus trees on the project site would remain in place. Refer to Figure 3.11, Preliminary Planting Palette.

3.3.3 Parking and Access

The proposed project would provide approximately 483 parking spaces including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel. The proposed parking would also include designated boater parking for the wet slips.

The surface parking for Dana House Hotel would be provided exclusively through valet operations. Dana Point Surf Lodge parking would be gate controlled and hotel guests would self-park. The designated boater parking would also be gate controlled and boaters would self-park.

Bicycle parking would also be provided near both Dana Point Surf Lodge and Dana House Hotel. In addition, included as part of the project design, a complimentary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts would be provided for hotel guests. These golf carts may also be used for boater services. Pedestrian access, golf cart shuttle service, and proximity to transit would result in reduced vehicle trips by hotel patrons.

Vehicular access to the project site would be provided from an existing driveway off Dana Point Harbor Drive on the northeast boundary of the project site and an existing driveway on Casitas Place on the eastern boundary of the project site. Delivery truck access to Dana House Hotel would primarily use Casitas Place. Here, trucks would turn left from Dana Point Harbor Drive onto Casitas Place to the designated service area. To exit, trucks would travel east through the adjacent surface parking lot and use Golden Lantern Street to return to eastbound Dana Point Harbor Drive. Truck deliveries to Dana Point Surf Lodge would be directed to turn left on Island Way and travel to the west side turn-around on the Island and then use the designated loading zones on Island Way just south of Dana Point Harbor Drive.

3.3.4 Signage

Initial signage concepts for the proposed project would include four monument signs approximately 8 ft wide by 4 ft high and placed throughout the project site along Dana Point Harbor Drive at street

and driveway intersections, and at the southwest corner of the podium structure near the Pedestrian Promenade/Festival Plaza in PA 2. These signs would identify each hotel and their ancillary restaurants and rooftop bars. Additional building wall signage would include backlit standoff aluminum signs for Dana Point Surf Lodge, Dana House Hotel, and associated bar, restaurant, and designated boater parking sized approximately 2 ft in height and would be placed on the building façades. All signs are subject to the requirements of Chapter 15 (Sign Standards and Regulations) of the DPHDR, and must be consistent with the Harbor Sign Program.

3.3.5 Grading, Earthwork, and Construction Trips

Construction activities for the proposed project would include demolition of existing structures on the project site, grading and excavation of the site; utility improvements; construction of the two proposed hotels, one of which would include space for boater services, and parking facilities; and installation of landscaping.

The total area planned for construction is approximately 10 acres and would require approximately 995 cubic yards (cy) of raw cut on the project site and an additional 58,145 cy of cut for the proposed parking level. Approximately 54,910 cy would be utilized on site for fill, resulting in a net export of 4,230 cy of cut. This would require approximately 529 two-way truck trips to and from the project site to export this material.

The Geotechnical Report prepared for the proposed project proposes two foundation system alternatives: a mat foundation system or a footing system on Geopiers. According to the Geotechnical Report, if a mat foundation system is implemented for the project, the building pads should be excavated to a depth of at least 3 ft below the bottom of the mat foundation within existing artificial fill materials, and 1 ft below the bottom of the mat foundation where existing bedrock is encountered. The lateral extent of the overexcavation should be at least 3 ft beyond the edge of the mat. As an alternative foundation system, if shallow spread footings supported on Geopiers or equivalent gravel piers are selected to support the proposed hotel structures, then the slab-on-grade (SOG) subgrade will require corrective grading prior to construction of the slab structural section. In this alternative, the buildings' SOG subgrade should be excavated to a depth of at least 24 inches below the bottom of the slab section. In the mat foundation system, excavation depths could range up to 3 ft, with the building pad excavated to a depth of at least 3 ft below the bottom of the mat foundation within existing artificial fill materials, and 1 ft below the bottom of the mat foundation where existing bedrock is encountered or less excavation with an alternate foundation system also discussed in the Geotechnical Report. Trenching would also be required to accommodate dry and wet utilities. Utility trenches would be a typical depth of 3–4 ft, with the main sewer and storm drain utilities up to 10 ft deep.

3.3.6 Utilities and Drainage

The following infrastructure improvements are proposed as part of the project:

- **Natural Gas:** The Southern California Gas Company would provide natural gas service to the project site. The proposed project would install a gas meter directly north of the proposed Dana

Point Surf Lodge and would utilize an existing natural gas line along the south side of Dana Point Harbor Drive.

- **Electricity/Telecommunications:** The proposed project would utilize existing electrical and telecommunication utility lines located along the perimeter of the project site along Dana Point Harbor Drive, Casitas Place, and Island Way.
- **Water:** The project site receives domestic and Fire water service from the South Coast Water District. The proposed project would include the construction of an 8-inch Double Check Detector Assembly (DCDA) with Fire Department Connections (FDC), post indicator valve (PIV), and fire service, and a 4-inch domestic water service, meter, and black flow device to Dana Point Surf Lodge. For Dana House Hotel, a 6-inch domestic water service, meter, and backflow device and an 8-inch DCDA with FDC, PIV, and fire service are included. All water services will connect to existing water mainlines within Dana Point Harbor Drive.
- **Sewer Service:** The South Coast Water District (SCWD) provides sewer service to the project site. The proposed project would remove the existing sewer line along the southern portion of the project site and would relocate the 8-inch sewer line to loop around Island Way, Dana Point Harbor Drive, and Casitas Place. A total of four sewer services and two grease interceptors will service the two proposed hotel properties. All sewer improvements included as part of the project would be located within the project site.
- **Stormwater:** The County of Orange provides stormwater infrastructure in Dana Point Harbor. The proposed project includes biofiltration basins, biofiltration planter boxes, and Proprietary Biotreatment Systems that would be connected to a proposed storm drain pipe system throughout and along the perimeter of the project site, which would convey storm water to two existing 18-inch and 15-inch storm drain outlets located south of the project site that will discharge to the ocean.

3.3.7 Construction Schedule

Construction of the proposed project is anticipated to begin in September 2022 and would be completed by April 2025, for a total duration of approximately 36 months. Although demolition and construction activities associated with Dana Point Surf Lodge and Dana House Hotel are anticipated to begin at the same time (September 2022), Dana Point Surf Lodge is estimated to be completed in April 2024 (a 20-month construction schedule), and Dana House Hotel is estimated to be completed in April 2025 (a 32-month construction schedule). The final 6 to 8 months of construction at each hotel would be devoted to installing interior finishings and furnishings. By the time Dana Point Surf Lodge is open, exterior construction activities at Dana House Hotel would be limited to the application of architectural coatings, landscaping, and other minor exterior finishing work as most of the remaining construction would take place inside the hotel.

3.3.8 Construction Equipment

Table 3.A provides a summary of the equipment expected to be used during construction of the proposed project. All construction equipment is anticipated to be staged on-site for the duration of construction activities.

Table 3.A: Construction Equipment

Construction Activity	Equipment Type	Duration
Demolition of Dana Point Marina Inn	Bulldozers (D6 or smaller)	3 months
	Excavators (336 or similar)	3 months
	Front End Wheel Loader (966 or similar)	3 months
	Water Truck	3 months
	18 Wheel Dump Truck	3 months
Grading/Earthwork	Wheel Scrapers (623 and 631)	2 months
	Bulldozer (D6)	2 months
	Excavators (336 or similar)	2 months
	Motor Graders (140 or similar)	1 month
	Vibratory Soil Compactor (CS 54)	1 month
	Skip Loaders	1 month
	Track Loaders (289 or similar)	2 months
	18 Wheel Belly Dump Trucks	1 month
	Water Truck	6 months
Soil Stabilization	2 BG Drill Rig: 1 for pre-drilling (BG24, SR95, or similar); 1 for mixing (BG30, BG45, or similar)	5 months
	Batch Plant (2 silos, Agi Tank, Moyno Pump, Circulation Pumps, Water Tank)	5 months
	300kVA Generator to power batch plant	5 months
	Air Compressor 185CFM to assist during mixing operations	5 months
	Small Tractor Equipment	5 months
Dana Point Surf Lodge Construction	2–3 Backhoe Excavators (430 or similar)	2 months
	60M Concrete Boom Pump	1 month
	Concrete Trucks	4 months
	Gradall Forklifts	16 months
	Super 10 Dump Trucks	3 months
	Skip Loader and Small Track Loaders	4 months
	90 Ton Crane	1 month
	Asphalt Paving Equipment	2 months
	40 Yard Dumpster Trash Trucks	17 months
Dana House Hotel Construction	3–4 Backhoe Excavators (430 or similar)	2 months
	60M Concrete Boom Pump	4 months
	Concrete Trucks	6 months
	Gradall Forklifts	30 months
	40 Ton Crane	6 months
	90 Ton Crane	2 months
	Super 10 Dump Trucks	4 months
	Skip Loader and Small Track Loaders	4 month
	Asphalt Paving Equipment	2 months
	40 Yard Dumpster Trash Trucks	30 months

3.3.9 Green Building Characteristics

The following Conservation and Sustainability measures will be implemented in strict conformance with the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements:

- Storm water pollution control requirements during construction activities
- Storm water retention systems
- Electric vehicle (EV) charging stations and EV capable spaces
- Passive solar design
- Efficient low-e glazing
- Water conserving plumbing fixtures and fittings
- Irrigation – automatic controllers, sensors, and metering of outdoor water use
- Construction waste reduction
- Specification of finish material pollutant control meeting volatile organic compound (VOC) and formaldehyde limits (i.e., adhesives, sealants, caulks, paints and coatings, aerosol paints and coatings)
- Efficient variable refrigerant flow (VRF) heating and air-conditioning system design
- Light pollution reduction
- Bicycle parking and employee transportation alternatives
- Exterior material selection for sustainability and recycled content
- Low power consumption for lighting design & dimming systems
- Commissioning and testing of heating, ventilation, and air conditioning (HVAC) and lighting systems
- Insulation and sealing of the exterior envelope

3.3.10 Project Objectives

The City and the Project Applicant have established the following intended specific objectives, which would aid decision-makers in their review of the project and its associated environmental impacts:

1. Develop two hotels offering a mix of market-rate and affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels.

2. Develop a project that balances the development potential of the project site with environmental considerations.

3. Revitalize the site with a well-designed and landscaped hotel project that is compatible with the surrounding community and planned revitalization of the Dana Point Harbor.

4. Maximize the City's tax base generating revenue for the City through increased transient occupancy and sales taxes, while balancing the provision of retail and restaurant land uses within the project site and Commercial Core based on the economic demand for such uses.

5. Invigorate the local economy by providing new employment opportunities in the City.

6. Develop a project that will promote sustainability and energy efficiency, incorporating design features that would exceed California's Title 24 Energy Code requirements.

7. Provide enhanced facilities for boaters and maintain boater designated parking in close proximity to the boat slips they serve.

3.4 DISCRETIONARY ACTIONS AND PERMITS REQUIRED

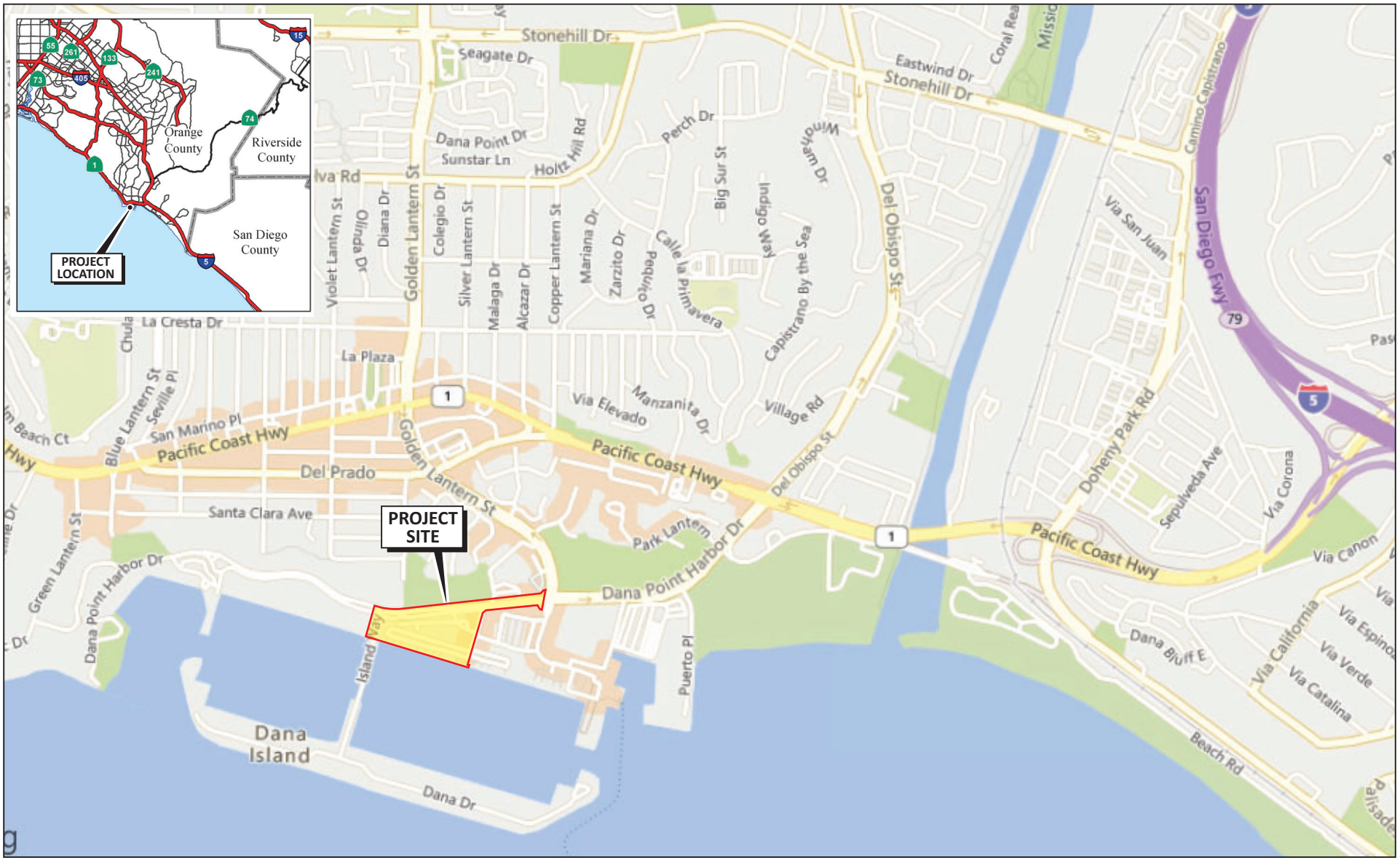
The City is the Lead Agency and has principal authority and jurisdiction over all land use entitlements within the incorporated City. The proposed project would require the following discretionary actions: a Coastal Development Permit, and ZTA to the certified Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) and subsequent LCPA. The proposed project is within the California Coastal Zone and is subject to the City's Local Coastal Program. The proposed text amendments would reapportion the land use intensity for the land use categories in the Dana Point Harbor Revitalization Plan Statistical Table in Chapter 17 of the DPHDR for PA 3, as well as text changes in the DPHRP&DR to address the particulars of the proposed project. The City Council approved the ZTA locally at a second reading of the proposed ZTA/LCPA on July 20, 2020. The amendments were submitted as an LCPA to the Coastal Commission for review and approval on July 29, 2020. The Coastal Commission deemed the application officially submitted as of August 10, 2020. On October 7, 2020, at the Coastal Commission's October meeting, Coastal Commission staff recommended and the Coastal Commission agreed to extend for good cause the 90-working-day time limit (December 18, 2020) to schedule and take action on an officially submitted LCPA for a maximum of one year. Consequently, the Coastal Commission now has up to one year from the 90-working-day time limit, or until December 18, 2021, to act on the LCPA request. The LCPA must be certified by the Coastal Commission prior to implementing the project as proposed.

Ministerial permits/approvals to allow site preparation and construction of the proposed project, such as grading and building permits, as has historically been the case for development in the Dana Point Harbor, would be issued by the County of Orange. Improvements and off-site project infrastructure connections within rights-of-way will necessitate encroachment permits issued by either the County or the City depending on which jurisdiction controls and maintains the right-of-way.

Pursuant to Section 15381 of the *State CEQA Guidelines*, "Responsible Agency" means a public agency that proposes to carry out or approve a project or a portion of a project for which the Lead Agency is preparing or has prepared an EIR. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the project, a portion of the project, or mitigation for the project. In addition to those discretionary actions described above, the proposed project would require a number of non-discretionary permits/approvals from Responsible Agencies, as listed in Table 3.B.

Table 3.B: Non-Discretionary Permits/Approvals

Agency	Permit/Approval
State Water Resources Control Board (SWRCB)	Notice of Intent (NOI) to comply with the General Activity Construction National Pollution Discharge Elimination System (NPDES) Permit
Regional Water Quality Control Board (RWQCB)	NPDES Permit and Temporary Construction Dewatering Permit (if necessary)
Orange County Fire Authority (OCFA)	Plan Approval, including emergency access and fire water supply
South Coast Air Quality Management District (SCAQMD)	Compliance with SCAQMD Rule 402 – Nuisance and Rule 403 – Fugitive Dust



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FIGURE 3.1

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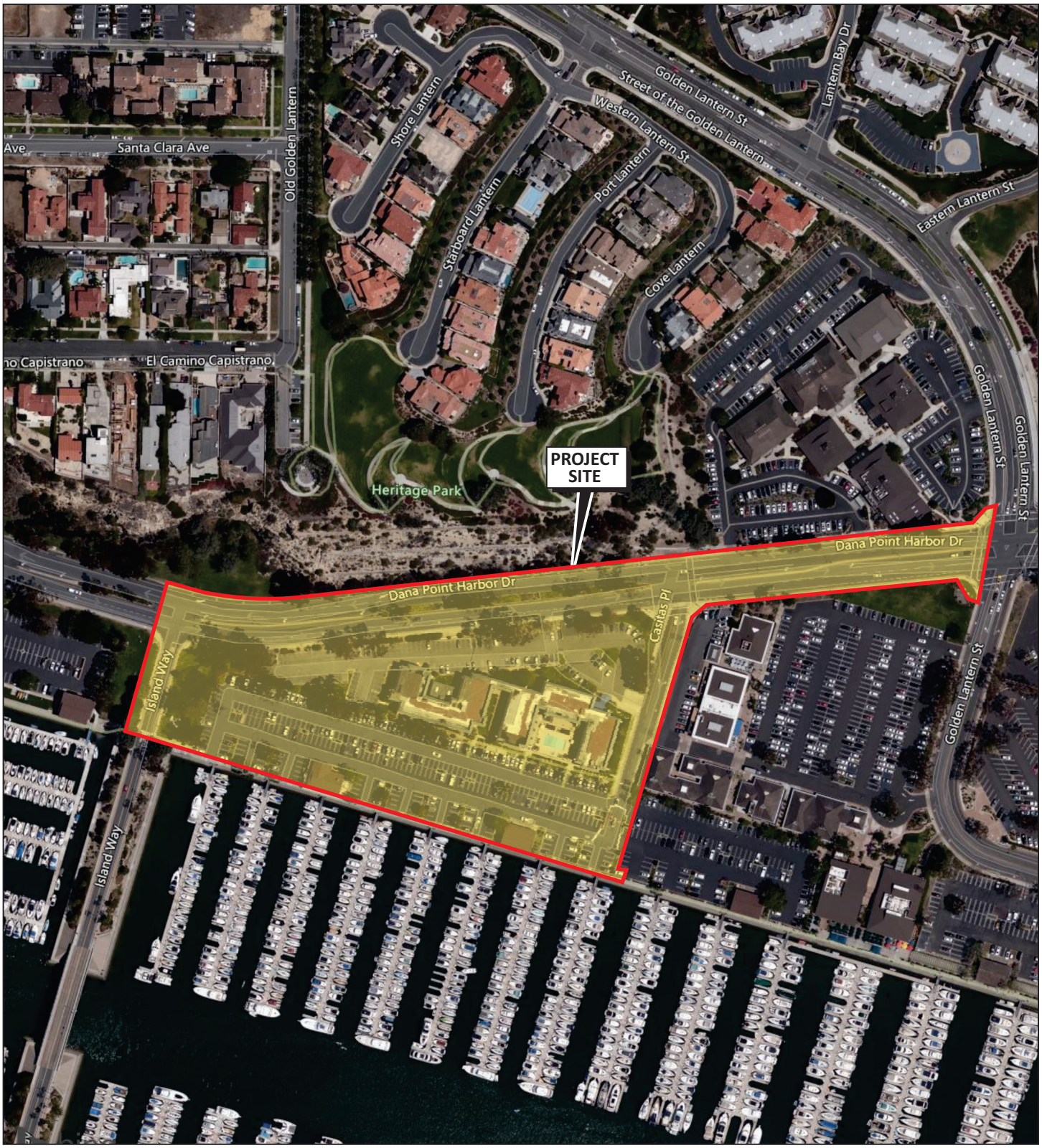
SOURCE: Bing Maps

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Dana Point Harbor Hotels Project

Regional Location Map

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FIGURE 3.2

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SOURCE: Bing Maps

Dana Point Harbor Hotels Project

Project Vicinity Map/Aerial Photograph

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FIGURE 3.3

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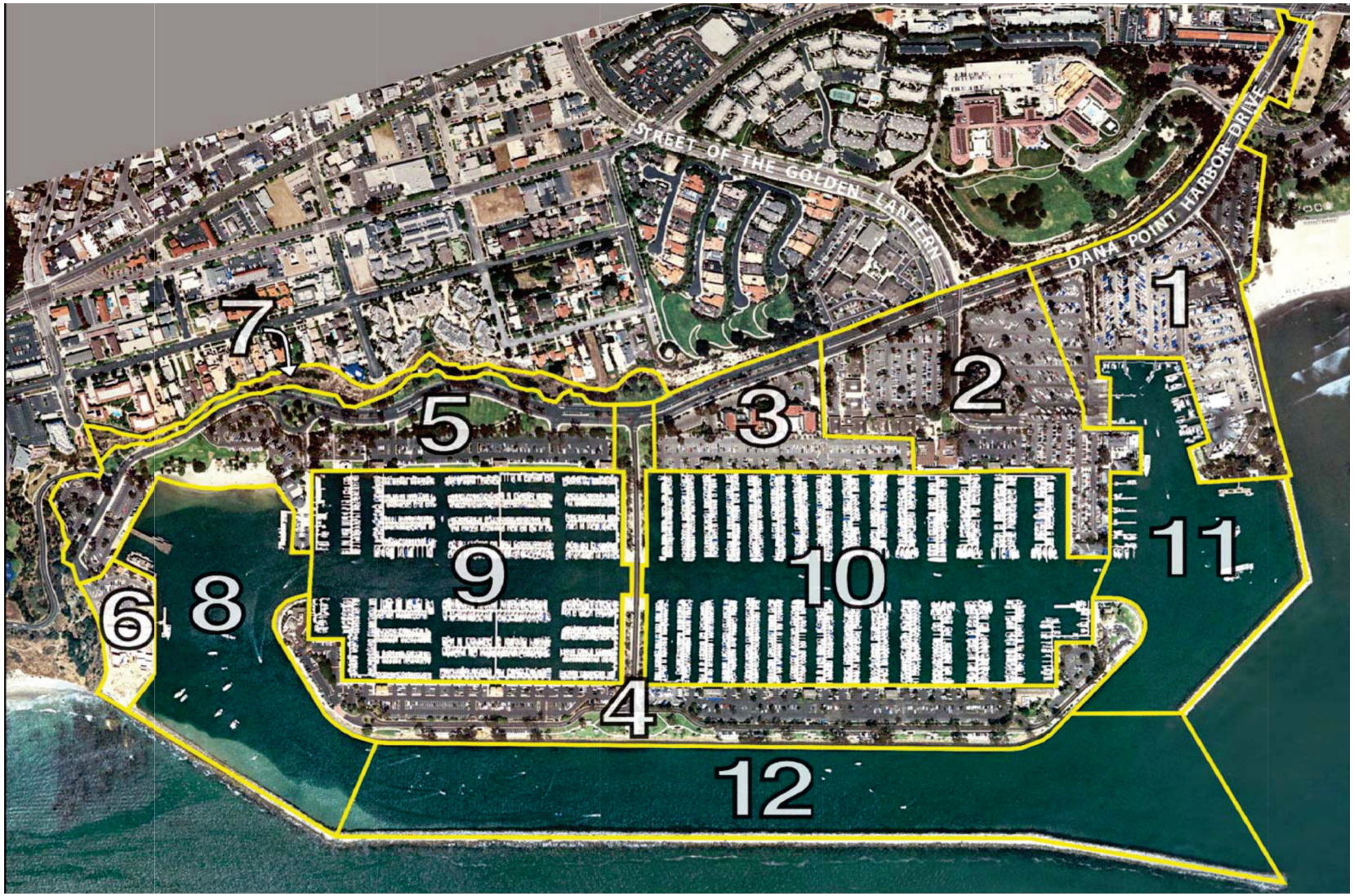
SOURCE: City of Dana Point

Dana Point Harbor Hotels Project

General Plan Land Uses

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FIGURE 3.4

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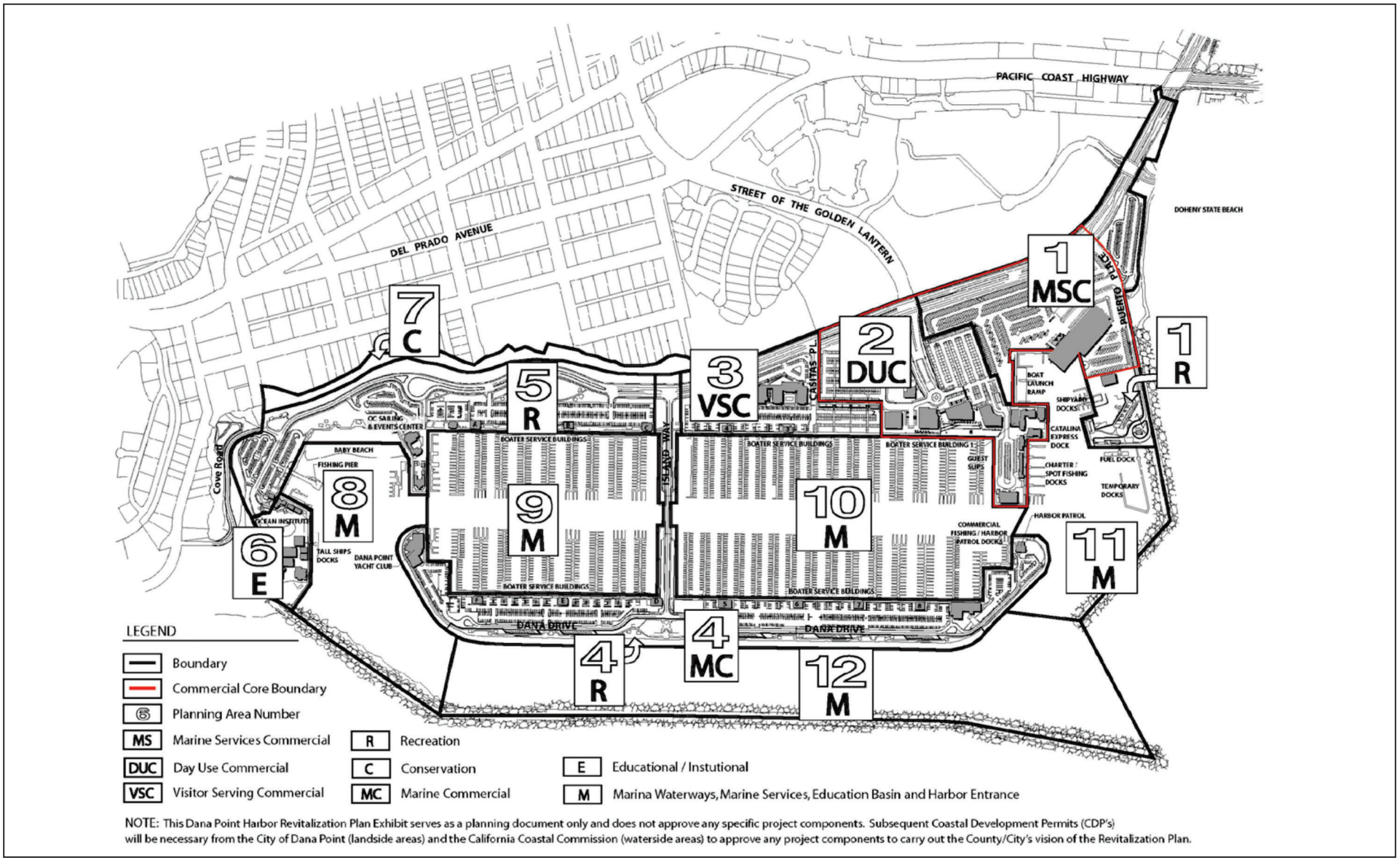
Dana Point Harbor Hotels Project

Dana Point Harbor Revitalization Plan
Planning Area Map

SOURCE: City of Dana Point

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FIGURE 3.5

Dana Point Harbor Hotels Project
Dana Point Harbor Revitalization Plan

SOURCE: City of Dana Point

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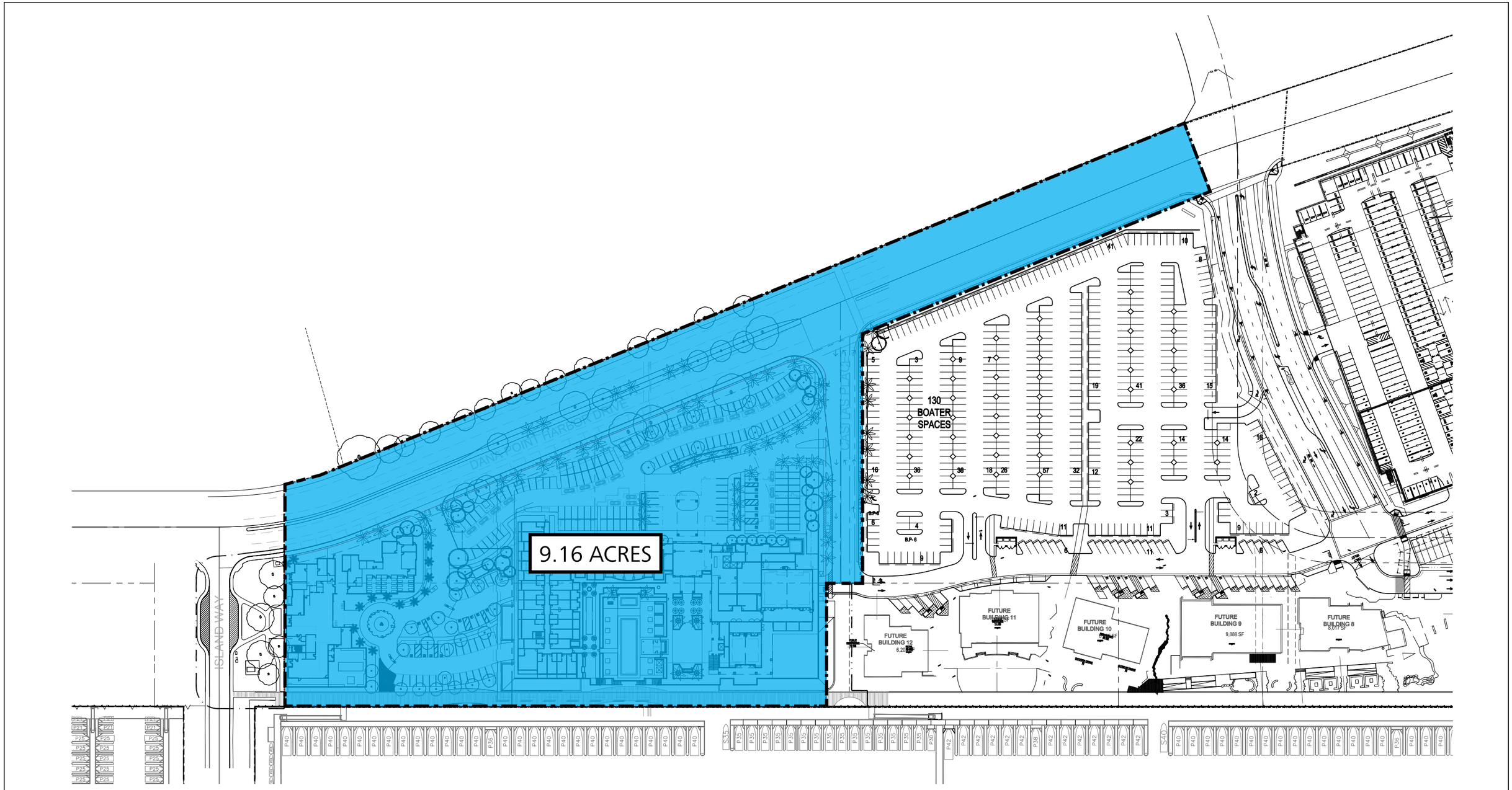


FIGURE 3.6

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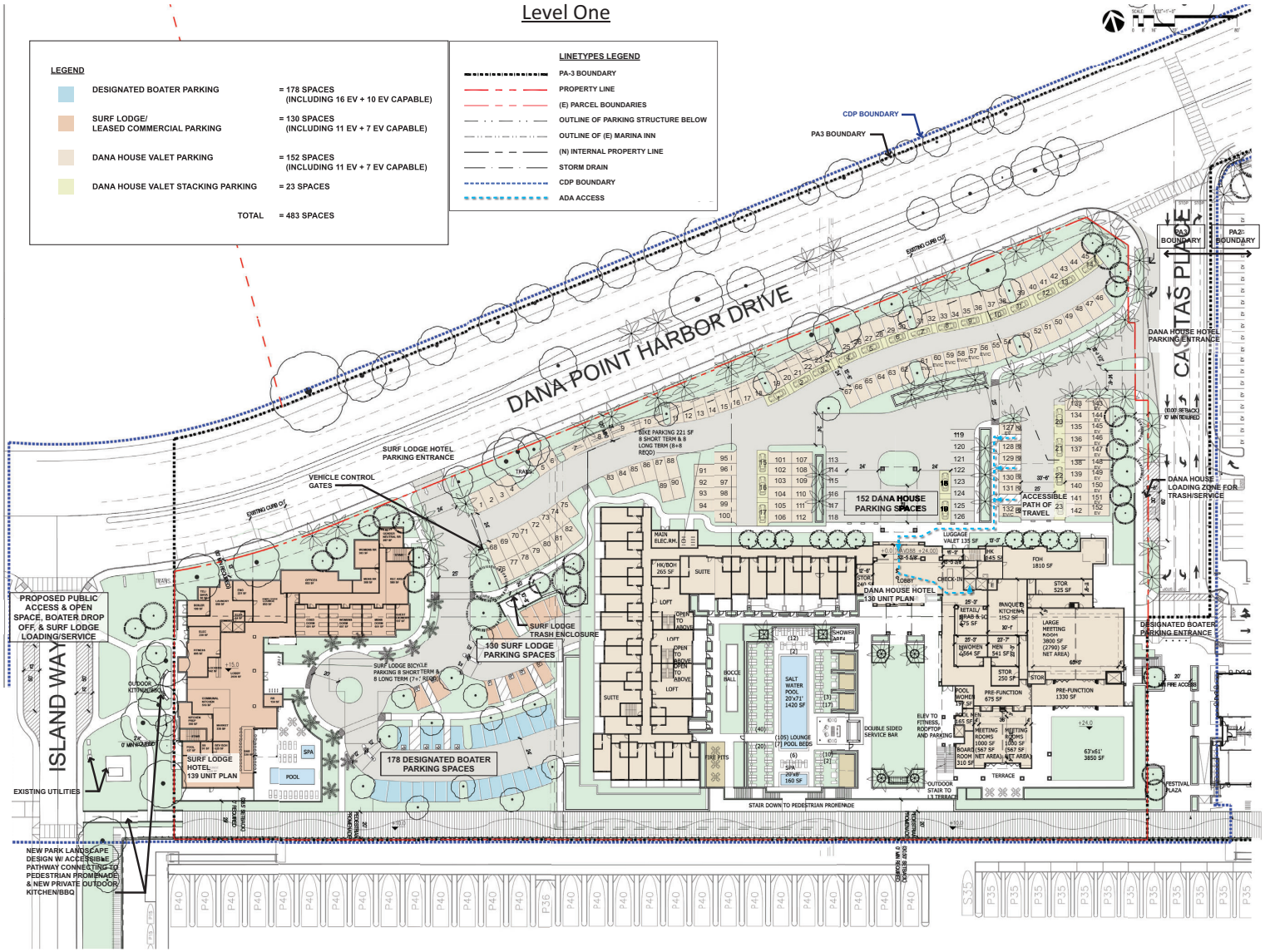
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SOURCE: City of Dana Point

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Dana Point Harbor Hotels Project
Planning Area 3 Boundary

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FIGURE 3.7
Page 1 of 2

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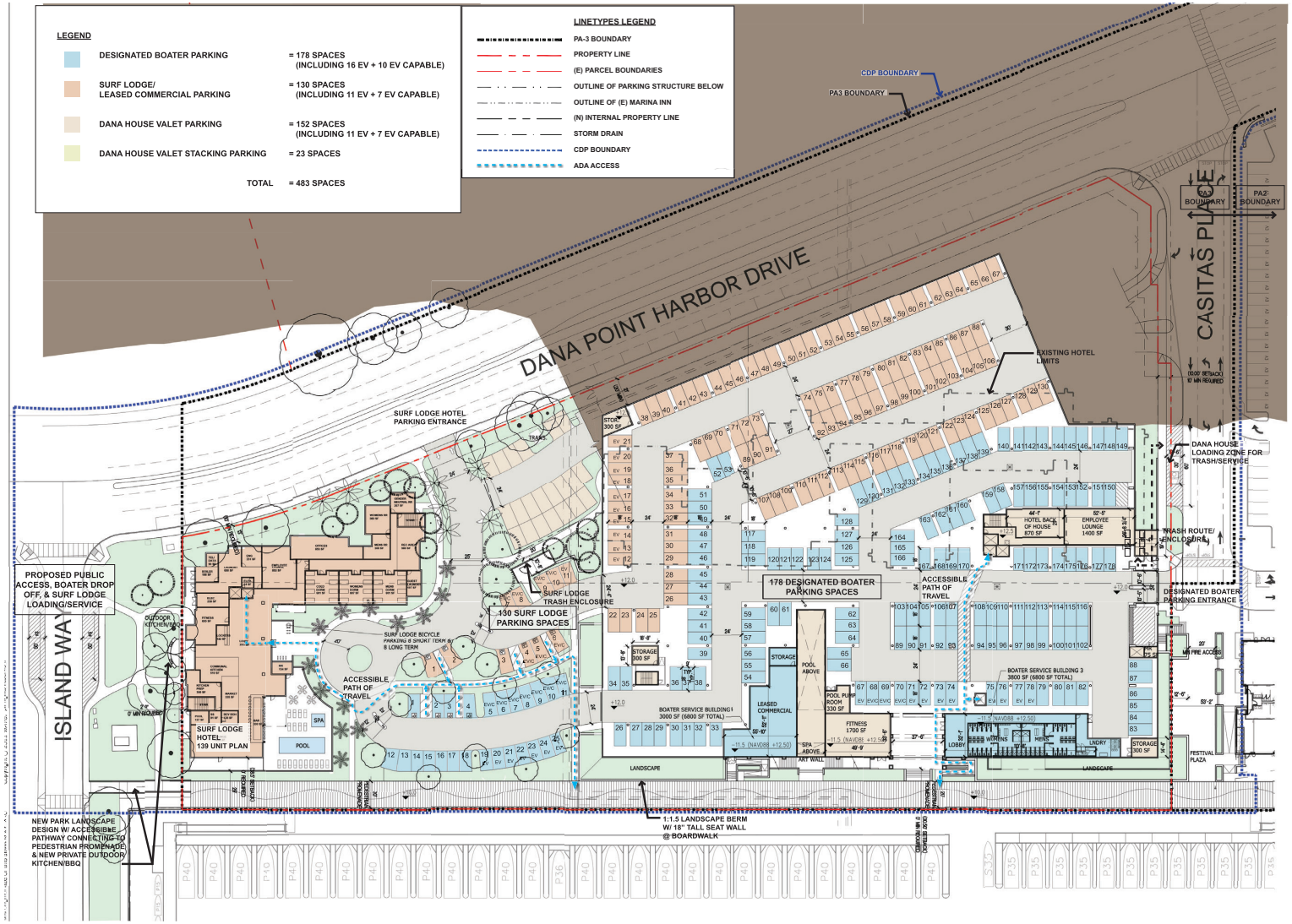
SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Conceptual Site Plan

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Podium Level



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FIGURE 3.7
Page 2 of 2

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SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Conceptual Site Plan

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1. NORTH ELEVATION
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88



2. WEST ELEVATION
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88

LSA

FIGURE 3.8
Page 1 of 2

MATERIAL LEGEND:

1. CEMENTITIOUS BOARD AND BATTEN SIDING
2. CEMENTITIOUS SHIPLAP SIDING
3. LONGBOARD ALUMINUM SIDING: WOOD LOOK POWDER COAT FINISH
4. STUCCO
5. VINYL WALL GRAPHIC

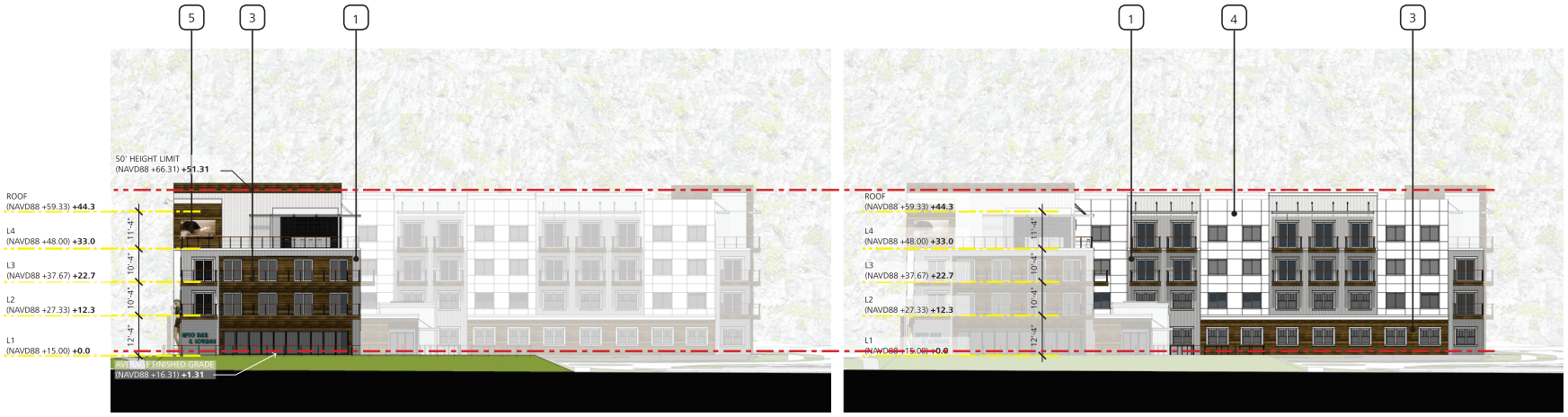
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SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Surf Lodge Elevations

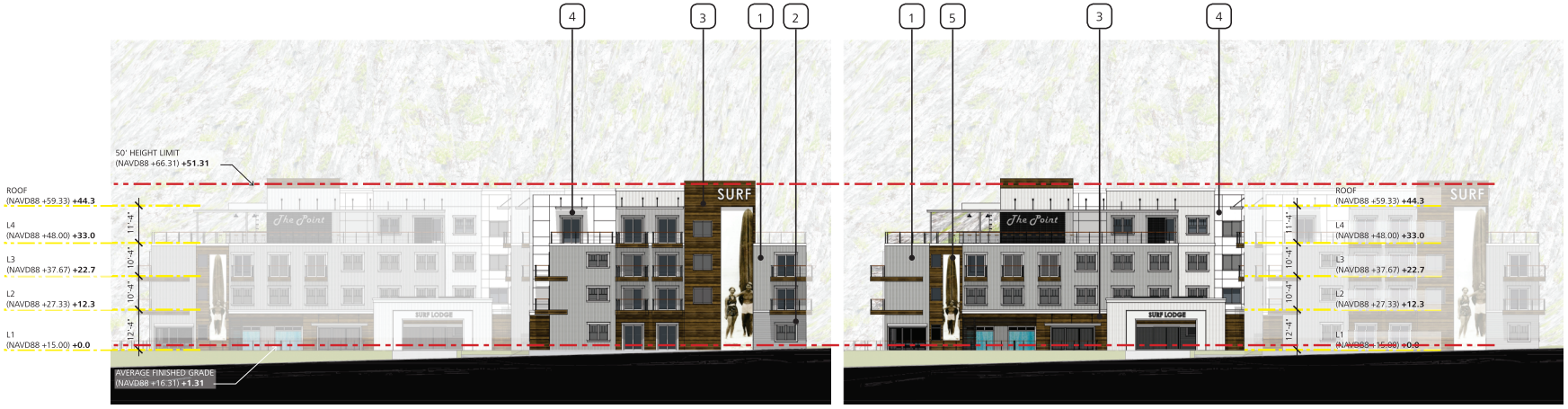
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1. SOUTH ELEVATION - FOREGROUND
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88

2. SOUTH ELEVATION - BACKGROUND
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88



3. EAST ELEVATION - FOREGROUND
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88

4. EAST ELEVATION - BACKGROUND
*NOTE: L1 F.G & F.F.E. = +15.00 NAVD88

LSA

FIGURE 3.8
Page 2 of 2

MATERIAL LEGEND:

1. CEMENTITIOUS BOARD AND BATTEN SIDING
2. CEMENTITIOUS SHIPLAP SIDING
3. LONGBOARD ALUMINUM SIDING: WOOD LOOK POWDER COAT FINISH
4. STUCCO
5. VINYL WALL GRAPHIC

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SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Surf Lodge Elevations

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1. NORTH ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88



2. EAST ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88

LSA

MATERIAL LEGEND:

1. VERTICAL BOARD AND BATTEN SIDING
2. STANDING SEAM METAL ROOF
3. SMOOTH CEMENT PLASTER
4. WHITE BRICK
5. BLACK STEEL

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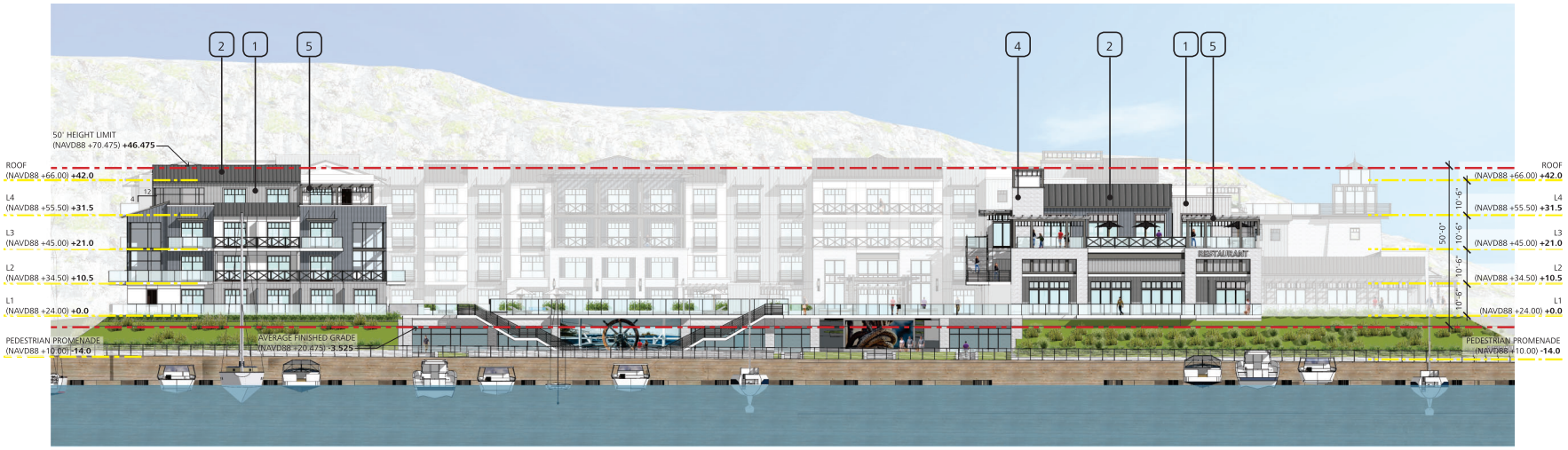
SOURCE: WATG

FIGURE 3.9
Page 1 of 3

Dana Point Harbor Hotels Project
Preliminary Dana House Elevations

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3. SOUTH ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88



4. WEST ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88

LSA

FIGURE 3.9

MATERIAL LEGEND:

1. VERTICAL BOARD AND BATTEN SIDING
2. STANDING SEAM METAL ROOF
3. SMOOTH CEMENT PLASTER
4. WHITE BRICK
5. BLACK STEEL

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SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Dana House Elevations

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5. SOUTH COURTYARD ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88



6. EAST COURTYARD ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88



7. WEST COURTYARD ELEVATION
*NOTE: L1 F.G & F.F.E. = +24.00 NAVD88

LSA

FIGURE 3.9
Page 3 of 3

MATERIAL LEGEND:

1. VERTICAL BOARD AND BATTEN SIDING
2. STANDING SEAM METAL ROOF
3. SMOOTH CEMENT PLASTER
4. WHITE BRICK
5. BLACK STEEL

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SOURCE: WATG

Dana Point Harbor Hotels Project
Preliminary Dana House Elevations

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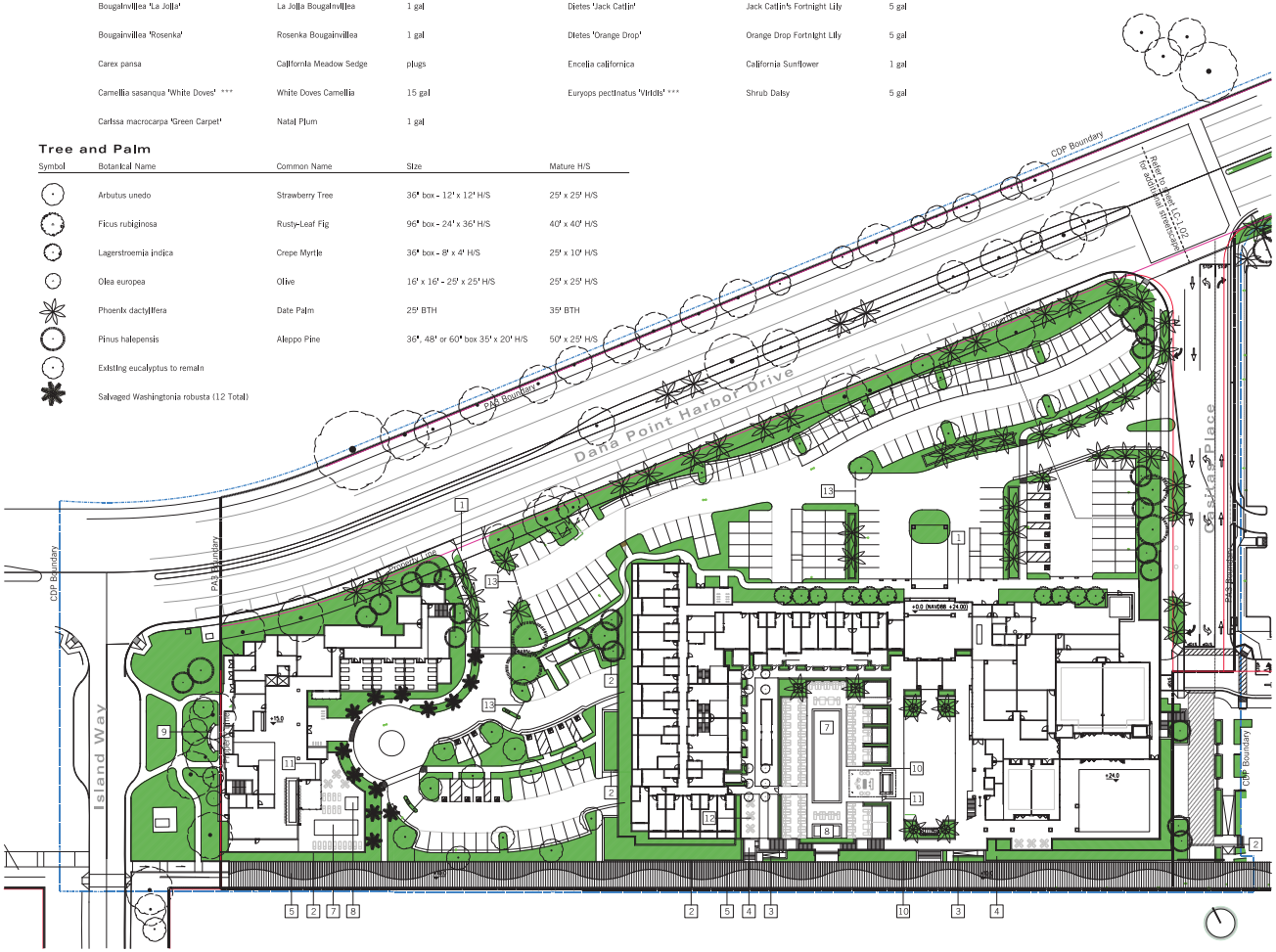
Plant Legend

Shrub and Groundcover

Symbol	Botanical Name	Common Name	Size	Symbol	Botanical Name	Common Name	Size	Symbol	Type
	Agapanthus africanus 'Queen Anne'	Queen Anne Lily-Of-The-Nile	5 gal		Carissa macrocarpa 'Tuttle'	Natal Plum	5 gal		Faux Turf
	Annual color	No Common Name	5 gal		Clivia miniata	Bush Lily	1 gal		
	Blechnum gibbum 'Silver Lady' ***	Silver Lady Fern	5 gal		Dianella tasmanica 'Variegata'	Variegated Flax Lily	1 gal		
	Bougainvillea 'La Jolla'	La Jolla Bougainvillea	1 gal		Dietes 'Jack Catlin'	Jack Catlin's Fortnight Lily	5 gal		
	Bougainvillea 'Rosenka'	Rosenka Bougainvillea	1 gal		Dietes 'Orange Drop'	Orange Drop Fortnight Lily	5 gal		
	Carex pansa	California Meadow Sedge	plugs		Encelia californica	California Sunflower	1 gal		
	Camellia sasanqua 'White Doves' ***	White Doves Camellia	15 gal		Euryops pectinatus 'Viridis' ***	Shrub Daisy	5 gal		
	Carissa macrocarpa 'Green Carpet'	Natal Plum	1 gal						

Tree and Palm

Symbol	Botanical Name	Common Name	Size	Mature H/S
	Arbutus unedo	Strawberry Tree	36" box - 12' x 12' H/S	25' x 25' H/S
	Ficus rubiginosa	Rusty-Leaf Fig	96" box - 24' x 36' H/S	40' x 40' H/S
	Lagerstroemia indica	Crepe Myrtle	36" box - 8' x 4' H/S	25' x 10' H/S
	Olea europea	Olive	16' x 16' - 25' x 25' H/S	25' x 25' H/S
	Phoenix dactylifera	Date Palm	25' BTH	35' BTH
	Pinus halepensis	Aleppo Pine	36", 48" or 60" box 35' x 20' H/S	50' x 25' H/S
	Existing eucalyptus to remain			
	Salvaged Washingtonia robusta (12 Total)			



LSA

FIGURE 3.10
Page 1 of 2

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SOURCE: Burton Landscape Architecture Studio

Dana Point Harbor Hotels Project
Preliminary Landscape Plan

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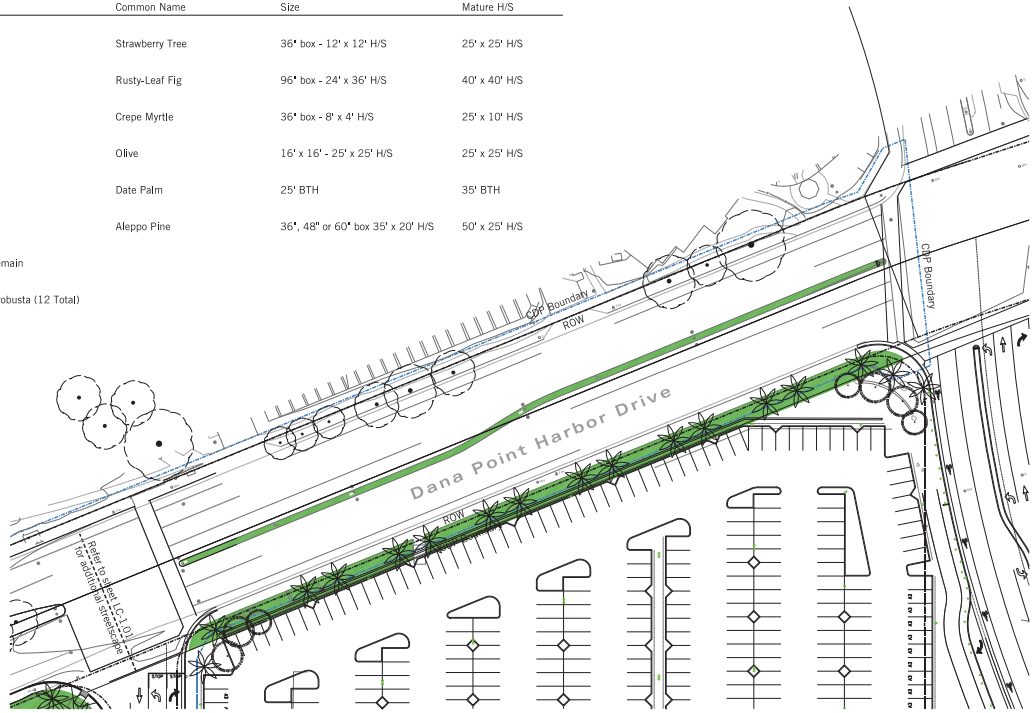
Plant Legend

Shrub and Groundcover

Symbol	Botanical Name	Common Name	Size	Symbol	Botanical Name	Common Name	Size	Symbol	Type
	Agapanthus africanus 'Queen Anne'	Queen Anne Lily-Of-The-Nile	5 gal		Carissa macrocarpa 'Tuttle'	Natal Plum	5 gal		Faux Turf
	Annual color	No Common Name	5 gal		Clivia miniata	Bush Lily	1 gal		
	Blechnum gibbum 'Silver Lady' ***	Silver Lady Fern	5 gal		Dianella tasmanica 'Variegata'	Variegated Flax Lily	1 gal		
	Bougainvillea 'La Jolla'	La Jolla Bougainvillea	1 gal		Dietes 'Jack Catlin'	Jack Catlin's Fortnight Lily	5 gal		
	Bougainvillea 'Rosenka'	Rosenka Bougainvillea	1 gal		Dietes 'Orange Drop'	Orange Drop Fortnight Lily	5 gal		
	Carex pansa	California Meadow Sedge	plugs		Encelia californica	California Sunflower	1 gal		
	Camellia sasanqua 'White Doves' ***	White Doves Camellia	15 gal		Euryops pectinatus 'Viridis' ***	Shrub Daisy	5 gal		
	Carissa macrocarpa 'Green Carpet'	Natal Plum	1 gal						

Tree and Palm

Symbol	Botanical Name	Common Name	Size	Mature H/S
	Arbutus unedo	Strawberry Tree	36" box - 12' x 12' H/S	25' x 25' H/S
	Ficus rubiginosa	Rusty-Leaf Fig	96" box - 24' x 36' H/S	40' x 40' H/S
	Lagerstroemia indica	Crepe Myrtle	36" box - 8' x 4' H/S	25' x 10' H/S
	Olea europea	Olive	16' x 16' - 25' x 25' H/S	25' x 25' H/S
	Phoenix dactylifera	Date Palm	25' BTH	35' BTH
	Pinus halepensis	Aleppo Pine	36", 48" or 60" box 35' x 20' H/S	50' x 25' H/S
	Existing eucalyptus to remain			
	Salvaged Washingtonia robusta (12 Total)			



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FIGURE 3.10
Page 2 of 2

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SOURCE: Burton Landscape Architecture Studio

Dana Point Harbor Hotels Project
Preliminary Landscape Plan

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Plant Legend

Shrub and Groundcover

Symbol	Botanical Name	Common Name	Size	Symbol	Botanical Name	Common Name	Size
	Agapanthus africanus 'Queen Anne'	Queen Anne Lily-Of-The-Nile	5 gal		Carissa macrocarpa 'Tuttle'	Natal Plum	5 gal
	Annual color	No Common Name	5 gal		Clivia miniata	Bush Lily	1 gal
	Blechnum gibbum 'Silver Lady' ***	Silver Lady Fern	5 gal		Dianella tasmanica 'Variegata'	Variegated Flax Lily	1 gal
	Bougainvillea 'La Jolla'	La Jolla Bougainvillea	1 gal		Dietes 'Jack Catlin'	Jack Catlin's Fortnight Lily	5 gal
	Bougainvillea 'Rosenka'	Rosenka Bougainvillea	1 gal		Dietes 'Orange Drop'	Orange Drop Fortnight Lily	5 gal
	Carex pansa	California Meadow Sedge	plugs		Encelia californica	California Sunflower	1 gal
	Camellia sasanqua 'White Doves' ***	White Doves Camellia	15 gal		Euryops pectinatus 'Viridis' ***	Shrub Daisy	5 gal
	Carissa macrocarpa 'Green Carpet'	Natal Plum	1 gal				

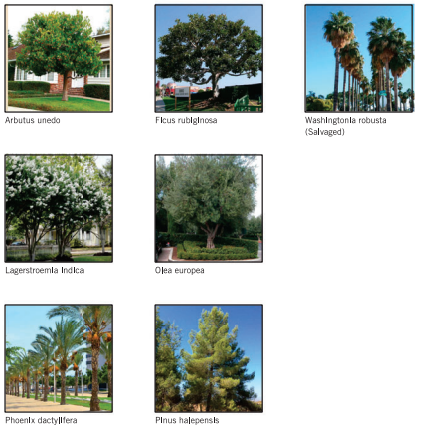
Tree and Palm

Symbol	Botanical Name	Common Name	Size
	Arbutus unedo	Strawberry Tree	36" box - 12' x 12' H/S
	Ficus rubiginosa	Rusty-Leaf Fig	96" box - 24' x 36' H/S
	Lagerstroemia indica	Crepe Myrtle	36" box - 20' x 20' H/S
	Olea europea	Olive	16' x 16' - 25' x 25' H/S
	Phoenix dactylifera	Date Palm	25' BTH
	Pinus halepensis	Aleppo Pine	36", 48" or 60" box 35' x 20' H/S
	Existing eucalyptus to remain		
	Salvaged Washingtonia robusta (14 Total)		

Shrub and Groundcover



Tree and Palm



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FIGURE 3.11

Dana Point Harbor Hotels Project
Preliminary Planting Palette

SOURCE: Burton Landscape Architecture Studio

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4.0 EXISTING ENVIRONMENTAL SETTING, ENVIRONMENTAL ANALYSIS, IMPACTS, AND MITIGATION MEASURES

OVERVIEW

The following chapter contains 14 sections, each of which addresses one environmental topic outlined in Appendix G of the Guidelines for the California Environmental Quality Act (*State CEQA Guidelines*) (California Code of Regulations [CCR] Title 14, Chapter 3, Sections 15000–15397).

For each environmental impact issue analyzed, the Draft Environmental Impact Report (EIR) includes a detailed explanation of the existing conditions, thresholds of significance that will be applied to determine whether the proposed Dana Point Harbor Hotels Project (proposed project) impacts are significant or less than significant, analysis of the environmental impacts, and a determination of whether the proposed project would have a significant impact if implemented. A "significant impact" or "significant effect" means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project" (14 CCR 15382). Each of the environmental topic sections in Chapter 4.0 also includes a discussion of the cumulative effects of the proposed project when considered in combination with other projects causing related impacts, as required by Section 15130 of the *State CEQA Guidelines*.

Each of the 14 environmental sections is organized into the following subsections:

1. **Introduction** briefly describes the topics and issues covered in the section.
2. **Scoping Process** describes the comment letters received during the public review period of the Initial Study/Notice of Preparation (IS/NOP) that are related to the topic.
3. **Existing Environmental Setting** describes the physical conditions that existed at the time the Notice of Preparation was prepared and distributed that may influence or affect the issue under investigation. This section focuses on physical site characteristics that are relevant to the environmental topic being analyzed.
4. **Regulatory Setting** lists and discusses the laws, ordinances, regulations, and policies that relate to the specific environmental topic and how they apply to the proposed project.
5. **Methodology** describes the approach and methods employed to complete the environmental analysis for the issue under investigation.
6. **Thresholds of Significance** provides the thresholds that are the basis of the conclusions of significance, which are based on the criteria in Appendix G of the *State CEQA Guidelines*.
7. **Project Impacts** describes the potential environmental changes to the existing physical conditions that may occur if the proposed project is implemented. Evidence is presented to show the cause-and-effect relationship between the proposed project and potential changes in the environment. The exact magnitude, duration, extent, frequency, and range or other parameters of a potential impact are ascertained to the extent feasible to determine whether impacts may be significant. In accordance with CEQA, potential project impacts, if any, are classified as follows for each of the environmental topics discussed in this Draft EIR.

a. **Significant Adverse Impact.** Significant adverse impacts are those that cannot be fully mitigated or avoided. If the project is approved, decision-makers are required to adopt a statement of overriding considerations pursuant to *State CEQA Guidelines* Section 15093 explaining why the project benefits outweigh the unavoidable adverse environmental effects caused by these significant adverse environmental impacts.

b. **Less Than Significant with Mitigation Incorporated.** This classification refers to significant environmental impacts that can be feasibly mitigated or avoided. If the project is approved, decision-makers are required to make findings pursuant to *State CEQA Guidelines* Section 15091 that adverse significant impacts have been mitigated to the maximum extent feasible through the implementation of mitigation measures.

c. **Less Than Significant Impact.** Less than significant impacts are environmental impacts that have been identified but are not significant. No mitigation is required for less than significant impacts.

d. **No Impact.** A "no impact" determination is made when the proposed project is found to have no environmental impact.

8. **Level of Significance Prior to Mitigation** describes the significance of potential impacts prior to implementation of mitigation measures.

9. **Regulatory Compliance Measures** (RCMs) are specific standards imposed by the approving agency and are required of the proposed project to reduce its potential environmental effects. Because these features are regulatory, and therefore required, they do not constitute mitigation measures. In the Initial Study prepared for the project, Regulatory Compliance Measures are referred to as Standard Conditions; for the purpose of this Draft EIR, Regulatory Compliance Measures and Standard Conditions are considered synonymous.

10. **Mitigation Measures** (MMs) are project-specific measures that would be required for the project to avoid, minimize, rectify, reduce, eliminate, or compensate for a potentially significant adverse impact.

11. **Level of Significance after Mitigation** describes the significance of potential impacts after implementation of mitigation measures. Potential significant unavoidable impacts are clearly stated in this section.

12. **Cumulative Impacts** refers to potential environmental changes to the existing physical conditions that may occur as a result of project implementation together with all other reasonably foreseeable, planned, and approved future projects producing related impacts. Section 15355 of the *State CEQA Guidelines* defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cumulative impacts may result from individually minor but collectively significant projects taking place over a period of time. For each of the environmental topics considered in this Draft EIR, the geographic scope of the cumulative analysis is defined. For example, the geographic scope of the cumulative analysis for potential cumulative cultural resources and tribal cultural resources impacts is the same, while the relevant cumulative area with respect to hydrology and water quality impacts includes all projected changes in areas within the defined watershed.

RELATED PROJECTS

In accordance with *State CEQA Guidelines* Section 15130, cumulative impacts are anticipated impacts of the proposed project along with reasonably foreseeable growth. Reasonably foreseeable growth may be based on either:

- A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or

- A summary of projections contained in the adopted General Plan or related planning document, or in a prior environmental document that has been adopted or certified, and that described or evaluated regional or areawide conditions contributing to the cumulative impact.

For the purposes of the EIR, a list of past, present, and probable future projects is used in the evaluation of potential cumulative impacts. All proposed, recently approved, under construction, and reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed project are evaluated in an EIR. As stated above, an analysis of the cumulative impacts associated with these related projects and the proposed project is provided in the cumulative impacts discussion under each individual impact category in Chapter 4.0.

In coordination with the City of Dana Point and the City of San Juan Capistrano, a list of past, present, and probable future projects was developed. As shown in Table 4.A, below, the projects include various land uses, such as mixed-use, residential, commercial, hotel, and light industrial. The locations of the related projects are shown on Figure 4.1.

It is noted that some of the related projects may not be completed by 2025 (the proposed project's anticipated buildout year), may never be built, or may be approved and built at reduced densities. However, to provide a conservative forecast, the future baseline forecast assumes that all of the related projects will be fully built out by 2025.

The discussion of cumulative impacts "should be guided by the standards of practicality and reasonableness" (*Environmental Protection Info. Center v. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 524). A proposal that has not crystallized to the point that it would be reasonable and practical to evaluate its cumulative impacts need not be treated as a probable future project (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 397).

Rather, a potential future project qualifies for inclusion in an analysis of cumulative impacts only to the extent the future project is "both probable and sufficiently certain to allow for meaningful cumulative impact analysis" (*Id.* at 398; see *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 902 [when "review[ing] the agency's decision to include information in the cumulative impacts analysis[,] ... [w]e determine whether inclusion was reasonable and practical"]).

Table 4.A: Summary of Related Projects

Project No.	Project Name	Location	Status	Project Description
City of Dana Point				
1	Headlands Specific Plan	121-acre site south of Pacific Coast Highway and west of the Dana Point Harbor	Approved September 2004	Specific plan regulating both the conservation and the development of the specific plan area. Plan provides for public parks, coastal trails, and open space.
2	Dana Point Harbor Revitalization Plan	276.8-acre site at Dana Point Harbor	Approved January 2006	Comprehensive revitalization plan regulating the incremental development of all commercial uses and public improvements in the Dana Point Harbor area.
3	South Cove	100 Doheny Way	Under construction	Multi-family residential
4	South Shores Church Master Plan	32712 Crown Valley Parkway	Approved March 2015; Phase I of the project (the preschool/ administration building and one of the education buildings) was completed in early 2020.	Master plan regulating the redevelopment of a house of worship site, including the addition of a preschool/ administration building, a community life center, and two education buildings.
5	Vista Del Mar	34177 Pacific Coast Highway	Under construction	Mixed-use project consisting of approximately 7,000 sf of retail, restaurants, and subterranean parking. 39 multi-family residential units.
6	Prado West	34137 Pacific Coast Highway	Under construction	Mixed-use project consisting of approximately 32,000 sf of retail, restaurants, and subterranean parking, and 109 multi-family residential units.
7	The Greer	24442 Del Prado	Approved March 2019	Mixed-use project consisting of approximately 10,000 sf of retail, restaurants, and subterranean parking, and 68 multi-family residential units with 12 units dedicated to senior housing.
8	St. Edwards Catholic Church Remodeled and Expansion	33926 Calle La Primavera	Approved December 2018	Remodel and expansion of an existing house of worship and school.
9	Capistrano Hillside Project	Via Canon	Under review	Single-family residential
10	Monarch Coast Apartments	32400 Crown Valley Parkway	Under construction	Multi-family residential
11	Lantern Point Hotel	34482 Street of the Green Lantern	Approved November 2019	Hotel
12	Grand Monarch	87 Monarch Beach Resort South	Under construction	Multi-family residential

Table 4.A: Summary of Related Projects

Project No.	Project Name	Location	Status	Project Description
13	Resort Hotel at Cannon's	34344 Street of the Green Lantern	Approved June 2018	100 guest room hotel to replace Cannon's Seafood Grill Restaurant.
14	Doheny Ocean Desalination Plant and South Coast Water District Administration Offices	Facilities located north of Pacific Coast Highway, between the San Juan Creek Channel and the Burlington Northern Santa Fe rail line. Infrastructure located along Pacific Coast Highway, Del Obispo Street, Dana Point Harbor Road, Park Lantern, Doheny Park Road, Las Vegas, and Doheny State Beach.	Approved June 2019	Ocean water desalination facility and its associated infrastructure including administration offices.
15	Victoria Boulevard Specific Plan/ Capistrano Unified School District Bus Yard	5.5-acre site at 26126 Victoria Boulevard	Under review	Multi-family residential
16	Doheny Village Zoning District Update Project	80 acres bounded by both the City of San Juan Capistrano and Interstate 5 (1-5) on the north, the 1-5 off-ramp to Pacific Coast Highway (PCH) on the east, PCH on the south, and on the west, the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way.	Under review	Comprehensive land use and zoning update to both preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village.

Table 4.A: Summary of Related Projects

Project No.	Project Name	Location	Status	Project Description
City of San Juan Capistrano				
17	Ganahl Lumber Development Project	17-acre site that is located predominantly north of Stonehill Drive between San Juan Creek Channel/Trail and the Burlington Northern Santa Fe rail line.	Approved June 2020	An approximately 43,000-sf hardware store and lumber-yard, that includes ancillary facilities, two fast-food restaurants, and a 399-space parking lot for nearby auto dealerships.
18	The Farm Specific Plan	35-acre site located at 32382 Del Obispo Street	Approved June 2018	Specific plan allowing for the development of up to 180 single-family homes, the installation of a 0.5-acre park, and the creation of a multi-use trail on the site.
19	Pacifica San Juan	26384 Paseo Lluvia	Under construction	Multi-family residential

Sources: City of Dana Point and City of San Juan Capistrano (2020).
sf = square foot/feet

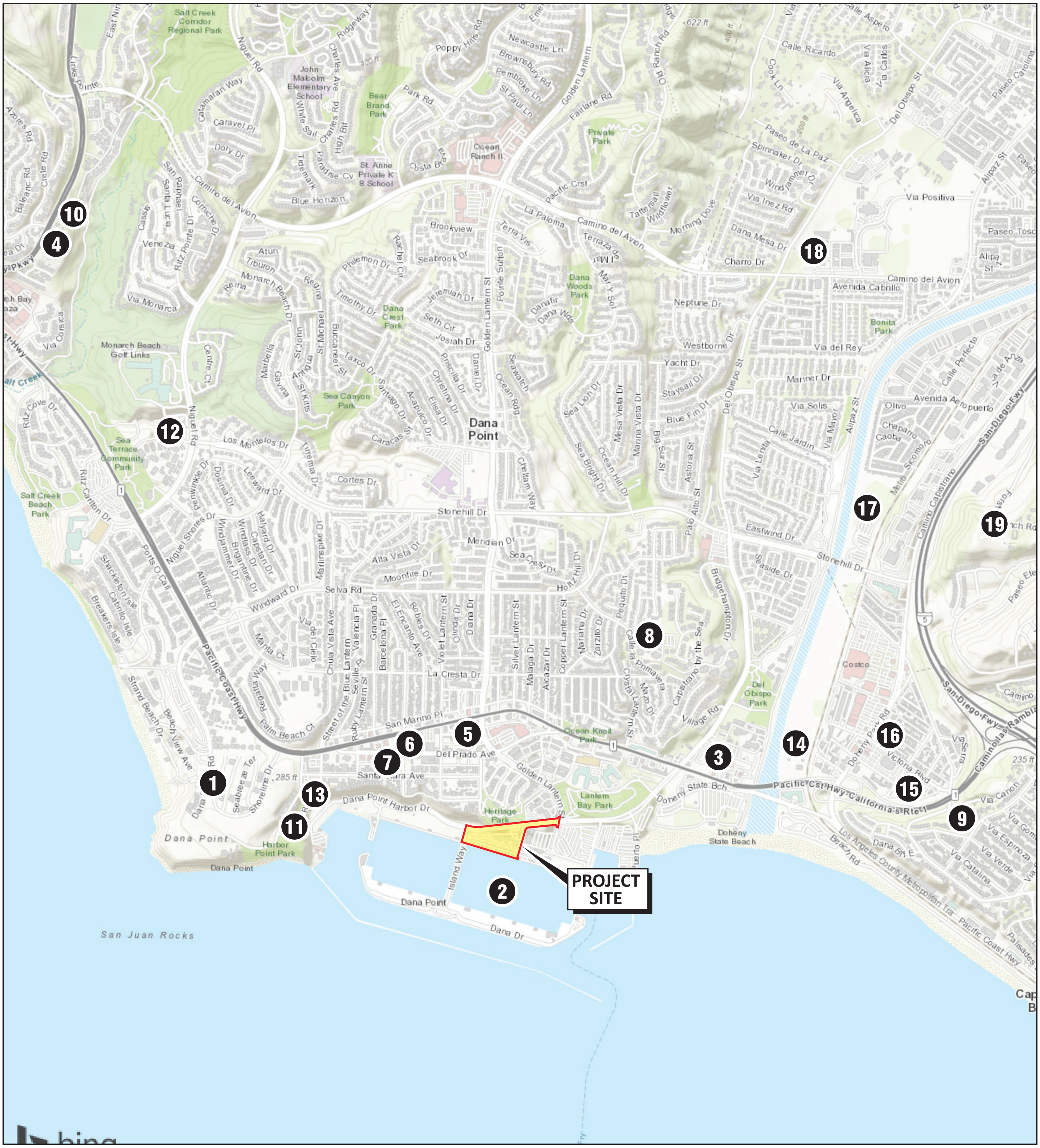


FIGURE 4.1

LSA

LEGEND

❶ - Related Project Location

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FEET

SOURCE: ESRI/Bing

Dana Point Harbor Hotels Project

Related Project Locations

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4.1 AESTHETICS

This section provides a discussion of the existing visual and aesthetic resources on the project site and in the surrounding area, and evaluates the potential for changes in the visual character that could result from implementation of the Dana Point Harbor Hotels Project (proposed project). This section also evaluates the potential loss of existing visual resources, effects on public views, visual compatibility with existing uses, and light and glare impacts.

Information presented in this section is based on photographs of the project site taken during field surveys and site visits; the City of Dana Point (City) General Plan (1991); and the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR). Photographs of the project site and visual simulations of the proposed project are included at the end of this section for the purpose of evaluating the existing setting and developing an informed assessment of the potential impacts of the proposed project on visual and aesthetic resources.

4.1.1 Scoping Process

The City of Dana Point received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this Environmental Impact Report (EIR). There were no specific comments related to aesthetics made in relation to the IS/NOP during the public review period.

4.1.2 Existing Environmental Setting

4.1.2.1 Regional Visual Character

Visual resources in the regional viewshed include Dana Point Harbor, Doheny State Beach, the Pacific Ocean, The Headlands, and coastal bluffs. The Headlands is a prominent topographic feature of the Southern California coastline between Point Loma (in San Diego County) and the Palos Verdes Peninsula (in Los Angeles County). Santa Catalina Island is another prominent feature visible on the open ocean to the west.

4.1.2.2 Visual Character of the Project Site

The project site is situated in Planning Area (PA) 3 of the DPHRP&DR, which is located in the northcentral portion of the Dana Point Harbor immediately south of Dana Point Harbor Drive. The existing Dana Point Marina Inn (Marina Inn), boater service buildings, and associated surface parking comprise approximately 9.16 acres of the nearly 10–acre project site, which is bound by the coastal bluffs north of Dana Point Harbor Drive, commercial uses to the east, and recreational/marina boater uses to the west and south. The majority of the project site comprising the Marina Inn, adjacent designated parking areas, and boater service buildings is covered by either existing development, asphalt pavement, or concrete flatwork with some planters and landscape areas with flowers, groundcover, shrubs and occasional trees.

Existing development on the project site where the hotels are proposed consists of three buildings, with the Marina Inn being the most prominent. The Marina Inn is a three-story building with 136 rooms, 2,000 square feet (sf) of meeting space, and a 450 sf fitness/health center. The Marina Inn is located on the central and eastern portion of the project site. One of the existing boater

service buildings is 5,000 sf and the other is 3,600 sf. Both boater service buildings are two-stories and are located on the southernmost portion of the site near the East Marina of the Dana Point Harbor. Surface parking is provided throughout the project site between Dana Pont Harbor Drive and the Marina Inn, as well as between the Marina Inn and the boater service buildings.

4.1.2.3 Topography

As discussed in further detail in Section 4.5, Geology and Soils, the project site is located within the northwest-trending Peninsular Ranges geomorphic province of southwestern California. The Peninsular Ranges province is an elongated area characterized by parallel fault-bounded mountain ranges and intervening valleys. Topography on the project site ranges in elevation from a high of approximately 19 feet (ft) above mean sea level (amsl) in the northern portion of the site to a low of approximately 10 ft amsl in the southern portion of the site. The vertical elevations noted above and on the conceptual site plan and preliminary elevation drawings in Chapter 3.0, Project Description, are provided using the North American Vertical Datum of 1988 (NAVD 88).

4.1.2.4 Scenic Corridors

Dana Point Harbor Drive and Pacific Coast Highway (PCH) are designated as Landscape Corridors in the City's General Plan Urban Design Element and PCH is designated as a local Scenic Highway in the City's General Plan Circulation Element. As described above, Dana Point Harbor Drive serves as the northern boundary of the project site and provides vehicular access to the site. Although the project site is approximately 0.3 mile south of PCH, it is not visible from PCH due to the vertical grade differential that exists in the area. PCH runs in an east-west direction along the top of the coastal bluffs north of the project site; however, it is approximately 1,700 ft north of the edge of the bluffs above the project site and views to the south are blocked by existing urban development. Views of the project site and the rest of the Dana Point Harbor from the segment of PCH east of Dana Point Harbor Drive are obstructed by mature trees at Doheny State Beach.

The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) identify several view corridors in the vicinity of the Dana Point Harbor that must be protected and enhanced by new development. As shown in Figure 4.1.1, Dana Point Harbor View Corridors, these view corridors include primary views from blufftop lookout points above the Dana Point Harbor, a secondary view at PCH and Del Obispo Street/Dana Point Harbor Drive, and supplemental views from Dana Point Harbor Drive/Golden Lantern, Lantern Bay Park, and Doheny Beach. Scenic resources visible from these view corridors include Dana Point Harbor, panoramas of the Pacific Ocean, and distant views of the Southern California coastline.

Approval and implementation of the development of The Headlands enhanced and created several coastal view opportunities within its boundaries, including pedestrian trails, bikeways/pedestrian trails, vertical and lateral coastal access pathways, and overlooks. These coastal view opportunities are identified in the Conservation/Open Space (C/OS) Element of the General Plan on Figures COS-4, COS-5, and COS-5a. These coastal view opportunities are also included in The Headlands Development and Conservation Plan (HDCP), and these permanent public views and coastal overlooks are identified on Figure 4.5.3 of the HDCP, which is identical to Figure COS-5a from the City's General Plan. As shown in Figure 4.1.2, Headlands Coastal View Opportunities, from the HDCP,

these coastal view opportunities including vantage points at Hilltop Conservation Park and Harbor Point Conservation Park that overlook the Dana Point Harbor with views to the project site.

The analysis presented below is based on the potential changes that would be visible from the view corridors identified in the DPHRP&DR and the coastal view opportunities identified in The Headlands Development and Conservation Plan, as well as from supplemental public view locations from which the project site is visible.

4.1.2.5 Light and Glare

Nighttime lighting that is present in the vicinity of the project site consists of street lights and vehicle headlights on nearby roadways, as well as building facade and interior lighting. The project site is currently developed with the existing Marina Inn, boater service buildings, and surface parking, which also contributes to the existing nighttime lighting and daytime glare in the project area.

4.1.2.6 Vantage Point Descriptions

The following discussion describes several key views of the project site from coastal view opportunities identified in the C/OS Element and the HDCP, view corridors identified in the DPHRP&DR, and additional public view locations within the Dana Point Harbor from which the project site is visible. Photographs were taken to analyze the various views that currently exist and that would potentially be affected by the proposed project. A photograph location key map (see Figure 4.1.3, Key View Locations) indicates the vantage point from which each key view photograph was taken and the representative view from that location. The following descriptions include three viewing distance zones: foreground, or close distance views; middleground, or views at a moderate distance; and background, or views at a long distance or at the horizon. Figures 4.1.4–4.1.15 contain these key view photographs, as referenced in the following discussion. Note that all of the figures are provided at the end of this section for ease of reading and to avoid breaking up the text.

Key View 1: Figure 4.1.4, Key View 1, shows an existing view of the project site facing southwest from the intersection of Golden Lantern and Dana Point Harbor Drive. This vantage point was selected as it is identified as a Supplemental View Corridor in the DPHRP&DR and provides a view of the site from two public roadways that provide views from the main Dana Point Harbor entrance towards the existing Mariner's Alley within the Commercial Core and the visitor-serving commercial facilities, including the Dana Point Marina Inn, that currently exist along Dana Point Harbor Drive.

Key View 1 provides a view of Dana Point Harbor Drive in the foreground, commercial development in Mariner's Alley and adjacent parking east of the project site in the middleground, and landscaping consisting of eucalyptus and palm trees along Dana Point Harbor Drive west of the project site in the background. A small portion of the Dana Point Marina Inn's northern façade is visible in the middleground. The visual character of Key View 1 can be described as public right-of-way surrounded by commercial development, parking, and landscaping.

Key View 2: This vantage point provides views of the project site from the Doris Walker Overlook within Heritage Park, located above the coastal bluffs north of Dana Point Harbor Drive. This vantage point was selected as it is identified as a Primary View Corridor in the DPHRP&DR and provides a view of the site from a public overlook that provides expansive views of the California

coastline south of Dana Point and Dana Point Harbor. Key View 2 is the closest vantage point to the project site; therefore, the analysis that follows incorporates three separate views of the project site from this location.

Figure 4.1.5, Key View 2a, shows an existing view of the project site facing southeast from the Doris Walker Overlook. Key View 2a provides views of the vegetation present on the coastal bluff in the foreground. The existing Marina Inn and surrounding trees and parking lots are visible in the middleground. Boats within the marina, the waters of the Dana Point Harbor, and the jetty and breakwater that protect the Dana Point Harbor are also visible in the middleground beyond the existing Marina Inn. The Pacific Ocean, the coastlines of Capistrano Beach and San Clemente, and topography associated with northern San Diego County are visible in the background.

Figure 4.1.6, Key View 2b, provides another existing view of the project site from the Doris Walker overlook within Heritage Park, but is facing south. Similar to Key View 2a, Key View 2b provides views of the vegetation present on the coastal bluff in the foreground. The existing Marina Inn, surrounding trees, and surface parking lots adjacent to the Marina Inn are visible in the middleground. Boats within the East Marina, the waters of Dana Point Harbor, eucalyptus trees on Dana Island, and the jetty and breakwater protecting Dana Point Harbor are also visible in the middleground beyond the Marina Inn. The Pacific Ocean is visible in the background.

Figure 4.1.7, Key View 2c, shows another existing view of the project site from the Doris Walker Overlook. This view is facing south-southwest. Key View 2c provides views of the vegetation present on the coastal bluff in the foreground. Existing trees, the surface parking west of the Marina Inn, and Island Way are visible in the middleground. Boats within the East and West Marinas, the waters of Dana Point Harbor, and eucalyptus trees on Dana Island are also visible in the middleground, and the Pacific Ocean is visible in the background.

Key View 3: Figure 4.1.8, Key View 3, shows an existing view of the project site facing southeast from the southern limit of Street of the Amber Lantern. This vantage point was selected as it is identified as a Primary View Corridor in the DPHRP&DR and provides a view of the project site from a public overlook on top of the coastal bluffs, as well as expansive views of the California coastline south of Dana Point Harbor and Dana Point. This vantage point is approximately 0.25 mile west of Key View 2 described above.

Key View 3 provides views of the vegetation present on the coastal bluff in the foreground. Dana Point Harbor Drive, existing trees, open space, pedestrian walkways, surface parking and a boater service building are visible in the middleground along with some residential land uses atop the coastal bluffs to the east. Boats within both the East and West Marinas, the Island Way Bridge, the waters of Dana Point Harbor, and eucalyptus trees on Dana Island are also visible in the middleground. The Pacific Ocean, the coastlines of Capistrano Beach and San Clemente, and topography associated with southern Orange County and northern San Diego County are visible in the background.

Key View 4: Figure 4.1.9, Key View 4, shows an existing view of the project site facing east from the southern limit of Street of the Blue Lantern. This vantage point was selected as it is identified as a Primary View Corridor in the DPHRP&DR and provides a view of the project site from a public

overlook on top of the coastal bluffs, providing expansive views of the California coastline south of Dana Point and Dana Point Harbor. This vantage point is approximately 0.25 mile west of Key View 3 described above.

Key View 4 provides views of the vegetation present on the coastal bluff and some residential land uses atop the coastal bluffs to the east in the foreground. Existing trees, Baby Beach, surface parking and recreational uses associated with Dana Cove Park, and a boater service/sailing club building are visible in the middleground. Boats within both marinas, the Island Way Bridge, the waters of Dana Point Harbor, and eucalyptus trees on Dana Island are also visible in the middleground. The Pacific Ocean, the Capistrano Beach and San Clemente coastlines, and topography associated with southern Orange County and northern San Diego County are visible in the background.

Key View 5: Figure 4.1.10, Key View 5, shows an existing view of the project site facing east from a pedestrian trail within Hilltop Conservation Park above Street of the Green Lantern on the eastern side of The Headlands. This vantage point was selected as it is identified as a coastal view opportunity in the C/OS Element and the HDCP. The Headlands includes many scenic resources offering views and panoramas of Dana Point Harbor, the City of Dana Point, the southern California coastline, the Pacific Ocean, and Santa Catalina Island.

Key View 5 provides views of vegetation within Hilltop Conservation Park in the foreground, and commercial and residential land uses atop the coastal bluffs and associated ornamental landscaping on those lots bordering Santa Clara Avenue and El Camino Capistrano to the east in the middleground. Boats within both the East and West Marinas, the waters of Dana Point Harbor, Island Way Bridge, trees along Dana Point Harbor Drive, and eucalyptus trees on Dana Island are also visible in the middleground. The Pacific Ocean, the Capistrano Beach and San Clemente coastlines, and topography associated with southern Orange County and northern San Diego County are visible in the background.

Key View 6: Figure 4.1.11, Key View 6, shows another existing view of the project site facing east from a location farther west from the highest elevation within Hilltop Conservation Park west of Street of the Green Lantern. This vantage point was selected as it provides a view of the project site from a scenic overlook in The Headlands as identified in the C/OS Element and the HDCP. This vantage point is approximately 300 ft west of Key View 5 described above.

Key View 6 provides views of native vegetation within Hilltop Conservation Park in the foreground, and commercial and residential land uses present atop the coastal bluffs and associated ornamental landscaping on those lots bordering Santa Clara Avenue and El Camino Capistrano and urban development in the Lantern District to the east in the middleground. Boats within the East and West Marinas, the waters of Dana Point Harbor, Island Way Bridge, trees along Dana Point Harbor Drive, and eucalyptus trees on Dana Island are also visible in the middleground. The Pacific Ocean, the Capistrano Beach and San Clemente coastlines, and topography associated with southern Orange County and northern San Diego County are visible in the background.

Key View 7: Figures 4.1.12 and 4.1.13, Key Views 7a and 7b, show existing views of the project site facing east from the Harbor Point Conservation Park on The Headlands. These vantage points were selected as this area of The Headlands is identified as both a Primary View Corridor in the

DPHRP&DR and as coastal view opportunities in the C/OS Element and the HDCP. These vantage points provide views to the project site from The Headlands and expansive views of Dana Point Harbor and the City of Dana Point.

Key View 7a provides views of the waters of the Dana Point Harbor, boats within both East and West Marinas, and the Dana Point Yacht Club and the OC Sailing and Events Center in the foreground. Existing trees along Dana Point Harbor Drive and the coastal bluffs north of Dana Point Harbor are visible in the middleground as well as the project site and the Island Way Bridge. The City of Dana Point, the southern portion of Doheny State Beach, the Pacific Ocean, and topography associated with southern Orange County and northern San Diego County are visible in the background. Key View 7b is similar to Key View 7a, but provides a more expansive view to the south of the Dana Point Harbor. Vegetation within The Headlands is visible in the foreground and the waters of the Dana Point Harbor, boats within both East and West Marinas, and trees along Dana Point Harbor Drive and the coastal bluffs north of the Dana Point Harbor are visible in the middleground. Dana Island is also visible in the middleground. The City of Dana Point, the southern portion of Doheny State Beach, the Pacific Ocean, and topography associated with southern Orange County and northern San Diego County are visible in the background.

Key View 8: Figure 4.1.14, Key View 8, shows an existing view of the project site facing north from a public sidewalk between docks B and C on Dana Island. This vantage point was selected as it provides a direct view of the project site from the pedestrian accessway on Dana Island and provides views similar to what boaters, kayakers, and other recreational visitors may see when taking part in recreational activities on the waters of Dana Point Harbor, looking from the water towards the land.

Key View 8 provides views of the boats, docks, and the waters of the East Marina in the foreground. Trees, a boater service building and the existing Marina Inn, are visible in the middleground, but are largely obstructed by boat masts. The coastal bluffs north of the project site and blufftop residential and commercial development are visible in the background.

Key View 9: Figure 4.1.15, Key View 9, shows an existing view of the project site facing northwest from the same public sidewalk that wraps around the island side of the East Marina and adjacent to the Orange County Sheriff's Department Harbor Patrol station at the eastern end of Dana Island. This vantage point was selected as it provides a view of the project site from a public accessway for recreational and boater uses in this portion of the Dana Point Harbor and also provides views similar to what boaters, kayakers, and other recreational visitors may see when taking part in recreational activities on the waters of the Dana Point Harbor, looking from the water towards the land.

Key View 9 provides views of the boats, docks, and marina channel in the foreground. Existing trees and commercial development associated with Dana Point Harbor, including the existing boater service buildings and the Marina Inn, are visible in the middleground, but are largely obstructed by boats and their masts. Existing trees and coastal bluffs north and west of the project site and blufftop residential and commercial development are visible in the background. In addition, open space on The Headlands, including the high point at the Hilltop Conservation Park overlook, is visible in the western portion of this view in the background.

4.1.3 Regulatory Setting

4.1.3.1 Federal Regulations

No federal policies or regulations pertaining to aesthetics are applicable to the proposed project.

4.1.3.2 Regional Regulations

No regional policies or regulations pertaining to aesthetics are applicable to the proposed project.

4.1.3.3 Local Regulations

City of Dana Point General Plan. The City of Dana Point General Plan was approved by the City Council in 1991, with the exception of the Housing Element, which was updated and adopted by the City Council in December 2013. The Headlands Development and Conservation Plan was also approved in September 2004 as a General Plan Amendment, which established a Planned Development District (Zoning) and Local Coastal Program plans and policies and supplements the City's General Plan. While the project site is not located within The Headlands Development and Conservation Plan Area, policies related to public views to and from this area are applicable to the proposed project. As discussed further below, visual resources are addressed in the Land Use, Conservation/Open Space, and Urban Design Elements of the City's General Plan.

Land Use Element. The Land Use Element establishes goals and policies aimed at guiding the long-term growth of future development in the City. The following policies applicable to the proposed project and related to aesthetics and scenic quality are presented in the Land Use Element:

Policy 1.5: Work closely with Orange County to plan for the future development within the Harbor Area and to assure that additional development is compatible with existing uses and enhances the scenic, recreational and visitor opportunities for the area. (California Coastal Act [Coastal Act]/30220-224, 30233, 30234, 30250, 30252, 30255)

Policy 5.1: Establish and preserve public views from the Headlands to the coastal areas and the harbor areas. (Coastal Act/30251)

Policy 5.28: Submittals for tentative tract maps and coastal development permits for development proposed within any public viewshed identified on Figure COS-4, Figure COS-5, and Figure COS-5a in the Conservation Open Space Element, shall include a visual impact analysis to demonstrate that the public coastal view opportunities designated pursuant to Policy 5.26 shall be established and maintained. (Coastal Act/30251)

Conservation/Open Space Element. The Conservation/Open Space Element includes goals and policies that address the preservation and use of the City's important natural resources and open space areas. The following policies applicable to the proposed project and related to aesthetics and scenic quality are included in the Conservation/Open Space Element:

Policy 2.2: Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact. (Coastal Act/30250)

Policy 6.2: Protect and preserve the public views of the Dana Point Harbor. (Coastal Visual Resources/30251)

Policy 6.4: Preserve and protect the scenic and visual quality of the coastal areas as a resource of public importance as depicted in Figure COS-5 "Scenic Overlooks from Public Lands," of this [Conservation and Open Space] Element. Permitted development shall be sited and designed to protect public views from identified scenic overlooks on public lands to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms and significant natural features, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Coastal Act/30251)

Urban Design Element. The City's Urban Design Element establishes goals and policies to improve the image, character, and quality of life of the City. The Urban Design Element also aims to preserve the City's natural scenic attractions, such as public beaches, parks, coastal lookouts, and open space areas.

The following goals and policies applicable to the proposed project and related to aesthetics and scenic quality are presented in the Urban Design Element:

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

Goal 4: Maintain and enhance the City's public spaces and resources.

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

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

Local Coastal Program/Dana Point Harbor Revitalization Plan and District Regulations. The DPHRP&DR is divided into two parts: (1) the Land Use Plan (Dana Point Harbor Revitalization Plan—DPHRP) comprising the general planning and policy document, and (2) the Implementation Plan (Dana Point Harbor District Regulations [DPHDR]) containing land use regulations and site development standards for all PAs in the Dana Point Harbor. The DPHRP&DR serve as the zoning ordinance for all existing and proposed development within the Dana Point Harbor.

The following policies applicable to the proposed project and related to aesthetics and scenic quality are included in the DPHRP:

Policy 5.2.1-6: The design of hotel rooms shall incorporate wherever possible the use of private decks or balconies to allow guests to take advantage of the Harbor views and enjoy the oceanfront climate.

Policy 5.2.1-7: The design of the hotel will be compatible with the California Coastal design theme of the Commercial Core area and terraced levels of buildings in various configurations to maximize public views and break up building massing as viewed from the surrounding public vantage points shall be encouraged as part of the design.

Policy 6.1.1-3: Preserve, maintain and enhance existing public accessways and existing areas open to the public. Create new public access opportunities where feasible. (Coastal Act Sections 30210, 30212)

Policy 6.1.1-12: Enhanced lighting for streets, parking lots and pedestrian walkways will be implemented with new development.

Policy 6.2.5-3: Preserve public views from streets and public places. (Coastal Act Section 30251)

Policy 8.1.1-7: Encourage site and building design that takes advantage of the City's excellent climate to maximize indoor-outdoor spatial relationships. (Coastal Act Section 30250)

Policy 8.1.1-8: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.

Policy 8.1.1-9: Encourage outdoor pedestrian spaces, sidewalks and usable open space in all new development.

Policy 8.1.1-10: Encourage aesthetic roof treatment as an important architectural design feature.

Policy 8.1.1-16: All fences and walls and walls within the Harbor area will be designed to have a minimum impact on coastal and scenic views from public areas. If enclosures used to shelter outside eating areas are designed using clear materials; they shall be etched or tinted to make them visible to birds and with awnings or covers that are integrated into the architectural design of the buildings.

Policy 8.1.1-17: Architectural and building articulation will have a form that complements the Harbor area and natural setting, when viewed from within the Harbor or the surrounding area (both from land and sea). High, uninterrupted wall planes are to be avoided.

Policy 8.1.1-19: All roof-mounted mechanical equipment and communication devices that are visible to and along the Harbor will be hidden behind building parapets or screening materials from both ground level and elevated areas to the extent feasible. Ground level mechanical equipment, storage tanks and other similar facilities shall be screened from view with dense landscaping and/or walls of materials and finishes compatible with the adjacent areas. In addition, service, storage, maintenance, utilities, loading and refuse collection

areas will be located generally out of view of public right-of-ways and uses adjacent to the development area.

Policy 8.1.1-21: Architectural elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare.

Policy 8.1.1-22: The project will utilize minimally reflective glass and other materials used on the exteriors of the buildings and structures will be selected with attention to minimizing reflective glare.

Policy 8.1.1-26: Roof-mounted solar panels, metal panels and skylights should incorporate non-reflective materials and be designed to point away from roadways to the extent possible while assuring proper function.

Policy 8.1.1-29: Prior to issuance of any Grading Permit, a Construction Staging Plan shall be prepared. The contractor's construction equipment and supply staging area shall be established away from existing marina operations to the extent feasible. The plan shall specify the following:

1. During construction and grading, the contractor shall keep the site clear of all trash, weeds, and debris.

2. The grading contractor shall not create large stockpiles of debris or soils, but shall seek to place smaller piles adjacent to each other to minimize visual impacts.

3. Staging areas shall be located where impacts upon public access, water quality, and sensitive biological resources are avoided.

Policy 8.1.1-30: Prior to issuance of a grading permit for new development, screened construction fencing shall be provided around the construction area to temporarily screen views of the construction site.

Policy 8.2.1-7: The design and layout of the future developments shall be consistent with the approved Land Use Plan and preserve views of the bluff area.

Policy 8.4.1-1: Protect and enhance public views to and along the coast through open space designations and innovative design techniques. (Coastal Act, Section 30251)

Policy 8.4.1-2: Ensure development within designated and proposed scenic corridors are compatible with scenic enhancement and preservation and shall not significantly impact public views through these corridors. (Coastal Act, Section 30251)

Policy 8.4.1-7: Vertical landscape elements and setbacks between buildings shall be incorporated into the design of new development to break up building massing.

Policy 8.4.1-8: Street and parking lot lighting shall be positioned to enhance the vehicular and pedestrian safety. Lighting shall be concentrated on intersections and pedestrian crosswalks and shall be directed downward.

Policy 8.4.1-9: All exterior lighting will be designed and located to avoid intrusive effects on the adjacent uses atop the bluffs and Doheny State Beach. New light fixtures will be designed to direct light on-site, away from other areas and where feasible (not interfering with public safety), minimize impacts to nesting birds or other sensitive biological resource areas within the boundaries of the LCP.

Policy 8.5.1-1: New building architecture shall encourage irregular massing of structures.

Policy 8.5.1-2: Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile.

Policy 8.5.1-3: All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following (only portions of this policy applicable to the proposed project are replicated):

- Visitor-Serving Commercial (Planning Area 3) building(s) shall have a maximum height of fifty (50) feet.

These heights are only allowed to the extent that significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced.

Policy 8.5.1-4: The appearance of long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered, stepped-back exterior building facades and incorporation of a variety of building designs, materials and colors.

Policy 8.5.2-3: Preserve Dana Point's bluffs as a natural and scenic resource and avoid risk to life and property through responsible and sensitive bluff top development, including, but not limited to, the provision of drainage which directs runoff away from the bluff edge and towards the street, where feasible and the prohibition of permanent irrigation systems and the use of water intensive landscaping within the setback area to prevent bluff erosion. (Coastal Act Sections 30251, 30253)

Policy 8.5.2-6: Development adjacent to coastal bluffs shall minimize hazards to owners, occupants, property and the general public; be environmentally sensitive to the natural coastal bluffs; and protect the bluffs as a scenic visual resource.

Policy 8.5.3-5: Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of any commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views. Roof signs or flashing signs shall not be permitted.

The following general regulations applicable to the proposed project and related to aesthetics and scenic quality are included in the DPHDR:

> **General Regulation 2. Zoning Code Consistency.** The Dana Point Harbor Revitalization Plan and District Regulations shall govern all existing and proposed development within Dana Point Harbor.
>
> **General Regulation 6. Building Height Requirements:** *The building height requirements shall be as specified by each land use district of these Dana Point Harbor District Regulations. The method used for measuring building height is set forth in Chapter II-18, Definitions.* All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; *any exceptions to this height limitation shall be required to demonstrate that: (1) significant coastal public views through scenic corridors and from scenic viewpoints are protected and enhanced;* (2) adequate facilities have been provided to enhance boating use, including but not limited to designated boater parking; (3) public/boater access to dry boat storage/public launching facilities are maintained and enhanced; *(4) design features have been incorporated into the buildings to promote a village atmosphere and maintain the existing community character of the area; and (5) elevated public viewing areas of the waterfront are provided. (Text applicable to proposed project in italics)*
>
> **General Regulation 8. Community Character:** All new buildings in the Harbor shall be consistent with the character of the community in architectural form, bulk and height of the community, including other structures located within one-half (½) mile of the Dana Point Harbor LCP boundary. New development within the Harbor shall provide a scale and setting for retail merchants and restaurants that encourages pedestrian opportunities through the use of widened sidewalks, outdoor plazas, promenades, courtyards and landscape design. Long, continuous row structures shall be avoided through the provision of open spaces, setbacks from public walkways, varied roof treatments, staggered and stepped back exterior building facades and the incorporation of a variety of building designs, materials and colors.

4.1.4 Methodology

4.1.4.1 Key Concepts and Terminology

The concepts and terminology used in this analysis are described below.

The assessment of aesthetic impacts is subjective by nature. This analysis attempts to identify and objectively examine factors that contribute to the perception of aesthetic impacts that would be caused by implementation of the proposed project. The potential aesthetic impacts of the proposed project have been assessed based on consideration of several factors, including scale, mass, proportion, and the concepts described below.

- **Scenic Resources:** Scenic resources are defined as natural or human-made elements that contribute to an area's scenic value and are visually pleasing. Scenic resources include landforms, vegetation, water, or adjacent scenery and may include a cultural modification to the natural environment. The degree to which these resources are present in a community is clearly subject to personal and cultural interpretation. However, it is possible to qualify certain

resources as having aesthetic characteristics and establish general guidelines for assessing the aesthetic impacts of new development.

- **Scenic Vista:** A scenic vista is a viewpoint that provides expansive views of a highly valued landscape for the public's benefit. It is usually viewed from some distance away. Aesthetic components of a scenic vista include (1) scenic quality, (2) sensitivity level, and (3) view access. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. Important factors in determining whether a proposed project would block scenic vistas include the project's proposed height, mass, and location relative to surrounding land uses and travel corridors. The City's General Plan identifies Scenic Overlooks, which are comparable to scenic vistas as described above. The DPHRP identifies Primary and Supplemental View Corridors along the bluffs and at The Headlands that are considered scenic vistas for the purpose of this analysis.

- **Sensitive Views:** Sensitive views are generally those associated with designated vantage points and public recreational uses, but the term can be more broadly applied to encompass any valued public vantage point. Sensitivity level has to do with the (1) intensity of use of a visual resource; (2) visibility of a visual resource; and (3) importance of the visual resource to users.

- **Scenic Corridors:** Scenic corridors are channels that facilitate movement (primarily by automobile, transit, bicycle, or foot) from one location to another with expansive views of natural landscapes and/or visually attractive human-made development. Scenic corridors analyzed under the California Environmental Quality Act (CEQA) typically include State-designated scenic highways and locally designated scenic routes. As described further below, no officially State-designated scenic highways are located in the vicinity of the project site. As such, this topic was scoped out of the EIR.

- **Visual Character/Quality:** The visual character/quality of a streetscape, building, group of buildings, or other human-made or natural feature that creates an overall impression of an area within an urban context. For example, a scenic vista along the boundary of a community, a pleasing streetscape with trees, and well-kept residences and yards are scenic resources that create a pleasing impression of an area. In general, concepts of visual character/quality can be organized around four basic elements: (1) site utilization, (2) buildings and structures, (3) landscaping, and (4) signage. Adverse visual character/quality effects can include the loss of aesthetic features or the introduction of contrasting features that could contribute to a decline in overall visual character/quality.

- **Glare:** A continuous or periodic intense light that may cause eye discomfort or be temporarily blinding to humans.

- **Light Source:** A device that produces illumination, including incandescent bulbs, fluorescent and neon tubes, halogen and other vapor lamps, and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

The impact analysis focuses on aesthetic-related changes to the project site and surrounding area that may result from the approval of the proposed project. This would include changes in vistas and viewsheds where visual changes would be evident, potential conflicts with applicable zoning and other regulations governing scenic quality, and the introduction of new sources of light and glare.

The viewshed impact analysis evaluates project impacts from three viewing distance zones, as explained below.

- **Foreground Views:** These views include elements that are seen at a close distance and that dominate the entire view. These vantage points are generally 500 ft or less from the project site, surrounding topography, and other prominent physical features in the project vicinity.

- **Middleground Views:** These views include elements that are seen at a moderate distance and that partially dominate the view. These vantage points are generally located between 500 ft and 1 mile from the project site.

- **Background Views:** These views include elements that are seen at a long distance and typically comprise horizon-line views that are part of the overall visual composition of the area. These vantage points are generally farther than 1 mile from the project site.

Light and Glare. The analysis of light and glare identifies the location of light-sensitive land uses and describes the existing ambient conditions on and in the vicinity of the project site. The analysis describes the proposed project's light and glare sources and the extent to which project lighting, including any potential illuminated signage, would spill off the project site onto adjacent light-sensitive areas. The analysis also describes the affected street frontages, the direction in which the light would be focused, and the extent to which the proposed project would illuminate sensitive land uses. The analysis also considers the potential for sunlight to reflect off windows and building surfaces (glare) and the extent to which such glare would interfere with the operation of motor vehicles, aviation, or other activities. Glare can also be produced during evening and night-time hours by artificial light sources, such as illuminated signage and vehicle headlights. Glare-sensitive uses generally include residences and transportation corridors (i.e., roadways).

Shade/Shadow. Prolonged periods of shade and shadowing have the potential to negatively affect the character of certain land uses. Shadow-sensitive uses include routinely used outdoor spaces associated with residential, recreational, or institutional land uses; commercial uses (e.g., pedestrian-oriented outdoor spaces or restaurants with outdoor seating areas); nurseries; and existing solar collectors/panels.

4.1.4.2 Approach

As stated above, the assessment of aesthetic impacts is subjective by nature. This analysis identifies and objectively examines factors that contribute to the perception of aesthetic impacts due to project implementation. The project's potential aesthetic impacts have been assessed based on consideration of several factors, including scale, mass, proportion, and the concepts described above. Key views from public vantage points are used in the analysis to demonstrate pre- and post-project visual conditions at the project site and surrounding area. Key views were taken from public

property and/or roadways and not from private property. Overall, the analysis in this section evaluates aesthetic changes that would occur as a result of project implementation.

Figure 4.1.3 illustrates the vantage point from which each key view photograph was taken and illustrates the representative view from that location. Figures 4.1.4 through 4.1.15 respectively illustrate each of the nine key views selected for this analysis (three visual simulations were prepared for Key View 2 due to its proximity to the project site, and two visual simulations were prepared for Key View 7 from Harbor Point Conservation Park). The renderings of the proposed buildings shown in the view simulations are representations of the scale, mass, and proportion of the future development included in the proposed project.

Additionally, visual impacts have been evaluated based on the project's consistency with goals and policies established in the Land Use, Conservation/Open Space, and Urban Design Elements of the City's General Plan and the policies and development standards related to aesthetics in the DPHRP&DR.

4.1.5 Thresholds of Significance

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

Threshold 4.1.1: Have a substantial adverse effect on a scenic vista.

Threshold 4.1.2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Threshold 4.1.3: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Threshold 4.1.4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The Initial Study, included as Appendix A, substantiates that there would be no impacts associated with Threshold 4.1.2 because no officially designated State Scenic Highways are located in the vicinity of the project site. In addition, while PCH is designated as a Scenic Highway in the City's General Plan Circulation Element, as described above, views of the Harbor and the project site from PCH are largely shielded by existing landscaping, or nonexistent due to the vertical grade differential between the project site and PCH. Furthermore, in its existing setting, the project site is currently developed with the Dana Point Marina Inn and contains several non-native and ornamental trees and landscaping. There are no rock outcroppings located on the project site. While the proposed project includes the demolition of the existing Dana Point Marina Inn, this building was developed in 1971 and is not considered a historic building. Therefore, implementation of the proposed project

would not impact scenic resources within a State Scenic Highway. This threshold will not be addressed in the following analysis.

4.1.6 Project Impacts

Threshold 4.1.1: Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. A scenic vista can be categorized as containing either a panoramic view or a focal view. Panoramic views are typically associated with vantage points that provide a sweeping geographic orientation not commonly available (e.g., skylines, valleys, mountain ranges, or large bodies of water). Focal views are typically associated with views of natural landforms, public art/signs, and visually important structures, such as historic buildings. Scenic resources afforded to the City specifically include The Headlands, coastal bluffs, Dana Point Harbor, Doheny State Beach, the Pacific Ocean, the California coastline, and Santa Catalina Island. The City's General Plan identifies various Scenic Overlooks from Public Lands (Figure COS-5), which include points along the coastal bluffs north of Dana Point Harbor Drive and The Headlands located west of the project site. These locations provide panoramic views of the Pacific Ocean and Dana Point Harbor. In addition, the DPHRP identifies several Primary and Supplemental View Corridors, several of which are located along these same coastal bluffs and The Headlands and are therefore considered scenic vistas in the analysis provided below.

As previously identified, the visual setting of the project site is characterized by a developed site with the existing Marina Inn, boater service buildings, associated surface parking and ornamental landscaping. Additional parking and pedestrian pathways are present west of the project site and other commercial development is present east of the project site. Dana Point Harbor Drive and coastal bluffs are located north of the project site, and the East Marina and boat docks are located directly south of the project site.

Construction. Construction of the proposed project would involve on-site construction activities that would be visible to travelers along Dana Point Harbor Drive, and other adjacent roadways, as well as users of existing recreational and trail facilities that provide scenic overlooks along the coastal bluffs and within the Headlands. Construction activities for the proposed project would occur over 36 months. Although construction activities would be temporary in duration, prior to the start of construction and as part of the Coastal Development Permit Application, the Project Applicant will prepare and submit a Construction Phasing and Construction Management Parking Plan for review and approval by the City prior to project approval. The Construction Phasing and Construction Management Parking Plan will comply with the requirements of the DPHDR Section 16.4 (Applications), subsection (e), which requires that the Plan identify the location of all construction staging areas, temporary access routes, and parking areas. In addition, in compliance with Policy 8.1.1-30, screened construction fencing will be provided to temporarily screen views of the site during construction to minimize visual impacts of construction activity from Dana Point Harbor Drive, other adjacent roadways, and surrounding Harbor areas. Further, construction would be temporary and all equipment and materials would be removed from the site once construction is completed. Therefore, impacts to scenic vistas during construction would be less than significant.

Operation. Dana Point Harbor Drive and Pacific Coast Highway (PCH) are designated as Landscape Corridors in the City's General Plan Urban Design Element, and PCH is designated as a local Scenic Highway in the City's General Plan Circulation Element. The portion of the project site comprising the existing Marina Inn, boater service buildings, and associated surface parking is located within 150 ft of the bottom of the approximately 115 ft high coastal bluff located to the north of the project site. Due to the vertical grade differential between PCH and the project site, views thereto from PCH north of the Dana Point Harbor Drive/PCH intersection are nonexistent. Views of the project site at and south of the Dana Point Harbor Drive/PCH intersection are nonexistent or largely obstructed by existing development and landscaping from Doheny State Beach and PCH. As described above, Dana Point Harbor Drive serves as a northerly boundary of the project site and provides vehicular access to the site.

As described above, the City's General Plan Conservation/Open Space Element also designates Scenic Overlooks that provide views of the coast and shoreline including Monarch Beach, The Headlands, blufftops along Capistrano Beach, Pines Park, Palisades Gazebo Park, Louise Leyden Park, Lantern Bay Park, Heritage Park, Blue Lantern Overlook, and Salt Creek Beach Park. The project site is visible from The Headlands, Lantern Bay Park, Heritage Park, and Blue Lantern Overlook. In addition, the DPHRP&DR designates four locations north of Dana Point Harbor Drive along the coastal bluffs as Primary View Corridors and one other location with a view to the project site as a Supplemental View Corridor. Primary View Corridors are also identified south of Cove Road in Harbor Point Conservation Park, and at the Dana Point Harbor Drive/PCH intersection. Two additional Supplemental View Corridors are also identified at Lantern Bay Park, which provides limited views to the project site, and at Doheny State Beach, from which the project site cannot be seen. The project site is visible from the coastal bluffs north of Dana Point Harbor Drive as well as along both the eastbound and westbound lanes on Dana Point Harbor Drive. The project site is also visible from Hilltop Conservation Park west of Green Lantern and Harbor Point Conservation Park south of Cove Road on The Headlands. Locations within these parks are identified as Scenic Overlooks in the Conservation/Open Space Element of the City's General Plan. Therefore, the project site is considered to be within a scenic vista from these Scenic Overlooks and View Corridors. While no designated trails or vantage points exist on the project site, public roads and adjacent sidewalks surrounding the project site do have views to the coastal bluffs, The Headlands, the Harbor, and the Pacific Ocean. Views from these public roads and sidewalks north of the project site are partially obstructed by existing landscaping and boats in the Dana Point Harbor.

Although implementation of the proposed project would partially obstruct/block views of some boats in the marina and Dana Point Harbor from nearby roads and sidewalks, the proposed project would include the addition of on-site landscaping with open space areas and walking paths, preserving ocean views and access to Dana Point Harbor. As shown in Figure 3.10, Landscaping Plan, ornamental landscaping would also be placed along Dana Point Harbor Drive to preserve the existing character of this Landscape Corridor and would serve to block views of the proposed development. Views from scenic vistas to some boats in the East Marina would likewise be blocked with project implementation. However, the inclusion of architectural design elements specified in the DPHRP&DR for each of the hotels, including irregular massing through offsets in plans that result in stepped terraces on Harbor-side building frontages would minimize any loss of views to the boats in the East Marina. Collectively, the architectural design elements, interlocking massing of the

buildings, and the existing trees that would be maintained, would result in negligible impacts to existing views of the Harbor, and would enhance the visual character from the elevated scenic vistas and public vantage points nearest the project site. As illustrated by Figures 4.1.4 through 4.1.15, the proposed height and massing of the proposed development would not significantly impact views from the scenic vistas described above, and the overall scale of the proposed project and would not preclude, impair, or inhibit existing views of the Pacific Ocean, shoreline, or Dana Point Harbor.

Implementation of the proposed project would modify views to and from the project site by partially obstructing views of the boats, East Marina, and Dana Point Harbor from nearby roads and sidewalks, and the nearest scenic vistas as shown in Figures 4.1.4 through 4.1.15. However, these minor modifications to public views as a result of the proposed project would not result in significant adverse impacts on views of the Pacific Ocean, Dana Point Harbor, The Headlands, coastal bluffs, or the California coastline from adjacent roadways, sidewalks, by significantly changing or obstructing the views from these public vantage points. Therefore, potential impacts of the proposed project on scenic vistas, scenic resources, and views to and from the City-designated scenic corridors would be less than significant, and no mitigation is required.

View Simulations. The following discussion describes several key views of the project site from coastal view opportunities identified in The Headlands Development and Conservation Plan, view corridors identified in the DPHRP&DR, and additional public view locations within the Dana Point Harbor from which the project site is visible. A photograph location key map (see Figure 4.1.3, Key View Locations) indicates the vantage point from which each key view photograph was taken and the representative view from that location. Figures 4.1.4–4.1.15 contain these key view photographs, as referenced in the following analysis.

- **Key View 1:** Figure 4.1.4, Key View 1, shows an existing view of the project site facing southwest from the northwest corner of the intersection of Golden Lantern and Dana Point Harbor Drive as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 1, views of the marina are currently obstructed by intervening land uses, including the Dana Point Marina Inn, located along Dana Point Harbor Drive. Implementation of the proposed project would result in a hotel development up to 50 ft in height. Although the proposed project is visible from this viewpoint, it is partially screened by existing development and would not block views of the Dana Point Harbor or the Pacific Ocean beyond, which are not visible from this vantage point in either the current or proposed condition. Adherence to regulations related to building heights in the DPHDR, as well as the utilization of a stepped terrace design for those portions of the proposed hotels nearest to the East Marina, would ensure that the proposed development would integrate with the surrounding viewshed and would not adversely impact a scenic vista.

- **Key View 2:** This vantage point (as shown in Figures 4.1.5 through 4.1.7) provides views of the project site from the Doris Walker Overlook within Heritage Park, located above the coastal bluffs north of Dana Point Harbor Drive. As shown in the existing conditions under Key Views 2a, 2b, and 2c, views of Dana Point Harbor and the California coastline are currently visible from the Doris Walker Overlook. Implementation of the proposed project would result in a development up to 50 ft in height. From this vantage point atop the coastal bluffs, views of the Dana Point

Harbor would not be significantly obstructed and views to the California coastline would not be impacted at all by the proposed development. Views to the East Marina from this view would be slightly obstructed near the bulkhead adjacent to the Pedestrian Promenade, but the overall visual character with views of the marina would remain the same as in existing conditions. Additionally, portions of the proposed development would be partially screened by mature trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of the Dana Point Harbor or the Pacific Ocean beyond, and therefore, would not adversely impact a scenic vista.

- **Key View 3:** Figure 4.1.8, Key View 3, shows an existing view of the project site facing southeast from the southern limit of Street of the Amber Lantern as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 3, views of Dana Point Harbor and the California coastline are currently visible from this public overlook. Current views of the project site are considerably obstructed by trees along Dana Point Harbor Drive and Island Way. Due to the vantage point being atop the coastal bluffs, views of Dana Point Harbor and the California coastline would not be obstructed by the proposed development. Additionally, portions of the proposed development would be partially screened by existing and proposed trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of Dana Point Harbor, the Capistrano Beach and San Clemente coastlines, or the Pacific Ocean beyond, and therefore, would not adversely impact a scenic vista.

- **Key View 4:** Figure 4.1.9, Key View 4, shows an existing view of the project site facing east from the southern limit of Street of the Blue Lantern as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 4, views of Dana Point Harbor, the California coastline, and topography associated with southern Orange County and northern San Diego County are currently visible from this public overlook. Due to the quarter-mile distance from the project site and elevated vantage point atop the coastal bluffs, views to these scenic resources would not be obstructed by the proposed development. Additionally, portions of the proposed development would be partially screened by existing and proposed trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of Dana Point Harbor, the Pacific Ocean, or topography associated with southern Orange County and northern San Diego County beyond, and therefore, would not adversely impact a scenic vista.

- **Key View 5:** Figure 4.1.10, Key View 5, shows an existing view of the project site facing east from a public pedestrian trail within Hilltop Conservation Park west of Street of the Green Lantern as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 5, views of Dana Point Harbor and the California coastline are currently visible from the open space trail within Hilltop Conservation Park. From this vantage point approximately 0.6 mile from the project site above and at a vertical elevation of approximately 257 ft NAVD 88 on The Headlands, views of Dana Point Harbor and the California

coastline would not be obstructed by the proposed development. Additionally, portions of the proposed development would be partially screened by mature trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of Dana Point Harbor or the Pacific Ocean beyond, and therefore, would not adversely impact a scenic vista.

- **Key View 6:** Figure 4.1.11, Key View 6, shows another existing view of the project site facing east from a location further west from a designated overlook within Hilltop Conservation Park west of Street of the Green Lantern as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 6, views of Dana Point Harbor and the California coastline are currently visible from this scenic overlook. Due to this vantage point's location at the highest point of The Headlands, these views would not be obstructed by the proposed development. Additionally, portions of the proposed development would be partially screened by existing and proposed trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of Dana Point Harbor or the Pacific Ocean beyond, and therefore, would not adversely impact a scenic vista.

- **Key View 7:** Figures 4.1.12 and 4.1.13, Key Views 7a and 7b, show existing views of the project site facing east from two designated overlooks in the Harbor Point Conservation Park on The Headlands as well as the same views following the construction of the proposed project. Key View 7b is similar to Key View 7a, but provides more expansive views to the south of Dana Point Harbor. As shown in the existing conditions under Key Views 7a and 7b, views of Dana Point Harbor, the coastal bluffs north of Dana Point Harbor and adjacent residential development within Dana Point, and the southern portion of Doheny State Beach, the Pacific Ocean, and topography associated with southern Orange County and northern San Diego County are currently visible from the two overlooks in Harbor Point Conservation Park. At these elevated designated overlooks atop the coastal bluffs at Harbor Point Conservation Park, views to these scenic resources would not be obstructed by the proposed development. Additionally, portions of the proposed development would be partially screened by existing and proposed trees and landscaping, helping to integrate the development with the surrounding viewshed. Adherence to regulations related to building heights and massing in the DPHDR would ensure that the proposed development would not block views of Dana Point Harbor, the Pacific Ocean, or scenic resources beyond, and therefore, would not adversely impact a scenic vista

- **Key View 8:** Figure 4.1.14, Key View 8, shows an existing view of the project site facing north from a public sidewalk between docks B and C on Dana Island as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 8, the boats, docks, and the waters of the East Marina in Dana Point Harbor, existing trees, and the coastal bluffs north of the project site are currently visible from this public sidewalk. Views to the boats, docks, and the East Marina waters would not be obstructed by the proposed development since the development would be located behind the East Marina from this vantage point. Views to the site are obstructed by boat masts, while views to the coastal bluffs are

largely impeded by existing trees along Island Way and adjacent to and within the Dana Point Harbor Drive right-of-way located between the project site and the coastal bluffs in addition to the boat masts. The proposed structures would be constructed in accordance with the 50 ft height limit for PA 3, and only views of lower portions of the coastal bluffs[1] north of the project site and already obstructed by boat masts and existing trees would be slightly impacted. Upper portions of the coastal bluff and residential development thereon, and residential and commercial development beyond would not be obstructed by the proposed development. Adherence to regulations related to building heights and massing in the DPHDR and existing mature trees in the Dana Point Harbor Drive right-of-way would ensure that the proposed development would not significantly alter views of the coastal bluffs beyond, and as Dana Point Harbor is located in front of the proposed project site from this vantage point, the proposed project would not adversely impact a scenic resource.

- **Key View 9:** Figure 4.1.15, Key View 9, shows an existing view of the project site facing northwest from the same public sidewalk that wraps around the island side of the East Marina and adjacent to the Orange County Sheriff's Department Harbor Patrol station at the eastern end of Dana Island, as well as the same view following the construction of the proposed project. As shown in the existing conditions under Key View 9, the boats, docks, and the East Marina channel in Dana Point Harbor are currently visible from this public sidewalk. Existing buildings, trees, and the coastal bluffs beyond the project site are also visible in the background. Views to boats, docks, and the East Marina would not be obstructed by the proposed development since the development would be located behind the East Marina from this vantage point. From this vantage point, views of the Dana Point Harbor landside areas, including lower portions of the proposed development, are largely obstructed by boats and their masts. Similar to Key View 8, boat masts in front of the project site and existing trees located between the project site and the coastal bluffs will continue to obstruct views of coastal bluffs beyond the project site. The introduction of the proposed development at the PA 3 50 ft maximum height limit would only slightly alter views of the coastal bluffs directly behind the proposed structures from this vantage point. The coastal bluffs on either side of the proposed structures and blufftop residential and commercial development beyond would not be obstructed by the proposed development. Adherence to regulations related to building heights and massing in the DPHDR and existing mature trees in the Dana Point Harbor Drive right-of-way would ensure that the proposed development would not significantly alter views of the coastal bluffs beyond, and Dana Point Harbor is located in front of the project site from this location, and therefore, would not adversely impact a scenic resource.

Threshold 4.1.3: In non-urbanized areas, would the project 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?

[1] Portions of the coastal bluffs to the north of the project site have been disturbed and/or altered through installation drainage improvements associated with Heritage Park.

Less Than Significant Impact.

Visual Character. As previously stated, development of the proposed project would include the demolition of the existing Marina Inn and two boater service buildings on the project site. During demolition, grading, and construction activities, the on-site construction area would be surrounded by temporary construction fencing thereby minimizing potential visual impacts to scenic vistas and the visual surroundings during construction. As described in Threshold 4.1.1 above, these construction measures would be included in the Construction Phasing and Construction Parking Management Plan required prior to project approval. In addition to the demolition activities noted above, implementation of the proposed project includes the development of two hotels, including boater services in one hotel, ancillary uses, and designated boater and hotel parking. Therefore, the proposed project would not change the nature of the site as a commercial development.

The proposed structures would be consistent with the California Coastal design theme outlined in the DPHRP&DR intended to unify the entire Dana Point Harbor. Dana House Hotel would utilize a contemporary composition of Traditional Nautical architectural styled elements using a variety of materials with well-proportioned massing to develop an elegant and yet informal use of color and materials to provide a connection to the visual character and historical precedents and keeping a compatible California Coastal design theme with that of the adjacent Commercial Core of Dana Point Harbor. The massing would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards Dana Point Harbor and to allow guests to enjoy the Harbor at a higher vantage point. Dana Point Surf Lodge would utilize a classical composition of architectural elements through the use of forms broken down through offsets in vertical planes and varying heights, and through a variety of materials to bring a modern style and residential scale to the proposed project. The use of color, texture, and materials would provide a connection to the visual character of the surrounding beach and surf community. Therefore, the proposed project would be consistent with the DPHRP&DR's design guidance stating that generally, buildings will share a color palette including many materials deployed in numerous ways such as clapboard, shingle, stone trim, and stucco, and unifying architectural elements, such as roof pitches and railings, that will present a varied yet unified village appearance. Therefore, the design of the proposed project would be consistent with the design theme and related design guidance provided in the DPHRP&DR, which are the presiding zoning regulations for the project site, and no mitigation would be required.

While the proposed project would be consistent with the allowable uses for the site as provided in the DPHRP&DR, the proposed project would require a Zone Text Amendment and a Local Coastal Program Amendment to address an increase in hotel rooms, an additional hotel, and reapportionment of other land use categories within PA 3. Although the commercial nature of the development would not change, the visual character of the project site would change due to the additional hotel development. However, for the reasons described above, the proposed project design would not conflict with the applicable zoning regulations (the DPHRP&DR) governing scenic quality.

In addition to regulating development intensity, the DPHRP&DR also regulates building heights and setbacks. As described in Policy 8.5.1-3, all new development in the Harbor shall not exceed a maximum building height of 35 ft: exceptions to the 35 ft height limit include Visitor Serving

Commercial (VSC) (PA 3) building(s) that shall have a maximum height of 50 ft. Dana Point Surf Lodge and Dana House Hotel are designed with a proposed height limit of 50 ft, consistent with the limits for buildings within the VSC designation/district, and with elevators and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions. The building setback requirements are a minimum of 10 ft from any street (surface parking and landscaping areas may be included as part of setback area). Adherence to these height requirements would ensure the proposed hotels would not obstruct views of the Harbor, the Pacific Ocean, the California coastline, or The Headlands from scenic view corridors or public vantage points (refer to Figures 4.1.4 through 4.1.15).

Consistency with these development regulations would ensure the proposed project would be of a height and scale that is compatible with surrounding development and would not have a massing that would significantly impact the visual character of the site or degrade the quality of the View Corridors/scenic resources and Scenic Overlooks identified in the DPHRP&DR and the Conservation/ Open Space Element of the City's General Plan, respectively. Therefore, while the proposed project would permanently alter the visual conditions of the project site and its surroundings, no significant impacts resulting in comprehensive obstructions of any views from the aforementioned view locations would occur, and no mitigation is required.

Threshold 4.1.4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant with Mitigation Incorporated.

Construction. As described in Section 4.10, Noise, of this Draft EIR, the Project Applicant would comply with Standard Condition NOI-1, which would require compliance with the City's regulations for construction noise. Specifically, Standard Condition NOI-1 states that "Construction activities shall only occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and City-recognized holidays. Additionally, grading operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and City of Dana Point (City)-recognized holidays." Therefore, as construction activities related to the proposed project would occur only during daylight hours, artificial light associated with construction activities would not significantly impact adjacent light-sensitive uses or substantially alter the character of light and glare in off-site areas surrounding the construction area.

Operation. As stated previously, existing sources of light in the project vicinity include headlights on nearby roadways, building facades and interior lighting associated with the existing Marina Inn and boater service buildings, and pole-mounted lighting in the surface parking lot. Lighting included as part of the proposed project includes pole-mounted lights within the proposed parking lot, bollard and pole lighting along pedestrian paths, steplights and safety lighting along stairways, handrail illumination, landscaping and tree lighting, and festoon lighting over common outdoor areas associated with each hotel. Illuminated signage would also be located on the facades of both the proposed Dana Point Surf Lodge and Dana House Hotel. These types of lighting are similar to the existing lighting on the project site and in the surrounding vicinity. As shown in Figure 4.1.16, Lighting Plan, lighting on the project site would not illuminate areas off site because it will be

shielded and directed downward. The minor up lighting proposed for on-site landscaping and the festoon lighting for outdoor common areas would be set back from the property boundary and adjacent roadways. Therefore, these lighting features would not spill over into adjacent properties. Additionally, no reflective (glass) buildings are proposed as part of the project. As described in Chapter 3.0, Project Description, efficient low-e glazing would be used on exterior materials, which provides an energy efficient coating that also reduces glare. Therefore, it is anticipated that lighting associated with the proposed project would not create a substantial new source of light or glare affecting day or nighttime views in the area or illuminate areas outside the project boundary.

The proposed project would also be required to comply with the policies and design regulations and lighting requirements included in the DPHRP&DR. Section 6.5 m) of the Dana Point Harbor Revitalization Plan (DPHRP) requires the following for development in PA 3:

> "Street and parking lot lighting shall be concentrated on intersections and pedestrian crosswalks to enhance vehicular and pedestrian safety. All exterior lighting will be designed and located to avoid intrusive effects on the adjacent land uses, atop the bluffs and to wading birds (herons or egrets) or other sensitive species or biological resources. Lighting shall be designed and located so that light rays are aimed downward onto the site."

Furthermore, DPHRP General Regulations require that construction within the Dana Point Harbor, including all exterior lighting fixtures (luminaires) and signs be installed in conformance with the Uniform Building Code (UBC) and related electrical codes currently adopted by the Orange County Board of Supervisors. However, even with compliance with these adopted codes and regulations, as described in EIR No. 591 for the Dana Point Harbor Revitalization Project, light spill and glare are the major environmental concerns associated with outdoor lighting installations. Unless mitigated, light and glare from the proposed development would have the potential to create significant impacts on adjacent uses. Implementation of the specific shielded lighting, downward directed lighting, and e-glazing to minimize light and glare would substantially reduce potential impacts; however, the proposed project would also be required to comply with Mitigation Measure 4.2-4 (MM 4.2-4), as provided in EIR No. 591, which requires development of a lighting plan ensuring adequate security lighting while minimizing any lighting impacts on adjacent uses.

Therefore, the proposed project would have a less than significant impact with regard to light and glare in the project area with implementation of MM 4.2-4 from EIR No. 591.

4.1.7 Level of Significance Prior to Mitigation

The proposed project would result in less than significant impacts related to scenic vistas, and visual quality and character. The proposed project would result in a potentially significant impact related to excessive lighting and/or the generation of glare on the project site without mitigation.

4.1.8 Regulatory Compliance Measures and Mitigation Measures

Mitigation Measure 4.2-4 Prior to the issuance of a building permit, an Exterior Lighting Plan (including outdoor recreation areas) for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each

fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the County of Orange Dana Point Harbor Department.

4.1.9 Level of Significance after Mitigation

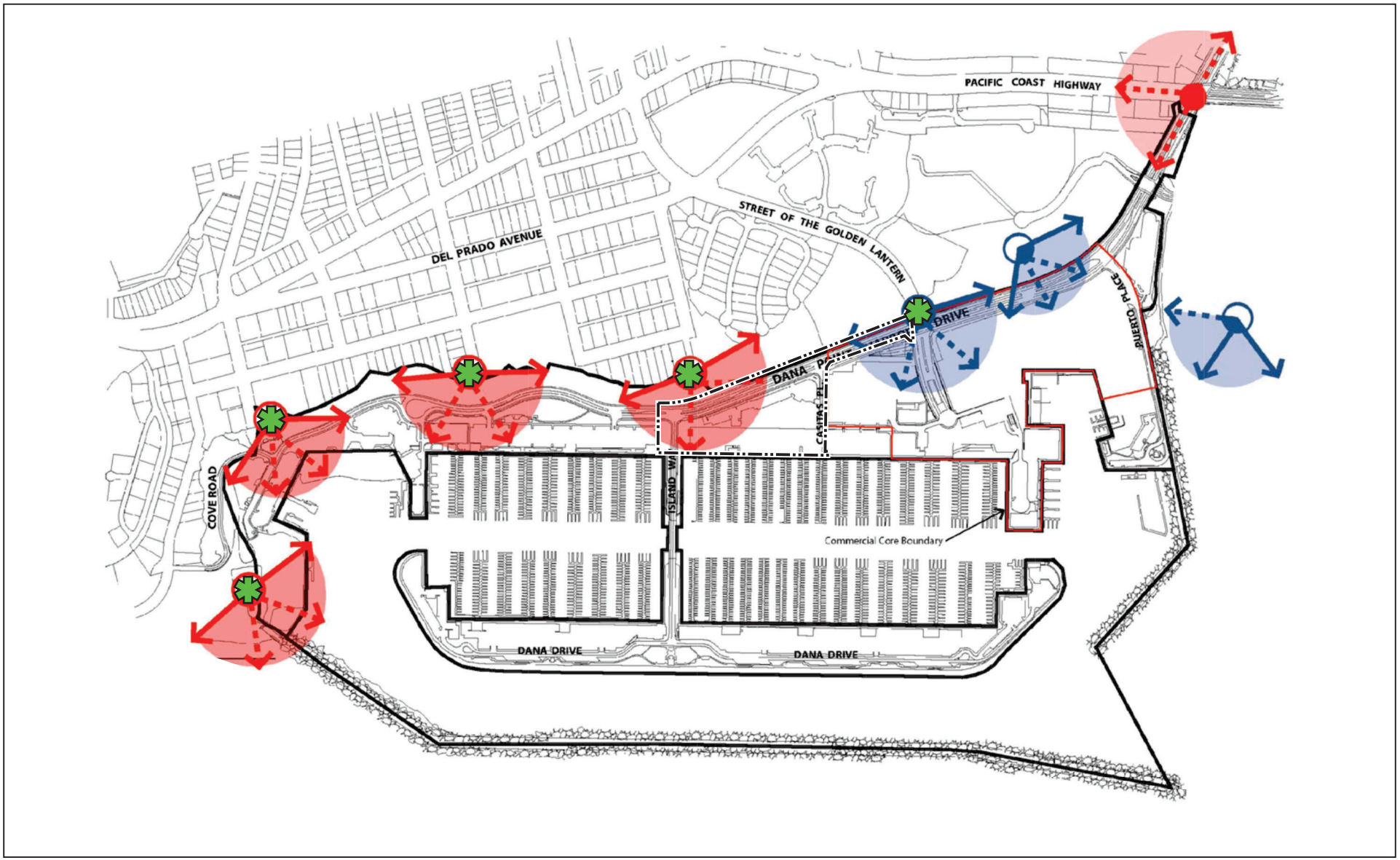
The proposed project would result in a less than significant impact to light and glare after incorporation of MM 4.2-4 provided above. The significance determination would remain less than significant for impacts to scenic vistas and visual quality and character.

4.1.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for aesthetics. The cumulative impact area for aesthetics related to the proposed project is the City of Dana Point. As described in Chapter 4.0 of this Draft EIR in Table 4.A, Related Projects, and shown in Figure 4.1, Related Project Locations, several residential and commercial development projects are approved and/or pending within the City. Each of these projects, as well as all proposed development in the City, would be subject to its own consistency analysis for policies and regulations governing scenic quality and would be reviewed for consistency with General Plan goals and policies and Zoning Code development standards. If there were any potential for significant impacts to aesthetics, appropriate mitigation measures would be identified to reduce and/or avoid impacts related to aesthetics. In addition, none of the cumulative projects are in close enough physical proximity to cause cumulative visual impacts.

For the reasons outlined above in Section 4.1.6, Project Impacts, implementation of the proposed project would not result in a significant cumulative impact related to aesthetics. The proposed project and all related projects in Table 4.A are required to adhere to City and State regulations designed to reduce and/or avoid impacts related to aesthetics. Through compliance with these regulations, cumulative impacts related to aesthetics would be less than significant. Therefore, implementation of the proposed project would not result in a significant cumulative impact related to aesthetics.

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LEGEND

- Project Site
- View Evaluated in this EIR
- Primary Views (Lookout Points off Bluff)
- Secondary Views
- Supplemental Views

FIGURE 4.1.1

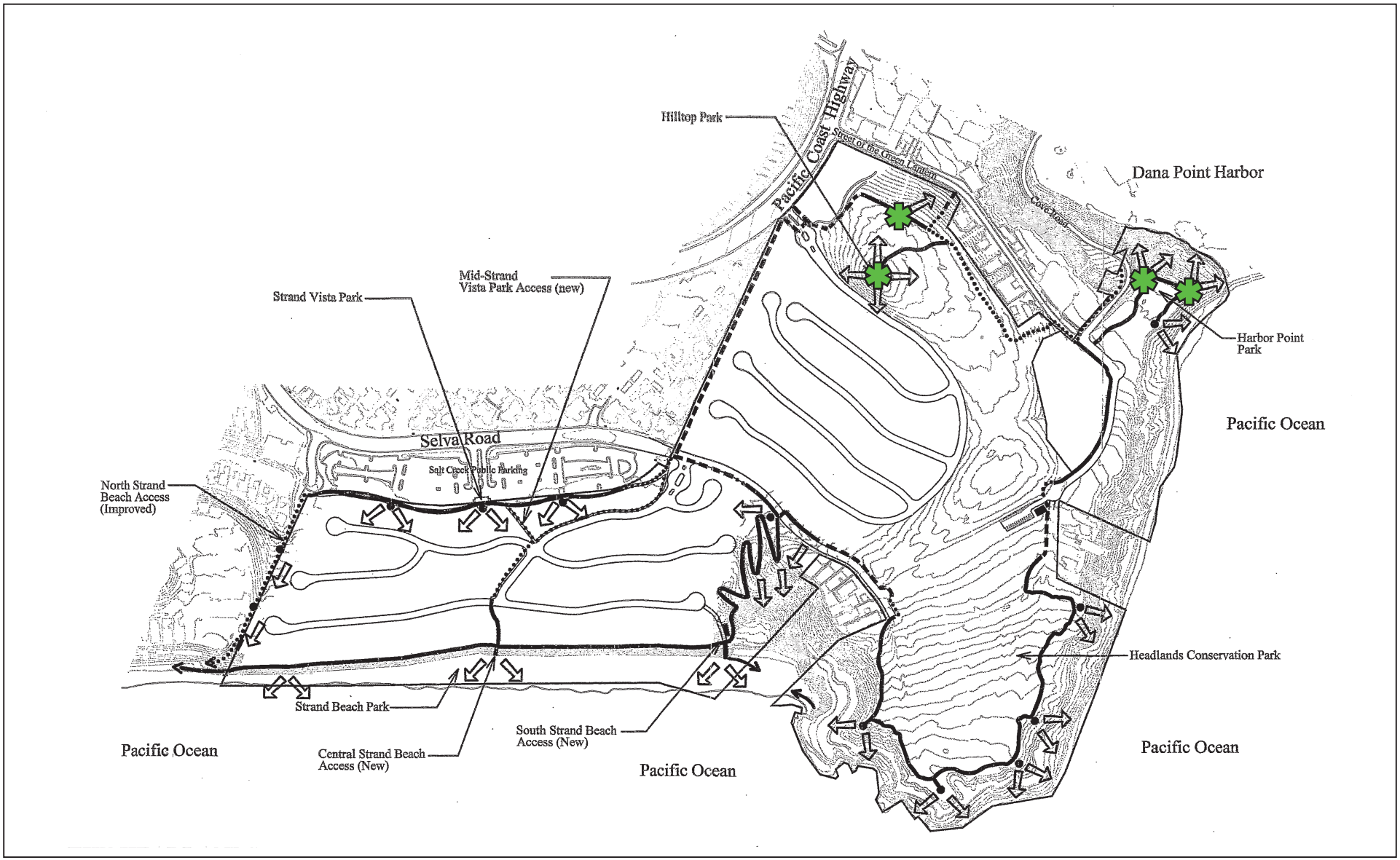
Dana Point Harbor Hotels Project

Relevant View Corridors in the Dana Point Harbor Revitalization Plan & District Regulations

SOURCE: City of Dana Point

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N

0 300 600
FEET

SOURCE: SWA

LEGEND

- View Evaluated in this EIR
- Unobstructed View Conditions
- Intermittent View Conditions
- No View
- Overlooks
- Direction of View

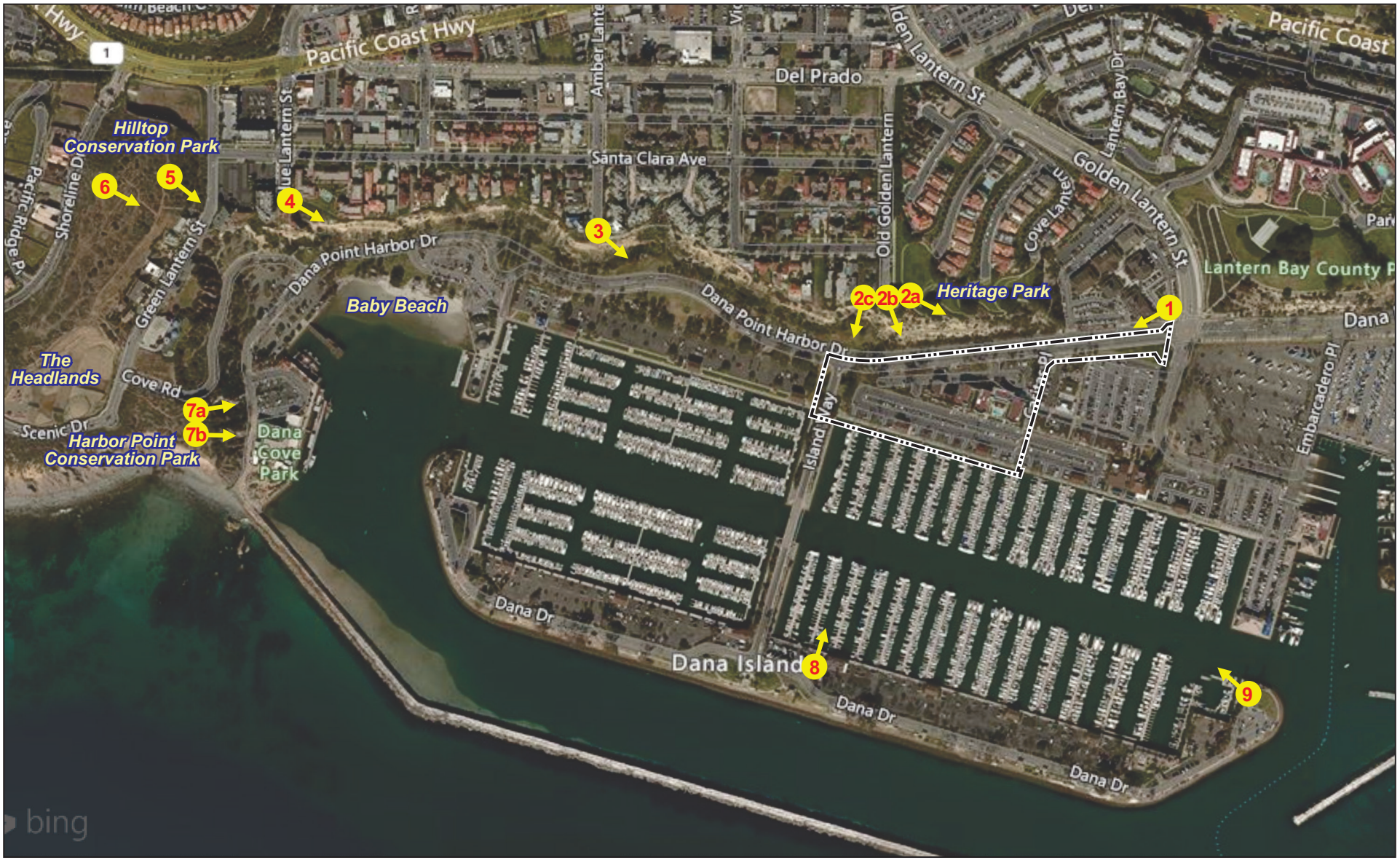
FIGURE 4.1.2

Dana Point Harbor Hotels Project

Relevant Coastal View Opportunities in the Headlands Development and Conservation Plan

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LEGEND

- Project Site
- X - Key View Location

N

0 310 620

FEET

SOURCE: Bing Maps, Visonscape Imagery

FIGURE 4.1.3

Dana Point Harbor Hotels Project

Key View Locations

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Existing view.



Proposed view.

LSA

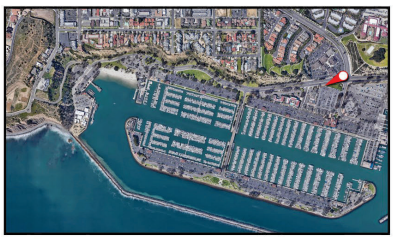


FIGURE 4.1.4

Dana Point Harbor Hotels Project

Key View 1 - View from Dana Point Harbor Drive/Street of the Golden Lantern

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.5

Dana Point Harbor Hotels Project

Key View 2a - View from Heritage Park (southeast)

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA

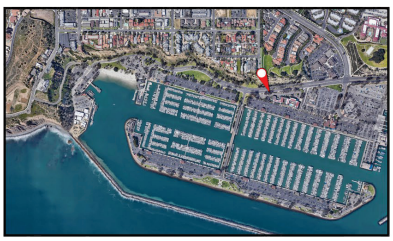


FIGURE 4.1.6

Dana Point Harbor Hotels Project

Key View 2b - View from Heritage Park (south)

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA

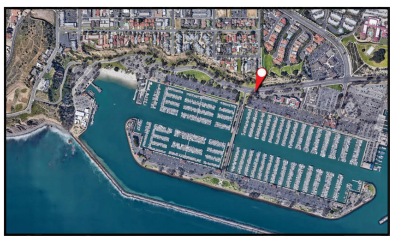


FIGURE 4.1.7

Dana Point Harbor Hotels Project

Key View 2c - View from Heritage Park (southwest)

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.8

Dana Point Harbor Hotels Project

Key View 3 - View from Street of the Amber Lantern

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.9

Dana Point Harbor Hotels Project

Key View 4 - View from Street of the Blue Lantern

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.10

Dana Point Harbor Hotels Project

Key View 5 - View from Hilltop Conservation Park 1

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

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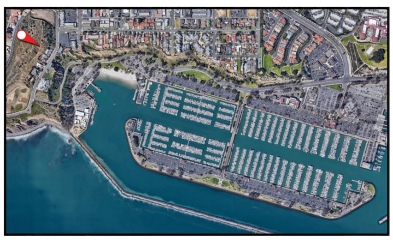


FIGURE 4.1.11

Dana Point Harbor Hotels Project

Key View 6 - View from Hilltop Conservation Park 2

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.12

Dana Point Harbor Hotels Project

Key View 7a - View from Harbor Point Conservation Park 1

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

LSA



FIGURE 4.1.13

Dana Point Harbor Hotels Project

Key View 7b - View from Harbor Point Conservation Park 2

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

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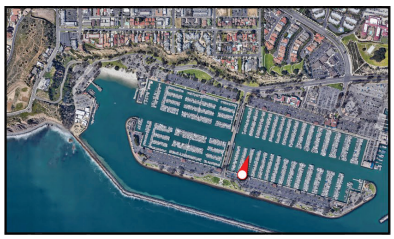


FIGURE 4.1.14

Dana Point Harbor Hotels Project

Key View 8 - View from East Dana Island Marina

SOURCE: Visionscape Imagery

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Existing view.



Proposed view.

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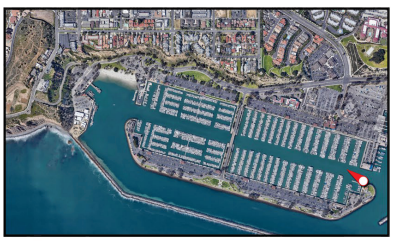


FIGURE 4.1.15

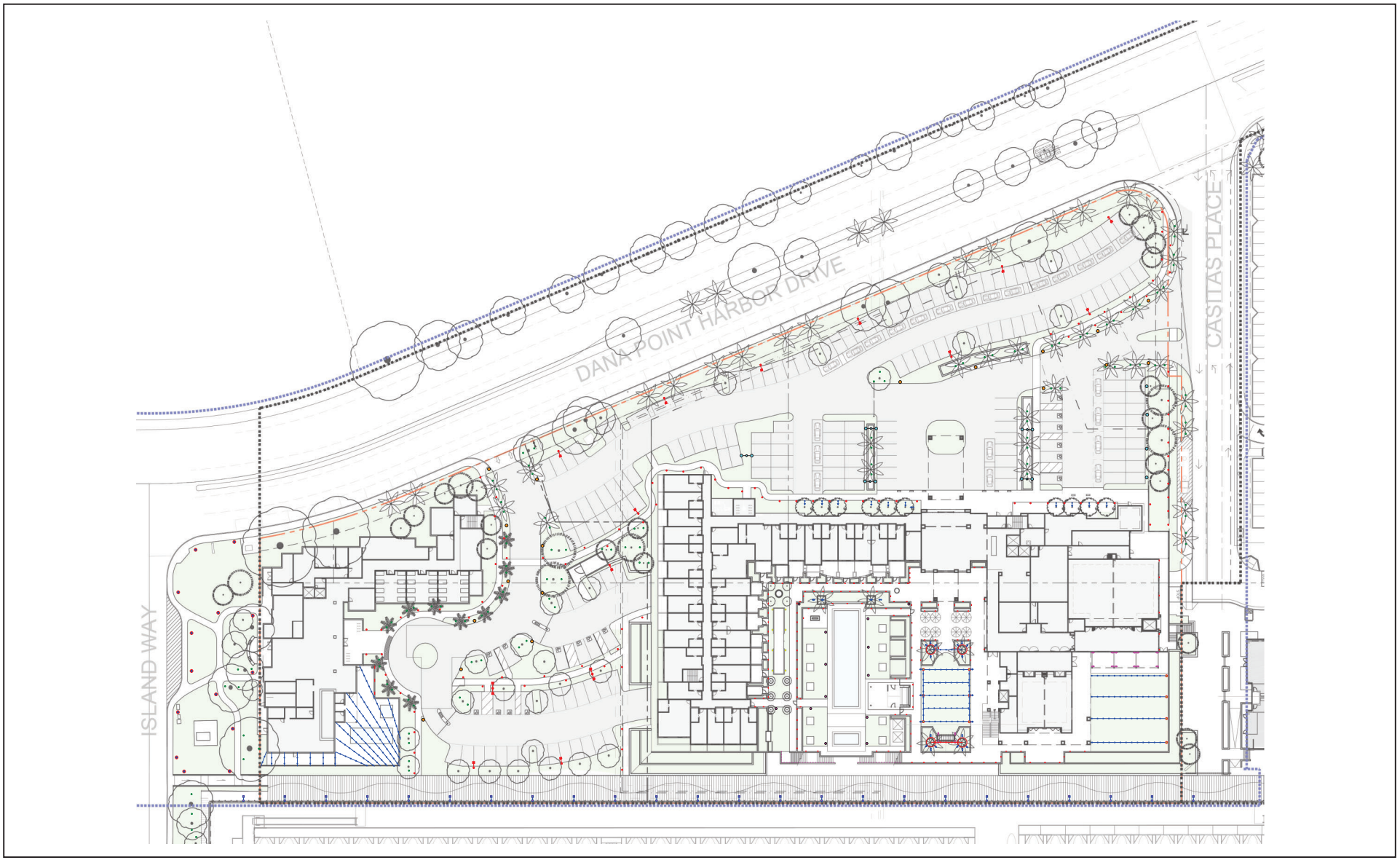
Dana Point Harbor Hotels Project

Key View 9 - View from Harbor Patrol Station

SOURCE: Visionscape Imagery

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FIGURE 4.1.16

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Dana Point Harbor Hotels Project
Lighting Plan

SOURCE: WATG

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4.2 AIR QUALITY

This section discusses existing air quality, summarizes existing air quality regulations, and evaluates potential air quality impacts associated with the proposed Dana Point Harbor Hotels Project (proposed project). This section assesses the proposed project in accordance with methodologies recommended by the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD) and utilizes the latest version of the California Emissions Estimator Model (CalEEMod) (v2016.3.2) to determine construction and operational air quality emissions of the proposed project. The CalEEMod modeling sheets are included in Appendix C of this Draft Environmental Impact Report (EIR).

4.2.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR.

The letter from SCAQMD received on October 22, 2020, suggested that the proposed project utilize its 1993 *CEQA Air Quality Handbook* (and associated updates) and CalEEMod to analyze air quality and greenhouse gas impacts.

4.2.2 Existing Environmental Setting

The proposed project site is located in the City of Dana Point, which is part of the South Coast Air Basin (Basin) and is under the jurisdiction of the SCAQMD. The following sections provide background information about air quality, regulated pollutants, and the agencies responsible for regulating those pollutants.

4.2.2.1 Climate/Meteorology

Air quality in the planning area is affected not only by various emission sources (e.g., mobile, stationary, and area sources) but also by atmospheric conditions such as wind speed, wind direction, temperature, and rainfall. The combination of topography, low mixing height, abundant sunshine, and emissions from the second largest urban area in the United States gives the Basin the worst air pollution problem in the nation.

Climate in the Basin is determined by its terrain and geographical location. The Basin is a coastal plain with connecting broad valleys and low hills. The Pacific Ocean forms the southwestern border, and high mountains surround the rest of the Basin, which lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a climate that is mild and tempered by cool ocean breezes. This climatological pattern is rarely interrupted; however, periods of extremely hot weather, winter storms, or Santa Ana wind conditions do occur.

The annual average temperature varies little throughout the Basin, ranging from the low to middle 60s, measured in degrees Fahrenheit (°F). With a more pronounced oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas. The Laguna Beach Meteorological Station (approximately 7 miles northwest from Dana Point) climate temperature ranges from 65.1°F in January to 78.1°F in August. The monthly average minimum

temperature ranges from 43.0°F in January to 59.6°F in August (Western Regional Climate Center [WRCC] 2016). January is typically the coldest month, and August is typically the warmest month in this area of the Basin.

Most rainfall in the Basin occurs between November and April. Summer rainfall is minimal and is generally limited to scattered thundershowers in coastal regions and slightly heavier showers in the eastern portion of the Basin and along the coastal side of the mountains. The monthly average rainfall at Laguna Beach Meteorological Station typically varies from 3.77 inches in February to 0.03 inch in July with an annual total of 12.52 inches (WRCC 2016). Patterns in monthly and yearly rainfall totals are unpredictable due to fluctuations in the weather.

Although the Basin has a semi-arid climate, air near the surface is generally moist because of the presence of a shallow marine layer. With low average wind speeds, there is a limited capacity to disperse air contaminants horizontally. The dominant daily wind patterns are on-shore winds from the west that average 7.8 miles per hour (mph) (Iowa State University 2019). The typical wind flow pattern fluctuates only with occasional winter storms or strong northeasterly (Santa Ana) winds from the mountains and deserts northeast of the Basin. Summer wind flow patterns represent worst-case conditions because this is the period of higher temperatures and more sunlight, which result in ozone (O_3) formation.

Temperature normally decreases with altitude, and a reversal of this atmospheric state, where temperature increases with altitude, is called an inversion. The height from the Earth to the inversion base is known as the mixing height. Persistent low inversions and cool coastal air tend to create morning fog and low stratus clouds. Cloudy days are less likely in the eastern portions of the Basin and are about 25 percent more likely along the coast. The vertical dispersion of air pollutants in the Basin is limited by temperature inversions in the atmosphere close to the Earth's surface.

Inversions are generally lower in the nighttime when the ground is cooler than during daylight hours when the sun warms the ground and, in turn, the surface air layer. As this heating process continues, the temperature of the surface air layer approaches the temperature of the inversion base, causing heating along its lower edge. If enough warming takes place, the inversion layer becomes weak and opens up to allow the surface air layers to mix upward. This can be seen in the middle-to-late afternoon on a hot summer day when the smog appears to clear up suddenly. Winter inversions typically break earlier in the day, preventing excessive smog buildup.

The combination of stagnant wind conditions and low inversions produces the greatest pollutant concentrations. On days of no inversions or high wind speeds, ambient air pollutant concentrations are lowest. During periods of low inversions and low wind speeds, air pollutants generated in urbanized areas are transported predominantly onshore into Riverside and San Bernardino Counties. In the winter, the greatest pollution problem is the accumulation of carbon monoxide (CO) and nitrogen oxides (NO_X) due to extremely low inversions and air stagnation during the night and early morning hours. In the summer, the longer daylight hours and the brighter sunshine combine to cause a reaction between hydrocarbons and NO_X to form photochemical smog.

4.2.2.2 Air Pollution Constituents and Attainment Status

The United States Environmental Protection Agency (EPA) has identified and established ground-level concentration criteria for air pollutants known to have detrimental human health impacts. Under the Clean Air Act (CAA), the EPA is charged with establishing National Ambient Air Quality Standards (NAAQS) for each criteria pollutant based on the concentration required to protect public health and welfare. In addition, the State of California has implemented the more stringent California Ambient Air Quality Standards (CAAQS) (with the exception of the recent 1-hr nitrogen dioxide [NO_2] and sulfur dioxide [SO_2] NAAQS), which aid in effectively reducing harmful emissions in areas with poor air quality or nonattainment designations.

The CARB coordinates and oversees both State and federal air pollution control programs in the State. The CARB oversees activities of local air quality management agencies and maintains air quality monitoring stations throughout the State in conjunction with the EPA and local air quality districts. The CARB has divided the State into 15 air basins based on meteorological and topographical factors of air pollution. Data collected at these stations are used by the CARB and EPA to classify air basins as attainment, nonattainment, nonattainment-transitional, or unclassified, based on air quality data for the most recent three calendar years compared with the ambient air quality standards (AAQS).

Attainment areas may be:

- Attainment/unclassified ("unclassifiable" in some lists), which have never violated the air quality standard of interest or do not have enough monitoring data to establish attainment or nonattainment status;

- Attainment/maintenance (NAAQS only), which violated an NAAQS that is currently in use (was nonattainment) in or after 1990, but now attains the standard and is officially redesignated as attainment by the EPA with a maintenance State Implementation Plan (SIP); or

- Attainment (usually only for CAAQS, but sometimes for NAAQS), which have adequate monitoring data to show attainment, have never been nonattainment, or, for NAAQS, have completed the official maintenance period.

Additional restrictions are imposed on nonattainment areas as required by the EPA. The air quality data collected from monitoring stations are also used to monitor progress in attaining air quality standards. Table 4.2.A lists the attainment status for the criteria pollutants in the Basin.

Table 4.2.A: Attainment Status of Criteria Pollutants in the South Coast Air Basin

Pollutant	State	Federal
O_3 1-hour	Nonattainment	Not Applicable
O_3 8-hour	Nonattainment	Extreme Nonattainment[1]
PM_{10}	Nonattainment	Attainment/Maintenance
$PM_{2.5}$	Nonattainment	Nonattainment
CO	Attainment	Attainment/Maintenance
NO_2	Attainment	Unclassified/Attainment (1-hour) Attainment/Maintenance (Annual)
SO_2	Attainment	Unclassified/Attainment
Lead	Attainment[2]	Unclassified/Attainment[1]
All others	Attainment/Unclassified	Attainment/Unclassified

Source: SCAQMD (2020).
[1] Area has a design value of 0.175 ppm and above.
[2] Except in Los Angeles County.

CO = carbon monoxide
NO_2 = nitrogen dioxide
O_3 = ozone
PM_{10} = particulate matter less than 10 microns in size
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
ppm = parts per million
SCAQMD = South Coast Air Quality Management District
SO_2 = sulfur dioxide

4.2.2.3 Local Air Quality

The SCAQMD, together with the CARB, maintains ambient air quality monitoring stations in the Basin. The air quality monitoring station closest to the proposed project site is the Mission Viejo Monitoring Station, which monitors air pollutant data for O_3, CO, NO_2, SO_2, coarse particulates (PM_{10}), and fine particulates ($PM_{2.5}$). NO_2 and SO_2 data were obtained from the Anaheim and Costa Mesa Monitoring Stations, which are the closest monitoring station for these pollutants, respectively. The air quality trends from these three stations are used to represent the ambient air quality in the vicinity of the proposed project site. Table 4.2.B lists the ambient air quality data monitored at these stations within the past three years. It should be noted that there are no available SO_2 data points for 2019 in Orange County.

As shown in Table 4.2.B, the ambient air quality data indicate that CO, $PM_{2.5}$, NO_2, and SO_2 levels are consistently below the relevant State and federal standards. In the past three years, the State 1-hour O_3 standards were exceeded between two and three times, and the State 8-hour O_3 standard was exceeded between 10 and 27 times. The federal 8-hour O_3 standard was exceeded between 9 and 25 times in the last three years. The federal 24-hour PM_{10} standard was not exceeded, while the State PM_{10} standards were exceeded once in 2017 and 2018 with no exceedances in 2019.

Table 4.2.B: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	NAAQS/CAAQS Standard	2017	2018	2019
Ozone (O_3) – Mission Viejo Monitoring Station (26081 Via Pera)				
Maximum 1-hour concentration (ppm)		0.103	0.121	0.106
Number of days exceeded:	State: > 0.09 ppm	3	2	3
Maximum 8-hour concentration (ppm)		0.084	0.088	0.088
Number of days exceeded:	State: > 0.07 ppm	27	10	11
	Federal: > 0.07 ppm	25	9	11
Coarse Particulates (PM_{10}) – Mission Viejo Monitoring Station (26081 Via Pera)				
Maximum 24-hour concentration (µg/m^3)		58.2	55.6	45.1
Number of days exceeded:	State: > 50 µg/m^3	1	1	0
	Federal: > 150 µg/m^3	0	0	0
Annual arithmetic average concentration (µg/m^3)		18.8	19.5	17.1
Exceeded for the year:	State: > 20 µg/m^3	No	No	No
Fine Particulates ($PM_{2.5}$) – Mission Viejo Monitoring Station (26081 Via Pera)				
Maximum 24-hour concentration (µg/m^3)		19.5	38.9	20.8
Number of days exceeded:	Federal: > 35 µg/m^3	0	1	0
Annual arithmetic average concentration (µg/m^3)		7.4	8.6	7.1
Exceeded for the year:	State: > 12 µg/m^3	No	No	No
	Federal: > 15 µg/m^3	No	No	No
Carbon Monoxide (CO) – Mission Viejo Monitoring Station (26081 Via Pera)				
Maximum 1-hour concentration (ppm)		1.7	1.2	1.0
Number of days exceeded:	State: > 20 ppm	0	0	0
	Federal: > 35 ppm	0	0	0
Maximum 8-hour concentration (ppm)		1.4	0.9	0.8
Number of days exceeded:	State: ≥ 9.0 ppm	0	0	0
	Federal: ≥ 9 ppm	0	0	0
Nitrogen Dioxide (NO_2) – Anaheim Monitoring Station (1630 W. Pampas Lane)				
Maximum 1-hour concentration (ppm)		0.081	0.066	0.059
Number of days exceeded:	State: > 0.18 ppm	0	0	0
	Federal: > 0.10 ppm	0	0	0
Annual arithmetic average concentration (ppm)		0.014	0.014	0.013
Exceeded for the year:	State: > 0.030 ppm	No	No	No
	Federal: > 0.053 ppm	No	No	No
Sulfur Dioxide (SO_2) – Costa Mesa Monitoring Station (2850 Mesa Verde Drive East)				
Maximum 24-hour concentration (ppm)		0.0005	0.0005	ND
Number of days exceeded:	State: > 0.04 ppm	0	0	ND
Maximum 1-hour concentration (ppm)		0.0019	0.0019	ND

Table 4.2.B: Ambient Air Quality Monitored in the Project Vicinity

Pollutant	NAAQS/CAAQS Standard	2017	2018	2019
Number of days exceeded:	State: > 0.25 ppm	0	0	ND
	Federal: > 0.075 ppm	0	0	ND

Source: CARB (2020).

$\mu g/m^3$ = micrograms per cubic meter
CAAQS = California Ambient Air Quality Standard
CARB = California Air Resources Board
CO = carbon monoxide
NAAQS = National Ambient Air Quality Standard
ND = No data available
NO_2 = nitrogen dioxide
O_3 = ozone
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
ppm = parts per million
SO_2 = sulfur dioxide

4.2.3 Regulatory Setting

4.2.3.1 Federal Regulations

Clean Air Act. The EPA is responsible for implementing the Federal Clean Air Act (CAA). The CAA was first enacted in 1955, and has been amended numerous times in subsequent years (i.e., 1963, 1965, 1967, 1970, 1977, and 1990). The CAA authorizes the federal government to set federal air quality standards for pollutant emissions.

Pursuant to the CAA, the EPA established the NAAQS. The NAAQS were established for six major pollutants, termed "criteria" pollutants. Criteria pollutants are defined as those pollutants for which the federal and State governments have established AAQS, or criteria, for outdoor concentrations in order to protect public health.

As discussed above, data collected at permanent monitoring stations are used by the EPA to classify regions as "attainment" or "nonattainment," depending on whether the regions met the requirements stated in the primary NAAQS. Nonattainment areas are imposed with additional restrictions as required by the EPA. The EPA has designated the Southern California Association of Governments (SCAG) as the Metropolitan Planning Organization (MPO) responsible for ensuring compliance with the requirements of the CAA for the Basin.

4.2.3.2 State Regulations

Mulford-Carrell Act. In 1967, the State Legislature passed the Mulford-Carrell Act, which combined two Department of Health bureaus (i.e., the Bureau of Air Sanitation and the Motor Vehicle Pollution Control Board), to establish the CARB. Since its formation, the CARB has worked with the public, the business sector, and local governments to find solutions to the State's air pollution problems.

California Air Pollution Control Officers Association. The California Air Pollution Control Officers Association (CAPCOA) is a nonprofit association of the air pollution control officers from all 35 local air quality agencies throughout California. CAPCOA was formed in 1976 to promote clean air and to provide a forum for sharing knowledge, experience, and information among the air quality regulatory agencies around the State. CAPCOA meets regularly with federal and State air quality officials to develop statewide rules and to assure consistent application of rules and regulations.

CAPCOA works with specialized task forces (including regulated industry) by participating actively in the legislative process, and continuing to coordinate local efforts with those of the State and federal air agencies. The goal is to protect public health while maintaining economic vitality.

California Clean Air Act. Assembly Bill (AB) 2595, the California Clean Air Act (CCAA), was signed into law in 1988 and requires all areas of the State to achieve and maintain the CAAQS. The CCAA mandates achievement of the maximum degree of emission reductions possible from vehicular and other mobile sources in order to attain the CAAQS by the earliest practical date. The CARB, which became part of the California Environmental Protection Agency (CalEPA) in 1991, is responsible for ensuring implementation of the CCAA and federal CAA and for regulating emissions from consumer products and motor vehicles within California. The CARB established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. However, at this time, hydrogen sulfide and vinyl chloride are not measured at any monitoring stations in the Basin because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS. All air basins have been formally designated as attainment or nonattainment for each CAAQS.

Nonattainment areas are required to prepare Air Quality Management Plans (AQMPs) that include specified emission reduction strategies in an effort to meet clean air goals. These plans are required to include:

- Application of Best Available Retrofit Control Technology to existing sources;
- Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g., motor vehicle use generated by residential and commercial development);
- A District permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;
- Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;
- Significant use of low emission vehicles by fleet operators; and
- Sufficient control strategies to achieve a 5 percent or more annual reduction in emissions or 15 percent or more in a period of 3 years for volatile organic compounds (VOCs), NO_X, CO, and PM_{10}. However, air basins may use an alternative emission reduction strategy that achieves a reduction of less than 5 percent per year under certain circumstances.

4.2.3.3 Regional Regulations

South Coast Air Quality Management District. The 1976 Lewis Air Quality Management Act established the SCAQMD and other air quality districts throughout the State. The CAA Amendments of 1977 required that each state adopt an implementation plan outlining pollution control measures to attain the federal standards in nonattainment areas of the State.

The CARB is responsible for incorporating air quality management plans for local air basins into an SIP for EPA approval. Significant authority for air quality control within them has been given to local air quality districts that regulate stationary-source emissions and develop local nonattainment plans.

SCAQMD Rule 402 Measures. The proposed project would be required to comply with regional rules to prevent occurrences of odor nuisances. SCAQMD Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, nuisance, or annoyance. This applies to any persons or to the public, or which endanger the comfort, health or safety of any such persons or the public or cause, injury or damage to business or property.

SCAQMD Rule 403 Measures. The proposed project would be required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best available control measures (BACMs) so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. Implementation of these dust suppression techniques can reduce the fugitive dust generation (and thus the PM_{10} component). Compliance with these rules as listed below will ensure compliance:

- Water active sites at least three times daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).

- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

SCAQMD Rule 1113 Measures. The proposed project would be required to comply with regional rules to control VOC emissions from architectural coatings. SCAQMD Rule 1113 limits the VOC content of architectural coatings used in the Basin, requiring that paints containing no more than 50 grams/liter of VOCs be used.

2016 Air Quality Management Plan. The SCAQMD is responsible for formulating and implementing the AQMP for the Basin. The main purpose of an AQMP is to bring the area into compliance with federal and State air quality standards. The SCAQMD prepares a new AQMP every three years, updating the previous plan and 20-year horizon.

The latest plan is the 2016 AQMP, which incorporates the latest scientific and technological information and planning assumptions, including the 2016 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories. The 2016 AQMP included the integrated strategies and measures needed to meet the NAAQS, implementation of new technology measures, and demonstrations

of attainment of the 1-hour and 8-hour ozone NAAQS as well as the latest 24-hour and annual $PM_{2.5}$ standards. Key elements of the 2016 AQMP include:

- Calculation and credit for co-benefits from other planning efforts (e.g., climate, energy, and transportation);
- A strategy with fair-share emission reductions at the federal, State, and local levels;
- Investment in strategies and technologies meeting multiple air quality objectives;
- Identification of new partnerships and significant funding for incentives to accelerate deployment of zero and near zero technologies;
- Enhanced socioeconomic assessment, including an expanded environmental justice analysis;
- Attainment of the 24-hour $PM_{2.5}$ standard in 2019 with no additional measures;
- Attainment of the annual $PM_{2.5}$ standard by 2025 with implementation of a portion of the ozone strategy; and
- Attainment of the 1-hour ozone standard by 2022 with no reliance on "black box" future technology (CAA Section 182(e)(5) measures).

4.2.3.4 Local Regulations

Dana Point Energy Efficiency and Conservation Plan. The Dana Point Energy Efficiency and Conservation Plan was adopted in December 2011. This plan outlines seven goals for the City to use as pathways to future energy reduction and outlines GHG reduction goals. The plan goals cover both measures that City operations can undertake and measures the citizens of Dana Point can accomplish within the community and they include: Energy Consumption, Water Efficiency and Conservation, Sustainable Land Use and Development, Sustainable Construction, Effective Transportation, Waste Reduction, and Public Education and Outreach. The broader objectives of these goals can be briefly summarized as follows:

- Reduce energy use, and hence reduce greenhouse gas emissions.
- Promote sustainable land use and redevelopment.
- Encourage sustainable construction.
- Promote efficient transportation.
- Continue current efforts to conserve and efficiently use water.
- Reduce waste produced citywide and divert at minimum 50 percent of waste from landfills.
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

Dana Point Harbor Revitalization Plan & District Regulations. The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) were certified by the California Coastal Commission on October 6, 2011.[1] The DPHRP&DR established new land use policies and development standards for the needed upgrades to visitor serving and marina service areas of Dana Point Harbor. The DPHRP&DR designated planning areas are expected to be redeveloped over the next 5 to 20 years. This plan is designed to improve infrastructure, enhance public access opportunities, commercial and recreational amenities, water quality improvements, and coastal resource preservation. The DPHRP&DR include the following policies related to air quality that are applicable to the project:

Policy 8.9.1-1: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act Section 30250)

Policy 8.9.1-2: Provide commercial areas that are conducive to pedestrian and bicycle circulation.

Policy 8.9.1-5: Should asbestos be determined to be present within the existing structures, the project shall comply with SCAQMD Rule 1403, Asbestos Emission from Demolition/Renovation Activities during the demolition process.

Policy 8.9.1-6: Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring and mandates good working practices by workers exposed to lead.

Policy 8.9.1-7: All finishing products used on-site shall meet applicable SCAQMD regulations for solvent content, as required by SCAQMD Rules 1102 and 1171.

Policy 8.9.1-8: To reduce long-term operation emissions from area sources (by implementing energy conservation measures and by reducing motor vehicle emissions) the following measures shall be implemented:

- Install energy-efficient street lighting on the site; and
- Landscape with native or non-invasive and drought-tolerant species to reduce water consumption and provide passive solar benefits, where feasible.

Policy 8.9-10: Reduction of vehicle trips is achieved by implementing the Transportation Management Plan, including:

- Shuttle service to off-site (remote) parking areas when necessary;
- Shuttle service to regional visitor attractions and for hotel guests;
- Seasonal water taxi service;
- Visitor boat slips and dingy docks located near restaurants and retail areas; and

[1] City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations. October.

- Phased construction of new development will minimize the size of areas subject to disruption from construction activities.

Policy 8.9.1-11: In order to reduce operational energy usage and reduce energy production and air emissions, Harbor projects are required at a minimum to comply with Title 24 of the California Code of Regulations established by the California Energy Commission regarding energy conservation standards.

4.2.4 Methodology

4.2.4.1 Overview

Air quality impacts were assessed in accordance with methodologies recommended by CARB and the SCAQMD. The latest version of CalEEMod (v2016.3.2), which was released by the SCAQMD in conjunction with CAPCOA and other California air quality districts on October 17, 2017, was used to determine construction and operational air quality emissions of the proposed project. CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Project construction-generated air pollutant emissions were primarily calculated using CalEEMod model defaults for Orange County. However, the length of construction is based on estimates provided by the Project Applicant; construction of the proposed project is anticipated to start in September 2022 and would be completed by April 2025, for a duration of approximately 36 months. Operational air pollutant emissions were based on the project site plans and the estimated traffic trip generation rates from the *Traffic Impact Analysis for the Dana Point Harbor Hotels Project, Dana Point, Orange County, California* (Traffic Impact Analysis) (LSA March 2021) (Appendix K).

The SCAQMD has established daily emissions thresholds for construction and operation for the evaluation of proposed projects in the Basin. The emissions thresholds were established based on the attainment status of the Basin with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set by the EPA at a level that protects public health with an adequate margin of safety, these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks. The following emissions thresholds were utilized to evaluate the proposed project's air quality impacts.

4.2.4.2 Regional Thresholds for Construction and Operational Emissions

The SCAQMD *CEQA Air Quality Handbook* is utilized to identify potentially significant impacts on air quality. For the purposes of this analysis, an impact is considered significant if a project:

1. Generates total emissions (direct and indirect) in excess of the thresholds given in Table 4.2.C below.
2. Generates a violation of any ambient air quality standard when added to the local background.
3. Does not conform with the applicable attainment or maintenance plan(s).
4. Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million, and/or a health index (non-cancerous) greater than or equal to one.

Table 4.2.C: SCAQMD Air Quality Significance Thresholds

Air Pollutant	Construction Phase (lbs/day)	Operational Phase (lbs/day)
VOCs	75	55
CO	550	550
NO_X	100	55
SO_X	150	150
PM_{10}	150	150
$PM_{2.5}$	55	55

Source: SCAQMD (2019).

CO = carbon monoxide
lbs/day = pounds
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
VOCs = volatile organic compounds
SCAQMD = South Coast Air Quality Management District
SO_X = sulfur oxides

Projects in the Basin with temporary construction emissions or operational emissions that exceed any of these emission thresholds are considered to be significant under SCAQMD guidelines. These thresholds, which apply throughout the Basin and were developed by the SCAQMD, apply as both project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact.

4.2.4.3 Thresholds for Localized Impacts Analysis

The SCAQMD published its *Final Localized Significance Threshold Methodology* in July 2008, recommending that all air quality analyses include an assessment of air quality impacts to nearby sensitive receptors (SCAQMD 2008). This guidance was used to analyze potential localized air quality impacts associated with construction of the proposed project. Localized significance thresholds (LSTs) are developed based on the size or total area of the emission source, the ambient air quality in the source receptor area, and the distance to the project. The SCAQMD defines structures that house persons (e.g., children, the elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise) or places where they gather as sensitive receptors (e.g., residences, schools, playgrounds, childcare centers, convalescent centers, retirement homes, and athletic fields) as sensitive receptors.

LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. For the proposed project, the appropriate SRA for the LST is the nearby Capistrano Valley area (SRA 21). SCAQMD provides LST screening tables for 25, 50, 100, 200, and 500-meter source-receptor distances.

LSTs only apply to on-site CO, NO_2, PM_{10}, and $PM_{2.5}$ emissions during construction and operation at the discretion of the lead agency. Screening-level analysis of LSTs is recommended for construction activities at project sites that are approximately 5 acres or less. The total construction area of the project site is 9.16 acres; however, given the phasing of the construction project, it is assumed that daily construction activities would only occur on 5 acres on any given day; therefore, the 5-acre LST would be applicable to the project.

The SCAQMD has issued guidance on applying CalEEMod results to localized impacts analyses (SCAQMD 2008). The LST methodology uses lookup tables based on site acreage to determine the significance of emissions for CEQA purposes. However, CalEEMod does not allow the user to mitigate construction emissions by directly modifying acreage disturbed. CalEEMod calculates construction emissions (i.e., off-road exhaust and fugitive dust emissions) based on the number of grading equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment. While the project site is 9.16 acres, a conservative screening-level analysis of LSTs for 5 acres was used for construction and operational activities. As previously stated, the closest off-site sensitive receptors would be patrons visiting Heritage Park, located approximately 31 meters (102 feet) north of the proposed project site. Additionally, the park is located at an elevation above the project site, as the park is on top of a man-altered coastal bluff north of Dana Point Harbor Drive. The park's elevation ranges from approximately 61 feet to 115 feet, resulting in different levels of exposure to potential sensitive receptors.

The LST look-up thresholds for NO_X were developed based on the 1-hour NO_2 CAAQS of 0.18 ppm. However, the EPA has promulgated a 1-hour NO_2 NAAQS of 0.1 ppm based on a 98th percentile value, which is more stringent than the CAAQS. In addition to the more stringent federal 1-hour NO_2 standard, the CARB has also established a new annual standard of 0.03 ppm. The LST look-up thresholds were developed for short-term standards (less than 24-hour concentration standards).

The SCAQMD has developed methodology to assess the potential for localized emissions to cause an exceedance of applicable ambient air quality standards. Impacts would be considered significant if the following would occur:

- Maximum daily localized emissions are greater than the LSTs, resulting in predicted ambient concentrations in the vicinity of the project site greater than the most stringent ambient air quality standards for CO and NO_2.

- Maximum localized PM_{10} or $PM_{2.5}$ emissions during construction are greater than the applicable LSTs, resulting in predicted ambient concentrations in the vicinity of the site to exceed 50 µg/m^3 over five hours (SCAQMD Rule 403 control requirement).

In the case of CO and NO_2, if ambient levels are below the standards, a project is considered to have a significant impact if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a State or federal standard, then project emissions are considered significant if they increase ambient concentrations by a measurable amount. This would apply to PM_{10} and $PM_{2.5}$, both of which are nonattainment pollutants (SCAQMD 2006). For these two, the significance criteria are the pollutant concentration thresholds presented in SCAQMD Rules 403 and 1301. The Rule 403 threshold of 10.4 µg/m^3 applies to construction emissions. The Rule 1301 threshold of 2.5 µg/m^3 applies to operational activities.

4.2.5 Thresholds of Significance

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

Threshold 4.2.1: Conflict with or obstruct implementation of the applicable air quality plan.

Threshold 4.2.2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

Threshold 4.2.3: Expose sensitive receptors to substantial pollutant concentrations.

Threshold 4.2.4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The Initial Study, included as Appendix A, substantiates that impacts associated with Threshold 4.2.4 would be less than significant because operation of the proposed hotel project is not anticipated to result in objectionable odors. Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills, or heavy manufacturing uses. The project does not propose any such uses or activities that would result in potentially significant odor impacts. This threshold will therefore not be addressed in the following analysis.

4.2.6 Project Impacts

Threshold 4.2.1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. Projects are considered consistent with and would not conflict with or obstruct implementation of the AQMP, if the growth in socioeconomic factors (e.g., population and employment) is consistent with the underlying regional plans used to develop the AQMP. The future emissions forecasts are primarily based on demographic and economic growth projections provided by SCAG. Thus, demographic growth forecasts for various socioeconomic categories (e.g., population, housing, and employment by industry) developed by SCAG for its 2016 Regional Transportation Plan (SCAG 2016) were used to estimate future emissions in the Final 2016 AQMP (SCAQMD 2016).

Pursuant to the methodology provided in Chapter 12 of the SCAQMD *CEQA Air Quality Handbook* (1993), consistency with the 2016 AQMP is affirmed when a project (1) does not increase the frequency or severity of an air quality standards violation or cause a new violation, and (2) is consistent with the growth assumptions in the AQMP. Consistency review is based on the following criteria:

1. The proposed project would result in short-term construction and long-term operational pollutant emissions that are all less than the CEQA significance emissions thresholds established by the SCAQMD, as demonstrated below under Threshold 4.2.2. Consequently, the proposed project could not result in an increase in the frequency or severity of any air quality standards violation and will not cause a new air quality standard violation. Therefore, proposed project would be consistent with the AQMP under the first criterion.

2. The *CEQA Air Quality Handbook* (1993) indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and

significant projects. Significant projects include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and offshore drilling facilities. Based on this definition, the proposed project is not a significant project. In addition, the proposed project does not require a General Plan or Specific Plan amendment. Therefore, proposed project would be consistent with the AQMP under the second criterion.

The proposed project's land use designation and zoning classifications are consistent with the applicable AQMP. In addition, there are existing commercial uses on the site that have already been included in the AQMP assumptions. As such, the proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the Basin. Based on the consistency analysis presented above, the proposed project would be consistent with the current regional AQMP and would not result in a new or worsening impact related to implementation of the AQMP. Therefore, impacts related to the conflict with or obstruction of implementation of the applicable air quality plan would be less than significant, and no mitigation is required.

Threshold 4.2.2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact.

Construction. Short-term construction activities produce combustion emissions from various sources (e.g., demolition, site preparation, grading, trenching, utility engines, tenant improvements, and motor vehicles transporting the construction crew). Exhaust emissions from construction activities envisioned on the site would vary daily as construction activity levels change. The use of construction equipment on site would result in localized exhaust emissions. Air pollutant emission sources during project construction would include the following:

- Exhaust and particulate emissions generated from construction equipment;
- Fugitive dust from soil disturbance during site preparation, grading, and excavation activities; and
- Volatile compounds that evaporate during site paving and painting of the structures.

Based on the information provided by the Project Applicant, the proposed project would consist of varying construction phases taking place over a 36-month period. The construction phases would include scheduled demolition, site preparation, grading/trenching, building construction, paving, and architectural coating (painting) activities for each respective area on the project site.

The proposed project would involve the demolition of the existing Dana Point Marina Inn, existing boater service buildings, and associated parking. The proposed project would develop two new hotels, Dana House Hotel and Dana Point Surf Lodge, which would include guest amenities, a signature restaurant, parking structure, surface parking, and new designated boater services with

dedicated parking. The project would also make improvements to facilitate better pedestrian and vehicular access along surrounding roadways to and from the project site, landscaping improvements, and utility upgrades.

This construction analysis includes construction equipment provided by the Project Applicant to be used during each construction activity. This analysis also includes the estimated construction equipment hours of use, the quantities of soil and debris disturbed, and on-road vehicle trips (e.g., worker, soil-hauling, and vendor trips). The proposed project requires excavation and could include either bore drilling for the foundation or a mat foundation method, and reinforcement of the proposed multilevel hotels. Under the worst-case scenario, the proposed project would require 58,145 cubic yards (cy) of soil to be cut and excavated, additional raw cut of 995 cy, and replacement of 54,910 cy of fill material after completion of the subterranean foundation. This would result in a net export of 4,230 cy of soil off site. The trenching activities refer to areas surrounding the project site that include landscaping, cutting curbs and gutters, sidewalks, and roadway improvements that would occur along the surrounding roadways during construction.

As specified below in Standard Conditions 4.2-1 through 4.2-3 (SC 4.2-1 through SC 4.2-3; refer to Section 4.2.8, Standard Conditions and Mitigation Measures, below), construction of the proposed project would comply with SCAQMD standard conditions, including Rule 402 (Nuisance) to control nuisance emissions, Rule 403 (Fugitive Dust) to control fugitive dust, and Rule 1113 (Architectural Coatings) to control VOC emissions from paint. Compliance with SCAQMD standard conditions are regulatory requirements, not mitigation, and were considered in the analysis of construction emissions.

CalEEMod calculations and defaults are assumed for the construction activities, select off-road equipment, on-road construction fleet mix, and trip lengths. Construction equipment was added to each respective phase in order to match the provided equipment list. Construction activities, such as application of paving and architectural coating, would occur after building construction and is assumed to occur toward the end of the construction process. Table 4.2.D shows the approximate number of days of each respective construction phase, based on a probable start date in September 2022 and scheduled completion in April 2025. Table 4.2.E shows the type of equipment used during each phase, hours of use, horsepower rating, and EMFAC2017 load factors.

Table 4.2.D: Tentative Project Construction Schedule

Construction Phases	Approximate Number of Days
Demolition	40
Site Preparation	20
Grading	40
Building Construction	317
Paving	370
Architectural Coating	40

Table 4.2.E: Diesel Construction Equipment Utilized by Construction Phase

Construction Phase	Off-Road Equipment Type	Total Off-Road Equipment Unit Amount	Hours Used per Day	Horsepower	Load Factor
Demolition	Concrete/Industrial Saws	1	8	81	0.73
	Excavators	2	8	158	0.38
	Tractors/Loaders/Backhoes	1	8	97	0.37
	Rubber-Tired Dozers	2	8	247	0.40
Site Preparation	Bore/Drill Rigs	2	8	221	0.50
	Pumps	2	8	84	0.74
	Generator Sets	2	8	84	0.74
Grading/ Trenching	Air Compressors	1	8	78	0.48
	Excavators	2	8	158	0.38
	Graders	2	8	187	0.41
	Plate Compactors	1	8	8	0.43
	Rubber-tired Dozers	1	8	247	0.40
	Scrapers	2	8	367	0.48
	Skid Steer Loaders	1	8	65	0.37
	Tractors/Loaders/Backhoes	2	8	97	0.37
Building Construction	Cranes	2	7	231	0.29
	Cement and Mortar Mixers	1	8	9	0.56
	Forklifts	2	8	89	0.20
	Pumps	2	8	84	0.37
	Generator Sets	1	8	84	0.74
	Tractors/Loaders/Backhoes	2	8	97	0.37
	Welders	1	8	46	0.45
Paving	Cement and Mortar Mixers	2	8	9	0.56
	Pavers	2	8	130	0.42
	Paving Equipment	2	8	132	0.36
	Pumps	2	8	84	0.37
	Rollers	2	8	80	0.38
Architectural Coating	Air Compressors	4	8	78	0.48

Source: Applicant-provided equipment list (February 2021).

Table 4.2.F shows the estimated emission results during each respective construction phase as single peak daily emissions listed per year in pounds per day (lbs/day). Standard conditions (SCAQMD Rules 402, 403, and 1113) were incorporated into the analysis. Table 4.2.F shows construction emissions as unmitigated construction equipment during the short-term construction period for each calendar construction year.

Table 4.2.F: Unmitigated Short-Term Regional Construction Emissions

Construction Phase-Year	Total Regional Pollutant Emissions (lbs/day)							
	VOC	NO_X	CO	SO_X	Fugitive PM_{10}	Exhaust PM_{10}	Fugitive $PM_{2.5}$	Exhaust $PM_{2.5}$
Peak Daily Emissions for Year 2022	4.6	48.8	36.2	0.1	9.4		5.4	
Peak Daily Emissions for Year 2023	5.0	43.1	52.5	0.1	9.3		5.2	
Peak Daily Emissions for Year 2024	49.3	46.4	62.6	0.1	4.8		2.6	
Peak Daily Emissions for Year 2025	1.7	14.2	23.3	0.0	0.9		0.7	
Maximum Daily Peak	**49.3**	**48.8**	**62.6**	**0.1**	**9.4**		**5.4**	
SCAQMD Thresholds	**75.0**	**100.0**	**550.0**	**150.0**	**150.0**		**55.0**	
Significant Emissions?	**No**	**No**	**No**	**No**	**No**		**No**	

Source: Compiled by LSA (February 2021).

CO = carbon monoxide
lbs/day = pounds per day
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SCAQMD = South Coast Air Quality Management District
SO_X = sulfur oxides
VOC = volatile organic compound

As shown in Table 4.2.F, construction emissions associated with the project would be less than significant for VOC, NO_x, CO, $PM_{2.5}$ and PM_{10} exhaust emissions.

As shown in Table 4.2.F, the maximum daily construction emissions would not exceed the SCAQMD thresholds of significance. As previously discussed, the portion of the Basin in which the project site is located is in nonattainment of the NAAQS for O_3 and $PM_{2.5}$. The Basin is in nonattainment of the CAAQS for O_3, $PM_{2.5}$, and PM_{10}. Construction equipment/vehicle emissions during construction periods would not exceed any of the SCAQMD established daily emissions thresholds for which the project region is nonattainment under the CAAQS or NAAQS. Therefore, the proposed project would not exceed the SCAQMD construction emissions thresholds and short-term (construction) air quality impacts would be less than significant. No mitigation is required.

Operation. Long-term air pollutant emission impacts are those associated with changes to the project site related to stationary sources and mobile sources. The proposed project would result in a net increase in both stationary and mobile-source emissions. The stationary-source emissions would come from area and energy sources.

Operational emissions associated with the proposed project (including energy use for appliances, landscaping equipment, use of consumer products, solid waste generation, and motor vehicles) were calculated using CalEEMod. In calculating mobile-source emissions, the vehicle fleet mix and trip length values were based on the defaults provided in CalEEMod. The Traffic Impact Analysis (LSA, March 2021, provided in Appendix K) determined that the proposed project would generate 2,269 average daily trips (ADT). A conservative internal trip capture of 10 percent was applied to the ADT data and resulted in an adjusted 2,042 ADT. The existing Dana Point Marina Inn currently generates 1,108 ADT, resulting in a net increase of 934 ADT for the proposed project. Table 4.2.G presents the existing source emissions for the Dana Point Marina Inn and provides a net comparison to the estimated source emissions of the proposed project.

Table 4.2.G: Regional Operational Emissions

Source	Pollutant Emissions (lbs/day)					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Existing Operational Emissions						
Existing Area Sources	4.4	<0.1	0.0	0.0	<0.1	<0.1
Existing Energy Sources	0.2	1.8	1.5	0.0	0.1	0.1
Existing Mobile Sources	1.9	9.0	22.5	0.1	5.7	1.6
Total Existing Emissions	**6.6**	**10.8**	**24.0**	**0.1**	**5.9**	**1.7**
Proposed Project Operational Emissions						
Project Area Sources	4.2	<0.1	0.1	<0.1	<0.1	<0.1
Project Energy Sources	0.2	1.7	1.4	0.0	0.1	0.1
Project Mobile Sources	2.6	12.3	29.5	0.1	11.3	3.1
Total Project Emissions	**7.0**	**14.0**	**31.0**	**0.1**	**11.4**	**3.2**
Net New Operational Emissions	**0.4**	**3.2**	**7.0**	**0.0**	**5.5**	**1.5**
SCAQMD Thresholds	55.0	55.0	550.0	150.0	150.0	55.0
Exceeds?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Compiled by LSA (November 2020).
Note: Column totals may not add due to rounding from the model results.

CO = carbon monoxide
lbs/day = pounds per day
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SCAQMD = South Coast Air Quality Management District
SO_X = sulfur oxides
VOC = volatile organic compounds

Table 4.2.G shows the net increased emission results of the proposed project would not exceed the corresponding SCAQMD daily emission thresholds for any criteria pollutants. As previously discussed, the portion of the Basin in which the project site is located is in nonattainment of the NAAQS for O_3 and $PM_{2.5}$. The Basin is in nonattainment of the CAAQS for O_3, $PM_{2.5}$, and PM_{10}. Table 4.2.G summarizes the project's maximum daily emissions during operation. Once operational, the proposed project would have a less than significant impact, and no mitigation is required.

Threshold 4.2.3: Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact.

Construction. In order to identify impacts to sensitive receptors, the SCAQMD recommends addressing LSTs for construction. Screening-level analysis of LSTs is recommended for construction activities at project sites that are approximately 5 acres or less. The SCAQMD has also issued guidance on applying the CalEEMod emissions software to LSTs for projects greater than 5 acres.[1] Further, CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment. The project site has a construction surface area of 9.16 acres. Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, based on the CalEEMod default list of equipment (i.e., three dozers, two graders, two excavators, and two scrapers) required for the proposed project, the maximum daily disturbed acreage is assumed to be approximately 4.5 acres per day. Based on SCAQMD guidance for localized significant threshold analysis and the construction phasing of the proposed project, a maximum daily site grading of 5 acres (rounded up from 4.5 acres disturbance area) was assumed during the grading phase. Therefore, screening-level analysis of LSTs for 5 acres was used for construction and operational activities in determining the applicability of SCAQMD's LST look-up tables.

Table 4.2.H shows that the construction emission rates would not exceed the LSTs for any of the sensitive receptors near the project site. Therefore, impacts from localized construction-related emissions would be less than significant, and no mitigation is required.

Table 4.2.H: Construction Localized Impacts Analysis

Emissions Sources	Pollutant Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
On-Site Emissions	47.2	34.8	8.9	5.2
SRA 21 LST Thresholds–5 acres	**195.0**	**1,876.0**	**18.0**	**8.7**
Significant Emissions?	**No**	**No**	**No**	**No**

Source: Compiled by LSA (February 2021).
Note: Source Receptor Area 21 – Capistrano Valley, 5 acres, receptors at 31-meter distance.

CO = carbon monoxide
lbs/day = pounds per day
LST = local significance threshold
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SRA = Source Receptor Area

[1] South Coast Air Quality Management District (SCAQMD). *Fact Sheet for Applying CalEEMod to Localized Significance Thresholds*. Website: www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/caleemod-guidance.pdf (accessed January 2020).

Operation. Table 4.2.I shows the calculated emissions for the proposed operational activities compared with the appropriate LSTs. By design, the localized impacts analysis only includes on-site sources as off-site vehicle trips and their corresponding emissions are excluded. More importantly, the CalEEMod outputs do not separate on-site and off-site emission values for mobile sources. Given the relatively small project site (less than 10 acres), it was assumed that most vehicles would travel no more than 1,000 feet on site. The emissions shown in Table 4.2.I include all on-site project-related stationary sources and 5 percent of the project-related trip lengths for mobile sources, which is a conservative estimate of the amount of project-related vehicle traffic that would occur on site. Because it is assumed that most project-related vehicle trips would include no more than 1,000 feet of on-site travel, a total of 5 percent of the project-related trip lengths is considered conservative because the average trip lengths assumed are 16.6 miles for commercial to work, 8.4 miles for commercial to shopping, and 6.9 miles for other types of trips, all of which are substantially greater than 1,000 feet.

Table 4.2.I: Long-Term Operational Localized Impacts Analysis

Emissions Sources	Pollutant Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Total On-Site Emissions	0.6	1.6	0.6	0.2
SRA 21 LST Thresholds–5 acres	**195.0**	**1,876.0**	**4.4**	**2.2**
Exceedance?	**No**	**No**	**No**	**No**

Source: Compiled by LSA (February 2021).
Notes: Column totals may not add due to rounding from the model results.

SRA 21 – Capistrano Valley Area, 5 acres, receptors at 31 meters.

CO = carbon monoxide
lbs/day = pounds per day
LST = localized significance thresholds
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SRA = Source Receptor Area

Table 4.2.I shows that the operational emission rates would not exceed the LSTs for the nearest sensitive receptors located at Heritage Park approximately 31 meters (103 feet) north of the project site. Therefore, impacts from localized operation-related emissions would be less than significant, and no mitigation is required.

CO Hot Spot Analysis. Vehicular trips associated with the proposed project would contribute to congestion at intersections and along roadway segments in the vicinity of the project site. Localized air quality impacts would occur when emissions from vehicular traffic increase as a result of the proposed project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, it disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (residents, schoolchildren, the elderly, and hospital patients, etc.).

Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient

background CO concentrations, modeling is recommended to determine a project's effect on local CO levels.

When the SCAQMD *CEQA Air Quality Handbook* (1993) was published, the Basin was designated nonattainment under the CAAQS and NAAQS for CO. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations in the Basin have steadily declined. In 2007, the Basin was redesignated as attainment for CO under both the CAAQS and NAAQS. As identified within SCAQMD's 2003 AQMP (2003), peak carbon monoxide concentrations in the Basin were a result of unusual meteorological and topographical conditions and not a result of congestion at a particular intersection. All areas of the Basin have continued to remain below the federal standards (35 ppm 1-hour and 9 ppm 8-hour standards) since 2003 (SCAQMD 2016).

An assessment of project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate project vicinity are not available. In previously referenced Table 4.2.A, the ambient CO levels monitored at the Mission Viejo Monitoring Station showed a highest recorded 1-hour concentration of 1.7 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 1.4 ppm (the State standard is 9 ppm) during the past three years: well below the State and federal standards identified in Table 4.2.A. The highest CO concentrations would normally occur during peak traffic hours; therefore, CO impacts calculated under peak traffic conditions represent a worst-case analysis. Reduced speeds and vehicular congestion at intersections result in increased CO emissions.

The Traffic Impact Analysis (refer to Appendix K) evaluated the level of service (LOS) (i.e., increased congestion) impacts at intersections affected by the project. The potential for CO hotspots was evaluated based on the results of the Traffic Impact Analysis. Of the intersections evaluated, none would operate at or below LOS D. Given that the CO concentrations in the Basin are extremely low and consistently below the relevant State and federal standards; and better than LOS D conditions at nearby intersections, project-related vehicles are not expected to contribute significantly to CO concentrations exceeding the State or federal CO standards. Therefore, the proposed project can be implemented in the buildout scenario with no significant peak-hour intersection impacts. Because no CO hot spot would occur, as identified in the proposed project, there would be no project-related impacts related to CO concentrations. No mitigation is required.

4.2.7 Level of Significance Prior to Mitigation

There would be no potentially significant impacts related to air quality.

4.2.8 Standard Conditions and Mitigation Measures

The proposed project would comply with the following standard conditions, which the City considers to be mandatory; therefore, they are not considered mitigation. Construction and operation of the proposed project would result in a less than significant impact. No mitigation is required.

Standard Condition 4.2-1 **South Coast Air Quality Management District (SCAQMD) Rule 402, Nuisance.** This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Standard Condition 4.2-2 **SCAQMD Rule 403, Fugitive Dust.** The Project Applicant shall ensure the Construction Contractor implements fugitive dust control measures in compliance with SCAQMD Rule 403. The Project Applicant shall include the following fugitive dust control measures for SCAQMD Rule 403 compliance in the project plans and specifications:

- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour (mph) per SCAQMD guidelines in order to limit fugitive dust emissions.
- The Construction Contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project site are watered, with complete coverage of disturbed areas, at least three (3) times daily during dry weather and preferably mid-morning, afternoon, and after work is done for the day.
- The Construction Contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 mph or less.

Standard Condition 4.2-3 **SCAQMD Rule 1113.** The Project Applicant shall ensure the Construction Contractor implements measures to control volatile organic compound (VOC) emissions from architectural coatings in compliance with SCAQMD Rule 1113. The Project Applicant shall include the following control measures for SCAQMD Rule 1113 compliance in the project plans and specifications:

- Only "Low-Volatile Organic Compounds" paints (no more than 50 grams/liter of VOC) shall be used.

4.2.9 Level of Significance after Mitigation

Implementation of SC 4.2-1 through SC 4.2-3 would further reduce less than significant project-related air quality impacts. No significant unavoidable impacts related to air quality would occur

with implementation of these standard measures. All anticipated impacts related to air quality would be considered less than significant, and no mitigation would be required.

4.2.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for air quality. The cumulative impact area for air quality related to the proposed project is the South Coast Air Basin.

Air pollution is inherently a cumulative impact measured across an air basin. The discussion under Threshold 4.2.2, above, includes an analysis of the proposed project's contribution to cumulative air impacts. To summarize the conclusion with respect to that analysis, the incremental effect of projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively considerable per SCAQMD guidelines. The proposed project's construction- and operation-related regional daily emissions are less than the SCAQMD significance thresholds for all criteria pollutants. In addition, adherence to SCAQMD rules and regulations on a project-by-project basis would substantially reduce potential impacts associated with the related cumulative projects and basin-wide air pollutant emissions. Therefore, the proposed project would not have a cumulatively considerable increase in emissions, and the proposed project's cumulative air quality impacts would be less than significant. No mitigation is required.

4.3 CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the Dana Point Harbor Hotels Project (proposed project) to impact cultural resources. Cultural resources are sites, buildings, structures, objects, and districts over 50 years old that may have traditional or cultural value for the historical significance they possess. The information and analysis presented in this section are based on the City of Dana Point (City) General Plan Conservation/Open Space Element (August 1997) and the *Record Search Results for the Dana Point Harbor Hotels Project in Dana Point, Orange County, California* (Record Search Memorandum; LSA 2020). The complete Record Search Memorandum is contained in Appendix D of this EIR.

The term "site" is used in two contexts in this section:

- The "project site" should be interpreted to mean the approximately 9-acre site proposed for development.
- A "cultural resources site" should be interpreted to mean the specific locations of documented cultural materials or artifacts.

4.3.1 Scoping Process

The City of Dana Point received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. One comment letter included comments related to Cultural Resources.

The letter from Native American Heritage Commission received on October 7, 2020, suggested that there may be cultural resources sensitive for Native Americans in the vicinity of the project site and recommended consultation with Native American tribes that are culturally affiliated with the project site.

4.3.2 Existing Environmental Setting

The proposed project site is located at 24800 Dana Point Harbor Drive, and is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking reserved for boaters on the southern portion of the project site.

According to available aerial photographs and historic maps of the project site, the project site was constructed between 1967 and 1977 (Nationwide Environmental Title Research [NETR] 2020). Aerial photographs dated to 1938, 1946, 1952, and 1967 show that the current project site was located offshore, before construction of the harbor. Historic maps dated to 1949, 1959, 1964, and 1970 depict the project site as located offshore. Dana Point Harbor in its mostly-current form appears in the 1977 aerial photograph and all more-recent photographs, and does not appear until 1978 in topographic maps dated to 1978 and later. Geotechnical investigations conducted have confirmed that the project site was constructed using imported sediments or artificial fill (refer to the Preliminary Geotechnical Investigation [GMU 2019] provided in Appendix F of this EIR).

4.3.3 Regulatory Setting

This section includes applicable federal, State, regional, and City regulations.

4.3.3.1 Federal Regulations

There are no federal regulations that are applicable to cultural resources relevant to the proposed project.

4.3.3.2 State Regulations

California Environmental Quality Act (CEQA) Requirements. CEQA defines a "historical resource" as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project's lead agency (PRC Section 21084.1 and *State CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

> "Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California…. Generally, a resource shall be considered by the Lead Agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" *State CEQA Guidelines* Section 15064.5(a)(3).

In accordance with *State CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA requires a lead agency to determine whether an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*State CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the lead agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *State CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, it is treated like any other type of historical resource in accordance with *State CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency determines whether it meets the definition of a unique archaeological resource as defined in *State CEQA Guidelines* Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource. Should the archaeological cultural resource meet the definition of a unique archaeological resource, it must be treated in accordance with *State CEQA Guidelines* Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, the effects to the resource are not considered significant effects on the environment (*State CEQA Guidelines* Section 15064.5(c)(4)).

California Public Resources Code Section 5097.5. PRC Section 5097.5 provides for the protection of cultural resources and prohibits the removal, destruction, injury, or defacement of archaeological features on any lands under the jurisdiction of State or local authorities. PRC Section 5097.5 also protects paleontological resources, which are evaluated in Section 4.5, Geology and Soils, of this EIR.

California Health and Safety Code Section 7050.5. California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

California Register of Historical Resources (PRC Section 5020 et seq.). State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the *State CEQA Guidelines*. These criteria are nearly identical to those of the National Register of Historic Places (National Register).

The State Historic Preservation Officer (SHPO) maintains the California Register. Properties listed, or formally designated eligible for listing, on the National Register are nominated to the California Register and then selected to be listed on the California Register, as are State Landmarks and Points of Interest.

4.3.3.3 Regional Regulations

There are no regional or County of Orange regulations applicable to cultural resources relevant to the proposed project.

4.3.3.4 Local Regulations

City of Dana Point General Plan. The City's Conservation/Open Space Element (1997) of the General Plan addresses protection of the City's heritage and cultural resources. The following goal related to cultural resources is presented in the Conservation/Open Space Element:

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

Dana Point Municipal Code. Section 9.69.050(b)(7)(B) of the City's Zoning Code (Title 9) requires the following information related to cultural resources regarding applications for coastal development permits:

> "For sites adjacent to, containing or potentially containing cultural resources, an archaeological and/or paleontological survey prepared by a licensed archaeologist/ paleontologist shall be required."

Dana Point Municipal Code. Section 9.07.250 of the City's Zoning Code (Title 9) provides a voluntary program that aides property owners who wish to preserve historic properties within the community by providing fiscal benefits or zoning and code incentives to preserve their properties.

Dana Point Harbor District Regulations (DPHDR). Land Use Plan policies for Dana Point Harbor that relate to cultural resources include "Paleontological and Archaeological Resource Policies" located in Section 8.8 of the DPHDR. Policies 8.8.1-1 through 8.8.1-3 require mitigation for adverse impacts to archaeological resources, recommend archaeological monitoring during grading where necessary, and provide for procedures in case of encountering human remains during ground-disturbing activities.

4.3.4 Methodology

A cultural resources archival records search was conducted for the proposed project for the project site, and was documented in the Record Search Memorandum (LSA 2020). The Record Search Memorandum describes the record search conducted for the project. The cultural resources records search was conducted on September 14, 2020, at the South Central Coastal Information Center (SCCIC) by SCCIC staff, located at California State University, Fullerton. The purpose of the records search was to determine the extent of previous cultural resources investigations within a 0.5-mile (800-meter) radius of the project site, and whether any previously recorded archaeological sites or other historic resources exist within or near the project site. Materials reviewed included reports of previous cultural resources investigations, archaeological site records, historical maps, and listings of resources for the National Register, the California Register, California Points of Historical Interest, California Inventory of Historic Resources, California Landmarks, and National Historic Landmarks. Further, a search of the Sacred Lands File was conducted by the Native American Heritage Commission (NAHC) in Sacramento, California. The search was requested to determine whether there are sensitive or sacred Native American resources in the vicinity of the project site that could be affected by the proposed project.

4.3.4.1 Results

The record search results indicate that one previously conducted cultural resources study has included the project site: an archaeological field survey. An additional 28 cultural resources studies have been conducted within 0.5 mile of the project site. These studies consist of archaeological surveys (20), overview reports (2), environmental planning documents (3), archaeological monitoring reports (2), and an architectural evaluation (1).

As a result of these previous cultural resources studies, no cultural resources have been previously recorded within the project site. In total, 32 cultural resources have been previously recorded within 0.5 mile of the project site: historic-period buildings (26), historic-period structures (3), a historic period boat (1), a historic-period viewpoint (1), and a precontact Native American site (1). The nearest historic-period resource to the project site is a historic-period building, approximately 500 feet (ft) (152 meters) northwest of the project site. The southeasternmost boundary of the precontact Native American site is approximately 1,000 ft (304 meters) northwest of the project site, at an elevation of approximately 120 ft (36 meters) on the bluff above the harbor.

However, the NAHC reports that a search of the Sacred Lands File indicated the presence of Native American traditional sites or places in or near the project area; therefore, Native American consultation with the Juaneño Band of Mission Indians Acjachemen Nation is ongoing.

4.3.5 Thresholds of Significance

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

Threshold 4.3.1: Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

Threshold 4.3.2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Threshold 4.3.3: Disturb any human remains, including those interred outside of dedicated cemeteries.

The Initial Study, included as Appendix A, substantiates that there would be no impacts associated with Threshold 4.3.1. The project site is developed with the Dana Point Marina Inn, two boater buildings, landscaping, parking, and associated infrastructure. The Dana Point Marina Inn is not identified in the *City of Dana Point Historic Resources Inventory Update Survey Report* (City of Dana Point 2016) as a historic resource, and the Office of Historic Preservation does not identify historic resources on the project site. In addition, the Initial Study substantiates that impacts associated with Threshold 4.3.3 would be less than significant and that there are no known human remains interred on the project site. These thresholds will not be addressed in the following analysis.

4.3.6 Project Impacts

Threshold 4.3.2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant Impact. While 32 cultural resources have been previously recorded within 0.5 mile of the proposed project site, all but one of those resources date to the historic period. The historic-period resources would not be impacted by construction of the proposed project. One precontact Native American site is located within 1,000 ft of the project site, at an elevation of approximately 120 ft on the bluff above the harbor. However, aerial photographs and historic maps demonstrate that the proposed project site was located offshore before construction of the harbor. Geotechnical investigations have shown that the project site is underlain by artificial fill and marine deposits, which in turn overlie bedrock of the Capistrano Formation (GMU 2019). The depths of these materials vary slightly under each proposed hotel, but generally, most of the area of disturbance is underlain by approximately 15 to 30 ft of surficial soils consisting of artificial fill atop marine deposits. A small area near Dana Point Harbor Drive has no fill and consists of Capistrano Formation only. Given that the project site was constructed using artificial fill, the likelihood of encountering intact subsurface archaeological cultural resources during ground-disturbing construction activities is low.

The NAHC Sacred Lands File search indicated the presence of Native American traditional sites or places in or near the project area. As described in further detail in Section 4.13.4 in Section 4.13, Tribal Cultural Resources, the City consulted with the Juaneño Band of Mission Indians Acjachemen Nation regarding the proposed project as recommended by the NAHC. Geotechnical investigations have shown that the project site is underlain by approximately 15 to 30 ft of surficial soils consisting of artificial fill and marine deposits, which in turn overlie Capistrano Formation bedrock (GMU 2019). Based on consultation with the Juaneño Band of Mission Indians Acjachemen Nation-Belardes (Tribe), it was determined that there is the potential for tribal cultural resources and other archaeological resources to be present within the artificial fill on site, based on the origin of the fill material. Program EIR No. 591 included Standard Condition of Approval 4.11-1 (SCA 4.11-1) to recommend monitoring for archaeological resources where earth-moving or disturbing activities would occur. The monitoring requirements from SCA 4.11-1 would also be required for the proposed project as provided in Standard Condition 4.3-2 (SC 4.3-2) below. With implementation of SC 4.3-2, impacts would be considered less than significant, and no mitigation is required.

4.3.7 Level of Significance Prior to Mitigation

Impacts to archaeological resources would be considered less than significant, and no mitigation is required.

4.3.8 Standard Conditions and Mitigation Measures

As stated in the Initial Study, in the unlikely event that human remains are uncovered, then the proposed project would comply with existing PRC Section 5097.98 requirements as described in Standard Condition 4.3-1 (SC 4.3-1), below. In addition, the proposed project would comply with SC 4.3-2, which includes conditions to monitor for subsurface archaeological and tribal cultural resources as provided in SCA 4.11-1 of Program EIR No. 591.

Standard Condition 4.3-1 **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.

Standard Condition 4.3-2 **Cultural Resource Monitoring.** Prior to issuance of any grading permit, the Project Applicant shall provide written evidence that a County-certified archaeologist and Native American monitor have

been retained to observe grading activities within areas where artificial fill may be disturbed 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 County of Orange and 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 OC Parks, 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 Director of OC Parks. 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 County of Orange, 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 Director of OC Parks.

4.3.9 Level of Significance after Mitigation

No impacts to historical resources would occur. SC 4.3-1 would reduce potential impacts to human remains to a less than significant level. SC 4.3-2 would reduce potential impacts to archaeological resources to a less than significant level. No significant unavoidable impacts to archaeological resources or human remains would occur with implementation of these standard conditions. All anticipated impacts to cultural resources would be considered less than significant.

4.3.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects. The cumulative impact area for cultural resources for the proposed project is the City of Dana Point.

Potential impacts of the proposed project to unknown cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the City of Dana Point, could contribute to a cumulatively significant impact due to the overall loss of archaeological artifacts and

cultural resources unique to the region. However, each development proposal received by the City is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts to archaeological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant.

The proposed project would have a less than significant impact related to unknown cultural resources. As such, the proposed project, in conjunction with other development in the City, would not result in a significant cumulative impact to unique archaeological resources and previously undiscovered buried human remains.

4.4 ENERGY

This section discusses energy use resulting from implementation of the Dana Point Harbor Hotels Project (proposed project) and evaluates whether the proposed project would result in the wasteful, inefficient, or unnecessary consumption of energy resources or conflict with any applicable plans for renewable energy and energy efficiency. This section assesses the proposed project and utilizes the latest version of the California Emissions Estimator Model (CalEEMod) (v2016.3.2) to determine construction and operational energy-related impacts of the proposed project. The CalEEMod modeling sheets for energy are included in Appendix E of this Draft Environmental Impact Report (EIR).

4.4.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. There were no specific comments related to energy made in relation to the IS/NOP during the public review period.

4.4.2 Existing Environmental Setting

4.4.2.1 Electricity

Electricity is a man-made resource. The production of electricity requires the consumption or conversion of energy resources (including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources) into energy. Electricity is used for a variety of purposes (e.g., lighting, heating, cooling, and refrigeration, and for operating appliances, computers, electronics, machinery, and public transportation systems).[1]

In 2019, California's electricity was generated primarily by natural gas (34.23 percent), coal (2.96 percent), large hydroelectric (14.62 percent), nuclear (8.98 percent), and renewable sources (31.7 percent). Total electric generation in California in 2019 was 277,704 gigawatt-hours (GWh), down 2.7 percent from the 2018 total generation of 285,488 GWh. In 2019, California produced approximately 72.2 percent and imported 27.8 percent of the electricity it used.[2]

The project site is within the service territory of San Diego Gas & Electric (SDG&E). SDG&E provides electricity to more than 3.6 million people in a 4,100-square-mile (sq mi) area of Southern California (SDG&E 2020). According to the California Energy Commission (CEC), total electricity consumption in the SDG&E service area in 2019 was 17,721 GWh (8,023 GWh for the commercial building sector).

[1] United States Energy Information Administration (EIA). 2020a. Electricity Explained-. Website: https://www.eia.gov/energyexplained/electricity/ (accessed November 20, 2020).

[2] California Energy Commission (CEC). 2020a. 2019 Total System Electric Generation. Website: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2019-total-system-electric-generation (accessed November 20, 2020).

Total electricity consumption in Orange County in 2019 was 19,460 GWh (12,798 GWh for the nonresidential sector).[1]

4.4.2.2 Natural Gas

Natural gas is a non-renewable fossil fuel. Fossil fuels are formed when layers of decomposing plant and animal matter are exposed to intense heat and pressure under the surface of the Earth over millions of years. Natural gas is a combustible mixture of hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas is found in naturally occurring reservoirs in deep underground rock formations. Natural gas is used for a variety of uses (e.g., heating buildings, generating electricity, and powering appliances such as stoves, washing machines and dryers, gas fireplaces, and gas grills).[2]

Natural gas consumed in California is used for electricity generation (45 percent), residential uses (21 percent), industrial uses (25 percent), and commercial uses (9 percent). California continues to depend upon out-of-state imports for nearly 90 percent of its natural gas supply.[3]

The Southern California Gas Company (SoCalGas) is the natural gas service provider for the project site. SoCalGas provides natural gas to approximately 21.8 million people in a 24,000 sq mi service area throughout Central and Southern California, from Visalia to the Mexican border.[4] According to the CEC, total natural gas consumption in the SoCalGas service area in 2019 was 5,424.7 million therms (947.8 million therms for the commercial building sector). Total natural gas consumption in Orange County in 2019 was 623.1 million therms (241.0 million therms for the nonresidential sector).[5]

4.4.2.3 Petroleum/Transportation Energy

Petroleum is also a non-renewable fossil fuel. Petroleum is a thick, flammable, yellow-to-black mixture of gaseous, liquid, and solid hydrocarbons that occurs naturally beneath the earth's surface. Petroleum is primarily recovered by oil drilling. It is refined into a large number of consumer products, primarily fuel oil and gasoline.

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1 California Energy Commission (CEC). 2020b. Electricity Consumption by County and Entity. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx and https://ecdms.energy.ca.gov/elecbyutil.aspx (accessed November 20, 2020).

2 United States Energy Information Administration (EIA). 2020b. Natural Gas Explained- Use of Natural Gas. https://www.eia.gov/energyexplained/index.php?page=natural_gas_use (accessed November 20, 2020).

3 California Energy Commission (CEC). 2020c. Supply and Demand of Natural Gas in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california#:~:text=Nearly%2045%20percent%20of%20the,90%20percent%20of%20its%20natural (accessed December 21, 2020).

4 Southern California Gas Company (SoCalGas). 2020. About SoCalGas. Website: https://www3.socalgas.com/about-us/company-profile (accessed November 20, 2020).

5 California Energy Commission (CEC). 2020b. Electricity Consumption by County and Entity. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx and https://ecdms.energy.ca.gov/elecbyutil.aspx (accessed November 20, 2020).

Gasoline is the most used transportation fuel in California, with 97 percent of all gasoline being consumed by light-duty cars, pickup trucks, and sport utility vehicles. In 2018, total gasoline consumption in California was 365,610 thousand barrels (15.4 billion gallons) or 1,847.8 trillion British Thermal Units (BTU).[1] Of the total gasoline consumption, 349,108 thousand barrels (14.7 billion gallons) or 1,764.4 trillion BTU were consumed for transportation.[2] Based on fuel consumption obtained from the CARB's California Emissions Factor Model (EMFAC2017), 164 million gallons of diesel and 1.3 billion gallons of gasoline were consumed from vehicle trips in Orange County in 2019.

4.4.3 Regulatory Setting

4.4.3.1 Federal Regulations

Energy Independence and Security Act of 2007 Updated. The Energy Independence and Security Act of 2007 Updated (Public Law 110-140) seeks to provide the nation with greater energy independence and security by increasing the production of clean renewable fuels; improving vehicle fuel economy; and increasing the efficiency of products, buildings, and vehicles. It also seeks to improve the energy performance of the federal government. The Act sets increased Corporate Average Fuel Economy (CAFE) standards; the Renewable Fuel Standard; appliance energy efficiency standards; building energy efficiency standards; and accelerated research and development tasks on renewable energy sources (e.g., solar energy, geothermal energy, and marine and hydrokinetic renewable energy technologies), carbon capture, and sequestration (EPA 2019).

In addition, CAFE standards are federal regulations that are set to reduce energy consumed by on-road motor vehicles. The National Highway Traffic Safety Administration (NHTSA) regulates the standards and the EPA measures vehicle fuel efficiency. The standards specify minimum fuel consumption efficiency standards for new automobiles sold in the United States. The current standard is 27.5 miles per gallon (mpg) for passenger cars and 20.7 mpg for light-duty trucks. On May 19, 2009, President Barack Obama presented a new national fuel economy program that adopts uniform federal standards to regulate both fuel economy and greenhouse gas emissions. The program covered model years 2012 to 2016 and ultimately required an average fuel economy standard of 35.5 mpg in 2016 (39 mpg for cars and 30 mpg for trucks). The second phase of the CAFE standards finalized in 2012 covered model years 2017 to 2025, with an equivalency fuel economy standard of approximately 54.5 mpg.

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 mpg in 1980 to 22.0 mpg in 2015 (U.S. Department of Transportation [USDOT] 2017). Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007, which originally mandated a national

[1] A British Thermal Unit (BTU) is defined as the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.

[2] United States Energy Information Administration (EIA). 2020c. California State Profile and Energy Estimates. Table F3: Motor gasoline consumption, price, and expenditure estimates, 2018. Website: https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_mg.html&sid=CA (accessed November 20, 2020).

fuel economy standard of 35 mpg by the year 2020, and would be applicable to cars and light trucks of Model Years 2011 through 2020 (U.S. Department of Energy 2007).

On March 31, 2020, the EPA and the USDOT issued a *Safer Affordable Fuel-Efficient (SAFE) Vehicles Final Rule*, which would freeze the fuel economy goals to the 2021 target of 37 mpg for model years 2021 through 2026 (USDOT 2020).

4.4.3.2 State Regulations

Senate Bill 1389. In 2002, the Legislature passed Senate Bill (SB) 1389 Energy: Planning and Forecasting, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission (ZE) vehicles and their infrastructure needs, and encouragement of urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access.

California Renewables Portfolio Standard Program. The California Renewables Portfolio Standard (RPS) program was established in 2002 by SB 1078. SB 1078 initially required that 20 percent of electricity retail sales be served by renewable resources by 2017; however, this standard has become more stringent over time. In 2006, SB 107 accelerated the standard by requiring that the 20 percent mandate be met by 2010. In April 2011, SB 2 required that 33 percent of electricity retail sales be served by renewable resources by 2020. In 2015, SB 350 established tiered increases to the RPS of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. In 2018, SB 100 increased the requirement to 60 percent by 2030 and required all the State's electricity to come from carbon-free resources by 2045. SB 100 took effect on January 1, 2019 (CPUC 2020).

Title 24 Building Energy Efficiency Standards. The California Building Standards Commission adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen Code) in 2010 as part of the State's efforts to reduce greenhouse gas (GHG) emissions and reduce energy consumption from residential and nonresidential buildings. The CALGreen Code covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality.

2019 Final Integrated Energy Policy Report. The *2019 Final Integrated Energy Policy Report* covers a broad range of topics, including implementation of SB 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to SB 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings. California's Energy Efficiency Standards for Residential and Nonresidential Buildings was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy-efficient buildings require less electricity. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. The CEC anticipates that nonresidential buildings will use approximately 30 percent less energy (CEC 2019). The CalEEMod defaults for Title 24 – Electricity and Lighting Energy were reduced by 30 percent in order to reflect consistency with the 2019 Title 24 standard.

The proposed project would be designed and constructed to implement the energy efficiency measures, where applicable, by including several measures designed to reduce energy consumption. The proposed project includes energy efficient lighting and appliance fixtures that meet the current Title 24 Standards throughout the project site and would be installed with energy-efficient boilers, heaters, air conditioning systems, and/or other appliances.

Low Carbon Fuel Standard. California is implementing the world's first Low Carbon Fuel Standard for transportation fuels, pursuant to both Executive Order (EO) S-01-07 (signed January 2007) and Assembly Bill (AB) 32. The standard requires a reduction of at least 10 percent in the CO intensity of the State's transportation fuels by 2020. This reduction is aimed to reduce GHG emissions in 2020 by 17.6 million metric tons (MMT) of carbon dioxide equivalent (CO_2e). Also in 2007, AB 118 created the Alternative and Renewable Fuel and Vehicle Technology Program. The CEC and the California Air Resources Board (CARB) administer this program, which provides funding for alternative fuel and vehicle technology research, development, and deployment in order to attain the State's climate change goals, achieve the State's petroleum reduction objectives and clean air and GHG emission reduction standards, develop public and private partnerships, and ensure a secure and reliable fuel supply.

Senate Bill 35. In addition to vehicle emissions regulations and the Low Carbon Fuel Standard, the third effort to reduce GHG emissions from transportation is the reduction in the demand for personal vehicle travel (i.e., VMT). This measure was addressed in September 2008 through the Sustainable Communities and Climate Protection Act of 2008, or SB 375. The enactment of SB 375 initiated an important new regional land use planning process to mitigate GHG emissions by integrating and aligning planning for housing, land use, and transportation for California's 18 MPOs. The bill directed the CARB to set regional GHG emission reduction targets for most areas of the State. SB 375 also contained important elements related to federally mandated regional transportation plans and the alignment of State transportation and housing planning processes.

4.4.3.3 Regional Regulations

There are no regional energy regulations that apply to the proposed project.

4.4.3.4 Local Regulations

Dana Point Energy Efficiency and Conservation Plan. The Dana Point Energy Efficiency and Conservation Plan was adopted in December 2011. This plan outlines seven goals for the City to use as pathways to future energy reduction and outlines GHG reduction goals. The plan goals cover both

measures that City operations can undertake and measures the citizens of Dana Point can accomplish within the community and they include: Energy Consumption, Sustainable Land Use and Development, Sustainable Construction, Effective Transportation, Water Efficiency and Conservation, Waste Reduction, and Public Education and Outreach. The goal's broader objectives can be briefly summarized as follows:

- Reduce energy use, and hence reduce greenhouse gas emissions.
- Promote sustainable land use and redevelopment.
- Encourage sustainable construction.
- Promote efficient transportation.
- Continue current efforts to conserve and efficiently use water.
- Reduce waste produced citywide and divert at minimum 50 percent of waste from landfills.
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

Energy conservation is another strategy for improving air quality. The City promotes energy conservation by implementing State Title 24 energy performance requirements through building codes. In addition, the relationship between project design and future energy requirements will be considered when reviewing proposals for new development. Energy will be conserved in public buildings and the provision of electric vehicle charging areas will be encouraged in new public and private developments.

4.4.4 Methodology

Annual natural gas and electricity usage for operation of the proposed project was obtained from the CalEEMod results in Appendix E.

Estimates of fuel consumption (diesel fuel and gasoline) from construction trucks and construction worker vehicles was based on trip estimates from CalEEMod in the Air Quality and Greenhouse Gas Assessment and fuel efficiencies from EMFAC2017. Fuel consumption (diesel fuel and gasoline) from vehicle trips during operation was estimated for the opening year (2025) of the proposed project based on trip estimates from CalEEMod in the Air Quality and Greenhouse Gas Assessment and fuel efficiencies from EMFAC2017.

4.4.5 Thresholds of Significance

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

Threshold 4.4.1: Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Threshold 4.4.2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.4.6 Project Impacts

Threshold 4.4.1: Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact.

Construction. Construction of the proposed project would be completed in approximately 38 months. The proposed project would require demolition of existing structures, site preparation, excavation and grading, building construction, paving, and architectural coatings (painting) activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for grading and building activities, and construction of the building. All or most of this energy would be derived from nonrenewable resources. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy (i.e., fuel) usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Construction of the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources and construction-related would be less than significant. No mitigation is required.

Construction of the project would not involve the consumption of natural gas. The construction-related equipment would not be powered by natural gas and no natural gas demand is anticipated during construction.

Transportation energy represents the largest energy use during construction and would occur from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Therefore, the analysis of energy use during construction focuses on fuel consumption. The use of energy resources would fluctuate according to the phase of construction. The majority of construction equipment during grading would be gasoline-powered or diesel-powered, and the later construction phases would be electricity-powered. Construction trucks and vendor trucks hauling materials to and from the project site would be anticipated to use diesel fuel, whereas construction workers traveling to and from the project site would be anticipated to use gasoline-powered vehicles. Fuel consumption from transportation uses depends on the type and number of trips, vehicles miles traveled, fuel efficiency of vehicles, and travel modes.

The following tables represent elements of energy use during project construction-related activities and equipment. Table 4.4.A lists the equipment used during each phase of construction for the estimated duration in days and total equipment usage in hours. Table 4.4.B provides EMFAC2017 the horsepower ratings and load factors used to estimate the fuel consumption of construction equipment.

Table 4.4.A: Construction Off-Road Equipment

Phase	Off-road Equipment Type	Amount	Usage Hour/ Day	Total Usage Days	Total Usage Hours/ Equipment
Demolition	Concrete/Industrial Saw	1	8	40	320
	Excavators	2	8	40	640
	Rubber Tired Dozers	2	8	40	2,992
	Tractors/Loaders/Backhoes	1	8	40	1,496
Site Preparation	Bore/Drill Rigs	2	8	20	320
	Pumps	2	8	20	320
	Generator Sets	2	8	20	400
Grading	Air Compressors	1	8	40	320
	Excavators	2	8	40	640
	Graders	2	8	40	640
	Plate Compactors	1	8	40	320
	Rubber-Tired Dozers	1	8	40	320
	Scrapers	2	8	40	640
	Skid Steer Loaders	1	8	40	320
	Tractors/Loaders/Backhoes	2	8	40	640
Building Construction	Cranes	2	7	317	11,606
	Cement and Mortar Mixers	1	8	317	2,536
	Forklifts	2	8	317	5,072
	Pumps	2	8	317	2,536
	Generator Sets	1	8	317	2,536
	Tractors/Loaders/Backhoes	2	8	317	5,072
Paving	Cement and Mortar Mixers	2	8	370	5,920
	Pavers	2	8	370	5,920
	Paving Equipment	2	8	370	5,920
	Pumps	2	8	370	5,920
	Rollers	2	8	370	5,920
Architectural Coating	Air Compressors	4	8	40	1,280

Source: CalEEMod. Compiled by LSA (February 2021).
CalEEMod = California Emissions Estimator Model

Table 4.4.B: Off-Road Construction Equipment Diesel Fuel Usage

Phase	Off-road Equipment Type	Horsepower[1]	Load Factor[1]	Total Usage Hours/ Equipment	Horsepower-Hour[2]	Fuel Usage (gallons)[3]
Demolition	Concrete/ Industrial Saw	81	0.73	320	18,922	969
	Excavators	158	0.38	640	38,426	1,967
	Rubber Tired Dozers	97	0.37	2,992	107,383	5,498
	Tractors/Loaders/ Backhoes	247	0.40	1,496	147,805	7,568
Total Fuel Use: Demolition (gallons)						**16,002**
Site Preparation	Bore/Drill Rigs	221	0.50	320	35,360	1,810
	Pumps	84	0.74	320	19,891	1,018
	Generator Sets	84	0.74	400	24,864	1,273
Total Fuel Use: Infrastructure (gallons)						**4,102**
Grading	Air Compressors	78	0.48	320	11,981	613
	Excavators	158	0.38	640	38,426	1,967
	Graders	187	0.41	640	49,069	2,512
	Plate Compactors	8	0.43	320	1,101	56
	Rubber-tired Dozers	247	0.40	320	31,616	1,619
	Scrapers	367	0.48	640	112,742	5,772
	Skid Steer Loaders	65	0.37	320	7,696	394
	Tractors/Loaders/ Backhoes	97	0.37	640	22,970	1,176
Total Fuel Use: Grading (gallons)						**14,111**
Building Construction	Cranes	231	0.29	11,606	777,486	39,807
	Cement and Mortar Mixers	9	0.56	2,536	12,781	654
	Forklifts	89	0.20	5,072	90,282	4,622
	Pumps	84	0.37	2,536	78,819	4,036
	Generator Sets	84	0.74	2,536	157,638	8,071
	Tractors/Loaders/ Backhoes	97	0.37	5,072	182,034	9,320
Total Fuel Use: Building Construction (gallons)						**66,511**
Paving	Cement and Mortar Mixers	9	0.56	5,920	29,837	1,528
	Pavers	130	0.42	5,920	323,232	16,549
	Paving Equipment	132	0.36	5,920	281,318	14,404
	Pumps	84	0.37	5,920	183,994	9,420
	Rollers	80	0.38	5,920	179,968	9,214
Total Fuel Use: Paving (gallons)						**51,115**

Table 4.4.B: Off-Road Construction Equipment Diesel Fuel Usage

Phase	Off-road Equipment Type	Horsepower[1]	Load Factor[1]	Total Usage Hours/ Equipment	Horsepower-Hour[2]	Fuel Usage (gallons)[3]
Architectural Coating	Air Compressors	78	0.48	1,280	47,923	2,454
Total Fuel Use: Building Construction and Architectural Coating (gallons)						**2,454**
Total Fuel Usage (gallons)						**154,294**

Source: CalEEMod. Compiled by LSA (February 2021).

[1] Load factor and horsepower are CalEEMod defaults for the equipment type.

[2] Horsepower-Hour is the basis for the fuel calculation. HP-Hour is calculated using the following formula: HP-Hour = Total Hours × LF × HP.

[3] Off-road mobile source fuel usage is calculated using a fuel usage rate of 0.0512 gallon of diesel per horsepower (HP)-hour. This is calculated based on diesel.

CalEEMod = California Emissions Estimator Model

Total fuel consumption in Orange County totaled 1.46 billion gallons in 2019. Vehicle consumption accounts for the majority of the total fuel consumption in California. In 2019, 164 million gallons of diesel fuel and 1,278 million gallons of gasoline were consumed from vehicle trips in Orange County based on fuel consumption emission totals (CARB 2020). Compared to the annual fuel consumption from vehicle trips in Orange County, the estimated diesel fuel consumption of 154,294 gallons from off-road construction equipment during construction would be a small fraction of the annual diesel fuel consumption in Orange County.

Fuel use from construction trucks and construction worker vehicles traveling to the project site was based on the estimated number of trips that project construction would generate and the average trip distance using the default CalEEMod assumptions. Table 4.4.C shows construction on-road vehicle gasoline fuel consumption for construction worker vehicles traveling to-and-from the project site daily.

As shown in Table 4.4.C, the construction worker trips would consume an estimated 28,612 gallons of gasoline during project construction. This would represent a small percentage of the annual gasoline consumption in Orange County. Impacts related to energy use during construction would be temporary and would be relatively small in comparison to Orange County's overall usage and the State's available energy sources. For these reasons, project construction would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, project impacts would be less than significant, and no mitigation is required.

Operation. Energy use consumed during operation of the proposed project would be associated with electricity consumption and gasoline to fuel project-related vehicle trips. Electricity and natural gas use was estimated for the project using default energy intensities by land use type in CalEEMod. In addition, the proposed buildings would be constructed to current CALGreen standards, which were included in the CalEEMod inputs. Table 4.4.D shows the estimated potential increased electricity, natural gas, and fuel demand associated with the proposed project.

Table 4.4.C: Construction Worker Vehicle Gasoline Fuel Use

Phase	Total One-Way Trips/Day	Total Days	Trip Length (miles)	Total Vehicle Miles Traveled (VMT)	Gasoline Fuel Efficiency (miles/gallon)	Fuel Usage (gallons/ year)
Demolition	15	40	14.70	8,820	22.0	401
Site Preparation	15	20	14.70	4,410	22.0	87
Grading	30	40	14.70	17,640	22.0	2,927
Building Construction	158	317	14.70	736,264	22.0	200
Paving	25	370	14.70	135,975	22.0	6,181
Architectural Coating	32	40	14.70	18,816	22.0	18,816
					Total Gasoline Fuel Usage	**28,612**

Sources: CalEEMod and EMFAC2017 (CARB 2019).
CalEEMod = California Emissions Estimator Model
CARB = California Air Resources Board
EMFAC2017 = California Emissions Factor Model
VMT = vehicle miles traveled

Table 4.4.D: Existing and Estimated Annual Energy Use of Proposed Project

Land Use	Electricity Use (kWh/year)	Natural Gas Use (therms/year)	Residents, Employees, and Visitors Vehicles Gasoline (gallons/year)
Existing Energy Usage			
Dana Point Marina Inn	1,785,150	6,763,420	115,879
Parking Lot	0	0	0
Total Existing	**1,785,150**	**6,763,420**	**115,879**
Proposed Project Energy Usage			
Dana House Hotel	1,130,240	4,282,140	104,925
Dana Point Surf Lodge	514,340	1,948,690	112,189
Enclosed Parking with Elevator	618,816	0	0
Parking Lot	30,660	0	0
Total Proposed Project	**2,294,056**	**6,230,830**	**217,114**
Net Energy Usage	**508,906**	**-532,590**	**101,235**

Source: CalEEMod. Compiled by LSA (November 2020).
CalEEMod = California Emissions Estimator Model
kWh = kilowatt hours

As shown in Table 4.4.D, the proposed project would consume a total of 2,294,056 kilowatt-hours (kWh) of electricity per year, a net increase of 508,906 kWh over the existing uses on the project site. Additionally, the proposed project would consume a total of 6,230,830 therms of natural gas, a net decrease of 532,590 therms, an overall reduction to natural gas consumption in Orange County. In addition, the project would consume energy through combustion of gasoline through project-related trips. Based on the traffic analysis presented in Section 4.12, Transportation, the proposed

project would result in 2,042 average daily trips (ADT), a net increase of 934 ADT over existing conditions. The CalEEMod analysis estimates that the project would have an annual VMT of 4,776,504, a net increase of 2,230,650 VMT over the existing uses on the project site. Using the 2015 fuel economy estimate of 22.0 mpg, the proposed project would result in the consumption of approximately 217,114 gallons of gasoline per year, a net increase of approximately 101,235 gallons of gasoline per year over the existing uses on the project site.[1]

Electricity is provided in the State through a complex grid of power plants and transmission lines. In 2019, California's in-state electricity generation totaled 200,475 GWh: the State's total system electricity generation, which includes imported electricity, totaled 277,704 GWh (CEC 2020a). Population growth is the primary source of increased energy consumption in the State; due to population projections, annual electricity usage is anticipated to increase by approximately 1 percent per year through 2027 (CEC 2020c). The project's net increase in electricity usage would total less than 0.0003 percent[2] of the electricity generated in the State in 2020, which would not represent a substantial demand on available electricity resources.

New automobiles purchased by employees and visitors driving to and from the project site would be subject to fuel economy and efficiency standards applied throughout the State. As such, the fuel efficiency of vehicles associated with the project site would increase throughout the life of the project. Therefore, implementation of the proposed project would not result in a substantial increase in transportation-related energy uses.

Operation of the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Consumption of energy resources as a result of implementation of the proposed project would be comparable to other similar uses in the City. Therefore, project impacts would be less than significant, and no mitigation is required.

Threshold 4.4.2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. Energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources, and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact on regional energy supplies would be minor, the proposed project would not conflict with or obstruct California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report.

The proposed project would be required to comply with the California Building Code (CBC) and the CALGreen Code pertaining to energy and water conservation standards in effect at the time of construction plan check submittal to the County of Orange and ultimately construction of the

[1] 4,776,504 VMT per year ÷ 22.0 mpg = 217,114 gallons of gasoline per year.

[2] Calculation: 0.51 GWh (proposed project) ÷ 200,475 GWh (generated in State in 2019) = < 0.000003 percent.

project. Therefore, the proposed project would be consistent with applicable plans related to renewable energy and energy efficiency. Impacts would be less than significant, and no mitigation is required.

4.4.7 Level of Significance Prior to Mitigation

Energy impacts related to the inefficient, wasteful, and unnecessary consumption of energy are considered less than significant, and no mitigation is required.

4.4.8 Standard Conditions and Mitigation Measures

No standard conditions are applicable to the proposed project, and no mitigation is required.

4.4.9 Level of Significance after Mitigation

Construction and operational impacts related to energy use would be less than significant. No mitigation is required.

4.4.10 Cumulative Impacts

The geographic area for electricity is that of the SDG&E boundaries, while the geographic area for natural gas service is that of the SoCalGas boundaries. The proposed project would result in an increased demand for electricity service and would reduce the demand for natural gas service. Although the proposed project would result in a net increase in electricity, this increase would not require SDG&E to expand or construct infrastructure that could cause substantial environmental impacts. As discussed previously, the total annual electricity consumption in the SDG&E service area in 2019 was 17,721 GWh. By 2030, consumption is anticipated to increase by approximately 3,000 GWh for the low-demand scenario and by 5.5 GWh for the high-demand scenario.[1] While this forecast represents a large increase in electricity consumption, the proposed project's percent of cumulative consumption would be negligible. The proposed project, in combination with cumulative development, is well within SDG&E's system-wide net annual increase in electricity supplies over the 2018 to 2030 period, and there are sufficient planned electricity supplies in the region for estimated net increases in energy demands.

Similarly, additional natural gas infrastructure is not anticipated due to cumulative development. Total natural gas consumption in the SoCalGas service area in 2019 was 5,424.7 million therms. Between 2018 and 2030, total natural gas consumption in the SoCalGas service area is forecast to remain steady for the low- and mid-demand scenarios and to increase by approximately 650 million therms in the high-demand scenario due to intense energy efficiency efforts.[2] The proposed project's percent of cumulative consumption of natural gas in the SoCalGas service area would be negligible. It is anticipated that SoCalGas would be able to meet the natural gas demand of the proposed project and the related projects that are included within the CEC's natural gas demand scenario for the SoCalGas service area without additional facilities. In addition, both SDG&E and

1 California Energy Commission (CEC). 2018. California Energy Demand, 2018-2030 Revised Forecast. Publication Number: CEC-200-2018-002-CMF. February. Website: https://www.energy.ca.gov/data-reports/planning-and-forecasting (accessed December 21, 2020).

2 Ibid.

SoCalGas demand forecasts include the growth contemplated by the proposed project and the related projects that are within the service area of each utility. Increased energy efficiency to comply with building energy efficiency standards will reduce energy consumption on a per-square-foot basis. In addition, utility companies are required to increase their renewable energy sources to meet the Renewable Portfolio Standards mandate of 60 percent renewable supplies by 2030. SDG&E and SoCalGas plan to continue to provide reliable service to its customers and upgrade their distribution systems as necessary to meet future demand.

Transportation energy use would also increase; however, this transportation energy use would not represent a major amount of energy use when compared to the amount of existing development and to the total number of vehicle trips and VMT throughout Orange County and the region. The proposed project and each of the related projects are required to comply with various federal and State government implemented legislation to improve energy efficiency in buildings, equipment, and appliances, and reduce VMT.

For the reasons stated above, the proposed project's contribution to impacts related to the inefficient, wasteful, and unnecessary consumption of energy would not be cumulatively considerable, and no mitigation is required.

4.5 GEOLOGY AND SOILS

This section addresses the potential for structural damage due to the local geology underlying the Dana Point Harbor Hotels (proposed project) site, as well as slope stability, ground settlement, soil conditions, grading, and regional seismic conditions. In addition, this section analyzes the potential for the proposed project to affect unknown paleontological resources on or within the vicinity of the project site. This section summarizes information provided in the *Preliminary Geotechnical Investigation, Dana Point Harbor Revitalization, Hotel Component, City of Dana Point, California* (Preliminary Geotechnical Investigation) (September 2019a), the *Response to City of Dana Point Geotechnical Report Review* (December 2019b), and the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (May 2020), prepared by GMU, and the *Geotechnical Review, Geotechnical Report and Responses to Review Comments Dana Point Harbor Revitalization, Hotel Component, Dana Point, California* (Geotechnical Review) (August 2020) prepared by Ninyo & Moore. The Preliminary Geotechnical Investigation, all Responses to the City of Dana Point (City), and the Geotechnical Review are included in Appendix F of this Environmental Impact Report (EIR). Information pertaining to unique geologic units and paleontological resources is summarized herein as provided in EIR No. 591, Dana Point Harbor Revitalization Project Program EIR (Program EIR) (2006), incorporated in this Draft EIR by reference.

4.5.1 Scoping Process

The City of Dana Point received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. One comment letter included comments related to Geology and Soils.

The letter from the South Coast Water District (SCWD) received on October 26, 2020, suggested the Draft EIR should include an analysis of all off-site SCWD facilities that may have to be modified as required for the proposed project. The comment letter states that the modifications to the existing sewer line along the southern portion of the project are outside of the existing project site boundaries. However, the project site analyzed in this Draft EIR is shown in Figure 3.2, Project Vicinity Map/Aerial Photograph, in Chapter 3.0, Project Description, and includes all work proposed within adjacent roadways for utility relocations. The subsurface exploration and analysis of site geology presented in the Preliminary Geotechnical Investigation (GMU 2019a) provides an accurate description of the project site and immediately surrounding subsurface conditions.

4.5.2 Existing Environmental Setting

4.5.2.1 Site Description and Topography

The project site is currently developed with the Dana Point Marina Inn, parking, and boater facilities. The majority of the site is covered by either asphalt pavement or concrete flatwork with some planters and landscape areas with flowers, groundcover, shrubs and occasional trees. The project site is bounded by Dana Point Harbor Drive on the north, Casitas Place on the east, Island Way on the west, and Dana Point Harbor on the south.

The majority of the site is relatively flat and drains by sheet flow towards the south to existing storm drain catch basins. However, there is an approximately 10-foot (ft) high slope between the existing

parking lot and Island Way, and a 5 to 10 ft high slope along the north side of the existing parking lot adjacent to Dana Point Harbor Drive. In addition, there are minor slopes 5 ft or less in height within the southern portion of the site between the existing Dana Point Marina Inn hotel building and the parking lot area on the southern side of the project site. Elevations range from a high of approximately 19 ft above mean sea level (amsl) in the northern portion of the site to a low of approximately 10 ft amsl in the southern portion of the site. The current mean sea level for Dana Point Harbor is based on the National Oceanic and Atmospheric Administration (NOAA) La Jolla Station, which uses the North American Vertical Datum 1988 (NAVD88) mean sea level elevation of 2.53 ft. All site plans and topographic information were prepared using the NAVD88 datum.

4.5.2.2 Regional and Local Geologic Setting

The project site is located within the northwest-trending Peninsular Ranges geomorphic province of southwestern California. The Peninsular Ranges province is an elongated area characterized by parallel fault-bounded mountain ranges and intervening valleys. The province extends southward from the Transverse Ranges at the northern side of the Los Angeles Basin southward into Mexico. The Peninsular Ranges are characterized by regional compression associated with the San Andreas fault and sub-parallel blocks sliced longitudinally by young, steep northwest trending fault zones.

4.5.2.3 Subsurface Conditions

The project site is located in an area generally underlain by the Capistrano Formation that is in turn overlain by marine deposits and artificial fill. The Capistrano Formation in the area was observed to consist predominantly of well-consolidated, fine- to medium-grained, massive sandstones with occasional beds of moderately to well indurated, gray-to-dark-gray claystone and siltstone. The artificial fill materials within the project site originated from both the marine deposits and Capistrano Formation within Dana Cove, and talus deposits and formational materials along the base of the sea cliffs. As a result of the fill materials being comprised of a variety of different geologic units, the fill materials are highly variable and consist of frequently alternating layers of clayey sands, silty sands, sands, sandy clays, and sandy silts with gravel, with isolated cobbles and scattered rock fragments greater than 6 inches in diameter. In general, the granular sand fill materials were found to be medium-dense to dense while the fine-grained clay and silt fill materials were found to be predominantly firm to very firm. The marine deposits on the site are generally comprised of materials deposited in beach and submarine environments and, where encountered, generally consist of wet, loose to medium dense, silty sand to sand.

The western portion of the site, which is planned for the proposed Dana Point Surf Lodge and surface parking, is underlain by approximately 15 to 25 ft of surficial soils consisting of artificial fill and marine deposits, which in turn overlie Capistrano Formation. Fill depths appear to range from approximately 12 to 25 ft with the thickest sections located near the existing sea wall of the marina. The thickness of the marine deposits appears to range from approximately 0 to 8 ft. In general, the depths of the surficial soils across the site increase in a southerly direction towards the ocean. The eastern portion of the site, which is planned for the proposed Dana House Hotel and underground parking, is underlain by approximately 15 to 30 ft of surficial soils consisting of artificial fill and marine deposits, which in turn overlies Capistrano Formation bedrock. Fill depths appear to range from approximately 5 to 20 ft, and the thickness of the marine deposits appears to range from approximately 0 to 10 ft. The northern portion of the planned below-grade parking structure

adjacent to Dana Point Harbor Drive is underlain by formational materials of the Capistrano Formation.

4.5.2.4 Groundwater Conditions

Groundwater elevations across the site are controlled not only by the elevation of the water within the adjacent harbor, but are also somewhat influenced by the pre-development topography, with lower elevations found closest to the seawalls.

In order to evaluate the groundwater data collected during the site investigation, GMU compared the groundwater levels observed during the subsurface investigation to the depth of historically high groundwater shown in the Seismic Hazard Zone Report for the *Dana Point, California* 7.5-Minute Quadrangle (CDMG 2001). These maps indicate a historical high groundwater of approximately 5 ft below ground surface (bgs). Groundwater elevations measured during the subsurface exploration (5 ft bgs to 10 ft bgs) were affected by the local tidal cycle, and therefore should be assumed to fluctuate with the tides, the lunar cycle, and recent rainfall events. As described in the Geotechnical Investigations included in Appendix F, true groundwater levels were estimated using the in-situ saturation percentage and roughly corresponded to sea level (i.e., between approximately 6 to 20 ft bgs).

4.5.2.5 Seismicity and Faulting

As stated above, the project site is located within the Peninsular Ranges geomorphic province, which is dominated by northwest-trending, fault zones. An "active" fault is defined by the State of California as having had surface displacement within Holocene time (i.e., within the last 11,700 years). A "potentially active" fault is defined as showing evidence of surface displacement during Quaternary time (i.e., during the last 1.6 million years).[1]

The project site would potentially be affected by seismically active faults in the region. Several active and potentially active faults have been mapped within several miles of the project site. However, there are no known active or potentially active faults or fault traces shown on current geologic maps as crossing or being in close proximity to the site. The project site is not located within a currently State-designated Earthquake Fault (Alquist Priolo) Zone.

The Dana Cove fault is a well-defined northwest trending fault zone that passes diagonally through the Harbor, directly under and nearly parallel to the existing West Basin Pier. The seaward projection is estimated to be up to approximately 250 ft wide, consisting of sheared breccia and contorted siltstones and sandstones. No seismic activity has been reported along this fault, which has been classified as inactive.

The nearest known active fault is the offshore segment of the Newport-Inglewood fault, which is located approximately 2.4 miles (3.9 kilometers) southwest of the site and is capable of generating a maximum earthquake magnitude (M_w) of 7.1. The project site is also located within 7 miles (11.3 kilometers) of the surface projection of the San Joaquin Hills Blind Thrust fault, which is

[1] Department of Conservation, Division of Mines and Geology (CDMG). 1997. Fault-Rupture Hazard Zones in California.

capable of generating a maximum earthquake magnitude (M_w) of 6.6. Given the proximity of the project site to these and numerous other active and potentially active faults, the site (like most of southern California) will likely be subject to earthquake ground motions in the future.

Non-Seismic Geologic Constraints.

Erosion. The erosion potential of soil is governed by the physical properties of the soil along with environmental factors such as rainfall, wind, topography, and vegetative cover. Erosion typically occurs from concentrated runoff on unprotected slopes or along unlined channels underlain by relatively erosion-prone earth materials (e.g., topsoil, soft alluvium, weakly cemented sandstone).

As previously stated, the project site is largely overlain with artificial fill that consists of highly variable materials, primarily of fine-grained materials, such as silt and clay, which may be easily eroded under conditions of uncontrolled, concentrated surface runoff.

Expansive Soils. Expansive soils typically contain certain clay minerals that expand in volume when they are wet or hydrated and occupy a larger volume than when they are dry or dehydrated. Volume changes associated with changes in the moisture content of near-surface expansive soils can cause uplift or heave of the ground when they become wet or, less commonly, cause settlement when they dry out.

As previously stated, the project site is largely overlain with artificial fill. The expansion potential of the artificial fill on the site is highly variable, ranging from very low to medium. The bedrock that will be exposed in the northern portion of the project site likely consists largely of non-expansive sandstone. However, expansive fine-grained layers and beds may be present in areas of the project site.

Subsidence. Subsidence is the sinking or settlement of the ground surface relative to the surrounding area, with little or no horizontal movement. Four types of land subsidence are known to occur in California. In descending order of significance, these are (1) subsidence caused by aquifer system compaction related to the lowering of groundwater levels, generally due to pumping activities, (2) subsidence caused by hydrocompaction of soils above the groundwater table, (3) subsidence related to extraction of oil and gas deposits, and (4) subsidence related to seismic activity.

The project site does not have any oil, gas, or water pumps on site and has not been used for the extraction of any of these resources. The on-site marine deposits and Capistrano Formation units are typically not subject to subsidence related to seismic activity. In addition, the site is not located in an area with documented subsidence.[1]

Corrosive Soils. Corrosive soils contain chemical constituents that may cause damage to construction materials such as concrete and ferrous metals. One such constituent is water-soluble sulfate, which, if high enough in concentration, can react with and damage concrete.

[1] United States Geological Survey (USGS). Areas of Land Subsidence in California. Website: https://ca.water.usgs.gov/landsubsidence/california-subsidence-areas.html (accessed October 18, 2020).

Electrical resistivity, chloride content, and percentage of hydrogen (pH) level are indicators of the soil's tendency to corrode ferrous metals.

Based on the test results for pH, soluble chlorides, sulfate, and minimum resistivity of the site soils obtained during GMU's subsurface investigation, the on-site soils should be considered to have moderate sulfate content, moderate to high minimum resistivity (indicating the soils may be mildly corrosive to corrosive to ferrous metals), and moderate to high chloride content (indicating the soils may be corrosive to ferrous metals).

Seismically Induced Hazards.

Ground Shaking and Surface Fault Rupture. The primary seismic effects associated with earthquakes are ground shaking and surface fault rupture.

Ground shaking due to seismic events (earthquakes) would typically be considered the greatest source of potential damage to structures. Seismic shaking is characterized by the physical movement of the land surface during and subsequent to an earthquake. Seismic shaking has the potential to cause destruction and damage to buildings and property, including damage resulting from damaged or destroyed gas or electrical utility lines; blockage of surface seepage and groundwater flow; changes in groundwater flow; dislocation of street alignments; displacement of drainage channels and drains; and possible loss of life. In addition, ground shaking can induce several kinds of secondary seismic effects, including liquefaction, lateral spreading, differential settlement, and landslides, all of which are described below.

The intensity of seismic shaking during an earthquake depends largely on nature of the geologic units and materials comprising the upper several hundred feet of the earth's surface. The greatest amplitudes and longest durations of ground shaking occur on thick, water-saturated, unconsolidated alluvial sediments. Ground shaking can also cause ground failure or deformation due to lurching and liquefaction.

Surface rupture is the displacement and cracking of the ground surface that occurs along a fault trace. Unlike seismically induced ground shaking, which can affect a wide geographic area, surface rupture is confined to the area very near the fault.

As described above, the project site is not located within a currently designated Earthquake Fault (Alquist-Priolo) Zone. Known active or potentially causative faults capable of producing strong ground shaking at the site include the Newport-Inglewood fault and the San Joaquin Hills Blind Thrust fault. No active or potentially active faults are known to cross the site or site vicinity, therefore, the potential for surface rupture due to faulting on site is considered low. However, much of southern California, including the project site, may be subject to some level of damaging ground shaking as a result of movement along the major active (and potentially active) fault zones that characterize this region. According to the Preliminary Geotechnical Investigation, the site should be designated as Site Class C, which describes very dense soil and soft rock soil profiles.

Liquefaction and Ground Settlement. Liquefaction is caused by sudden temporary increases in pore water pressure due to seismic densification or other displacement of submerged granular soils. Layers of loose sand and sandy silt may, therefore, be subject to liquefaction if these materials are or were to become submerged and are also exposed to strong seismic ground shaking. Seismic ground shaking of relatively loose granular soils that are saturated or submerged can cause the soils to liquefy and temporarily behave as a dense fluid. This loss of support can produce local ground failure such as settlement or lateral spreading that may damage overlying improvements.

Ground settlement is a secondary seismic effect that can result in damage to property when an area settles to different degrees over a relatively short distance. The sinking or settlement of a structure, area of fill, or other imposed load is usually the result of compaction or consolidation of the underlying soil. Soils susceptible to seismically induced settlement typically include loose granular materials.

The site is located within a zone of required investigation for liquefaction as shown on the Seismic Hazard Zone Map for the Dana Point Quadrangle (CGS 2001), which indicates a risk for seismic settlement and lateral spreading related to liquefaction conditions.

Lateral Spreading. Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "unconfined" face such as an open body of water, drainage channel, or excavation. In soils, this movement is generally due to failure along a weak plane and may often be associated with liquefaction. As described above, the project site is considered subject to lateral spreading related to liquefaction.

Slope Instability and Seismically Induced Landslides. The downslope movement of loose rock or soil is also a potential secondary seismic effect that can occur during strong ground shaking. Based on the review of geologic mapping, literature, topographic mapping, aerial photographs and subsurface evaluation for the project site, no landslides or related features underlie the site; however, areas of potential earthquake-induced landsliding are mapped adjacent to the project site. The adjacent mapped areas are located within the existing bluffs where surficial instability and cracking may occur.

4.5.2.6 Existing Paleontological Setting

The existing setting for paleontological resources for the project site were determined through a Paleontology Literature and Records Review obtained from the San Bernardino County Museum conducted for the Dana Point Harbor Revitalization Project Program EIR (2006). The results of this review indicate that Dana Point Harbor is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids, and marine vertebrates, including sharks and whales. The marine deposits have yielded marine invertebrate fossils (mollusks, crustaceans, and echinoids) and marine vertebrate fossils (sharks, rays, and bony fish).

4.5.3 Regulatory Setting

4.5.3.1 Federal Regulations

National Pollution Discharge Elimination System. A Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with a National Pollutant Discharge Elimination System (NPDES) Phase I Permit describes erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity and to identify and implement controls where necessary.

Additionally, the City operates under a municipal separate storm sewer system (MS4) permit (South Orange County MS4 Permit) under the NPDES. MS4 permits require an aggressive water quality ordinance, specific municipal practices, and the use of best management practices (BMPs) in many development-related activities to further reduce the amount of contaminants in urban runoff. MS4 permits also require local agencies to cooperatively develop a public education campaign to inform people about what they can do to protect water quality.

Earthquake Hazards Reduction Act. In 1977, the United States Congress passed the Earthquake Hazards Reduction Act, which established the National Earthquake Hazards Reduction Program (NEHRP). When NEHRP was first established, the primary purpose of this program was to improve understanding, characterization, and prediction of earthquakes and associated vulnerabilities. However, in recent years, NEHRP has recently shifted its primary focus to minimizing losses from earthquakes. In order to minimize this risk, NEHRP helps to improve building codes and land use practices, risk reduction through post-earthquake investigations, development of new design and construction techniques, and mitigation. The Federal Emergency Management Agency (FEMA) is the lead agency for NEHRP, and as such, authorizes funding for earthquake preparedness and mitigation programs.

4.5.3.2 State Regulations

Alquist-Priolo Earthquake Fault Zoning Act (1972). Regulations that are applicable to geologic, seismic, and soil hazards include the Alquist-Priolo Earthquake Fault Zoning Act of 1972 and updates (Alquist-Priolo Act, Public Resources Code [PRC], Section 2621, et seq.), State-published Seismic Hazards maps, and provisions of the applicable edition of the California Building Code (CBC). There are no earthquake fault zones established on or in the near vicinity of the project site, and procedures and regulations as recommended by the California Geological Survey (CGS) for investigations conducted in such zones do not specifically apply.

Seismic Hazard Mapping Act (1990). The Seismic Hazard Mapping Act (SHMA) was adopted by the state in 1990 for the purpose of protecting public safety from the effects of (non-surface fault rupture) earthquake hazards. The CGS prepares and provides local governments with seismic hazard zones maps that identify areas susceptible to amplified shaking, liquefaction, earthquake-induced landslides, and other ground failures. The seismic hazards zones are referred to as “zones of required investigation” because site-specific geological investigations are required for construction

projects located within these areas. Before a project can be permitted, a geologic investigation, evaluation, and written report must be prepared by a licensed geologist to demonstrate that proposed buildings will not be constructed across active faults. If an active fault is found, a structure for human occupancy must be set back from the fault (generally 50 ft). In addition, sellers (and their agents) of real property within a mapped Seismic Hazard Zone must disclose that the property lies within such a zone at the time of sale.

California Building Code (2019). California Code of Regulations (CCR), Title 24, Part 2, the CBC, provides minimum standards for building design in the State. Local codes are permitted to be more restrictive than Title 24, but not less restrictive. The procedures and limitations for the design of structures are based on site characteristics, occupancy type, configuration, structural system height, and seismic zoning. Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Occupational Safety and Health Administration (Cal/OSHA) regulations (CCR, Title 8).

California Health and Safety Code. Sections 17922 and 17951–17958.7 of the California Health and Safety Code require cities and counties to adopt and enforce the current edition of the CBC, including a grading section. The City of Dana Point and the County of Orange, through adoption of the CBC, ensure these provisions are followed (refer to Title 8 of the City's Municipal Code and Section 7-1-12 of the Orange County Municipal Code). Sections of Volume 2 of the CBC specifically apply to select geologic hazards. Chapter 16 of the 2019 CBC addresses requirements for seismic safety. Chapter 18 regulates excavation, foundations, and retaining walls. Chapter 33 contains specific requirements pertaining to site demolition, excavation, and construction.

Public Resources Code Section 5097.5. Public Resources Code (PRC) Section 5097.5 provides for the protection of paleontological resources and prohibits the removal, destruction, injury, or defacement of paleontological features on any lands under the jurisdiction of State or local authorities. PRC Section 5097.5 also protects cultural resources, which are evaluated in Section 4.3, Cultural Resources, of this EIR.

4.5.3.3 Regional Regulations

There are no regional land use policies or regulations that are applicable to the proposed project with respect to geology or soils.

4.5.3.4 Local Regulations

City of Dana Point Municipal Code. The City Council of the City of Dana Point has adopted for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2, known and designated as the California Building Code (CBC), 2019 Edition. The purpose of a building code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City. Building Code provisions apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within the City.

County of Orange Municipal Code. Similar to the City of Dana Point, the County of Orange has adopted the California Building Code, 2019 Edition, for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures. The operative date of this ordinance is January 1, 2020.

City of Dana Point General Plan.

Public Safety Element of the City's General Plan. The primary goal of the Public Safety Element (June 1995) of the City's General Plan is to identify features which exist in the City that represent a potential danger to the safety of the citizens, sites and structures, public facilities, and infrastructure. The element also establishes goals and policies to minimize danger to residents.

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

Policy 1.1: Require review of soil and geologic conditions by a State-Licensed Engineering Geologist under contract to the City, to determine the stability prior to the approval of development where appropriate. (California Coastal Act [Coastal Act], Sections 30250 and 30253)

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

Conservation/Open Space Element of the City's General Plan. The goals and policies of the Conservation/Open Space Element (August 1997) are intended to serve as a guide for preserving natural features that create the desirable character of the area, including protection from erosion and the preservation of the community's historical and cultural assets.

Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proposed drainage and erosion control improvements. (Coastal Act, Section 30243)

Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological, or paleontological resources. (Coastal Act, Sections 30244 and 30250)

Policy 8.2: Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes. (Coastal Act, Sections 30213, 30250, and 30253)

An analysis of the proposed Project's consistency with the goals and policies of the City's General Plan is provided in Section 4.9, Land Use and Planning, of this Draft EIR.

Local Coastal Program (LCP)/Dana Point Harbor Revitalization Plan and District Regulations. The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) were certified in October 2011 as a local coastal program amendment (LCPA) replacing in its entirety the Dana Point

Harbor Planned Community District Development Plan (DPHCDDP) contained in the County of Orange's 1986 Dana Point Specific Plan/LCP, and replacing any reference to the DPHCDDP in the DPZC. The DPHRP includes policies aimed at achieving the California Coastal Act's goals for the protection of coastal resources through the location of new development. Because Dana Point Harbor is presently completely built-out, all new development, including the proposed project, will occur in the form of replacement or in-fill development projects.

Policy 8.2.1-5: Require new development to assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Policy: 8.6.7-1: Geotechnical studies are required for developments that are proposed on or adjacent to coastal or inland bluff tops and where geological instability is suspected. (Coastal Act, Section 30253)

Policy 8.6.7-2: Applications for Grading and Building Permits will be reviewed for adjacency to threats from and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, beach and bluff erosion or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Require such reports be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City. Mitigation measures will be required where necessary.

Policy 8.6.7-3: New development shall:

a. Minimize risks to life and property in areas of high geologic, flood and fire hazard; and

b. Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Coastal Act, Section 30253)

Policy 8.6.7-7: Foundation setback requirements will be implemented for proposed Harbor improvements as specified in the geotechnical report. Setback distances will reflect geologic and structural engineering evaluations of the site and recommendations included in the geotechnical report, subject to the review and approval of the County of Orange and the City.

Policy 8.6.7-8: Prior to the issuance of a grading permit, a geotechnical report shall be submitted to the County for approval and shall include the information and be in the form as required by the Orange County Grading Code and Manual.

Policy 8.6.7-9: If cranes and pile-driving equipment are required, adequate setbacks shall be observed from bulkhead areas to prevent failures due to increased lateral and surcharge loads.

Policy 8.6.7-10: Construction work performed within public roadways or public properties adjacent to the Harbor will require compliance with specifications presented in the latest edition of the Standard Specifications for Public Works Construction (the Greenbook).

Policy 8.6.7-11: Further investigation and detailed characterization of the existing fill conditions is required to identify the extent of the potential for liquefaction and include:

- Recommended new building setback distances from the quay wall ranging from 2 to 3 times the height of the bulkhead wall for localized liquefaction and lateral spreading failure to several times the height of the revetment slope and bulkhead system for global seismic instability, to be considered during the planning and design phases of the project;
- Supporting proposed structures on deep foundations extending into bedrock;
- Stiffened floor slab designs;
- Total or partial removal of the potentially liquefiable soils and replacement with compacted fill; and
- Soil remediation and site improvement.

Policy 8.6.7-12: Require applications for new development, where applicable, to include a geologic/soils and geotechnical study that identifies any geologic hazards affecting the proposed development locations, any necessary mitigation measures and contains a statement that the project site is suitable for the proposed development in a manner consistent with the County of Orange Grading and Excavation Code.

Policy 8.6.7-13: Conformance with the latest Uniform Building Code, California Building Code, or International Building Code and County Ordinances can be expected to satisfactorily mitigate the effect of seismic groundshaking. Conformance with applicable codes and ordinances shall occur in conjunction with the issuance of Building Permits in order to ensure that over excavation of soft, broken rock and clayey soils within sheared zones will be required where development is planned.

Policy 8.6.7-14: Engineering design for all structures shall be based on the probability that new structures will be subjected to strong ground motion during the lifetime of development. Construction plans shall be subject to the County review and shall include applicable standards, which address seismic design parameters.

Policy 8.6.7-15: Mitigation of earthquake ground shaking shall be incorporated into the design and construction in accordance with Uniform Building Code requirements and site specific design.

An analysis of the proposed project's consistency with the policies of the DPHRP is provided in Section 4.9, Land Use and Planning, of this Draft EIR.

4.5.4 Methodology

4.5.4.1 Geology and Soils

To assess the impacts of the proposed project with respect to geologic and soil conditions, an investigation was undertaken by GMU as part of the Preliminary Geotechnical Investigation and associated responses provided in the *Response to City of Dana Point Geotechnical Report Review* (2019b), and the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (2020) both prepared by GMU, as well as the Geotechnical Review (August 2020) prepared by Ninyo & Moore. The scope of the exploration included a review of published geologic maps and reports, previous geotechnical reports by other geotechnical consultants for the project site and entire harbor area, and a previous report for the existing seawalls, aerial photo review, subsurface exploration program to evaluate the soil conditions within the project limits, laboratory tests, engineering analysis, and report preparation. The Geotechnical Review by Ninyo & Moore provided a third-party peer review based generally on the standards presented in the 2019 California Building Code and current standards of practice.

Soils and geologic and seismic hazards, as identified in the Preliminary Geotechnical Investigation and all Responses to City of Dana Point Comment documents, were assessed with respect to significance within the context of Appendix G of the Guidelines for the California Environmental Quality Act (*State CEQA Guidelines*).

4.5.4.2 Paleontological Resources

The existing setting for paleontological resources in the vicinity of the project site was determined through a review of the paleontological resource analysis provided in the Dana Point Harbor Revitalization Project Program EIR (2006) and the fossil locality search conducted at the San Bernardino County Museum for that Program EIR, which covers development within all of Dana Point Harbor, including the project site. The purpose of the locality search was to identify previously recorded or otherwise known fossil localities in or adjacent to the Dana Point Harbor, which the project site is included in; and to obtain information about the geological setting of the project site and the potential for geological formations underlying the project site for containing fossils.

4.5.5 Thresholds of Significance

The thresholds for geology and soils impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to geology and soils if it would:

Threshold 4.5.1: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Threshold 4.5.1(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 evidences of known fault. Refer to Division of Mines and Geological Special Publication 42.

Threshold 4.5.1(ii): Strong seismic ground shaking.

Threshold 4.5.1(iii): Seismic-related ground failure, including liquefaction.

Threshold 4.5.1(iv): Landslides.

Threshold 4.5.2: Result in substantial soil erosion or the loss of topsoil.

Threshold 4.5.3: 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-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

Threshold 4.5.4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property.

Threshold 4.5.5: 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.

Threshold 4.5.6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The Initial Study, included as Appendix A, substantiates that there would be no impacts associated with Threshold 4.5.1(i) as the project site is not located within Alquist-Priolo Earthquake Fault Zones, there are no known active earthquake faults within the City, and more precisely, none on the project site.[1] As described above, the nearest known active fault is the offshore segment of the Newport-Inglewood fault, which is located approximately 3.9 kilometers (2.4 miles) southwest of the project site. Therefore, the project site would not result in any impacts related to the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map (DOC 2019). In addition, there would be no impact associated with Threshold 4.5.5, as it is anticipated that the proposed project would connect to existing sanitary sewer and wastewater facilities located in the public right-of-way that collect and convey raw sewage and wastewater generated from the project site. As the proposed project would not use septic tanks or alternative waste water disposal systems, there would be no impact related to soils incapable of supporting these systems. These thresholds will not be addressed in the following analysis. In addition, it should be noted that Threshold 4.5.4 is included as written in the adopted *State CEQA Guidelines*, which cite the 1994 Uniform Building Code (UBC). The 1994 UBC has since been replaced by the current 2018 International Building Code (IBC), and the 2019 California Building Code (CBC) has been developed based on the 2018 IBC. The analysis under Threshold 4.5.4 below considers the project's potential impacts related to expansive soils, as defined by both Section 1803.5.3 of the CBC as well as Table 1-18-B of the 1994 UBC.

[1] California Department of Conservation (DOC). 2019. California Earthquake Hazards Zone Application. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed July 10, 2020).

4.5.6 Project Impacts

Threshold 4.5.1(ii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Less Than Significant with Mitigation Incorporated. As described above, the project site is subject to strong ground motion resulting from earthquakes on nearby faults. There are several faults near the project site that are capable of producing strong ground motion, including the Newport-Inglewood fault and the San Joaquin Hills Blind Thrust fault. During an earthquake along any of these faults, seismically induced ground shaking would be expected to occur. The severity of the shaking would be influenced by the distance of the site to the seismic source, the soil conditions, and the depth to groundwater. According to the Preliminary Geotechnical Investigation, the peak horizontal ground acceleration (PGA) for the project site was estimated to be 0.67 PGA, and a mean contributing magnitude 6.8 earthquake was the Maximum Considered Earthquake (MCE). This acceleration and magnitude are consistent with other sites in this region of southern California and indicate that strong seismic ground shaking generated by seismic activity is considered a potentially significant impact that may affect the proposed project.

Mitigation Measures 4.5-1 (MM 4.5-1) and 4.5-2 (MM 4.5-2) require the Project Applicant to comply with the recommendations of the project Preliminary Geotechnical Investigation and the most current CBC requirements, which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. With implementation of MM 4.5-1 and MM 4.5-2, potential project impacts related to seismic ground shaking would be reduced to a less than significant level.

Threshold 4.5.1(iii): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

Less Than Significant with Mitigation Incorporated. Liquefaction commonly occurs when three conditions are present simultaneously: (1) high groundwater; (2) relatively loose, cohesionless (sandy) soil; and (3) earthquake-generated seismic waves.

The project site is located with a zone of required investigation for liquefaction as shown on the Seismic Hazard Zone Map for the Dana Point Quadrangle (CGS 2001). A liquefaction evaluation was performed utilizing software and the 2009 Robertson methodology (GMU 2019a) as well as data obtained from the subsurface investigation and drilled borings to perform liquefaction analysis. Although groundwater was encountered at approximately 6 to 20 ft below existing grade during previous and current investigations, a historic high groundwater depth of 5 ft was used in the analysis. The northernmost portion of the site, which would include surface parking, is underlain by formational materials while the southern portion is underlain by surficial soils over formational materials. Seismic settlement on the southern portion of the project site was estimated to be on the order of 3.5 inches.

Based on this analysis, the potential for liquefaction is considered high while the potential for lateral spreading is also considered high along the existing sea wall of the marina. Based on the Geotechnical Review prepared for the proposed project, the preliminary recommendation to build the proposed hotels on 2 ft thick mats should be further evaluated during the final design phase. Mitigating the impact of liquefaction through the use of a ground improvement technique (i.e., geopiers) may prove to be a more robust option for the proposed improvements. MM 4.5-1 would require the Project Applicant to comply with the recommendations of the Preliminary Geotechnical Investigation and the Geotechnical Review. Both the Preliminary Geotechnical Investigation and Geotechnical Review include recommendations for additional investigation and analysis during the final design phase. Compliance with the recommendations of a final design-level geotechnical report would also be required by MM 4.5-1. In addition, MM 4.5-2 would require the Project Applicant to comply the most current CBC requirements (including provisions related to foundation design), which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. With implementation of MM 4.5-1 and MM 4.5-2, potential project impacts related to seismically induced ground failure, including liquefaction, would be reduced to a less than significant level.

Threshold 4.5.1(iv): Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Less Than Significant Impact. Analysis of potential impacts from the proposed project as compared to existing conditions. According to the Preliminary Geotechnical Investigation (GMU 2019a) and associated responses provided in the *Response to City of Dana Point Geotechnical Report Review* (2019b), and the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (2020) both prepared by GMU, as well as the Geotechnical Review (August 2020) prepared by Ninyo & Moore for the proposed project, which included a review of available geologic maps, literature, topographic maps, aerial photographs, and a subsurface evaluation, no landslides or related features underlie the project site. The existing coastal bluffs adjacent to the project site have been mapped where surficial instability and cracking may occur. However, based on the distance between the bluffs and the project site, the potential for landslides to impact the proposed development is considered very low. Development of the proposed project would occur entirely within the limits of the project site south of Dana Point Harbor Drive and would not involve construction activities near the adjacent coastal bluffs. Furthermore, as the proposed project would replace an existing hotel on the site, the proposed project would not introduce a new land use that would expose people or structures to hazards for potential landslides that may occur as a result of seismic activity at the adjacent coastal bluffs. Based on the distance between the coastal bluffs and the project site, and the nature of the development of the proposed hotels on a previously developed site, neither construction nor operation of the proposed project would cause potential substantial adverse effects including loss, injury or death involving landslides. Impacts related to seismically induced landslides would be less than significant and no mitigation is required.

Threshold 4.5.2: Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. During construction activities, soil would be exposed and there would be an increased potential for soil erosion compared to existing conditions due to soil disturbance and the exposure of substantial amounts of soil to weather conditions (e.g., wind and rain). During a

storm event, soil erosion could occur at an accelerated rate. The increased erosion potential could result in short-term water quality impacts as identified in Section 4.8, Hydrology and Water Quality. During construction, the Project Applicant would be required to adhere to the requirements of the General Construction Permit and utilize typical BMPs specifically identified in the SWPPP (as required by Standard Condition 4.8-1 [SC 4.8-1]) for the project in order to prevent construction pollutants from contacting stormwater and to keep all products of erosion from moving off-site into receiving waters. The DPHRP&DR require erosion control plans for all projects within Dana Point Harbor requiring a grading permit, and the County of Orange Municipal Code Section 7-1-836 also requires erosion control plans to be prepared in accordance with Subarticle 13 of the Grading Manual and submitted to the County Building Office for approval. The SWPPP and Erosion Control Plan would detail the BMPs to be implemented during construction. Construction BMPs would include, but not be limited to Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Compliance with the requirements of the requirements of the Construction General Permit, the County of Orange Municipal Code, and the City Municipal Code, would ensure that construction impacts related to erosion would be less than significant.

The proposed project would result in a decrease in the impervious area on the project site and a net decrease in stormwater runoff. In addition, a Preliminary Water Quality Management Plan (WQMP) that includes a Drainage Management Plan has been prepared for the proposed project. The Preliminary WQMP includes proposed Site Design BMPs, including: minimizing impervious area; preserving existing drainage patterns and timing of concentration; disconnecting impervious areas; revegetating disturbed areas; minimizing soil compaction; runoff collection; and water efficient landscaping with native or drought tolerant species. Therefore, the proposed project would not result in substantial on-site or downstream erosion, siltation, or flooding. Impacts from operation of the proposed project related to erosion would be less than significant, and no mitigation is required.

Threshold 4.5.3: Would the project 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-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse?

Slope Stability.

Less Than Significant with Mitigation Incorporated. As previously stated, no existing landslides are present on or immediately adjacent to the project site. Geologic mapping for the site does not indicate that the site is susceptible to landsliding. In addition, the project site is in a generally flat area with no evidence of historic landslides. Therefore, the potential for seismically induced landslides on site is considered low.

As part of the project design, the building walls of Dana House Hotel will receive planted fill slopes as part of the architectural design. Portions of the fill slopes are anticipated to be constructed at 1.5H:1V (horizontal:vertical) inclination using on-site soil and reinforced with geogrid in order to minimize surficial instability. The recommendations provided in the Preliminary Geotechnical Investigation are based on a surficial stability analysis for 15 ft high

geogrid-reinforced fill slopes. In addition, grading would entail cut-and-fill slopes, and construction of retaining walls and below-grade walls would be necessary in some areas. Furthermore, shoring would be required during excavation. Unstable cut-and-fill slopes could create significant short-term and long-term hazards. MM 4.5-1 requires planned grading and shoring to conform to the recommendations of the Preliminary Geotechnical Investigation, which contains specific recommendations for addressing potential slope instability and geogrid-reinforced fill slopes. With implementation of MM 4.5-1, the project's impacts related to slope instability would be less than significant.

Unsuitable Soils.

Corrosive Soils and Soluble Sulfate Content.

Less Than Significant with Mitigation Incorporated. Corrosive soils contain constituents or physical characteristics that attack concrete (water-soluble sulfates) and/or ferrous metals (chlorides, ammonia, nitrates, low pH levels, and low electrical resistivity). Corrosive soils could potentially create a significant hazard to the project by weakening the structural integrity of the concrete and metal used to construct the building and could potentially lead to structural instability. Corrosion testing indicates that the on-site soils have a moderate sulfate exposure level and are corrosive to buried ferrous metals and reinforcing steel. Consequently, any metal exposed to the soil will need protection.

As required by MM 4.5-1, the use of special coatings or cathodic protection around buried metal structures would reduce corrosion potential. Additional provisions will be required to address high chloride contents of the soil per the 2019 CBC to protect the concrete reinforcement. The laboratory testing program performed as part of the Preliminary Geotechnical Investigation for the project does not address the potential for corrosion to copper piping. In this regard, a corrosion engineer should be consulted to perform more detailed testing and develop appropriate mitigation measures, if necessary. MM 4.5-2 would also require the Project Applicant to comply with the requirements of the 2019 CBC related to corrosive soils. With implementation of MM 4.5-1 and MM 4.5-2, potential impacts related to corrosive soils would be reduced to a less than significant level.

Settlement Potential.

Less Than Significant with Mitigation Incorporated. The amount of settlement for a site is dependent on the thickness of design fills, the loading conditions, and the nature of the native materials underlying the fill. Potential ground settlement may be separated into three types: (1) hydroconsolidation of unconsolidated soils left in place above the water table, (2) consolidation settlement of compressible soils left in place below the water table, and (3) liquefaction-induced settlement of loose, granular layers below the water table.

Static settlement of the site will be induced by introducing new building loads to existing grades and subsurface soils. The underlying artificial fill and native soils encountered are slightly to moderately compressible under load with low levels of hydro-collapse (based on

laboratory testing performed for adjacent sites). However, the geotechnical engineering characteristics of the underlying surficial soils are highly variable.

As described in Threshold 4.5.1(iii), the Preliminary Geotechnical Investigation found that seismic settlements due to liquefaction could be up to 3.5 inches on the project site. Corrective grading will be required to support the proposed improvements.

Compliance with the recommendations contained in the Preliminary Geotechnical Investigation for the proposed project, including those related to earthwork activities, such as corrective grading, and foundation design, would be required to reduce potential impacts related to ground settlement. Implementation of MM 4.5-1 would reduce potential impacts with respect to ground settlement to a less than significant level.

Subsidence.

Less Than Significant Impact. The phenomenon of widespread land sinking, or subsidence, is generally related to substantial overpumping of groundwater or petroleum reserves from deep underground reservoirs. Overpumping and excessive groundwater withdrawal have not occurred in the project area. In addition, the project site does not have an oil, gas, or water pump on site and none are located near the site. The project site has not been used for the extraction of these resources. Subsidence is therefore not considered a potential constraint or a potentially significant impact of the project, and no mitigation is required.

Lateral Spreading.

Less Than Significant with Mitigation Incorporated. The project site has a high potential for lateral spreading due to the free face geometry of the site adjacent to the existing sea wall and harbor and the presence of shallow liquefiable soils with low residual shear strengths. The lateral displacement was analyzed utilizing the MCE seismic loading and indicated that the post-earthquake slope stability safety factors with liquefied residual shear strengths were less than 1.3, indicating the potential for earthquake-induced flow failure. Therefore, there will be a high potential for some lateral movements of these slopes after liquefaction of the soils during the design earthquake. The lateral deformations due to the cyclic mobility of the slopes are estimated to be greater than 90 inches. Therefore, the proposed project would result in potentially significant impacts related to lateral spreading and mitigation will be required along the southern portion of the site adjacent to the existing sea wall (i.e., such as some type of ground improvement). Compliance with the recommendations contained in the Preliminary Geotechnical Investigation for the proposed project, including the installation of a series of deep soil mixing columns or rammed aggregate piers to reduce lateral deformations to an acceptable range, would be required to reduce potential impacts related to lateral spreading. Implementation of MM 4.5-1 would reduce potential impacts with respect to ground settlement to a less than significant level.

Threshold 4.5.4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating direct or indirect substantial risks to life or property?

Less Than Significant with Mitigation Incorporated. Expansive soils contain types of clay minerals that may expand considerably when they are wet or hydrated. Volume changes associated with changes in the moisture content of near-surface expansive soils can cause uplift or heave of the ground when they become wet or, less commonly, cause settlement when they dry out.

As described above, the project site is largely overlaid with artificial fill. Site soils within the foundation influence zone are anticipated to have a low-to-medium expansion potential based on GMU's recent laboratory test results and local experience. The Preliminary Geotechnical Investigation contains specific construction recommendations for building foundations and other structural design elements to reduce project impacts associated with expansive soils to a less than significant level. MM 4.5-1 incorporates the recommendations in the Preliminary Geotechnical Investigation related to expansive soils, including the use of mat foundations or geopier-supported foundations and the use of on-site soil material for trench backfilling. Therefore, adherence to MM 4.5-1 will reduce project impacts related to expansive soils to a less than significant level.

Threshold 4.5.6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. As described above, the Paleontology Literature and Records Review obtained from the San Bernardino County Museum for the Dana Point Harbor Revitalization Project Program EIR (2006) indicates that Dana Point Harbor, including the project site, is underlain by sediments of the Capistrano Formation, which have yielded fossil remains of foraminifera, mollusks, echinoids, and marine vertebrates including sharks and whales. As described above, the results of the Geotechnical Investigations have shown that the project site is underlain by artificial fill and marine deposits, which in turn overlie bedrock of the Capistrano Formation (see Appendix F, Geotechnical Investigations [GMU]). The depths of these materials vary slightly under each proposed hotel but generally, most of the area of disturbance is underlain by approximately 15 to 30 ft of surficial soils consisting of artificial fill atop marine deposits. A small area near Dana Point Harbor Drive has no fill and consists of the Capistrano Formation only. As described in Chapter 3.0, Project Description, excavation depths for the hotel would range up to 3 ft, and excavation for utility trenching may extend up to 10 ft. Therefore, construction activities are not anticipated to include excavation depths that have the potential to reach the Capistrano Formation underlying these surficial soils. However, as the Capistrano Formation has the potential to yield fossils, Program EIR No. 591 included Standard Condition of Approval 4.11-1 (SCA 4.11-1) to recommend monitoring for paleontological resources where earth-moving or disturbing activities would occur. The monitoring requirements from SCA 4.11-1 would also be required for the proposed project as provided in Standard Condition 4.5-1 (SC 4.5-1) below. With implementation of SC 4.5-1, impacts to paleontological resources would be less than significant. No mitigation is required.

4.5.7 Level of Significance Prior to Mitigation

The proposed project would result in potentially significant impacts with respect to strong seismic ground shaking, ground failure (including liquefaction), slope stability, corrosive soils, ground settlement and expansive soils, without the implementation of applicable mitigation measures.

4.5.8 Standard Conditions of Approval and Mitigation Measures

In addition to the standard condition and mitigation measures provided below, refer to SC 4.8-1 detailed in Section 4.8, Hydrology and Water Quality, of this Draft EIR.

Standard Condition 4.5-1

Paleontological Resource Monitoring. Prior to issuance of any grading permit, the Project Applicant shall provide written evidence that a County of Orange-certified paleontologist has been retained to observe grading activities that may extend to the Capistrano Formation and salvage and catalogue paleontological resources as necessary. The paleontologist 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. If paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with OC Parks, 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 paleontologist's follow-up report from the Director of OC Parks. 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 County of Orange, 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 Director of OC Parks.

Mitigation Measure 4.5-1

Incorporation of and Compliance with the Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review. All grading operations and construction on the project site shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Investigation (GMU 2019a), the *Response to City of Dana Point Geotechnical Report Review* (GMU 2019b), the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (GMU 2020), and the Geotechnical Review (Ninyo & Moore 2020). Design, grading, and construction shall be performed in accordance with the requirements of the City of Dana Point (City) Municipal Code, County of Orange (County) Codes, and the California Building Code (CBC) applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project Geotechnical Consultant as summarized in a final written report. All grading and construction documents shall be subject to review by the Director of the County Public Works Department, or designee, prior to

commencement of grading activities. Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review include, but are not limited to, the following topics:

- Clearing and Grubbing
- Remedial Grading
- Foundation Design (either Mat Founds or Geopiers/Equivalent Gravel Piers)
- Appurtenant Structures/Retaining Walls
- Screen Walls
- Vehicular Pavement
- Flatwork/Hardscape/Pedestrian Pavers
- Geogrid Reinforced Fill Slopes
- Temporary Excavations
- Shoring
- Lateral Spreading
- Pole Foundations
- Structural Concrete
- Ferrous Metal Corrosion
- Trench Backfill

Final Design-Level Geotechnical Report. Additional site testing and evaluation shall be conducted by the project Geotechnical Consultant to refine and enhance these recommendations during the final design phase. A corrosion engineer shall be consulted to perform more detailed testing and develop appropriate mitigation measures, if necessary. Grading plan review shall also be conducted by the Geotechnical Consultant and the Director of the County Public Works Department, or designee, prior to the start of grading to verify that the recommendations provided in the final design-level geotechnical report have been appropriately incorporated into the project plans. Final design shall be based on testing and analyses of the near-surface soils following the completion of grading. Design, grading, and construction shall be conducted in accordance with the specifications of the Geotechnical Consultant as summarized in a final report based on the California Building Code (CBC) applicable at the time of grading and building and the County Municipal Code. On-site inspection during grading shall be conducted by the Geotechnical Consultant and the Director of the County Public Works Department to ensure compliance with geotechnical specifications as incorporated into project plans.

Mitigation Measure 4.5-2

California Building Code Compliance and Seismic Standards. Structures shall be designed in accordance with the seismic parameters presented in the 2019 CBC. Prior to issuance of building permits for planned structures, the project Geotechnical Consultant

and the Director of the County Public Works Department, or designee, shall review building plans to verify that structural design conforms to the recommendations of the CBC.

4.5.9 Level of Significance after Mitigation

The proposed project would result in less than significant impacts with respect to geology and soils following implementation of MM 4.5-1 and MM 4.5-2.

4.5.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines,* cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects.

For geology and soils, the cumulative study area consists of the area that could be affected by proposed project activities and the areas affected by other projects whose activities could directly or indirectly affect the geology and soils of the project site. The analysis above indicated no rare or special geological features or soil types on the project site that would be affected by project activities and no other known activities or projects with activities that affect the geology and soils of this site. In addition, the proposed project, as with all foreseeable projects, would be required to comply with the applicable State and local requirements, including the DPHRP&DR, the Orange County Code, and CBC requirements. Therefore, the project's contribution to cumulative geotechnical and soil impacts is less than significant.

For paleontological resources, the cumulative study area is the geographical area of the Dana Point Harbor, which is the geographical area covered by the City's General Plan and DPHRP&DR, including all goals and policies included therein. Future development in Dana Point Harbor could include excavation and grading that could potentially affect paleontological resources. The cumulative effect of the proposed project is the continued loss of these resources. The proposed project, in conjunction with other development in the City, has the potential to cumulatively impact paleontological resources; however, it should be noted that each development proposal received by the City that requires discretionary approval would be required to undergo environmental review pursuant to CEQA. If there is a potential for significant impacts to paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. If subsurface paleontological resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. In addition, the City's General Plan policies would be implemented as appropriate to reduce the effects of additional development within the City. Therefore, the project's contribution to the cumulative destruction of known and/or unknown paleontological resources within the City would be less than significant.

4.6 GREENHOUSE GAS EMISSIONS

This section provides a discussion of global climate change (GCC), existing regulations pertaining to GCC, and an analysis of greenhouse gas (GHG) emissions associated with the proposed Dana Point Harbor Hotels Project (proposed project). This section assesses the proposed project in accordance with methodologies recommended by California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD) and utilizes the latest version of the California Emissions Estimator Model (CalEEMod) (v2016.3.2) to determine construction and operational GHG emissions of the proposed project. The CalEEMod modeling sheets are included in Appendix C of this Draft Environmental Impact Report (EIR).

4.6.1 Scoping Process

The City of Dana Point (City) received 8 comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). One letter received included comments related to GHG emissions. For copies of the IS/NOP comment letters, refer to Appendix A of this EIR.

The letter from SCAQMD, received on October 22, 2020, suggested that the proposed project utilize SCAQMD's *CEQA Air Quality Handbook* (1993 and associated updates) and CalEEMod to analyze air quality and GHG impacts.

4.6.2 Existing Environmental Setting

The proposed project site is located in the City of Dana Point, which is part of the South Coast Air Basin (Basin) and is under the jurisdiction of the SCAQMD.

4.6.2.1 Description of Global Climate Change and its Sources

GCC is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other significant changes in climate (e.g., precipitation or wind) that last for an extended period of time. The term "global climate change" is often used interchangeably with the term "global warming," but "global climate change" is preferred to "global warming" because it helps convey that there are other changes in addition to rising temperatures.

Climate change refers to any change in measures of weather (e.g., temperature, precipitation, or wind) lasting for an extended period (decades or longer). Climate change may result from natural factors (e.g., changes in the sun's intensity), natural processes within the climate system (e.g., changes in ocean circulation), or human activities (e.g., the burning of fossil fuels, land clearing, or agriculture). The primary observed effect of GCC has been a rise in the average global tropospheric[1] temperature of 0.36 degrees Fahrenheit (°F) per decade, determined from meteorological measurements worldwide between 1990 and 2005. Climate change modeling shows that further warming may occur, which may induce additional changes in the global climate system during the current century. Changes to the global climate system, ecosystems, and the environment of the State could include higher sea levels, drier or wetter weather, changes in ocean salinity, changes in wind patterns, or more energetic aspects of extreme weather, including droughts, heavy precipitation, heat waves, extreme cold, and

[1] The troposphere is the zone of the atmosphere characterized by water vapor, weather, winds, and decreasing temperature with increasing altitude.

increased intensity of tropical cyclones. Specific effects in the State might include a decline in the Sierra Nevada snowpack, erosion of the State's coastline, and seawater intrusion in the San Joaquin Delta.

Global surface temperatures have risen by 1.33°F ±0.32°F over the last 100 years. The rate of warming over the last 50 years is almost double that over the last 100 years (Intergovernmental Panel on Climate Change [IPCC] 2013). The latest projections, based on state-of-the-art climate models, indicate that temperatures in the State are expected to rise 3°F to 10.5°F by the end of the century (California Energy Commission [CEC] 2007). The prevailing scientific opinion on climate change is that "most of the warming observed over the last 60 years is attributable to human activities" (IPCC 2013). Increased amounts of carbon dioxide (CO_2) and other GHGs are the primary causes of the human-induced component of warming. The observed warming effect associated with the presence of GHGs in the atmosphere (from either natural or human sources) is often referred to as "the greenhouse effect."[1]

GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced GCC are:[2]

- Carbon dioxide (CO_2);
- Methane (CH_4);
- Nitrous oxide (N_2O);
- Hydrofluorocarbons (HFCs);
- Nitrogen Trifluoride (NF_3);
- Perfluorocarbons (PFCs); and
- Sulfur hexafluoride (SF_6).

Over the last 200 years, human activities have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, which some scientists believe can cause global warming. While GHGs produced by human activities include naturally occurring GHGs (e.g., CO_2, CH_4, and N_2O), some gases (e.g., HFCs, PFCs, and SF_6) are completely new to the atmosphere. Certain other gases (e.g., water vapor) are short-lived in the atmosphere compared to these GHGs, which remain in the atmosphere for significant periods of time and contribute to climate change in the long term. Water vapor is generally excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes

[1] The temperature on Earth is regulated by a system commonly known as the "greenhouse effect." Just as the glass in a greenhouse allows heat from sunlight in and reduces the amount of heat that escapes, GHGs like CO_2, CH_4, and N_2O in the atmosphere keep the Earth at a relatively even temperature. Without the greenhouse effect, the Earth would be a frozen globe; thus, the *naturally occurring* greenhouse effect is necessary to keep our planet at a comfortable temperature.

[2] The GHGs listed are consistent with the definition in Assembly Bill 32 (Government Code 38505), as discussed later in this EIR section.

(e.g., oceanic evaporation). For the purposes of this GHG analysis, the term "GHGs" will refer collectively to the six gases identified in the bulleted list provided above.

These gases vary considerably in terms of global warming potential (GWP), which is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. GWP is based on several factors, including the relative effectiveness of a gas in absorbing infrared radiation and the length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to CO_2, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO_2 over a specified time period. GHG emissions are typically measured in terms of metric tons[1] of CO_2 equivalents (MT CO_2e). For example, N_2O is 298 times more potent at contributing to global warming than CO_2. Table 4.6.A identifies the GWP for each GHG analyzed in this report.

Table 4.6.A: Global Warming Potential for Selected Greenhouse Gases

Pollutant	Lifetime (Years)	Global Warming Potential (100-year)[1]
CO_2	~100[2]	1
CH_4	12	25
N_2O	121	298

Source: First Update to the Climate Change Scoping Plan (CARB 2014).

[1] The 100-year global warming potential estimates are from *Climate Change 2007: The Physical Science Basis* (IPCC 2007).

[2] CO_2 has a variable atmospheric lifetime and cannot be readily approximated as a single number.

CARB = California Air Resources Board
CH_4 = methane
CO_2 = carbon dioxide
IPCC = Intergovernmental Panel on Climate Change
N_2O = nitrous oxide

The following discussion summarizes the characteristics of the seven primary GHGs.

Carbon Dioxide. In the atmosphere, carbon generally exists in its oxidized form as CO_2. Natural sources of CO_2 include the respiration (breathing) of humans, animals, and plants; volcanic outgassing; decomposition of organic matter; and evaporation from the oceans. Human-caused sources of CO_2 include the combustion of fossil fuels and wood, waste incineration, mineral production, and deforestation. The Earth maintains a natural carbon balance, and when concentrations of CO_2 are upset, the system gradually returns to its natural state through natural processes. Natural changes to the carbon cycle work slowly, especially compared to the rapid rate at which humans are adding CO_2 to the atmosphere. Natural removal processes (e.g., photosynthesis by land- and ocean-dwelling plant species) cannot keep pace with this extra input of human-made CO_2, and consequently the gas is building up in the atmosphere. The concentration of CO_2 in the atmosphere has risen approximately 30 percent since the late 1800s (CalEPA 2010).

The transportation sector remained the largest source of GHG emissions in 2016, representing 39 percent of the State's GHG emission inventory (CalEPA 2019). The largest emissions category

[1] A metric ton is equivalent to approximately 1.1 standard tons.

within the transportation sector is on-road, which consists of passenger vehicles (cars, motorcycles, and light-duty trucks) and heavy-duty trucks and buses. Emissions from on-road sources constitute more than 92 percent of the transportation sector total. Industry and electricity generation were the State's second- and third-largest categories of GHG emissions, respectively.

Methane. CH_4 is produced when organic matter decomposes in environments lacking sufficient oxygen. Natural sources of CH_4 include fires, geologic processes, and bacteria that produce CH_4 in a variety of settings (most notably, wetlands) (EPA 2010). Anthropogenic sources include rice cultivation, livestock, landfills and waste treatment, biomass burning, and fossil fuel combustion (e.g., the burning of coal, oil, and natural gas). As with CO_2, the major removal process of atmospheric CH_4—a chemical breakdown in the atmosphere—cannot keep pace with source emissions, and CH_4 concentrations in the atmosphere are increasing.

Nitrous Oxide. N_2O is produced naturally by a wide variety of biological sources, particularly microbial action in soils and water. Tropical soils and oceans account for the majority of natural source emissions. N_2O is also a product of the reaction that occurs between nitrogen and oxygen during fuel combustion. Both mobile and stationary combustion sources emit N_2O. The quantity of N_2O emitted varies according to the types of fuel, technology, and pollution control devices used, as well as maintenance and operating practices. Agricultural soil management and fossil fuel combustion are the primary sources of human-generated N_2O emissions in the State.

Hydrofluorocarbons, Perfluorocarbons, Nitrogen Trifluoride, and Sulfur Hexafluoride. HFCs are primarily used as substitutes for O_3-depleting substances regulated under the Montreal Protocol.[1] PFCs, NF_3, and SF_6 are emitted from various industrial processes, including aluminum smelting, semiconductor manufacturing, electric power transmission and distribution, and magnesium casting. There is no aluminum or magnesium production in the State; however, the rapid growth in the semiconductor industry, which is active in the State, has led to greater use of PFCs. However, there are no known project-related emissions of these four GHGs; therefore, these substances are not discussed further in this analysis.

4.6.2.2 Emissions Sources and Inventories

An emissions inventory that identifies and quantifies the primary human-generated sources and sinks of GHGs is a well-recognized and useful tool for addressing climate change. This section summarizes the latest information on global, national, State, and local GHG emission inventories. However, because GHGs persist for a long time in the atmosphere, accumulate over time, and are generally well mixed, their impact on the atmosphere and climate cannot be tied to a specific point of emission.

Global Emissions. Worldwide emissions of GHGs in 2017 totaled 25.6 billion MT CO_2e (UNFCCC 2019). Global estimates are based on country inventories developed as part of the programs of the United Nations Framework Convention on Climate Change (UNFCCC).

[1] The Montreal Protocol is an international treaty that was approved on January 1, 1989, and was designated to protect the O_3 layer by phasing out the production of several groups of halogenated hydrocarbons that are believed to be responsible for O_3 depletion and are also potent GHGs.

United States Emissions. In 2017, the United States emitted 6.457 billion MT CO_2e, down from 7.370 billion MT in 2007. Total United States emissions increased by 2.8 percent from 1990 to 2016, and emissions decreased from 2016 to 2017 by 0.55 percent. Of the six major sectors nationwide—the electric power industry, transportation, industry, agriculture, commercial, and residential—the electric power industry and transportation sectors combined account for 70 percent of the GHG emissions; the majority of the electric power industry and all of the transportation emissions are generated from direct fossil fuel combustion. Greenhouse gas emissions in 2016 were 11.6 percent below 2005 levels (EPA 2019).

State of California Emissions. According to CARB emission inventory estimates, the State emitted 425 million metric tons of CO_2e (MMT CO_2e) emissions in 2018 (CARB 2020). This represents an overall decrease of 18 percent since peak levels in 2004 and 6 MMT CO_2e below the 1990 level and the State's 2020 GHG target (CARB 2020).

CARB estimates that transportation was the source of approximately 40 percent of the State's GHG emissions in 2018, followed by electricity generation (both in State and out of State) at 15 percent and industrial sources at 21 percent. The remaining sources of GHG emissions were residential and commercial activities at 10 percent, agriculture at 8 percent, waste at 2 percent, and other unspecified sources at 1 percent (CARB 2020).

4.6.3 Regulatory Setting

4.6.3.1 Federal Regulations

GHG Endangerment. In *Massachusetts v. Environmental Protection Agency,* 549 U.S. 497, which was decided on April 2, 2007, the United States Supreme Court found that four GHGs, including CO_2, are air pollutants subject to regulation under Section 202(a)(1) of the federal Clean Air Act (CAA). The Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- **Endangerment Finding:** The Administrator found that the current and projected concentrations of the six key well-mixed GHGs (i.e., CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6) in the atmosphere threaten the public health and welfare of current and future generations.

- **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section titled "Clean Vehicles" below. After a lengthy legal challenge, the United States Supreme Court declined to review an Appeals Court ruling that upheld the EPA Administrator's findings.

4.6.3.2 State Regulations

Assembly Bill 4420. In 1988, Assembly Bill (AB) 4420 directed the CEC to report on "how global warming trends may affect the State's energy supply and demand, economy, environment, agriculture, and water supplies" and offer "recommendations for avoiding, reducing and addressing the impacts." This marked the first statutory direction to a State agency to address climate change.

Senate Bill 1771. The California Climate Action Registry was created to encourage voluntary reporting and early reductions of GHG emissions with the adoption of Senate Bill (SB) 1771 in 2000. The CEC was directed to assist by developing metrics and identifying and qualifying third-party organizations to provide technical assistance and advice to GHG emission reporters. The next year, SB 527 amended SB 1771 to emphasize third-party verification.

SB 1771 also contained several additional requirements for the CEC, including (1) updating the State's GHG inventory from an existing 1998 report and continuing to update it every five years; (2) acquiring, developing, and distributing information on GCC to agencies and businesses; (3) establishing a State interagency task force to ensure policy coordination; and (4) establishing a climate change advisory committee to make recommendations on the most equitable and efficient ways to implement GCC requirements. In 2006, AB 1803 transferred preparation of the inventory from the CEC to the CARB. The CARB updates the inventory annually.

Assembly Bill 1493. AB 1493, authored by Assembly Member Fran Pavley in 2002, directed the CARB to adopt regulations to achieve the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles. The so-called "Pavley" regulations, or Clean Car regulations, were approved by the CARB in 2004. On September 24, 2009, the CARB adopted amendments to the "Pavley" regulations that reduced GHG emissions in new passenger vehicles from 2009 through 2016. AB 1493 also directed the State's Climate Action Registry to adopt protocols for reporting reductions in GHG emissions from mobile sources prior to the operative date of the regulations.

California Renewables Portfolio Standard Program. The California Renewables Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of its retail sales with renewable power by 2017, was established by SB 1078 in 2002. The Renewables Portfolio Standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent reduction target. The renewable electricity standard is projected to reduce GHG emissions from the electricity sector by at least 12 MMT CO_2e.

Executive Order S-3-05. Executive Order (EO) S-3-05 (June 2005) established GHG targets for the State (e.g., returning to year 2000 emission levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050). EO S-3-05 directed the Secretary of the California Environmental Protection Agency (CalEPA) to coordinate efforts to meet the targets with the heads of other State agencies. This group became the Climate Action Team.

Assembly Bill 32. In 2006, the State Legislature passed the California Global Warming Solutions Act of 2006 (AB 32), which created a comprehensive, multiyear program to reduce GHG emissions in

California. AB 32 required the CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the CARB in 2008 and must be updated every five years. The CARB approved the First Update to the Climate Change Scoping Plan on May 22, 2014. In 2016, the State Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the State Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. The CARB has prepared a second update to the Scoping Plan to reflect the 2030 target set by EO B-30-15 and codified by SB 32.

Reduction of GHG Emissions from Transportation Sources. California is implementing the world's first Low Carbon Fuel Standard for transportation fuels, pursuant to both EO S-01-07 (signed January 2007) and AB 32. The standard requires a reduction of at least 10 percent in the CO intensity of the State's transportation fuels by 2020 and at least 20 percent by 2030. Since the regulation went into effect, low carbon fuel use has increased with a trajectory to meet the reduction goals. Also in 2007, AB 118 created the Alternative and Renewable Fuel and Vehicle Technology Program. The CEC and CARB administer this program, which provides funding for alternative fuel and vehicle technology research, development, and deployment in order to attain the State's climate change goals, achieve the State's petroleum reduction objectives and GHG emission reduction standards, develop public and private partnerships, and ensure a secure and reliable fuel supply.

In addition to vehicle emissions regulations and the Low Carbon Fuel Standard, the third effort to reduce GHG emissions from transportation is the reduction in the demand for personal vehicle travel (i.e., Vehicle Miles Traveled [VMT]). This measure was addressed in September 2008 through the Sustainable Communities and Climate Protection Act of 2008, or SB 375. The enactment of SB 375 initiated an important new regional land use planning process to mitigate GHG emissions by integrating and aligning planning for housing, land use, and transportation for California's 18 Metropolitan Planning Organizations (MPOs). The bill directed the CARB to set regional GHG emission reduction targets for most areas of the State. SB 375 also contained important elements related to federally mandated regional transportation plans and the alignment of State transportation and housing planning processes.

Final 2017 Climate Change Scoping Plan Update. CARB released the Final 2017 Climate Change Scoping Plan Update in November 2017. This Climate Change Scoping Plan Update establishes a proposed framework of action for California to meet the target of 40 percent reduction in GHGs by 2030 compared to 1990 levels. This goal builds on California's success in establishing effective policies that have helped reduce emissions of GHGs while delivering substantial economic and environmental benefits. Further, the goal aligns California with the rest of the world in the global effort to fight climate change.

The first Scoping Plan was required by AB 32, the Global Warming Solutions Act, and was adopted in 2008. Under that plan, California set in place a range of effective programs to slash GHGs from cars, trucks, fuels, industry, and electrical generation, and the State is well on its way to achieving the goal of AB 32 to reach 1990 levels of GHGs by 2020. The 2017 Climate Change Scoping Plan Update builds on those programs and takes aim at the 2030 target established by SB 32 (Pavley). That bill and related laws are designed specifically to continue California's leadership in the fight against climate change and guide the State toward an equitable clean energy economy and prosperous

future. To reach that future, the 2017 Climate Change Scoping Plan Update draws on the successes and the lessons learned from the first chapter of California's efforts to fight climate change under AB 32. The 2017 Climate Change Scoping Plan Update builds on key programs such as the Cap-and-Trade Regulation; the Low Carbon Fuel Standard; and much cleaner cars, trucks, and freight movement, powering the State with cleaner renewable energy, and strategies to reduce methane emissions from agricultural and other wastes by using methane to meet energy needs.

4.6.3.3 Regional Regulations

South Coast Air Quality Management District. The SCAQMD is the air pollution control agency for Orange County, as well as the urban portions of Los Angeles, Riverside, and San Bernardino Counties. The SCAQMD addresses the impacts to climate change from projects subject to SCAQMD permits as a lead agency if they are the only agency having discretionary approval for the project, and acts as a responsible agency when a land use agency must also approve discretionary permits for the project. The SCAQMD acts as an expert commenting agency for impacts to air quality. This expertise carries over to GHG emissions, so the agency helps local land use agencies through the development of models and emission thresholds that can be used to address GHG emissions. All projects within the Basin are subject to SCAQMD rules and regulations in effect at the time of construction.

In 2008, SCAQMD formed a GHG CEQA Significance Threshold Working Group (Working Group) to identify GHG emissions thresholds for land use projects that could be used by local lead agencies in the Basin. The Working Group developed several different options that are contained in the SCAQMD draft guidance document titled *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans* (December 5, 2008) that could be applied by lead agencies. On September 28, 2010, SCAQMD Working Group Meeting No. 15 provided further guidance, including an interim numerical screening-level threshold of 3,000 metric tons (MT) of CO_2e annually, and an efficiency-based threshold of 4.8 MT of CO_2e per service population per year in 2020 and 3.0 MT of CO_2e per service population per year in 2035. The SCAQMD has not presented a finalized version of these thresholds to the governing board.

The SCAQMD identifies the emissions level for which a project would not be expected to substantially conflict with any State legislation adopted to reduce statewide GHG emissions. As such, the utilization of a service population represents the rates of emissions needed to achieve a fair share of the State's mandated emissions reductions. Overall, SCAQMD identifies a GHG efficiency level that, when applied statewide or to a defined geographic area, would meet the year 2020 and post-2020 emissions targets as required by AB 32 and SB 32. If projects are able to achieve targeted rates of emissions per the service population, the State will be able to accommodate expected population growth and achieve economic development objectives, while also abiding by AB 32's emissions target and future post-2020 targets.

Regional Transportation Plan/Sustainable Communities Strategy. The Southern California Association of Governments (SCAG) is a regional council consisting of the following six counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. In total, the SCAG region encompasses 191 cities and over 38,000 square miles within Southern California. SCAG is the MPO serving the region under federal law, and serves as the Joint Powers Authority, the Regional

Transportation Planning Agency, and the Council of Governments under State law. As the Regional Transportation Planning Agency, SCAG prepares long-range transportation plans for the Southern California region, including the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

The SCAG region was home to approximately 19.1 million people in 2019 and currently includes approximately 6.0 million homes and 8.7 million jobs. By 2045, the integrated growth forecast projects that these figures will increase by 3.4 million people, with nearly 1.3 million new homes and 1.3 million new jobs. The Connect SoCal 2020–2045 RTP/SCS is the region's transportation and sustainability investment strategy for protecting and enhancing the region's quality of life and economic prosperity through this period. The Connect SoCal 2020 RTP/SCS is also expected to help the State reach its SB 375 GHG reduction goals: reductions in per capita transportation emissions of eight (8) percent by 2020 and 16 percent by 2035. In addition, the Connect SoCal 2020 RTP/SCS GHG emissions reduction trajectory shows that more aggressive GHG emissions reductions are projected for 2040. The Connect SoCal 2020 RTP/SCS would result in an estimated eight (8) percent decrease in per capita GHG emissions by 2020, 18 percent decrease in per capita GHG emissions by 2035, and 21 percent decrease in per capita GHG emissions by 2040. By meeting and exceeding the SB 375 targets for 2020 and 2035, as well as achieving an approximately 21 percent decrease in per capita GHG emissions by 2040, the Connect SoCal 2020 RTP/SCS is expected to fulfill and exceed its portion of SB 375 compliance with respect to meeting the California's GHG emission reduction goals.

4.6.3.4 Local Regulations

Dana Point Energy Efficiency and Conservation Plan. The Dana Point Energy Efficiency and Conservation Plan was adopted in December 2011[1]. This stand-alone plan identifies goals and measures that can be utilized to reduce energy consumption and promote conservation of natural resources. The Dana Point Energy Efficiency and Conservation Plan outlines seven goals for the City to use as pathways to future energy reduction and outlines GHG reduction goals. The goals cover both measures that City operations can undertake and measures the citizens of Dana Point can accomplish within the community and they include: Energy Consumption, Sustainable Land Use and Development, Sustainable Construction, Effective Transportation, Water Efficiency and Conservation, Waste Reduction, and Public Education and Outreach. The goals' broader objectives can be briefly summarized as follows:

- Reduce energy use, and hence reduce greenhouse gas emissions.
- Promote sustainable land use and redevelopment.
- Encourage sustainable construction.
- Promote efficient transportation.
- Continue current efforts to conserve and efficiently use water.
- Reduce waste produced citywide and divert at minimum 50 percent of waste from landfills.
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

[1] City of Dana Point. 2011. Dana Point Energy Efficiency and Conservation Plan. December.

Dana Point Harbor Revitalization Plan & District Regulations. The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) were certified by the California Coastal Commission on October 6, 2011.[1] The DPHRP&DR established new land use policies and development standards for the needed upgrades to visitor serving and marina service areas of Dana Point Harbor. The DPHRP&DR designated planning areas are expected to be redeveloped over the next 5 to 20 years. This plan is designed to improve infrastructure, enhance public access opportunities, commercial and recreational amenities, water quality improvement, and coastal resource preservation. The DPHRP&DR do not include any specific policies related to greenhouse gas emissions; however, the following policies related to air quality are applicable to the project:

Policy 8.9.1-1: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act Section 30250)

Policy 8.9.1-2: Provide commercial areas that are conducive to pedestrian and bicycle circulation.

Policy 8.9.1-4: Assure the development of shuttle systems, train or transit facilities to help reduce vehicular trips and air pollution.

Policy 8.9.1-5: Should asbestos be determined to be present within the existing structures, the project shall comply with SCAQMD Rule 1403, Asbestos Emission from Demolition/Renovation Activities during the demolition process.

Policy 8.9.1-6: Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring and mandates good working practices by workers exposed to lead.

Policy 8.9.1-7: All finishing products used on-site shall meet applicable SCAQMD regulations for solvent content, as required by SCAQMD Rule 1102 and 1171.

Policy 8.9.1-8: To reduce long-term operation emissions from area sources (by implementing energy conservation measures and by reducing motor vehicle emissions) the following measures shall be implemented:

- Install energy-efficient street lighting on the site; and
- Landscape with native or non-invasive and drought-tolerant species to reduce water consumption and provide passive solar benefits, where feasible.

Policy 8.9-10: Reduction of vehicle trips is achieved by implementing the Transportation Management Plan, including:

- Shuttle service to off-site (remote) parking areas when necessary;

[1] City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations. October.

- Shuttle service to regional visitor attractions and for hotel guests;
- Seasonal water taxi service;
- Visitor boat slips and dingy docks located near restaurants and retail areas; and
- Phased construction of new development will minimize the size of areas subject to disruption from construction activities.

Policy 8.9.1-11: In order to reduce operational energy usage and reduce energy production air emissions, Harbor projects are required at a minimum to comply with Title 24 of the California Code of Regulations established by the California Energy Commission regarding energy conservation standards.

4.6.4 Methodology

4.6.4.1 Overview

Impacts related to GHG emissions and GCC were assessed in accordance with methodologies recommended by CARB and the SCAQMD. GHG emissions are typically measured in terms of pounds or tons of "CO_2 equivalents" (CO_2e). The latest version of CalEEMod (v2016.3.2), which was released by the SCAQMD in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air quality districts on October 17, 2017, was used to determine construction and operational air quality emissions of the proposed project. CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Project construction-generated air pollutant emissions were primarily calculated using CalEEMod model defaults for Orange County. However, the length of construction is based on estimates provided by the project Applicant; construction of the proposed project is anticipated to start in January 2022 and would be completed by April 2025, for a duration of approximately 38 months. Operational air pollutant emissions were based on the project site plans and the estimated traffic trip generation rates from the *Traffic Impact Analysis for the Dana Point Harbor Hotels Project, Dana Point, Orange County, California* (Traffic Impact Analysis; TIA) (LSA 2021) (Appendix K). Additionally, operational emissions were calculated using historical energy and utilities data.

4.6.4.2 SCAQMD Interim Significance Thresholds

The City of Dana Point does not currently have formal Climate Action Plan, GHG emission reduction plans, or recommended emissions thresholds for determining significance associated with GHG emissions from development projects. Therefore, the City of Dana Point accepts the interim significance thresholds recommended by the SCAQMD (2008).

As the SCAQMD has recognized, the analysis of GHGs is a much different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, significance thresholds are based on daily emissions because attainment or nonattainment is based on daily exceedances of applicable ambient air quality standards (AAQS). Furthermore, several AAQS are based on relatively short-term exposure effects on human health (e.g., 1-hour and 8-hour). However, since the half-life of CO_2 is approximately 100 years, the effects of GHGs are longer term and affect global climate over

a relatively long time frame. As a result, the SCAQMD's current position is to evaluate GHG effects over a longer time frame than a single day.

The recommended approach for GHG analysis included in the Governor's Office of Planning and Research (OPR) June 2008 release is to (1) identify and quantify GHG emissions, (2) assess the significance of the impact on GHG, and (3) if significant, identify alternatives and/or mitigation measures to reduce the impact to below a level of significance. The June 2008 OPR guidance provides some additional direction regarding planning documents as follows:

> "CEQA can be a more effective tool for GHG emissions analysis and mitigation if it is supported and supplemented by sound development policies and practices that will reduce GHG emissions on a broad planning scale and that can provide the basis for a programmatic approach to project-specific CEQA analysis and mitigation. For local government lead agencies, adoption of general plan policies and certification of general plan EIRs that analyze broad jurisdiction-wide impacts of GHG emissions can be part of an effective strategy for addressing cumulative impacts and for streamlining later project-specific CEQA reviews."

The *State CEQA Guidelines* Section 15064(b) provides that the "determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data," and further, states that an "ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."

While individual projects are unlikely to measurably affect GHG, each project incrementally contributes toward the potential for GHG on a cumulative basis, in concert with all other past, present, and probable future projects. However, despite this, neither the California Environmental Quality Act (CEQA) statutes nor the OPR guidelines, nor the *State CEQA Guidelines* currently prescribe thresholds of significance or a particular methodology for performing an impact analysis. As with most environmental topics, significance criteria are left to the judgment and discretion of the lead agency.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD convened a GHG CEQA Significance Threshold Working Group. Based on the last Working Group meeting held in September 2010 (Meeting No. 15), the SCAQMD proposes a tiered approach be adopted for evaluating GHG emissions for development projects where it is not the lead agency[1]:

- **Tier 1. Exemptions:** If a project is exempt from CEQA, project-level and cumulative GHG emissions are less than significant.

[1] South Coast Air Quality Management District (SCAQMD). 2008. *Draft Guidance Document – Interim CEQA GHG Significance.* October. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmentsa_d.pdf?sfvrsn=2 (accessed December 2020).

- **Tier 2. Consistency with a locally adopted GHG Reduction Plan:** If the project complies with a GHG emissions reduction plan or mitigation program that avoids or substantially reduces GHG emissions in the project's geographic area (i.e., city or county), project-level and cumulative GHG emissions are less than significant.

- **Tier 3. Numerical Screening Threshold:** If GHG emissions are less than the numerical screening-level threshold, project-level and cumulative GHG emissions are less than significant.

  For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD has established two options for assessing GHG emissions that are provided for lead agencies. Option 1 proposes a numerical screening-level threshold of 3,000 MT CO_2e per year for all land use types, and under Option 2, the following land-use-specific thresholds would apply: 1,400 MT CO_2e for commercial projects, 3,500 MT CO_2e for residential projects, or 3,000 MT CO_2e for mixed-use projects. This numerical screening-level threshold is based on a review of the OPR database of CEQA projects. Based on its review of 711 CEQA projects, 90 percent of CEQA projects would exceed the numerical screening threshold identified above. Therefore, projects that do not exceed the numerical screening threshold would have a nominal and therefore less than cumulatively considerable impact on GHG emissions:

- **Tier 4. Performance Standards:** If emissions exceed the applicable numerical screening threshold in Tier 3, a more detailed review of the project's GHG emissions is warranted. SCAQMD has proposed an efficiency target for projects that exceed the applicable numerical screening-level threshold. The current recommended approach is per capita efficiency targets. The SCAQMD is not recommending use of a percent emissions reduction target. Instead, SCAQMD proposes a 2020 efficiency target of 4.8 MT CO_2e per year per service population (MT CO_2e/year/SP) for project-level analyses and 6.6 MT CO_2e/year/SP for plan-level projects (e.g., program-level projects such as general plans). The GHG efficiency metric divides annualized GHG emissions by the service population, which is the sum of residents and employees, per the following equation:

  Rate of Emission: GHG Emissions (MT CO_2e/year) ÷ Service Population

  The efficiency evaluation consists of comparing the project's efficiency metric to efficiency targets. Efficiency targets represent the maximum quantity of emissions each resident and employee in the State of California could emit in various years based on emission levels necessary to achieve the statewide GHG emissions reduction goals. A project that results in a lower rate of emissions would be more efficient than a project with a higher rate of emissions, based on the same service population. The metric considers GHG reduction measures integrated into a project's design and operation (or through mitigation). The per capita efficiency targets are based on the AB 32 GHG reduction target and 2020 GHG emissions inventory prepared for the CARB's 2008 Scoping Plan.

For CEQA purposes, the City as the lead agency has discretion to select an appropriate significance criterion, based on substantial evidence for each discretionary project (SCAQMD 2020). The SCAQMD's adopted numerical threshold of 3,000 MT CO_2e for commercial land uses and 10,000 MT

CO_2e for stationary source emissions from industrial uses, is selected as the significance criterion that has been supported by substantial evidence during SCAQMD adoption of its interim standards.

Bearing in mind that CEQA does not require "perfection" but instead "adequacy, completeness, and a good faith effort at full disclosure," the analysis below is based on methodologies and information available to the City and the project applicant at the time this analysis was prepared. Estimation of GHG emissions in the future does not account for all changes in technology that may reduce such emissions; therefore, the estimates are based on past performance and represent a scenario that is worse than that which is likely to be encountered (after energy-efficient technologies have been implemented). While information is presented below to assist the public and decision-makers in understanding the project's potential contribution to GHG impacts, the information available to the city is not sufficiently detailed to allow a direct comparison between particular project characteristics and particular climate change impacts.

- **Tier 5. Off-Site Mitigation:** Under Tier 5**,** a project would implement off-site mitigation measures to offset project GHG emissions to less than the applicable screening levels. In order to meet these requirements, any project in the South Coast Air Basin that purchases GHG offsets would be required to do so for the life of the project, which is defined as 30 years. If a project fails to remain below the applicable screening levels during its life, the project would be considered significant.

4.6.5 Thresholds of Significance

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

Threshold 4.6.1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? or,

Threshold 4.6.2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

4.6.6 Project Impacts

Threshold 4.6.1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact.

Construction. Construction of the project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the project's operation (as opposed to during its construction). Typically, more than 80 percent of the total energy consumption takes place during the use of buildings, and less than 20 percent of energy is consumed during construction (United Nations Environment Programme 2007).

During construction of the proposed project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

Table 4.6.B lists the annual GHG emissions for each of the planned construction phases.

Table 4.6.B: Regional GHG Construction Emissions

Construction Year	Greenhouse Gas Emissions, CO_2e (MT/yr)
2022	221
2023	918
2024	764
2025	112
Total Project Emissions	**2,015**
Total Construction Emissions Amortized over 30 years	**67**

Source: Compiled by LSA (February 2021).
Note: Numbers may appear to not sum correctly due to rounding.
CO_2e = carbon dioxide equivalent
MT/yr = metric tons per year

Per the SCAQMD's guidance on Interim GHG significance thresholds, due to the long-term nature of the GHGs in the atmosphere, instead of determining significance of construction emissions alone, the total construction emissions are amortized over 30 years (a conservative estimate of the building life of the proposed project), added to the operational emissions, and compared to the applicable GHG significance threshold (SCAQMD 2008). As indicated in Table 4.6.B, total construction emissions would result in 2,015 MT CO_2e, which when amortized over 30 years would be 67 MT CO_2e. Amortized construction GHG emissions of 67 MT CO_2e per year have been added to the net operational GHG emissions shown in Table 4.6.C.

Operation. Long-term operation of the proposed project would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy consumption. The emission calculations for the proposed project include credits or reductions for consistency with regulatory requirements set forth in this GHG analysis, such as reductions in energy or water demand (compliance with 2020 California Green Building Standards Code [CALGreen Code]). Operational and construction GHG emissions, as shown in Table 4.6.C, were calculated using CalEEMod.

Mobile-source emissions of GHGs would include project-generated vehicle trips associated with the project. Area-source emissions would be associated with small activities including landscaping and maintenance of proposed land uses. Increases in stationary-source emissions would also occur at off-site electrical utility providers as a result of demand for electricity by the proposed project.

Table 4.6.C: Net New Project Operational Greenhouse Gas Emissions

Emissions Source	Operational Emissions (MT/yr)			
	CO_2	CH_4	N_2O	CO_2e
Existing Operational Emissions				
Existing Area Sources	<0.1	<0.1	0.0	<0.1
Existing Energy Sources	944.3	0.0	0.0	948.5
Existing Mobile Sources	1,133.5	0.1	0.0	1,133.4
Existing Waste Sources	15.1	0.9	0.0	37.4
Existing Water Sources	17.2	0.1	<0.1	20.8
Total Existing Operational Emissions				**2,140.2**
Proposed Project GHG Emissions				
Project Area Sources	<1.0	<1.0	0.0	<1.0
Project Energy Sources	834.8	<1.0	<1.0	839.4
Project Mobile Sources	1,832.8	1.8	0.0	1,834.8
Project Waste Sources	29.9	<1.0	0.0	74.1
Project Water Sources	23.5	1.8	<1.0	30.7
Total Project Operational Emissions				**2,779.0**
Total Net New Operational Emissions				**638.8**
Amortized Construction Emissions				67.2
Total Net New Annual Emissions				**706.0**
SCAQMD Threshold				3,000
Exceed?				**No**

Source: Compiled by LSA (February 2021).

CH_4 = methane
CO_2 = carbon dioxide
CO_2e = carbon dioxide equivalent
GHG = greenhouse gas
MT/yr = metric tons per year
N_2O = nitrous oxide
SCAQMD = South Coast Air Quality Management District

Regarding the project's energy intensity factors, CalEEMod's default rates from 2009 were updated to reflect project operational year intensity factors for 2026. In 2009, San Diego Gas & Electric (SDG&E service area) achieved 10.5 percent procurement of renewable energy (California Public Utilities Commission 2016) and in 2030 will have up to 60 percent in place, pursuant to requirements of SB 100. SDG&E energy-intensity factors for 2026 were estimated at 482.73 pounds per megawatt-hour. This value was applied in the CalEEMod for energy uses.

As shown in Table 4.6.C, the proposed project would generate 2,779.0 MT CO_2e per year, which is a net increase of 638.8 MT CO_2e per year when compared to the existing uses at the project site. After amortized construction emissions are added, the total net operational emissions increase would be 706.0 MT CO_2e per year with implementation of the proposed project. The project's incremental GHG emissions are less than the SCAQMD Tier 3 threshold of 3,000 MT CO_2e per year for all land use types. SCAQMD thresholds were developed based on substantial evidence that such thresholds represent quantitative levels of GHG emissions. Since the project emissions would be below this threshold, the project's environmental impact related to GHG emissions would not be cumulatively

considerable under CEQA. Therefore, impacts related to operational GHG emissions would be less than significant, and no mitigation would be required.

Threshold 4.6.2: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The following discussion analyzes the proposed project's consistency with several plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

2017 Climate Change Scoping Plan. The City has established GHG emission reduction goals in the Dana Point Energy Efficiency and Conservation Plan, adopted in December of 2011. The Dana Point Energy Efficiency and Conservation Plan outlines goals to reduce emissions to 1990 levels by 2020. EO S-3-05 was codified by the Legislature as the 2006 Global Warming Solution Act (AB 32). In 2008, the CARB approved a Climate Change Scoping Plan as required by AB 32. The Climate Change Scoping Plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms, such as a cap-and-trade system, and an AB 32 implementation fee to fund the program.

As the proposed project would be operational post 2020, the current City's adopted General Plan is not yet updated to be in compliance with the State's 2017 Climate Change Scoping Plan, which includes measures to achieve the SB 32 goal of the statewide targets to reduce GHG emissions to 40 percent below 1990 levels by 2030. The 2017 Climate Change Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the Scoping Plan (2014). Although a number of these measures are currently established as policies and measures, most of the 2017 Scoping Plan measures are not subject to the City controls for local discretionary development projects (refer to Table 4.6.D). Some of the Scoping Plan measures are not applicable to the proposed project such as Cap-and-Trade, Renewable Portfolio Standards, Low Carbon Fuel Standards, Vehicle Efficiency Standards, and Millions Solar Roof programs. Other measures such as Energy Efficiency, Recycling Waste, and Water Conservation are continually being updated in order to consider and incorporate new technologies and methods every 3 years. It is expected that additional measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets beyond 2020.

As it currently stands, the applicable building requirements of the 2019 Title 24 Building Energy Efficiency Standards and California Green Building Standards (CALGreen Code) would apply. The CALGreen Code does not prevent a local jurisdiction from adopting a more stringent code as State law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50-percent diversion requirement. The Code also provides exemptions for areas not served by construction and demolition recycling infrastructure. CBC provides the minimum energy efficiency standards that buildings need to meet in order to be certified for occupancy. Enforcement is generally through the local building official.

Table 4.6.D: State 2017 Scoping Plan Consistency Analysis

Scoping Plan Measure (Supporting Measures[1])	Project Consistency
Cap-and-Trade Program	**Not Applicable**. These programs involve capping emissions from large-scale electricity generation, industrial facilities, and broad scoped fuels. Caps do not directly affect light industrial or smaller-scale industrial projects.
Light-Duty Vehicle Standards (T-1)	**Not Applicable**. This is a statewide measure establishing vehicle emissions standards
Energy Efficiency (E-1, E-2, CR-1, CR-2)	**Consistent**. The project would include a variety of building, water, and solid waste efficiencies consistent with 2019 California Green Building Standards Code requirements.
Renewables Portfolio Standard (E-3)	**Not Applicable**. Establishes the minimum statewide renewable energy mix.
Low Carbon Fuel Standard (T-2)	**Not Applicable**. Establishes reduced carbon intensity of transportation fuels.
Regional Transportation-Related GHG Targets (T-3)	**Not Applicable**. This is a statewide measure and is not within the purview of the project.
Vehicle Efficiency Measures (T-4)	**Not Applicable**. Identifies measures such as minimum tire-fuel efficiency, lower friction oil, and reduction in air conditioning use.
Goods Movement (T-5, T-6)	**Not Applicable**. Identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories. While these measures are yet to be implemented and would be voluntary, the project would not interfere with their implementation.
Million Solar Roofs Program (E-4)	**Not Applicable**. The Million Solar Roofs Program sets a goal for use of solar systems for residential homes throughout the State as a whole.
Medium- & Heavy-Duty Vehicles (T-7, T-8)	**Consistent**. Medium- and heavy-duty trucks and trailers hauling materials to and from the proposed project would be subject to aerodynamic and hybridization requirements as established by the CARB; no feature of the project would interfere with implementation of these requirements and programs.
Industrial Emissions (I-1 through I-5)	**Not Applicable**. These measures are applicable to large industrial facilities (greater than 500,000 MT CO_2e per year) and other intensive uses such as refineries.
High Speed Rail (T-9)	**Not Applicable**. Supports increased mobility choice.
Green Building Strategy (GB-1)	**Consistent**. The project would include a variety of building, water, and solid waste efficiencies consistent with 2019 California Green Building Standards Code requirements.
High Global Warming Potential Gases (H-1 through H-7)	**Not Applicable**. The proposed project does not include substantial sources of high GWP emissions and would comply with any future changes in air conditioning, fire protection suppressant, and other requirements.
Recycling and Waste (RW-1 through RW-3)	**Consistent**. The project would be required to recycle a minimum of 50 percent from construction activities and daily operations per State and County requirements. The project will be subject to 2019 California Green Building Standards Code requirements for construction waste reduction, disposal, and recycling, or meet a local construction and demolition waste management ordinance, whichever is more stringent. AB 341 will require the project, if it generates four cubic yards or more of commercial solid waste per week, to arrange for recycling services, using one of the following: self-haul; subscribe to a hauler(s); arranging for pickup of recyclable materials; subscribing to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation. The project will also be subject to a local commercial solid waste recycling program required to be implemented by each jurisdiction under AB 341.

Table 4.6.D: State 2017 Scoping Plan Consistency Analysis

Scoping Plan Measure (Supporting Measures[1])	Project Consistency
Sustainable Forests (F-1)	**Not Applicable**. The project is in a hotel-marina development area.
Water (W-1 through W-6)	**Consistent**. The project would include use of low-flow fixtures and efficient landscaping per State requirements.
Agriculture (A-1)	**Not Applicable**. The project is a hotel development project with no active agriculture.

Source: Compiled by LSA (November 2020).
[1] Final 2013 Scoping Plan Update. Appendix B, Status of Initial Scoping Plan Measures (CARB 2014).
AB = Assembly Bill
CARB = California Air Resources Board
MT CO_2e = metric tons of carbon dioxide equivalent

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32, SB 32, and the Executive Orders and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. A project is considered consistent with the statutes and Executive Orders if it generally implements the applicable policies in reducing GHG emissions in order to facilitate the achievement of the State's goals and does not impede attainment of those goals. As determined in recent case law, a given project need not be in perfect conformity with each and every planning policy or goal to be consistent. A project would be consistent, if it will further the objectives and not obstruct their attainment. The project would meet the 2017 Climate Change Scoping Plan requirement as part of its compliance with the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code. According to Ordinance No. 19-006, under Article 2 Buildings and Structures, Section 7-1-2, Adoption of California Building Code, in the Orange County Municipal Code: "The Board of Supervisors of the County of Orange adopted the California Building Code, 2019 Edition - Title 24 Building Energy Efficiency Standards and CALGreen Code on November 5, 2019." The proposed project's consistency with the State 2017 Climate Change Scoping Plan is analyzed in detail in Table 4.6.D.

Overall, the proposed project would not conflict with any of the provisions of the 2017 Climate Change Scoping Plan, and in fact supports four of the action categories through energy efficiency, water conservation, recycling, and landscaping.

Senate Bill 32. As stated previously, SB 32 requires the State to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in EO B-30-15. The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving EO S-3-05, which sets a statewide GHG reduction target of 80 percent below 1990 levels by 2050.

Project compliance with the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code would demonstrate that the proposed project is consistent with the GHG reduction actions/ strategies outlined in the 2017 Climate Change Scoping Plan. As a result, the proposed project would not interfere with the State's implementation of the EO B-30-15 and SB 32 target of reducing statewide GHG emissions to 40 percent below 1990 levels by 2030 or the EO S-3-05 target of

reducing statewide GHG emissions to 80 percent below 1990 levels by 2050, as it does not interfere with the State's implementation of GHG reduction plans described in the 2017 Climate Change Scoping Plan.

Overall, the compliance with the 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code would result in project consistency with the applicable GHG reduction actions/strategies outlined in SB 32.

Regional Transportation Plan/Sustainable Communities Strategy. At the regional level, the Connect SoCal 2020 RTP/SCS is the applicable plan adopted for the purpose of reducing GHGs. Generally, projects are consistent with the provisions and general policies of applicable City and regional land use plans and regulations, such as SCAG's SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The proposed project is expected to generate moderate amounts of GHG emissions, due to the nature of the project as hotel lodging, dining, and boater services. Because the project is consistent with the land use designations/districts contained in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR), the 1991 General Plan, the 2013 Housing Element, and the Dana Point Energy Efficiency and Conservation Plan, the proposed project would be consistent with the GHG reduction-related actions and strategies contained in the Connect SoCal 2020 RTP/SCS. The proposed project's consistency with the Connect SoCal 2020 RTP/SCS goals is analyzed in detail in Table 4.6.E.

Implementing SCAG's 2020 RTP/SCS will greatly reduce the regional GHG emissions from transportation, helping to achieve statewide emission reduction targets. The proposed project would provide an infill mixed commercial and service development situated near existing local bus lines and stops. As shown in Table 4.6.E, the proposed project would not conflict with the stated goals of the RTP/SCS. Therefore, the proposed project would not interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets outlined in the Connect SoCal 2020 RTP/SCS, and it can be assumed that regional mobile emissions will decrease in line with the goals of the RTP/SCS. The proposed project would support the goals of SCAG's Connect SoCal 2020 RTP/SCS to reduce per capita passenger vehicle GHG emissions and would not conflict with the RTP/SCS.

The City has developed the Dana Point Energy Efficiency and Conservation Plan to reduce GHG emissions within the City and thereby reduce its contribution to global climate change concerns. Additionally, the DPHRP&DR contain policies that further support the City's efforts to reduce GHG emissions. However, neither of these plans are a qualified GHG emissions reduction plan under CEQA pursuant to the requirements outlined in *State CEQA Guidelines* Section 15183.5(d); therefore, no CEQA document can tier from the City plan. While there are no mandatory GHG plans, policies, or regulations or finalized agency guidelines that would apply to implementation of the project, a description of the relevant plans with GHG reduction strategies is provided below.

Table 4.6.E: Southern California Association of Governments Connect SoCal 2020 RTP/SCS Goals

SCAG Goal Measures	Project Consistency
Goal 1: Encourage regional economic prosperity and global competitiveness.	**Not Applicable**: The project would not inhibit SCAG from encouraging regional economic prosperity and global competitiveness.
Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	**Not Applicable**: The project would not inhibit SCAG from strengthening the regional transportation network for goods movement.
Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.	**Not Applicable**: The project would not inhibit SCAG from enhancing the resilience of the regional transportation system.
Goal 4: Increase person and goods movement and travel choices within the transportation system.	**Not Applicable**: The project would not inhibit SCAG from increasing person and goods movement and travel choices within the transportation system.
Goal 5: Reduce greenhouse gas emissions and improve air quality.	**Consistent**: The project would result in criteria air pollutant and GHG emissions during construction and operation. However, emissions would not exceed the SCAQMD significance thresholds and proposed uses would be consistent with the DPHRP&DR, the City's 1991 General Plan and its 2013 Housing Element, and the City's Energy Efficiency and Conservation Plan. The project would also support the use of local water supplies in place of more energy intensive imported water.
Goal 6: Support healthy and equitable communities.	**Consistent**: The reduction of energy use, improvement of air quality, and promotion of more environmentally sustainable development are encouraged through the development of alternative transportation methods, green design techniques for buildings, and other energy reducing techniques. For example, development projects are required to comply with the provisions of the 2019 California Building and Energy Efficiency Standards and the CALGreen Code.
Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.	**Consistent**: The proposed project strives to maximize the protection of the environment and improvement of air quality by encouraging and improving the use of the region's public transportation system (e.g., bus, bicycle) for residents, visitors, and workers coming into and out of Dana Point.
Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	**Consisten**t: See response to RTP/SCS Goal 6.
Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.	**Not Applicable**: The project would not inhibit SCAG from encouraging development of diverse housing types.
Goal 9: Promote conservation of natural and agricultural lands and restoration of habitats.	**Consistent:** The project would not inhibit the conservation or restoration of natural resources, and there are no agricultural lands on or near to the project site.

Source: Compiled by LSA (November 2020).

CALGreen = California Green Building Standards Code
DPHRP&DR = Dana Point Harbor Revitalization Plan & District Regulations
GHG = greenhouse gas
RTP/SCS = Regional Transportation Plan/Sustainable Communities Strategy
SCAG = Southern California Association of Governments
SCAQMD = South Coast Air Quality Management District

City of Dana Point GHG Reduction Measures. The City's Energy Efficiency and Conservation Plan includes GHG reduction strategies in the sectors of land use and transportation, energy efficiency, solid waste, urban greening, and energy generation and storage to reach the City's GHG reduction targets. The project would include several design features under Title 24 and 2019 California Green Building Standards Code requirements, which would result in reduced GHG emissions, consistent with the goals of the City's Energy Efficiency and Conservation Plan. Table 4.6.F provides the project's consistency with the City's applicable GHG reduction measures. Table 4.6.G provides the project's consistency with the DPHRP&DR.

Table 4.6.F: Project Consistency with the City's GHG Emission Reduction Measures

Dana Point Energy Efficiency And Conservation Plan Goals	Project Consistency
1. Energy Consumption: Reduce energy use, and hence reduce greenhouse gas emissions.	**Consistent.** The project would include a variety of green building, water, and solid waste efficiencies consistent with 2019 California Green Building Standards Code requirements**.**
2. Sustainable Land Use and Development: Promote sustainable land use and redevelopment.	**Consistent.** The project would include a variety of green building, water, and solid waste efficiencies consistent with 2019 California Green Building Standards Code requirements.
3. Sustainable Construction: Encourage sustainable construction.	**Consistent.** The project would include the use of recyclable and green waste collection program in accordance with 2019 California Green Building Standards Code requirements.
4. Efficient Transportation: Promote efficient transportation.	**Consistent.** The project would include the installation of electric vehicle charging stations in the parking lots. In addition, the project would provide hotel guests with complimentary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts
5. Water Efficiency and Conservation: Continue current efforts to conserve and efficiently use water.	**Consistent.** The project would include the use of low-flow fixtures and irrigation systems.
6. Waste Reduction: Continue improving the implemented programs that divert waste from landfills in accordance with AB 939.	**Consistent.** The project would include waste reduction practices to reduce waste to comply with the State's initiatives.
7. Public Education and Outreach: Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.	**Consistent:** The hotel management would post signs to inform employees and patrons to conserve water and electricity.

Source: Compiled by LSA (December 2020).

Table 4.6.G: Project Consistency with the City's Harbor Emission Reduction Measures

Applicable Dana Point Harbor Revitalization Plan & District Regulations	Project Consistency
8.9.1-1: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act Section 30250)	**Consistent.** The project site is located within walking distance to commercial and recreational uses and is adjacent to existing alternative transportation infrastructure, including an OCTA bus stop and Dana Point Trolley Service stop. In addition, the project would provide hotel guests with a complimentary shuttle service to other destinations within the Harbor using golf carts. Pedestrian access, golf cart shuttle service, and proximity to transit would result in reduced vehicle miles traveled (VMT) and related emissions by hotel patrons.
8.9.1-2: Provide commercial areas that are conducive to pedestrian and bicycle circulation.	**Consistent.** The project would include the installation of pedestrian friendly walkways and provide bicycle parking spaces. In addition, as noted above, both hotels would be within walking and biking distance of the Harbor Commercial Core.
8.9.1-4: Assure the development of shuttle systems, train or transit facilities to help reduce vehicular trips and air pollution.	**Consistent.** The proposed project would provide hotel guests with a complimentary golf cart shuttle service to attractions within the Harbor. In addition, the project site located near a bus stop, which would encourage employees and patrons to use transit, thereby helping to reduce vehicular trips and air pollution.
8.9.1-5: Should asbestos be determined to be present within the existing structures, the project shall comply with SCAQMD Rule 1403, Asbestos Emission from Demolition/Renovation Activities during the demolition process.	**Consistent.** The proposed project will comply with the requirements of the SCAQMD Rule 1403 during the demolition process.
8.9.1-6: Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1, which provides for exposure limits, exposure monitoring and mandates good working practices by workers exposed to lead.	**Consistent.** The proposed project will comply with the requirements of the California Code of Regulations Title 8, Section 1532.1 during the demolition and paint removal process.
8.9.1-7: All finishing products used on-site shall meet applicable SCAQMD regulations for solvent content, as required by SCAQMD Rule 1102 and 1171.	**Consistent.** The proposed project will comply with the requirements of the SCAQMD Rules 1102 and 1171 during construction and re-application process.
8.9.1-8: To reduce long-term operation emissions from area sources (by implementing energy conservation measures and by reducing motor vehicle emissions) the following measures shall be implemented: • Install energy-efficient street lighting on the site; and • Landscape with native or non-invasive and drought-tolerant species to reduce water consumption and provide passive solar benefits, where feasible.	**Consistent.** The proposed project will comply with the requirements of 2019 California Building Energy Efficiency Standards (Title 24, Part 6) including measures to incorporate energy-efficient lighting and water efficient landscaping and irrigation, which include measures to increase water use efficiency. Water-efficient irrigation systems and devices and drought-tolerant landscaping will be installed on the project site.

Table 4.6.G: Project Consistency with the City's Harbor Emission Reduction Measures

Applicable Dana Point Harbor Revitalization Plan & District Regulations	Project Consistency
8.9.1-10: Reduction of vehicle trips is achieved by implementing the Transportation Management Plan, including: • Shuttle service to off-site (remote) parking areas when necessary; • Shuttle service to regional visitor attractions and for hotel guests; • Seasonal water taxi service; • Visitor boat slips and dingy docks located near restaurants and retail areas; and • Phased construction of new development will minimize the size of areas subject to disruption from construction activities.	**Consistent.** The project would provide shuttle services to off-site parking areas for hotel patrons and construction workers during construction and would not inhibit the opportunity to use water taxi services. Construction of hotel development and parking lots will occur in phases to minimize disruption to other areas in the Harbor. In addition to providing hotel guests with a complimentary golf cart shuttle service to attractions within the Harbor, the project would be located within walking distance from a Dana Point Trolley Service stop, which provides free shuttle service to visitor attractions in Dana Point and connections to similar trolley services in Laguna Beach, San Juan Capistrano, and San Clemente during the summer months—the City's peak season for tourism. Although the project would not modify any boat slips or docks in the Harbor, it would provide restaurants and retail space a short distance from the guest slips in the West Cove marina.
8.9.1-11: In order to reduce operational energy usage and reduce energy production air emissions, Harbor projects are required at a minimum to comply with Title 24 of the California Code of Regulations established by the California Energy Commission regarding energy conservation standards.	**Consistent.** The proposed project will comply with the requirements of 2019 California Building Energy Efficiency Standards (Title 24, Part 6) including measures to incorporate energy-efficient buildings design features, such as passive solar design and low power consumption for lighting design and dimming systems.

Source: Compiled by LSA (December 2020).
OCTA = Orange County Transportation Authority
SCAQMD = South Coast Air Quality Management District

As shown in Table 4.6.F and Table 4.6.G, the proposed project would not conflict with the stated GHG emission reduction goals of the City's Dana Point Energy Efficiency And Conservation Plan or the DPHRP&DR; therefore, the proposed project would not interfere with the City's ability to achieve the statewide post-2020 GHG reduction targets outlined in the 2017 California Climate Change Scoping Plan, and it can be assumed that GHG emissions would decrease in line with the goals of the 2017 California Climate Change Scoping Plan. Therefore, the proposed project would not conflict with the Dana Point Energy Efficiency and Conservation Plan or the DPHRP&DR.

Summary. As discussed above, the proposed project would not conflict with the State 2017 Climate Change Scoping Plan, SB 32, SCAG's Connect SoCal 2020 RTP/SCS, the Dana Point Energy Efficiency and Conservation Plan, the City's 1991 General Plan and its 2013 Housing Element, or the DPHRP&DR. Therefore, impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions would be less than significant, and no mitigation is required.

4.6.7 Level of Significance Prior to Mitigation

There would be no potentially significant impacts related to GHG emissions.

4.6.8 Standard Conditions and Mitigation Measures

No standard conditions are applicable to the proposed project, and no mitigation is required.

4.6.9 Level of Significance after Mitigation

The proposed project would result in less than significant impacts with respect to GHG emissions, there would be no significant and unavoidable adverse impacts, and no mitigation is required.

4.6.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for GHG emissions. GHG emissions are global pollutants, and therefore, result in global cumulative impacts by nature. Consequently, it is speculative to determine how an individual project's GHG emissions would impact California's GHG emissions. As such, impacts identified under Section 4.6.6, Project Impacts, are not project-specific impacts to GCC but are the proposed project's contribution to this cumulative impact.

The project's emissions are less than the SCAQMD Tier 3 threshold of 3,000 MT CO_2e per year for all land use types, and the project's environmental impacts related to GHG emissions and GCC would not be cumulatively considerable under CEQA. Additionally, the proposed project, in conjunction with other cumulative projects, would be subject to all applicable regulatory requirements, which would further reduce GHG emissions. Further, the proposed project would not conflict with SCAG's Connect SoCal 2020–2045 RTP/SCS. Therefore, the project's cumulative contribution of GHG emissions would be less than significant, and the project's cumulative GHG impacts would also be less than cumulatively considerable.

One of the key concerns associated with climate change is the effect that sea level rise may have on coastal communities like Dana Point, which depends on coastal and ocean-related tourism. The range of sea level rise scenarios that are possible is particularly relevant to the project due to its location in Dana Point Harbor. As discussed in Section 4.9, Land Use and Planning, Anchor QEA prepared a memorandum addressing the potential coastal hazards that could affect the project (Coastal Hazards Memorandum, January 2021), based on the analysis it completed for the Dana Point Harbor as a whole in August 2019. The Coastal Hazards Memorandum is included in Appendix H. The Coastal Hazards Memorandum concluded that future sea level rise could result in the inundation of the lowest occupied floor elevation of the Dana House Hotel; however, this was based on a conservative scenario in which there is a 0.5 percent probability that sea level rise would exceed 6.7 ft by the analysis horizon year of 2100. It should be noted that the life of the proposed project is not anticipated to extend to 2100 and the lowest floor of Dana House Hotel consists mainly of unoccupied parking and enclosed, non-habitable back of the house functions (storage, laundry, employee lounge, etc.), along with the Dana House fitness area, and separately accessed non-habitable boater service facilities. No overnight hotel accommodations in either Dana House Hotel or Dana Point Surf Lodge would be subject to these inundation areas, even in this speculative

condition occurring over 75 years beyond project opening. Furthermore, additional GHG reduction strategies implemented at the State, national, and international levels could reduce sea level rise, especially for the year 2100 scenario. Therefore, due to the speculative nature of these conditions, and because the life of the project is not anticipated to extend to the year 2100, the proposed project would not be adversely impacted by sea level rise due to climate change.

4.7 HAZARDS AND HAZARDOUS MATERIALS

This section of the Draft Environmental Impact Report (EIR) describes the hazards and hazardous materials present on and in the vicinity of the project site for the proposed Dana Point Harbor Hotels Project (proposed project), if any, and the potential impacts of and on the proposed project related to hazards and hazardous wastes, including measures to avoid, minimize, and/or mitigate those impacts. Pertinent information and findings from the *Phase I Environmental Site Assessment, Dana Point Marina Inn* (Phase I ESA) (EBI Consulting 2018) are summarized in this section. The complete report is included in Appendix G of this EIR.

4.7.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. One comment letter included comments related to Hazards and Hazardous Materials.

The letter from the South Coast Water District (SCWD) received on October 26, 2020, suggested that the Draft EIR should include an analysis of all off-site SCWD facilities that may have to be modified as required for the proposed project. The comment letter states that the modifications to the existing sewer line along the southern portion of the project site are outside of the existing project site boundaries. However, the project site analyzed in this Draft EIR is shown in Figure 3.2, Project Vicinity Map/Aerial Photograph, in Chapter 3.0, Project Description, and includes all work proposed within adjacent roadways for utility relocations. The hazards analysis presented in the Phase I ESA (EBI Consulting 2018) provides an accurate description of the project site and adjoining properties including a description of the adjacent roadways.

4.7.2 Existing Environmental Setting

The approximately 9.16-acre project site is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking reserved for boaters on the southern portion of the project site. Aerial photographs taken between 1938 and 2016 show the project site as undeveloped coastal waters/beach land not used for any discernable purposes from at least 1938 until as early as 1968, when a structure typically resembling the present day hotel is depicted on the project site. According to County of Orange records, the Dana Point Harbor began construction in 1968 and the existing hotel was built in 1971. The project site is generally bounded on to the north by Dana Point Harbor Drive, to the west by Island Way, to the east by Casitas Place and restaurant, retail, and marina uses, and to the south by Dana Point Harbor waters and boat docks. Access is currently provided to the project site from Dana Point Harbor Drive to the northeast and from Casitas Place to the east.

4.7.3 Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many State and federal laws. Statutes govern the generation, treatment, storage, and disposal of hazardous materials, substances, and waste as well as the investigation and mitigation of waste releases, air and water quality, and human health.

4.7.3.1 Federal Regulations

The primary federal laws regulating hazardous materials are the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 United States Code [USC] §9601 et seq.) and the Resource Conservation and Recovery Act of 1976 (RCRA) 42 USC §6901 et seq.). The purpose of CERCLA, often referred to as "Superfund," is to identify and clean up abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for "cradle-to-grave" regulation of hazardous waste generated by operating entities. Other federal laws applicable to the proposed project are listed below.

- **Clean Air Act (CAA) (42 USC Section 7401 et seq.):** Protects the public from exposure to airborne contaminants known to be hazardous to human health. Under the CAA, the United States Environmental Protection Agency (EPA) established National Emissions Standards for Hazardous Air Pollutants.

- **Clean Water Act – National Pollutant Discharge Elimination System (Section 402[p]) (33 USC Section 1342[p]):** Regulates discharges and spills of pollutants, including hazardous materials to surface waters and groundwater.

- **Safe Drinking Water Act (42 USC Section 300(f) et seq.):** Regulates discharges of pollutants to underground aquifers and establishes standards for drinking water quality.

- **Toxic Substances Control Act (15 USC Section 2601 et seq.):** Regulates manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials.

- **Federal Insecticide, Fungicide, and Rodenticide Act (7 USC Section 136 and 40 Code of Federal Regulations [CFR] Parts 152–171):** Regulates the manufacturing, distribution, sale, and use of pesticides.

- **Hazardous Materials Transportation Act (49 USC Section 5101 et seq. and 49 CFR, Parts 101, 106, 107, and 171–180):** Regulates the transport of hazardous materials by motor vehicles, marine vessels, and aircraft.

- **Hazardous Materials Transportation Uniform Safety Act of 1990 (Public Law 101-615):** Regulates the safe transport of hazardous material intrastate, interstate, and for foreign commerce.

- **Emergency Planning and Community Right to Know Act (42 USC Section 11001 et seq. and 40 CFR, Parts 350.1 et seq.):** Regulates facilities that use hazardous materials in quantities that require reporting to emergency response officials.

- **National Emissions Standard for Asbestos (Title 40, Code of Federal Regulations, Section 61 Subpart M):** Regulates emissions standards for asbestos and waste disposal from demolition activities.

- **Title 29, Code of Federal Regulations, Section 1926.62:** Regulates environmental procedures relating to lead exposure during construction.

4.7.3.2 State Regulations

The State of California has established many laws and regulations that expand on federal laws. Laws and regulations applicable to the proposed project are listed below.

- **California Public Resources Code (PRC) Section 21151.4:** Requires the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of a project about potential effects on the school if the project might reasonably be anticipated to emit hazardous air emissions or handle an extremely hazardous substance or a mixture containing an extremely hazardous substance.

- **Porter-Cologne Water Quality Control Act (California Water Quality Code, Section 13000 et seq.):** Regulates water quality through the State Water Resources Control Board and the Regional Water Quality Control Boards, including oversight of water monitoring and contamination cleanup and abatement.

- **Hazardous Materials Release Response Plans and Inventory Law (California Health and Safety Code, Section 25500 et seq.):** Requires facilities using hazardous materials to prepare Hazardous Materials Business Plans.

- **Hazardous Waste Control Act (California Health and Safety Code, Section 25100 et seq.):** Regulates the identification, generation, transportation, storage, and disposal of materials deemed hazardous by the State.

- **Safe Drinking Water and Toxic Enforcement Act (Proposition 65, California Health and Safety Code, Section 25249.5 et seq.):** Regulates the discharge of contaminants to groundwater.

- **Cortese List Statute (California Government Code, Section 65962.5):** Requires the Department of Toxic Substances Control (DTSC) to compile and maintain lists of potentially contaminated sites throughout the State, and includes the Hazardous Waste and Substances Sites List.

- **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (California Environmental Protection Agency [CalEPA] 2012):** Consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the standards for their programs, while local governments implement the standards. These local implementing agencies are called Certified Unified Program Agencies (CUPA).

- **State of California Division of Oil, Gas, and Geothermal Resources Regulatory Program (DOGGR):** Supervises the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells throughout the State. The regulatory program set forth by DOGGR for the management of these resources emphasizes the appropriate development of oil, natural gas, and geothermal resources in the State through sound engineering practices that protect the environment, prevent pollution, and ensure public safety.

- **California Emergency Services Act:** Requires the Governor's Office of Emergency Services (Cal OES) to establish and update the Standardized Emergency Management System (SEMS) as needed for emergency response and evacuation. SEMS facilitates response prioritization, interagency cooperation, and the efficient flow of resources and information and incorporates the following:
    - Incident Command System (field-level emergency response system)
    - Interagency coordination for allocation of resources
    - Mutual aid (providing emergency resources from non-affected jurisdictions)
    - Operational Area Concept (coordinate damage information, resource requests and emergency response within the affected area)

    Local agencies involved in emergency response and evacuation include the Orange County Sheriff's Department (OCSD) and the Orange County Fire Authority (OCFA).

4.7.3.3 Regional Regulations

Orange County Health Care Agency. The Orange County Health Care Agency (HCA) is the CUPA for the County of Orange and the City of Dana Point, and has jurisdiction over the following six programs:

- Hazardous Materials Disclosure
- Business Emergency Plan
- Hazardous Waste
- Underground Storage Tank
- Aboveground Petroleum Storage Tank
- California Accidental Release Prevention

OCFA is the administering agency for the chemical inventory and business emergency plan regulations for the City. OCFA's disclosure activities are coordinated with the HCA. OCFA's Hazardous Materials Services Section (HMSS) is staffed with technical and administrative personnel who are assigned implementation and management of the disclosure program.

County of Orange Emergency Response Plan. The County's Emergency Response Plan provides a detailed summary of the countywide organization and identifies the responsibilities of each component agency in the event of a disaster. The Orange County and Operational Area Emergency Operations Center (OC OA/EOC) is used for managing disaster response and recovery for County agencies and departments and for constituents served by the County. The OC OA/EOC coordinates disaster response and recovery for its operational area (including all political subdivisions of Orange County) and coordinates operations resource requirements and availability with the State Regional Operations Center. The OC OA/EOC acts as a central point for coordination and the operational, administrative, and support needs of emergency workers. The OC OA/EOC is staffed with personnel from all agencies within the County and various operational area jurisdictions and agencies.

4.7.3.4 Local Regulations

City of Dana Point Public Safety Element. Hazards are addressed in the Public Safety Element of the City's General Plan (1995). Specifically, the City's Public Safety Element establishes a Public Safety Plan to implement goals of the Emergency Preparedness Plan. As described in the City's General Plan Public Safety Element, the City also contracts with a variety of agencies for emergency services to minimize impacts during emergency situations. The following goals and policies are applicable to the proposed project:

> **Goal 3:** Reduce the risk of the community's inhabitants from exposure to hazardous materials and waste.
>
> > **Policy 3.1:** Cooperate with the County to implement applicable portions of the County's proposed Hazardous Waste Management Plan.
> >
> > **Policy 3.5:** Encourage and support the proper disposal of hazardous household waste and waste oil.

City of Dana Point Municipal Code. Hazards are addressed in several chapters of the City's Municipal Code, as described below.

> **Chapter 2.20 (Emergency Organization).** Chapter 2.20, Emergency Organization, of the City's Municipal Code calls for the preparation and implementation of an Emergency Plan to provide services within the City in the event of an emergency. This chapter of the Municipal Code also establishes a Disaster Council that gives orders and disseminates information in the event of an emergency to provide for the protection of life and property to preserve public order and safety, and to provide for the emergency service functions of the City.
>
> **Chapter 8.24 (California Fire Code).** Chapter 8.24 in the City's Municipal Code establishes a variety of regulations related to hazards including recommendations for development on land containing or emitting toxic substances, hazardous materials documentation procedures, preparation of hazardous materials management plans, storage tank regulations, etc. In addition, this chapter includes regulations that reduce the amount of fuel (vegetation) and require debris clearing in an effort to reduce fire hazards. Additional provisions aimed at fire prevention include construction standards for new structures and remodels, road width standards and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains.
>
> Furthermore, the City Council of the City of Dana Point has also adopted, by reference, CCR Title 24, Part 9, known and designated as the 2016 California Fire Code (CFC) and the Orange County Fire Authority Guidelines, to regulate and minimize hazardous conditions that may impact life and/or property from fire or explosion.
>
> **Chapter 9.41 (Hazardous Waste Facilities).** Chapter 9.41 of the City's Municipal Code establishes standards to control the location, design, and maintenance of hazardous waste

facilities to protect the health, life, and environment of residents in the City. For example, this chapter defines procedural requirements related to applications for hazardous waste facilities.

Dana Point Harbor Revitalization Plan and District Regulations. The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) were certified by the California Coastal Commission on October 6, 2011. The DPHRP&DR establish land use policies and development standards for upgrades to the visitor serving and marina services areas of Dana Point Harbor. The following goals and policies related to hazards are applicable to the proposed project:

Policy 6.2.5-1: Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act Section 30252)

Policy 6.2.5-6: Provide for the safe transport of hazardous materials.

Policy 7.3.1-1: Protection against the spillage of crude oil, gas, petroleum products or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. (Coastal Act Section 30232)

Policy 7.3.1-2: Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters and the generation of polluted runoff and nuisance flows.

Policy 7.3.1-11: Gasoline and marine repair facilities shall incorporate BMP's designed to minimize runoff of oil and grease, solvents, car battery acid, coolant, gasoline and other pollutants to storm water system.

Policy 8.2.1-4: Design and site new development to avoid hazardous areas and minimize risks to life and property from sea level rise, coastal and other hazards.

Policy 8.2.1-2: New development shall be sited and designed on the most suitable portion of the Harbor while ensuring protection and preservation of natural and sensitive site resources by providing for the following:

- Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;
- Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;
- Promoting clustering of development on the most suitable portions of a site taking into account geologic constraints, sensitive resources and natural drainage features;
- Preserving and protecting riparian corridors, wetlands and buffer zones;
- Minimizing disturbance of natural areas, including significant trees, native vegetation and root structures;

- Using natural drainage as a design element, maximizing the preservation of natural contours and native vegetation; and

- Limiting land disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss and avoiding steep slopes, unstable areas and erosive soils.

The Dana Point Harbor District Regulations (DPHDR) are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act. The DPHDR identify Special Provisions that contain specific requirements applicable to hazards and hazardous materials:

- **Special Provision 15.** Lead-based Paints: Lead-based paint removal shall be performed in accordance with California Code of Regulations Title 8, Section 1532.1 that provides for worker exposure limits, exposure monitoring, and mandates good working practices. Removal of lead-based paints from boats moored in the water through sanding or other means shall be prohibited.

- **Special Provision 16.** Asbestos Abatement: Should asbestos be determined to be present within any existing Harbor structures, removal shall be done by a licensed removal contractor in compliance with SCAQMD Rule 1403 and all applicable state and federal requirements.

- **Special Provision 32.** Hazardous Materials: Any activity conducted in Dana Point Harbor that involves the handling of hazardous materials shall be required to comply with all applicable local, state and federal laws and regulations regarding the handling, storage or transportation of these materials. Additionally, during major constructions operations, a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented that specifies hazardous spill prevention, remediation and management practices.

4.7.4 Methodology

The analysis in this section indicates whether potential hazards or hazardous materials impacts are present due to past or present use of the project site and/or properties in the immediate vicinity of the project site. This section analyzes the potential impacts of the proposed project as compared to existing conditions based on the setting described in the Phase I ESA (EBI Consulting 2018).

The purpose of the Phase I ESA is to identify recognized environmental conditions (RECs) and certain environmental conditions in connection with the project site at the time the property reconnaissance was completed. An REC is defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property (1) due to a release to the environment, (2) under conditions that indicate an existing release or a past release, or (3) under conditions that pose a material threat of a future release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.

The Phase I ESA included an evaluation of the following:

- Physical characteristics of the project site through a review of referenced sources for topographic, geologic, soils and hydrologic data.
- Project site history through a review of referenced sources such as land deeds, fire insurance maps, city directories, aerial photographs, prior reports, and interviews.
- Current project site conditions, including observations and interviews regarding the following: the presence or absence of hazardous substances or petroleum products; generation, treatment, storage, or disposal of hazardous, regulated, or biomedical waste; equipment that utilizes oils which potentially contain polychlorinated biphenyls (PCBs); and storage tanks (aboveground and underground).
- Usage of surrounding area properties and the likelihood for releases of hazardous substances and petroleum products (if known and/or suspected) to migrate onto the project site.
- Information in referenced environmental agency databases and local environmental records, within specified minimum search distances.
- Past ownership through a review of available prior reports and local municipal files.

The Phase I ESA also included consideration of the following potential environmental conditions that are outside the scope of ASTM Practice E 1527-13 (standard practices for conducting Phase I environmental site assessments): asbestos-containing materials (ACM), lead-based paint (LBP), lead in drinking water, radon, and mold.

4.7.5 Thresholds of Significance

The thresholds for hazards and hazardous materials impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to hazards and hazardous materials if it would:

Threshold 4.7.1: **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;**

Threshold 4.7.2: **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;**

Threshold 4.7.3: **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;**

Threshold 4.7.4: **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;**

Threshold 4.7.5: **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;**

Threshold 4.7.6: **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or**

Threshold 4.7.7: **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.**

The Initial Study, included as Appendix A, substantiates that there would be no impacts associated with Thresholds 4.7.5 and 4.7.7, as there are no airports within 2 miles of the project site; and the project site is located in an urbanized area where wildfire is not considered a likely risk to people or structures. In addition, the Initial Study substantiates that impacts associated with Thresholds 4.7.1, 4.7.3, 4.7.4, and 4.7.6 would be less than significant. With compliance with federal, State, and local laws regulating the management and use of hazardous materials, the proposed project would result in a less than significant impact with regard to the routine transport, use, or disposal of hazardous material. Because the proposed project does not involve activities that would result in the emissions of hazardous materials or acutely hazardous substances, and because the closest school is greater than 0.25 miles away from the project site, the proposed project's impacts on schools would be less than significant. Because the project site is not listed on the DTSC Hazardous Waste and Substances Site List (Cortese List, compiled pursuant to Section 65962.5 of the Government Code), and development of the project site would not interfere with evacuation routes and would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, the proposed project would result in less than significant impacts related to these topics. Therefore, these thresholds will not be addressed in the following analysis.

4.7.6 Project Impacts

Threshold 4.7.2: **Would the project 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 with Mitigation Incorporated.

Construction. Construction activities associated with the proposed project would include site preparation and demolition activities, building construction, paving, and the implementation of native, drought tolerant landscaping, and pedestrian improvements. The purpose of the Phase I ESA is to evaluate the project site for potential RECs that may be present and/or off-site conditions that may impact the project site.

According to the Phase I ESA, no RECs were observed on the project site during the site survey. Historically, the project site and surrounding properties were undeveloped until as early as 1968, when the project site was developed with basic infrastructure as part of the Dana Point Harbor and

the subsequent hotel uses, and the surrounding area was developed with commercial development. The site reconnaissance identified hazardous substances or petroleum products in connection with the existing uses on the project site, including cleaning compounds, janitorial supplies, and pool treatment compounds. The site reconnaissance did not identify evidence of significant leaks, spills, or the improper handling of petroleum or hazardous substances that might impact the environmental condition of the project site. Based on this information, historic uses on the project site and surrounding properties are not likely to have resulted in the potential for current adverse impacts to the project site or the site's subsurface.

According to the Phase I ESA, the project site was not identified on any federal or State regulatory databases. One site located within 1.0 mile of the project site was identified on the California Hazardous Waste Sites (ENVIROSTOR) database. However, the listing is located greater than 0.25 miles from the project site, and based on this distance, it is considered unlikely to represent an environmental concern to the project site. Additionally, 10 sites located within 0.5 miles of the project site were identified on the Hazardous Waste and Substances Sites List (Cortese/HIST Cortese) databases. Based upon the current regulatory status, these sites are considered unlikely to represent an environmental concern to the project site. Additionally, 17 sites located within 0.5 miles of the project site were identified on the Leaking Underground and Aboveground Storage Tank Sites (LUST/LAST) databases. Of these listings, 13 sites are located over 0.25 mile from the project site and based on their distance, these sites are considered unlikely to represent an environmental concern to the project site. The remaining four LUST sites located within 0.25 mile of the project site, including one adjacent site, have been granted No Further Action status by the San Diego Regional Water Quality Control Board (RWQCB). Based upon their current regulatory status, these sites are also considered unlikely to represent an environmental concern to the project site. Based upon the current regulatory status, separating distance, presumed hydrogeologic gradient relative to the project site and the reported nature/extent of impact, it is considered unlikely that conditions associated with the adjacent LUST site represent an environmental concern to the project site. Therefore, the Phase I ESA concluded that the potential for environmental impacts to the project site from any of the off-site database listings appears to be low.

Asbestos containing building materials are generally classified as friable or non-friable. Friable materials are those that can be crumbled, pulverized, or reduced to powder by hand pressure, or by normal use or maintenance can be expected to emit asbestos fibers into the air. Non-friable ACM is a potential concern if it is damaged by maintenance work, demolition, or other activities, at which time it may be considered friable. A limited visual screening survey for the presence of ACM was conducted at the project site. The existing boater service buildings were not included in the limited visual screening. However, based on the age of the existing structures, the presence of these materials can be assumed. The Phase I ESA identified suspect friable ACM in the form of textured wall surfacing materials and sheetrock/joint compound composite material. Additional ACM may be present in inaccessible areas, including, but not limited to, roofs, pipe chases behind solid walls and ceilings, concealed floor coverings, the interior of machinery or equipment, and/or water and sewer systems. Asbestos may be present in some of the roofing, flooring, wall and ceiling materials, caulking/putties, adhesives, spackling compounds, and insulation materials, as well as other building materials that may have been used.

Polychlorinated biphenyls (PCBs) are a chemical component of many dielectric fluids, heat transfer fluids, hydraulic fluids, lubricating oils, paints, or coatings manufactured prior to July 2, 1979. Equipment that may potentially contain PCBs includes electrical equipment such as transformers or capacitors or hydraulically operated equipment, such as elevators, compaction equipment, or manufacturing equipment. The manufacture and distribution in commerce of PCBs was banned for use in 1979 by the United States Congress when it enacted the Toxic Substance and Control Act (TSCA). Transformers and fluid-containing electrical equipment were identified to the north of the central portion of the existing hotel building.

Based on the information above, hazardous waste might be generated during demolition, excavation, or other activities that require the removal of potential hazardous building materials (e.g., ACMs, lead-based paint, mercury, and PCBs) or unknown hazardous materials. The demolition of structures containing hazardous building materials requires specialized procedures and equipment and appropriately certified personnel. Procedures for handling and disposal of hazardous building materials are specified in Mitigation Measure 4.7-1 (MM 4.7-1), Demolition Plan. The plan will specify how to appropriately contain, remove, and dispose of hazardous building materials to protect human health and the environment. If any suspected hazardous materials are unearthed during construction, work would be stopped and the OCFA would be notified so it can evaluate the suspected hazardous materials and determine the appropriate action to minimize human health and safety risks. If necessary, OCFA could require testing, removal, and disposal of the materials at appropriate facilities in accordance with State and federal regulations. Procedures for handling suspect or unknown hazardous materials are specified in Mitigation Measure 4.7-2 (MM 4.7-2), Construction Contingency Plan. Therefore, construction of the proposed project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment with the implementation of MM 4.7-1 and MM 4.7-2.

Operation. As stated in the Initial Study, hazardous substances associated with the proposed hotel uses would be limited in both amount and use such that they can be contained (stored or confined within a specific area) without impacting the environment. Project operation would involve the use of potentially hazardous materials typical of hotel uses (e.g., solvents, cleaning agents, paints, pool chemicals, fertilizers, and pesticides) that, when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to visitors or workers in the vicinity of the proposed project. Although the project proposes vehicle parking, there would be no vehicle cleaning or maintenance areas on the project site. Therefore, operation of the proposed project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No mitigation would be required.

4.7.7 Level of Significance Prior to Mitigation

Impacts related to hazards affecting the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during construction would be potentially significant.

4.7.8 Standard Conditions and Mitigation Measures

Mitigation Measure 4.7-1 **Demolition Plan**. Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Demolition Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Demolition Plan shall include the procedures for pre-demolition surveys and testing for hazardous building materials such as asbestos, lead-based paint, mercury, and polychlorinated biphenyls, and removal and disposal of hazardous building materials. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations. All identified hazardous materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures. The Construction Contractor shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the Director of the County Public Works Department, or designee, showing that abatement of hazardous building materials has been completed in full compliance with all applicable regulations.

Mitigation Measure 4.7-2 **Construction Contingency Plan.** Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Construction Contingency Plan to the Director of the County Public Works Department, for review and approval. The Construction Contingency Plan shall include provisions for emergency response in the event that unidentified hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes are discovered during demolition or construction activities. The Construction Contingency Plan shall address field screening, contaminant materials testing methods, mitigation and contaminant management requirements, and health and safety requirements for construction workers. The Construction Contractor shall implement the Construction Contingency Plan during all construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the Construction Contractor shall stop work, cordon off the affected area, and notify the Orange County Fire Authority (OCFA). The OCFA responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. If an unexpected release of oil and/or chemical substances into the environment occurs resulting in an imminent threat to public, the Construction Contractor shall notify the National Response Center by calling 1-800-424-8802 immediately. The Construction Contractor shall clean up any

unexpected releases under appropriate federal, State, and local agency oversight.

4.7.9 Level of Significance after Mitigation

Impacts related to hazards affecting the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with the implementation of MM 4.7-1 and MM 4.7-2.

4.7.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for hazards and hazardous materials. The cumulative impact area for hazardous materials consists of: (1) the area that could be affected by proposed project activities, such as the release of hazardous materials, and (2) the areas affected by other projects whose activities could directly or indirectly affect the presence or fate of hazardous materials on the project site. Typically, only projects adjacent to or abutting the project site are considered because of the limited potential impact area associated with the release of hazardous materials into the environment. Cumulative projects included as part of the Dana Point Harbor Revitalization include the establishment of a new Visitor Serving Commercial area (Commercial Core project) and the Dana Point Marina Remodel project.

The contribution of hazardous materials use and hazardous waste disposal with implementation of the proposed project is minimal, and combined hazardous materials effects from past, present, and reasonably foreseeable projects within the City and immediate area would not be significant. As previously stated, the project operation would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, fertilizers, and pesticides), that when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to visitors or workers in the vicinity of the proposed project.

Furthermore, the proposed project and all other projects in the cumulative area are required to comply with the existing regulations related to hazards and hazardous materials. Compliance with federal, State, and local regulations would prevent the proposed project as well as other projects from creating cumulative impacts in terms of hazards and hazardous materials.

Impacts associated with hazards and the use of hazardous materials on site would be controlled through application of MM 4.7-1 and MM 4.7-2. For the reasons outlined above, implementation of the proposed project would not result in an incremental contribution to cumulative impacts related to hazards and hazardous materials that are cumulatively considerable; therefore, cumulative hazards and hazardous materials impacts are considered less than significant. No mitigation is required.

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4.8 HYDROLOGY AND WATER QUALITY

This section of the Draft Environmental Impact Report (EIR) evaluates the potential impacts to hydrology and water quality conditions from implementation of the Dana Point Harbor Hotels Project (proposed project). The analysis in this section is based in part on the *Preliminary Water Quality Management Plan (pWQMP), Dana Point Harbor Revitalization - Hotels* (Preliminary Water Quality Management Plan) (Tait and Associates, Inc. 2020) (Appendix I) and the *Preliminary Geotechnical Investigation, Dana Point Harbor Revitalization, Hotel Component, City of Dana Point, California* (Preliminary Geotechnical Investigation) (GMU 2019) (Appendix F) that were prepared for the proposed project and are included in this EIR.

4.8.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. No comment letters included comments related to Hydrology and Water Quality.

4.8.2 Existing Environmental Setting

4.8.2.1 Watersheds

The project site is located within the Dana Point Coastal Streams Watershed, which is comprised of relatively small coastal drainage areas. The Dana Point Coastal Streams Watershed covers approximately 6 square miles and includes portions of the cities of Dana Point, Laguna Niguel, Laguna Beach, and includes County of Orange (County) property. The project site is within City of Dana Point boundaries, but is under the jurisdiction of the County relative to the review and issuance of the final Water Quality Management Plan, and associated demolition, grading, and construction-related permits.

The San Diego Regional Water Quality Control Board (RWQCB) regulates water quality within the Dana Point Coastal Streams Watershed. For planning purposes, the San Diego RWQCB uses a watershed classification system that divides watersheds into hydrologic units (HUs), hydrologic areas (HAs), and hydrologic subareas (HSAs). As designated by the San Diego RWQCB, the project site is located within the San Juan HU, the Laguna HA, and the Dana Point HSA.[1]

4.8.2.2 Drainage

The majority of the project site currently sheet flows to the south to two drainage outlets located south of the project site. There is one existing grated inlet located north of the site, which is connected via an existing storm drain pipe to one of the two drainage outlets south of the project site. Both drainage outlets discharge directly to Dana Point Harbor. Dana Point Harbor is an Environmentally Sensitive Area (ESA), which includes federal Clean Water Act (CWA) Section 303(d) impaired water bodies. Dana Point Harbor is considered an ESA because it is listed as impaired on

[1] City of Dana Point et al. 2013. Dana Point Coastal Streams Watershed Workplan.

the 2014/2016 California 303(d) List of Water Quality Limited Segments (303[d] list) as discussed further below. The City also identifies Dana Point Harbor as an ESA.[1]

4.8.2.3 Surface Water Quality

Dana Point Harbor, the proposed project's receiving waterbody, is listed on the 2014/2016 303(d) as impaired for copper, toxicity, zinc, indicator bacteria, and dissolved oxygen.

4.8.2.4 Groundwater

The project site lies within the southerly portion of the San Juan Valley Groundwater Basin. The San Juan Valley Groundwater Basin underlies the San Juan Valley and several tributary valleys in southern Orange County. The basin is bounded on the west by the Pacific Ocean and otherwise by tertiary semi-permeable marine deposits.

For management purposes, groundwater basins are designated in the San Diego RWQCB's Basin Plan using the same HUs, HAs, and HSAs as surface waters.

Groundwater recharge in the San Juan Valley Groundwater Basin comes from surface flow in San Juan Creek, Oso Creek, and Arroyo Trabuco and precipitation to the valley floor. Additional recharge comes from springs that flow directly from Hot Spring Canyon into San Juan Creek. Groundwater in the basin flows southwest toward the Pacific Ocean.[2]

As discussed in the Preliminary Geotechnical Investigation prepared for the project, groundwater is expected to occur approximately 6 to 20 feet (ft) below ground surface (bgs) beneath the project site. The Preliminary Geotechnical Investigation also found that historical high groundwater level occurred at 5 ft bgs.

4.8.2.5 Groundwater Quality

Groundwater in the San Juan Valley Groundwater Basin near the coast typically has a calcium-sodium sulfate or sulfate-chloride character. In general, total dissolved solids (TDS) content is higher in the range of 2,000 milligrams per liter (mg/L) near the coast.[3]

4.8.2.6 Flooding

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0504K (March 21, 2019), the project site is located within Zone X, Area of Minimal Flood Hazard. In addition, according to the California Department of Water Resources (DWR) Division of Safety of Dams (DSOD) Dam Breach Inundation Maps, the project site is not located within a dam

1 City of Dana Point. 2006. Environmentally Sensitive Areas (ESAs) in Dana Point. Website: https://www.danapoint.org/home/showdocument?id=3199 (accessed October 2, 2020).

2 California Department of Water Resources (DWR). 2004. California's Groundwater Bulletin 118: Hydrologic Region South Coast San Juan Valley Groundwater Basin. February 27.

3 Ibid.

inundation zone.[1] The potential for the project site to be adversely impacted by earthquake-induced coastal seiches is considered to be high due to the presence of the Dana Point Harbor adjacent to the project site. Additionally, according to the Dana Point Quadrangle/San Juan Capistrano Quadrangle Tsunami Inundation Map, the project site is located in a tsunami inundation area.[2]

4.8.3 Regulatory Setting

4.8.3.1 Federal Regulations

Clean Water Act. In 1972, the Federal Water Pollution Control Act (now referred to as the Clean Water Act [CWA]) was amended to require that the discharge of pollutants into waters of the United States from any point source be effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, the CWA was again amended to require that the United States Environmental Protection Agency (USEPA) establish regulations for the permitting of stormwater discharges (as a point source) by municipal and industrial facilities and construction activities under the NPDES permit program. The regulations require that Municipal Separate Storm Sewer System (MS4) discharges to surface waters be regulated by an NPDES permit.

The CWA requires states to adopt water quality standards for water bodies and have those standards approved by the USEPA. Water quality standards consist of designated beneficial uses for a particular water body (e.g., wildlife habitat, agricultural supply, and fishing), along with water quality criteria necessary to support those uses. Water quality criteria are set concentrations or levels of constituents (e.g., lead, suspended sediment, and fecal coliform bacteria) or narrative statements that represent the quality of water that support a particular use. Because California had not established a complete list of acceptable water quality criteria for toxic pollutants, the USEPA Region 9 (Pacific Southwest) established numeric water quality criteria for toxic constituents in the form of the California Toxics Rule (CTR).

When designated beneficial uses of a particular water body are being compromised by water quality, Section 303(d) of the CWA requires identifying and listing that water body as impaired. Once a water body has been deemed impaired, a Total Maximum Daily Load (TMDL) must be developed for each impairing water quality constituent. A TMDL is an estimate of the total load of pollutants from point, non-point, and natural sources that a water body may receive without exceeding applicable water quality standards (often with a "factor of safety" included, which limits the total load of pollutants to a level well below that which could cause the standard to be exceeded). Once established, the TMDL is allocated among current and future dischargers into the water body.

Direct discharges of pollutants into waters of the United States are not allowed except in accordance with the NPDES program established in Section 402 of the CWA.

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1 California Department of Water Resources Division of Safety of Dams (DWR DSOD). 2015. Dam Breach Inundation Map Web Publisher. Website: https:// fmds.water.ca.gov/maps/damim/ (accessed August 31, 2020).

2 California Emergency Management Agency, el al. 2009. Tsunami Inundation Map for Emergency Planning, Dana Point Quadrangle/San Juan Capistrano Quadrangle. March 15.

Clean Water Act, Section 303, List of Impaired Water Bodies. The State Water Resources Control Board (SWRCB), in compliance with Section 303(d) of the CWA, prepared a 2014/2016 list of impaired water bodies in California. The SWRCB approved the 2014/2016 California Integrated Report (CWA Section 303(d) List/305(b) Report) on October 3, 2017. On April 6, 2018, the USEPA approved the 2014/2016 California 303(d) List of Water Quality Limited Segments (303[d] list). The 303(d) list includes a priority schedule for the development of TMDL implementation for each contaminant impacting the water body. Dana Point Harbor, the project's receiving waterbody, is impaired for copper, toxicity, zinc, indicator bacteria, and dissolved oxygen.

National Flood Insurance Act. Congress acted to reduce the costs of disaster relief by passing the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The intent of these pieces of legislation was to reduce the need for large, publicly funded flood control structures and disaster relief efforts by restricting development in floodplains. FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in a floodplain. FEMA issues FIRMs of communities participating in the NFIP. These maps delineate flood hazard zones in the community. The City of Dana Point manages local stormdrain facilities, and the Orange County Flood Control District (OCFCD) is responsible for regional flood control planning within Orange County.

4.8.3.2 State Regulations

Porter-Cologne Water Quality Control Act of 1970. The federal CWA places the primary responsibility for the control of water pollution and planning the development and use of water resources with the states, although it does establish certain guidelines for the states to follow in developing their programs.

California's primary statute governing water quality and water pollution is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and the nine RWQCBs broad powers to protect water quality and is the primary vehicle for the implementation of California's responsibility under the federal CWA. The Porter-Cologne Act grants the SWRCB and RWQCBs the authority and responsibility to adopt plans and policies, to regulate discharges to surface water and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, oil, or petroleum product.

Each RWQCB must formulate and adopt a water quality plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that a RWQCB may include in its region a regional plan with water discharge prohibitions applicable to particular conditions, areas, or types of waste. The City, including the project site, is within the jurisdictional boundaries of the San Diego RWQCB (Region 9).

California Toxics Rule. As stated previously, because California had not established a complete list of acceptable water quality criteria for toxic pollutants, USEPA Region 9 established numeric water

quality criteria for toxic constituents in the form of the CTR. The CTR provides water quality criteria for certain potentially toxic compounds for inland surface waters, enclosed bays, estuaries, and waters designated for human health or aquatic life uses. The CTR is often used by the RWQCBs when establishing water quality objectives and TMDLs. Although the CTR criteria do not apply directly to discharges of stormwater runoff, they are utilized as benchmarks for toxics in urban runoff. The CTR is used as a benchmark to evaluate the potential ecological impacts of stormwater runoff to receiving waters. The CTR establishes acute and chronic surface water quality standards for certain water bodies. Acute criteria provide benchmarks for the highest permissible concentration below which aquatic life can be exposed for short periods of time without deleterious effects. Chronic criteria provide benchmarks for an extended period of time (i.e., 4 days or more) without deleterious effects. The acute CTR criteria have a shorter relevant averaging period (less than 4 days) and provide a more appropriate benchmark for comparison for stormwater flows.

CTR criteria apply to the receiving water body and are calculated based on the probable hardness values of the receiving waters. At higher hardness values for receiving waters, certain constituents (including copper, lead, and zinc) are more likely to be complexed (bound with) components in the water column. This in turn reduces the bioavailability and resulting potential toxicity of these metals.

General Construction Activity Storm Water Permit. The *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities,* Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ (Construction General Permit), adopted by the SWRCB, regulates construction activity that includes clearing, grading, and excavation resulting in soil disturbance of at least 1 acre of total land area. The Construction General Permit authorizes the discharge of stormwater to surface waters from construction activities.

The Construction General Permit requires that all developers of land where construction activities will occur over more than 1 acre do the following:

- Complete a Risk Assessment to determine pollution prevention requirements pursuant to the three risk levels established in the General Permit;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States;
- Develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) that will reduce pollution in stormwater discharges to the Best Available Technology/Economically Achievable/Best Conventional Pollutant Control Technology standards;
- Perform inspections and maintenance of all BMPs; and
- Conduct stormwater sampling, if required based on risk level.

To obtain coverage under the Construction General Permit, a project applicant must electronically file all permit registration documents with the SWRCB prior to the start of construction. Permit registration documents must include a:

- Notice of Intent (NOI),
- Risk Assessment,
- Site map,
- SWPPP,
- Annual fee, and
- Signed certification statement.

Typical BMPs contained in SWPPPs are designed to minimize erosion during construction, stabilize construction areas, control sediment, and control pollutants from construction materials. The SWPPP must also include a discussion of the program to inspect and maintain all BMPs.

Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act (SGMA) of 2014 is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention if necessary to protect the resource. The plan is intended to ensure a reliable groundwater supply for California for years to come.

The SGMA requires governments and water agencies of high- and medium-priority basins to halt overdrafts of groundwater basins. Specifically, SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans (GSPs), or an approved alternative to a GSP, to manage the sustainability of groundwater basins in California. The project site is located within the San Juan Valley Groundwater Basin, which is identified by the California Department of Water Resources as a very low priority basin;[1] therefore, development of a GSP is not required.

4.8.3.3 Regional Regulations

Water Quality Control Plans (Basin Plans). The San Diego RWQCB has adopted a Basin Plan for its region of responsibility that delineates water resource area boundaries based on hydrological features. For the purposes of achieving and maintaining water quality protection, specific beneficial uses have been identified for each of the surface waters and groundwater management zones described in the Basin Plan. Once beneficial uses are designated, appropriate water quality objectives can be established, and programs that maintain or enhance water quality can be implemented to ensure the protection of beneficial uses.

The existing beneficial uses for Dana Point Harbor, as designated by the San Diego RWQCB in its Basin Plan, are listed below.

- **Industrial Service Supply (IND):** Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well re-pressurization.

[1] California Department of Water Resources (DWR). 2020. SGMA Basin Prioritization Dashboard, Groundwater Basins 2020. Website: https://gis.water.ca.gov/app/bp-dashboard/final/ (accessed August 28, 2020).

- **Navigation (NAV):** Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

- **Contact Water Recreation (REC1):** Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

- **Non-contact Water Recreation (REC2):** Uses of water for recreational activities involving proximity to water but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, and aesthetic enjoyment in conjunction with the above activities.

- **Commercial and Sport Fishing (COMM):** Uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.

- **Wildlife Habitat (WILD):** Uses of water that support terrestrial ecosystems, including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, and invertebrates), or wildlife water and food sources.

- **Rare, Threatened, or Endangered Species (RARE):** Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.

- **Marine Habitat (MAR):** Uses of water that support marine ecosystems including, but not limited to, preservation or enhancement of marine habitats, vegetation such as kelp, fish, shellfish, or wildlife (e.g., marine mammals and shorebirds).

- **Migration of Aquatic Organisms (MIGR):** Uses of water that support habitats necessary for migration, acclimatization between fresh and salt water, or other temporary activities by aquatic organisms, such as anadromous fish.

- **Spawning, Reproduction, and/or Early Development (SPWN):** Uses of water that support high quality habitats suitable for reproduction, early development and sustenance of marine fish and/or cold freshwater fish.

- **Shellfish Harvesting (SHELL):** Uses of water that support habitats suitable for the collection of filter feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sport purposes.

The existing beneficial use for groundwater for the Dana Point HSA is Agricultural Supply (AGR). The Dana Point HSA is exempt from the Municipal and Domestic Supply (MUN) beneficial use for groundwater.

Basin Plans also establish implementation programs to achieve water quality objectives to protect beneficial uses and require monitoring to evaluate the effectiveness of the programs. These objectives must comply with the State antidegradation policy (State Board Resolution No. 68-16), which is designed to maintain high-quality waters while allowing some flexibility if beneficial uses are not unreasonably affected.

Basin Plans have established narrative and numeric water quality objectives for inland surface waters, enclosed bays and estuaries, coastal lagoons, and groundwater. If water quality objectives are exceeded, the RWQCBs can use their regulatory authority to require municipalities to reduce pollutant loads to the affected receiving waters. Relevant surface water quality objectives for all inland surface waters, enclosed bays and estuaries, coastal lagoons, and groundwater under the jurisdiction of the San Diego RWQCB that are applicable to the receiving waters for the project site are shown in Table 4.8.A, below.

In addition to the water quality objectives applicable to all surface waters, bays and estuaries, and groundwater, the San Diego RWQCB has designated site-specific water quality objectives for specific waters under its jurisdiction. The site-specific water quality objectives for the Laguna HA are:

- TDS = 1,000 mg/L
- Chloride = 400 mg/L
- Sulfate = 500 mg/L
- Percent Sodium = 60
- Iron = 0.3 mg/L
- Manganese = 0.05 mg/L
- Methylene Blue Active Substances = 0.5 mg/L
- Boron = 0.75 mg/L
- Turbidity = 20 nephelometric turbidity units (NTU)
- Color = 20 units
- Fluoride = 1 mg/L

The site-specific groundwater quality objectives for the Dana Point HSA are:

- TDS = 1,200 mg/L
- Chloride = 400 mg/L
- Sulfate = 500 mg/L
- Percent Sodium = 60
- Nitrate = 45 mg/L
- Iron = 0.3 mg/L
- Manganese = 0.05 mg/L
- Methylene Blue Active Substances = 0.5 mg/L
- Boron = 0.75 mg/L
- Turbidity = 5 NTU
- Color = 15 units
- Fluoride = 1 mg/L

Table 4.8.A: Water Quality Objectives

Constituent	Objective
Ammonia, Unionized	Discharge of wastes shall not cause concentrations of unionized ammonia to exceed 0.025 mg/L (as nitrogen [N]).
Bacteria, Fecal Coliform	In waters designated for REC1, the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a log mean of 200 organisms/100 mL, nor shall more than 10 percent of all samples collected during any 30-day period exceed 400 organisms/100 mL. In waters designated for REC2, the average fecal coliform concentrations for any 30-day period, shall not exceed 2,000 organisms per 100 mL nor shall more than 10 percent of samples collected during any 30-day period exceed 4,000 organisms per 100 mL.
Bacteria, Total Coliform	In waters designated for REC1, the most probable number of total coliform organisms in the upper 60 feet of the water column shall be less than 1,000 organisms per 100 mL (10 organisms per mL); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 organisms per 100 mL (10 per mL). In waters designated for SHELL, the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70 organisms per 100 mL nor shall more than 10 percent of the samples collected during any 30-day period exceed 230 organisms per 100 mL for a five-tube decimal dilution test or 330 organisms per 100 mL when a three-tube decimal dilution test is used.
Biostimulatory Substances	Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses. Concentrations of nitrogen (N) and phosphorus (P), by themselves or in combination with other nutrients, shall be maintained at levels below those that stimulate algae and emergent plant growth. Threshold total P concentrations shall not exceed 0.05 mg/L in any stream at the point where it enters any standing body of water, or 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisance in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10 percent of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego RWQCB. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and then upheld. If data are lacking, a ratio of N:P = 10:1 on a weight-to-weight basis shall be used.
Color	Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses. The natural color of fish, shellfish, or other resources in inland surface waters, coastal lagoons or bays and estuaries shall not be impaired.
Floating Materials	Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.
Oil and Grease	Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, or that cause nuisance or otherwise adversely affect beneficial uses.
Pesticides	No individual pesticide or combination of pesticides shall be present in the water column, sediments, or biota at concentration(s) that adversely affect beneficial uses. Pesticides shall not be present at levels that will bioaccumulate in aquatic organisms to levels that are harmful to human health, wildlife, or aquatic organisms.
pH	Changes in normal ambient pH levels shall not exceed 0.2 unit in waters with designated MAR beneficial uses. In bays and estuaries, the pH shall not be depressed below 7.0 nor raised above 9.0.

Table 4.8.A: Water Quality Objectives

Constituent	Objective
Radioactivity	Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
Sediment	Waters shall not contain suspended or settleable solids in concentrations that cause nuisance or adversely affect beneficial uses.
Suspended and Settleable Solids	Waters shall not contain suspended and settleable solids in concentrations that cause nuisance or adversely affect beneficial uses.
Taste and Odor	Waters shall not contain taste- or odor-producing substances in concentrations that cause a nuisance or that adversely affect beneficial uses. The natural taste and odor of fish, shellfish, or other regional water resources used for human consumption shall not be impaired in inland surface waters and bays and estuaries.
Temperature	The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the San Diego RWQCB that such alteration in temperature does not adversely affect beneficial uses.
Toxicity	All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms; analyses of species diversity, population density, and growth anomalies; bioassays of appropriate duration; or other appropriate methods as specified by the San Diego RWQCB.
Turbidity	Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

Source: San Diego RWQCB, Water Quality Control Plan for the San Diego Basin (1994, with amendments effective on or before May 2016).

mg/L = milligrams per liter
mL = milliliter
MAR = marine
N = nitrogen
P = phosphorus
pH = potential of hydrogen
REC1 = Contact Water Recreation
REC2 = Non-contact Water Recreation
RWQCB = Regional Water Quality Control Board
SHELL = shellfish harvesting

Orange County National Pollutant Discharge Elimination System Permit. The County of Orange and the City are Permittees of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region* (South Orange County MS4 Permit), Order R9-2013-0001, NPDES No. CAS6010266, as amended by Order Nos. R9-2015-0001 and R9-2015-0100. The South Orange County MS4 Permit regulates discharges into the MS4 system in the cities and county areas within Orange County that are in the jurisdiction of the San Diego RWQCB. As discussed further below, the South Orange County MS4 Permit requires preparation of a Water Quality Management Plan (WQMP) and implementation of post-construction BMPs.

Drainage Area Management Program. The Drainage Area Management Plan (DAMP) was created by the County of Orange, the OCFCD, and incorporated cities (permittees), and includes specific water pollutant requirements of the Orange County Stormwater Program. The DAMP is the principal guidance and compliance document for the countywide implementation of the Stormwater Program. It is the foundation for the permittees to implement model programs designed to prevent pollutants from entering receiving waters to the maximum extent practicable.

Model Water Quality Management Plan. The *Model Water Quality Management Plan (Model WQMP) for South Orange County* (County of Orange 2017a) was developed to aid Orange County, the OCFCD, the cities in Orange County (permittees), and developers in Orange County to address post-construction urban runoff and stormwater pollution from new development and significant redevelopment projects that qualify as Priority Development Projects.[1]

Technical Guidance Document. The County of Orange developed the *Technical Guidance Document (TGD) for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (WQMPs) in South Orange County* (County of Orange 2018) in cooperation with the incorporated cities of South Orange County to aid agency staff and project proponents with addressing post-construction urban runoff and stormwater pollution from new development and significant redevelopment projects in Orange County. The TGD serves as a technical guidance to complete the project WQMP.[2]

Hydromodification Plan. Pursuant to the requirements of the South Orange County MS4 Permit, the County prepared the *South Orange County Hydromodification Management Plan (HMP)* (County of Orange 2017b). All priority development projects that do not meet the exemption criteria are required to comply with hydromodification criteria in the HMP. The goal of hydromodification control is to integrate hydrologic controls into a proposed project so that post-project runoff discharge rates and durations do not exceed predevelopment (naturally occurring) discharge rates and durations.[3]

Orange County Construction Runoff Guidance Manual. The *Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers* (County of Orange et al. 2012) presents the requirements related to construction from the DAMP. The goal of this Guidance Manual is to control pollutant discharges from construction sites. As such, it helps applicants with building and grading permits to understand the water quality requirements during the construction phase of development projects.[4]

Groundwater Dewatering Permit. On June 24, 2015, the San Diego RWQCB issued the *General Waste Discharge Requirements for Discharges from Groundwater Extraction Discharges to Surface Waters within the San Diego Region* (Order No. R9-2015-0013, NPDES No. CAG919003) (Groundwater Discharge Permit). This permit regulates construction dewatering and discharges of groundwater to surface waters during excavation. This permit specifies the discharge prohibitions, receiving water limitations, monitoring and reporting program requirements, and general compliance determination criteria for groundwater dewatering during construction activities. Dischargers are required to collect and analyze representative groundwater samples for all constituents listed in the Groundwater Discharge Permit. Based on the results, dischargers would be

1 County of Orange. 2017a. *Model Water Quality Management Plan for South Orange County*. September 28.

2 County of Orange. 2018. *Technical Guidance Document for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (WQMPs) in South Orange County*. December 21.

3 County of Orange. 2017b. *South Orange County Hydromodification Management Plan*. September 28.

4 County of Orange. 2012. *Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers*. December.

required to provide treatment for any toxic compounds detected above the applicable screening levels. To obtain coverage under the Groundwater Discharge Permit, each permittee must submit a Notice of Intent to begin the application process.

County of Orange Municipal Code.

Similar to the City of Dana Point, the County of Orange has adopted the California Building Code, 2019 Edition, for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures. The operative date of this ordinance is January 1, 2020. Municipal Code Section 7-1-836 also requires erosion control plans to be prepared in accordance with Subarticle 13 of the Grading Manual and submitted to the County Building Office for approval.

4.8.3.4 Local Regulations

Municipal Code. Title 8 of the City Municipal Code regulates building and construction activities within the City. Title 15 of the City Municipal Code contains water quality regulations for stormwater discharges within the City.

- **Section 8.01.380** of the Municipal Code requires an effective erosion control system shall be employed to control erosion and provide safety for development projects.

- **Section 8.01.390** of the Municipal Code requires erosion control plans prepared in accordance with sub- article 13 of the City's Grading Manual, and any applicable storm water permit issued to the City and the permittee shall be submitted to the Director for approval by September 1st each year for all projects under grading permits.

- **Section 8.01.400** of the Municipal Code specifies erosion control and water quality control procedures and required maintenance for erosion control system devices.

- **Section 15.10.060** of the Municipal Code specifies development requirements for control of surface runoff from projects.

- **Section 15.10.070** of the Municipal Code specifies BMP implementation and compliance, and requirements for site monitoring and inspections.

- **Section 15.10.080** of the Municipal Code specifies regulations regarding enforcement of the City's water quality and stormwater discharge regulations.

- **Section 15.10.090** of the Municipal Code specifies stormwater runoff discharge permit procedures.

Dana Point Harbor Revitalization Plan and District Regulations. The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) establish land use policies and development standards for upgrades to the visitor serving and marina services areas of Dana Point

Harbor. The Dana Point Harbor Revitalization Plan (DPHRP) was developed to promote Coastal Act compliance by enhancing public access opportunities, providing updated visitor serving commercial and marine recreational amenities, providing water quality improvements and promoting coastal resource preservation throughout the Harbor. Specifically, Chapter 7.3, Water Quality, and Chapter 7.6, Total Maximum Daily Loads (TMDL's), of the DPHRP include policies relevant to water quality improvements within the Harbor:

Policy 7.3.1-2: Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters and the generation of polluted runoff and nuisance flows.

Policy 7.3.1-3: Development shall not result in the degradation of the water quality of coastal surface waters, including the ocean, coastal streams or wetlands and of groundwater basins. To the maximum extent feasible, ensure that pollution from urban runoff not be discharged or deposited such that it adversely impacts groundwater, the ocean, coastal streams or wetlands.

Policy 7.3.1-4: Development shall be designed to minimize to the maximum extent feasible, the introduction of pollutants that may result in significant impacts to surface waters, groundwater or coastal waters. In order to meet these requirements, applicants shall prepare a post-development phase drainage and pollutant runoff control plan that incorporates a Best Management Practice (BMP) or the combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible. BMPs may include site design, source control and treatment control BMPs.

Policy 7.3.1-6: New development shall minimize where feasible the development footprint and directly connected impervious surfaces as well as the creation of and increases in impervious surfaces.

Policy 7.3.1-7: New development shall protect the absorption, purification and retention functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed areas of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.

Policy 7.3.1-10: Commercial development shall incorporate BMPs designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas

Policy 7.3.1-13: Permits for new development shall be conditioned to require on-going maintenance where maintenance is necessary for effective operation of required BMPs.

Policy 7.3.1-14: New development shall include construction phase erosion control and polluted runoff control plans. For example, such plans may include controls on timing of grading, BMPs for storage and disposal of construction materials or design specifications of sedimentation basins.

Policy 7.3.1-15: New development that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas.

Policy 7.3.1-16: The use of efficient irrigation practices and native or non-invasive and drought-tolerant plants to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation practices shall be required for all areas. The use of rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) is prohibited.

Policy 7.3.1-17: All structural BMPs shall be inspected on an annual basis and cleaned and/or repaired as necessary, ensuring proper function in accordance with the Model Maintenance Procedures of the County's Local Implementation Plan (LIP).

Policy 7.6.1-1: Coordinate with the appropriate Regional Water Quality Control Board, the County of Orange and other agencies and organizations in the implementation of the National Pollutant Discharge Elimination System Permits (NPDES) regulations to minimize adverse impacts on the quality of coastal waters. (Coastal Act Section 30231)

Policy 7.6.1-2: OC Dana Point Harbor shall obtain coverage under the NPDES Statewide Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence of receipt of permit approval must be presented prior to issuance of a Grading Permit.

Policy 7.6.1-3: As required for obtaining any Grading or Building Permits, OC Dana Point Harbor shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request.

Policy 7.6.1-4: As required for obtaining any Grading or Building Permit, OC Dana Point Harbor shall prepare an Erosion and Sediment Control Plan (ESCP) to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris and stockpiles of soil, aggregates, soil amendment, etc. shall be properly covered, stored and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all Best Management Practices (BMPs) will be maintained during construction of any future public rights-of-way. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

Policy 7.6.1-5: As required for obtaining any Grading or Building Permit (whichever comes first), OC Dana Point Harbor shall prepare a Water Quality Management Plan (WQMP) and/or a project-specific amendment specifically identifying Best Management Practices (BMPs) that will

be used on-site to minimize the volume, velocity and pollutant load of runoff, including measures to prevent, eliminate and/or otherwise effectively address dry weather nuisance flow. The WQMP shall follow the model WQMP prepared by the County of Orange Flood Control District, July 1, 2003, or the most recent version available. This WQMP or amendment thereto shall also demonstrate conformance with the policies and provisions governing Water Quality and Hydrology identified in Chapter 2 of the Dana Point Harbor Revitalization Plan, Chapter 7, Dana Point Harbor Revitalization Plan Coastal Resource Protection, City of Dana Point – OC Dana Point Harbor, Page I-7.25 of I-7.26 Resource Protection section, including applicable provisions from the Project Design Features and Requirements section. The WQMP should include one or more of the following:

- Discuss regional water quality and/or watershed programs (if available for the Harbor);
- Address and include Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
- Include any applicable Source Control BMPs and where necessary Treatment Control BMPs, as defined in the DAMP; and
- Demonstrate how surface runoff and subsurface drainage shall be managed and directed to the nearest acceptable drainage facility (as applicable), via sump pumps if necessary.

Policy 7.6.1-6: As required for obtaining any Grading or Building Permits (whichever comes first), OC Dana Point Harbor shall include in the WQMP the following additional Priority Project information:

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

Policy 7.6.1-7: As required for obtaining a Certificate of Use and Occupancy, OC Dana Point Harbor shall confirm compliance with the WQMP, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the applicable WQMP for the project have been implemented, constructed and installed in conformance with the approved plans and specifications;
- Demonstrate that OC Dana Point Harbor has complied with all non-structural BMPs described in the WQMP;

- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP; and

- Demonstrate that copies of the projects approved WQMP (with attached O&M Plan) are available for each of the incoming occupants.

The Dana Point Harbor District Regulations (DPHDR) are intended to govern the Dana Point Harbor Revitalization Plan as well as continued operations and maintenance of the Harbor facilities in accordance with Section 30514 of the California Coastal Act. The DPHDR identify Special Provisions that contain specific requirements applicable to hydrology and water quality:

8. Erosion and Sediment Control Plans

Erosion and Sediment Control Plans for all projects within Dana Point Harbor requiring a Grading Permit shall identify site specific measures for the control of siltation, sedimentation and other pollutants per the Orange County Grading and Excavation Code. Such a plan shall be approved prior to construction and include instructions for storm events, normal and emergency procedures, as well as procedures following storm events. Standard erosion control measures shall be installed for all projects as required according to County standards. The following erosion control measures shall be incorporated into all project grading plans, as required during construction by the County of Orange and the Regional Water Quality Control Board (San Diego Region) during the rainy season (October 1 to April 30):

a) Sandbags shall be placed across streets and around construction sites where necessary, depending upon size of catchment and sediment yield.

b) Erosion control at the sediment sources shall be emphasized during construction.

c) Tracking controls, such as rumble strips and gravel strips will be used when possible to minimize dirt being tracked into and out of construction sites.

d) Harbor basin inlets shall be protected by placing sediment barriers such as a wire mesh and gravel filter to intercept debris and soil runoff.

e) A stand-by work crew shall be available for emergency work during the rainy season. Necessary materials shall be available on site and shall be stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.

f) Removable protective erosion control devices shall be put in place at the end of each working day when the five (5) day rain probability forecast exceeds 40 percent (40%).

g) All erosion control measures shall be implemented in conformance with the requirements of the Grading and Excavation Code of the County of Orange. All construction shall be conducted with provisions for the control of sand, dust and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins or similar structures to prevent runoff during construction operations.

h) Prior to issuance of building permits, landscape and erosion and sediment control plans shall include provisions for temporary mulching, seeding, landscaping, permanent erosion and sediment control or other suitable stabilization measures in order to protect exposed areas during and after construction.

9. Water Quality Management Plan

In compliance with the National Pollutant Discharge Elimination System, water quality Best Management Practices (BMPs) will be designed to remove pollutants to an acceptable level prior to outletting drainage into the waterways in accordance with the policies and requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations Chapter 7.0, *Coastal Resource Protection*. Proposed Low Impact Development (LID) BMPs (specifically, biotreatment BMPs) include biofiltration basins, biofiltration planter boxes, and Modular Wetland Systems, as described in the approved Conceptual Water Quality Management Plan for Dana Point Harbor. The WQMP shall also establish responsibilities and timeframes for the construction and long-term maintenance of all new storm water and pollution control management systems. All storm drain systems shall be designed to also comply with the requirements of the County of Orange Local Drainage Manual (1996)[1], the Drainage Area Master Plan, and the OC Dana Point Harbor Clean Marinas Program (2015)[2].

4.8.4 Methodology

Project impacts to hydrology and water quality are evaluated based on the proposed project's adherence to local, regional, State, and federal standards; the proposed land uses and project design; changes in pre- and post-development stormwater flows; and proposed BMPs for control of surface runoff and reduction of pollutants in stormwater runoff.

4.8.5 Thresholds of Significance

The thresholds for hydrology and water quality impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to hydrology and water quality if it would:

Threshold 4.8.1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;

Threshold 4.8.2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;

1 County of Orange Environmental Management Agency. 1996. *Orange County Local Drainage Manual*. January. Website: https://media.ocgov.com/gov/pw/flood/docs/manuals.asp (accessed October 2020).

2 County of Orange OC Dana Point Harbor. 2015. Clean Marinas Program. Website: http://prg.ocpublicworks.com/DocmgmtInternet/Download.aspx?id=1221 (accessed October 2020).

Threshold 4.8.3: 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:

Threshold 4.8.3(i): Result in substantial erosion or siltation on- or off-site;

Threshold 4.8.3(ii): Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Threshold 4.8.3(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

Threshold 4.8.3(iv): Impede or redirect flood flows.

Threshold 4.8.4: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or

Threshold 4.8.5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The Initial Study, included as Appendix A, substantiates that impacts associated with Thresholds 4.8.2 and 4.8.3(i) through 4.8.3(iii) would be less than significant. Regarding Threshold 4.8.2, as groundwater from the San Juan Valley Groundwater Basin within the vicinity of the project site contains substantial amounts of nitrate and salts due to seawater intrusion, groundwater within the San Juan Valley Groundwater Basin would not be relied upon for water supplies for the project site. In addition, although grading activities may require groundwater dewatering, any groundwater dewatering required during construction would comply with the requirements of the Groundwater Discharge Permit. Lastly, although the proposed project would decrease the amount of impervious surface area on the project site, the groundwater elevation is too shallow for infiltration.

In response to Thresholds 4.8.3(i) through 4.8.3(iii), as the development of the project site would reduce impervious surface area, would not result in an increase in stormwater runoff, and would incorporate operational BMPs, the proposed project would not result in substantial erosion or siltation on- or off-site or flooding on- or off-site, and would not exceed the capacity of the existing stormwater drainage system or provide substantial additional sources of polluted runoff.

Therefore, Thresholds 4.8.2 and 4.8.3(i) through 4.8.3(iii) will not be addressed in the following analysis.

4.8.6 Project Impacts

Threshold 4.8.1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less Than Significant Impact.

Construction. Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. As stated in the Preliminary Water Quality Management Plan prepared for the proposed project, during construction, approximately 10.94 acres of soil would be disturbed (which includes off-site landscaping improvements east of Casitas Place and adjacent to and within the median on Dana Point Harbor Drive, in addition to off-site proposed sidewalk and landscaping improvements east of Island Way). During soil-disturbing construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via stormwater runoff into receiving waters (i.e., Dana Point Harbor, and ultimately the Pacific Ocean). Sediment from increased soil erosion and chemicals from spills and leaks have the potential to be discharged to downstream receiving waters during storm events, which can affect water quality and impair beneficial uses.

Because construction of the proposed project would disturb greater than 1 acre of soil, the proposed project is subject to the requirements of the Construction General Permit, as specified in Standard Condition 4.8-1 (SC 4.8-1). As also specified in SC 4.8-1, a SWPPP would be prepared, and construction BMPs detailed in the SWPPP would be implemented during construction, in compliance with the requirements of the Construction General Permit. In addition, as specified in Standard Condition 4.8-2 (SC 4.8-2), the DPHRP&DR and the County's Municipal Code require that an Erosion Control Plan be prepared during construction and submitted to the County for approval. The SWPPP and Erosion Control Plan would detail the BMPs to be implemented during construction. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site, and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Compliance with the requirements of the Construction General Permit, the DPHRP, and the County Municipal Code, including incorporation of construction BMPs to target and reduce pollutants of concern in stormwater runoff, would ensure that construction impacts related to waste discharge requirements, water quality standards, and degradation of water quality would be less than significant.

As discussed in the Preliminary Geotechnical Investigation, groundwater is expected to occur approximately 6 to 20 ft bgs beneath the project site. The Preliminary Geotechnical Investigation also found that historical high groundwater levels occurred at 5 ft bgs. As stated previously, the proposed project would include grading activities on the project site. Construction grading activities may extend to the depth at which groundwater would occur. As such, grading activities may require groundwater dewatering. In the event that groundwater or perched groundwater is encountered during construction and groundwater dewatering is necessary, disposal of dewatered groundwater can introduce total dissolved solids and other constituents to surface waters. Groundwater would be discharged to either the sanitary sewer system or stormdrain system. If discharged to the sanitary sewer system, a permit from the South Coast Water District (SCWD) would be required, as

specified in Standard Condition 4.8-3 (SC 4.8-3), to ensure that there is sufficient capacity available to accommodate the discharge to prevent sanitary sewer overflow, which can result in a discharge of pollutants to surface waters. If groundwater is discharged to the storm drain system, coverage under the San Diego RWQCB's NPDES Permit *General Waste Discharge Requirements for Discharges from Groundwater Extraction Discharges to Surface Waters within the San Diego Region* (Order No. R9-2015-0013, NPDES No. CAG919003) (Groundwater Discharge Permit) would be required, as also specified in SC 4.8-3. The Groundwater Discharge Permit would require testing and treatment (as necessary) of groundwater encountered during groundwater dewatering prior to release to surface waters to ensure that discharges do not exceed water quality limits specified in the permit. Compliance with the requirements of the Groundwater Discharge Permit, as specified in SC 4.8-3, would ensure impacts related to waste discharge requirements, water quality standards, and surface water quality would be less than significant during dewatering activities, and no mitigation is required.

Although groundwater dewatering may be required, dewatered groundwater would be discharged to either the sanitary sewer system or the storm drain system, which discharges to Dana Point Harbor, rather than back into groundwater and therefore would not introduce pollutants to groundwater. Infiltration of stormwater has the potential to affect groundwater quality in areas of shallow groundwater. However, according to the Preliminary Water Quality Management Plan prepared for the proposed project, the soils on-site are not favorable for infiltration. Therefore, it is not expected that any stormwater would infiltrate during construction. Therefore, project construction activities would not substantially degrade groundwater quality.

Operation. According to the Preliminary Water Quality Management Plan prepared for the proposed project, based on the existing impairments and water quality condition of the receiving waters for runoff from the project site (Dana Point Harbor and the Pacific Ocean), the primary pollutants of concern from long-term operation of the proposed project include heavy metals, bacteria, virus, pathogens, and toxic organic compounds. The Preliminary Water Quality Management Plan was prepared for the proposed project for compliance with the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region* (Order R9-2013-0001, NPDES No. CAS6010266, as amended by Order No. R9-2015-000) (South Orange County MS4 Permit). WQMPs specify the BMPs that would be implemented to capture, treat, and reduce pollutants of concern in stormwater runoff. The Preliminary Water Quality Management Plan prepared for the project specifies the Source Control, Site Design, and Low Impact Development (LID) BMPs (specifically, biotreatment BMPs) proposed for the project. Source Control BMPs are preventative measures that are implemented to prevent the introduction of pollutants into stormwater. Site Design BMPs are stormwater management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading generated from a project site. LID BMPs mimic a project site's natural hydrology by using design measures that capture, filter, store, evaporate, detain, and infiltrate runoff rather than allowing runoff to flow directly to piped or impervious storm drains. The Preliminary Water Quality Management Plan will be refined during final design based on the final site plans, as specified in Standard Condition 4.8-4 (SC 4.8-4). The proposed project BMPs are detailed below.

As detailed in the Preliminary Water Quality Management Plan prepared for the proposed project, proposed Site Design BMPs would include: minimizing impervious area; preserving existing drainage patterns and timing of concentration; disconnecting impervious areas; revegetating disturbed areas; minimizing soil compaction; runoff collection; and water efficient landscaping with native or drought tolerant species.

Proposed non-structural Source Control BMPs would include: education for property owners tenants, and occupants; activity restrictions; common area landscape management; BMP maintenance; Title 22 California Code of Regulations (CCR) compliance; spill contingency plan; underground storage tank compliance; hazardous materials disclosure compliance; uniform fire code implementation; common area litter control; employee training; common area catch basin inspections; and street sweeping private streets and parking lots.

Proposed structural Source Control BMPs include: storm drain system stenciling and signage; design and construction of trash and waste storage areas to reduce pollution introduction; use of efficient irrigation systems and landscape design; water conservation; use of smart controllers; and wash water control for food preparation areas.

Proposed LID BMPs (specifically, biotreatment BMPs) include biofiltration basins, biofiltration planter boxes, and Modular Wetland Systems. The proposed roof drains on Dana Point Surf Lodge, on the western portion of the project site, would discharge to proposed biofiltration planter boxes. The proposed roof drains on Dana House Hotel, on the eastern portion of the project site, would discharge to Modular Wetland Systems. Stormwater runoff on the proposed parking lots would sheet flow to biofiltration basins. The biofiltration basins, biofiltration planter boxes, and Modular Wetland Systems would be connected to a storm drain pipe system which would convey stormwater to the two existing storm drain outlets south of the project site and ultimately into the Harbor.

The proposed BMPs would target and reduce pollutants of concern from runoff from the project site in compliance with SC 4.8-4). Compliance with the requirements of the South Orange County MS4 Permit, including incorporation of operational BMPs to target pollutants of concern, would ensure that impacts related to waste discharge requirements, water quality standards, and degradation of water quality during project operation would be less than significant.

As discussed previously, infiltration of stormwater could have the potential to affect groundwater quality in areas of shallow groundwater. However, according to the Preliminary Water Quality Management Plan prepared for the proposed project, the soils on the project site are not favorable for infiltration. Regardless, the project would be required to implement operational BMPs which would treat stormwater before it could reach groundwater. Therefore, it is not expected that any stormwater would infiltrate during operation. Consequently, project operation would not substantially degrade groundwater quality.

In conclusion, compliance with SC 4.8-1 through SC 4.8-4 would ensure that impacts related to the violation of any water quality standards or waste discharge requirements, and degradation of surface water or groundwater quality during project construction and operation would be less than significant, and no mitigation is required.

Threshold 4.8.3(iv): Would the project 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: Impede or redirect flood flows?

No Impact. According to the FEMA FIRM No. 06059C0504K (March 21, 2019), the project site is located within Zone X, Area of Minimal Flood Hazard. Because the project would not place improvements or structures directly within a 100-year floodplain, the project would not impede or redirect flood flows. Therefore, no impact would occur related to impeding or redirecting of flood flows, and no mitigation is required.

Threshold 4.8.4: Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less Than Significant Impact.

***Flood Hazard*.** As discussed in Threshold 4.8.3(iv), the proposed project is not located within a 100-year flood hazard area. In addition, the proposed project would not place structures within a 100-year floodplain. Furthermore, according to the California Department of Water Resources, Division of Safety of Dams (DWR DSOD) Dam Breach Inundation Maps, the project site is not located within a dam inundation zone.[1] Therefore, the project site is not subject to inundation from flooding during a storm event or from dam failure, and no mitigation is required.

Tsunami. Tsunamis are ocean waves generated by tectonic displacement of the seafloor associated with shallow earthquakes, seafloor landslides, rock falls, and exploding volcanic islands. Tsunamis can have wave lengths of up to 120 miles and travel as fast as 500 miles per hour (mph) across hundreds of miles of deep ocean. Upon reaching shallow coastal waters, the waves can reach up to 50 ft in height, causing great devastation to near-shore structures. The project site is located on the Pacific Ocean shoreline, and is located in a tsunami inundation area.[2] Therefore, it should be anticipated that the project site may be subject to inundation by a tsunami. As stated in Section 4.7, Hazards and Hazardous Materials, potentially hazardous substances such as petroleum based fuels, lubricants, pesticides, and similar materials would be used during construction. Potentially hazardous materials associated with the proposed hotel uses and from routine project maintenance may also be used during operation of the proposed project. However, the proposed project would not substantially increase the use of hazardous materials from the existing condition, and the amount of these substances present during project construction and operation is limited and would be used in compliance with existing standards and regulations. Therefore, in the unlikely event of inundation from tsunami, the proposed project would not increase the risk of release of pollutants, and a less than significant impact would occur. No mitigation is required.

1 DWR DSOD. 2015. Dam Breach Inundation Map Web Publisher. Website: https://fmds.water.ca.gov/maps/damim/ (accessed August 31, 2020).

2 California Emergency Management Agency, el al. 2009. Tsunami Inundation Map for Emergency Planning, Dana Point Quadrangle/San Juan Capistrano Quadrangle. March 15.

Seiche Zones. Seiching occurs 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. The potential for the project site to be adversely impacted by earthquake-induced coastal seiches is considered to be high due to the presence of the Dana Point Harbor adjacent to the site. However, as previously discussed, the amount of hazardous substances present during project construction and operation is limited and would be used in compliance with existing standards and regulations. Therefore, in the unlikely event of inundation from seiche, the proposed project would not increase the risk of release of pollutants, and a less than significant impact would occur. No mitigation is required.

Threshold 4.8.5: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As previously stated, the proposed project is within the jurisdiction of the San Diego RWQCB. The San Diego RWQCB adopted a Water Quality Control Plan (i.e., Basin Plan) (September 1994, with amendments effective on or before May 2016), which designates beneficial uses for all surface and groundwater within its jurisdiction and established the water quality objectives and standards necessary to protect those beneficial uses. As summarized below, the project would comply with the applicable NPDES permits and would implement construction and post-construction BMPs to reduce pollutants of concern in stormwater runoff.

As discussed in Threshold 4.8.1, during construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via stormwater runoff into receiving waters. As specified in SC 4.8-1, the proposed project would be required to comply with the requirements set forth by the Construction General Permit, which requires preparation of a SWPPP and implementation of construction BMPs to control stormwater runoff and discharge of pollutants. Additionally, as also specified in SC 4.8-2, an Erosion Control Plan would be prepared during construction, in compliance with the DPHRP&DR and the County's Municipal Code. The SWPPP and Erosion Control Plan would detail the BMPs to be implemented during construction. In addition, groundwater dewatering may be required during construction. If groundwater dewatering is necessary, groundwater would be discharged to either the sanitary sewer or storm drain system. Groundwater that is discharged to surface waters can introduce total dissolved solids, nitrates, and other constituents to surface waters. If discharged to the sanitary sewer system, a permit from the SCWD would be required, as specified in SC 4.8-3. If groundwater is discharged to the storm drain system, coverage under the Groundwater Discharge Permit would be required, as also specified in SC 4.8-3.

As discussed in Threshold 4.8.1, the primary pollutants of concern during project operations include heavy metals, bacteria, virus, pathogens, and toxic organic compounds. As discussed in SC 4.8-4, a final WQMP will be prepared for the project in compliance with the South Orange County MS4 Permit. The final WQMP will detail the Site Design, LID, Source Control, Biofiltration and/or Treatment Control BMPs that would be implemented to treat stormwater runoff and reduce impacts to water quality during operation. The proposed BMPs would capture and treat stormwater runoff and reduce pollutants of concern in stormwater runoff.

The proposed project would comply with the applicable NPDES permits, which would require preparing a SWPPP, specifying regulations for groundwater dewatering, requiring preparation of a final WQMP, and including implementation of construction and post-construction BMPs to reduce pollutants of concern in stormwater runoff. As such, the proposed project would not result in water quality impacts that would conflict with the San Diego RWQCB's Basin Plan. With implementation of SC 4.8-1 through SC 4.8-4, impacts related to conflict with a water quality control plan would be less than significant, and no mitigation is required.

The Sustainable Groundwater Management Act (SGMA) was enacted in September 2014. SGMA requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. Specifically, SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans (GSPs), or an approved alternative to a GSP, to manage the sustainability of groundwater basins in California. The project site is located within the San Juan Valley Groundwater Basin, which is identified by the Department of Water Resources as a low priority basin; therefore, development of a GSP is not required. 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. Regardless, as discussed in Threshold 4.8.1, although groundwater dewatering could occur, dewatered groundwater would be discharged to the sanitary sewer or storm drain system and not back into groundwater, and would therefore not introduce pollutants to groundwater. Groundwater dewatering would be temporary, and dewatering of the groundwater table would not be required. Additionally, because the soils on site are not favorable for infiltration, it is not likely infiltration would occur during construction or operation. Regardless, any potential decrease in infiltration would be minimal in comparison to the size of the San Juan Valley Groundwater Basin, which has a capacity of 41,375 acre-feet (af) of water per year.[1] Therefore, the proposed project does not have the potential to impact groundwater quality, interfere with groundwater recharge, or decrease groundwater supplies. For the reasons outlined above and with implementation of SC 4.8-1 through SC 4.8-4, a less than significant impact would occur related to conflict with or obstruction implementation of water quality control plans or sustainable groundwater management plans, and no mitigation is required.

4.8.7 Level of Significance Prior to Mitigation

Construction and operational impacts related to hydrology and water quality would be less than significant. No mitigation measures are required.

4.8.8 Standard Conditions and Mitigation Measures

Standard Condition 4.8-1 **Construction General Permit.** Prior to commencement of construction activities, the Project Applicant shall obtain coverage under the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit),* NPDES No. CAS000002, Order No. 2009-0009-DWQ, as

[1] Wildermuth Environmental Inc. 2015. *Analysis of Storage in the San Juan Groundwater Basin.* November 18, 2015.

amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ, or any other subsequent permit. This shall include submission of Permit Registration Documents (PRDs), including permit application fees, a Notice of Intent (NOI), a risk assessment, a site plan, a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board (SWRCB) via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number (WDID) is obtained for the project from the SMARTS and provided to the Director of the County of Orange (County) Public Works, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a SWPPP and implementation of construction site Best Management Practices (BMPs) to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level identified for the project. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and shall include BMPs (e.g., Sediment Control, Erosion Control, and Good Housekeeping BMPs) to control the pollutants in stormwater runoff. Construction Site BMPs shall also conform to the requirements specified in the latest edition of the Orange County Stormwater Program *Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers* (County of Orange et al. 2012) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. Upon completion of construction activities and stabilization of the project site, a Notice of Termination shall be submitted via SMARTS.

Standard Condition 4.8-2 **Erosion Control Plan.** In compliance with the Dana Point Harbor Revitalization Plan and District Regulations and the requirements of Title 7 (Land Use and Building Regulations), Article 8 (Orange County Grading and Excavation Code), Subarticle 13 (Erosion Control), of the Codified Ordinances of the County of Orange, the Project Applicant shall submit a grading plan and erosion control plan to the County Permit Center for review and approval prior to issuance of a grading permit.

Standard Condition 4.8-3 **Groundwater Discharge Permit.** If groundwater dewatering is required during construction or excavation activities and the dewatered groundwater is discharged to the sanitary sewer system, the Project Applicant shall obtain a discharge permit from the South

Coast Water District (SCWD). If the dewatered groundwater is discharged to the stormdrain system, the Project Applicant shall obtain coverage under the San Diego Regional Water Quality Control Board's (RWQCB) *General Waste Discharge Requirements for Discharges from Groundwater Extraction Discharges to Surface Waters within the San Diego Region* (Order No. R9-2015-0013, NPDES No. CAG919003), or any other subsequent permit, and provide evidence of coverage to the Director of the County of Orange (County) Public Works, or designee. This shall include submission of a Notice of Intent (NOI) for coverage under the permit to the San Diego RWQCB at least 60 days prior to the start of excavation activities and anticipated discharge of dewatered groundwater to surface waters. Groundwater dewatering activities shall comply with all applicable provisions in the permit, including water sampling, analysis, treatment (if required), and reporting of dewatering-related discharges. Upon completion of groundwater dewatering activities, a Notice of Termination shall be submitted to the San Diego RWQCB.

Standard Condition 4.8-4 **Water Quality Management Plan.** Prior to issuance of building permits, the Project Applicant shall submit a Final Water Quality Management Plan (WQMP) to the Director of the County Public Works Department, or designee, for review and approval in compliance with the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region* (South Orange County MS4 Permit), Order R9-2013-0001, NPDES No. CAS6010266, as amended by Order No. R9-2015-0001, or any other subsequent permit. The Final WQMP shall be prepared consistent with the requirements of the *Model Water Quality Management Plan (Model WQMP) for South Orange County* (County of Orange 2017a) and the *Technical Guidance Document (TGD) for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (WQMPs)* (County of Orange 2018), or subsequent guidance manuals. The Final WQMP shall specify the BMPs to be incorporated into the project design to target pollutants of concern in runoff from the project site. The Director of the County Public Works, or designee, shall ensure that the BMPs specified in the Final WQMP are incorporated into the final project design.

4.8.9 Level of Significance after Mitigation

The proposed project would not result in significant impacts related to hydrology and water quality, and no mitigation is required.

4.8.10 Cumulative Impacts

Cumulative development in the area that drains to the Dana Point Harbor is a continuation of the existing urban pattern of development that has already resulted in extensive modifications to watercourses in the area. The area's watercourses have been channelized and drainage systems have been put into place to respond to the past urbanization that has occurred in this area. For the cumulative analysis related to hydrology and water quality, the cumulative projects being considered include the related projects, which all discharge to the same receiving waters as the proposed project (i.e., the Dana Point Harbor). Each of these related projects could potentially increase the volume of stormwater runoff and contribute to pollutant loading in stormwater runoff reaching both the County storm drain system and the Dana Point Harbor, thereby resulting in cumulative impacts to hydrology and surface water quality. Stormwater runoff from Related Projects 2, 5–7, 11, and 13, as shown in Table 4.A and Figure 4.1**,** in Chapter 4.0**,** all drain to the Dana Point Harbor. Please refer to Table 4.A and Figure 4.1**,** in Chapter 4.0, for the descriptions and locations of these related projects.

New development and redevelopment can result in increased stormwater runoff and increased urban pollutants in stormwater runoff from each of the related project sites. Each related project must include BMPs to reduce impacts to water quality and hydrology in compliance with local ordinances and plans adopted to comply with requirements of the various NPDES permits. Specifically, the related projects that disturb 1 acre or more of soil must comply with the requirements of the Construction General Permit and the South Orange County MS4 Permit. The preparation and approval of a SWPPP (for construction) and a WQMP (for operation) would be required for each related project to determine appropriate BMPs to minimize water quality impacts. In addition, the preparation and approval of a hydrology report would be required to determine the hydrologic control required to minimize increases in runoff from each site so they do not exceed existing runoff volumes or result in hydromodification impacts. In addition, cities review all development projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity is available.

Each related project must consider impaired receiving waters and TMDLs for receiving waters. The TMDL program is designed to identify all constituents that adversely affect the beneficial uses of water bodies and then identify appropriate reductions in pollutant loads or concentrations from all sources so that the receiving waters can maintain/attain the beneficial uses in the Basin Plan. Thus, by complying with TMDLs, a project's contribution to overall water quality improvement in the Dana Point Harbor in the context of the regulatory program is designed to account for cumulative impacts.

New development and redevelopment may also require groundwater dewatering. Groundwater would be discharged to either the sanitary sewer system or stormdrain system. If discharged to the sanitary sewer system, a permit from the SCWD would be required to ensure that there is sufficient capacity available to accommodate the discharge to prevent sanitary sewer overflow, which can result in a discharge of pollutants to surface waters. If groundwater is discharged to the storm drain system, coverage under the San Diego RWQCB's Groundwater Discharge Permit would be required. If coverage under the Groundwater Discharge Permit is required, each project would be evaluated individually to ensure that sufficient local and regional drainage capacity is available. Additionally, if

located within the San Juan Valley Groundwater Basin, each project would be separately evaluated to determine its potential impacts to the Basin, and would assess impacts of groundwater infiltration, interference with groundwater recharge, or a decrease groundwater supplies.

Regional programs and BMPs such as TMDL programs and the MS4 Permit Program have been designed under an assumption that Dana Point Harbor would continue its pattern of urbanization. The regional control measures contemplate the cumulative effects of proposed development. The proposed project would be required to comply with the requirements of the Construction General Permit and the South Orange County MS4 Permit and implement construction and operational BMPs to reduce pollutants in stormwater runoff. Compliance with these regional programs and permits constitutes compliance with programs intended to address cumulative water quality impacts. As stated above, each related project would be required to develop a SWPPP, a WQMP, and a hydrology report, and would be evaluated individually to determine appropriate BMPs and treatment measures to reduce impacts to surface water quality and hydrology.

In summary, because the proposed project and other related projects would comply with applicable NPDES requirements and would include BMPs and drainage facilities to reduce the volume of stormwater runoff and pollutants of concern in stormwater runoff, the cumulative hydrology and water quality impacts of the proposed project in combination with the related projects would be less than significant. Therefore, the proposed project's incremental hydrology and water quality impacts would not be cumulatively considerable.

4.9 LAND USE AND PLANNING

This section of the Draft Environmental Impact Report (EIR) analyzes the land use impacts associated with the implementation of the proposed Dana Point Harbor Hotels Project (proposed project) as it relates to surrounding land uses and relevant policy and planning documents. Information presented in this section is based on information provided in the City of Dana Point's (City) General Plan, *Dana Point Harbor Hotels Development Coastal Hazards* (Coastal Hazards Memorandum) (Anchor QEA 2021), the Dana Point Zoning Code (DPZC), and the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) which were incorporated by reference as Chapter 9.25 of the DPZC. The DPZC comprises a part of the larger Local Coastal Program (LCP) regulating coastal development for a majority of the land area located in the City's Coastal Zone. The Coastal Hazards Memorandum is included in Appendix H of this Draft EIR.

4.9.1 Scoping Process

The City received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. Three comment letters included comments related to Land Use and Planning.

The letter from the California Department of Transportation (Caltrans) District 12, received on October 26, 2020, suggested that the Draft EIR should discuss the City's Multimodal Mobility Strategies, such as transit and connectivity that encourages the design of Complete Streets. Section 4.9.3 below includes a discussion of plans and policies applicable to the proposed project related to the provision of transit and multimodal facilities and connectivity including the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the City of Dana Point General Plan, and the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR). Refer to Section 4.9.6 below for an analysis of the proposed project's consistency with these plans and policies (Threshold 4.9.2). As the proposed project is not a roadway improvement project, consistency with Caltrans Complete Streets regulations would not apply. In addition, refer to the analysis provided in Section 4.12, Transportation, for a discussion of the proposed project's consistency with programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (Threshold 4.12.1).

The letter from Southwest Regional Council of Carpenters, received on October 26, 2020, suggested that the Draft EIR should discuss any inconsistencies with applicable general plans, specific plans, and regional plans, particularly in references to the City's Regional Housing Needs Assessment (RHNA) targets. As described in the Initial Study (Appendix A), construction jobs associated with the project would be temporary, and it is expected that local and regional construction workers would be available to serve the proposed project's construction needs over the project's 38-month construction schedule. As the construction workforce would not be expected to relocate, no additional housing or unplanned population growth would occur. In addition, based on the City and County of Orange (County) unemployment rates, long-term employment opportunities are expected to be served by the local and regional labor force. Furthermore, while the comment letter correctly states that the proposed project includes reapportioned and increased intensity of development within Planning Area (PA) 3, this development is related to visitor-serving uses, not residential

development, and would not indirectly or directly induce population or growth within the City. Therefore, consistency with the City's RHNA targets would not apply to the proposed project.

The letter from the Orange County Fire Authority (OCFA), received on October 8, 2020, suggested that the proposed project would result in less than significant impacts if measures were included related to compliance with applicable safety codes and regulations. The analysis in this section includes the proposed project's consistency with the City's General Plan policies, which include coordination of plans with OCFA for compliance with existing regulations. In addition, please refer to Section 4.11, Public Services for a detailed discussion of coordination with OCFA.

4.9.2 Existing Environmental Setting

The proposed project would be located on an approximately 9.16-acre site (project site) in the City of Dana Point, which is located in the southwest portion of Orange County, California. The City encompasses approximately 29.5 square miles of land (approximately 18,880 acres) within Orange County. The City is bounded by the City of San Juan Capistrano on the northeast, the Cities of Laguna Niguel and Laguna Beach on the northwest, the City of San Clemente on the east, and the Pacific Ocean on the south and west. Roughly 2,158 acres of the City lie within the Local Coastal Zone (Coastal Overlay District), including the project site.

Regional access to the project site is provided by Pacific Coast Highway (PCH, also known as State Route 1 or SR-1) and Interstate 5 (I-5). PCH runs in a northwest to southeast direction through the City and is located approximately 0.30 mile north of the project site. I-5 runs through the eastern portion of the City and is located approximately 1.3 miles northeast of the project site.

The project site is generally bounded on the north by Dana Point Harbor Drive, to the west by Island Way, to the east by Casitas Place and restaurant, retail, and marina uses, and to the south by Dana Point Harbor waters and boat docks. In the existing condition, the project site is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking reserved for boaters on the southern portion of the project site. Access is currently provided to the project site from Dana Point Harbor Drive to the northeast and from Casitas Place to the east.

The majority of the project site consists of three legal lots (consisting of Assessor's Parcel Numbers [APNs] 682-022-01 – 682-022-08, and a portion of 682-022-16) located within DPHRP&DR PAs 2, 3, and 4.

Surrounding land uses include Heritage Park located to the north, restaurant and retail uses to the east, and marina uses located south, east, and west of the project site. Additionally, a plaza containing commercial uses is located northeast of the project site, and single-family residential uses are located north of the project site on the other side of Heritage Park, above the coastal bluff.

4.9.3 Regulatory Setting

4.9.3.1 Federal Regulations

There are no federal land use policies or regulations that are applicable to the proposed project with respect to land use regulation.

4.9.3.2 State Regulations

California Coastal Act/Local Coastal Program/Coastal Development Permit. The California Coastal Act of 1976 (Coastal Act) was created to: (1) protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; (2) assure orderly, balanced utilization and conservation of coastal zone resources taking into account social and economic needs; (3) maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners; (4) assure priority for coastal-dependent and coastal-related development over other development on the coast; and (5) encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. The Coastal Act requires all cities located within the Coastal Zone to adopt a Local Coastal Program (LCP). The LCP is used by cities to regulate local land uses and development in a manner that is consistent with the goals of the Coastal Act. Specifically, LCPs identify the location, type, densities, and other land use policies for future development within the Coastal Zone of a jurisdiction.

The project site is located entirely within the City's Coastal Zone (refer to Figure 4.9.1, Coastal Zone) and is under the land use planning and regulatory jurisdiction of both the City and the California Coastal Commission (Coastal Commission). The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) (LCP Amendment 1-10) was certified by the Coastal Commission on October 6, 2011. After the Coastal Commission has certified an LCP, the primary responsibility for issuing Coastal Development Permits (CDPs) is transferred from the Coastal Commission to the local government for most non-shore/non-water projects in the Coastal Zone. However, the Coastal Commission retains permanent coastal permit authority over development proposed on tidelands, submerged lands, and public trust lands. Projects proposed within the Coastal Zone are required to obtain a CDP prior to commencement of construction. Related to the proposed project, development is proposed in landside PAs 2, 3, and 4, and the City maintains CDP permit issuance jurisdiction. Since the proposed project is appealable development and located in the appeal jurisdiction, City action on the CDP can be appealed by or to the Coastal Commission (see Figure 4.9.1, Coastal Zone).

4.9.3.3 Regional Regulations

Regional Comprehensive Plan. In 2008, the Southern California Association of Governments (SCAG) adopted the Regional Comprehensive Plan (RCP) for the purpose of providing a comprehensive strategic plan for defining and solving housing, traffic, water, air quality, and other regional challenges. The 2008 RCP has two primary objectives in implementing this strategic plan:

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LSA

LEGEND

- Project Site
- Coastal Zone
- Dana Point Harbor Boundary
- Coastal Commission Permit Jurisdiction
- City of Dana Point Permit Jurisdiction
- Appeal Jurisdiction
- Appeal Jurisdiction (P.R.C. §30613)

N

0 2000 4000
FEET

SOURCE: City of Dana Point

FIGURE 4.9.1

Dana Point Harbor Hotels Project
Coastal Zone

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(1) integrating transportation, land use, and air quality planning approaches, and (2) outlining key roles for public and private sector stakeholders to implement reasonable policies regarding transportation, land use, and air quality approaches. While the 2008 RCP outlines several policies to guide local decision-makers within the SCAG region with respect to policy and planning decisions, these policies are considered recommendations and are not mandated by law.

With respect to land use policy, the 2008 RCP includes a Land Use and Housing chapter that aims to link land use and transportation planning decisions to the projected population and economic growth in the SCAG region. Specifically, the Land Use and Housing chapter of the 2008 RCP promotes sustainable planning for land use and housing in the SCAG region by maximizing the efficiency of the existing circulation network, providing a greater variety in housing types, promoting a diverse and growing economy, and protecting the existing natural environment. The 2008 RCP is included in the analysis below to determine if the proposed project is consistent with the goals of this plan related to regional growth and environmental protection.

Regional Transportation Plan/Sustainable Communities Strategy. SCAG is a regional council consisting of the following six counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. In total, the SCAG region encompasses 191 cities and over 38,000 square miles within Southern California. SCAG is the Metropolitan Planning Organization (MPO) serving the region under federal law, and serves as the Joint Powers Authority, the Regional Transportation Planning Agency, and the Council of Governments under State law. As the Regional Transportation Planning Agency, SCAG prepares long-range transportation plans for the Southern California region, including the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the 2008 RCP.

On September 3, 2020, SCAG adopted Connect SoCal, the 2020–2045 RTP/SCS. The 2020–2045 RTP/SCS is a long-range planning document that provides a common foundation for regional and local planning, policymaking, and infrastructure goals in the SCAG region. The core vision of Connect SoCal is to build upon and expand land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. Connect SoCal includes new initiatives at the intersection of land use, transportation, and technology to reach greenhouse gas reduction goals for the region.

The 2020–2045 RTP/SCS establishes a number of initiatives aimed at improving the regional transit system and reducing automobile reliance in the SCAG planning area. Examples of these initiatives include fostering housing construction in transit rich areas by deregulating parking, promoting housing supportive infrastructure, and supporting innovative self-help financing districts; encouraging regional coordination to incentivize shared mobility, as mobility services and new technologies gain mode share; and ensuring the safe and fluid movement of goods while committing to the broad deployment of zero- and near-zero emission technologies. Connect SoCal is included in the analysis below to determine whether the proposed project would be implemented in a manner consistent with the goals of this plan related to reducing greenhouse gases, improving mobility, and promoting sustainable growth in the region.

4.9.3.4 Local Regulations

General Plan. The certified Land Use Plan (LUP) policies, land use designations, and maps, diagrams, figures, tables and other graphics for the areas of the City of Dana Point are contained in the Land Use, Urban Design, Circulation, and Conservation/Open Space Elements of the City's General Plan.

As shown in Figure 3.3, General Plan Land Uses, in Chapter 3.0, Project Description, the project site is designated on the City's General Plan Land Use Map for Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML) uses. The V/RC land use designation provides for primarily visitor-serving uses, such as restaurant, resort hotels and motel uses, commercial, recreation specialty and convenience retail goods and services. The HML designation provides for land-based harbor uses such as marinas, marine-oriented commercial and industrial services, marine-oriented governmental facilities and services, visitor-serving commercial uses, open space uses, and community facilities.

Dana Point Harbor Drive is also considered to be a potential "scenic corridor" according to the Circulation Element of the City's General Plan.

City of Dana Point Zoning Code. Although the project site is located within the City's boundaries, the County of Orange owns, operates, and has primary authority for development/construction permits, and land use operation and activities within the Dana Point Harbor. Until 2011, the regulatory document controlling land use provisions and development standards was a County document called the *Dana Point Harbor Planned Community District Development Plan*. In 2011, the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) was incorporated into the City's Zoning Code, which is a part of the City's Local Coastal Program and provides the primary authority for development, maintenance, and operation of land uses and activities within the Harbor. The Zoning Code serves as the implementing actions program of the City's Local Coastal Program (LCP), and the City has authority to approve Coastal Development Permits for all landside development within the Harbor.

Local Coastal Program (LCP).

> ***Zoning Regulations/Local Coastal Program/Dana Point Harbor Revitalization Plan and District Regulations.*** The entire Dana Point Harbor is located in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC) Zoning District as established by Section 9.03.010 of the DPZC. The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) was certified in October 2011, as a local coastal program amendment (LCPA) replacing in its entirety the Dana Point Harbor Planned Community District Development Plan (DPHCDDP) contained in the County's 1986 Dana Point Specific Plan/LCP, and replacing any reference to the DPHCDDP in the DPZC. Through the LCPA, the DPHRP&DR was incorporated by reference as Chapter 9.25 of the DPZC, and included as Appendix A of the DPZC. Therefore, the proposed project's consistency with the LCP is described throughout this chapter as consistency with the DPHRP&DR. The DPZC comprises a part of the larger Local Coastal Program (LCP) for a majority of the area located in the City's Coastal Zone. The DPHRP&DR is divided into two parts: (1) the Land Use Plan (Dana Point Harbor Revitalization Plan—DPHRP) comprising the general planning and policy document, and (2) the Implementation Plan (Dana Point Harbor District Regulations

[DPHDR]) containing land use regulations and site development standards for all PAs in Dana Point Harbor.

The DPHRP&DR refers to both Land Use Designations (DPHRP) and Land Use Districts (DPHDR), and these coincide with one of the 12 PAs identified in the DPHRP&DR that establish land use and development regulations within the Dana Point Harbor (Figure 3.4, Planning Area Map). Although the terms used to describe these components of a typical general plan (land use designations) and zoning code (zoning districts) differ from the Land Use Plan and the Implementation Plan, the names of these land use designations/districts are the same in both the DPHRP and the DPHDR. Figure 3.5, Dana Point Harbor Revitalization Plan, illustrates the PAs and corresponding land use designations/districts in the DPHRP&DR. According to Figure 3.5 and Figure 3.6, PA 3 Boundary, for the proposed project, the majority of the project site is located within PA 3, which has a corresponding land use designation/district of Visitor Serving Commercial (VSC). The VSC is intended to provide for a variety of visitor serving commercial overnight accommodations, ancillary uses, and facilities in addition to commercial, recreational uses, and facilities supportive of the general community and the regional recreational needs of residents and visitors. The proposed loading zones and landscape improvements to the east of Island Way are located within PA 4 of the DPHRP&DR, which has a land use designation/district of Marine Commercial (MC), which is intended to provide for a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, and private and public club uses supportive of the general boating public and to serve the regional recreational needs of residents and visitors. The proposed improvements south of the terminus of Casitas Place, including the eastern portion of Dana House Hotel's podium structure, the adjacent Festival Plaza, and a small portion of the Pedestrian Promenade along the East Cove Marina bulkhead, are located within PA 2 of the DPHRP&DR, which has a land use designation/district of Day Use Commercial (DUC).

The DPHDR is the Implementation Plan for the DPHRP&DR, constitutes the zoning for the project site, and governs the permitted uses and development standards associated with the project site. The Dana Point Harbor Revitalization Plan Statistical Table is included in Chapter 17 (Revitalization Plan and Statistical Table Regulations and Procedures) of the DPHDR. Chapter 17 provides regulations and procedures for the City to revise the Dana Point Harbor Revitalization Plan Statistical Table, which contains a statistical breakdown for each of the PAs shown on the DPHRP in terms of acreage and maximum amount of allowable development intensity. Additionally, due to its proximity to the Pacific Ocean, the project site falls within the boundaries of the City's Coastal Overlay District. The Coastal Overlay District preserves and protects the coastal resources within Dana Point, and implements the California Coastal Act (Division 20 of the Public Resources Code) and the General Plan coastal policies, which constitute the Land Use Plan portion of the certified Local Coastal Program for the City of Dana Point. The CO District is an overlay district, which shall be combined with any other zoning district that lies within the Coastal Zone of the City of Dana Point. A Coastal Development Permit, subject to the standards of the specific zoning designation in which the project is located is required for all "development", as defined in Section 9.75.040 of the City's Municipal Code.

The DPHRP&DR also contains design guidelines specific to the Harbor, which supersede the Dana Point Design Guidelines that provide guidance for development in other parts of the City. General Provision No. 2 of Chapter 3 of the DPHDR states that the Dana Point Harbor Revitalization Plan and District Regulations shall govern all existing and proposed development within Dana Point Harbor.

The DPHRP&DR provides a specific design theme of "California Coastal", which is a hybrid-style based on the historic characteristics of coastal villages merged with the California traditions of open space and outdoor living. The model for a California Coastal Village is a coastal area that has an appearance of being constructed over time, with buildings being added as needed, while at the same time allowing the various buildings to differentiate themselves based on users and individual type of businesses. Generally, buildings will share a color palette, exterior finishes, and will share many materials, which can be deployed in numerous ways such as clapboard, shingle, stone trim, and stucco.

By unifying some architectural elements such as roof pitches and railings, these buildings will present a varied yet unified village appearance. The scale of Dana Point Harbor allows the creation of a unique setting that includes the clustering of buildings together to provide a comfortable pedestrian setting for retail merchants and restaurants. The new village will also be moved closer to the existing Dana Wharf to create a stronger pedestrian link with the remaining buildings and adjacent parking areas. A small number of careful architectural enhancements will bring the California Coastal style to the existing buildings on Dana Wharf to be remodeled.

County of Orange Municipal Code. The County of Orange continues to own, operate, and have the primary authority for development, maintenance, and operation of land uses and activities within the Harbor. As noted previously, the County is the trustee of the Harbor for the people of the State of California, pursuant to the State Tidelands Grant. As landowner, all Harbor operations are managed by the Orange County Dana Point Harbor Department. The marinas, hotel, and other private operations are managed under various operations, management, and/or lease agreements controlled by the County of Orange. The County also provides emergency response and police services through the Orange County Fire Authority, the Orange County Sheriff's Department, and the Harbor Patrol. As noted in the DPZC discussion above, construction-related permits are issued by the County and, excluding the land use policies and development regulations contained in the DPHRP&DR, the proposed project is subject to the regulations of the County Municipal Code per the DPHRP&DR.

4.9.4 Methodology

The impact analysis of this Land Use and Planning section considers the physical effects of the proposed project related to land use compatibility and considers whether the proposed project would result in any potential inconsistencies with planning documents adopted by the City and other agencies with applicable plans or policies (e.g., City of Dana Point General Plan Land Use Element and the DPZC). Regulations and policies from the City's General Plan and DPHRP&DR are also discussed in applicable topical sections of this Draft EIR, where policies related to physical effects associated with specific environmental topics are addressed.

The consistency analysis presented in this section was prepared in compliance with *State CEQA Guidelines* Section 15125(d). Neither the California Environmental Quality Act (CEQA) nor the *State CEQA Guidelines* set forth standards for determining when a project is inconsistent with an applicable plan, but the final determination that a project is consistent or inconsistent with an applicable plan should be made by the lead agency when it acts on the project. Using the methodology described below, the analysis in this EIR presents the findings of policy review and is intended to provide a guide to the decision-makers for policy interpretation.

A project's inconsistency with a policy is only considered significant if such an inconsistency would cause significant physical environmental impacts (per *State CEQA Guidelines* Section 15382). This EIR section determines whether any project inconsistencies with public land use policies and documents would be significant and whether mitigation is feasible. Under this approach, a policy conflict is not in and of itself considered to be a significant environmental impact. An inconsistency between a proposed project and an applicable plan is a legal determination that may or may not indicate the likelihood of environmental impact. In some cases, an inconsistency may be evidence that an underlying physical impact is significant and adverse. For example, if the proposed project affected agricultural land, one standard for determining whether the impacts were significant would be to determine whether the project violated a plan or policy protecting agricultural land; the environmental impact, however, would be the physical conversion of agricultural land to non-agricultural uses. Conversely, plan consistency may also indicate that a potential environmental impact is less than significant.

4.9.5 Thresholds of Significance

The thresholds for land use and planning impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines.* The proposed project may be deemed to have a significant impact with respect to land use and planning if it would:

Threshold 4.9.1: Physically divide an established community; or,

Threshold 4.9.2: 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.

The Initial Study, included as Appendix A, substantiates that there would be less than significant impacts associated with Threshold 4.9.1. The project site is located within a largely developed portion of the City of Dana Point and would occur on a currently developed site with an existing hotel, parking, and associated infrastructure. In addition, vehicular access to the project site would continue to be provided from Dana Point Harbor Drive on the northeast boundary of the project site and from Casitas Place on the eastern boundary of the project site. Implementation of the proposed project would not change the land use designations/districts of PA 1, PA 2, or PA 3 of the DPHRP&DR, or introduce new land uses that would divide the existing developments in those PAs. Therefore, the proposed project would not result in the physical division of an established community and this threshold will not be addressed in the following analysis.

4.9.6 Project Impacts

Threshold 4.9.2: Would the project 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. Several regionally and locally adopted land use plans, policies, and regulations would be applicable to development under the proposed project, including the California Coastal Act (CCA), the SCAG 2008 Regional Comprehensive Plan, Connect SoCal (the SCAG 2020–2045 RTP/SCS), the City of Dana Point General Plan, the Dana Point Zoning Code, and the DPHRP&DR.

Southern California Association of Governments Regional Comprehensive Plan. The RCP addresses issues such as housing, traffic, air quality, and water resources as a guide for local agencies to use in preparing plans that deal with regional issues. The RCP outlines a vision of how the Southern California region can balance growth with conservation in order to achieve a higher quality of life. In order to achieve this balance, the RCP aims to establishes the following land use goals: (1) focus growth in existing centers and along major transportation corridors, (2) encourage mixed-use development, (3) provide new housing opportunities, (4) encourage development near existing and planned transportation stations to reduce traffic congestion and associated air pollutants, (5) preserve existing single-family neighborhoods, and (6) protect open space and environmentally sensitive habitat areas from development. The proposed project does not include new housing or mixed-use development. Therefore, Goals 2 and 3 are not applicable to the proposed project and are not discussed further in the following RCP consistency analysis below.

The project site is located immediately south of Dana Point Harbor Drive, which is a Primary Arterial consisting of four lanes, and PCH, which is a Primary Arterial consisting of four lanes northwest of the site and a Major Arterial consisting of six lanes northeast of the site. The proposed project would include the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas within the project site and would develop two hotels, one of which would include space for boater services, ancillary uses, and designated boater and hotel parking. Therefore, the redevelopment of the site with expanded hotel uses would not change the nature of the uses on the project site. Uses proposed as part of the project would be easily accessed from Dana Point Harbor Drive and other major transportation corridors near the site including PCH and I-5. In addition, the proposed project would be located immediately south of the existing Class 2 bike lanes on Dana Point Harbor Drive.[1] The proposed hotels would also be located approximately 0.15 mile southwest of the nearest bus stop (the Orange County Transportation Authority [OCTA] Route 90 bus stop located on the northbound side of Golden Lantern just north of the Golden Lantern/Dana Point Harbor Drive intersection). In addition, the City of Dana Point provides a trolley service during the summer months for local city transport, and the proposed hotels are located approximately 0.13 mile west of the nearest trolley stop (on the southeast corner of Golden Lantern and Dana Point Harbor Drive).

[1] Orange County Transportation Authority (OCTA). 2009. *2009 Commuter Bikeways Strategic Plan*. Website: https://octa.net/pdf/bikeways09.pdf (accessed September 30, 2020).

Employees of the Dana Point Harbor Hotels may utilize available alternative transportation to access the site. As the project site is located within walking distance to restaurants, recreation, and shopping opportunities, it is anticipated that vehicle use by patrons of the hotels will be reduced. In addition, patrons of the hotels may utilize alternative transportation modes including the existing bus stops and Dana Point Trolley to access these commercial and recreational land uses. Overall, the project would be consistent with RCP Goal 1 to focus growth along major transportation corridors, and Goal 4 to encourage new development near existing transportation stations.

Development of the proposed project would be consistent with existing visitor-serving commercial, recreational, and marina uses surrounding the project site, and would not result in a conflicting land use with any existing single-family neighborhoods in the City. The closest residential neighborhood is located nearly 300 ft north of the project site, and it is also separated topographically from the project site due to its location on the coastal bluff north of Dana Point Harbor Drive. The proposed project would replace the existing hotel and would continue to serve visitors. Refer to Section 4.1, Aesthetics, for a detailed discussion of the proposed project's consistency with the visual character of the surrounding area. Refer to Sections 4.2, Air Quality, and 4.10, Noise, for a detailed discussion of the proposed project's potential to result in nuisance impacts related to operational emissions and noise. As noted throughout this EIR, the proposed project would not interfere or conflict with the existing land use patterns and visual character of established residential neighborhoods near the site and would not result in any significant and unavoidable nuisance impacts as all potentially significant impacts related to air quality and noise can be mitigated to a less than significant level. Therefore, the project would be consistent with the RCP Goal 5 of preserving existing single-family neighborhoods.

The project site does not include protected open space or environmentally sensitive habitat, as it is currently developed with this existing Dana Point Marina Inn and associated parking and infrastructure. However, as described in Section 4.8, Hydrology and Water Quality, Dana Point Harbor is considered an Environmentally Sensitive Area (ESA) and is a receiving water body for the project site. Compliance with Standard Conditions 4.8-1 through 4.8-4 would ensure that impacts related to violation of any water quality standards or waste discharge requirements, and degradation of surface water or groundwater quality during or after project construction and operation would be less than significant. Therefore, the project would be consistent with RCP Goal 6 of protecting open space and environmentally sensitive habitat areas.

For the reasons identified above, the proposed project would be consistent with applicable goals and policies in SCAG's 2008 RCP.

SCAG Connect SoCal (2020–2045 RTP/SCS). Connect SoCal (2020–2045 RTP/SCS) provides a comprehensive outline for transportation investments throughout the SCAG region. As described above in Section 4.9.3.3, Regional Regulations, the 2020–2045 RTP/SCS, known as Connect SoCal, was most recently adopted in 2020 and is updated every four years to address regional transportation needs. In order to receive State and federal funding, transportation projects must be outlined in the RTP. In addition, Connect SoCal outlines the following primary goals: (1) encourage regional economic prosperity and global competitiveness, (2) improve

mobility, accessibility, reliability, and travel safety for people and goods, (3) enhance the preservation, security, and resilience of the regional transportation system, (4) increase person and goods movement and travel choices within the transportation system, (5) reduce greenhouse gas emissions and improve air quality, (6) support healthy and equitable communities, (7) adapt to a changing climate and support an integrated regional development pattern and transportation network, (8) leverage new transportation technologies and data-driven solutions that result in more efficient travel, (9) encourage development of diverse housing types in areas that are supported by multiple transportation options, and (10) promote conservation of natural and agricultural lands and restoration of habitats. Goal 9 of Connect SoCal relates to the development of housing and Goal 10 relates to the conservation of natural and agricultural land and conservation of habitats. As the proposed project would replace an existing hotel use on the project site, does not include new transportation uses, does not include the development of housing, and would take place on an already developed site containing no agricultural lands, the project's consistency with Goals 4, 9, and 10 are not discussed further in the consistency analysis provided below.

As previously stated, the proposed project would include the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas within the project site, and would develop two hotels, one of which would include boater services, ancillary uses, and designated boater and hotel parking. Therefore, the proposed project would not change the nature of the site as a commercial development. The project site is located directly south of Dana Point Harbor Drive, which is a four-lane Primary Arterial that runs in an east-west fashion through the Dana Point Harbor and Marina. The project would include driveway, sidewalk, and curb improvements on Island Way, Casitas Place, and Dana Point Harbor Drive, which connect the site with the local and regional transportation systems. The project site is also located within walking distance to commercial and recreational uses and is adjacent to existing alternative transportation infrastructure, including an OCTA bus stop and a Dana Point Trolley Service stop. In addition, as part of the project design, a complimentary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts would be provided for hotel guests. These golf carts may also be used for boater services. Pedestrian access, golf cart shuttle service, and proximity to transit would result in reduced vehicle trips by hotel patrons. As such, development of the proposed project would improve accessibility to the site and areas adjacent to the site, and would reduce greenhouse gas emissions and improve air quality (Goals 2 and 5). Moreover, all access improvements included as part of the proposed project would comply with County of Orange and Orange County Fire Authority (OCFA) standards to enhance the security of the regional transportation system (Goals 2 and 3). Development of the two hotels on the project site would also provide additional employment opportunities that would promote economic development and improve the global competiveness in the area with new overnight accommodations to attract local, regional, national, and international visitors to the region (Goal 1).

The proposed project would promote energy efficiency through compliance with the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements. Sustainability features proposed as part of the project would include the following: storm water pollution control requirements during construction activities; storm water retention systems;

electric vehicle (EV) charging stations and EV capable parking spaces; passive solar design; efficient low-emissivity (Low-E) glazing; water conserving plumbing fixtures and fittings; automatic controllers, sensors, and metering of outdoor water use; construction waste reduction; specification of finish material pollutant control meeting volatile organic compound (VOC) and formaldehyde limits (i.e., adhesives, sealants, caulks, paints and coatings, aerosol paints and coatings); efficient variable refrigerant flow (VRF) heating and air-conditioning system design; light pollution reduction; bicycle parking and employee transportation alternatives; exterior material selection for sustainability and recycled content; low power consumption for lighting design and dimming systems; commissioning and testing of heating, ventilation, and air conditioning (HVAC) and lighting systems; and insulation and sealing of the exterior envelope.

As discussed in Section 4.6, Greenhouse Gas Emissions, the proposed project would not conflict with the stated greenhouse gas (GHG) emissions reduction goals of the City's Dana Point Energy Efficiency And Conservation Plan or the DPHRP&DR; therefore, the proposed project would not interfere with the City's ability to achieve the statewide post-2020 GHG reduction targets outlined in the 2017 California Climate Change Scoping Plan, and it can be assumed that GHG emissions would decrease in line with the goals of the 2017 California Climate Change Scoping Plan. In August 2019, a Coastal Hazards Analysis was prepared by Anchor QEA to assist in the Coastal Commission permitting process for the reconfiguration, repair, and modernization of the marinas, drystack area, seawalls and revetment, and upland boater service improvements in the Dana Point Harbor. In January 2021, Anchor QEA prepared a memorandum addressing the potential coastal hazards that could affect the project (Coastal Hazards Memorandum), based on the analysis it completed for the Dana Point Harbor as a whole in August 2019. The Coastal Hazards Memorandum, which includes the coastal hazards analysis completed in August 2019, is included in Appendix H. The Coastal Hazards Memorandum concluded that future sea level rise could result in the inundation of the lowest occupied floor elevation of Dana House Hotel; however, this was based on a conservative medium-high risk scenario and an analysis horizon year of 2100. It should be noted that the life of the proposed project is not anticipated to extend to 2100 and the lowest floor of Dana House Hotel consists mainly of unoccupied parking and enclosed, non-habitable back of the house functions (storage, laundry, employee lounge, etc.), along with the Dana House Hotel fitness area, and separately accessed non-habitable boater service facilities. No overnight hotel accommodations in either Dana House Hotel or Dana Point Surf Lodge would be subject to these inundation areas, even in this speculative condition occurring over 75 years beyond project opening. In addition, the proposed project would require review and approval by the Coastal Commission of a Coastal Development Permit, which would include additional adaptation strategies. As such, the project would be consistent with Goals 5 and 7 for reducing GHG emissions and adapting to a changing climate.

Employees traveling to and from the project site may use alternative transportation to access the site given the proximity of Class 2 bike lanes along Dana Point Harbor Drive north of the site and the OCTA Route 90 bus stop, approximately 0.15 mile northeast of the proposed hotels near the intersection of Golden Lantern and Dana Point Harbor Drive. In addition, the proposed parking plan includes designated zones for new and efficient transportation technologies such as rideshare uses (i.e., Lyft, Uber, and taxi), which would be provided at key locations on site for

passenger loading. Further, because the project site is located within walking distance to restaurants, recreation, and shopping opportunities, it is anticipated that vehicle use by patrons of the hotels will be reduced. As noted above, the project would also provide hotel guests with a complimentary golf cart shuttle service to attractions within the Harbor. In addition, patrons of the hotels may utilize alternative transportation including the existing bus stops and the Dana Point Trolley to access these and other commercial and recreational land uses located within the City. Therefore, the proposed project would be consistent with Goals 4, 6, and 8.

In addition, the proposed Dana Point Surf Lodge is designed as a lower cost overnight accommodation to replace the existing Dana Point Marina Inn, which would continue to provide lower cost accommodations to supplement the market-rate accommodations within the proposed Dana House Hotel. Therefore, the proposed project would be consistent with Goal 6.

For the reasons stated above, the proposed project would be consistent with applicable goals outlined in Connect SoCal.

City of Dana Point General Plan. The City's General Plan (1991) contains goals, policies, and programs that are intended to guide future land use and development decisions. According to Section 65302(a) of the California Government Code, General Plans are required to contain at least seven elements: Land Use, Transportation, Housing, Conservation, Noise, Open Space, and Safety. The City's General Plan contains these required elements, as well as three optional elements: Public Facilities/Growth Management, Economic Development, and Urban Design.

Land Use Element. At the heart of the General Plan is the Land Use Element (LUE), adopted in 1991. The LUE establishes land uses and develops a long-term land use vision for these land uses throughout the City. Table 4.9.B (provided later in this section) includes a list of applicable goals and policies from the City's General Plan and the proposed project's consistency with each goal and policy. The LUE serves as a guide to the allocation of land use in the City and has major impacts on key issues and subject areas examined in the other elements of the General Plan. The Land Use Map, which illustrates land uses within the City, is a primary feature of the Land Use Element. Land use designations indicate the type and nature of development that is allowed in a given location. As shown on Figure 3.3, General Plan Land Uses, the project site is designated Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML). The V/RC land use designation provides for primarily visitor-serving uses, such as restaurants, resort hotels and motel uses, commercial, recreation specialty and convenience retail goods and services. The HML designation provides for land-based harbor uses such as marinas, marine-oriented commercial and industrial services, marine-oriented governmental facilities and services, visitor-serving commercial uses, open space uses, and community facilities. The proposed hotel project would be consistent with these existing land use designations.

As described in Table 4.9.B below, the proposed project would be consistent with several goals and policies contained in the City's General Plan Land Use, Urban Design, Conservation/Open Space, Public Safety, Circulation, Noise, and Public Facilities/Growth Management Elements. Therefore, impacts related to potential conflicts with the City's General Plan are anticipated to be less than significant, and no mitigation is required.

Additional regulations and policies from the City's General Plan are discussed in other topical sections of this Draft EIR as those policies are more directly related to the environmental effects evaluated in those sections.

Zoning Regulations/Local Coastal Program/Dana Point Harbor Revitalization Plan and District Regulations. Zoning is the division of a city into districts and the application of land use and development regulations specific to each district.

The Zoning Code is a primary tool for implementing the City's General Plan. As described above, according to the Dana Point Zoning Code (DPZC), Dana Point Harbor is zoned Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC). The DPHRP&DR was incorporated as Chapter 9.25 of the DPZC, and included as Appendix A of the DPZC in 2011. The DPZC comprises a part of the larger Local Coastal Program (LCP) for a majority of the City. The DPHRP&DR is divided into two parts: (1) the Land Use Plan (Dana Point Harbor Revitalization Plan—DPHRP) comprising the general planning and policy document, and (2) the Implementation Plan (Dana Point Harbor District Regulations [DPHDR]) containing land use regulations and site development standards for all PAs in Dana Point Harbor. As stated in the DPHRP, Policy 5.2.1-2, construction of any new/additional units that are anything other than lower cost units shall require an LCP Amendment to address Coastal Act issues associated with such proposals. As described in Chapter 3.0, Project Description, the proposed project would include the development of both market-rate and lower-cost overnight accommodations, and a greater number of hotel rooms than prescribed in the Dana Point Harbor Revitalization Plan Statistical Table contained in Chapter 17 of the DPHDR. Consequently, the proposed project also requires an LCP Amendment. Therefore, approval of the LCP Amendment would ensure the proposed project's consistency with the DPHRP and Coastal Act, and no mitigation would be required. Table 4.9.C (provided later in this section) includes a list of all other applicable goals, policies, and objectives from the DPHRP. Additional regulations and policies from the DPHRP&DR are discussed in other topical sections of this Draft EIR as those policies are more directly related to the environmental effects evaluated in those sections.

As shown in Figure 3.6, Planning Area 3 Boundary, the majority of the project site is located within PA 3 of the DPHRP&DR with a land use designation/district of Visitor Serving Commercial (VSC), which is intended to provide for a variety of visitor serving commercial overnight accommodations, ancillary uses, and facilities in addition to visitor serving commercial, recreational uses, and facilities supportive of the general community and serving the regional recreational needs of residents and guests of the County of Orange, City of Dana Point, and visitors to the coast. The proposed improvements to the landscaped area east of Island Way are located within PA 4 of the DPHRP&DR, with a land use designation/district of Marine Commercial (MC), which is intended to provide for a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, private and public club uses supportive of the general boating public and serve the regional recreational needs of residents and guests of the County of Orange, City of Dana Point, and visitors to the coast. The proposed improvements located within PA 2 of the DPHRP&DR, which is located in the Day Use Commercial (DUC) land use designation/district, are limited

to the eastern portion of Dana House Hotel's podium structure and the adjacent Festival Plaza as well as a small portion of the Pedestrian Promenade along the East Cove Marina bulkhead that are both part of the Dana Point Harbor Commercial Core. The proposed project includes the development of two hotels and ancillary facilities, which would be consistent with the designations for the project site.

Although the proposed uses are consistent with the DPHDR, the development intensity of those uses determined through maximum square footage and the number of hotel rooms for the proposed project, differs from that contained in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3 in Chapter 17 of the DPHDR. The proposed changes submitted to the Coastal Commission for consideration are summarized in Table 4.9.A, below. The proposed project would increase the number of hotels and hotel rooms, reapportion other land use categories in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3, and also include text changes to the DPHRP&DR to address the reapportioned land use categories: all of which require a Zone Text Amendment and an LCPA. The LCPA must be certified by the Coastal Commission prior to implementing the project as proposed.

Table 4.9.A: Proposed Changes to Dana Point Harbor Revitalization Plan Statistical Table Development Intensity for PA 3

Land Use Category	Planning Area	Gross Area (acres)	Estimate Existing Rooms/Square Footage	Maximum Rooms/Square Footage[1]
Visitor-Serving Commercial	3	9.5 acres		
Lower Cost Hotel			136 rooms	139 rooms
Function/Meeting			2,000 sf	
Restaurant/Food Service				4,200 sf
Accessory Retail				350 sf
Fitness/Health Center			450 sf	700 sf
Market Rate Hotel				130 rooms
Function/Meeting				6,000 sf
Restaurant/Food Service				8,275 sf
Accessory Retail				600 sf
Fitness/Health Center				1,700 sf
Boater Service Building 2			3,600 sf	
Boater Service Building 3			3,600 sf	3,000 sf
Boater Service Building 4			5,000 sf	3,800 sf
Planning Area 3 Subtotals	3	9.5 acres	14,650 sf	28,625 sf

Source: R.D. Olson (2020).
[1] Maximums as proposed in the Coastal Development Permit.
PA = Planning Area
sf = square foot/feet
VSC = Visitor Serving Commercial

In addition to regulating development intensity, the DPHDR also includes regulations on building heights and setbacks. As described in Policy 8.5.1-3, all new development in the Harbor shall not exceed a maximum building height of 35 feet (ft): exceptions to the 35 ft height limit include VSC (PA 3) building(s) that shall have a maximum height of 50 ft. Dana Point Surf Lodge and Dana House Hotel are designed with a proposed height limit of 50 ft, consistent with the limits for buildings within the VSC designation, and with architectural treatments and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions. The building setback requirements are a minimum of 10 ft from any street (surface parking and landscaping areas may be included as part of setback area).

The proposed development would meet the minimum 10 ft setback from the surrounding roadways, including Dana Point Harbor Drive, Island Way, and Casitas Place.

The proposed project is also located within the City's Coastal Overlay District. However, because the proposed project is located within the boundaries of the DPHRP&DR, it is referenced first for the review and processing of discretionary permits. Chapter II-16 therein outlines procedures for discretionary permits related to improvements in the Dana Point Harbor. Section 16.2 specifies, "All applications for Coastal Development Permits for Planning Areas 1 through 7 shall be in accordance with this Chapter of the Dana Point Harbor District Regulations and the City of Dana Point Zoning Code, Chapter 9.69, *Coastal Development Permit*." Based on the scope of the proposed project and the location in the Harbor (landside PAs 2, 3, and 4), the City retains jurisdiction for the processing and approval of the CDP. Since a public hearing is required, the City's Planning Commission will take action at a publicly noticed hearing during one of its regularly scheduled meetings. Issuance of the CDP would ensure the proposed project would be consistent with applicable provisions in the City's Municipal Code, including the DPHRP&DR related to development within its coastal zone.

Therefore, approval of the CDP, Zone Text Amendment, and LCPA for the increased development intensity standards for PA 3 would ensure the proposed project's consistency with the City's established policies and development standards, and no mitigation would be required.

As discussed in Section 4.1, Aesthetics, the proposed structures would be consistent with the California Coastal design theme outlined in the DPHRP&DR intended to unify the Dana Point Harbor Revitalization PAs. Dana House Hotel would utilize a contemporary composition of Traditional Nautical architectural styled elements using a variety of materials with well-proportioned massing to develop an elegant and yet informal use of color and materials to provide a connection to the visual character and historical precedents of Dana Point Harbor. The massing would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Dana Point Surf Lodge would utilize a classical composition of architectural elements with the use of form and a variety of materials to bring a modern style and residential scale to the proposed project.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Land Use Element	
Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City Residents.	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would expand visitor-serving commercial opportunities within the City by increasing overnight accommodations with the increase in proposed hotel rooms. The addition of the proposed Dana Point Surf Lodge and Dana House Hotel would also include accessory retail space, boater services, restaurants, and function/meeting space facilities providing a mixture of uses serving City residents, which would enhance and support existing boater and recreation activities near the Dana Point Harbor. Therefore, the proposed project would further the City's goal of providing a mixture of land uses to meet the varying needs of the City's residents.
Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/ landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.	**Consistent.** As indicated in Table 4.9.A, the Dana Point Harbor Revitalization Plan (DPHRP) has established maximum development intensity for the Visitor Serving Commercial (VSC) land use designation/district within Planning Area (PA) 3. Although the proposed uses are consistent with the Dana Point Harbor District Regulations (DPHDR), the development intensity of those uses determined through maximum square footage and the number of hotel rooms for the proposed project differs from that contained in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3 in Chapter 17 of the DPHDR. The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3, as well as text changes in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) to address the reapportioned land use categories require a Zone Text Amendment and a Local Coastal Program Amendment (LCPA). Approval of the Coastal Development Permit (CDP), Zone Text Amendment, and LCPA for the increased development intensity standards for PA 3 would ensure the proposed project's consistency with the City's established development standards. Therefore, once the Zone Text Amendment is approved, the proposed project will be consistent with Policy 1.1. The proposed project is consistent with the setback requirements and allowable height of 50 feet (ft) for buildings in the VSC (PA 3) land use designation/district. Therefore, the proposed project would be consistent with the City's policy aimed at conformance with development standards.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 1.2: Establish maximum intensities for development of each of the various land use categories.	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would expand visitor-serving commercial opportunities within the City by increasing overnight accommodations with the increase in proposed hotel rooms. As described above, the development intensity of those uses determined through maximum square footage and the number of hotel rooms for the proposed project differs from that contained in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3 in Chapter 17 of the DPHDR. The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories require a Zone Text Amendment and an LCPA. Therefore, once approved, the proposed project would be consistent with Policy 1.2.
Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. (Coastal Act, Sections 30250 and 30254)	**Consistent.** As discussed in Section 4.11, Public Services, the proposed project would be served by all public service providers currently serving the project site. Therefore, the proposed project would be consistent with the City's policy aimed at assuring that land use intensities can be served by public service facilities. Furthermore, as the proposed project includes the development of two hotels, restaurants, and other visitor-serving amenities, the proposed project would be consistent with the intent of this policy to ensure visitor-serving land uses are not precluded by other development.
Policy 1.5: Work closely with Orange County to plan for the future development of the Harbor Area and to assure that additional development is compatible with existing uses and enhances the scenic, recreational, and visitor opportunities for the area (Coastal Act, Sections 30220-224, 30233, 30234, 30250, 30252, and 30255)	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would expand overnight accommodation facilities for ongoing hotel and visitor-serving commercial opportunities within the City. The replacement of the existing Dana Point Marina Inn is programmed in the DPHRP, which was developed by the OC Dana Point Harbor Department and approved by the City. Therefore, the proposed project is consistent with the City's policy aimed at coordination with the County of Orange for development of the Dana Point Harbor.
Policy 1.8: The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses. (Coastal Act, Section 30252)	**Consistent.** Employees traveling to and from the project site may use alternative transportation to access the site given the proximity of Class 2 bike lanes along Dana Point Harbor Drive north of the site, the Orange County Transportation Authority (OCTA) Route 90 bus stop approximately 0.15 mile northeast of the proposed hotels near the northeast corner of Golden Lantern and Dana Point Harbor Drive, and the Dana Point Trolley stop approximately 0.13 mile east of the proposed hotels on the southeast corner of Golden Lantern and Dana Point Harbor Drive. In addition, the proposed parking plan includes designated zones for new and efficient transportation technologies such as rideshare uses (i.e., Lyft, Uber, and taxi), which would be provided at key locations onsite for passenger loading/unloading. The proposed project would enhance existing public access to the coast through the creation of the Pedestrian Promenade

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
	adjacent to the East Cove Marina bulkhead, and would be consistent with the City's policy aimed at maintaining and enhancing public access to the coast via non-automobile circulation and transit.
Goal 2: Achieve compatibility and enhance relationships among land uses in the community.	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would expand visitor-serving commercial opportunities within the City by increasing overnight accommodations with the increase in proposed hotel rooms. Therefore, the proposed project would not result in any new land use incompatibilities in the community.
Policy 2.1: Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development. (Coastal Act, Section 30250)	**Consistent.** As discussed in Section 4.10, Noise, the proposed project would not result in any significant and unavoidable impacts on surrounding land uses related to noise. As discussed in Section 4.11, Public Services, the proposed project would not result in significant impacts on utility infrastructure currently serving the project site. As discussed in Section 4.12, Transportation, the proposed project would not result in any impacts to existing roadways surrounding the project site. Therefore, the proposed project would be consistent with the City's policy requiring new development projects to consider impacts on surrounding land uses.
Policy 2.2: Visitor serving commercial areas shall not intrude into existing residential communities (Coastal Act, Section 30250)	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would expand overnight accommodations facilities within the VSC land use designation/district (PA 3) through an increase in hotel rooms, but would not extend beyond the project site into any existing residential communities. Furthermore, the proposed project would not include the development of any residential land uses. Therefore, the proposed project would be consistent with the City's policy aimed at preventing visitor serving commercial areas from intruding on existing residential communities.
Policy 2.11: The location and amount of new development should maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas through the correlation of the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development. (Coastal Act, Section 30252(6))	**Consistent.** The proposed project would include paved pedestrian pathways throughout the project site and would create the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead and along the southern boundary of the project site as stipulated in Chapter 6 of the DPHRP. Therefore, the proposed project would not restrict or otherwise interfere with existing public access to the coast. While it is possible that employees may visit parks and recreational facilities in the Dana Point Harbor and the City during lunch breaks or after-work hours, it is unlikely that the use of parks by project employees would increase demand for nearby coastal recreation areas. Furthermore, on-site recreational facilities are included in the site plans for both Dana Point Surf Lodge and Dana House Hotel to accommodate hotel guests. The proposed project maintains and enhances public access to coastal recreation areas. Therefore, the proposed project would be consistent with the City's policy aimed at maintaining public access to the coast and providing recreational facilities.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions (Coastal Act, Section 30250)	**Consistent.** As discussed in Section 4.11, Public Services, public service providers (Orange County Fire Authority [OCFA], Orange County Sheriff's Department [OCSD]) and utility providers (natural gas, electricity, and communications service providers) were contacted about their continued ability to serve the project site following project implementation. Mitigation Measure 4.11-1 would require the Project Applicant to enter into a Secured Fire Protection Agreement with the OCFA. This Agreement will specify the Project Applicant's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. In addition, Mitigation Measure 4.11-1 requires the City to confirm that all applicable Capistrano Unified School District (CUSD) charges and development fees have been paid. Furthermore, the proposed project would replace and expand the existing hotel uses on the site. The additional employment opportunities provided by construction and operation of the proposed project would be served by the local workforce and would not result in additional residents. Therefore, the proposed project would not result in a significant impact on other public facilities (i.e., schools, libraries, or parks). Consequently, the proposed project would be consistent with the City's policy related to new development contributing its share of the cost of the providing public services and facilities.
Policy 3.7: Encourage safe and convenient bicycle and pedestrian access throughout the community. (Coastal Act, Sections 30210-212.5, 30250, and 30252)	**Consistent.** The proposed project would include paved pedestrian pathways throughout the project site and would create the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site as stipulated in Chapter 6 the DPHRP. In addition, employees traveling to and from the project site may use alternative transportation to access the site given the proximity of Class 2 bike lanes along Dana Point Harbor Drive north of the site. Design of the proposed project, including the internal private roadways, ingress, egress, and other streetscape changes, would be subject to review by the City's Public Works & Engineering Services at entitlement for compliance with City regulations, and by the County of Orange for necessary ministerial grading and construction permits. Therefore, the proposed project would be consistent with the City's policy aimed at encouraging safe bicycle and pedestrian access.
Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.	**Consistent.** The proposed project would replace the existing Dana Point Marina Inn and would increase overnight accommodation facilities (hotel rooms) within the VSC land use designation/district (PA 3) but would not extend beyond the project site into any natural environmental resources. Therefore, the proposed project would be consistent with the City's goal of preservation of natural environmental resources.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 4.5: Consider the environmental impacts of development decisions. (Coastal Act, Sections 30240, 30241, 30242, 30243, and 30244)	**Consistent.** Environmental consequences associated with the development of the proposed project are analyzed throughout this EIR. Refer to topical sections within Chapter 4.0, Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures, for a more detailed discussion of potential environmental consequences associated with implementation of the proposed project.
Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation. (Coastal Act, Section 30251)	**Consistent.** As discussed in Section 4.1, Aesthetics, the proposed project would not result in adverse impacts to any scenic corridors or the overall aesthetic character of the surrounding area. Therefore, the proposed project would be consistent with the City's policy aimed at ensuring land uses within designated scenic corridors are compatible with scenic enhancement and preservation.
Urban Design Element	
Policy 1.4: Preserve public views from streets and public places. (Coastal Act, Section 30251)	**Consistent.** As discussed in Section 4.1, Aesthetics, development of the proposed project would not result in any significant adverse impacts to public views and public spaces. Therefore, the proposed project would be consistent with the City's policy aimed at preserving public views.
Policy 5.2: Encourage site and building design that takes advantage of the City's excellent climate to maximize outdoor spatial relationships. (Coastal Act, Section 30250)	**Consistent.** The proposed project would include a variety of open spaces including pedestrian walkways that lead to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. In addition, both Dana Point Surf Lodge and Dana House Hotel would include large outdoor pool areas facing the harbor, and a majority of proposed guest rooms would be equipped with decks and/or balconies. As such, the proposed project would be consistent with the City's policy of encouraging the maximization of outdoor spatial relationships.
Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.	**Consistent.** The proposed project would include a variety of open spaces including pedestrian walkways that lead to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. Furthermore, as discussed in Section 4.1, Aesthetics, the proposed project would be consistent with the visual character of Dana Point Harbor and the design policies and development standards of the DPHRP&DR promoting irregular massing, offsets in plan, section, and roof profiles, and the avoidance of long continuous row structures. The proposed project would also be consistent with surrounding land uses, and include pedestrian facilities. As such, the proposed project would be consistent with the City's policy of encouraging that buildings and exterior spaces are scaled to human size and pedestrian activity.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 5.4: Encourage outdoor pedestrian spaces, sidewalks and usable open space in all new development.	**Consistent.** As previously stated, the proposed project would include a series of pedestrian paths that would enhance pedestrian access throughout the site and would provide access to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. As such, the proposed project would be consistent with the City's policy of encouraging outdoor pedestrian spaces, sidewalks, and usable open space in new development.
Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.	**Consistent.** Landscaping included as part of the proposed project would include natural vegetation that would emphasize drought-tolerant plant species Therefore, the proposed project would be consistent with the City's policy aimed at promoting drought-tolerant plant materials as part of new projects.
Policy 5.6: Encourage aesthetic roof treatment as an important architectural design feature.	**Consistent.** Dana House Hotel is designed using the allowable height of 50 ft for buildings in the VSC land use designation/district (PA 3) with architectural treatments and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions. See also Section 4.1, Aesthetics, for additional information on aesthetic design. Therefore, the proposed project would be consistent with the City's policy aimed at aesthetic roof treatments and architectural design.
Conservation/Open Space Element	
Goal 1: Conserve and protect surface water, groundwater, and imported water resources.	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the proposed project would not result in significant adverse impacts to surface water, groundwater resources, or imported water resources. Therefore, the proposed project would be consistent with the City's policy aimed at conserving and protecting surface, groundwater, and imported resources.
Policy 1.2: Protect groundwater resources from depletion and sources of pollution.	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the proposed project would not result in significant adverse impacts to groundwater resources near the project site. Therefore, the proposed project would be consistent with the City's policy aimed at protecting groundwater resources from depletion and sources of pollution.
Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean. (Coastal Act, Section 30231)	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the proposed project would not result in significant adverse impacts related to water quality. Furthermore, the proposed project would reduce the amount of impervious surface on the site and would implement Low-Impact Development (LID) Best Management Practices (BMPs) including biofiltration basins, biofiltration planter boxes, and Modular Wetland Systems, that would target and reduce pollutants of concern from runoff from the project site. Therefore, the proposed project would be consistent with the City's policy aimed at protecting water quality.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 2.1: Place restrictions on the development of floodplain areas, beaches, sea cliffs, ecologically sensitive areas and potentially hazardous areas. (Coastal Act, Sections 30235, 30236, 30240, and 30253)	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the project site is not located within a 100-year floodplain; however, Dana Point Harbor is considered an Environmentally Sensitive Area (ESA) and is a receiving water body for the project site. Compliance with Standard Conditions 4.8-1 through 4.8-4 detailed in Section 4.8 would ensure that impacts related to violation of any water quality standards or waste discharge requirements, and degradation of surface water or groundwater quality during project construction and operation would be less than significant. Therefore, development of the proposed project would be consistent with the City's policy aimed at restricting development within floodplain areas, beaches, sea cliffs, ecologically sensitive areas, and potentially hazardous areas.
Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements. (Coastal Act, Section 30243)	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the proposed project would comply with the requirements of the Construction General Permit (Standard Condition 4.8-1) and the South Orange County MS4 Permit (Standard Condition 4.8-4). Under the Construction General Permit, the project would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement construction BMPs detailed in the SWPPP during construction activities to minimize erosion. In addition, the proposed project would be required to submit an Erosion Control Plan prior to the commencement of construction activities (Standard Condition 4.8-2). In compliance with the MS4 Permit, BMPs detailed in the Final Water Quality Management Plan (WQMP) would be incorporated into the final design to address runoff during operation. Therefore, the proposed project would be consistent with the City's goal of controlling erosion during and following construction.
Goal 4: Conserve energy resources through use of available technology and conservation practices.	**Consistent.** As previously discussed, the proposed project would incorporate several Conservation and Sustainability measures in strict conformance with the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements. Therefore, the proposed project would be consistent with the City's policy aimed at compliance with State Title 24 requirements to minimize energy requirements.
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.** As previously stated, the proposed project would comply with the 2019 CALGreen Code and all Title 24 conservation standards. In addition, the irrigation system design and allowable water use will comply with the current County of Orange Model Water Efficient Landscape Ordinance and will utilize automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data and drip irrigation to maximize application efficiency and percolation while minimizing overspray and runoff. Therefore, the proposed project would be consistent with the City's policy aimed at minimizing energy use.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Goal 5: Reduce air pollution through land use, transportation and energy use planning.	**Consistent:** As previously stated, the proposed project would comply with all Title 24 conservation standards, which would address energy efficiency. In addition, the project site is also located within walking distance to commercial and recreational uses and is adjacent to existing alternative transportation infrastructure, including an OCTA bus stop and Dana Point Trolley Service stop, and a Class 2 bike lane. Pedestrian access and proximity to transit would result in reduced vehicle trips by hotel patrons. As such, development of the proposed project would improve accessibility to the site and areas adjacent to the site and would reduce greenhouse gas emissions and improve air quality. Therefore, the proposed project would be consistent with the City's policy aimed at reducing air pollution through transportation and minimizing energy use.
Policy 5.1: Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act, Section 30252)	**Consistent.** The City, as the Lead Agency under the California Environmental Quality Act (CEQA) has reviewed the proposed circulation design. As concluded in the Initial Study (Appendix A), the proposed project would not introduce any new roadways or introduce a land use that would conflict with existing urban land uses in the surrounding area. Design of the proposed project, including the internal private roadways, ingress, egress, and other streetscape changes, would be subject to review by the City's Public Works & Engineering Services at entitlement for compliance with City regulations, and by the County of Orange for necessary ministerial permits. Therefore, the proposed project would result in a less than significant impact related to traffic safety due to a design feature (e.g., substandard roadway and/or roadway design), and no mitigation is required. Therefore, the proposed project would be consistent with the City's policy aimed at encouraging safe and efficient vehicular access to City streets.
Policy 6.2: Protect and preserve the public views of the Dana Point Harbor. (Coastal Act, Visual Resources, Section 30251)	**Consistent.** Dana Point Surf Lodge and Dana House Hotel are designed using the allowable height of 50 ft for buildings in the VSC land use designation/district (PA 3) with architectural treatments and screened mechanical units in accordance with PA 3 regulations and the Dana Point Harbor District Regulations (DPHDR) building height definition. As previously stated, and discussed in Section 4.1, Aesthetics, the massing of the proposed structures would be broken down through irregular massing, due to offsets in plans that create stepped terraces and interlocking forms that would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. The analysis provided in Section 4.1, Aesthetics, concludes that the proposed project would not result in any significant and unavoidable impacts to public views of the Dana Point Harbor (refer to Threshold 4.1.3). Therefore, the proposed project would be consistent with the City's policy aimed at protecting public views along the coast.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources. (Coastal Act, Sections 30244 and 30250)	**Consistent.** Impacts of the proposed project related to cultural resources are discussed in Section 4.3, Cultural Resources and Section 4.13, Tribal Cultural Resources. As concluded in these sections, there are no historical resources on the project site, no tribal cultural resources have been identified within the project site, and because the site has no native soils, the likelihood of subsurface archaeological cultural resources is considered low, and impacts would be less than significant. As described in Section 4.5, Geology and Soils, based on the depth of excavation, the proposed project would not include activities that would not impact paleontological resources. Therefore, the proposed project would be consistent with the City's policy of requiring mitigation where development may impact historical, archaeological, and paleontological resources.
Public Safety Element	
Goal 1: Reduce the risk to the community from geologic hazards including bluff instability, seismic hazards, and coastal erosion.	**Consistent.** As discussed in Section 4.5, Geology and Soils, Mitigation Measure 4.5-1 requires incorporation and compliance with the recommendations in the Preliminary Geotechnical Evaluation prepared for the project, which includes the preparation of a final design-level geotechnical report and compliance with specific recommendations for construction and design methods related to liquefaction and soil stability. With implementation of the recommendations provided in Mitigation Measure 4.5-1, impacts would be reduced to a less than significant level. Because the project site is adjacent to the marina bulkhead, the proposed project would not result in coastal erosion. Therefore, following implementation of the mitigation measures outlined in Section 4.5, Geology and Soils, the proposed project would be consistent with the City's goal of reducing risks to the community from geologic hazards.
Policy 1.1: Require review of soil and geologic conditions by a State-Licensed Engineering Geologist under contract to the City, to determine the stability prior to the approval of development where appropriate. (Coastal Act, Sections 30250 and 30253)	**Consistent.** As discussed in Section 4.5, Geology and Soils, a *Preliminary Geotechnical Evaluation* was prepared for the proposed project and reviewed by the City's Certified Engineering Geologist. In addition, Mitigation Measure 4.5-1 would require a design-level geotechnical report to be prepared for the proposed project during the Final Design Phase. Therefore, the proposed project would be consistent with the City's policy of requiring a geologist to determine the stability prior to development of a site.
Policy 1.12: Specifically review and limit development on lands with seismic, slide, liquefaction, fire, or topographic constraints.	**Consistent.** As discussed in Section 4.5, Geology and Soils, the proposed project would be required to implement mitigation that would reduce impacts related to geologic hazards to a less than significant level. Further, as discussed in Section 4.7, Hazards and Hazardous Materials, the proposed project would result in less than significant impacts related to wildfires. Therefore, following implementation of the mitigation measures outlined in Section 4.5, Geology and Soils, the proposed project would be consistent with the City's goal of reducing risks associated with geologic hazards and wildfire.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Goal 2: Reduce the risk to the community's inhabitants from flood hazards.	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the project site is not located within a 100-year floodplain. However, due the proposed project site's proximity to the Dana Point Harbor, the potential for the project site to be adversely impacted by earthquake-induced coastal seiches is considered to be high. Additionally, according to the Dana Point Quadrangle/San Juan Capistrano Quadrangle Tsunami Inundation Map, the project site is located in a tsunami inundation area.[1] However, as the development of the project site would reduce impervious surface area, would not result in an increase in stormwater runoff, and would incorporate operational BMPs, the proposed project would not result in substantial erosion or siltation on- or off-site or flooding on- or off-site, and would not exceed the capacity of the existing stormwater drainage system or provide substantial additional sources of polluted runoff. Therefore, development of the proposed project would be consistent with the City's policy aimed at reducing risk associated with flood hazards.
Goal 3: Reduce the risk to the community's inhabitants from exposure to hazardous materials and waste.	**Consistent.** As discussed in Section 4.7, Hazards and Hazardous Materials, the proposed project would be required to implement Mitigation Measures 4.7.1 and 4.7.2 to reduce impacts associated with hazardous materials to a less than significant level. Therefore, with implementation of mitigation measures outlined in Section 4.7, Hazards and Hazardous Materials, the proposed project would be consistent with the City's goal of reducing risks from exposure to hazardous materials and waste.
Goal 4: Reduce the risk to the community's inhabitants from fires or explosions.	**Consistent.** As discussed in the Initial Study (Appendix A), the proposed project would have no impacts related to exposure of people or structures to risk from wildland fires. Therefore, the proposed project would be consistent with the City's goal of reducing risk associated with fires.
Circulation Element	
Policy 1.9: Limit driveway access on arterial streets to maintain a desired quality of flow.	**Consistent.** The proposed project would relocate the current access point along Dana Point Harbor Drive, but would not result in additional access points compared to existing conditions. Therefore, the proposed project would be consistent with the City's policy of limiting driveway access on arterial streets.
Policy 1.11: Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts. (Coastal Act, Section 30250)	**Consistent.** A *Traffic Impact Analysis* was prepared by LSA as part of the transportation and traffic impact analysis included in Section 4.12, Transportation/Traffic, of this Draft EIR. As described in Section 4.12, with the implementation of SC 4.12-1, which would require a Construction Management Plan (CMP) all impacts related to construction traffic would be less than significant. No potentially significant impacts would occur related to traffic and transportation requiring mitigation. Therefore, the proposed project would be consistent with the City's policy of requiring that a traffic impact analysis be prepared for major new developments.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 1.13: Minimize pedestrian and vehicular conflicts. (Coastal Act, Section 30252)	**Consistent.** The proposed project would include paved pedestrian pathways throughout the project site and the proposed sidewalks would provide public access from the rights-of-way to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead and along the southern boundary of the project site. These pedestrian facilities would not conflict with the proposed vehicular circulation for the site. Therefore, the proposed project would be consistent with the City's policy aimed at minimizing pedestrian and vehicular conflicts.
Goal 5: Encourage non-motorized transportation, such as bicycle and pedestrian circulation.	**Consistent.** Employees traveling to and from the project site may use alternative transportation because the site is adjacent to the Class 2 bike lanes along Dana Point Harbor Drive and the project would provide on-site bicycle parking. Further, because the project site is located within walking distance to restaurants, recreation, and shopping opportunities, it is anticipated that vehicle use by patrons of the hotels will be reduced. As described above, pedestrian facilities would also be included as part of the proposed circulation. Therefore, the proposed project would be consistent with the City's goal of encouraging non-motorized transportation.
Policy 5.2: Maintain existing pedestrian facilities and encourage new development to provide pedestrian walkways between developments, schools and public facilities.	**Consistent.** As previously stated, the proposed project would include pedestrian improvements that would increase connectivity between the proposed buildings and provide access to the Pedestrian Promenade along the southern boundary of the project site. Therefore, the proposed project would be consistent with the City's policy aimed at maintaining existing pedestrian facilities and encouraging new development to provide pedestrian walkways.
Policy 5.3: Ensure accessibility of pedestrian facilities to the elderly and disabled.	**Consistent.** As previously stated, the proposed project would include pedestrian improvements. All pedestrian facilities would be designed and constructed in compliance with Americans with Disabilities Act (of 1990) (ADA) standards. Therefore, the proposed project would be consistent with the City's policy of ensuring accessibility of pedestrian facilities to the elderly and the disabled.
Policy 5.12: Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation. (Coastal Act, Sections 30252 and 30253)	**Consistent.** As previously stated, the proposed project would include pedestrian improvements and bicycle parking. In addition, the OCTA Route 90 bus stop is located approximately 0.15 mile northeast of the proposed hotels on the northeast corner of Golden Lantern and Dana Point Harbor Drive, and the Dana Point Trolley stop is located approximately 0.13 mile east of the proposed hotels on the southeast corner of Golden Lantern and Dana Point Harbor Drive. Therefore, the proposed project would be consistent with the City's policy aimed at providing a non-vehicular transportation system that encourages the use of mass-transit, bicycles, and pedestrian circulation.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Goal 6: Provide for well-designed and convenient parking facilities.	**Consistent.** The proposed project includes the development of approximately 483 parking spaces, including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel. The proposed parking would also include designated boater parking for the nearby boat slips in the East Cove Marina. Therefore, the proposed project would be consistent with the City's goal aimed at providing well-designed convenient parking facilities.
Policy 6.1: Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.	**Consistent.** As previously stated, the proposed project would include the development of an on-site parking structure that would be accessible from the existing driveways to the project site on Dana Point Harbor Drive and Casitas Place. Therefore, the proposed project would be consistent with the City's policy aimed at reducing the number of ingress and egress points onto arterials.
Policy 6.4: Encourage the use of shared parking facilities, such as through parking districts or other mechanisms.	**Consistent.** The proposed project includes an off-site shared parking program during project construction, and an on-site shared parking program after the project's completion. Therefore, the proposed project would be consistent with the City's policy of encouraging the use of shared parking facilities.
Noise Element	
Policy 1.1: Require construction of barriers to mitigate sound emissions where necessary or feasible.	**Consistent.** As discussed in Section 4.10, Noise, the proposed hotels would include mechanical ventilation and windows and doors with a minimum Sound Transmission Class (STC) of 25. Therefore, the interior noise levels at the rooms closest to Dana Point Harbor Drive would have an interior noise level of 41 dBA CNEL and would not exceed the City's interior noise standard of 45 dBA CNEL. Therefore, the proposed project would not require the construction of barriers to mitigate sound and the proposed project would be consistent with the City's policy aimed at mitigating sound emissions where necessary.
Policy 2.4: Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.	**Consistent.** As previously stated, the proposed project would include mechanical ventilation and windows and doors with a minimum STC of 25. Therefore, the interior noise levels at the rooms closest to Dana Point Harbor Drive would not exceed the City's interior noise standard of 45 dBA CNEL. Therefore, the proposed project would not require the construction of barriers to mitigate sound. Therefore, the proposed project would be consistent with the City's policy requiring the use of noise reduction techniques in site design.
Policy 2.5: Discourage locating noise sensitive land uses in noisy environments.	**Consistent.** As previously stated, the proposed project would replace the existing Dana Point Marina Inn and would expand visitor-serving commercial opportunities within the City by increasing overnight accommodations with the increase in proposed hotel rooms. Therefore, the proposed project would not introduce a new sensitive land use on the project site and would be consistent with the City's policy aimed at discouraging noise-sensitive land uses in noisy environments.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 3.2: Evaluate and develop measures to reduce noise generated by construction activities.	**Consistent.** As discussed in Section 4.10, Noise, although construction noise would be higher than the ambient noise in the project vicinity, construction noise would cease once project construction is completed. In addition to compliance with appropriate construction times, the following Standard Condition (SC) NOI-1 would implement measures during construction to reduce noise impacts to the greatest extent feasible. The construction activities shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and City-recognized holidays. Additionally, Section 8.01.250 (Time of Grading Operations) of the City's Municipal Code limits grading and equipment operations within 0.5 mile of a structure for human occupancy. Consequently, grading and equipment operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and City of Dana Point-recognized holidays. Further, in some cases the City also limits high noise-emitting construction equipment (i.e., emitting 90 dBA and above) between the hours of 10:00 a.m. and 4:00 p.m. Therefore, construction activity noise impacts would be less than significant, and no mitigation is required. Therefore, the proposed project would be consistent with the City's policy of requiring that noise generated by construction activities be evaluated.
Public Facilities/Growth Management Element	
Goal 1: Encourage adequate water and sewer service.	**Consistent.** As discussed in Section 4.14, Utilities and Service Systems, in order to confirm that there is sufficient water distribution infrastructure to accommodate the project's water needs and fire flow requirements, Mitigation Measure 4.14-1 is proposed and requires preparation of a Water Capacity Study. If a deficiency or service problem is found during the permitting process, the Project Applicant would be required by existing regulation to fund the required upgrades to adequately serve the project. With the incorporation of Mitigation Measure 4.14-1, impacts to water are considered less than significant. In addition, the J.B. Latham Plant operates in compliance with the San Diego Regional Water Quality Control Board (RWQCB)'s treatment requirements and has the capacity to accommodate the increased wastewater flows from the proposed project. In the unlikely event that the public sewer has insufficient capacity, the Project Applicant would be required to pay a fair-share portion of the cost to improve or replace sewer lines to ensure sufficient capacity. Therefore, the proposed project would be consistent with the City's goal to encourage adequate water and sewer service.
Policy 1.2: Encourage the use of drought resistant landscaping to reduce overall water use.	**Consistent.** As previously stated, the proposed project would include a landscaping plan and plant palette, which would emphasize drought-tolerant landscaping**.** As such, the proposed project would be consistent with the City's policy of encouraging the use of drought-tolerant landscaping to reduce water usage.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City.	**Consistent.** As discussed in Section 4.11, Public Services, the proposed project would be able to be served by existing police and fire services. Although there may be an incremental increase in the demand to additional police protection services, correspondence with OCSD has indicated that OCSD believes the proposed project can be adequately served by existing police facilities. Written correspondence with the OCFA indicated that all development projects submitted for review by OCFA must use a fair share approach to mitigate fire service response impacts as well as facility and equipment needs. Therefore, Mitigation Measure 4.11-1 would require the Project Applicant to enter a Secured Fire Protection Agreement prior to the issuance of any building permits. With implementation of Mitigation Measure 4.11-1, impacts related to public services would be less than significant. As such, the proposed project would be consistent with the City's policy aimed at maintaining desirable levels of police, fire, and medical services.
Policy 4.5: Coordinate with the Orange County Sheriff's Department and Fire Authority for the continued provision of adequate law enforcement and fire protection.	**Consistent.** As part of the analysis presented in Section 4.11, Public Services, the OCSD and the OCFA were contacted about their continued ability to serve the project site following project implementation. As described above, the proposed project can be adequately served by existing police facilities and Mitigation Measure 4.11-1 would mitigate potential impacts to fire service by requiring a Secured Fire Protection Agreement for the payment of fair-share fees for impacts to fire service response. Therefore, the proposed project would be consistent with the City's policy of requiring coordination with the OCSD and the OCFA to ensure the continued provision of adequate law enforcement and fire protection.
Policy 4.6: Coordinate sheriff facility and traffic facility planning where necessary to maintain adequate levels of law enforcement service.	**Consistent.** As previously stated, the OCSD was contacted about its continued ability to serve the project site following project implementation. Therefore, the proposed project would be consistent with the City's policy of requiring coordination of sheriff facility planning to ensure the continued provision of adequate law enforcement.
Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.	**Consistent.** As part of the analysis presented in Section 4.11, Public Services, the project site would not impact the service capacity of existing community facilities. Therefore, the proposed project would be consistent with the City's policy of encouraging the provision of adequate community facilities.
Goal 6: Maintain, improve, and expand utilities including natural gas, electricity, and communications.	**Consistent.** As discussed in Section 4.14, Utilities and Service Systems, the proposed project would not increase natural gas or electrical demand beyond existing projections from the California Energy Commission, San Diego Gas & Electric (SDG&E), and Southern California Gas Company (SoCalGas). Existing telephone, cable, and internet service lines in the project vicinity that serve the City would also continue to serve the proposed project. Therefore, the proposed project would be consistent with the City's policy of maintenance, improvement, and expansion of utilities.

Table 4.9.B: General Plan Policy Consistency Analysis[1]

Policies	Consistency Analysis
Policy 6.1: Where feasible, provide underground utility lines in all neighborhoods and continue to underground utility lines in future developments.	**Consistent.** As discussed in Section 4.14, Utilities and Service Systems, the project site is currently served by underground utility lines. The proposed project would not require the installation of any aboveground utility lines. Therefore, the proposed project would be consistent with the City's policy aimed at providing underground utility lines.

Source: City of Dana Point. 1991. General Plan. (Website: https://www.danapoint.org/Home/ShowDocument?id=28638, accessed September 30, 2020).

[1] Additional regulations and policies from the City's General Plan are discussed in other topical sections of this Draft EIR as those policies are more directly related to the environmental effects evaluated in those sections.

[2] California Emergency Management Agency, el al. 2009. Tsunami Inundation Map for Emergency Planning, Dana Point Quadrangle/San Juan Capistrano Quadrangle. March 15.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Planning Area 3	
Policy 2.2.1-1: Land uses and new development in Dana Point Harbor shall be consistent with the Dana Point Harbor Land Use Plan and all applicable policies and regulations contained in the Dana Point Harbor Revitalization Plan and District Regulations.	**Consistent.** The proposed project includes the development of two hotels within the Visitor Serving Commercial (VSC) land use designation/district identified as Planning Area (PA) 3, which is intended to provide for a variety of visitor serving commercial overnight accommodations, ancillary uses, and facilities in addition to visitor serving commercial, recreational uses, and facilities supportive of the general community and the regional recreational needs of residents and visitors. The proposed improvements to the landscaped area east of Island Way are located within PA 4 of the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR), with a land use designation/district of Marine Commercial (MC), which is intended to provide for a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, private and public club uses supportive of the general boating public and serve the regional recreational needs of residents and visitors. The proposed improvements located within PA 2 of the DPHRP&DR, which is located in the Day Use Commercial (DUC) land use designation/district, are limited to the eastern portion of Dana House Hotel's podium structure and the adjacent Festival Plaza as well as a small portion of the Pedestrian Promenade along the East Cove Marina bulkhead that are both part of the Dana Point Harbor Commercial Core. The proposed project includes the development of two hotels and ancillary facilities, which would be consistent with the designations for the project site. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at land use consistency.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 4.1.1-5: Maintain and enhance boating use through the provision of various amenities to the waterside areas, including, but not limited to improved boater drop-off areas, designated boater parking, upgraded boater service buildings and restrooms and dinghy docks planned to be relocated adjacent to Planning Area 2.	**Consistent.** The proposed project would provide approximately 178 designated boater parking spaces including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel for the nearby boat slips. In addition, Dana House Hotel would also include space for boater services to replace the two existing boater services buildings on the site that would be demolished. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at maintaining and improving boater use and parking.
Policy 5.1.1-1: Future visitor serving facilities shall be located in those areas designated as Visitor Serving Commercial and Day Use Commercial by the Dana Point Harbor Land Use Plan.	**Consistent.** The proposed project includes the development of two hotels within the VSC land use designation/district (PA 3). Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at land use consistency in the VSC land use designation/district.
Policy 5.1.1-2: Continue to provide commercial uses, including eating and drinking establishments, recreation and entertainment establishments as a means of providing public access to the waterfront.	**Consistent.** The proposed hotels would include ancillary retail space and public restaurants and/or bars/lounges. The proposed sidewalks would also provide public access from the rights-of-way to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at providing public access to the waterfront.
Policy 5.1.1-5: As a part of planned new development, visitor serving commercial and restaurant uses may be integrated into a two-level podium structure with visitor serving commercial and restaurant uses and parking on each level.	**Consistent.** The proposed Dana House Hotel would consist of a four-story, approximately 125,049-square-foot (sf) structure that includes a partially buried podium level, four floors of hotel rooms, and amenities. Other ancillary uses include a lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at integrating commercial, restaurant, and parking uses into the podium structure.
Policy 5.1.1-9: Ensure that adequate land area is reserved to provide parking for 2,409 boat slips (i.e., no net loss) unless a net loss of slips is authorized by a Coastal Development Permit.	**Consistent.** The proposed project would provide approximately 178 designated boater parking spaces including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel for the nearby boat slips. The proposed 178 designated boater parking spaces would replace the boater parking removed as part of the project. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP to provide adequate parking for the boat slips.
Policy 5.2.1-1: Harbor visitor serving and overnight accommodations (Planning Area 3) will be enhanced by potential replacement and/or remodeling of the hotel complex to include conference and recreational facilities in addition to providing up to 220 new guest rooms and amenities.	**Consistent.** The proposed project includes the development of two hotels within the VSC designated area of PA 3. The proposed Dana Point Surf Lodge would be a lower-cost overnight accommodation hotel providing 139 guest rooms. The proposed Dana House Hotel would provide 130 market-rate guest rooms. Other amenities include a lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space. In addition, the LCPA currently proposed for the Harbor would update this policy to state: Harbor visitor serving and overnight accommodations (Planning Area 3) will be enhanced by potential replacement of the

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
	hotel complex with two new hotels to include conference and recreational facilities and amenities. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the replacement and enhancement of overnight accommodations in PA 3.
Policy 5.2.1-2: If demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) in the Harbor is proposed, all demolished units shall be replaced in the area designated as visitor serving commercial by the Dana Point Harbor Land Use Plan with units that are of equal or lower cost than the existing lower cost units to be demolished. Conversion of any existing units to high cost, replacement of any existing units with anything other than lower cost and construction of any new/additional units that are anything other than lower cost units shall require a Local Coastal Program Amendment to address Coastal Act issues associated with such proposals.	**Consistent.** The proposed project involves the demolition of the existing Dana Point Marina Inn and includes the development of two hotels on the existing site, within the VSC land use designation/district (PA 3). The design of Dana Point Surf Lodge as a lower cost accommodation with 139 rooms to replace the Dana Point Marina Inn addresses this policy to replace the 136 existing lower-cost units with the units that are of equal or lower cost than the existing lower cost units being demolished. As the proposed Dana Point Surf Lodge would provide the 136 lower cost units demolished at the Dana Marina Inn, the inclusion of three (3) additional dorm-style rooms with 48 beds would mitigate the absence of lower cost overnight accommodations at Dana House Hotel as a ratio of beds to beds. The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories require a Zone Text Amendment and an LCPA. In addition, the LCPA currently proposed for the Harbor would update this policy to state: If demolition of the existing lower cost overnight accommodations (presently called the Marina Inn) in the Harbor is proposed, all 136 demolished units shall be replaced in the area designated as visitor serving commercial by the Dana Point Harbor Land Use Plan with units that are of equal or lower cost than the existing lower cost units to be demolished. A new and separate market rate hotel of up to 130 rooms may be constructed. To mitigate any absence of lower cost overnight accommodations at the new and separate market rate hotel, additional lower cost overnight accommodations or amenities above the 136 rooms may be required. Following local approval of those zone text amendments by the City Council, the amendments would be submitted as a LCPA to the Coastal Commission for review and approval. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the replacement and enhancement of overnight accommodations in PA 3.
Policy 5.2.1-6: The design of hotel rooms shall incorporate wherever possible the use of private decks or balconies to allow guests to take advantage of the Harbor views and enjoy the oceanfront climate.	**Consistent.** Both the proposed Dana Point Surf Lodge and the Dana House Hotel include either balconies, decks, or private patios to maximize views of the Harbor and oceanfront. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of views of the Harbor and oceanfront in the design of hotel rooms.
Policy 5.2.1-7: The design of the hotel will be compatible with the California Coastal design theme of the Commercial Core area and terraced levels of buildings in various configurations to maximize public views and break up building massing as viewed from the surrounding public vantage points shall be encouraged as part of the design.	**Consistent.** As discussed in Section 4.1, Aesthetics, of this EIR, the proposed structures would be consistent with the California Coastal design theme intended to unify the Dana Point Harbor Revitalization Planning Areas. Dana House Hotel would utilize a contemporary composition of Traditional Nautical architectural styled elements using a variety of materials with well-proportioned massing to develop an elegant and yet informal use of color and materials to provide a connection to the visual character and historical precedents of Dana Point Harbor. The

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
	massing would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Dana Point Surf Lodge would utilize a classical composition of architectural elements with the use of form and a variety of materials to bring a modern style and residential scale to the proposed project. The use of color, texture, and materials would provide a connection to the visual character of the surrounding beach and surf community. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the design theme and massing of hotel development to maximize public views.
Policy 5.2.1-8: The hotel building design shall emphasize providing adequate parking for guests and maintaining convenient access to parking areas for boaters.	**Consistent.** The proposed project would provide approximately 483 parking spaces including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel. The proposed parking facilities would also include designated boater parking for the nearby boat slips. The surface parking for Dana House Hotel would be provided exclusively through valet operations. Dana Point Surf Lodge parking would be gate controlled and hotel guests would self-park. The designated boater parking would also be gate controlled and boaters would self-park. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of adequate parking for guests and boaters.
Policy 5.2.1-9: A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.	**Consistent.** Vehicular access to the project site would be provided from an existing driveway off Dana Point Harbor Drive on the northwest boundary of the project site and an existing driveway on Casitas Place on the eastern boundary of the project site. Delivery truck access to the project site would primarily use Casitas Place to service the uses on the project site. Here, trucks would turn left from Dana Point Harbor Drive onto Casitas Place to the designated service area. To exit, trucks would travel east through the adjacent surface parking lot and use Golden Lantern Street to return to eastbound Dana Point Harbor Drive. Truck deliveries to Dana Point Surf Lodge would be directed to turn left on Island Way and travel to the west side turn-around on the Island and then use the designated loading zones just south of Dana Point Harbor Drive. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of separate parking and access for delivery services.
Policy 5.2.1-10: Future facilities providing overnight accommodations will be located in the area designated as Visitor Serving Commercial (Planning Area 3) by the Dana Point Harbor Land Use Plan.	**Consistent.** The proposed project includes the development of two hotels within the VSC land use designation/district (PA 3). Therefore, the proposed project would be consistent with the City's policy aimed at the provision of accommodations in the area designated VSC in PA 3.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 6.1.1-12: Enhanced lighting for streets, parking lots and pedestrian walkways will be implemented with new development.	**Consistent.** As described in Section 4.1, Aesthetics, and as shown on Figure 4.1.16, Site Lighting Plan, the proposed project provides a variety of lighting for the sidewalks along Dana Point Harbor Drive, Island Way and Casitas Place. Lighting is also provided throughout the surface parking areas, along all internal pedestrian circulation paths, and along the Pedestrian Promenade. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at enhanced lighting for streets, parking lots, and pedestrian walkways.
Policy 6.2.1-1: Promote Harbor improvements that are designed in a manner that: (1) facilitates provision or extension of transit service; (2) provides on-site commercial and recreational facilities to discourage mid-day travel; and (3) provides non-automobile circulation to and within the Harbor. (Coastal Act, Sections 30213 and 30252)	**Consistent.** Employees traveling to and from the project site may use alternative transportation to access the site given the proximity of Class 2 bike lanes along Dana Point Harbor Drive north of the site and the Orange County Transportation Authority (OCTA) Route 90 bus stop, approximately 0.15 mile northeast of the proposed hotels near the intersection of Golden Lantern and Dana Point Harbor Drive. Further, because the project site is located within walking distance to restaurants, recreation, and shopping opportunities, it is anticipated that vehicle use by patrons of the hotels will be reduced. In addition, patrons of the hotels may utilize alternative transportation including the existing bus stops and the summertime Dana Point Trolley to access these commercial and recreational land uses. In addition, the proposed parking plan includes designated zones for new and efficient transportation technologies such as rideshare uses (i.e., Lyft, Uber, and taxi), which would be provided at key locations on site for passenger loading/unloading. The proposed sidewalks would provide public access from the rights-of-way to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of transit and non-automobile circulation.
Policy 6.2.1-5: Bike racks shall be incorporated into the design of the Harbor wherever feasible.	**Consistent.** Bicycle parking would also be provided near both Dana Point Surf Lodge and Dana House Hotel. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of bicycle parking.
Policy 6.2.3-3: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between facilities.	**Consistent.** The proposed sidewalks would provide public access from the rights-of-way to the Pedestrian Promenade located adjacent to the East Cove Marina bulkhead, and along the southern boundary of the project site. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of pedestrian walkways and connectivity.
Policy 6.2.4-1: All parking facilities shall be designed to include safe and secure parking for bicycles.	**Consistent.** Bicycle parking would also be provided within the parking garage of Dana House Hotel and would serve both Dana Point Surf Lodge and Dana House Hotel. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of safe and secure bicycle parking.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 6.2.4-3: Adequate parking will be provided in close proximity to the use the parking is intended to support.	**Consistent.** The proposed project would provide approximately 483 parking spaces on site including surface parking spaces and covered parking spaces within the parking garage beneath Dana House Hotel. The proposed parking would also include designated boater parking for the nearby boat slips. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of convenient parking.
Policy 6.2.4-6: Designated boater parking areas shall be located as close as possible to the land/dock connection point of the docks they serve. Typically, the boater parking spaces should be within 300 feet of the land/dock connection point of the docks they serve, but where adherence to this standard is infeasible, the parking spaces shall be within a maximum of 600 feet of the land/dock connection point of the docks they serve. Mitigation measures should be provided to assist boaters with transport of passengers, equipment and provisions from parked vehicles to the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300 feet and/or where there are other factors present which make such transport difficult.	**Consistent.** The proposed parking would also include designated boater parking for the nearby boat slips. Typically, the boater parking spaces should be within 300 feet (ft) of the land/dock connection point of the docks they serve, but where adherence to this standard is infeasible, the parking spaces shall be within a maximum of 600 ft of the land/dock connection point of the docks they serve. Supplies will be provided to assist boaters with the transport of passengers, equipment and provisions from parked vehicles to boats at the land/dock connection point of the docks they serve in cases where the distance between parking spaces and the docks exceeds 300 ft and/or where there are other factors present that would make such transport difficult. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at the provision of adequate boater parking.
Policy 7.3.1-3: Development shall not result in the degradation of the water quality of coastal surface waters, including the ocean, coastal streams or wetlands and of groundwater basins. To the maximum extent feasible, ensure that pollution from urban runoff not be discharged or deposited such that it adversely impacts groundwater, the ocean, coastal streams or wetlands.	**Consistent.** The proposed project would reduce the impervious surface area compared to the existing conditions on the project site with the implementation of the proposed landscaping plan. In addition, please refer to Section 4.8, Hydrology and Water Quality, of this EIR for a detailed discussion of the water quality Best Management Practices (BMPs) to address urban runoff that would be employed during construction and operation of the proposed project. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at controlling urban runoff and degradation of water quality.
Policy 7.3.1-6: New development shall minimize where feasible the development footprint and directly connected impervious surfaces as well as the creation of and increases in impervious surfaces.	**Consistent.** The proposed project would reduce the impervious surface area compared to the existing conditions on the project site with the implementation of the proposed landscaping plan. In addition, please refer to Section 4.8, Hydrology and Water Quality, of this EIR for a detailed discussion of erosion and sediment controls and other water quality BMPs that would be employed during construction and operation of the proposed project. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at minimizing impervious surfaces.
Policy 7.3.1-7: New development shall protect the absorption, purification and retention functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed areas of the site in a	**Consistent.** Landscaping features would be designed to support stormwater management and infiltration on the project site. In addition, please refer to Section 4.8, Hydrology and Water Quality, of this EIR for a detailed discussion of the drainage plan and other water quality BMPs that would be employed for construction and operation of the proposed project. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.	minimizing impervious surfaces and preventing degradation of the natural drainage system.
Policy 7.3.1-14: New development shall include construction phase erosion control and polluted runoff control plans. For example, such plans may include controls on timing of grading, BMP's for storage and disposal of construction materials or design specifications of sedimentation basins.	**Consistent.** As discussed in Section 4.8, Hydrology and Water Quality, the proposed project would comply with the requirements of the Construction General Permit (Standard Condition 4.8-1) and the South Orange County MS4 Permit (Standard Condition 4.8-4). Under the Construction General Permit, the project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement construction BMPs detailed in the SWPPP during construction activities to minimize erosion. In addition, the proposed project would be required to submit an Erosion Control Plan prior to the commencement of construction activities (Standard Condition 4.8-2). In compliance with the MS4 Permit, BMPs detailed in the Final Water Quality Management Plan (WQMP) would be incorporated into the final design to address runoff during operation. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at controlling erosion and runoff.
Policy 7.3.1-15: New development that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas.	**Consistent.** As discussed above and in Section 4.8, Hydrology and Water Quality, the proposed project would be required to prepare a SWPPP and an Erosion Control Plan. In addition, BMPs detailed in the Final WQMP would be incorporated into the final design to address runoff during operation. In addition, please refer to Section 4.8, Hydrology and Water Quality, of this EIR for a detailed discussion of erosion and sediment controls and other water quality BMPs that would be employed for construction and operation of the proposed project. Furthermore, the proposed project would reduce the impervious surface area on the project site compared to existing conditions and all graded or disturbed areas would either be developed or restored with landscaping after construction. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at controlling erosion and re-vegetating disturbed areas.
Policy 8.1.1-10: Encourage aesthetic roof treatment as an important architectural design feature.	**Consistent.** Dana Point Surf Lodge and Dana House Hotel are designed using the allowable height of 50 ft for buildings in the VSC land use designation/district (PA 3) with architectural treatments and screened mechanical units in accordance with PA 3 regulations and Dana Point Harbor District Regulations (DPHDR) building height definitions. In addition, stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Refer to Section 4.1, Aesthetics, of this EIR for additional information on aesthetic design. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at aesthetic roof treatments and architectural design.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 8.1.1-12: 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.** As previously stated, the proposed project would incorporate several Conservation and Sustainability measures in strict conformance with the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at minimizing energy use.
Policy 8.1.1-17: Architectural and building articulation will have a form that complements the Harbor area and natural setting, when viewed from within the Harbor or the surrounding area (both from land and sea). High, uninterrupted wall planes are to be avoided.	**Consistent.** As previously stated, and discussed in Section 4.1, Aesthetics, the proposed structures would be consistent with the California Coastal design theme intended to unify the Dana Point Harbor Revitalization Planning Areas. The massing would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at forms that complement the Harbor area when viewed from both the land and the sea.
Policy 8.1.1-21: Architectural elements (including roof overhangs, awnings, dormers, etc.) will be integrated into the building design to shield windows from the sun and reduce the effects of glare.	**Consistent.** The proposed project would be consistent with the City's policy contained in the DPHRP aimed at reducing glare. As described in Section 4.1, Aesthetics, the design of the proposed structures would utilize components which are consistent with reducing glare. Extended roof overhangs, balconies, awnings, covered walkways, and trellises would be used throughout the design for both Dana House Hotel and Dana Point Surf Lodge. Large covered arcade spaces would be integrated into the design of Dana House Hotel to provide covered walkways and shade for doors/windows. A uniform trellis design would be repeated throughout both hotels to provide shade in areas where overhangs and awnings would not be feasible. Finally, awnings would be strategically placed along both buildings' façades to reduce glare for areas where roof overhangs would not be implemented.
Policy 8.1.1-22: The project will utilize minimally reflective glass and other materials used on the exteriors of the buildings and structures will be selected with attention to minimizing reflective glare.	**Consistent.** As previously stated, and described in Section 4.1, Aesthetics, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at minimizing reflective glare. The design of both Dana House Hotel and Dana Point Surf Lodge would utilize minimally reflective glass to address window reflectance. Standard 1-inch low emittance clear glass panels would be used. In addition, building materials/paint colors would be carefully selected to avoid glossy or reflective surfaces.
Policy 8.4.1-1: Protect and enhance public views to and along the coast through open space designations and innovative design techniques. (Coastal Act, Section 30251)	**Consistent.** As previously stated, and discussed in Section 4.1, Aesthetics, the proposed structures would utilize a contemporary composition of Traditional Nautical architectural styled elements using a variety of materials; massing would be broken down through interlocking forms; and terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at protecting public views along the coast.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 8.4.1-2: Ensure development within designated and proposed scenic corridors are compatible with scenic enhancement and preservation and shall not significantly impact public views through these corridors. (Coastal Act, Section 30251)	**Consistent.** As previously stated, and discussed in Section 4.1, Aesthetics, terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. In addition, the view simulations, shown in Figures 4.1.4 through 4.1.15 in Section 4.1, confirm that significant coastal public views through scenic corridors and from scenic viewpoints, consistent with those identified in the Dana Point Harbor View Corridors of the Dana Point Harbor Revitalization Plan (DPHRP) and the Headlands Development and Conservation Plan overlooking the project site would not be impacted by the proposed project. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP of preserving views through scenic corridors.
Policy 8.4.1-4: Textured paving will be used to identify lookouts, pathway crossings and edge treatments. All landscape areas will be planted consistent with landscape plans approved through the Coastal Development Permit process to preserve and enhance ocean views.	**Consistent.** As discussed in Chapter 3.0, Proposed Project, the proposed project would include landscaped open space areas and walking paths. The proposed landscaping would include a variety of shrubs and groundcover, and the use of several varieties of trees. The Preliminary Planting Palette provided in Figure 3.11, would be submitted for review and approval with the Coastal Development Permits (CDP), and subsequent landscape permitting from the County of Orange. Therefore, approval of the CDP would ensure the proposed project is consistent with the City's policy contained in the DPHRP aimed at ensuring landscaping and pathways are consistent with ocean views.
Policy 8.5.1-1: New building architecture shall encourage irregular massing of structures.	**Consistent.** The massing of the proposed hotels would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Please refer to Section 4.1 Aesthetics, of this EIR for the view simulations prepared for the proposed project and a detailed discussion of the proposed massing. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at encouraging irregular massing.
Policy 8.5.1-2: Building massing should be asymmetrical and irregular with offsets in plan, section and roof profile.	**Consistent.** The massing of the proposed hotels would be broken down through interlocking forms similar to a small village being constructed throughout a period of time. Stepped terraces would be utilized in areas fronting the water to maintain views towards the harbor and to allow guests to enjoy the harbor at a higher vantage point. Offsets in the plan would be utilized in both hotels to contribute to the asymmetrical building massing of each structure. Please refer to Section 4.1, Aesthetics, of this EIR for the view simulations prepared for the proposed project and a detailed discussion of the proposed massing and elevations. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at encouraging irregular massing.

Table 4.9.C: Dana Point Harbor Revitalization Plan Policy Consistency Analysis

Policies	Consistency Analysis
Policy 8.5.1-3: All new development in the Harbor shall not exceed a maximum building height of thirty-five (35) feet; exceptions to the 35 foot height limit include the following: Visitor-Serving Commercial (Planning Area 3) building(s) shall have a maximum height of fifty (50) feet; Elevators, appropriately screened mechanical units and chimneys that do not exceed the ten percent (10%) of the total roof area for all new and existing/remodeled structures, should conform to the applicable height limit, but may exceed that height limit by no more than five (5) additional feet.	**Consistent.** Dana Point Surf Lodge and Dana House Hotel are designed using the allowable height of 50 ft for buildings in the VSC land use designation/district (PA 3) with architectural treatments and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at ensuring consistency with maximum building heights.
Policy 8.6.6-1: Pursuant to the City of Dana Point Local Implementation Plan, all private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and water and materials Best Management Practices.	**Consistent.** As discussed above and in Section 4.8 Hydrology and Water Quality, the proposed project would be required to prepare a SWPPP and an Erosion Control Plan. In addition, BMPs detailed in the Final WQMP would be incorporated into the final design to address runoff during operation. In addition, please refer to Section 4.8, Hydrology and Water Quality, of this EIR for a detailed discussion of erosion and sediment controls and other water quality BMPs that would be employed for construction and operation of the proposed project. Furthermore, the proposed project would reduce the impervious surface area on the project site compared to existing conditions and all graded or disturbed areas would either be developed or restored with landscaping after construction. Therefore, the proposed project would be consistent with the City's policy contained in the DPHRP aimed at utilizing effective erosion and sediment control BMPs.

Source: City of Dana Point. 2011. Dana Point Harbor Revitalization Plan and District Regulations. (Website: https://www.danapoint.org/Home/ShowDocument/12553, accessed September 30, 2020).

[1] Regulations and policies from the DPHRP&DR are also discussed in applicable topical sections of this Draft EIR, where policies related to physical effects associated with specific environmental topics are addressed.

The use of color, texture, and materials would provide a connection to the visual character of the surrounding beach and surf community. Therefore, the proposed project would be consistent with the DPHRP&DR's design guidance as the proposed design includes contrasting sections and trim elements; the sharing of exterior materials such as board and batten and shiplap siding, stone (brick), and stucco; and unifying architectural elements, such as patios, terraces, balconies, verandas, and railings, that will present a varied yet unified village appearance. Therefore, the design of the proposed project would be consistent with the design theme and related design guidance provided in the DPHRP&DR, and no mitigation would be required.

4.9.7 Level of Significance Prior to Mitigation

There would be no potentially significant impacts related to land use and planning.

4.9.8 Standard Conditions and Mitigation Measures

No standard conditions are applicable to the proposed project, and no mitigation is required.

4.9.9 Level of Significance after Mitigation

There would be no significant unavoidable adverse impacts of the proposed project related to land use and planning. No mitigation is required.

4.9.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines,* cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for land use. The cumulative impact area for land use for the proposed project is the City of Dana Point. Several mixed use and residential development projects are approved and/or pending within the City, as well as other projects programmed as part of the Dana Point Harbor Revitalization Project (EIR No. 591). Refer to Figure 4.1 (Related Project Locations) for the location of the cumulative projects in the City. Each of these projects, as well as all proposed development in the City, would be subject to its own General Plan consistency analysis and would be reviewed for consistency with adopted land use plans and policies.

As previously stated, the majority of the project site is designated V/RC on the City's General Plan Land Use Map and zoned Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC). The majority of the project site is located within PA 3, which has a corresponding land use designation/district of Visitor Serving Commercial (VSC). The VSC is intended to provide for a variety of visitor serving commercial overnight accommodations, ancillary uses, and facilities in addition to commercial, recreational uses, and facilities supportive of the general community and the regional recreational needs of residents and visitors. The proposed loading zones and landscape improvements to the east of Island Way are located within PA 4 of the DPHRP&DR, which has a land use designation/district of Marine Commercial (MC), which is intended to provide for a variety of coastal-dependent and coastal-related marine services, public facilities, passive park, and private and public club uses supportive of the general boating public and to serve the regional recreational needs of residents and visitors. The proposed improvements south of the terminus of Casitas Place

are located within PA 2 of the DPHRP&DR, which has a land use designation/district of Day Use Commercial (DUC). Additionally, due to its proximity to the Pacific Ocean, the project site falls within the boundaries of the City's Coastal Overlay District. As described above, the proposed project is consistent with all applicable land use designations for the project site.

The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Revitalization Plan Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories require a Zone Text Amendment and a LCPA. Furthermore, as the proposed project is located within the boundaries of both the DPHRP&DR and the City's Coastal Overlay District, and based on the location in both of these areas as well as the project's scope, a CDP is required to implement the proposed project.

As described above, approval of the CDP, Zone Text Amendment, and LCPA for the increased development intensity standards for PA 3 would ensure the proposed project's consistency with the City's established development standards, and no mitigation would be required. Therefore, cumulative land use impacts with respect to consistency with local land use plans would be considered less than significant.

The proposed project would include land uses that are consistent with the surrounding development within the Dana Point Harbor, and therefore would not contribute to a pattern of development that would adversely impact adjacent land uses or conflict with existing or planned development. As discussed further above, proposed on-site improvements would be consistent with the long-range planning goals of local and regional governing plans and policies for the surrounding area.

There are no incompatibilities between the proposed project and planned future projects in the City, which primarily include mixed-use and residential developments or other improvements included in the Dana Point Harbor Revitalization Plan. Each of the related projects in the City would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, the related projects are anticipated to be consistent with applicable General Plan and zoning requirements, or would be subject to allowable exceptions. Further, each discretionary project would be subject to CEQA, mitigation requirements, and design review, as applicable. Therefore, the proposed project would not contribute a significant cumulative land use compatibility impact in the City, and no mitigation is required.

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4.10 NOISE

This section evaluates the potential short-term and long-term noise impacts associated with the construction and operation of the Dana Point Harbor Hotels Project (proposed project). Information including noise monitoring data sheets, calculations related to traffic, and stationary source and construction impacts are included as Appendix J of this Draft Environmental Impact Report (EIR).

4.10.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. There were no specific comments related to noise or vibration made in relation to the IS/NOP during the public review period.

4.10.2 Existing Environmental Setting

The existing Dana Point Marina Inn is on the central portion of the project site and two boater services buildings with surface, designated boater parking are located on the southern portion of the project site. The surrounding uses include the following:

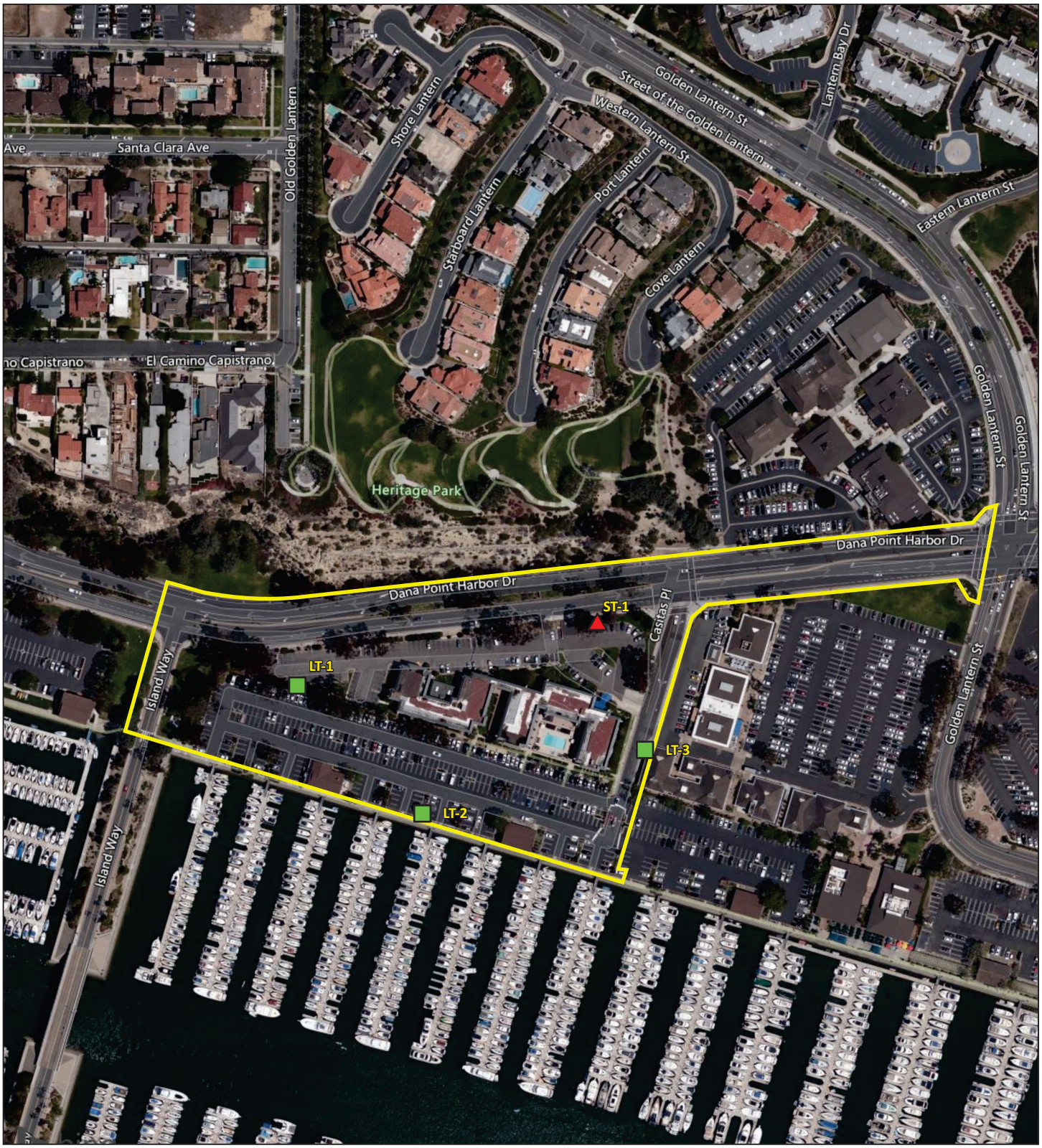
- **North:** Existing commercial uses are 50 feet (ft) north of the project disturbance limits within the median of Dana Point Harbor Drive and 160 ft west of Golden Lantern Street; the existing Heritage Park is approximately 102 ft north of the project limits, and existing single-family residential uses along the south side of El Camino Capistrano are 260 ft north of the project limits.
- **East:** Existing commercial uses are approximately 30 ft from the limits of disturbance.
- **South:** Existing boat slips.
- **West:** Existing parking lot across Island Way.

The noise levels at the project site and surrounding areas are dominated by traffic on Dana Point Harbor Drive, while periodic noise is experienced from parking lot activities at the adjacent uses and existing operations such as truck deliveries and trash pick-up at the project site and surrounding uses.

4.10.2.1 Existing Noise Level Measurements

To assess the existing noise conditions in the area, noise measurements were gathered at the project site. The locations of the noise measurements are shown in Figure 4.10-1. Three long-term 24-hour measurements (LT-1, LT-2, and LT-3) and one short-term 20-minute measurement were taken from July 14 to July 15, 2020. Table 4.10.A, below, shows the results of the noise measurements. It should be noted that the results presented in this table are likely slightly lower than typical conditions due to the statewide stay-at-home orders that were in effect during the measurements because of the COVID-19 pandemic, likely resulting in lower traffic volumes on the surrounding roadways.

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LSA

FIGURE 4.10-1

LEGEND

- Project Site
- LT-1 Long-term Noise Monitor Location
- ST-1 Short-term Noise Monitor Location

N

0 125 250

FEET

SOURCE: Bing Maps

Dana Point Harbor Hotels Project

Noise Monitoring Locations

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Table 4.10.A: Existing Noise Level Measurements

Location	Description	Range of Daytime Noise Levels (dBA L_{eq})	Range of Evening Noise Levels (dBA L_{eq})	Range of Nighttime Noise Levels (dBA L_{eq})	Average Daily Noise Level (dBA CNEL)
LT-1	Located approximately 115 ft south of the Dana Point Harbor Drive centerline on the western portion of the project site.	57.3–59.9	57.6–58.9	40.5–54.8	60.1
LT-2	Located approximately 365 ft south of the Dana Point Harbor Drive centerline on the central portion of the project site just north of the Pedestrian Promenade along the harbor.	50.4–55.0	49.7–51.6	39.5–46.8	54.0
LT-3	Located approximately 290 ft south of the Dana Point Harbor Drive centerline on the east side of Casitas Place.	54.8–59.4	54.1–55.4	48.8–55.4	60.4
ST-1	Located approximately 65 ft south of the Dana Point Harbor Drive centerline and 125 ft west of Casitas Place.	55.5–60.1	54.8–56.1	49.5–56.1	61.1

Source: Compiled by LSA (July 14–15, 2020).
CNEL= Community Noise Equivalent Level
dBA = A-weighted decibel
ft = foot/feet
L_{eq} = equivalent continuous sound level

4.10.2.2 Modeled Existing Traffic Noise Levels

LSA used the guidelines included in the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (1977; FHWA RD-77-108) to evaluate traffic-related noise conditions along roadway segments in the project vicinity. This model requires various parameters, including traffic volumes, vehicle mix, vehicle speed, and roadway geometry to compute typical equivalent noise levels during daytime (7:00 a.m. to 7:00 p.m.), evening (7:00 p.m. to 10:00 p.m.), and nighttime hours (10:00 p.m. to 7:00 a.m.). The resultant noise levels are weighted and summed over 24-hour periods to determine the community noise equivalent level (CNEL) values. Existing traffic noise data along modeled roadway segments are shown in Table 4.10.B, which were taken from the *Traffic Impact Analysis for the Dana Point Harbor Hotels Project, Dana Point, Orange County, California* (Traffic Impact Analysis; TIA) (LSA 2021). These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the locations where the noise contours are drawn.

Modeled traffic noise levels at the northern portion of the project site on Dana Point Harbor Drive shown in Table 4.10.B are estimated to be 62.1 dBA CNEL at a distance of 50 ft from the nearest travel lane. These resulting noise level estimates indicate that the measured noise levels are an average of 1.0 dBA below modeled estimates.

Table 4.10.B: Existing Traffic Noise Levels- Weekday and Weekend Conditions

Roadway Segment	Weekday Conditions					Weekend Conditions				
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane
Dana Point Harbor Drive – West of Island Way	8,000	< 50	< 50	62	57.8	14,000	< 50	< 50	84	60.2
Dana Point Harbor Drive – Island Way to Casitas Place	8,000	< 50	67	121	62.1	14,000	< 50	87	170	64.5
Dana Point Harbor Drive – Casitas Place to Golden Lantern	8,000	< 50	67	121	62.1	14,000	< 50	87	170	64.5
Dana Point Harbor Drive – Golden Lantern to Puerto Place	16,000	< 50	93	184	65.1	21,000	< 50	108	219	66.3
Dana Point Harbor Drive – Puerto Place to Pacific Coast Highway	16,000	< 50	93	184	65.1	23,000	< 50	114	233	66.7
Del Obispo Street – Pacific Coast Highway to Stonehill Drive	15,000	< 50	90	177	64.8	15,000	< 50	90	177	64.8
Del Obispo Street – North of Stonehill Drive	19,000	< 50	102	206	65.9	16,000	< 50	93	184	65.1
Golden Lantern – North of Pacific Coast Highway	15,000	< 50	81	147	63.0	22,000	< 50	97	185	64.7
Golden Lantern – Pacific Coast Highway to Del Prado Avenue	15,000	< 50	81	147	63.0	25,000	< 50	103	201	65.3
Golden Lantern – Del Prado Avenue to Dana Point Harbor Drive	9,000	< 50	< 50	110	60.8	14,000	< 50	79	141	62.8
Pacific Coast Highway – West of Golden Lantern	25,000	< 50	103	201	65.3	24,000	< 50	101	196	65.1
Pacific Coast Highway – Golden Lantern to Del Obispo Street	37,000	74	127	257	67.0	34,000	72	121	244	66.6
Pacific Coast Highway – Del Obispo Street to I-5	20,000	< 50	92	175	64.3	18,000	< 50	88	164	63.8
Stonehill Drive – West of Del Obispo Street	26,000	73	126	253	66.9	22,000	< 50	115	227	66.1
Stonehill Drive – Del Obispo Street to Camino Capistrano	33,000	80	144	295	67.9	26,000	73	126	253	66.9
Del Prado Avenue – West of Golden Lantern	5,000	< 50	< 50	72	59.5	5,000	< 50	< 50	72	59.5
Del Prado Avenue – East of Golden Lantern	5,000	< 50	< 50	72	59.5	6,000	< 50	< 50	80	60.3

Source: Compiled by LSA (2020).
Note: Shaded cells represent roadway segments adjacent to the project site.
ADT = average daily trips
CNEL = Community Noise Equivalent Level
dBA = A-weighted decibels
ft = foot/feet
I-5 = Interstate 5

4.10.3 Regulatory Setting

The following sections provide the applicable noise and vibration standards utilized to assess potential project impacts.

4.10.3.1 Federal Regulations

Federal Transit Administration. Vibration standards included in the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual* (FTA Manual) (2018) are used in this analysis for ground-borne vibration impacts on human annoyance, as shown in Table 4.10.C. Table 4.10.C provides the criteria for assessing the potential for interference or annoyance from vibration levels in a building.

Table 4.10.C: Interpretation of Vibration Criteria for Detailed Analysis

Land Use	Max L_v (VdB)[1]	Description of Use
Workshop	90	Distinctly feelable vibration. Appropriate to workshops and non-sensitive areas.
Office	84	Feelable vibration. Appropriate to offices and non-sensitive areas.
Residential Day	78	Feelable vibration. Appropriate for computer equipment and low-power optical microscopes (up to 20X).
Residential Night and Operating Rooms	72	Vibration not feelable, but ground-borne noise may be audible inside quiet rooms. Suitable for medium-power microscopes (100X) and other equipment of low sensitivity.

Source: *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018)
[1] As measured in 1/3-octave bands of frequency over the frequency range 8 to 80 hertz.
FTA = Federal Transit Administration
L_V = velocity in decibels
VdB = vibration velocity decibels

The criteria for environmental impact from ground-borne vibration and noise are based on the maximum levels for a single event. Table 4.10.D lists the potential vibration building damage criteria associated with construction activities, as suggested in the FTA Manual (2018). FTA guidelines show that a vibration level of up to 0.5 inch per second (in/sec) in peak particle velocity (PPV) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster) and would not result in any construction vibration damage (FTA 2018). For a nonengineered timber and masonry building, the construction building vibration damage criterion is 0.2 in/sec in PPV.

Table 4.10.D: Construction Vibration Damage Criteria

Building Category	PPV (in/sec)
Reinforced concrete, steel, or timber (no plaster)	0.50
Engineered concrete and masonry (no plaster)	0.30
Non-engineered timber and masonry buildings	0.20
Buildings extremely susceptible to vibration damage	0.12

Source: *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018).
FTA = Federal Transit Administration PPV = peak particle velocity
in/sec = inch/inches per second

4.10.3.2 State Regulations

State of California Noise Requirements. The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element, which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research (OPR). The purpose of the Noise Element, as defined by the OPR guidelines, is to limit the exposure of the community to excessive noise levels. In addition, the *State CEQA Guidelines* include thresholds of significance for analyzing environmental noise impacts.

4.10.3.3 Regional Regulations

There are no regional regulations related to noise that are applicable to the proposed project.

4.10.3.4 Local Regulations

Dana Point Harbor Revitalization Plan. Because the proposed project lies within the boundaries of the Dana Point Harbor Revitalization Plan (DPHRP), the general development policies within Section 8.1.1 of the DPHRP related to noise would be applicable. The following are the policies related to noise:

> **Policy 8.1.1-24:** Prior to the issuance of any Grading or Building Permits, OC Dana Point Harbor shall prepare or obtain an acoustical analysis report and appropriate plans which demonstrate that the noise levels generated by Harbor land uses during their operation shall be controlled in compliance with the Orange County Codified Ordinance, Division 6 (Noise Control). The report shall be prepared under the supervision of a County-certified acoustical consultant and shall describe the noise generation potential of the use during its operation and the noise mitigation measures, if needed which shall be included in the plans and specifications for the project to assure compliance with the Orange County Codified Ordinance, Division 6 (Noise Control).
>
> **Policy 8.1.1-25:** Prior to approval of project plans, OC Dana Point Harbor shall confirm that the plans and specifications stipulate that stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors during construction activities.
>
> **Policy 8.1.1-32:** OC Dana Point Harbor shall confirm that grading and drainage plans are reviewed with a geotechnical report and that the plans include the following notes:
>
> a. All construction vehicles and equipment, fixed or mobile and operated within 1,000 feet of a dwelling shall be equipped with proper operation and maintained mufflers;
>
> b. All operations shall comply with the County's Noise Ordinance; and
>
> c. Stockpiling and/or vehicle staging areas shall be located as far away as practical from dwellings.

County of Orange Municipal Code. Due to the project site being owned by the County of Orange and the requirements of the Dana Point Harbor Revitalization Plan and District Regulations General Provision 4 in Chapter 3 of the District Regulations, the County of Orange Municipal Code is also

applicable related to noise control. The County's Noise Ordinance, Division 6 (County of Orange 2020) is designed to control unnecessary, excessive, and annoying sound from sources on private property by specifying noise levels that cannot be exceeded. Table 4.10.E defines the exterior and interior noise level limits for noise from one property to adjacent residential land uses.

Table 4.10.E: County of Orange—Noise Standards

Land Use	Location	Time Period	L_{50} (30 minutes)[1]	L_{25} (15 minutes)[2]	L_8 (5 minutes)[3]	L_2 (1 minute)[4]	L_{max} (anytime)[5]
Residential	Exterior	7:00 AM to 10:00 PM	55	60	65	70	75
		10:00 PM to 7:00 AM	50	55	60	65	70
	Interior	7:00 AM to 10:00 PM	—	—	55	60	65
		10:00 PM to 7:00 AM	—	—	45	50	55

Source: Orange County Municipal Code—Noise Ordinance (County of Orange 2020).
Note: Each of the noise levels set forth in this table shall be reduced by 5 dBA for impacts of simple tone noises or noises consisting of speech or music.
[1] The noise standard for a cumulative period of more than 30 minutes in any hour
[2] The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour
[3] The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour
[4] The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour
[5] The noise standard plus 20 dBA or the maximum measured ambient noise level for any period of time
dBA = A-weighted decibels
L_{max} = maximum instantaneous noise level

City of Dana Point General Plan. The noise standards in the Noise Element (1991) of the City's General Plan are shown below in Table 4.10.F. These standards are used as a guideline to evaluate the acceptability of the noise levels generated by traffic flow. These standards are for the assessment of long-term vehicular traffic noise impacts. The City does not set exterior noise criteria for assessing the compatibility of transient uses (hotels, motels, and other temporary lodging facilities); however, the City requires that the interior areas for transient uses not exceed 45 dBA CNEL. Other short-term noise impacts, such as construction activities or on-site stationary sources, are regulated by the City's Noise Ordinance. The following goals and policies are applicable to the proposed project:

> **Goal 1:** Provide for measures to reduce noise impacts from transportation noise sources.
>
> > **Policy 1.1:** Require construction of barriers to mitigation sound emissions where necessary or feasible.
>
> **Goal 2:** Incorporate noise considerations into land use planning decisions.
>
> > **Policy 2.4:** Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.

Table 4.10.F: City of Dana Point General Plan Noise Element Interior and Exterior Noise Standards

Land Use Categories		CNEL (dBA)	
Designations	**Uses**	**Interior[1]**	**Exterior[2]**
Residential (all)	Single-Family, Duplex, Multiple-Family	45[3]	65
	Mobile Homes	--	65[4]
Neighborhood Commercial, Community Commercial, Visitor/ Recreation Commercial, Commercial/ Residential, Professional/ Administrative, Industrial/Business Park, Recreation/Open Space, Harbor Marine Land	Hotel, Motel, Transient Lodging	45	--
	Commercial Retail, Bank, Restaurant	55	--
	Office Building, Research and Development, Professional Offices, City Office Building	50	--
	Amphitheater, Concert Hall, Auditorium, Meeting Hall	45	--
	Gymnasium (Multipurpose)	50	--
	Sports Club	55	--
	Manufacturing, Warehousing, Wholesale, Utilities	65	--
	Movie Theaters	45	--
Community Facility	Hospital, School Classrooms	45	65
	Church, Library	45	--
Recreation/Open Space	Parks	--	65

Source: City of Dana Point General Plan, Noise Element, Table N-2, Interior and Exterior Noise Standards.

[1] Indoor environment also includes bathrooms, toilets, closets, corridors.

[2] Outdoor environment limited to private yards of single-family residences, multifamily private patios, or balconies that are served by a means of exit from inside the dwelling.

[3] Noise level requirement with closed windows. Mechanical ventilating system or other means of natural ventilation shall be provided per Chapter 12, Section 1205 of the UBC.

[4] Exterior noise levels should be such that interior noise levels will not exceed 45 dBA CNEL.

CNEL = Community Noise Equivalent Level
dBA = A-weighted decibels
UBC = Uniform Building Code

City of Dana Point Municipal Code. The City's Noise Ordinance establishes the maximum permissible noise level that may intrude into residential areas. The Noise Ordinance (added in 1992) establishes noise level standards for residential areas within Noise Zone 1, which includes the entire City, affected by any sound or noise received on residential property occupied by another person. The noise level criteria are the same as the County's criteria shown in Table 4.10.F above.

The City's Municipal Code Noise Ordinance has not established any upper limits for construction noise because it is temporary and will cease to occur after completion of the project construction. The Noise Ordinance (Dana Point Municipal Code, Chapter 11.10) regulates noise sources associated with construction activities. Section 11.10.014(e) therein states that noise sources associated with construction, repair, or remodeling activities shall occur only between the hours of 7:00 a.m. and

8:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and federal holidays. Additionally, Section 8.01.250 (Time of Grading Operations) of the City's Municipal Code further limits the grading and equipment operations within 0.5 mile of a structure for human occupancy to only within the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Consequently, because the project site is within 0.5 mile of residential uses, grading and equipment operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and City of Dana Point-recognized holidays.

4.10.4 Methodology

Evaluation of noise and vibration impacts associated with the proposed project includes the following:

- Determination of the short-term construction noise and vibration impacts.
- Determination of the long-term off-site and on-site traffic noise impacts.
- Determination of the long-term stationary noise impacts from project operations.
- Determination of the required mitigation measures to reduce short-term construction–related noise and vibration impacts and long-term stationary and mobile source noise impacts.

The evaluation of noise and vibration impacts was prepared in conformance with appropriate standards, utilizing procedures and methodologies in the Orange County Municipal Code, the City of Dana Point Noise Element and Municipal Code, and FTA criteria.

4.10.4.1 Characteristics of Sound

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dB is 100 times more intense, and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements, which better represents how humans are more sensitive to sound at night.

As noise spreads from a source, it loses energy; therefore, the farther away the noise receiver is from the noise source, the lower the perceived noise level. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise-sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. The equivalent continuous sound level (L_{eq}), also more commonly known as the average sound level, is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the hourly L_{eq}, the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A-weighted decibels (dbA). CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours), and a 10 dBA weighting factor applied to noises occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within 1 dBA of each other and are normally interchangeable. The City uses the CNEL noise scale for long-term noise impact assessment. Other noise rating scales of importance when assessing the annoyance factor include the maximum instantaneous noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis for short-term noise impacts are specified in terms of maximum levels denoted by L_{max}, which reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise impacts can be described in three categories. The first category includes audible impacts that refer to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3 dB or greater because this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1 dB and 3 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category includes changes in noise levels of less than 1 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels (3 dB or greater) are considered potentially significant.

4.10.4.2 Characteristics of Vibration

Vibration refers to ground-borne noise and perceptible motion. Ground-borne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors where the motion may be discernible. However, without the effects associated with the shaking of a building, there is less adverse reaction. Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by occupants as motion of building surfaces, the rattling of items on shelves or hanging on walls, or a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings radiating sound waves. Building damage is not a factor for normal operation and construction activities with the occasional exception of blasting and pile driving during construction.

Typical sources of ground-borne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earthmoving equipment), steel-wheeled trains, and occasional traffic on rough roads. Impacts with ground-borne vibration and noise from these sources are usually localized to areas within approximately 100 ft of the vibration source, although there are examples of ground-borne vibration causing interference out to distances greater than 200 ft, as shown in the FTA Manual (FTA 2018). When roadways are smooth, vibration from traffic, even heavy trucks, is rarely

perceptible. For most projects, it is assumed that the roadway surface will be smooth enough that ground-borne vibration from street traffic will not exceed the impact criteria; however, construction activities have the potential to result in ground-borne vibration that could be perceptible and annoying. Ground-borne noise is not likely to be a problem because noise arriving via the normal airborne path usually will be greater than ground-borne noise.

Ground-borne vibration has the potential to disturb people as well as damage buildings. Although it is very rare for ground-borne vibration to cause even cosmetic building damage, it is not uncommon for construction processes such as blasting and pile driving to cause vibration of sufficient amplitudes to damage nearby buildings (FTA 2018). Ground-borne vibration is usually measured in terms of vibration velocity, either the root-mean-square (RMS) velocity or peak particle velocity (PPV). RMS is best for characterizing human response to building vibration, and PPV is used to characterize the potential for damage. Decibel notation acts to compress the range of numbers required to describe vibration. Vibration velocity level in decibels is defined as:

$$L_V = 20 \log10 [V/Vref]$$

where L_V is the velocity in decibels (VdB), "V" is the RMS velocity amplitude, and "Vref" is the reference velocity amplitude, or 1 x 10-6 in/sec as used in the United States.

4.10.5 Thresholds of Significance

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

Threshold 4.10.1: 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?

Threshold 4.10.2: Generation of excessive groundborne vibration or groundborne noise levels?

Threshold 4.10.3: 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 2 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?

The Initial Study, included as Appendix A, substantiates that there would be no impacts associated with Threshold 4.10.3. This threshold will not be addressed in the following analysis.

4.10.6 Project Impacts

Threshold 4.10.1: Would the project result in 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 Impact.

4.10.6.1 Short-Term Off-Site Construction Noise Impacts

Two types of short-term noise impacts would occur during project construction: (1) equipment delivery and construction worker commutes, and (2) project construction operations.

The first type of short-term construction noise would result from transport of construction equipment and materials to the project site and construction worker commutes. These transportation activities would incrementally raise noise levels on access roads leading to the site. It is expected that larger trucks used in equipment delivery would generate higher noise impacts than trucks associated with worker commutes. The single-event noise from equipment trucks passing at a distance of 50 ft from a sensitive noise receptor would reach a maximum level of 84 dBA L_{max}. However, the pieces of heavy equipment for grading and construction activities would be moved on site just one time and would remain on site for the duration of each construction phase.

This one-time trip, when heavy construction equipment is moved on and off site, would not add to the daily traffic noise in the project vicinity. The total number of daily vehicle trips would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level change associated with these trips would not be perceptible. Therefore, equipment transport noise and construction-related worker commute impacts would be short term and would not result in a significant off-site noise impact.

The second type of short-term noise impact is related to noise generated during demolition, grading, soil stabilization, and building construction on the project site. Construction is undertaken in distinct phases, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 4.10.G lists the maximum noise levels recommended for noise impact assessments for the project-specific construction equipment list based on a distance of 50 ft between the equipment and a noise receptor. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

Table 4.10.G: Typical Maximum Construction Equipment Noise Levels (L_{max})

Type of Equipment	Acoustical Usage Factor	Suggested Maximum Sound Levels for Analysis (dBA L_{max} at 50 ft)
Air Compressor	40	80
Backhoe	40	80
Cement Mixer	50	80
Concrete/Industrial Saw	20	90
Crane	16	85
Excavator	40	85
Forklift	40	85
Generator	50	82
Grader	40	85
Loader	40	80
Paver	50	85
Roller	20	85
Rubber Tire Dozer	40	85
Scraper	40	85
Tractor	40	84
Truck	40	84
Vibratory Compaction	40	78
Welder	40	73

Source: *Highway Construction Noise Handbook* (FHWA, August 2006).
dBA = A-weighted decibel(s)
FHWA = Federal Highway Administration
ft = foot/feet
L_{max} = maximum instantaneous noise level

In addition to the reference maximum noise level, the acoustical usage factor provided in Table 4.10.G was used to calculate the hourly noise level impact for each piece of equipment based on the following equation:

$$L_{eq}(equip) = E.L. + 10\log(U.F.) - 20\log\left(\frac{D}{50}\right)$$

where: $L_{eq}(equip)$ = L_{eq} at a receiver resulting from the operation of a single piece of equipment over a specified time period

E.L. = noise emission level of the particular piece of equipment at a reference distance of 50 ft

U.F. = usage factor that accounts for the fraction of time that the equipment is in use over the specified period of time

D = distance from the receiver to the piece of equipment

Each piece of construction equipment operates as an individual point source. Using the following equation, a composite noise level can be calculated when multiple sources of noise operate simultaneously:

$$Leq\ (composite) = 10 * \log_{10}\left(\sum_{1}^{n} 10^{\frac{Ln}{10}}\right)$$

Using the equations from the methodology above and the reference information in Table 4.10.G, the composite noise level of each phase of construction at a distance of 50 ft is presented in Table 4.10.H as well as shown in more detail in Appendix J.

Table 4.10.H: Potential Construction Noise Impacts by Phase

Phase	Equipment	Noise Level (dBA L_{eq})
Demolition	Loader, Excavator, Dozer, Saw	87.0
Site Preparation	Drill Rig, Pump, Generator	82.0
Grading	Scraper, Dozer, Excavator, Grader, Soil Compactor, Loaders, Trucks	88.0
Paving	Roller, Paver, Paving Equipment, Pump	85.0
Building Construction	Excavator, Concrete Pump, Trucks, Forklift, Loaders, Crane, Paver	88.0
Architectural Coating	Compressor	76.0

Source: Compiled by LSA (2020).
dBA L_{eq} = average A-weighted hourly noise level

Once composite noise levels are calculated, reference noise levels can then be adjusted for distance using the following equation:

$$Leq\ (at\ distance\ X) = Leq\ (at\ 50\ feet) - 20 * \log_{10}\left(\frac{X}{50}\right)$$

It is expected that noise levels during construction would approach 88.0 dBA L_{eq} at 50 ft during grading, which could occur close to the property lines. While construction-related short-term noise levels have the potential to be higher than existing ambient noise levels in the project area under existing conditions, the noise impacts would no longer occur once project construction is completed.

Table 4.10.I shows the uses that surround the project site, the distances of the activities area to the nearest structure, noise levels expected during construction for the conditions at which construction is at the edge of the project site, and an average noise level for the entire project site. These noise level projections do not take into account intervening topography or barriers.

Table 4.10.I: Potential Construction Noise Impacts at Nearby Receptors

Receptor (location)	Construction Activities at Edge of Project Site		Construction Activities at Center of Project Site	
	Distance (ft)	Noise Level (dBA L_{eq})	Distance (ft)	Noise Level (dBA L_{eq})
Commercial Uses (east)	40	89.9	370	70.6
Commercial Uses (north)	50	88.0	860	63.3
Park (north)	102	81.8	302	72.4
Residential Uses (north)	260	73.7	515	67.7

Source: Compiled by LSA (2020).
dBA L_{eq} = average A-weighted hourly noise level
ft = foot/feet

Compliance with the City's Noise Ordinance would ensure that construction noise would not disturb the nearby park, single-family homes, and commercial uses during hours when ambient noise levels are likely to be lower (i.e., at night). Although construction noise would be higher than the ambient noise in the project vicinity, construction noise would cease once project construction is completed. In addition to compliance with appropriate construction times, Standard Condition 4.10-1 (SC 4.10-1) implements measures during construction to reduce noise impacts to the greatest extent feasible. The construction activities shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and City-recognized holidays. Additionally, Section 8.01.250 (Time of Grading Operations) of the City's Municipal Code limits the grading operations within 0.5 mile of a structure for human occupancy. Consequently, grading and equipment operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and City of Dana Point-recognized holidays. Further, in some cases, the City also limits high noise-emitting construction equipment (i.e., emitting 90 dBA and above) to between the hours of 10:00 a.m. and 4:00 p.m. Therefore, with implementation of SC 4.10-1 as further detailed in Section 4.10.8 below, construction activity noise impacts would be less than significant, and no mitigation is required.

As noted in Chapter 3.0, Project Description, Dana Point Surf Lodge is estimated to open in April 2024, approximately 12 months prior to the opening of Dana House Hotel in April 2025. By the time Dana Point Surf Lodge is open, exterior construction activities at Dana House Hotel would be limited to the application of architectural coatings, landscaping, and other minor exterior finishing work, as most of the remaining construction would take place inside the hotel. As described above, construction activities would be required to comply with the hours and days outlined in the City's Municipal Code, and construction noise at the project site would be reduced to the extent feasible with implementation of SC 4.10-1.

4.10.6.2 Long-Term Off-Site Transportation Noise Impacts

The guidelines included in the FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77 108) were used to evaluate highway traffic-related noise conditions along roadway segments in the project vicinity. This model requires various parameters, including traffic volumes, vehicle mix, vehicle speed, and roadway geometry, to compute typical equivalent noise levels during daytime, evening, and nighttime hours. The resultant noise levels are weighted and summed over 24-hour

periods to determine the CNEL values. Tables 4.10.J, 4.10.K, 4.10.L, and 4.10.M provide the traffic noise levels for the Existing Weekday With and Without Project, Existing Weekend With and Without Project, Future Weekday With and Without Project, and Future Weekend With and Without Project scenarios, respectively. These noise levels represent the worst-case scenario, which assumes no shielding is provided between the traffic and the location where the noise contours are drawn. The Without and With Project scenario traffic volumes were obtained from the Traffic Impact Analysis (LSA 2021) included as Appendix K to this Draft EIR. Appendix J provides the specific assumptions used in developing these noise levels and model printouts.

Tables 4.10.J, 4.10.K, 4.10.L, and 4.10.M show that the increase in project-related traffic noise would be no greater than 0.5 dBA CNEL. Noise level increases below 1.0 dBA are not considered perceptible to humans in an outdoor environment as well as being below the increase thresholds presented in Section 4.10.3. Therefore, traffic noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, and no mitigation measures are required.

4.10.6.3 Long-Term Off-Site Stationary Noise Impacts

HVAC Operations. The operation of the proposed project would include rooftop air handlers associated with the heating, ventilation, and air conditioning (HVAC) system. The proposed project would have three rooftop air handler areas as part of the buildings HVAC systems. The units would vary in distance from 345 ft to 890 ft from the surrounding uses. Based on reference noise level measurements from manufacturer Trane, mechanical ventilation equipment is likely to range from 75 to 82 dBA L_{eq} at a distance of 3 ft.

Utilizing the equation below, air handler operations would result in a composite noise level of up to 40.8 dBA L_{eq} at the nearest residential use to the north.

$$Leq\ (at\ distance\ X\ feet) = (Number\ of\ Units * 10^{\frac{Leq(at\ 3\ feet)}{10}}) - 20 * \log_{10}\left(\frac{X}{3}\right)$$

As shown in Table 4.10.N below, HVAC noise levels will be well below the 55 dBA L_{eq} daytime standard and below the 50 dBA L_{eq} nighttime standard for surrounding uses. Therefore, the project's long-term stationary noise impacts on off-site sensitive receptors would be less than significant. No mitigation is required.

Outdoor Event Areas, Outdoor Speakers, and Live Music. The proposed project includes a variety of speakers and outdoor active areas. The areas include outdoor dining and lounge areas with both limited and full food service menus, and event spaces. The proposed hours of these outdoor dining and lounge areas would range from 7:00 a.m. to 11:00 p.m. for full food service and 7:00 a.m. to 1:00 a.m. for limited food service. The use of outdoor event spaces, primarily associated with Dana House Hotel, would vary. Of these areas, the individual area with the maximum capacity is the pool deck at Dana House Hotel, which could accommodate 451 occupants. The events at the outdoor areas possibly could include the following:

- Wedding receptions
- Seminars/lectures

Table 4.10.J: Existing Weekday Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions
Dana Point Harbor Drive – West of Island Way	8,000	< 50	< 50	62	57.8	8,020	< 50	< 50	62	57.8	0.0
Dana Point Harbor Drive – Island Way to Casitas Place	8,000	< 50	67	121	62.1	8,990	< 50	71	129	62.6	0.5
Dana Point Harbor Drive – Casitas Place to Golden Lantern	8,000	< 50	67	121	62.1	8,860	< 50	70	128	62.6	0.5
Dana Point Harbor Drive – Golden Lantern to Puerto Place	16,000	< 50	93	184	65.1	16,520	< 50	95	188	65.3	0.2
Dana Point Harbor Drive – Puerto Place to Pacific Coast Highway	16,000	< 50	93	184	65.1	16,480	< 50	95	188	65.3	0.2
Del Obispo Street – Pacific Coast Highway to Stonehill Drive	15,000	< 50	90	177	64.8	15,070	< 50	90	178	64.9	0.1
Del Obispo Street – North of Stonehill Drive	19,000	< 50	102	206	65.9	19,040	< 50	103	206	65.9	0.0
Golden Lantern – North of Pacific Coast Highway	15,000	< 50	81	147	63.0	15,040	< 50	81	147	63.1	0.1
Golden Lantern – Pacific Coast Highway to Del Prado Avenue	15,000	< 50	81	147	63.0	15,200	< 50	82	148	63.1	0.1
Golden Lantern – Del Prado Avenue to Dana Point Harbor Drive	9,000	< 50	< 50	110	60.8	9,330	< 50	< 50	112	61.0	0.2
Pacific Coast Highway – West of Golden Lantern	25,000	< 50	103	201	65.3	25,120	< 50	103	201	65.3	0.0
Pacific Coast Highway – Golden Lantern to Del Obispo Street	37,000	74	127	257	67.0	37,040	74	127	257	67.0	0.0
Pacific Coast Highway – Del Obispo Street to I-5	20,000	< 50	92	175	64.3	20,400	< 50	93	177	64.4	0.1
Stonehill Drive – West of Del Obispo Street	26,000	73	126	253	66.9	26,000	73	126	253	66.9	0.0
Stonehill Drive – Del Obispo Street to Camino Capistrano	33,000	80	144	295	67.9	33,030	80	144	295	67.9	0.0
Del Prado Avenue – West of Golden Lantern	5,000	< 50	< 50	72	59.5	5,120	< 50	< 50	73	59.6	0.1
Del Prado Avenue – East of Golden Lantern	5,000	< 50	< 50	72	59.5	5,000	< 50	< 50	72	59.5	0.0

Source: Compiled by LSA (2020).
Note: Shaded cells represent roadway segments adjacent to the project site.
ADT = average daily trips
CNEL = Community Noise Equivalent Level
dBA = A-weighted Noise Level
ft = foot/feet
I-5 = Interstate 5

Table 4.10.K: Existing Weekend Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions
Dana Point Harbor Drive – West of Island Way	14,000	< 50	< 50	84	60.2	14,020	< 50	< 50	84	60.2	0.0
Dana Point Harbor Drive – Island Way to Casitas Place	14,000	< 50	87	170	64.5	15,240	< 50	91	179	64.9	0.4
Dana Point Harbor Drive – Casitas Place to Golden Lantern	14,000	< 50	87	170	64.5	15,110	< 50	91	178	64.9	0.4
Dana Point Harbor Drive – Golden Lantern to Puerto Place	21,000	< 50	108	219	66.3	21,660	< 50	110	224	66.4	0.1
Dana Point Harbor Drive – Puerto Place to Pacific Coast Highway	23,000	< 50	114	233	66.7	23,610	65	116	236	66.8	0.1
Del Obispo Street – Pacific Coast Highway to Stonehill Drive	15,000	< 50	90	177	64.8	15,080	< 50	90	178	64.9	0.1
Del Obispo Street – North of Stonehill Drive	16,000	< 50	93	184	65.1	16,050	< 50	94	185	65.1	0.0
Golden Lantern – North of Pacific Coast Highway	22,000	< 50	97	185	64.7	22,050	< 50	97	186	64.7	0.0
Golden Lantern – Pacific Coast Highway to Del Prado Avenue	25,000	< 50	103	201	65.3	25,270	< 50	104	202	65.3	0.0
Golden Lantern – Del Prado Avenue to Dana Point Harbor Drive	14,000	< 50	79	141	62.8	14,440	< 50	80	144	62.9	0.1
Pacific Coast Highway – West of Golden Lantern	24,000	< 50	101	196	65.1	24,150	< 50	101	196	65.1	0.0
Pacific Coast Highway – Golden Lantern to Del Obispo Street	34,000	72	121	244	66.6	34,070	72	122	244	66.6	0.0
Pacific Coast Highway – Del Obispo Street to I-5	18,000	< 50	88	164	63.8	18,530	< 50	89	167	64.0	0.2
Stonehill Drive – West of Del Obispo Street	22,000	< 50	115	227	66.1	22,000	< 50	115	227	66.1	0.0
Stonehill Drive – Del Obispo Street to Camino Capistrano	26,000	73	126	253	66.9	26,030	73	126	253	66.9	0.0
Del Prado Avenue – West of Golden Lantern	5,000	< 50	< 50	72	59.5	5,150	< 50	< 50	73	59.6	0.1
Del Prado Avenue – East of Golden Lantern	6,000	< 50	< 50	80	60.3	6,000	< 50	< 50	80	60.3	0.0

Source: Compiled by LSA (2020).
Note: Shaded cells represent roadway segments adjacent to the project site.
ADT = average daily trips
CNEL = Community Noise Equivalent Level
dBA = A-weighted Noise Level
ft = foot/feet
I-5 = Interstate 5

Table 4.10.L: Year 2025 Weekday Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions
Dana Point Harbor Drive – West of Island Way	8,100	< 50	< 50	63	57.8	8,120	< 50	< 50	63	57.8	0.0
Dana Point Harbor Drive – Island Way to Casitas Place	8,310	< 50	68	123	62.3	9,300	< 50	72	132	62.8	0.5
Dana Point Harbor Drive – Casitas Place to Golden Lantern	8,550	< 50	69	125	62.4	9,410	< 50	72	133	62.8	0.4
Dana Point Harbor Drive – Golden Lantern to Puerto Place	19,240	< 50	103	207	65.9	19,760	< 50	105	211	66.0	0.1
Dana Point Harbor Drive – Puerto Place to Pacific Coast Highway	21,070	< 50	109	220	66.3	21,550	< 50	110	223	66.4	0.1
Del Obispo Street – Pacific Coast Highway to Stonehill Drive	17,160	< 50	97	193	65.4	17,220	< 50	97	193	65.4	0.0
Del Obispo Street – North of Stonehill Drive	21,650	< 50	110	224	66.4	21,690	< 50	110	224	66.4	0.0
Golden Lantern – North of Pacific Coast Highway	16,720	< 50	85	157	63.5	16,760	< 50	85	157	63.5	0.0
Golden Lantern – Pacific Coast Highway to Del Prado Avenue	15,450	< 50	82	150	63.2	15,650	< 50	83	151	63.2	0.0
Golden Lantern – Del Prado Avenue to Dana Point Harbor Drive	9,610	< 50	< 50	114	61.1	9,940	< 50	< 50	116	61.3	0.2
Pacific Coast Highway – West of Golden Lantern	28,440	< 50	110	218	65.8	28,560	< 50	111	218	65.8	0.0
Pacific Coast Highway – Golden Lantern to Del Obispo Street	39,730	76	133	269	67.3	39,770	76	133	269	67.3	0.0
Pacific Coast Highway – Del Obispo Street to I-5	27,560	< 50	108	213	65.7	27,970	< 50	109	215	65.8	0.1
Stonehill Drive – West of Del Obispo Street	26,950	74	128	259	67.0	26,950	74	128	259	67.0	0.0
Stonehill Drive – Del Obispo Street to Camino Capistrano	36,360	83	152	314	68.3	36,390	84	152	314	68.3	0.0
Del Prado Avenue – West of Golden Lantern	5,240	< 50	< 50	74	59.7	5,360	< 50	< 50	75	59.8	0.1
Del Prado Avenue – East of Golden Lantern	5,120	< 50	< 50	73	59.6	5,120	< 50	< 50	73	59.6	0.0

Source: Compiled by LSA (2020).
Note: Shaded cells represent roadway segments adjacent to the project site.
ADT = average daily trips
CNEL = Community Noise Equivalent Level
dBA = A-weighted Noise Level
ft = foot/feet
I-5 = Interstate 5

Table 4.10.M: Year 2025 Weekend Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions
Dana Point Harbor Drive – West of Island Way	14,200	< 50	< 50	85	60.2	14,220	< 50	< 50	85	60.3	0.1
Dana Point Harbor Drive – Island Way to Casitas Place	14,420	< 50	88	173	64.7	15,660	< 50	92	182	65.0	0.3
Dana Point Harbor Drive – Casitas Place to Golden Lantern	14,280	< 50	88	172	64.6	15,390	< 50	91	180	65.0	0.4
Dana Point Harbor Drive – Golden Lantern to Puerto Place	24,000	66	117	239	66.9	24,660	67	119	243	67.0	0.1
Dana Point Harbor Drive – Puerto Place to Pacific Coast Highway	27,710	70	127	262	67.5	28,320	70	129	266	67.6	0.1
Del Obispo Street – Pacific Coast Highway to Stonehill Drive	17,170	< 50	97	193	65.4	17,260	< 50	97	194	65.5	0.1
Del Obispo Street – North of Stonehill Drive	18,750	< 50	102	204	65.8	18,810	< 50	102	204	65.8	0.0
Golden Lantern – North of Pacific Coast Highway	23,900	< 50	101	195	65.1	23,950	< 50	101	195	65.1	0.0
Golden Lantern – Pacific Coast Highway to Del Prado Avenue	25,510	< 50	104	203	65.4	25,780	< 50	105	205	65.4	0.0
Golden Lantern – Del Prado Avenue to Dana Point Harbor Drive	14,650	< 50	81	145	62.9	15,090	< 50	82	148	63.1	0.2
Pacific Coast Highway – West of Golden Lantern	27,610	< 50	109	214	65.7	27,760	< 50	109	214	65.7	0.0
Pacific Coast Highway – Golden Lantern to Del Obispo Street	36,930	74	127	257	67.0	37,000	74	127	257	67.0	0.0
Pacific Coast Highway – Del Obispo Street to I-5	25,190	< 50	104	202	65.3	25,720	< 50	105	204	65.4	0.1
Stonehill Drive – West of Del Obispo Street	24,010	71	120	240	66.5	24,010	71	120	240	66.5	0.0
Stonehill Drive – Del Obispo Street to Camino Capistrano	33,280	80	145	297	67.9	33,310	80	145	297	67.9	0.0
Del Prado Avenue – West of Golden Lantern	5,210	< 50	< 50	74	59.7	5,360	< 50	< 50	75	59.8	0.1
Del Prado Avenue – East of Golden Lantern	6,160	< 50	< 50	81	60.4	6,160	< 50	< 50	81	60.4	0.0

Source: Compiled by LSA (2020).
Note: Shaded cells represent roadway segments adjacent to the project site.
ADT = average daily trips
CNEL = Community Noise Equivalent Level
dBA = A-weighted Noise Level
ft = foot/feet
I-5 = Interstate 5

Table 4.10.N: Summary of HVAC Activity Noise Levels

Land Use (direction)	Reference Noise Level (dBA L_{eq})	Reference Distance (ft)	Distance[1] (ft)	Distance Attenuation (dBA)	Exterior Noise Level (dBA L_{eq})
Residences (north)	82	3	345	41.2	40.8
Commercial Uses (east)			420	42.9	39.1
Commercial Uses (north)			890	49.4	32.6

Source: Compiled by LSA (2020)
[1] Distance from air handler area to sensitive receptor/building.
dBA = A-weighted decibels
ft = foot/feet
HVAC = heating, ventilation, and air conditioning
L_{eq} = equivalent continuous sound level

- Milestone celebrations and award ceremonies
- Business functions
- Summer movie nights (once a week)
- Summer concert series (once a week)
- Live DJ and entertainment on weekends
- Local restaurant events and food truck festivals

In addition to noise associated with people talking, raised voices, and the clanking of dishes, the proposed outdoor event areas would contain a variety of speakers. The potential noise impacts from operation of the speakers would be heavily dependent on the volume setting and directionality of each speaker. For reference, the noise levels generated from the speakers would be required to limit daytime average noise levels to a composite level of 79 dBA L_{eq} at a distance of 25 ft in order to remain in compliance with the County's exterior daytime L_{eq} standard of 55 dBA L_{eq} at the nearest residence located 400 ft from the closest speaker. The composite level would need to be reduced by 5 dBA L_{eq} to 74 dBA L_{eq} at 25 ft in order to comply with the nighttime L_{eq} standard of 50 dBA L_{eq}. The proposed speakers would be used for background music as well as live music and entertainment. While one individual outdoor area may comply with the County's noise requirements, it is important to note that when multiple activities or events occur simultaneously, the compounded noise level would have the potential to increase noise and result in a potential significant impact.

Due to the variety and location of the proposed speakers, the variety and size of proposed events, and the shielding provided by the proposed buildings, Mitigation Measure 4.10-1 (MM 4.10-1) is proposed and would require that once the hotels are open, the owner of the hotels must obtain a memorandum from an acoustical consultant to confirm, through noise monitoring during three (3) peak activity weekends, that compliance with the County and City Municipal Codes for both daytime and nighttime hours is being achieved. If it is discovered that noise level impacts exceed the City and County's exterior noise level requirements, additional measures would be recommended by an acoustical engineer that may include, but not be limited to, speaker noise level restrictions, event restrictions, and additional noise barriers. With the implementation of MM 4.10-1, noise levels generated by the outdoor activity areas and exterior speakers would be less than significant.

4.10.6.4 Long-Term On-Site Noise Impacts

While the City does not have specific exterior noise level standards for hotel uses, the proposed project has the potential to be exposed to noise levels that may exceed the City's General Plan interior noise level standards from surrounding roadways and commercial uses. The following sections provide further details regarding consistency with the General Plan standards.

Exterior Traffic Noise Levels. The proposed on-site hotel uses would be exposed to traffic noise impacts primarily from Dana Point Harbor Drive. Although the California Environmental Quality Act (CEQA) does not require an analysis of the effects of the environment on the project, the following analysis is provided to disclose noise levels experienced by future guests. The analysis is also provided to determine consistency with the City's General Plan Noise Element standards.

Based on information provided in Table 4.10.M, the modeled traffic noise contours show a maximum noise level of 65 dBA CNEL at a distance of 50 ft from the centerline of the nearest lane on Dana Point Harbor Drive under the 2025 Weekend With Project scenario. The nearest building façade is on the northeastern portion of Dana Point Surf Lodge at a distance of 50 ft from the centerline of the nearest lane on Dana Point Harbor Drive.

Interior Traffic Noise Impacts. As presented above, based on the future on-site traffic noise impacts, the exterior noise levels at the project site are expected to approach 65 dBA CNEL at the building façades, thus, a reduction of 20 dBA is necessary to achieve the 45 dBA CNEL interior noise standard for hotel uses as noted in the Noise Element of the City's General Plan.

Based on the United States Environmental Protection Agency (EPA) Protective Noise Levels (EPA 1978), with windows and doors open, interior noise levels at the frontline hotel rooms along Dana Point Harbor Drive under future conditions would have an interior noise level of 53 dBA CNEL (65 dBA–12 dBA = 53 dBA), which would exceed the City's interior noise standard of 45 dBA CNEL. Based on project plans, a means of mechanical ventilation such as central air conditioning would be installed, allowing for windows to be closed for prolonged periods of time. Based on rough assumptions provided by the EPA, with windows and doors closed and windows and doors with a minimum Sound Transmission Class (STC) of 25, the interior noise levels at the rooms closest to Dana Point Harbor Drive would be 41 dBA CNEL (65 dBA–24 dBA = 41 dBA) and would not exceed the City's interior noise standard of 45 dBA CNEL. In order to confirm that the necessary reduction is achieved, a Final Acoustical Report shall be prepared based on final architectural plans and window specifications to document expected interior noise levels, as required by Standard Condition 4.10-2 (SC 4.10-2) and further detailed in Section 4.10.8 below.

Threshold 4.10.2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact.

4.10.6.5 Short-Term Off-Site Construction Vibration Impacts

Ground-borne noise and vibration from construction activity would be mostly low to moderate. While there is currently limited information regarding vibration source levels, to provide a comparison of vibration levels expected for a project of this size, as shown in Table 4.10.O, a large

bulldozer would generate approximately 87 VdB (0.089 PPV in/sec) of ground-borne vibration when measured at 25 ft, based on the FTA Manual (2018). However, during vibratory compaction activities, equipment has the potential to generate approximately 94 VdB (0.2 in/sec PPV) of ground-borne vibration when measured at 25 ft. Besides vibratory compaction activities, the greatest typical levels of vibration are anticipated to occur during the grading phase, which is expected for equipment similar to a bulldozer.

Table 4.10.O: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/L_V at 25 Ft	
	PPV (in/sec)	L_V (VdB)[1]
Vibratory Compactor	0.200	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Sources: *Transit Noise and Vibration Impact Assessment Manual* (FTA 2006) and *Predicted Vibration and Noise Levels for Vibro Replacement and Compaction* (Hayward Baker 2016).

[1] RMS VdB re 1 µin/sec.

µin/sec = microinch(es) per second
ft = foot/feet
FTA = Federal Transit Administration
in/sec = inch(es) per second
L_V = velocity in decibels
PPV = peak particle velocity
RMS = root-mean-square
VdB = vibration velocity in decibels

The distance to the nearest buildings for the vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts normally occur within the buildings. The results on the vibration analysis are shown in Table 4.10.P. The formula for vibration transmission is provided below.

$$L_vdB\ (D) = L_vdB\ (25\ feet) - 30\ Log\ (D/25)$$

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

Construction Vibration Damage Potential. As shown above in Table 4.10.D, it would take a minimum of 0.12 in/sec PPV to cause any potential building damage for extremely susceptible buildings or a minimum of 0.2 in/sec PPV for a non-engineered timber and masonry building.

Table 4.10.P: Summary of Construction Vibration Levels

Receptor (direction)	Reference Vibration Level (VdB) at 25 ft	Reference Vibration Level (PPV) at 25 ft	Distance[1] (ft)	Maximum Vibration Level (VdB)	Maximum Vibration Level (PPV)
Commercial Uses (east)	94	0.200	57	83	0.058
Residential Uses (north)	87	0.089	260	56	0.003

Source: Compiled by LSA (2020).
Note: Reference vibration levels are associated with vibratory compaction.
[1] Distances reflect the nearest structure of each land use category in a given direction to the nearest project construction boundary. All other structures of each land use category in the given direction would experience lower vibration levels.
ft = foot/feet
PPV = peak particle velocity
VdB = vibration velocity decibels

The closest structures to the project site are the existing commercial buildings to the east, approximately 57 ft from the location at which vibration compaction would occur and the existing residential structures approximately 260 ft to the north of the project construction area limits where typical equipment would be utilized. Utilizing the equations above, the operation of typical construction equipment would generate ground-borne vibration levels of up to 0.058 in/sec PPV. Based on this analysis, vibration levels would not exceed any of the established guidelines considered for damage potential; therefore, the project is not expected to result in the generation of excessive ground-borne vibration. This impact would be less than significant, and no mitigation is required.

Construction Vibration Human Annoyance Potential. As shown above, vibratory compaction from large bulldozers and other similar equipment used for a project this size would generate levels ranging from 56 to 83 VdB of ground-borne vibration at the surrounding receptors. Because construction would only take place during daytime hours, vibration levels at the nearest residential receptor would be below the daytime standard of 78 VdB. Vibration levels at the commercial uses to the east would be approximately 83 VdB and would be below the threshold of 84 VdB for commercial uses similar to offices. Therefore, vibration levels associated with construction of the project would not exceed any annoyance guidelines and would be less than significant. No mitigation is required.

4.10.7 Level of Significance Prior to Mitigation

Construction noise and vibration impacts as well as off-site traffic noise impacts would all be less than significant. Off-site stationary noise impacts have the potential to exceed the applicable standards; therefore, mitigation is provided to reduce impacts to less than significant.

4.10.8 Standard Conditions and Mitigation Measures

The proposed project would comply with the following standard conditions, which the City considers to be mandatory; therefore, they are not considered mitigation.

Standard Condition 4.10-1 **Construction Noise.** Prior to issuance of grading and building permits, the Project Applicant shall submit grading plans and building plans for review and approval by the County of Orange's (County) Building Official, or designee. These plans shall include the following requirements for construction activities:

- Construction activities shall only occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction shall be permitted outside of these hours or on Sundays and federal holidays. Additionally, grading and equipment operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and not at all on Saturdays, Sundays, and federal holidays.

- Construction contracts must specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards.

- In order to maximize the distance between construction equipment staging areas and the sensitive noise receivers in the area, all equipment staging areas and material storage areas shall be placed as far from these receivers as possible.

- During construction, stationary construction equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest the proposed project site, to the extent feasible.

Standard Condition 4.10-2 **Final Acoustical Report.** Prior to issuance of any certificates of building permits, the Project Applicant shall submit a Final Acoustical Report, prepared by a qualified acoustical consultant, to be reviewed and approved by the County Building Official and the City of Dana Point (City) Director of Community Development, or their respective designees. The County Building Official and City Director of Community Development, or their respective designees, shall verify that the Final Acoustical Report demonstrates that all sensitive rooms with exterior façades comply with both the City and the County's interior noise standards. Noise reduction techniques that may be incorporated into construction plans in order to reduce interior noise levels include, but are not limited to, incorporation of upgraded windows and doors, improved wall construction, or reduced window and door sizes should oversized windows and doors be originally designed.

Mitigation Measure 4.10-1 **Operations Compliance Inspection and Monitoring.** Prior to issuance of an occupancy permit, the County of Orange (County) Building Official and the City of Dana Point (City) Director of Community Development, or their respective designees, shall confirm that an acoustical engineer has verified that the operation of the outdoor speaker system or any other temporary speaker system will be operated in compliance with the exterior maximum noise standards at the surrounding sensitive land uses. Measures capable of reducing the noise levels include, but are not limited to:

- Post signage to identify hours in which noise level requirements are more strict;
- Keep all kitchen and service area doors closed when not in use;
- Limit the number of simultaneous events or places with amplified music;
- Reduce the speaker noise levels;
- Direct speakers away from sensitive receptors; and
- Use highly directional speakers.

Due to the varying noise levels that may be generated by concurrent activities, locations of amplified music and most importantly speaker volume, it is required that during the first three operational weekends after both hotels are open, operating and programmed with outdoor events that noise monitoring be completed to verify compliance with the City and County noise ordinances. If it is discovered that noise level impacts exceed the exterior noise level requirements, additional mitigation would be recommended by an acoustical engineer that may include, but not be limited to, speaker noise level restrictions, event hours restrictions, and noise barriers.

4.10.9 Level of Significance after Mitigation

The proposed project does not require any mitigation measures. The level of significance would remain less than significant.

4.10.10 Cumulative Impacts

Less Than Significant Impact. A cumulative noise impact would occur if multiple sources of noise from cumulative projects combine to create impacts in close proximity to a sensitive receptor. Because construction noise and vibration are localized and rapidly attenuate within an urban environment, the identified cumulative projects are located too far from the project site to

contribute to cumulative impacts related to noise levels due to construction activities. Construction activities at any related project site would not result in a noticeable increase in noise to sensitive receptors adjacent to the project site. Furthermore, all related projects would be required to comply with both the County's and the City's Noise Ordinances. Therefore, cumulative construction noise impacts would be considered less than significant.

Cumulative operational noise impacts could occur as a result of increased traffic volumes on local roadways due to future growth from cumulative projects in the project area. Cumulative traffic noise impacts are based on the difference between existing traffic volumes and future traffic volumes after buildout of the proposed project and in combination with related projects currently being proposed or built in the vicinity of the project site. As shown in Tables 4.10.J, 4.10.K, 4.10.L, and 4.10.M, the increase in project-related traffic noise would be no greater than 0.5 dBA CNEL along roadway segments in the project vicinity for all Existing and Future Year scenarios. Noise level increases below 1.0 dBA are considered imperceptible to humans in an outdoor environment.

Based on the screening level analysis in Section 4.10.6.2, two segments, Del Obispo Street from Pacific Coast Highway to Stonehill Drive and Pacific Coast Highway from Del Obispo Street to Interstate 5 (I-5), have sensitive uses that would experience noise level increases related to the proposed project and would be expected to experience unmitigated noise levels that would exceed the City's exterior noise criteria of 65 dBA CNEL at a distance of 50 ft. Based on a specific review of uses along Del Obispo Street from Pacific Coast Highway to Stonehill Drive, noise-sensitive uses with exterior living areas would be located more than 55 ft away from the nearest travel lane or have property line walls that would result in noise levels below 65 dBA CNEL. Based on a specific review of uses along Pacific Coast Highway from Del Obispo Street to I-5, noise-sensitive uses with exterior living areas would be located more than 190 ft away from the nearest travel lane and would experience noise levels below 65 dBA CNEL. Therefore, the proposed project would not contribute substantially to cumulative roadway noise impacts and would have a less than cumulatively considerable impact.

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4.11 PUBLIC SERVICES

This section of the Draft Environmental Impact Report (EIR) describes the public services providers within whose jurisdiction the Dana Point Harbor Hotels Project (proposed project) site is located and evaluates the potential impacts of the proposed project on public services. This section incorporates research from multiple data sources, including written correspondence and coordination with specific public service providers (Appendix N).

4.11.1 Scoping Process

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

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

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

4.11.2 Existing Environmental Setting

4.11.2.1 Fire Protection

The OCFA is a Joint Powers Authority that serves the City of Dana Point, and is responsible for reducing loss of lives and property from fire, medical, and environmental emergencies. OCFA provides fire protection, emergency medical and rescue services, hazardous materials inspection and response, and public education activities to its service area of 1,984,758 residents throughout 24 cities and unincorporated Orange County. Currently, OCFA has a total of 79 stations, including

two specialty stations, located throughout Orange County.[1] OCFA Reserve Firefighters also work as part of ten different stations in Orange County.[2]

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

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

- Receiving and dispatching emergency calls;
- Providing public education programs to schools, businesses, community associations, childcare providers, and other members of the community;
- Adopting and enforcing codes and ordinances relative to fire and life safety issues associated with commercial, industrial, and residential development;
- Coordinating the inspection of commercial buildings, investigating all fires, and enforcing fire code hazardous materials regulations;
- Working with developers and jurisdictional planning departments on development projects impacting fire protection services, from conception through planning process approval;
- Conducting California Fire Code Inspections and assisting with reducing risks associated with the use of hazardous materials in the community; and
- Interacting with developers, architects, and engineers to meet the fire protection requirements for buildings and developments by reviewing architectural blue prints, development plans, and proposals submitted in OCFA's jurisdiction.

OCFA Operations Division 3 includes Battalions 6 and 7, which are assigned to serve the Cities of San Juan Capistrano, Dana Point, Mission Viejo, Rancho Santa Margarita, and San Clemente, as well as the communities of Coto de Caza, Las Flores, and Ladera Ranch.[4] Both the City of Dana Point and

1 Orange County Fire Authority (OCFA). 2020a. Fiscal Year 2019–2020 Adopted Budget. Website: https://www.ocfa.org/Uploads/Transparency/OCFA%202019-2020%20Adopted%20Budget.pdf (accessed October 1, 2020).

2 OCFA. 2020b. Member Cities. Website: https://www.ocfa.org/aboutus/PartnerCities.aspx (accessed October 1, 2020).

3 OCFA. 2020c. Operations. Website: https://www.ocfa.org/AboutUs/Departments/Operations.aspx (accessed October 1, 2020).

4 OCFA. 2020d. Operations Division 3. Website: https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx (accessed October 1, 2020).

Dana Point Harbor are within the service area of Battalion 6. As a regional fire agency, OCFA engages in service agreements with other local and regional fire agencies. There are two OCFA fire stations (Stations Nos. 29 and 30) within the City of Dana Point. Additionally, the Orange County Sheriff's Department Harbor Patrol Division provides law enforcement, marine/residential firefighting, open-water rescue, and vessel assistance for Dana Point Harbor, as well as the surrounding Orange County coastline. These services are able to be provided through the Harbor Patrol Division's vessel fleet that includes fire boats and single-engine patrol boats docked at the Dana Point Harbor Patrol Station, which is located at 25005 Dana Drive at the eastern end of Dana Island. The Dana Point Harbor Patrol Station is staffed by deputies who are cross-trained to provide police and fire responsibilities. In addition to these functions, the Harbor Patrol deputies are the "first-responders" to hazardous material spills in Dana Point Harbor.[1] As described below, the OCFA would provide fire protection service to the proposed project; however, the Harbor Patrol Division would be able to provide additional firefighting support to the project site using its staff and equipment based at the Dana Point Harbor Patrol Station.

Fire Station No. 29 is the closest OCFA fire station to the project site and is located at 26111 Victoria Boulevard in the City of Dana Point, approximately 1.2 miles northeast of the project site. As noted by the questionnaire response submitted by OCFA, Fire Station No. 29 would be designated as the "first-in" station to the project site in the event of an emergency. Fire Station No. 29 is staffed by three battalion chiefs, three captains, three engineers, and six firefighters.[2]

"Second Call" stations are fire stations that support the "first-in" station. The OCFA has designated Fire Station No. 30 as the "second call" station to support Fire Station No. 29. Fire Station No. 30 is located at 23831 Stonehill Drive in the City of Dana Point, approximately 1.6 miles northwest of the project site. Station No. 30 is staffed by three captains, three engineers, six firefighters, and reserve firefighters.

In Fiscal Year 2019/2020, OCFA had 1,569 full-time equivalent uniformed and civilian personnel budgeted.[3] OCFA aims to maintain a goal of being able to have first responding company for a fire call to reach the emergency scene within 8 minutes and paramedics to reach the scene within 5 minutes, at least 90 percent of the time. In Fiscal Year 2019–2020, OCFA responded to emergency calls within 9 minutes and seven seconds 90 percent of the time across all service areas.[4]

Although the ratio of firefighters per 10,000 residents increased slightly in the last two fiscal years from 5.33 to 5.80 firefighters for every 10,000 residents, the OCFA has experienced a 74 percent increase in call load over the past 10 years. According to the OCFA's 2019 Statistical Annual Report, OCFA responded to over 146,328 total service calls throughout the entirety of its service area; in total, 3,385 calls were responded to citywide. Approximately 108,219 responses were related to

1 County of Orange. 2003. Dana Point Harbor Revitalization Project Program EIR, Section 4.10, Public Services and Utilities.

2 OCFA. 2020d. Operations Division 3. Website: https://www.ocfa.org/AboutUs/Departments/Operations Directory/Division3.aspx (accessed October 1, 2020).

3 OCFA. 2020a. Fiscal Year 2019–2020 Adopted Budget. Website: https://www.ocfa.org/Uploads/Transparency/OCFA%202019-2020%20Adopted%20Budget.pdf (accessed October 1, 2020).

4 Ibid.

emergency medical services (EMS); citywide, EMS responses totaled 2,613.[1] According to the OCFA, there are currently no plans for expanded services or facilities near the project area.

4.11.2.2 Police Protection

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

In total, 37 OCSD personnel are assigned to the City, including 25 full-time deputies, six sergeants, and six parking control officers.[2] Given the City's 2019 population of 33,146 (Department of Finance, 2019), the OCSD maintains a staffing ratio of approximately 1.1 sworn officer for every 1,000 residents in the City.[3] Police protection services are expanded in the City consistent with community needs.

As described above, the OCSD provides law enforcement in Dana Point Harbor through its Dana Point Harbor Patrol Station at the eastern end of Dana Island. The Harbor Patrol's jurisdiction encompasses the entirety of Dana Point Harbor including 14 miles seaward, as well as the coastline areas up to Main Beach (in Laguna Beach) and San Mateo Point (the Orange/San Diego County line). The Harbor Patrol is staffed by qualified personnel, including sergeants, deputies, and administrative assistance staff. The Harbor Patrol's fleet includes a fireboat, patrol boat, and an unmarked car.[4] As described above, deputies from the OCSD Police Services Station would provide police protection service to the proposed project; however, it is expected that the Harbor Patrol Division would also be able to provide additional police protection support to the project site using its staff and equipment.

4.11.2.3 Parks and Other Public Facilities

As mentioned in Section 4.12, Transportation, the proposed hotels would be located approximately 0.15 mile southwest of the nearest bus stop (the Orange County Transportation Authority [OCTA] Route 90 bus stop at the northeast corner of Golden Lantern and Dana Point Harbor Drive). In addition, the City of Dana Point, in partnership with OCTA, provides a trolley service during the summer months for local city transport, and the proposed hotels are located approximately 0.13 mile west of the nearest trolley stop (on the southeast corner of Golden Lantern and Dana Point Harbor Drive). These bus stops currently serve as a means to provide public transit facility options to existing employees and patrons of the Dana Point Marina Inn. These public transit stops

1 OCFA. 2020e. 2019 Statistical Annual Report. Website: https://www.ocfa.org/Uploads/Transparency/OCFA%20Annual%20Report%202019.pdf (accessed October 1, 2020).

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

3 33,146 / 1,000 = 33.146. 37 officers / 33.146 = 1.11 or approximately 1.1 officers per 1,000 residents.

4 County of Orange. 2003. Dana Point Harbor Revitalization Project Program EIR, Section 4.10, Public Services and Utilities.

will continue to provide these options for future employees of the Dana Point Harbor Hotels, as well as potential transit alternatives to hotel patrons who do not possess a personal vehicle during their stay.

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

4.11.3 Regulatory Setting

This section includes applicable federal, State, regional, and City regulations related to public services.

4.11.3.1 Federal Regulations

There are no applicable federal regulations related to public services.

4.11.3.2 State Regulations

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

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

4.11.3.3 Regional Regulations

There are no applicable regional policies or regulations related to public services.

4.11.3.4 Local Regulations

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

> **Section 8.24.001, Ordinance No. 19-05 (California Fire Code, adoption, amendments)** adopts the 2019 California Fire Code, with some amendments and modifications. Generally, the intent of the Fire Code is to prescribe regulations for the safeguarding of life and property from the hazards of fire and explosion.

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

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

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

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

Division 3, Article 1, Ordinance No. 19-010 (California Fire Code, adoption, amendments) adopts the 2019 California Fire Code, with some amendments and modifications. Generally, the intent of the Fire Code is to prescribe regulations for the safeguarding of life and property from the hazards of fire and explosion.

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

6.3.1 Recreational Opportunities – Recreational Policies:

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

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

8.6.8 Dana Point Harbor Fire – Policies:

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

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

- All applicable building plans shall indicate by note that the interior fire sprinkler system is required for the structure(s). Plans for the fire sprinkler systems shall be submitted for review and approval by the Fire Chief.

- A supervised fire alarm system with an enunciator, per the requirements of the California Fire Code shall be installed in an accessible location.
- Access to and around all structures shall meet the OCFA and California Fire Code requirements.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems shall be installed.
- Turning radii and access in and around the Harbor and other facilities shall be designed to accommodate large fire department vehicles and their weight.
- Emergency access shall be maintained during construction.
- All service roads and fire lanes, as determined by the Fire Chief shall be posted and marked accordingly.

8.7.1 Dana Point Harbor Infrastructure and Utility – Policies:

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

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

4.11.4 Methodology

Public service providers were sent questionnaires requesting information regarding current services being provided to the project site, as well as any information that would result in potential constraints or impacts to those services associated with project buildout. The following impact analyses are based on responses to questionnaires and data obtained through websites as referenced throughout. Correspondence sent to public service providers and the questionnaire response received from the OCFA are provided in Appendix N. Public service questionnaires sent to the OCSD and the SCWD were not returned.

4.11.5 Thresholds of Significance

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

Threshold 4.11.1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

Threshold 4.11.1(i): Fire protection.

Threshold 4.11.1(ii): Police protection.

Threshold 4.11.1(iii): Schools.

Threshold 4.11.1(iv): Parks.

Threshold 4.11.1(v): Other public facilities.

The Initial Study, included as Appendix A, substantiates that the impacts associated with Thresholds 4.11.1(iii) through 4.11.1(v) would be less than significant. The proposed hotel project does not include any residential uses that would increase population growth; therefore, it would not result in increased demand for new or expanded school facilities. Additionally, the absence of proposed residential uses would not increase demand related to other public facilities such as local library services. Further, it is anticipated that the existing transit service and summer trolley service provided by OCTA and the City would be able to accommodate the project-generated transit trips, as one 136-room hotel currently operates on the project site and is served by these facilities.

As discussed earlier, the comment letter provided by the SCWD requests that this EIR address potential impacts associated with the increased use of recreational park sites such as Baby Beach in Dana Cove Park and Doheny State Beach. Although Threshold 4.11.1(iv) was scoped out in the Initial Study, these potential impacts are now addressed below in order to be responsive to the SCWD comment letter. Thresholds 4.11.1(iii) and 4.11.1(v) will not be addressed in the following analysis.

4.11.6 Project Impacts

Threshold 4.11.1(i): Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

4.11.6.1 Construction

Less Than Significant Impact. The construction process would include the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site. However, the proposed project does not include any characteristics (i.e., permanent road closure or long-term blocking of road access) that would physically impair or otherwise conflict with emergency response.

Moreover, construction activities would be limited to the project site and would not significantly impact the ability of emergency response vehicles traveling through streets adjacent to the project site. No additional increases in fire service, or the need for additional facilities in order to maintain service ratios, response times, or performance times are expected as a result of project construction. Therefore, construction of the proposed project would result in less than significant impacts related to the provision of fire services.

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

4.11.6.2 Operation

Less Than Significant with Mitigation Incorporated. The proposed project would incrementally increase demand for fire protection and emergency service calls. Buildout of the proposed project would adhere to the construction codes described in the City's Municipal Code Section 8.24.001, Ordinance 19-05 (adoption of the 2019 California Fire Code) and the County of Orange's Municipal Code Division 3, Article 1, Ordinance 19-010 (2019 California Fire Code Amendment Package), which would additionally require the project to be built with adequately spaced fire hydrants, fire access lanes, and adequate emergency access in order to comply with current editions of the California Building Code, the California Fire Code, and other related codes. The proposed project would also be designed to comply with all OCFA requirements, which include providing adequate access for emergency vehicles and adequate fire flow and structure protection to the project site.

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

Threshold 4.11.1(ii): **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?**

4.11.6.3 Construction

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

4.11.6.4 Operation

Less Than Significant Impact. The City's police staffing level is based on response times and crime rates. In total, 37 OCSD personnel are assigned to the City, including 25 full time deputies, six sergeants, and six parking control officers.[1] At the present time, OCSD maintains a staffing ratio of approximately one sworn officer for every 920 residents in the City.[2] Additionally, Dana Point Harbor is served by the OCSD's Harbor Patrol Division. As mentioned above, the proposed project is not expected to generate substantial population growth even though building square footage is planned to increase, because it will not include residential uses on site. Although there may be an incremental increase in the demand for additional police protection services, the proposed project would not trigger the need for expanded police services or for new or altered police facilities because the incremental increase in calls for service would be very small in comparison to the existing number of calls for police service generated by the existing hotel uses on the project site and the City overall. Therefore, the project would not result in the need for new or physically altered police protection facilities, which would maintain acceptable service ratios, response times, and other related performance objectives. Potential impacts related to the provision of these services for operation of the proposed project would be less than significant, and no mitigation is required.

Threshold 4.11.1(iv): **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?**

[1] Orange County Sheriff's Department. City of Dana Point Overview. Website: http://ocsheriff.gov/patrol-areas/dana-point (accessed October 21, 2020).

[2] 37 officers / 33,913 (2018 population) = approximately 1 officer per 920 persons.

4.11.6.5 Construction

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

4.11.6.6 Operation

Less Than Significant Impact. As discussed previously, the proposed project is located within 0.6 mile of Baby Beach, Dana Cove Park, and Doheny State Beach. Local and regional visitors, as well as patrons of the existing Dana Point Marina Inn, currently utilize these public recreational parks located within Dana Point Harbor. The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) (2011), which discuss the Land Use Plan for Planning Area (PA) 3, identify the potential for expanded hotel development as well as visitor-serving amenities. Final Program EIR No. 591 for the Dana Point Harbor Revitalization Project concluded the development proposed through the Dana Point Harbor Revitalization Project does not involve the development of housing, which would directly impact existing recreational facilities, and the additional uses are not anticipated to significantly increase employment, and therefore would not directly increase the permanent population that would utilize existing recreational facilities. In addition, Final Program EIR No. 591 concluded that the development proposed through the Dana Point Harbor Revitalization Project would provide additional recreational opportunities and facilities in the Harbor. Therefore, the potential growth in patronage to these public recreational parks within the Harbor has been anticipated, and the existing park facilities are expected to adequately accommodate any associated increase in visitors that could be generated by the proposed project. Within the DPHRP&DR, the California Coastal Commission also identifies a goal of encouraging low cost recreation, which is provided by these recreational park areas.[1] Concerns were brought up by the SCWD in response to the project NOP, regarding the potential impacts to water and wastewater services due to the proposed project's increased patronage from additional hotel rooms, the new restaurants, and possible events at the hotels. However, impacts to the SCWD's service levels would be less than significant because, as discussed above, the DPHRP&DR already anticipate expanded hotel development and visitor-serving amenities in PA 3 and the corresponding demand for parks and recreation in the area. While it is true that this increased demand for parks would result in a corresponding increase in demand for water and wastewater service at the parks that would experience increased visitation, this increase would be incremental in comparison to the number of park patrons that currently use restroom facilities in Dana Point Harbor area. Further, unlike most other park patrons, all of the proposed project's hotel guests would have access to private restrooms in their nearby hotel rooms. The proposed project would have a less than significant impact on the City's actual population increase and, thus, would not warrant increased water and wastewater services within SCWD's service area due to increased residential demand. Therefore, the project would not result in the need for new or physically altered recreational facilities, and

[1] City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations.(DPHRP&DR). Website: https://www.danapoint.org/Home/ShowDocument/12553 (accessed November 19, 2020).

potential impacts related to accommodating new hotel patrons at these recreational parks during the operation of the proposed project would be less than significant. No mitigation is required.

4.11.7 Level of Significance Prior to Mitigation.

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

4.11.8 Standard Conditions and Mitigation Measures

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

4.11.9 Level of Significance after Mitigation

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

4.11.10 Cumulative Impacts

As defined in the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for public services. The cumulative area for public services is listed below for each individual public service provider.

4.11.10.1 Fire Protection

Cumulative analysis of fire protection services for the proposed project is defined within the OCFA service area that serves the City of Dana Point. The proposed project would be required to comply with all applicable building code requirements adopted within the California Fire Code (Municipal Code Section 8.24.001, Ordinance No, 19-05, [adoption of the 2019 California Fire Code] and the County of Orange's Municipal Code Division 3, Article 1, Ordinance 19-010 [2019 California Fire Code Amendment Package]). In addition, the proposed project is expected to result in an incremental increase in calls for fire protection services, which would result in an incremental increase in demand for new construction or physical alterations of existing fire protection facilities. Although the proposed project would increase building square footage at the project site as compared to the existing hotel and boater service facilities, no substantial population growth is expected to occur as a result of project implementation. As described above, with the implementation of MM 4.11-1, the proposed project's impacts related to fire protection services would be less than significant.

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

4.11.10.2 Police Protection

The cumulative analysis of police protection services for the proposed project is the OCSD's service area within the City of Dana Point. Furthermore, since the proposed project will not include residential uses on site, it is not expected to generate substantial population growth and would subsequently allow the OCSD to maintain current staffing ratios of one sworn officer for every 920 residents within the City. The proposed project is not expected to result in any substantial increase in calls for police services, and would not result in the need for new construction or physical alteration of existing police protection facilities.

Related projects could construct facilities that may result in new population growth and calls for police services. However, new building square footage and population increases associated with all related projects would be properly assessed and reviewed on an individual basis to confirm that the new development would be able to be accommodated by the City and OCSD's long-term growth planning for police protection services and facilities. Further, additional demands for OCSD services would be funded by existing funding sources (i.e., property taxes and government funding), to which the proposed project and related projects would contribute. Therefore, the proposed project's contribution to police protection impacts would not be cumulatively considerable, and no mitigation is required.

4.11.10.3 Parks

The cumulative study area for public park facilities is the City, including the Dana Point Harbor area. Visitors to the proposed hotels are anticipated to use nearby park facilities within the Harbor. In addition, related cumulative projects would be expected to generate patrons for the Dana Point Harbor facilities, including parks. However, the increased number of visitors to the Harbor has been anticipated in planning documents, including the Dana Point Harbor Revitalization Plan, which included objectives to preserve and enhance existing parklands, and enhance public access to the waterfront through the creation of a Pedestrian Promenade that links the proposed project to the adjacent Commercial Core area of the Harbor with its increased public gathering areas (Festival Plaza) and its enhanced Pedestrian Promenade extending to the Dana Wharf. The proposed project, in conjunction with related cumulative projects, is not expected to generate substantial visitor growth that cannot be accommodated by the local recreation facilities, as they currently adequately serve local and regional visitors of the Harbor and patrons of the Dana Point Harbor Inn. Further,

increased demand for park facilities associated with the related cumulative projects would be properly assessed and reviewed on an individual project basis to ensure that adequate park facilities are available. The proposed project is not expected to result in any expansion of these recreational facilities, and would not result in the need for new construction of additional public recreational facilities. Therefore, the proposed project's contribution to impacts on parks would not be cumulatively considerable, and no mitigation is required.

4.12 TRANSPORTATION

This section analyzes the existing and planned transportation and circulation conditions for the proposed Dana Point Harbor Hotels (proposed project) and the surrounding area, and identifies circulation impacts that may result during, or subsequent to, the development of the proposed project. The analysis contained in this section is based on the *Traffic Impact Analysis for the Dana Point Harbor Hotels, Dana Point, Orange County, California* (Traffic Impact Analysis; TIA) (March 2021) prepared by LSA, (provided in Appendix K) and the *Dana Point Harbor Revitalization PA-3 Shared Parking Assessment & Parking Management Plan (PMP)* (PA 3 Parking Assessment) (October 2020) prepared by Michael Baker (provided in Appendix L).

4.12.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. Three comment letters included comments related to Transportation.

The letter from Orange County Transportation Authority (OCTA), received on October 26, 2020, suggested that in addition to an analysis of vehicle miles traveled (VMT) for impacts under the California Environmental Quality Act (CEQA), a level of service analysis should be included to address impacts to roadway segments and intersections included in the OCTA Congestion Management Program (CMP). The comment letter also requests the right-of-way necessary to build out Dana Point Harbor Drive consistent with the current four-lane designation of this roadway as Primary Arterial in the Orange County Master Plan of Arterial Highways (MPAH) (2020) be maintained. Refer to the analysis in Section 4.12.6 below for a discussion of the proposed project's impacts related to LOS and VMT (Threshold 4.12.2). While the proposed project includes landscaping and median improvements on Dana Point Harbor Drive, it does not include any changes to or encroachment upon the existing right-of-way limits for this roadway. The project neither widens Dana Point Harbor Drive nor would the proposed project preclude future build out of Dana Point Harbor Drive to the four-lane designation included in the MPAH.

The letter from California Department of Transportation (Caltrans) District 12, received on October 26, 2020, requests that a Traffic Impact Analysis report be prepared for the project, which should consider impacts to State Route 1 (SR-1) and Interstate 5 (I-5). The comment letter also requests that the Draft EIR discuss Multimodal Mobility Strategies encouraging coordination with OCTA for opportunities to enhance these strategies including prioritizing transit, bicycle, and pedestrian opportunities. Lastly, the comment letter requests an encroachment permit be obtained for any work within State right-of-way. Refer to the analysis provided in Section 4.12.6 below for a discussion of the proposed project's consistency with programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (Threshold 4.12.1) and potential impacts on the local circulation system, including SR-1 and I-5 (Threshold 4.12.2). The project site is located adjacent to Dana Point Harbor Drive, which provides a Class II bicycle lane, and within 0.13 mile of a Dana Point Trolley stop. The project includes development of a Pedestrian Promenade between the project site and the marina that also connects to the Commercial Core area of the Dana Point Harbor. The proposed project would not require any work within State right-of-way requiring an encroachment permit.

The letter from the South Coast Water District (SCWD), received on October 26, 2020, suggests that temporary impacts to emergency access from construction along Island Way, Dana Point Harbor Drive, and Casitas Place be analyzed in the Draft EIR. Refer to the analysis provided in Section 4.12.6 below for a discussion of the proposed project's consistency with programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, which includes maintenance of emergency access during construction (Threshold 4.12.4).

4.12.2 Existing Environmental Setting

In its existing condition, the project site is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking reserved for boaters on the southern portion of the project site. Access is currently provided to the project site from Dana Point Harbor Drive to the northeast and from Casitas Place to the east. Access to the project site from the Street of the Golden Lantern is possible by traveling through the parking lot of the Commercial Core and via Casitas Place.

4.12.2.1 Existing Circulation System

As shown on Figure 3.1, Regional Location Map, in Chapter 3.0, Project Description, regional access to the project site is provided by Pacific Coast Highway (PCH, also known as State Route 1 or SR-1) and I-5. PCH runs in a northwest to southeast direction through the City and is located approximately 0.30 mile north of the project site. I-5 runs through the eastern portion of the City and is located approximately 1.3 mile northeast of the project site.

Vehicular Circulation. Key roadways in the vicinity of the project site include:

- **Pacific Coast Highway:** PCH is a City facility with a speed limit of 35 miles per hour (mph). It is a divided, east-west arterial highway near the project site. East of Crystal Lantern, PCH is a six-lane facility. Between Crystal Lantern and Golden Lantern, PCH consists of five lanes. West of Golden Lantern, PCH is a four-lane facility. It is designated as a Major Arterial Highway in the City's General Plan Circulation Element and the Orange County Master Plan of Arterial Highways (MPAH). It is also a CMP facility as designated by the 2019 Orange County Congestion Management Program (OCTA, November 2019). Curbside parking is permitted on both sides of the highway in select locations.

- **Dana Point Harbor Drive:** Dana Point Harbor Drive is a divided four-lane roadway, which runs in an east-west direction located north of the project site. West of Casitas Place, Dana Point Harbor Drive is striped with one lane in the eastbound direction. The speed limit is 30 mph. It is designated as a Primary Arterial in the City's General Plan Circulation Element and Orange County MPAH.

- **Del Obispo Street:** Del Obispo Street is a divided four-lane roadway, which runs in a north-south direction located east of the project site. The speed limit is 40 mph. It is designated as a Secondary Arterial in the City's General Plan Circulation Element and Orange County MPAH. Curbside parking is permitted on both sides of the roadway in select locations.

- **Street of the Golden Lantern:** Golden Lantern is a divided four-lane roadway, which runs in a north-south direction located east of the project site. The speed limit is 35 mph. Golden Lantern is designated as a Primary Arterial based on the City's General Plan Circulation Element. The Orange County MPAH designates Golden Lantern as a Smart Street north of PCH and a Primary Arterial south of PCH. It is also a CMP facility. Curbside parking is permitted on both sides of the roadway in select locations.

- **Stonehill Drive:** Stonehill Drive is a four-lane, divided roadway, which runs in an east-west direction located north of the project site. It is designated as a Primary Arterial in the City's General Plan Circulation Element and Orange County MPAH. The posted speed limit is 40 mph. Curbside parking is permitted on both sides of the roadway in select locations.

Pedestrian Circulation. The project site currently includes internal pedestrian circulation, and walkways and sidewalks are provided along Casitas Place, Dana Point Harbor Drive, and Island Way. The sidewalk on Island Way also provides access to the rest of the marina to the west of the project site and the Dana Island portion of the Harbor located south of the project site across the Island Way bridge. The sidewalk along Dana Point Harbor Drive provides access to Dana Point Cove and Baby Beach to the west and to Doheny State Beach to the east.

Bicycle Circulation. The project site is located immediately south of the existing Class 2 bike lanes on Dana Point Harbor Drive.[1] This existing bicycle facility provides routes to employment, shopping, or recreational destinations within the Harbor and surrounding area.

Transit Circulation. The proposed hotels would also be located approximately 0.15 mile southwest of the nearest bus stop (the OCTA Route 90 bus stop at the northeast corner of Golden Lantern and Dana Point Harbor Drive). In addition, the City of Dana Point provides a trolley service during the summer months for local city transport, and the proposed hotels are located approximately 0.13 mile west of the nearest trolley stop (on the southeast corner of Golden Lantern and Dana Point Harbor Drive). Employees of the Dana Point Harbor Hotels may utilize available alternative transportation to access the site.

4.12.2.2 Existing Traffic Volumes and LOS Analysis

COVID-19 has disrupted typical travel patterns, and traffic data collected at this time would not reflect typical conditions. Therefore, existing conditions were approximated from historic traffic data. The City provided the latest traffic volume data for each intersection. At seven of those intersections, traffic volume data were collected in 2019 or early 2020 and reflected current typical conditions. At one intersection (Dana Point Harbor Drive/Park Lantern), 2018 traffic volume data were available during the weekday a.m. and p.m. peak hours and 2011 traffic volume data were available during the Saturday peak hour. At the remaining four intersections (all of which are located along Dana Point Harbor Drive), the latest available traffic volume data were collected in 2005. After reviewing traffic volume growth rates along Dana Point Harbor Drive, and in consultation with City staff, a 0.5 percent per year growth rate was applied to all traffic volumes collected in 2019 or prior.

[1] Orange County Transportation Authority (OCTA). 2009. *2009 Commuter Bikeways Strategic Plan*. Website: https://octa.net/pdf/bikeways09.pdf (accessed September 30, 2020).

Table 4.12.A below lists the study intersections and the existing level of service (LOS) performance of these intersections.

Table 4.12.A: Existing Conditions Study Intersection Level of Service

Intersection	AM Peak Hour		PM Peak Hour		Saturday Midday	
	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS
1. Island Way/Dana Point Harbor Dr.	10.8 sec	B	12.0 sec	B	17.6 sec	C
2. Casitas Place/Dana Point Harbor Dr.	0.226	A	0.298	A	0.410	A
3. Golden Lantern/PCH (CMP)	0.556	A	0.670	B	0.791	C
4. Golden Lantern/Del Prado Ave. (CMP)	0.225	A	0.365	A	0.459	A
5. Golden Lantern/Dana Point Harbor Dr.	0.242	A	0.384	A	0.644	B
6. Puerto Place/Dana Point Harbor Dr.	0.170	A	0.260	A	0.321	A
7. Dana Point Harbor Dr./Park Lantern	0.224	A	0.271	A	0.269	A
8. Del Obispo St.-Dana Point Harbor Dr./PCH	0.578	A	0.587	A	0.560	A
9. Del Obispo St./Stonehill Dr.	0.753	C	0.682	B	0.652	B
10. Camino Capistrano/Stonehill Dr.	0.609	B	0.689	B	0.658	B
Camino Capistrano/Stonehill Dr. (HCM)	27.8 sec	C	29.0 sec	C	22.5 sec	C
11. I-5 SB Ramps/Camino Las Ramblas	0.254	A	0.299	A	0.251	A
12. I-5 NB Ramps/Camino Las Ramblas	0.247	A	0.258	A	0.212	A
I-5 NB Ramps/Camino Las Ramblas (HCM)	7.7 sec	A	7.4 sec	A	7.0 sec	A

Source: *Traffic Impact Analysis for the Dana Point Harbor Hotels Project* (LSA 2021).
CMP = Congestion Management Program
HCM = Highway Capacity Manual
I-5 = Interstate 5
ICU = Intersection Capacity Utilization
LOS = level of service
NB = northbound
PCH = Pacific Coast Highway
SB = southbound

4.12.3 Regulatory Setting

4.12.3.1 Federal Regulations

No federal policies or regulations pertaining to transportation are applicable to the proposed project.

4.12.3.2 State Regulations

Senate Bill 743. On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law and started a process that changes the methodology of a transportation impact analysis as part of CEQA requirements. SB 743 directed the Governor's Office of Planning and Research (OPR) to establish new CEQA guidance for jurisdictions that removes the level of service (LOS) method, which focuses on automobile vehicle delay and other similar measures of vehicular capacity or traffic congestion, from CEQA transportation analysis. Rather, vehicle miles travelled (VMT), or other measures that promote "the reduction of greenhouse gas emissions, the development of

multimodal transportation networks, and a diversity of land uses," are now used as the basis for determining significant transportation impacts in the State.

***State CEQA Guidelines* Section 15064.3, Subdivision (b).** In January 2018, the State of California Governor's Office of Planning and Research (OPR) submitted a proposal for comprehensive updates to the *State CEQA Guidelines* to the California Natural Resources Agency. The submittal included proposed updates related to the analysis of greenhouse gas (GHG) emissions, energy, transportation impacts pursuant to SB 743, and wildfires, as well as revisions to Section 15126.2(a) in response to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369. On December 28, 2018, the updated *State CEQA Guidelines* went into effect. As part of the update to the *State CEQA Guidelines*, Section 15064.3 was added and codifies that project-related transportation impacts are typically best measured by evaluating the project's VMT. Specifically, subdivision (b) focuses on specific criteria related to transportation analysis and is divided into four subdivisions: (1) land use projects, (2) transportation projects, (3), qualitative analysis, and (4) methodology. Subdivision (b)(1) provides guidance on determining the significance of transportation impacts of land use projects using VMT; projects located within 0.5 mile of high quality transit should be considered to have a less than significant impact. Subdivision (b)(2) addresses VMT associated with transportation projects and states that projects that reduce VMT, such as pedestrian, bicycle, and transit projects, should be presumed to have a less than significant impact. Subdivision (b)(3) acknowledges that Lead Agencies may not be able to quantitatively estimate VMT for every project type; in these cases, a qualitative analysis may be used. Subdivision (b)(4) stipulates that Lead Agencies have the discretion to formulate a methodology that would appropriately analyze a project's VMT.

4.12.3.3 Regional Regulations

Orange County Congestion Management Program. The Orange County Transportation Authority (OCTA) is a multimodal transportation agency that began in 1991 with the consolidation of seven separate agencies. OCTA serves Orange County residents and travelers by providing the following: countywide bus and paratransit service; Metrolink rail service; the 91 Express Lanes; freeway, street, and road improvement projects; individual and company commuting solutions; motorist aid services; and regulation of taxi operations. State law requires that a Congestion Management Program (CMP) be developed, adopted, and updated biennially for every county that includes an urbanized area, and requires that it include every city and the county government within that county. As the Congestion Management Agency for Orange County, OCTA is responsible for implementing the Orange County CMP.The OCTA adopted the CMP in 1991 to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions in Orange County. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

4.12.3.4 Local Regulations

City of Dana Point General Plan.

Circulation Element. The Circulation Element of the City of Dana Point General Plan (1995) guides the development of the City's circulation system in a manner that supports the citywide objectives of the General Plan. It addresses the circulation improvements needed to relieve traffic congestion due to future land uses, and establishes a hierarchy of transportation routes with specific development standards described for each category of roadway. There are six categories in the hierarchy, ranging from higher capacity "Major", "Augmented Primary", "Primary", "Secondary" arterials, to "Collector" and "Local" streets with the lowest capacity. This element also provides performance criteria in the form of Level of Service (LOS). The City has established LOS D as the threshold or lowest acceptable level of state highways and major arterials, and LOS C as the threshold for primary, second, and local arterials. The applicable goals and policies included in the Circulation Element, listed below, emphasize the importance of developing a circulation system that is capable of serving both existing and future residents while preserving community values and character.

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilities the safe and efficient movement of people and good throughout the City (Coastal Act, Section 30250)

Policy 1.9: Limit driveway access on arterial streets to maintain a desired quality of flow.

Policy 1.11: Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts. (Coastal Act, Section 30250)

Policy 1.13: Minimize pedestrian and vehicular conflicts. (Coastal Act, Section 30252)

Goal 5: Encourage non-motorized transportation, such as bicycle and pedestrian circulation.

Policy 5.2: Maintain existing pedestrian facilities and encourage new development to provide pedestrian walkways between developments, schools and public facilities.

Policy 5.3: Ensure accessibility of pedestrian facilities to the elderly and disabled.

Policy 5.12: Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation. (Coastal Act, Sections 30252 and 30253)

Goal 6: Provide for well-designed and convenient parking facilities.

Policy 6.1: Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.

Policy 6.4: Encourage the use of shared parking facilities, such as through parking districts or other mechanisms.

Conservation/Open Space Element. The City's General Plan Conservation/Open Space Element (July 9, 1991) establishes goals and policies aimed at preserving and improving public and private facilities to increase the livability of the City for its residents. The following policy presented in the General Plan Conservation/Open Space Element is applicable to the proposed project:

> **Policy 5.1:** Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act, Section 30252)

Land Use Element. The City's General Plan Land Use Element (August 26, 1997) establishes goals and policies aimed at directing growth to maintain the quality of life within the City. The following policy presented the Land Use Element is applicable to the proposed project:

> **Policy 1.8:** The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses. (Coastal Act, Section 30252)

Local Coastal Program (LCP). The Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) were certified by the California Coastal Commission on October 6, 2011. The Dana Point Harbor Revitalization Plan (DPHRP) includes policies aimed at achieving the California Coastal Act's goals for the protection of coastal resources through the location of new development. Because Dana Point Harbor is presently completely built-out, all new development, including the proposed project, will occur in the form of replacement or in-fill development projects.

> **Policy 5.2.1-8:** The hotel building design shall emphasize providing adequate parking for guests and maintaining convenient access to parking areas for boaters.

> **Policy 5.2.1-9:** A parking deck with access directly from Dana Point Harbor Drive, Casitas Place or the Commercial Core area may be considered as part of the overall hotel design to separate the main guest entrances from service and delivery functions.

> **Policy 6.2.1-1:** Promote Harbor improvements that are designed in a manner that: (1) facilitates provision or extension of transit service; (2) provides on-site commercial and recreational facilities to discourage mid-day travel; and (3) provides non-automobile circulation to and within the Harbor. (Coastal Act, Sections 30213 and 30252)

> **Policy 6.2.1-5:** Bike racks shall be incorporated into the design of the Harbor wherever feasible.

> **Policy 6.2.3-1:** Coordinate with appropriate City and County Park, Recreation and Harbor agencies to enhance Open Space trails and bike paths.

> **Policy 6.2.3-3:** Maintain existing pedestrian facilities and require new development to provide pedestrian walkways between facilities.

Policy 6.2.3-5: Develop stronger pedestrian, bicycle and visual linkages between public spaces and along the shoreline and bluffs.

Policy 6.2.3-6: Support and coordinate the development and maintenance of bikeways in conjunction with the County of Orange Master Plan of Countywide Bikeways to assure that local bicycle routes will be compatible with routes of neighboring jurisdictions.

Policy 6.2.4-1: All parking facilities shall be designed to include safe and secure parking for bicycles.

Policy: 8.6.8-3: OC Dana Point Harbor shall confirm the following items are included as part of development design: Emergency access shall be maintained during construction.

Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR). Part II, Chapter 14, Off-Street Parking Standards and Regulations, of the DPHRP&DR provides parking requirements for development projects within Dana Point Harbor. Since the proposed project involves the demolition of the existing Marina Inn and development of two hotels on the project site, each of which will require adequate parking, the proposed project is subject to the requirements of Chapter 14 of the DPHRP&DR. As the project site currently includes boater service facilities and designated boater parking areas serving nearby boat slips, the proposed project would also include boater service facilities within one of the hotels; parking for boater service facilities and designated boater parking will also be required as part of the proposed project.

4.12.4 Methodology

Both the Traffic Impact Analysis and the analysis in this section have been prepared consistent with the objectives and requirements of the City's General Plan Circulation Element (1995), the Orange County Congestion Management Program (CMP) (2019), and applicable provisions of the California Environmental Quality Act (CEQA), including disclosure of vehicle level of service impacts in both existing and cumulative horizon years and the project's potential effect on vehicle miles traveled.

4.12.4.1 Intersection Level of Service Methodology

Traffix (Version 8.0 R1) computer software was utilized to determine the study intersection levels of service (LOS) based on the intersection capacity utilization (ICU) methodology for signalized intersections. Consistent with the City's requirements, the ICU methodology compares the volume-to-capacity (v/c) ratios of conflicting turn movements at an intersection, sums up these critical conflicting v/c ratios for each intersection approach, and determines the overall ICU. The resulting ICU is expressed in terms of LOS, where LOS A represents free-flow activity and LOS F represents overcapacity operation. LOS is a qualitative assessment of the quantitative effects of such factors as traffic volume, roadway geometrics, speed, delay, and maneuverability on roadway and intersection operations. Typical intersection operations by LOS grade are described below in Table 4.12.B.

Table 4.12.B: Level of Service Methodology

Level of Service	Description
A	No approach phase is fully utilized by traffic, and no vehicle waits longer than one red indication. Typically, the approach appears quite open, turns are made easily, and nearly all drivers find freedom of operation.
B	This service level represents stable operation, where an occasional approach phase is fully utilized, and a substantial number are nearing full use. Many drivers begin to feel restricted within platoons of vehicles.
C	This level still represents stable operating conditions. Occasionally, drivers may have to wait through more than one red signal indication, and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.
D	This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.
E	Capacity occurs at the upper end of this service level. It represents the most vehicles that any particular intersection approach can accommodate. Full utilization of every signal cycle is attained no matter how great the demand.
F	This level describes forced-flow operations at low speeds, where volumes exceed capacity. These conditions usually result from queues of vehicles backing up from a restriction downstream.

According to the City of Dana Point General Plan Circulation Element (1995), signalized intersections in Dana Point are evaluated using the ICU methodology. The ICU methodology for signalized intersections compares the v/c ratios of conflicting turn movements at an intersection, sums up these critical conflicting v/c ratios for each intersection approach, and determines the overall ICU. The resulting ICU is expressed in terms of level of service (LOS), where LOS A represents free-flow activity and LOS F represents overcapacity operation, as shown in Table 4.12.C, below.

Table 4.12.C: Volume/Capacity Ratio Methodology

Level of Service	Volume-to-Capacity (ICU Methodology)
A	≤0.60
B	>0.60 and ≤0.70
C	>0.70 and ≤0.80
D	>0.80 and ≤0.90
E	>0.90 and ≤1.00
F	>1.00

ICU = intersection capacity utilization

The Highway Capacity Manual (HCM) methodology, as calculated using Synchro software, was used to determine intersection LOS at unsignalized study intersections. For the HCM methodology, the LOS is presented in terms of delay (in seconds per vehicle). The relationship between LOS and the delay at unsignalized intersections is shown in Table 4.12.D, below.

Table 4.12.D: Highway Capacity Manual Methodology

Level of Service	Signalized Intersection Delay (seconds) per Vehicle	Unsignalized Intersection Delay (seconds) per Vehicle
A	≤10.0	≤10.0
B	>10.0 and ≤20.0	>10.0 and ≤15.0
C	>20.0 and ≤35.0	>15.0 and ≤25.0
D	>35.0 and ≤55.0	>25.0 and ≤35.0
E	>55.0 and ≤80.0	>35.0 and ≤50.0
F	>80.0	>50.0

4.12.4.2 City of Dana Point Thresholds of Significance

As described above, the City of Dana Point General Plan Circulation Element (1995) provides performance criteria in the form of LOS. The City has established LOS D as the threshold or lowest acceptable level of state highways and major arterials, and LOS C as the threshold for primary, second, and local arterials. A project would be considered to degrade roadway performance in Dana Point if a project causes a change in LOS from satisfactory to unsatisfactory, or if a project causes an increase in the v/c or ICU of 0.01 or more, causing or worsening an unsatisfactory LOS. Table 4.12.E, below, lists the study intersections, the roadway classification of each intersection on the Master Plan Circulation System, and its associated LOS target according to Table C-3 of the City of Dana Point General Plan Circulation Element.

Table 4.12.E: Study Intersection Level of Service Targets

Intersection	Classification	LOS Target
1. Island Way/Dana Point Harbor Dr.	Primary	C
2. Casitas Place/Dana Point Harbor Dr.	Primary	C
3. Golden Lantern/PCH	CMP	E
4. Golden Lantern/Del Prado Ave.	CMP	E
5. Golden Lantern/Dana Point Harbor Dr.	Primary	C
6. Puerto Place/Dana Point Harbor Dr.	Primary	C
7. Dana Point Harbor Dr./Park Lantern	Primary	C
8. Del Obispo St.-Dana Point Harbor Dr./PCH	Primary	C
9. Del Obispo St./Stonehill Dr.	Primary	C
10. Camino Capistrano/Stonehill Dr.	Major	D
11. I-5 SB Ramps/Camino Las Ramblas	Freeway	D
12. I-5 NB Ramps/Camino Las Ramblas	Freeway	D

Source: *Traffic Impact Analysis for the Dana Point Harbor Hotels Project* (LSA 2021).
CMP = Congestion Management Program
I-5 = Interstate 5
LOS = level of service
NB = northbound
PCH = Pacific Coast Highway
SB = southbound

4.12.4.3 City of San Juan Capistrano Thresholds of Significance

Per City of San Juan Capistrano Administrative Policy No. 310, intersections are evaluated using both the intersection capacity utilization (ICU) and *Highway Capacity Manual* (HCM), 6th Edition (TRB 2017) methodologies. The City of San Juan Capistrano considers LOS D as the upper limit of satisfactory operations for intersections. Based on City of San Juan Capistrano Administration Policy No. 310, a project impact occurs at a non-hot-spot intersection (or roadway segment) when the project's increase in ICU (or v/c ratio) is 0.01 or greater and the resulting LOS is E or F (ICU methodology). A project impact also occurs at a non-hot-spot intersection when the project's increase in delay is 1.0 second or greater and the resulting LOS is E or F (HCM methodology). Neither of the study intersections within San Juan Capistrano is a hot spot location.

4.12.5 Thresholds of Significance

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

Threshold 4.12.1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Threshold 4.12.2: Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b).

Threshold 4.12.3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Threshold 4.12.4: Result in inadequate emergency access.

The Initial Study, included as Appendix A, substantiates that there would be a less than significant impact associated with Threshold 4.12.3. Access to the project site would be provided via Dana Point Harbor Drive on the northwest boundary of the project site and Casitas Place on the eastern boundary of the project site. The project site plan also includes internal circulation routes for guests of each hotel and designated boater parking areas as well as sidewalks for pedestrian circulation. There are also truck traffic routes and delivery truck locations within the limits of the proposed project, but located in the adjacent Island Way and Casitas Place rights-of-way. The proposed project would not introduce any new roadways or introduce a land use that would conflict with existing urban land uses in the surrounding area. Design of the proposed circulation would be subject to review by the City's Public Works & Engineering Services at entitlement for compliance with City regulations, and by the County of Orange for necessary ministerial permits to ensure there are no design features that would result in traffic safety impacts. Therefore, this threshold will not be addressed in the following analysis.

The Initial Study substantiates that impacts associated with Threshold 4.12.4 would also be less than significant. However, in order to be responsive to a comment from South Coast Water District (SCWD), this threshold is further discussed below (refer to Threshold 4.12.4, below).

4.12.6 Project Impacts

Threshold 4.12.1: Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant Impact. The proposed project would be required to comply with General Plan and DPHRP&DR policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The proposed project would also be required to comply with the City's transportation-related goals, policies, and metrics for determining traffic impacts, as well as the Orange County *Congestion Management Program* (CMP) (2019) and the *Transportation Demand Management Plan for the Dana Point Harbor Revitalization Plan* (Walker Parking Consultants, 2013).

Construction.. As described in Chapter 3.0, Project Description, construction equipment and vehicles will be staged on site. Although the proposed project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise interfere with transit, roadways, bicycle facilities, and/or pedestrian facilities in the project vicinity, construction of the project may require temporary lane closures on Dana Point Harbor Drive, Island Way, and Casitas Place to allow for utility connections as well as sidewalk, gutter, and driveway improvements. The DPHRP&DR includes several provisions and policies related to construction phasing and access, and compliance with these regulations will be required as part of the Coastal Development Permit and project approval. Any construction-related temporary lane closures or traffic control, including transit, bicycle, and pedestrian, would comply with the policies and provisions contained in the DPHRP&DR, as described in Standard Condition 4.12-1 (SC 4.12-1) below. Per SC 4.12-1, the proposed project will be subject to review, approval, and inspection by the County of Orange to ensure that no impacts would occur. Compliance with SC 4.12-1 would ensure compliance with the City's land use regulations and Zoning Ordinance via adoption of the DPHRP&DR, and no conflicts with adopted plans or policies would occur. Implementation of SC 4.12-1 would also ensure traffic controls are implemented during construction to ensure emergency access is maintained during construction, consistent with Land Use Policy 8.6.8-3 of the DPHRP, Dana Point Harbor Fire Policies.

Furthermore, project construction would occur for approximately 36 months. During project construction, the number of worker and truck trips per day is anticipated to be fewer than during project operations, which are expected to generate approximately 934 net new daily vehicle trips (or 2,042 total trips minus the number of existing trips associated with the existing Dana Point Marina Inn). Although construction trip generation would be significantly less than the net trip generation of the proposed project, which was determined to be less than significant, construction traffic impacts could result in traffic delays and detours.

As described above, in order to ensure that traffic impacts associated with construction activities and damage along haul routes are minimized, the proposed project would be required to comply with SC 4.12-1, which requires the Project Applicant to comply with the policies of the DPHRP&DR that include preparation and compliance with a Construction Management Plan for the proposed project. Compliance with SC 4.12-1 and the Construction Management Plan also

require the Project Applicant's Construction Contractor to keep all haul routes used during the demolition and site preparation phases clean and free of debris and repair any damage to existing pavement, streets, curbs, or gutters along such routes. With implementation of SC 4.12-1, traffic impacts due to construction delivery and haul trips would be less than significant.

In addition, due to the existing parking on the project site, construction of the proposed project will temporarily impact parking, specifically for boaters. Although the impacts to parking during construction activities would be temporary in duration, as part of the Coastal Development Permit (CDP) Application, the Project Applicant must prepare and submit a Construction Staging Plan in accordance with the requirements of the Dana Point Harbor District Regulations (DPHDR) Section 16.4 e) (Applications). This plan has been referred to as a Construction Phasing and Construction Management Parking Plan in previous projects associated with the Dana Point Harbor, to account for additional provisions of the DPHDR related to the temporary loss of parking during construction, specifically Special Provision 3—Construction Phasing. The Construction Phasing and Construction Management Parking Plan is reviewed as part of the CDP Application and is included as part of the documents considered when the City acts on the CDP. The Construction Phasing and Construction Management Parking Plan will comply with the provisions and policies of the DPHRP&DR related to construction impacts on parking within the Harbor by minimizing disruption of parking availability and ensuring that access to designated boater parking areas is maintained during all construction phases to the greatest extent feasible. DPHRP regulations also require that any temporary parking loss during construction shall be replaced prior to its removal and shall be located in reasonable proximity to the uses it serves to the maximum extent feasible. The City-approved Construction Phasing and Construction Management Parking Plan will be included with plans and materials submitted to the County as part of any ministerial permits after the City takes action on the CDP for the proposed project. Therefore, through implementation of a Construction Phasing and Construction Management Parking Plan approved during the City's CDP processing, parking impacts due to construction would be less than significant.

Operation.. The existing Dana Point Marina Inn contains 136 guest rooms with limited amenities. Based on the current price of guest rooms, this hotel is classified as a lower cost overnight accommodation. Existing portions of the project site south of the Dana Point Marina Inn include boater service buildings with shower and laundry facilities, and designated boater parking areas. These portions of the project site would be demolished in their entirety as part of the proposed project.

The proposed project would construct two hotels, including space for boater services (i.e., showers, lockers, laundry, and vending machines) in one of the hotels, and designated boater parking allocated to Planning Area 3 for some of the boat slips in the East Cove Marina. Dana House Hotel is planned as a boutique hotel and would contain 130 market-rate rooms. Dana Point Surf Lodge would consist of 136 affordable rooms in a standard hotel configuration and 3 rooms providing 8 bunk beds each in a "dorm" type accommodation. Amenities frequently included in hotels (such as restaurants, lounges, accessory retail space, pool, and recreational center) would be included in the two proposed hotels.

Because both the existing condition and proposed project contain boater amenities and services, the net effect on the project trip generation with respect to trips related solely for using boater amenities and services would be negligible. Boater parking is addressed in the parking discussion below. Trip rates for the one existing and two proposed hotels were queried from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition. Similar to calculations identified in the PA 3 Parking Assessment (Michael Baker International, October 2020), daily, a.m. peak-hour, p.m. peak-hour, and weekend peak-hour trip rates were also calculated.

The ITE *Trip Generation Manual* does not provide trip rates for dorm-style or hostel accommodations. The New Zealand Transport Agency published a research report that included data on the trip generation characteristics of hostels. Because no inbound versus outbound ratios were published for hostels, the ITE hotel inbound and outbound ratios were applied. No a.m. or weekend peak-hour rates were published for hostels; therefore, ratios of ITE trip rates were calculated and applied to the hostel p.m. peak-hour rate.

The trip rates and resulting trip generation calculations are shown in Table 4.12.F, below. As the PA 3 Parking Assessment pointed out, many of the trips generated by the hotels are likely to be made within the Dana Point Harbor Complex. Table 4.12.F applies a conservative 10 percent internal trip capture estimate. As shown on Table 4.12.F, the proposed project would generate approximately 934 net new daily vehicle trips, 68 a.m. peak-hour trips, 81 p.m. peak-hour trips, and 105 Saturday peak hour trips.

Table 4.12.F: Dana Point Harbor Hotels Trip Generation

Land Use	Size	Unit	ADT	AM Peak Hour			PM Peak Hour			Weekend Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
Trip Rates												
Boutique Hotel[1]		Room	8.01	0.27	0.19	0.46	0.28	0.27	0.55	0.41	0.31	0.72
Select Service Hotel[1]		Room	8.15	0.27	0.19	0.46	0.28	0.28	0.56	0.40	0.32	0.72
Hostel[2]		Bed	2.5	0.28	0.19	0.47	0.31	0.29	0.60	0.40	0.32	0.72
Existing Use												
Dana Point Marina Inn	136	Room	1,108	37	26	63	38	38	76	54	44	98
Project Trip Generation												
Dana House Hotel	130	Room	1,041	35	25	60	36	35	71	53	41	94
Dana Point Surf Lodge	136	Room	1,108	37	26	63	38	38	76	54	44	98
Hostel	48	Bed	120	14	9	23	14	14	28	20	14	34
Total Proposed Project			2,269	86	60	146	88	87	175	127	99	226
Dana Point Harbor Internal Trip Capture[3]			(227)	(9)	(6)	(15)	(9)	(9)	(18)	(13)	(10)	(23)
Net New External Trips			**934**	**40**	**28**	**68**	**41**	**40**	**81**	**60**	**45**	**105**

Source: *Traffic Impact Analysis for the Dana Point Harbor Hotels Project* (LSA 2021).

[1] Trip rates referenced from the ITE *Trip Generation Manual,* 10th Edition (2017) land use 310. Fitted curve equation used.

[2] Daily and peak-hour trip rates referenced from Table 7.4 in *Research Report 453 – Trips and Parking Related to Land Use* (New Zealand Transport Agency, November 2011). In/out and weekend/p.m. peak-hour ratios from ITE land use 310.

[3] Conservatively estimated at 10 percent, although a significant number of trips will likely be made within the Dana Point Harbor Complex.

ADT = average daily trips ITE = Institute of Transportation Engineers

Project trips were distributed according to existing travel patterns and access to regional transportation networks. Project trip assignment followed the shortest travel paths. It should be noted that the access driveway for Dana Point Surf Lodge provides right-in/right-out access only. Inbound trips for Dana Point Surf Lodge could proceed westbound on Dana Point Harbor Drive until the turn-around located near Baby Beach. However, many patrons of Dana Point Surf Lodge are likely to opt for the shorter route of making a U-turn at Island Way/Dana Point Harbor Drive. Project trips were added to the calculated existing traffic volumes. Table 4.12.G compares the LOS analysis results for existing and existing plus project conditions. The results of the LOS analysis reflect U-turns at Island Way for access to Dana Point Surf Lodge. As Table 4.12.G shows, all study intersections are anticipated to operate within their target LOS with the addition of project traffic. Therefore, the proposed project would not result in an inconsistency with applicable plans and policies related to roadway performance. Impacts would be less than significant, and no mitigation is required.

Table 4.12.G: Existing and Existing Plus Project Intersection Level of Service Summary

Intersections	Existing						Existing Plus Project					
	AM Peak Hour		PM Peak Hour		Saturday Midday		AM Peak Hour		PM Peak Hour		Saturday Midday	
	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS
1. Island Way/Dana Point Harbor Dr	10.8 sec	B	12.0 sec	B	17.6 sec	C	11.2 sec	B	12.7 sec	B	20.7 sec	C
2. Casitas Pl/Dana Point Harbor Dr	0.226	A	0.298	A	0.410	A	0.214	A	0.317	A	0.434	A
3. Golden Lantern/PCH	0.556	A	0.670	B	0.791	C	0.559	A	0.675	B	0.796	C
4. Golden Lantern/Del Prado Ave	0.225	A	0.365	A	0.459	A	0.235	A	0.371	A	0.467	A
5. Golden Lantern/Dana Point Harbor Dr	0.242	A	0.384	A	0.644	B	0.247	A	0.400	A	0.653	B
6. Puerto Place/Dana Point Harbor Dr	0.170	A	0.260	A	0.321	A	0.177	A	0.268	A	0.331	A
7. Dana Point Harbor Dr/Park Lantern	0.224	A	0.271	A	0.269	A	0.230	A	0.279	A	0.282	A
8. Del Obispo St.-Dana Point Harbor Dr/PCH	0.578	A	0.587	A	0.560	A	0.581	A	0.591	A	0.565	A
9. Del Obispo St/Stonehill Dr	0.753	C	0.682	B	0.652	B	0.754	C	0.684	B	0.653	B
10. Camino Capistrano/Stonehill Dr	0.609	B	0.689	B	0.658	B	0.610	B	0.690	B	0.658	B
Camino Capistrano/Stonehill Dr (HCM)	27.8 sec	C	29.0 sec	C	22.5 sec	C	27.8 sec	C	29.6 sec	C	24.0 sec	C
11. I-5 SB Ramps/Camino Las Ramblas	0.254	A	0.299	A	0.251	A	0.256	A	0.301	A	0.253	A
12. I-5 NB Ramps/Camino Las Ramblas	0.247	A	0.258	A	0.212	A	0.253	A	0.258	A	0.212	A
I-5 NB Ramps/Camino Las Ramblas (HCM)	7.7 sec	A	7.4 sec	A	7.0 sec	A	7.7 sec	A	7.4 sec	A	7.0 sec	A

Source: *Traffic Impact Analysis for the Dana Point Harbor Hotels Project* (LSA 2021).

☐ Unsatisfactory LOS

HCM = Highway Capacity Manual
I-5 = Interstate 5
LOS = level of service
NB = northbound
SB = southbound
sec = seconds

Congestion Management Program.. Table 4.12.G includes the LOS results for the two CMP intersections within the study area, Golden Lantern/PCH and Golden Lantern/Del Prado Avenue. As Table 4.12.G shows, both CMP intersections are anticipated to operate within their LOS targets and would not be degraded by the addition of project traffic. Therefore, the proposed project would not result in an inconsistency with applicable plans and policies addressing roadway performance. Impacts would be less than significant, and no mitigation is required.

Caltrans Facilities.. Table 4.12.G includes the LOS results for the three intersections operated by Caltrans within the study area, Camino Capistrano/Stonehill Drive, I-5 southbound ramps/ Camino Las Ramblas, and I-5 northbound ramps/Camino Las Ramblas. As Table 4.12.G shows, all three Caltrans intersections are anticipated to operate within their LOS targets and would not be degraded by the addition of project traffic. Therefore, the proposed project would not result in an inconsistency with applicable plans and policies addressing roadway performance. Impacts would be less than significant, and no mitigation is required.

Parking.. Based on the analysis provided in the PA 3 Parking Assessment (Appendix L), the parking demand scenario analyzed in this study is considered a "worst-case" scenario for a weekday and weekend day since the occupancy of the hotels is assumed to be 100 percent and all three of the function/meeting rooms in Dana House Hotel are assumed to be utilized at the same time. This analysis considers parking demand for visitors, employees, simultaneous shared usage for visitors who may park off-site but visit the hotels, and visitors that will use alternative modes of transportation. The proposed redevelopment of PA 3 will provide 175 parking spaces for Dana House Hotel; 11 surface parking spaces and 119 covered parking spaces within the garage structure will be provided for Dana Point Surf Lodge (130 total); 25 surface parking spaces and 153 covered parking spaces serving as designated boater parking for the boat slips will be provided within the garage structure beneath Dana House Hotel (178 total). The total parking provided within PA 3 would be 483 parking spaces.

The minimum parking needs based on Chapter 14 of the Dana Point Harbor District Regulations would require the project to provide a total of 696 parking spaces. However, Chapter 14 of the Dana Point Harbor District Regulations allows for consideration of shared parking. The PA 3 Parking Assessment prepared an analysis of parking demand taking shared parking principles into account. When shared parking demand patterns are taken into account and non-captive ratios are applied, the parking demand drops to 464 parking spaces on a peak activity weekday (results in a surplus of 19 spaces) and 483 parking spaces on a peak activity weekend (supply equals demand). It is also important to note this parking analysis reflects a "worst-case" scenario (i.e., 100 percent hotel room occupancy as well as full use of function/meeting facilities). On typical peak season weekends with the hotels operating at 80 percent occupancy, the parking surplus would be approximately 40 spaces. Therefore, the proposed project would not result in an inconsistency with applicable plans and policies for providing adequate parking. Impacts would be less than significant, and no mitigation is required.

Threshold 4.12.2: Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Less Than Significant Impact. According to *State CEQA Guidelines* Section 15064.3(a), project-related transportation impacts are generally best measured by evaluating the project's VMT. VMT refers to the amount and distance of automobile travel attributable to a project.

In order to determine whether a project has a significant transportation impact under CEQA, the traffic analysis must determine whether the project would conflict or be inconsistent with *State CEQA Guidelines* Section 15064.3 subdivision (b). Specifically related to land use projects, Section 15064.3(b) of the California Code of Regulations states the following:

> "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact."

The City of Dana Point did not adopt by resolution additional applicable thresholds of significance related to VMT. However, *State CEQA Guidelines* Section 15064.7(c) states the following:

> When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency is supported by substantial evidence.

Simultaneously occurring with clearance of the revised *State CEQA Guidelines*, the Governor's Office of Planning and Research (OPR) released the *Technical Advisory for Evaluating Transportation Impacts under CEQA* (December 2018) (Technical Advisory). This State document provides guidance to permit the evaluation of project transportation impacts. Additionally, the County of Orange *Final Draft Guidelines for Evaluating Vehicle Miles Traveled Under CEQA* (September 2020) (County Guidelines) establish thresholds of significance.

The Technical Advisory recommends establishing a threshold of 15 percent below existing regional average VMT per capita for residential projects, a threshold of 15 percent below existing regional average VMT per employee for office projects, and a threshold of no net increase in total VMT for retail projects. The Technical Advisory does not provide a recommendation for significance thresholds for other land uses. The County Guidelines establish a threshold of no net increase in the VMT rate for other land uses consistent with the General Plan or a threshold of 15 percent below existing regional average rate for land uses inconsistent with the General Plan. The County Guidelines provide substantial evidence for use of the County as the regional average.

The proposed project is a hotel use, which generates trips from employees and guests. Given the combined nature of the land use, the project's VMT per service population (guests plus employees) was compared to the Orange County regional average VMT per service population. The regional average VMT per service population for Orange County is 27.1.

According to the CalEEMod calculations described in Section 4.6, the proposed project is estimated to result in 4,776,504 annual VMT. This equates to 13,086 daily VMT (4,776,504 / 365 = 13,086). The

PA 3 Parking Assessment (October 2020) states that the hotels are anticipated to have between 60 and 70 employees working a morning shift and 40 to 55 employees working the second shift. Taking the midpoint of these ranges results in an estimate of 113 employees. The proposed project will have a total of 266 hotel rooms and 48 hostel beds. Average per room occupancy for leisure hotels is 2.1 guests per room and the usual occupancy of rooms is approximately 80 percent. Therefore, on average, 485 guests are anticipated to reside at the hotels (266 rooms x 2.1 persons/room x 0.80 + 48 hostel beds x 1 person/bed x 0.80 = 447 persons + 38 persons = 485 persons). In total, the project's service population is anticipated to be 598 persons (113 employees + 485 guests = 598), and the VMT per service population is anticipated to be 21.9 (13,086 / 598 = 21.9).

The project's VMT per service population (21.9) is more than 15 percent below the regional average VMT per service population (27.1). The project does not exceed an applicable threshold and would, therefore, have a less than significant impact.

In addition, as described in Chapter 3.0, Project Description, Section 3.3.3 Parking and Access of this Draft EIR, included as part of the project design, a complementary shuttle service to other destinations within the Harbor (i.e., Baby Beach, the Ocean Institute, and Doheny State Beach) using golf carts would be provided for hotel guests. These golf carts may also be used for boater services. Pedestrian access, golf cart shuttle service, and proximity to transit would result in reduced vehicle trips by hotel patrons. The PA 3 Parking Assessment (October 2020) also recommends that a transportation coordinator be appointed for employees within PA 3. If this recommendation is adopted, further VMT reductions are anticipated.

Threshold 4.12.4: Would the project result in inadequate emergency access?

Less Than Significant Impact. As described above, the proposed project would not change the local circulation or the configuration of local roadways. Emergency access to the project site would continue to be provided via Dana Point Harbor Drive during construction and operation. As described in Threshold 4.12.1 above, implementation of SC 4.12-1 would also ensure traffic controls are implemented during construction to maintain emergency access during construction, consistent with Land Use Policy 8.6.8-3 of the DPHRP, Dana Point Harbor Fire Policies. Internal circulation would be subject to review and approval by the County of Orange prior to issuance of the necessary ministerial permits. Furthermore, access to and from the project site must be designed to City standards and would be subject to review by the Orange County Fire Authority (OCFA) and the Orange County Sheriff Department (OCSD) for compliance with fire and emergency access standards and requirements. Therefore, with implementation of SC 4.12-1, the proposed project's impact related to emergency access would be less than significant.

4.12.7 Level of Significance Prior to Mitigation

Prior to mitigation, the proposed project would result in less than significant impacts. No mitigation is required.

4.12.8 Standard Conditions and Mitigation Measures

The proposed project would comply with the following standard conditions. The City considers these conditions to be mandatory; therefore, they are not considered mitigation.

Standard Condition 4.12-1

Construction Management Plan. Prior to the issuance of demolition, grading or any construction permits, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Dana Point (City) Traffic Engineer and the County of Orange. The Construction Management Plan shall include, at a minimum, the following measures, which shall be implemented during all construction activities as overseen by the Construction Contractor:

- Traffic controls shall be implemented for any street closure, detour, or other disruption to traffic circulation and will maintain emergency access to the site.
- The routes that construction vehicles shall utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to access the site shall be identified; traffic controls and detours shall be identified; and the proposed construction phasing plan for the project shall be provided.
- The hours during which transport activities will occur shall be specified.
- Identify the haul route for the materials to be removed (i.e., concrete, soil, steel, etc.) during the demolition phase and/or soil import during the site preparation phase.
- Subject to the direction of the City's Traffic Engineer, haul operations associated with the materials export/soil import may be prohibited during the a.m. and p.m. peak commute periods (i.e., between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.).
- The Project Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Project Applicant shall clean adjacent streets, as directed by the City's Traffic Engineer (or representative of the City Engineer), of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.

- Use of local streets as haul routes shall be prohibited.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.

Implementation of the measures included in the Construction Management Plan, including maintenance of emergency access, shall be continued through construction inspection services.

4.12.9 Level of Significance after Mitigation

With the implementation of SC 4.12-1, all impacts related to construction traffic would be less than significant. No potentially significant impacts would occur related to traffic or transportation requiring mitigation.

4.12.10 Cumulative Impacts

As defined in the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects. The cumulative impact area for traffic/transportation is the City of Dana Point and the City of San Juan Capistrano. A list of approved/pending projects provided by the City was reviewed to determine whether projects in the vicinity of the project site (if any) should be included in the cumulative condition. With concurrence from the City, the approved/pending projects listed in Chapter 4.0, Table 4.A, Summary of Related Projects, were identified as cumulative projects.

In order to develop traffic volumes in the project opening year (2025), the list of 19 approved and pending projects included in Table 4.A that could reasonably be assumed to be operating by the project opening year was analyzed. For several of these projects, traffic studies were available that calculated weekday peak-hour trip generation. For projects without traffic studies, a cumulative project trip generation table provided by the City or trip rates from the ITE *Trip Generation Manual*, 10th Edition was utilized to calculate weekday a.m., weekday p.m., and weekend peak-hour of generator traffic volumes for the cumulative projects. For cumulative projects with approved a.m. and p.m. peak-hour traffic volumes (including trip credits) but no weekend traffic volumes, a ratio was calculated between ITE weekend and ITE p.m. peak-hour trip rates and applied that ratio to the cumulative project's p.m. peak-hour traffic volume. This method accounts for the trip credits applied to the proposed project.

The traffic study for the Dana Point Harbor Revitalization Project did not include weekend trip generation in the trip generation table, but weekend inbound and outbound trip generation could be calculated by adding the weekend peak-hour inbound and outbound trips illustrated in Exhibits 12 and 14 of the Dana Point Harbor Revitalization Traffic and Parking Analysis. The proposed project is located within PA 3 of the Dana Point Harbor Revitalization Plan. To avoid double counting, project traffic volumes were subtracted from the PA 3 traffic volumes from the Dana Point Harbor Revitalization Plan. Table 4.12.H, below, displays traffic volumes for the cumulative projects.

Table 4.12.H: Cumulative Project Trip Generation

Land Use	Size	Unit	ADT	AM Peak Hour			PM Peak Hour			Weekend Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
Trip Rates[1]												
General Light Industrial (110)		Emp	3.05	0.43	0.09	0.52	0.11	0.38	0.49	0.05	0.05	0.10
General Light Industrial (110)		TSF	4.96	0.62	0.08	0.70	0.08	0.55	0.63	0.14	0.14	0.28
Single-Family Detached Housing (210)		DU	9.44	0.19	0.55	0.74	0.62	0.37	0.99	0.50	0.43	0.93
Multifamily Housing (Low-Rise) (220)		DU	7.32	0.11	0.35	0.46	0.35	0.21	0.56	0.38	0.32	0.70
Multifamily Housing (Mid-Rise) (221)		DU	5.44	0.09	0.27	0.36	0.27	0.17	0.44	0.22	0.22	0.44
Hotel (310)		Room	8.36	0.28	0.19	0.47	0.31	0.29	0.60	0.40	0.32	0.72
Resort Hotel (330)[2]		Room	5.71	0.23	0.09	0.32	0.18	0.23	0.41	0.28	0.21	0.49
Church (560)		TSF	6.95	0.20	0.13	0.33	0.22	0.27	0.49	1.64	1.14	2.78
General Office Building (710)		TSF	9.74	1.00	0.16	1.16	0.18	0.97	1.15	0.13	0.13	0.26
Building Materials and Lumber Store (812)		TSF	18.05	0.99	0.58	1.57	0.97	1.09	2.06	4.89	4.69	9.58
Shopping Center (820)		TSF	37.75	0.58	0.36	0.94	1.83	1.98	3.81	2.34	2.16	4.50
Trip Generation												
1. Headlands Specific Plan[3]			4,379	100	114	214	219	178	397	176	123	299
2. Dana Point Harbor Revitalization (Commercial Core)[4,8]			5,477	202	182	384	252	192	444	489	369	858
Dana Point Harbor Revitalization (Marina Remodel)[4]			420	23	3	26	17	25	42	17	35	52
3. South Cove[3]	168 2.471	DU TSF	1,083	15	63	78	64	34	98	70	59	129
4. South Shores Church Master Plan[5]	46.817	TSF	255	12	0	12	0	18	18	60	42	102
5. Vista del Mar[6]			238	4	13	17	2	(6)	(4)	7	7	14
6. Prado West[6]			1,085	18	41	59	13	(2)	11	41	42	83
7. The Greer[6]			389	21	24	45	13	11	24	10	12	22
8. St. Edwards Expansion[6]	11.463	TSF	80	2	1	3	2	4	6	19	13	32
9. Capistrano Hillside Project (210)[1]	11	DU	104	2	6	8	7	4	11	6	5	11
10. Monarch Coast Apartments (221)[1]	30	DU	163	3	8	11	8	5	13	7	7	14
11. Lantern Point Hotel[6]	53	Room	443	15	10	25	16	16	32	21	17	38
12. Grand Monarch[6]	45	DU	329	5	16	21	16	9	25	16	16	32
13. Resort Hotel at Cannon's[6]	102	Room	130	30	20	50	(7)	11	4	(9)	(2)	(11)
14. Doheny Ocean Desalination Plant[6]	15	Emp	36	10	2	12	2	10	12	1	2	3
15. Victoria Boulevard/ CUSD Bus Yard (221)[6]	400	DU	2,920	36	144	180	148	87	235	143	151	294
16. Doheny Village Zoning District[8,9]			7,256	152	160	312	290	329	619	311	352	663
17. Ganahl Lumber Development Project[10]	161.358	TSF	3,486	168	144	312	103	116	219	519	499	1,018

Table 4.12.H: Cumulative Project Trip Generation

Land Use	Size	Unit	ADT	AM Peak Hour			PM Peak Hour			Weekend Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
18. The Farm Specific Plan[11]	169	DU	1,595	32	93	125	105	63	168	85	73	158
19. Pacifica San Juan[6]	416	DU	3,753	71	214	285	237	140	377	197	171	368

[1] Trip rates referenced from the *Trip Generation Manual,* 10th Edition (ITE 2017).
[2] Daily and Saturday rates calculated from standard hotel ITE rates.
[3] 34202 Del Obispo Street Traffic Impact Analysis (LSA, July 2014).
[4] Dana Point Harbor Revitalization Traffic and Parking Analysis (RBF, September 2005).
[5] South Shores Church Master Plan Traffic Impact Analysis and Parking Analysis (LSA, July 2014).
[6] Excerpt from Victoria Boulevard Apartments Traffic Impact Analysis (City of Dana Point 2020).
[7] Doheny Ocean Desalination Project Draft Environmental Impact Report (LSA, May 2018).
[8] Draft Doheny Village Zoning District Overlay Zone Traffic Study (City of Dana Point 2020).
[9] No specific development projects are anticipated by the proposed project opening year.
[10] Ganahl Lumber Development Project Traffic Impact Analysis (LSA, April 2020).
[11] Trip Generation Analysis for the Farm Specific Plan (LSA, April 2020).

ADT = average daily trips
CUSD = Capistrano Unified School District
DU = dwelling unit
EMP = employee
ITE = Institute of Transportation Engineers
TSF = thousand square feet

The City anticipates that an intersection improvement project at Golden Lantern/Dana Point Harbor Drive will be completed by the proposed project opening year of 2025. The intersection improvement project consists of restriping the northbound and southbound approaches to provide one left-turn lane, one through lane, and one through/right-turn lane. The intersection improvements also include the removal of the northbound and southbound overlap phases. This intersection improvement project was included as a cumulative project.

4.12.10.1 Cumulative (Opening Year 2025) Plus Project Condition

The 2025 traffic volume scenario consists of the following: (1) an ambient growth rate of 2.5 percent (0.5 percent per year) applied to the existing (2020) traffic volumes; and (2) cumulative project traffic. It was determined that no individual projects within the Doheny Village Zoning District Update are anticipated by the proposed project's opening year of 2025, and therefore no additional trips were added to the study intersections for the Doheny Village Zoning District Update. Intersection LOS was calculated for these future volumes. Project traffic volumes were added to the future volumes and intersection LOS and again calculated. In addition to these cumulative land use development projects, this analysis considers the effect of a planned roadway improvement project. As part of the approved Ganahl Lumber Development Project, a third eastbound through lane on Stonehill Drive is proposed between Del Obispo Street and Camino Capistrano.

Table 4.12.I compares the results of the Cumulative and Cumulative Plus Project peak hour LOS analysis for the study intersections. While the Stonehill Drive roadway improvement is anticipated, it is not currently fully funded. Therefore, Table 4.12.I provides intersection LOS calculations without and with the Stonehill Drive improvement. As Table 4.12.I shows, with the addition of cumulative traffic volumes, the intersection of Del Obispo Street/Stonehill Drive is anticipated to operate at LOS D in the weekday a.m. peak hour. This is in excess of the City's performance target for Primary Arterials. With completion of the anticipated Stonehill Drive improvement, the intersection of Del Obispo Street/Stonehill Drive would operate at LOS C, which is within the City's performance target.

Table 4.12.I: Cumulative and Cumulative Plus Project Intersection Level of Service Summary

Intersections	Cumulative (2025)						Cumulative Plus Project					
	AM Peak Hour		PM Peak Hour		Saturday Midday		AM Peak Hour		PM Peak Hour		Saturday Midday	
	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS	ICU / Delay	LOS
1. Island Way/Dana Point Harbor Dr	11.0 sec	B	12.4 sec	B	19.1 sec	C	11.4 sec	B	13.1 sec	B	23.0 sec	C
2. Casitas Pl/Dana Point Harbor Dr	0.236	A	0.329	A	0.429	A	0.251	A	0.348	A	0.453	A
3. Golden Lantern/PCH	0.637	B	0.752	C	0.881	D	0.641	B	0.757	C	0.886	D
4. Golden Lantern/Del Prado Ave	0.238	A	0.386	A	0.478	A	0.247	A	0.392	A	0.486	A
5. Golden Lantern/Dana Point Harbor Dr	0.393	A	0.543	A	0.757	C	0.398	A	0.552	A	0.766	C
6. Puerto Place/Dana Point Harbor Dr	0.254	A	0.411	A	0.414	A	0.261	A	0.419	A	0.425	A
7. Dana Point Harbor Dr/Park Lantern	0.297	A	0.351	A	0.344	A	0.303	A	0.358	A	0.351	A
8. Del Obispo St.-Dana Point Harbor Dr/PCH	0.647	B	0.666	B	0.653	B	0.650	B	0.674	B	0.657	B
9. Del Obispo St/Stonehill Dr	0.828	D	0.791	C	0.778	C	0.829	D	0.792	C	0.780	C
Del Obispo St/Stonehill Dr[1]	0.741	C	0.775	C	0.713	C	0.742	C	0.776	C	0.714	C
10. Camino Capistrano/Stonehill Dr	0.667	B	0.759	C	0.837	D	0.668	B	0.759	C	0.837	D
Camino Capistrano/Stonehill Dr (HCM)	30.3 sec	C	32.0 sec	C	30.8 sec	C	30.4 sec	C	32.0 sec	C	30.9 sec	C
11. I-5 SB Ramps/Camino Las Ramblas	0.305	A	0.354	A	0.302	A	0.306	A	0.356	A	0.305	A
12. I-5 NB Ramps/Camino Las Ramblas	0.293	A	0.290	A	0.247	A	0.299	A	0.296	A	0.257	A
I-5 NB Ramps/Camino Las Ramblas (HCM)	7.1 sec	A	6.9 sec	A	6.4 sec	A	7.1 sec	A	6.8 sec	A	6.4 sec	A

Source: *Traffic Impact Analysis for the Dana Point Harbor Hotels Project* (LSA 2021).

[1] Includes the planned, but not yet fully funded addition of a third eastbound through lane on Stonehill Drive anticipated as part of the Ganahl Lumber Development Project.

Unsatisfactory LOS

HCM = Highway Capacity Manual
I-5 = Interstate 5
LOS = level of service
NB = northbound
SB = southbound
sec = seconds

Del Obispo Street/Stonehill Drive would continue to operate at LOS D in the a.m. peak hour with the addition of project traffic. The proposed project's effect on intersection performance (0.001 in the a.m. peak hour) is below the City's established threshold of 0.01. Therefore, cumulative impacts would be less than significant, and no mitigation is required.

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4.13 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for the proposed Dana Point Harbor Hotels Project (proposed project) to impact tribal cultural resources in the City of Dana Point (City). Other potential impacts to cultural resources, including historic and archaeological resources, are evaluated in Section 4.3, Cultural Resources, of this Draft EIR. The analysis in this section summarizes pertinent information and findings in the *Record Search Results for the Dana Point Harbor Hotels Project in Dana Point, Orange County, California* (Record Search Memorandum; LSA, October 2020) provided in Appendix D of this EIR.

4.13.1 Scoping Process

The City of Dana Point received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. One comment letter included comments related to Tribal Cultural Resources.

The letter from the California Native American Heritage Commission (NAHC) received on October 7, 2020, suggested that there may be cultural resources sensitive for Native Americans in the vicinity of the project site and recommended Native American consultation with tribes that are culturally affiliated with the project site.

4.13.2 Existing Environmental Setting

Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe." Additionally, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the California Environmental Quality Act (CEQA) process to identify tribal cultural resources that may be subject to significant impacts by a proposed project.

The proposed project site is located at 24800 Dana Point Harbor Drive, and is currently developed with the Dana Point Marina Inn on the central portion of the project site and two boater services buildings with surface parking reserved for boaters on the southern portion of the project site.

According to available aerial photographs and historic maps of the project site, the project site was constructed between 1967 and 1977 (Nationwide Environmental Title Research [NETR] 2020). Aerial photographs dated to 1938, 1946, 1952, and 1967 show that the current project site was located offshore, before construction of the harbor. Historic maps dated to 1949, 1959, 1964, and 1970 depict the project site as located offshore. Geotechnical investigations have confirmed that the Dana Point Harbor, including the project site, utilized artificial fill to establish grades for construction of buildings (refer to the Preliminary Geotechnical Investigation [GMU 2019] provided in Appendix F of this EIR). Dana Point Harbor in its mostly-current form appears in the 1977 aerial photograph and all more-recent photographs, but does not appear in topographic maps until 1978, and later.

4.13.3 Regulatory Setting

This section includes applicable federal, State, regional, and City regulations.

4.13.3.1 Federal Regulations

Archaeological Resources Protection Act. The Archaeological Resources Protection Act was enacted in 1979 with the purpose of securing the protection of archaeological resources and sites on public lands and Native American lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals.

Native American Graves Protection and Repatriation Act. The Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990 with the purpose of outlining a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants, and culturally affiliated Native American tribes. NAGPRA also establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands. While these provisions do not apply to discovery or excavations on private or State lands, the collections portions of NAGPRA may apply to cultural items if they are under the control of an institution that receives federal funding. NAGPRA also makes it a criminal offense to traffic in either Native American human remains without right of possession or cultural items obtained in violation of NAGPRA.

4.13.3.2 State Regulations

Native American Heritage Commission. In 1976, the California State Government passed AB 4239, creating the Native American Heritage Commission (NAHC). The NAHC is responsible for identifying and categorizing Native American cultural resources as well as preventing damage to designated sacred sites and associated artifacts and remains. Legislation passed in 1982 authorized the NAHC to identify a Most Likely Descendant (MLD) when Native American remains are found outside the boundaries of a designated cemetery. An MLD has the authority to make recommendations in regards to the treatment and disposition of the discovered remains.

California Public Resources Code Sections 5097.9–5097.991. California Public Resources Code (PRC) Sections 5097.9–5097.991 provide protection to Native American historical and cultural resources (including sanctified cemeteries, places of worship, religious sites, or sacred shrines) and sacred sites and gives the NAHC enforcement authority.

Specifically, California PRC Section 5097.98 outlines procedures that must be followed in the event that human remains are discovered. The County Coroner shall make a determination within two working days from the time the person responsible for the excavation, or designee, notifies the County Coroner of the discovery or recognition of the human remains. If the County Coroner identifies the remains to be of Native American origin, or has reason to believe that the remains are those of Native American origin, the County Coroner must contact the California NAHC within 24 hours. The NAHC representative will then alert a Native American MLD to conduct an inspection of the site and to determine the ensuing course of treatment and action. Additionally, *State CEQA Guidelines* Section 15064.5 sets forth a procedure if human remains are found on land outside of federal jurisdiction.

Health and Safety Code Section 7050.5. Section 7050.5 of the California Health and Safety Code protects Native American burials, remains, and associated grave artifacts in the event that they are discovered in any location other than a designated cemetery. The Health and Safety Code mandates the immediate stop of excavation in the site as well as any adjacent or overlying area where the remains or associated items are found, and provides for the sensitive disposition of those remains. Should remains be discovered, the County Coroner must determine that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or designee, in the manner provided in PRC Section 5097.98.

The Native American Historic Resource Protection Act. The Native American Historic Resource Protection Act, or AB 52, defines guidelines for reducing conflicts between Native Americans and development projects and activities. Projects are subject to AB 52 if a notice of preparation for an EIR is filed or a notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration is filed on or after July 1, 2016. "Tribal cultural resources" are protected under CEQA and are defined as a site, feature, place, cultural landscape (must include the size and scope of landscape), sacred place, or object with a cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register of Historical Resources (California Register), or included in a local register of historical resources. At the lead agency's discretion, a resource can be treated as a tribal cultural resources if a Native American Tribe provides substantial evidence. Additionally, AB 52 allows tribes to engage in consultation with lead agencies and sets guidelines for such consultation.

4.13.3.3 Regional Regulations

There are no regional regulations that are applicable to tribal cultural resources relevant to the proposed project.

4.13.3.4 Local Regulations

City of Dana Point General Plan. The City's Conservation/Open Space Element (1997) addresses protection of the City's heritage and cultural resources. The following goal related to cultural resources is presented in the Conservation/Open Space Element:

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

Dana Point Municipal Code. Section 9.69.050(b)(7)(B) of the City's Zoning Code (Title 9) requires the following information related to cultural resources regarding applications for coastal development permits:

> "For sites adjacent to, containing or potentially containing cultural resources, an archaeological and/or paleontological survey prepared by a licensed archaeologist/ paleontologist shall be required."

Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR). Land Use Plan policies for the Dana Point Harbor that relate to tribal cultural resources include "Paleontological and Archaeological Resource Policies" located in Section 8.8 of the DPHRP&DR. Policies 8.8.1-1 through 8.8.1-3 require mitigation for adverse impacts to archaeological resources, recommend archaeological monitoring during grading where necessary, and provide for procedures in case of encountering human remains during ground-disturbing activities. Policy 8.8.1-3 in particular is reflected in Standard Condition 4.3-2 (SC 4.3-2) included in Section 4.3, Cultural Resources, of this EIR.

4.13.4 Methodology

In order to identify tribal cultural resources on the project site and analyze potentially significant impacts associated with construction and implementation of the proposed project, the City conducted Native American consultation in accordance with AB 52 requirements.

A Sacred Lands File (SLF) was requested from the NAHC for the proposed project, as was a list of potential Native American contacts for consultation. The search was requested to determine whether there are sensitive or sacred Native American resources on or near the site that could be affected by the proposed project. In its response to the City on September 9, 2020, the NAHC indicated that the SLF search was positive for the project area. The NAHC recommended contact and consultation with the Juaneño Band of Mission Indians Acjachemen Nation. The NAHC also provided a Tribal Consultation List that included the following 13 Native American representatives to be contacted:

- Sonia Johnston, Chairperson of Juaneño Band of Mission Indians
- Joyce Perry, Tribal Manager of Juaneño Band of Mission Indians Acjachemen Nation-Belardes
- Matias Belardes, Chairperson of Juaneño Band of Mission Indians Acjachemen Nation-Belardes
- Heidi Lucero, Cultural Resources Director of Juaneño Band of Mission Indians Acjachemen Nation-Romero
- Teresa Romero, Chairperson of Juaneño Band of Mission Indians Acjachemen Nation-Romero
- Fred Nelson, Chairperson of La Jolla Band of Luiseño Indians
- Shasta Gaughen, Tribal Historic Preservation Officer for Pala Band of Mission Indians
- Temet Aguilar, Chairperson of Pauma Band of Luiseño Indians
- San Luis Rey Band of Mission Indians Tribal Council
- San Luis Rey Band of Mission Indians
- Lovina Redner, Tribal Chair of Santa Rosa Band of Cahuilla Indians
- Scott Cozart, Chairperson of Soboba Band of Luiseño Indians
- Joseph Ontiveros, Soboba Band of Luiseño Indians

The City sent letters for the purposes of AB 52 consultation to individuals on the City's AB 52 list and those individuals provided on the NAHC list on September 23, 2020. A follow up email was sent to each letter recipient on October 7, 2020, to confirm receipt of the letters.

The Juaneño Band of Mission Indians Acjachemen Nation-Belardes (Tribe) responded on October 8, 2020, with a request for more project information. The City provided the Tribe with project details and the Record Search Memorandum. Subsequent contact from the Tribe (Joyce Perry) was received by the City on November 10, 2020. On November 24, 2020, the City provided the Tribe with additional information regarding the geology and soils on the site. On December 2, 2020, the Tribe requested monitoring for ground disturbance in areas with artificial fill due to the origin of these imported soils. Based on this request, the City has included a standard condition that would require such monitoring (SC 4.3-2). On December 11, 2020, the City provided a proposed standard condition regarding the discovery of human remains (Standard Condition 4.3-1 [SC 4.3-1]). On December 15, 2020, the Tribe accepted the condition of approval and requested that Native American monitoring during ground disturbance be included in a separate condition. On February 2, 2021, the City responded to the Tribe with an additional standard condition requiring that an archaeologist be retained prior to grading and archaeological monitoring for the project. The Tribe responded on February 5, 2021, to request that monitoring include "both a qualified archaeologist and Native Monitor." On March 15, 2021, the City emailed a revised condition to the Tribe, including both archaeological and Native American monitoring, with the option to reduce monitoring if there is a low likelihood of discovering subsurface cultural resources. The Tribe informed the City on March 15, 2021, that it agrees with the revised language included in the condition (SC 4.3-2), and asked that it be included in any monitoring activities.

An email response was received from the San Luis Rey Band of Mission Indians, and that email indicated that they would defer to Joyce Perry (Juaneño Band of the Mission Indians Acjachemen Nation-Belardes) for decision-making.

No further responses or requests for consultation have been received to date. A record of Native American Consultation efforts is provided in Appendix M of this EIR.

In addition to AB 52 compliance, records searches and background research were conducted as part of the Record Search Memorandum for the proposed project. The purpose of these efforts was to identify the location of known cultural resources on the project site. No cultural resources were identified as part of Record Search Memorandum (refer to Section 4.3, Cultural Resources, for further discussion).

4.13.5 Thresholds of Significance

The thresholds for tribal cultural resources impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to tribal cultural resources if it would:

Threshold 4.13.1: **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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:**

Threshold 4.13.1(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).**

Threshold 4.13.1(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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

4.13.6 Project Impacts

Threshold 4.13.1(i): **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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: 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)?**

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 Threshold 4.13.1(i). Refer to Section 4.3, Cultural Resources, for detailed information regarding the record search substantiating that no listed properties or resources exist on the project site.

Threshold 4.13.1(ii): **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less Than Significant Impact. As noted above, a cultural resources record search, an SLF search through the NAHC, and AB 52 Native American consultation were conducted for the proposed project. The purpose of these efforts was to identify known tribal cultural resources on or near the project site. No cultural resources were identified as part of the records search. Further, aerial photographs and historic maps demonstrate that the project site was located offshore before construction of the harbor. Geotechnical investigations have shown that the project site is underlain by artificial fills and marine deposits, which in turn overlie bedrock of the Capistrano Formation (GMU 2019). The depths of these materials vary slightly under each proposed hotel but generally, most of the area of disturbance is underlain by approximately 15 to 30 feet of surficial soils consisting of artificial fill atop marine deposits. A small area near Dana Point Harbor Drive has no fill and consists of Capistrano Formation only.

However, the NAHC SLF search indicated the presence of Native American traditional sites or places in or near the project area. Based on the consultation with the Juaneño Band of Mission Indians Acjachemen Nation described above, monitoring was requested for ground disturbance in areas of artificial fill. While the project site was constructed using imported sediments, based on consultation with the Tribe, there is the potential of encountering tribal cultural resources during ground-disturbing construction activities due to the origin of the imported soils. As described in Section 4.3, Cultural Resources, of this Draft EIR, Program EIR No. 591 included Standard Condition of Approval 4.11-1 (SCA 4.11-1), which recommended monitoring for archaeological resources where earth-moving or disturbing activities would occur. The monitoring requirements from SCA 4.11-1 would also be required for the proposed project as provided in SC 4.3-2 for ground-disturbing activities within areas that would impact artificial fill. With implementation of SC 4.3-2, impacts to tribal cultural resources would be less than significant, and no mitigation would be required.

4.13.7 Level of Significance Prior to Mitigation

Impacts to tribal cultural resources are considered less than significant, and no mitigation is required.

4.13.8 Standard Conditions and Mitigation Measures

As stated in the Initial Study, in the unlikely event that human remains are uncovered, then the proposed project would comply with existing PRC Section 5097.98 requirements as described in SC 4.3-1, in this Draft EIR in Section 4.3, Cultural Resources. In addition, the proposed project would comply with SC 4.3-2, also included in Section 4.3, Cultural Resources, which includes conditions to monitor for subsurface archaeological and tribal cultural resources as provided in SCA 4.11-1 of Program EIR No. 591.

4.13.9 Level of Significance after Mitigation

The proposed project would result in less than significant impacts with respect to tribal cultural resources.

4.13.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and

probable future projects. The cumulative impact area for tribal cultural resources for the proposed project is the City of Dana Point.

Potential impacts of the proposed project to unknown tribal cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in the City of Dana Point, could contribute to a cumulatively significant impact due to the overall loss of archaeological artifacts and cultural resources unique to the region. However, each development proposal received by the City is required to undergo environmental review pursuant to CEQA. If there were any potential for significant impacts to archaeological or tribal cultural resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When resources are assessed and/or protected as they are discovered, impacts to these resources are less than significant.

As such, implementation of SC 4.3-1 would ensure that the proposed project, in conjunction with other development in the City, would not result in a significant cumulative impact to unique tribal cultural resources and previously undiscovered buried human remains.

4.14 UTILITIES AND SERVICE SYSTEMS

This section of the Draft Environmental Impact Report (EIR) describes the utility providers within whose jurisdiction the project site is located and evaluates potential impacts of the Dana Point Harbor Hotels Project (proposed project) on utilities and service systems. This section is based on multiple data sources, including: written correspondence and coordination with the South Coast Water District (Appendix N) and the California Emissions Estimator Model (CalEEMod) outputs generated for the proposed project (Appendix C). This section addresses the following utilities and service systems (service providers are noted in parentheses):

- Electricity (San Diego Gas and Electric [SDG&E])
- Natural Gas (Southern California Gas Company [SoCalGas])
- Solid Waste (Prima Deshecha Landfill; Orange County Waste & Recycling [OCWR])
- Wastewater and Potable Domestic Water (South Coast Water District [SCWD])
- Stormwater Drainage (City of Dana Point Utility Department; Orange County Flood Control)

4.14.1 Scoping Process

The City of Dana Point (City) received eight comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR.

The letter from the South Coast Water District (SCWD) received on October 26, 2020, noted the addition of a recycled water distribution system installed in 2015 to serve the Dana Point Harbor area and specified that the EIR should address potential additions or modifications to this existing SCWD infrastructure. Additionally, the comment letter requests that the EIR include an analysis of impacts of construction modifications to the SCWD's infrastructure and identify mitigation measures and alternatives deemed feasible for reducing or eliminating direct and indirect project impacts associated with modifications to SCWD infrastructure. Findings that are relevant to the construction and operational impacts from modifications and operation of SCWD's infrastructure should be made as part of the City certification process for the Final EIR.

Furthermore, the SCWD comment letter recommends that, based on evaluation of the Initial Study (IS) and Notice of Preparation (NOP), the proposed project's EIR should: fully describe and evaluate construction impacts for all off-site modifications to the SCWD's existing infrastructure that are needed to serve the project, include discussion of water conservation measures to be included as part of the project, and address the potential impacts of the project as they may relate to the SCWD's capacity, infrastructure, or operations. SCWD's water conservation measures are described in further detail in Section 4.14.3, Regulatory Setting, below. Furthermore, compliance with these measures during construction and operation of the project is discussed under Threshold 4.14.1 under Section 4.14.6, Project Impacts.

4.14.2 Existing Environmental Setting

4.14.2.1 Electricity

The project site is within the service territory of San Diego Gas & Electric Company (SDG&E). Total electricity consumption in the SDG&E service area in 2019 was 17,721 gigawatt-hours (GWh) and 9,816 GWh for the commercial sector.[1] In order to assist with forecasting future growth in electrical demand within each of the State's five major electricity planning areas, the California Energy Commission (CEC) prepared three scenarios to showcase these data: high-demand, mid-demand, and low-demand scenarios. Annual growth from 2016 to 2027 for the CEC 2017 Revised Forecast in the SDG&E Electricity Planning Area averages about 1.68 percent, 1.35 percent, 1.05 percent over the 10-year growth period in the high, mid, and low cases, respectively.[2]

4.14.2.2 Natural Gas

Natural gas consumed in California is used for electricity generation (45 percent), residential uses (21 percent), industrial uses (25 percent), and commercial uses (9 percent). California continues to depend upon out-of-state imports for nearly 90 percent of its natural gas supply.[3] According to the CEC, total gas consumption in the SoCalGas service area in 2019 was approximately 5,424.71 million therms and approximately 1,029.77 million therms for the commercial sector.[4] Similarly to its forecasting for future electrical demand, the CEC has also prepared three scenarios to assist with interpreting future growth in natural gas demand within each of the State's natural gas planning areas: high-demand, mid-demand, and low-demand. Annual growth from 2016 to 2026 for the California Energy Demand 2017 Revised Forecast in the SoCalGas Natural Gas Planning Area averages 0.73 percent, 0.28 percent, and 0.11 percent over the 10-year growth period in the high, mid, and low cases, respectively.[5] Overall consumption growth reflects projected population growth in the planning area.

4.14.2.3 Solid Waste

The City of Dana Point currently contracts with CR&R, a private solid waste hauler, to collect and dispose of the solid waste/refuse generated by the City. Solid waste/refuse collected in the City by CR&R is transported to the Prima Deshecha Landfill, a Class III landfill operated and maintained by Orange County Waste & Recycling (OCWR). Class III landfills only accept non-hazardous municipal solid waste for disposal; no hazardous or liquid waste is accepted. Currently, OCWR maintains and operates three Class III landfills, identified below in Table 4.14.A.

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1 California Energy Commission (CEC). 2020a. Electricity Consumption by Entity. Website: https://ecdms.energy.ca.gov/elecbyutil.aspx (accessed October 5, 2020).

2 California Energy Commission (CEC). 2018. California Energy Demand, 2018–2030 Revised Forecast. February. Website: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244 (accessed October 5, 2020).

3 CEC. 2020d. Supply and Demand of Natural Gas in California. Website: https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california. (accessed October 6, 2020).

4 CEC. 2020d. Gas Consumption by Entity. Website: http://www.ecdms.energy.ca.gov/gasbyutil.aspx (accessed October 6, 2020).

5 CEC. 2018. California Energy Demand, 2018–2030 Revised Forecast. February. Website: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244 (accessed October 6, 2020).

Table 4.14.A: Orange County Class III Landfills

Landfill	Location	Approximate Distance from Project Site (miles)	Service
Frank R. Bowerman	11002 Bee Canyon Access Road Irvine, CA 92602	17	Commercial dumping No public dumping
Olinda Alpha	1942 North Valencia Avenue Brea, CA 92823	30	Commercial dumping Public dumping allowed
Prima Deshecha	32250 Avenida La Pata San Juan Capistrano, CA 92675	5	Commercial dumping Public dumping allowed

Source: Orange County Waste & Recycling (2020). Landfills. (Website: https://www.oclandfills.com/landfills, accessed October 20, 2020).

The Prima Deshecha Landfill has been identified as the closest active landfill to the project site, and is currently permitted by the California Department of Resources, Recycling, and Recovery (CalRecycle) to receive a maximum of 4,000 tons per day (tpd) of waste. However, the landfill currently processes an average of approximately 1,400 tpd.[1] Therefore, the Prima Deshecha Landfill operates at approximately 35 percent of its daily capacity at present.

4.14.2.4 Wastewater

The project site is in the sewer service area of the South Coast Water District (SCWD). The SCWD currently serves the entirety or portions of the Cities of Dana Point, Laguna Beach, San Clemente, and San Juan Capistrano. The SCWD's facilities include 15 reservoirs, 147 miles of water lines, 136 miles of sewer lines, 7 water pumping stations, 14 sewer pumping stations, and approximately 12,360 water meters.[2] In 2001, SCWD and nine other agencies formed the South Orange County Wastewater Authority (SOCWA). SOCWA is a Joint Powers Authority consisting of local retail water agencies and cities. SOCWA operates two wastewater treatment plants that work in conjunction with SCWD to treat approximately 4 million gallons per day (mgd) of wastewater.[3] The project site's current wastewater generation rates are listed below in Table 4.14.B.

The project site is located within the southern part of SCWD's service district, and as such is served by the J.B. Latham Plant, approximately 0.6 mile northeast of the project site in Dana Point. The J.B. Latham Plant has the capacity to treat 13 mgd, but currently operates at a wastewater flow of 6 mgd, meaning it is currently operating at approximately 46 percent of its daily design capacity.[4] Wastewater travels to these two treatment plants via SCWD's 140 miles of sewer main lines, which range from 6 inches to 24 inches in diameter, and include 13 sewer lift stations, 3 miles of force mains, and more than 3,800 manholes. After undergoing a three-level treatment process, wastewater from the J.B.

1 OC Landfills. Prima Deshecha Landfill. Website: http://www.oclandfills.com/landfill/active/deshecha. (accessed October 6, 2020).
2 South Coast Water District (SCWD). About Us. Website: https://www.scwd.org/about/ (accessed October 6, 2020).
3 SCWD. Sanitary Sewer Service Facilities. Website: https://www.scwd.org/services/watersupply/sewerservice.htm (accessed October 6, 2020).
4 Ibid.

Table 4.14.B: Existing Wastewater Generation Volumes at Project Site

Proposed Use Category	SCWD 2017 Return-to-Sewer Rate	Existing Use Square Footage	Existing Net Water Demand	Existing Wastewater Demand
Hotel/Motel	***65 percent*** (Single & Multi-Family Residential)	136 rooms	12,920 gpd	8,398 gpd
Commercial/Office/ Restaurant[1]	***85 percent*** (Commercial)	14,650 sf	850 gpd	723 gpd
	TOTALS	**14,650 sf**	**13,770 gpd**	**9,121 gpd**

[1] Commercial/Office/Restaurant uses include combined square footage totals from the existing marina office/ meeting space, and boater service space on the project site.
gpd = gallons per day
SCWD = South Coast Water District
sf = square foot/feet

Latham Plant meets the quality standards of the Federal Clean Water Act for offshore discharge and is eventually released into the ocean through a pipeline.

4.14.2.5 Potable Domestic Water

In addition to wastewater services, the South Coast Water District (SCWD) is also responsible for the project site's domestic water services. The 2017 *South Coast Water District Infrastructure Master Plan Update* (SCWD, October 2017) states that SCWD relies on a combination of imported water, local groundwater, and recycled water to meet its current water needs. In order to ensure a safe and reliable water supply to its service area, SCWD partners with the Metropolitan Water District (MWD) and Municipal Water District of Orange County (MWDOC). Imported water sources are provided by the MWD and are delivered through the MWDOC.[1] The SCWD's potable water distribution system is comprised of 158 miles of pipe, 13 reservoirs with a combined capacity of 21.6 million gallons of water, nine pump stations, and a Groundwater Recovery Facility with a production capacity of 0.85 mgd. The SCWD has additional potable water storage available from the: (1) Joint Regional Water Supply System (12.8 million gallons in Bradt Reservoir); (2) Santa Margarita Water District (16.6 million gallons in Upper Chiquita Reservoir; and (3) Moulton Niguel Water District (0.98 million gallons in Reservoir 1-E).[2] The estimated current water demand associated with the existing uses on the project site is provided below in Table 4.14.C, below.

[1] SCWD. 2017. *South Coast Water District Infrastructure Master Plan Update.* October Website: https://www.scwd.org/civicax/filebank/blobdload.aspx?blobid=8040 (accessed October 7, 2020).
[2] SCWD. Facilities. Website: https://www.scwd.org/services/drinking/facilities/default.htm (accessed October 7, 2020).

Table 4.14.C: Existing Water Demand at Project Site

Proposed Use Category	SCWD 2017 Unit Demand Rate	Existing Use Square Footage	Existing Water Demand
Hotel/Motel	95 gpd/room	136 rooms	12,920 gpd
Commercial/Office[1]	2,500 gpd/ac	14,650 sf	850 gpd
Landscaping/Irrigation	2,500 gpd/ac	41,461 sf	2,380 gpd
	TOTALS	**56,111 sf**	**16,150 gpd**

[1] Commercial/Office uses include combined square footage totals from the existing marina office/meeting space and boater service space on the project site.
gpd = gallons per day
gpd/ac = gallons per day per acre
SCWD = South Coast Water District
sf = square foot/feet

The 2017 *South Coast Water District Infrastructure Master Plan Update* additionally states that through the MWD's provision, SCWD will have adequate domestic water supply for future water demands starting in 2020 and through 2040 during normal years, single dry year, and multiple dry years. The supply and demand forecasts for the third dry-year scenario (considered to be the worst-case scenario) included in the 2017 *South Coast Water District Infrastructure Master Plan Update* are shown in Table 4.14.D. As described above, the SCWD depends on a combination of imported and local supplies to meet its water demands. As shown in Table 4.14.D, the SCWD's projected water supplies are anticipated to match the forecast demand for water because the SCWD is capable of meeting demand in multiple dry years from 2020 through 2040 through reserves held by MWD, local groundwater supplies, and conservation.

Table 4.14.D: Water Supply and Demand Projections Comparison Third Dry-Year Scenario (2020–2040)

Year	Water Supply (afy)	Water Demand (afy)	Difference (afy)
2020	7,204	7,204	0
2025	7,470	7,470	0
2030	7,870	7,870	0
2035	8,250	8,250	0
2040	8,333	8,333	0

Source: *South Coast Water District Infrastructure Master Plan Update*, Table 3-7 (SCWD 2017).
Note: An acre-foot is the amount of water necessary to cover 1 acre of surface area to a depth of 1 foot and is approximately 326,000 gallons of water.
afy = acre-feet per year

4.14.2.6 Recycled Water

One of the major components of SCWD's water conservation program is its recycled water program. SCWD provides additional treatment to a portion of its secondary treated wastewater. The recycled water is then used for landscape irrigation. Demands for recycled water continue to increase as new and existing potable water irrigation systems are connected to SCWD's recycled water system. The SCWD currently maintains 20 miles of pipe, 3 pump stations, and 2 recycled water reservoirs as part

of its Recycled Water System.[1] This infrastructure allows for 4.8 million gallons of storage available between both reservoirs. As of 2017, the SCWD delivered approximately 900 afy of recycled water to customers in South Laguna Beach and Dana Point; however, recycled water supplies were anticipated to increase to 1,149 afy by 2020 and 1,350 afy by 2025. In 2014, the SCWD received a $500,000 grant under Proposition 84 to extend the recycled water distribution system to Dana Point Harbor, Doheny State Beach, Lantern Bay Park, and residential developments in the vicinity of the Harbor area via an approximately 7,000 ft distribution main. Construction was completed in November 2015, and two residential developments, two city parks, and several medians in the Harbor area have been converted to use recycled water for landscape irrigation.[2] The project site is not currently connected to SCWD's recycled water system; therefore, the existing uses on the project site do not currently have a demand for recycled water.

4.14.2.7 Storm Drains

The City of Dana Point, in conjunction with the Orange County Flood Control District (OCFCD), maintains a storm drain system that includes 29 miles of storm drain citywide, and 18 water quality diversions along with associated facilities.[3] As discussed in Section 4.8, Hydrology and Water Quality, in its existing condition, a majority of the project site sheet flows to the south to two drainage outlets located south of the project site. An existing grated inlet located north of the site is connected via an existing storm drain pipe to one of the two drainage outlets on the south side of the project site that ultimately discharge directly into the Dana Point Harbor.

4.14.2.8 Telecommunications Facilities.

The primary cable and telephone service providers available within the project site's vicinity (and, more generally, within Dana Point) are AT&T and Cox Communications. These services are privately operated and offered to each location in the City for a fee defined by the provider.

4.14.3 Regulatory Setting

4.14.3.1 Federal Regulations

There are no federal policies or regulations related to utilities and service systems that apply to the proposed project.

4.14.3.2 State Regulations

California Urban Water Management Planning Act. Under the California Water Code and Urban Water Management Planning Act of 1983, all California urban water suppliers that serve more than 3,000 customers or supply more than 3,000 acre-feet per year (afy) of water are required to prepare and adopt an Urban Water Management Plan (UWMP), which promotes water conservation and efficiency measures, every 5 years. The California Water Code and Urban Water Management

1 SCWD. 2020. Facts & Figures. Website: https://www.scwd.org/about/facts_n_figures/default.htm (accessed November 19, 2020).

2 SCWD. 2017. *South Coast Water District Infrastructure Master Plan Update.* October. Website: https://www.scwd.org/civicax/filebank/blobdload.aspx?blobid=8040 (accessed November 19, 2020)

3 City of Dana Point. Correspondence from Matt Sinacori, Director of Public Works/City Engineer, dated November 9, 2020.

Planning Act requires that the total projected water use be compared to water supply sources over the next 20 years in 5-year increments. Planning must occur for all drought years and must include a water recycling analysis that incorporates a description of the wastewater collection and treatment system, outlining existing and potential recycled water uses. In September 2014, the California Water Code and Urban Water Management Planning Act was amended by Senate Bill (SB) 1420, which now requires urban water suppliers to provide descriptions of their water demand management measures and similar information.

Assembly Bill 341. Assembly Bill (AB) 341 extends the waste diversion requirements established under the California Integrated Waste Management Act of 1989 to the year 2020. In 1989, the California Legislature adopted the California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery (CalRecycle) and requires each city, county, and regional agency to develop a source reduction and recycling element of an integrated waste management plan. Each adopted source reduction and recycling element was required to demonstrate the diversion of 50 percent of all solid waste from landfill disposal or transformation by January 1, 2000. Annual progress reports were required to be filed with the State Legislature that included specified information regarding the act. AB 341 further establishes the policy goal of the State that not less than 75 percent of solid waste generated be source-reduced, recycled, or composted by the year 2020. In addition, AB 341 requires that commercial or public entities that generates four or more cubic yards of commercial solid waste per week and multi-family residential complexes with five units or more, regardless of the amount of commercial solid waste generated, arrange for recycling services.

Title 24, California Building Code. Energy consumption by new buildings in California is regulated by the Building Energy Efficiency Standards, embodied in Title 24 of the California Code of Regulations (CCR), known as the California Building Code (CBC). The CEC first adopted the Building Energy Efficiency Standards for Residential and Nonresidential Buildings in 1978 in response to a legislative mandate to reduce energy consumption in the State. The CBC is updated every 3 years. The 2019 Building Energy Efficiency Standards became effective on January 1, 2020. The efficiency standards apply to both new construction and rehabilitation of both residential and non-residential buildings, and regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. The building efficiency standards are enforced through the local building permit process. Local government agencies may adopt and enforce energy standards for new buildings, provided these standards meet or exceed those provided in CCR Title 24.

4.14.3.3 Regional Regulations

Municipal Water District of Orange County 2015 Urban Water Management Plan. The region served by MWDOC is located in Orange County, California, and includes 26 cities (including the City of Dana Point) and water districts, referred to as MWDOC member agencies. MWDOC's 2015 UWMP documents information on all sources of water supplies for the region—imported water, groundwater, surface water, recycled water, and wastewater—as a summary of information for regional planning. The MWDOC's 2015 UWMP concludes that the MWDOC service area will have sufficient existing and planned supplies to meet full service demands under every water-year hydrologic scenario from 2015 through 2040. The 2015 UWMP also evaluates each source of water in the region. The resource mix for meeting total demand includes local groundwater, recycled

water, surface water, and imported water from MWD. The plan documents MWDOC's cooperative efforts with its member agencies in developing local supplies and finds that in the region the percentage of its supply from each source will remain approximately the same for the next 25 years, with 30 percent of its supplies from imported water and 70 percent of its supplies from local sources in 2040, even with projected growth occurring.

South Coast Water District. The South Coast Water District (SCWD) provides water, recycled water, and wastewater services to commercial and recreational facilities in the Dana Point Harbor. The water and wastewater infrastructure in the Harbor area were originally installed in 1971 and have been maintained by the SCWD, with minor upgrades to serve the Harbor. SCWD's *2015 Urban Water Management Plan* includes policies on the use of recycled water and requires the use of recycled water whenever possible, including during project construction and for irrigation of landscape vegetation. In addition, SCWD has adopted Ordinance No. 222, which establishes permanent water conservation standards, voluntary water conservation measures, and water use restrictions resulting from drought conditions, emergencies, and/or decreasing supplies.

4.14.3.4 Local Regulations

Dana Point Harbor Revitalization Plan & District Regulations. The Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) were certified by the California Coastal Commission on October 6, 2011.[1] The DPHRP&DR established new land use policies and development standards for the needed upgrades to visitor serving and marina service areas of Dana Point Harbor. The DPHRP&DR designated planning areas are expected to be redeveloped over the next 5 to 20 years. The plans are designed to improve infrastructure, enhance public access opportunities, commercial and recreational amenities, water quality improvement, and coastal resource preservation. The DPHRP&DR include the following policies related to public services and utilities that are applicable to the project:

> **Policy 8.7.1-16:** New utilities will be located underground to the extent feasible as part of new development projects. Utility undergrounding activities will be coordinated with the utility providers to ensure that service to adjoining utility customers is not interrupted.

City of Dana Point Municipal Code. The Dana Point Municipal Code includes the following requirements that would apply to the proposed project related to the provision of utilities:

> **Section 6 Health and Sanitation.** Pursuant to Public Resources Code Sections 40100 et. seq., the City is mandated to conduct an integrated solid waste management program to reduce, reuse, and recycle solid waste to extend the life of its sanitary landfill. The Integrated Waste Management Act of 1989 and subsequent legislation (AB 341) is a waste diversion mandate that requires the City to achieve 75 percent waste diversion to include, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal.

[1] City of Dana Point. 2011. Dana Point Harbor Revitalization Plan & District Regulations. October.

To meet the requirements of the California Integrated Waste Management Act, the City Municipal Code (Title 6) establishes different recycling requirements that address the recycling needs and the specific nature of the waste generation for various types of activities. These requirements help to facilitate the City's compliance with State recycling mandates, remove barriers to recycling, and ensure the recycling of construction and demolition debris. The City's Construction and Demolition (C&D) Debris Ordinance is contained in Chapter 6.12 of the Municipal Code, and promotes the recycling of construction and demolition debris in order to protect public health, safety, and welfare; and to meet the City's obligations under AB 341.[1]

Section 6.12.050 contained therein specifies the requirements for a waste reduction and recycling plan, which includes the following subsections:

(a) Prior to issuance of a building, demolition, or encroachment permit for any covered project, the applicant shall complete and submit a Waste Reduction and Recycling Plan ("WRRP") to the C&D Compliance Official.

(b) The C&D Compliance Official is authorized to create guidelines setting forth the information to be included in a WRRP, as well as the form thereof. At a minimum, the WRRP shall delineate all of the following:

    (1) The estimated weight of C&D debris to be generated by the covered project, listed by materials types;

    (2) The estimated weight of C&D debris generated by the covered project to be diverted, listed by materials types;

    (3) The facility or facilities to which C&D debris will be taken, listed by material types; and

    (4) The estimated weight of C&D debris generated by the covered project that will be landfilled, listed by the material types. (Added by Ord. 03-17, 12/10/03)

In addition to the provisions above, the City's Construction and Demolition Waste Ordinance seeks to further reduce construction waste. Chapter 6.12 also requires contractors and other construction personnel to obtain a permit and divert at least 75 percent of their construction waste to a recycling facility certified by the City. The City also requires a construction and demolition deposit at commercially zoned premises, such as the proposed project, in the amount of $1.00 per square foot/per floor of the work area of the project in order to ensure compliance with the ordinance.

City of Dana Point General Plan. The Public Facilities/Growth Management Element (1991) of the City's General Plan establishes a plan for ensuring that future growth is coordinated with the provision of public services and facilities (e.g., sewer, water, and storm drainage utilities) so that desirable level of service standards and community qualities important to the citizens are maintained. This element addresses growth management issues on a local and regional level. The Public Facilities/Growth Management Element has two interrelated purposes: (1) to plan for

[1] City of Dana Point. Municipal Code. Chapter 6.12, Construction and Demolition (C&D) Debris. Website: http://qcode.us/codes/danapoint/ (accessed October 7, 2020).

adequate public services and facilities, and (2) to coordinate new development with the provision of public facilities. While many public facilities issues will be addressed independently from growth management issues, a significant portion of the Public Facilities/Growth Management Element deals with the overlap between the two subjects. Public Facilities and Growth Management goals and policies are included in the Public Facilities/Growth Management Element of the City's General Plan. The following are applicable to the proposed project:

Goal 1: Encourage adequate water and sewer service.

Goal 2: Maintain and improve portions of the storm drainage system for which the City is responsible and encourage adequate maintenance of other portions of that system.

Goal 3: Provide necessary control of solid waste.

Goal 6: Maintain, improve, and expand utilities including natural gas, electricity, and communications.

4.14.4 Methodology

For this impact analysis, utility providers were sent a questionnaire requesting information regarding current services provided to the project site and possible constraints or impacts to service associated with project buildout. Additional research was derived from data obtained from websites and adopted planning documents of service and utility providers.

4.14.5 Thresholds of Significance

The thresholds for utilities and service system impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to utilities and service system if it would:

Threshold 4.14.1: Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;

Threshold 4.14.2: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;

Threshold 4.14.3: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

Threshold 4.14.4: 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; or

Threshold 4.14.5: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The Initial Study, included as Appendix A, substantiates that impacts associated with Thresholds 4.14.4 and 4.14.5 would be less than significant. These thresholds analyzed solid waste generation and regulation compliance associated with project construction, and operation and were determined to have less than significant impacts due to construction compliance with the City's Construction and Demolition Waste Ordinance (No. 03-17), which would divert at least 75 percent of solid waste generated during construction activities. The solid waste generation estimate for the operation of the proposed project would also have a negligible contribution to the daily tonnage processed at the Prima Deshecha Landfill, which currently operates at 35 percent of its permitted capacity. In addition, Standard Condition 4.14-1 (SC 4.14-1) requires documentation demonstrating compliance with the City's debris recycling regulations and with applicable City regulations, including Municipal Code Chapter 6.12. Therefore, these thresholds will not be addressed in the following analysis.

4.14.6 Project Impacts

Threshold 4.14.1: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. The proposed project would demolish existing uses on site, which includes the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site. The proposed project would then develop two hotels, one of which would include space for boater services, associated ancillary uses, and designated boater and hotel-related parking areas. Due to the proposed project increasing existing on-site floor area, there will be an increase in water, wastewater, stormwater drainage, electric power, natural gas, and telecommunication facilities compared to existing uses. However, the project has been included in projections related to land uses within the DPHRP&DR, which guides land use policies and regulations for the Harbor. Because of this, the proposed project's utility demand increase is expected to be adequately served within its service provider's growth planning forecasts. No mitigation is required.

Water. As previously discussed, the South Coast Water District (SCWD) would provide domestic water service to the project. The proposed hotel project would include the construction of a 4-inch domestic water service line, meter, and backflow device to Dana Point Surf Lodge and a 6-inch domestic water service line, meter, and backflow device for Dana House Hotel. These lines would provide domestic water service, and will be implemented in anticipation of an increased water demand compared to existing conditions for the proposed project. The proposed project would also establish a connection to SCWD's existing recycled water system along Dana Point Harbor Drive, which would allow for the proposed project's landscaping to be irrigated using recycled water.

Construction. Short-term demand for water may occur during various parts of the project's construction activities on site. Water demand for soil dust suppression watering, cleanup,

masonry, painting, and other activities would be temporary and would cease at completion of construction. Overall, short-term construction activities would require minimal water and are not expected to have adverse impacts to the existing water system or cause a demand that would result in the construction of new water treatment facilities or the expansion of existing facilities. Therefore, the impacts on water facilities during construction would be less than significant, and no mitigation is required.

Operation. A breakdown of the project's proposed water demand versus existing use for Hotel/Motel, Commercial/Office, Restaurant, and Landscaping/Irrigation uses is shown below in Table 4.14.E. In addition, demand rates from the 2017 *South Coast Water District Infrastructure Master Plan Update* are shown next to their associated existing/proposed use in order to illustrate the overall estimated water demand breakdown for the proposed project. As shown in Table 4.14.E below, the proposed project is expected to increase the overall domestic water demand on the project site by 8,209 gallons per day (gpd) over existing conditions. The proposed project is also estimated to demand approximately 5,673 gpd of recycled water over existing conditions.

Table 4.14.E: Water Demand at Project Buildout

Proposed Use Category	SCWD 2017 Unit Demand Rate	Domestic/ Recycled Water Percentage	Proposed Use Square Footage	Estimated Domestic Water Demand	Estimated Recycled Water Demand
Hotel/Motel	95 gpd/room	90/10	269 rooms	23,000 gpd	2,556 gpd
Commercial/Office[1]	2,500 gpd/ac	85/15	15,902 sf	776 gpd	137 gpd
Restaurant	2,500 gpd/ac	90/10	11,311 sf	584 gpd	65 gpd
Landscaping/Irrigation	2,500 gpd/ac	0/100	50,799 sf	0 gpd	2,915 gpd
TOTALS			**78,012 sf**	**24,359 gpd**	**5,673 gpd**
NET DIFFERENCE FROM EXISTING USES			**+21,901 sf**	**+8,209 gpd**	**+5,673 gpd**

[1] Commercial/Office uses include combined square footage totals from the project's proposed marina office/meeting spaces, accessory retail, fitness/health center, and boater service spaces.

gpd = gallons per day
gpd/ac = gallons per day per acre
SCWD = South Coast Water District
sf = square foot/feet

The proposed project would strictly conform to the 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements. The Project Applicant would also be required to design the proposed project's landscaping and irrigation system in compliance with the current County of Orange Water Efficient Landscape Ordinance by preparing and implementing a soil management report, landscape design plan, irrigation design plan, and a grading design plan that promotes a water efficient landscape. For example, the proposed project's irrigation system would implement automatic controllers, sensors, and metering of outdoor water use as well as drip irrigation to maximize efficiency and minimize overspray and runoff. In addition, the trees and shrubs included in the proposed project's landscape plan would not exceed the maximum applied water allowance based on the City of Dana Point's reference

evapotranspiration, the evapotranspiration adjustment factor, and the size of the landscape area.

The proposed project would include demolition of the existing on-site uses and, as such, would extend or relocate the existing water infrastructure on the project site. Although the proposed project would include an increase in the number of hotel rooms on the project site over existing conditions, the proposed project would result in a relatively low increase in overall water demand in the SCWD. Currently, the SCWD's projected water demand volumes are expected to increase approximately 238,000 gpd by 2025. Given the proposed project's estimated water demand increase of 13,882 gpd, the SCWD is expected to be able to accommodate for the increase within its growth forecast. The proposed project would connect with the existing SCWD domestic and recycled water lines in Dana Point Harbor Drive. Any new connections to the SCWD domestic and recycled water distribution systems would be subject to review by SCWD during plan check per Standard Condition 4.14-2 (SC 4.14-2). In addition, the proposed project would comply with the regulations included in the 2015 Urban Water Management Plan for SCWD as well as other water conservation regulations adopted by the SCWD Board of Directors, including Ordinance No. 222, which provides permanent and voluntary water conservation standards. If a deficiency or service problem were found during the permitting process, the Project Applicant would be required by these existing regulations to fund the required upgrades to adequately serve the project. Any improvements to existing water mains would occur within the existing right-of-way and would be temporary in nature, similar to repair or maintenance of infrastructure and/or roadways. As such, impacts associated with improvements to the existing water lines in the area would be less than significant. Therefore, development of the project would not require or result in the construction of new water facilities or the relocation of existing facilities, which would cause significant environmental impacts, and the project's potential impacts would be less than significant. No mitigation is required.

Wastewater. Wastewater collection for the proposed project would be provided by the SCWD's sanitary sewer system, which connects to trunk sewers operated by the South Orange County Wastewater Authority (SOCWA). Wastewater generated by the proposed project would be delivered to and treated at the J.B. Latham Plant in the City of Dana Point. As discussed above, the J.B. Latham Treatment Plant has a total design capacity of 13 mgd and currently treats an average wastewater flow of 6.7 mgd. Therefore, the plant is currently operating at approximately 52 percent of its daily design capacity. The proposed project would remove the existing sewer line along the southern portion of the project site and would relocate the 8-inch sewer line to loop around Island Way, Dana Point Harbor Drive, and Casitas Place. In total, four sewer services and two grease interceptors will service the two proposed hotel properties.

Construction. There are no significant increases in wastewater flow anticipated as a result of construction activities on the project site. Any sanitary services needed during construction would be provided by temporary portable toilet facilities that would transport waste off-site for proper treatment and disposal. Therefore, during construction, potential impacts to wastewater treatment and wastewater conveyance infrastructure would be less than significant, and no mitigation would be required.

Operation. As mentioned previously, the proposed project is expected to result in a net increase in water demand of 8,209 gpd of potable water over existing conditions. A breakdown of the project's proposed wastewater generation versus that of the existing development on the project site is shown below in Table 4.14.F. In addition, return-to-sewer rates from the 2017 *South Coast Water District Infrastructure Master Plan Update* are shown next to their associated existing/proposed use in order to illustrate the overall estimated wastewater demand breakdown for the proposed project. As shown in the table, the proposed project is expected to increase overall wastewater demands by 6,985 gpd of wastewater. These estimates are incorporated into the wastewater model that SCWD relies on to plan and design its system capacity.

Table 4.14.F: Wastewater Generation Volumes at Project Buildout

Proposed Use Category	SCWD 2017 Return-to-Sewer Rate	Proposed Net Water Demand	Estimated Wastewater Generation
Hotel/Motel	***65 percent*** (Single & Multi-Family Residential)	23,000 gpd	14,950 gpd
Commercial/ Office/Restaurant[1]	***85 percent*** (Commercial)	1,360 gpd	1,156 gpd
TOTALS		**24,359 gpd**	**16,106 gpd**
NET DIFFERENCE FROM EXISTING USES		**+8,209 gpd**	**+6,985 gpd**

[1] Commercial/Office/Restaurant uses include combined square footage totals from the project's proposed marina office/meeting spaces, accessory retail, fitness/health center, boater service spaces, and restaurant uses.
gpd = gallons per day
SCWD = South Coast Water District

The J.B. Latham Plant operates with a primary treatment capacity of 13 mgd and has the capacity to accommodate the increased wastewater flows from the proposed project due to it currently running under capacity at approximately 6 mgd. The proposed project would relocate the existing sewers on the project site and install new lateral connections to the relocated sewer along the northern side of the project site during site preparation. The reconfiguration of these facilities would occur on site and is not expected to impact any off-site sewer facilities that serve the surrounding project vicinity. As discussed elsewhere in this EIR, the installation of this new infrastructure is already considered in the air quality, noise, and construction traffic analysis.

Therefore, development of the project would not require or result in the construction of new wastewater treatment facilities or the expansion existing facilities that would cause significant environmental impacts, and the project's potential impacts would be less than significant. No mitigation is required.

Stormwater Drainage. Within Dana Point Harbor, most on-site runoff from the parking lots and facilities enters a series of drain inlets and catch basins prior to discharging into the Harbor Marinas. Some of these systems tie into the County storm drains running underneath the Harbor, while others discharge directly into the Harbor Marinas through smaller pipe outfalls. The majority of the project site currently sheet flows to the south to two drainage outlets

located south of the project site. There is one existing grated inlet located north of the site, which is connected via an existing storm drain pipe to one of the two drainage outlets south of the project site. As described in the Final Program EIR No. 591 for the Dana Point Harbor Revitalization Project, no significant intensification of land uses are proposed, nor are major expansions of impervious surfaces and additional runoff quantities expected throughout the Harbor, and consequently, the regional storm drain facilities that collect off-site flows and on-site flows will remain in place. Therefore, the County's existing capacity is sufficient to serve the proposed development included in the Revitalization Project, and no improvements are expected or required for the regional facilities.

Construction. Grading and construction activities would disturb soils, which could increase the potential for soil erosion and sedimentation compared to existing conditions. As described under the analysis under Thresholds 4.8.1 and 4.8.5 in Section 4.8, Hydrology and Water Quality, the proposed project would be subject to the requirements of the Construction General Permit (Standard Condition 4.8-1 [SC 4.8-1]), which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and identification of construction Best Management Practices (BMPs) that must be implemented during the construction activity period in order to address potential impacts to hydrology and stormwater drainage, including soil erosion, siltation, spills, and runoff. Adherence to the regulatory standards described in SC 4.8-1 would ensure that any changes in stormwater drainage from the project site are controlled during construction and as such, would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities which would ultimately cause significant impacts and the project's potential impacts would be less than significant. No mitigation is required.

Operation. Refer to Section 4.8, Hydrology and Water Quality, for additional information regarding the proposed project's impacts related to hydrology and drainage during operation. As discussed in Section 4.8, Hydrology and Water Quality, in its existing condition, a majority of the project site sheet flows to the south to two drainage outlets located south of the project site. An existing grated inlet north of the site is connected via an existing storm drain pipe to one of the two drainage outlets on the south side of the project site that ultimately discharge directly into the Dana Point Harbor.

The proposed project would result in a decrease in impervious surface area on the project site compared to existing conditions and would generally conform to existing drainage patterns in the area. The proposed project would require the removal and replacement of existing stormwater drains on the project site with new stormwater drainage infrastructure during site preparation. The reconfiguration of these facilities would occur on site and is not expected to impact any off-site drainage facilities that serve the surrounding project vicinity. As discussed elsewhere in this EIR, the installation of this new infrastructure is already considered in the air quality, noise, and construction traffic analysis. Therefore, project impacts associated with the relocation or construction of new or expanded stormwater drainage facilities would be less than significant, and no mitigation is required.

Electric Power. The proposed project includes connection to the existing SDG&E lines surrounding the project site and extension of the surrounding electrical system throughout the

site. Electrical utility lines would be connected to existing boxes located along the perimeter of the project site along Dana Point Harbor Drive, Casitas Place, and Island Way. A discussion of electricity use during construction and operation of the proposed project is included below.

Construction. Short-term construction activities would be limited to providing power to the construction site and portable construction equipment and would not substantially increase any demand for electricity. Heavy equipment used for construction is primarily powered by diesel fuel. Temporary electric power would be provided via existing utility boxes and lines and/or temporary power poles on the project site. Given the limited potential demand for electricity during construction, impacts to regional electricity supplies would be considered less than significant.

Operation. The proposed project would connect to the existing SDG&E lines surrounding the project site, and extension of the surrounding electrical system throughout the site. However, operation of the proposed project at full buildout would increase on-site electricity demand slightly compared to existing conditions.

Total electricity consumption in Orange County in 2018 was approximately 20,197,000,000 kilowatt-hours (kWh). As discussed in Section 4.4, Energy, the proposed project is estimated to consume a total of 2,294,056 kWh of electricity per year, or a net increase of approximately 508,906 kWh of electricity per year compared to existing conditions. The supply and distribution network within the area surrounding the project site would remain unchanged, and would be expanded throughout the project site. The proposed project would not increase electrical demand beyond existing projections from the CEC and SDG&E. The project site is in an area with existing demand, and the demand generated by the proposed project is typical of the area and within the normal capabilities of SDG&E. Furthermore, the proposed project has been included in projections related to land uses within the DPHRP&DR.

The proposed project 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. No mitigation is required.

Natural Gas. The Southern California Gas Company would provide natural gas service to the project site. The proposed project would install a gas meter directly north of the proposed Dana Point Surf Lodge and would utilize an existing natural gas line along the south side of Dana Point Harbor Drive. The proposed project would also install a new gas line on the east side of Dana House Hotel that would connect to the existing gas line running under Casitas Place.

Construction. Project-related construction activities would not increase demand for natural gas because construction activities and equipment would not rely on natural gas as a fuel source. Therefore, construction activities would not impact natural gas services and would not require new or physically altered natural gas transmission facilities.

Operation. Operation of the proposed project would result in a slightly decreased demand for natural gas compared to existing conditions. As described in Section 4.4, Energy, the proposed project would result in a net decrease of approximately 532,590 therms of natural gas per year compared to existing conditions. Additionally, the proposed project would be required to comply with the Title 24 requirements as described in Section 4.4, Energy, and would reduce natural gas consumption by incorporating the energy efficiency measures listed above in the design of the proposed structures.

Based on CEC projections for the SoCalGas service area, the 2024 forecasted low-demand and high-demand scenarios are approximately 7,600 million therms and 8,100 million therms, respectively.[1] By 2030, the forecasted low-demand scenario is anticipated to be approximately 7,600 million therms, and the high-demand scenario is anticipated to be approximately 8,250 million therms. Because natural gas demand for the SoCalGas service area is expected to increase overall in the next 10 years, the proposed project would only account for a small fraction of the projected demand for natural gas, and would be within the projected demand increase for all forecasted years. As such, the proposed project's future natural gas demand is anticipated to be adequately served by SoCalGas, and the supply and distribution network within the area surrounding the project site would remain unchanged. Furthermore, the proposed project has been included in projections related to land uses within the DPRHP&DR.

The proposed project would not require the construction of any physical improvements related to the provision of natural gas service that would result in significant environmental impacts and the project's potential impacts would be less than significant. No mitigation is required.

Telecommunication Facilities. Existing telephone, cable, and internet service lines in the project vicinity would continue to serve the proposed project. The reconfiguration of these facilities would occur on site during site preparation and are not expected to impact any off-site telephone, cable, or internet facilities that serve the surrounding project vicinity. Moreover, telecommunication facilities are generally installed concurrently with utility expansions and the impacts associated with any potential expansion or replacement of these telecommunications facilities are already considered in the air quality, noise, and construction traffic analysis. Therefore, project impacts associated with the relocation or construction of new or expanded telecommunication facilities and impacts would be less than significant, and no mitigation is required.

Threshold 4.14.2: Would the project 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. As discussed previously, the South Coast Water District (SCWD) would provide potable water services to the project site using the current water lines that already serve

[1] CEC. 2018. California Energy Demand 2018–2030 Revised Forecast. Figure 73. Website: https://efiling.energy.ca.gov/getdocument.aspx?tn=223244 (accessed October 7, 2020).

the project site. As discussed above under Threshold 4.14.1, the project would demand a net increase of approximately 8,209 gpd of potable water and an increase of approximately 5,673 gpd of recycled water over existing conditions on the project site. Though this would reflect an approximately 50 percent increase in the demand for domestic water services at the project site compared to existing conditions and an increase in demand for recycled water at the project site over existing conditions, the proposed project has been included in projections related to land uses within the DPRHP&DR. Further, the SCWD has already identified the project site as a potential user of recycled water service in its 2017 *South Coast Water District Infrastructure Master Plan Update* due to its location adjacent to SCWD's recycled water main.

Additionally, the proposed project would be required to implement Standard Condition 4.14-3, (SC 4.14-3), which requires the project to comply with all State and local water conservation regulations, including the installation of low-flow fixtures.

The MWDOC's 2015 UWMP concludes that the MWDOC service area, which includes SCWD, will have sufficient existing and planned supplies to meet full service demands under every water-year hydrologic scenario from 2015 through 2040. The proposed project has been included in projections related to land uses within the DPHRP&DR that the MWDOC relies on to develop their projections. Therefore, the proposed project would not necessitate new or expanded water entitlements, and the SCWD would be able to accommodate the proposed project's demand for potable and recycled water. With implementation of SC 4.14-3, impacts to water supplies would be less than significant. No mitigation is required.

Threshold 4.14.3: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As discussed above, wastewater sewage is diverted to the J.B. Latham Plant located in the City of Dana Point. The J.B. Latham Plant has a primary treatment capacity of 13 mgd, but is currently running under capacity at approximately 6 mgd.

As discussed above under Threshold 4.14.1, the proposed project would generate a net increase of approximately 6,985 gpd of wastewater over existing conditions. However, this net increase would only represent a small percentage of the remaining daily treatment capacity at the J.B. Latham Plant. Through long-range planning activities, the SCWD would be able to accommodate the demand for wastewater treatment generated by the proposed project and other projects in its service area. Furthermore, the proposed project has been included in projections related to land uses within the DPHRP&DR. Therefore, the proposed project would not result in a significant contribution to the wastewater flows at the J.B. Latham Plant. Therefore, the proposed project would result in less than significant impacts related to the wastewater treatment capacity, and no mitigation measures are required.

4.14.7 Level of Significance Prior to Mitigation

Impacts to utilities and service systems are considered less than significant, and no mitigation is required.

4.14.8 Standard Conditions and Mitigation Measures

The proposed project would comply with the following standard conditions, which the City considers to be mandatory and, therefore, they are not considered mitigation measures.

Standard Condition 4.14-1 **Recycling of Demolition and Construction Materials**. The Project Applicant shall provide to the City of Dana Point (City) Director of Public Works, or designee, for review and approval documentation demonstrating compliance with the City's debris recycling regulations. The Project Applicant and/or the Construction Contractor shall provide documentation (e.g., all required waste manifests, receipts, tonnage measurements, and/or recycling center notices) clearly showing the transportation and recycling of construction and demolition debris per City of Dana Point Municipal Code Chapter 6.12 has been completed in full compliance with all applicable City regulations.

Standard Condition 4.14-2 **Water System Plan Submittals.** The South Coast Water District (SCWD) will require the Project Applicant to submit a water system, sewer system, and recycled water system master plan, including a hydraulic distribution network analysis, for SCWD review and approval.

Standard Condition 4.14-3 **Water Conservation.** The Project Applicant shall comply with all State and local water conservation regulations. Voluntary water conservation strategies shall be encouraged. The Orange County Development Services Department shall determine compliance prior to issuance of building permits.

Additionally, refer to SC 4.8-1 and SC 4.8-4 in Section 4.8, Hydrology and Water Quality.

4.14.8.1 Mitigation Measures

No mitigation measures are required for the proposed project.

4.14.9 Level of Significance after Mitigation

With adherence to SC 4.14-1, SC 4.14-2, and SC 4.14-3; and SC 4.8-1 and SC 4.8-4, provided in Section 4.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts related to utilities and service systems. All anticipated impacts to utilities and service systems would be considered less than significant.

4.14.10 Cumulative Impacts

As defined in the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for public services and utilities. The project site is currently developed with the existing Dana Point Marina Inn, two boater service buildings, and parking areas. The cumulative area for utilities is listed below for each individual utility provider.

4.14.10.1 Wastewater

The geographic area for the cumulative analysis for wastewater treatment is defined as the SCWD service area. The proposed project's compliance with all applicable SCWD requirements would ensure that project impacts on sewer facilities and sewer capacity would not be cumulatively considerable. The proposed project would not generate wastewater above the current capacity of SCWD's J.B. Latham Plant. Further, it is anticipated that SCWD's existing and planned wastewater treatment capacity would be sufficient to accommodate the growth forecasted within its service area, and development that is generally consistent with this forecast can be adequately served by the SCWD's existing facilities. The proposed project would not induce significant population, employment or housing growth, either directly or indirectly. Additionally, as discussed above, the proposed project would not contribute wastewater that would exceed the service capacity of J.B. Latham Plant. Therefore, the proposed project's contribution to wastewater generation in the SCWD service area would not be cumulatively considerable, and no mitigation is required.

4.14.10.2 Water

The geographic area for the cumulative analysis for water service is defined as the SCWD's service area. Though the proposed project is expected to increase the project site's demand for potable water service by 50 percent, it is unlikely to impact the SCWD's existing water supply commitments. In addition, the proposed project's increase in demand for recycled water is already reflected in the SCWD's long-range infrastructure plans. Furthermore, the UWMP indicated that sufficient water supplies are available to serve the projected growth within the SCWD's service area. The proposed project is consistent with planned land uses considered in the DPHRP&DR, which provides land use policies and regulations based on the planned land uses and associated population and service projections. The cumulative water demand in the City has already been accounted for in the UWMP projections. Therefore, the proposed project's contribution to water demand in the City would not be cumulatively considerable, and no mitigation is required.

4.14.10.3 Stormwater Drainage

The geographic area for the cumulative analysis of impacts to the provision of stormwater drainage facilities is limited to the project site and the immediately upstream areas that use the two storm drain outlets on the project site to discharge to the Dana Point Harbor. The proposed project would result in a decrease in impervious surface area on the project site compared to existing conditions and would generally conform to existing on-site drainage patterns. The construction and expansion of stormwater drainage facilities for the proposed project would occur on site and is not expected to impact any off-site stormwater drainage facilities that serve the surrounding areas. Other cumulative projects within the City will also be subject to addressing and mitigating their own storm water impacts on an individual basis. Implementation of the proposed project would not impact the

ability of the existing stormwater drainage system to serve the surrounding area. Therefore, cumulative impacts associated with the relocation or construction of new or expanded stormwater drainage facilities would be less than significant. No mitigation is required.

4.14.10.4 Electricity

The geographic area for the cumulative analysis of impacts to the provision of electricity is the service territory of SDG&E. SDG&E's service area covers approximately 4,100 square miles in two counties and provides power to 1.4 million business and residential customers. The projections of statewide electricity supply capacity and demand rates are cumulative in nature. The projections are based on population and economic growth and the Harbor's buildout projections, in addition to such physical variables as average temperature and water supplies in a given year. The proposed project has been included in projections related to land uses within the DPHRP&DR. The electricity consumption increase associated with the proposed project is expected to be adequately accommodated for within the overall increase in electricity consumption in the SDG&E service forecast. One of the key purposes of the CEC's electricity demand forecast is to ensure that adequate power supplies are available to meet the projected increase in regional demand. Therefore, sufficient electricity supplies and infrastructure capacity are available, or have already been planned, to serve past, present, and reasonably foreseeable projects.

The proposed project, as well as all of the reasonably foreseeable projects within SDG&E's service area would be required to comply with Title 24 of the California Administrative Code, which regulates energy and water consumption in new construction and regulates building energy consumption for heating, cooling, ventilation, water heating, and lighting. In relation to the cumulative study area, the proposed project would not generate a significant cumulative increase in demand for electricity or a significant disruption in service or service level. Therefore, the proposed project's contribution to electricity impacts would not be cumulatively considerable, and no mitigation is required.

4.14.10.5 Natural Gas

The geographic area for the cumulative analysis of impacts to the provision of natural gas is the service territory for SoCalGas. As discussed above, according to the CEC 2018–2030 Revised Forecast, SoCalGas projects total natural gas demand to increase overall in the low-demand and high-demand scenarios, due to projected population growth in the SoCalGas service area. As noted above, the CEC's natural gas demand forecast is intended to ensure that adequate natural gas supplies are available to meet the projected increase in regional demand. Therefore, sufficient natural gas supplies and infrastructure capacity are available, or have already been planned, to serve past, present, and reasonably foreseeable projects. Furthermore, like the proposed project, all of the reasonably foreseeable projects within SoCalGas' service area would be subject to Title 24 requirements and would be evaluated on a case-by-case basis to determine the need for specific distribution improvements. As the natural gas provider has identified adequate capacity to accommodate the additional development and population growth that would occur within its service area and because the proposed project would comply with Title 24, the proposed project's contribution to natural gas impacts would not be cumulatively considerable, and no mitigation is required.

4.14.10.6 Telecommunications Facilities

The geographic area for the cumulative analysis of impacts to the provision of telecommunications is the service area of the telecommunication providers. The construction and expansion of telecommunication facilities for the proposed project would occur on site and is not expected to impact any off-site telephone, cable, or internet services that serve the surrounding areas. Therefore, impacts associated with the relocation or construction of new or expanded telecommunication facilities would be not be cumulatively considerable. No mitigation is required.

5.0 ALTERNATIVES

5.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) include a discussion of reasonable project alternatives that would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives" (*State CEQA Guidelines*, Section 15126.6). This chapter identifies potential alternatives to the Dana Point Hotels Project (proposed project) and evaluates them as required by CEQA.

Key provisions of the *State CEQA Guidelines* on alternatives (Section 15126.6[b] through [f]) are summarized below to explain the foundation and legal requirements for the alternatives analysis in the EIR:

- The discussion of alternatives shall focus on alternatives to the project that would feasibly attain most of the basic project objectives or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly (15126.6[b]).

- The specific alternative of "no project" shall also be evaluated along with its impact (15126.6[e][1]). The "no project" analysis shall discuss the existing conditions at the time the Notice of Preparation (NOP) is published and at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (15126.6[e][2]).

- The range of alternatives required in an EIR is governed by the "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in such a manner as to foster meaningful public participation and informed decision making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent) (15126.6[f]).

- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (15126.6[f][2][A]).

- If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project, which must be in close proximity to natural resources at a given location (15126.6[f][2][B]).

- An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative (15126.6[f][3]).

5.2 SELECTION OF ALTERNATIVES

Section 21100 of the Public Resources Code and Section 15126.6 of the *State CEQA Guidelines* require an EIR to identify and discuss a No Project Alternative and a reasonable range of alternatives to the proposed project that would feasibly attain most of the basic objectives of the proposed project and would avoid or substantially lessen any of the significant environmental impacts. Based on the criteria listed above, the No Project Alternative, the Reduced Intensity Alternative, and the Mixed Use Alternative have been selected even though there are no significant impacts resulting from the proposed project, and these alternatives are outlined below:

- **Alternative 1: No Project Alternative.** This alternative would involve no changes to the existing land uses and conditions on the project site. Under this alternative, no new development on the project site is proposed, and therefore, no development would occur and the existing project site would remain in its current condition. The No Project Alternative would allow for the existing project site to remain developed with the Marina Inn and existing boater service buildings into the foreseeable future.

- **Alternative 2: Reduced Intensity Alternative.** This alternative would involve the development of a hotel use on the project site at a reduced intensity compared to the proposed project. The Reduced Intensity Alternative involves the replacement of the Marina Inn with Dana Point Surf Lodge and the elimination of the top floor of the proposed Dana House Hotel (overall reduction of 30 rooms). Boater service facilities would be provided in Dana House Hotel, similar to the proposed project, and designated boater parking would also be provided similarly to the proposed project. The Reduced Intensity Alternative would have the same basic building footprint, architecture, open space areas, and vehicular access as the proposed project. The development associated with this alternative would include the demolition of the existing structures. This alternative would be consistent with the existing land use designation and zoning districts on the project site.

- **Alternative 3: Mixed Use Alternative**. This alternative would involve the development of hotel and retail/restaurant uses on the project site. The Mixed Use Alternative involves the replacement of Dana House Hotel with approximately 25,000 square feet (sf) of retail and restaurant space and the construction of Dana Point Surf Lodge as proposed under the proposed project. Boater service facilities would be provided at Dana Point Surf Lodge or incorporated in the proposed retail/restaurant structure, and designated boater parking would continue to be provided on site. The development associated with this alternative would include the demolition of the existing structures. This alternative would be consistent with the existing land use designation and zoning districts on the project site.

Table 5.A provides a summary of the relative impacts and feasibility of each alternative. A complete discussion of each alternative is provided below.

Table 5.A: Summary of Project Alternatives

Alternative	Description	Basis for Selection and Summary Analysis
Proposed Project	● Approximate 10-acre overall project construction site, including the 9.16-acre site that includes the existing Dana Point Marina Inn, two boater service buildings, and boater parking ● Land use designation of V/RC and HML ● Zoning designation of DPHRP-ZC ● Construction of a four-story, approximately 59,896 sf structure providing 139 guest rooms (Dana Point Surf Lodge). Amenities to include: lobby, fitness center, communal kitchen, rooftop terrace/bar, indoor recreation area, ground floor lounge/bar, pool, spa, and market. ● Construction of a four-story, approximately 125,026 sf structure that includes a partially buried podium level, four floors of hotel rooms containing 130 market-rate guest rooms, and amenities (Dana House Hotel). Amenities to include: lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space). ● Provision of approximately 6,800 sf floor space on the partially-buried podium level including approximately 3,800 sf devoted as ancillary space for boaters (i.e., showers, lockers, laundry, and vending machines), with the remaining 3,000 sf dedicated to marina office/ meeting space. ● 483 parking spaces (including designated boater parking) provided in surface parking lots and within the podium level.	● Land use designation and zoning district are compatible with the proposed uses. ● Meets all of the project objectives. ● Refer to Chapters 3.0 and 4.0 of this Draft EIR for further Project Description details.
Alternative 1: No Project Alternative	● Approximate 9.16-acre project site, including the existing Dana Point Marina Inn, two boater service buildings, and boater parking ● Land use designation of V/RC and HML ● Zoning designation of DPHRP-ZC ● Site would continue to remain developed with the Dana Point Marina Inn and two Boater Services Buildings with surface parking reserved for boaters on the southern portion of the project site. ● No demolition, grading, or construction would occur at the project site.	● The No Project/No Development Alternative is required by CEQA. ● Inconsistent with most project objectives.
Alternative 2: Reduced Intensity Alternative	● Approximate 10-acre overall project construction site, including the 9.16-acre site that includes the existing Dana Point Marina Inn, two boater service buildings, and boater parking ● Land use designation of V/RC and HML	● Land use designation and zoning district are compatible with the proposed uses. ● Does not fully meet all of the project objectives.

Table 5.A: Summary of Project Alternatives

Alternative	Description	Basis for Selection and Summary Analysis
	● Zoning designation of DPHRP-ZC ● Construction of a four-story, approximately 59,274 sf structure providing 139 guest rooms (Dana Point Surf Lodge). Amenities to include: lobby, fitness center, communal kitchen, rooftop terrace/bar, indoor recreation area, ground floor lounge/bar, pool, spa, and market. ● Construction of a three-story, approximately 105,039 sf structure that includes a partially buried podium level, three floors of hotel rooms containing 100 market-rate guest rooms, and amenities (Dana House Hotel). Amenities to include: lobby, fitness center, meeting facilities, signature restaurant, rooftop terrace, outdoor lawn area, courtyard with fireplace, bocce ball court, pool, spa, and showers, and accessory retail space). ● Provision of approximately 6,800 sf floor space on the partially-buried podium level including approximately 3,800 sf devoted as ancillary space for boaters (i.e., showers, lockers, laundry, and vending machines), with the remaining 3,000 sf dedicated to marina office/ meeting space. ● Parking spaces (including designated boater parking) provided in surface parking lots and within the podium level.	● Fewer physical environmental impacts due to elimination of 30 hotel rooms and reduced building area. ● Results in fewer daily traffic trips than the proposed project.
Alternative 3: Mixed Use Alternative	● Approximate 10-acre overall project construction site, including the 9.16-acre site that includes the existing Dana Point Marina Inn, two boater service buildings, and boater parking ● Land use designation of V/RC and HML ● Zoning designation of DPHRP-ZC ● Construction of a four-story, approximately 59,274 sf structure providing 139 guest rooms (Dana Point Surf Lodge). Amenities to include: lobby, fitness center, communal kitchen, rooftop terrace/bar, indoor recreation area, ground floor lounge/bar, pool, spa, and market. ● Provision of 25,000 sf of retail and restaurant space. ● Parking spaces (including designated boater parking) provided in surface parking lots and within the podium level.	● Land use designation and zoning district are compatible with the proposed uses. ● Potentially consistent with some of the project objectives. ● Results in fewer daily traffic trips than the proposed project.

Source: LSA (December 2020).
ADT = average daily traffic
DPHRP-ZC = Dana Point Harbor Revitalization Plan and District Regulations Zoning Code
EIR = Environmental Impact Report
HML = Harbor Marine Land
sf = square foot/feet
V/RC = Visitor/Recreation Commercial

For each alternative, the analysis provides the following:

- Description of the alternative;
- Environmental analysis of the potential impacts of the alternative and the significance of those impacts (per the *State CEQA Guidelines*, significant effects of an alternative shall be discussed but in less detail than those of the proposed project);
- Overview of the potential impacts of the alternative and the significance of those impacts; and
- Summary comparison of the alternative relative to the proposed project's impacts, specifically addressing whether the alternative would meet the project objectives, eliminate or reduce impacts as compared to the project, and other comparative merits.

5.3 ALTERNATIVES INITIALLY CONSIDERED BUT REJECTED FROM FURTHER CONSIDERATION

The following is a discussion of the development alternatives considered during the environmental review process and the reasons they were not selected for detailed analysis in the Alternatives section of this Draft EIR.

5.3.1 Alternative Sites Considered

CEQA requires that the discussion of alternatives focus on project alternatives or locations that are capable of avoiding or substantially lessening any significant impacts of the project. The key question and first step in the analysis is whether any of the significant impacts of the project would be avoided or substantially lessened by relocating the project. Only developments or locations that would avoid or substantially lessen any of the significant impacts of the project need be considered for inclusion in the EIR (*State CEQA Guidelines*, Section 15126.6[f][2][A]). If it is determined that no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion (*State CEQA Guidelines*, Section 15126.6[f][2][B]).

Locating the proposed project on another site within the City of Dana Point (City) would most likely achieve most of the stated project objectives, including developing two hotels offering a mix of market-rate and affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels; invigorating the local economy by providing new employment opportunities in the City; and increasing the City's tax base generating revenue for the City through increased transient occupancy and sales taxes. However, locating the proposed project on another site outside of the Dana Point Harbor would not meet the project objective of implementing the planned revitalization of the Dana Point Harbor contemplated and authorized through the City of Dana Point's adoption and the California Coastal Commission's certification of the Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR).

As stated in the *State CEQA Guidelines* (Section 15126.6[f][2]), "…The key questions and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or lessen any of the significant effects need to be considered for inclusion in the EIR."

Property Within City Limits. A City review process was conducted to determine whether alternative sites were potentially viable. The analysis of alternative sites included an assessment of sites in the City that would also be suitable for the development of the proposed project. Pursuant to *State CEQA Guidelines* (Section 15126.6[f][1]), the following factors were used to assess the feasibility of available alternative sites: suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent could reasonably acquire, control, or otherwise have access to the alternative site.

The City has reviewed the inventory of vacant properties that have the potential to support a similarly sized hotel development within and outside of the Dana Point Harbor. Given the developed nature of the City, the results of the search within the City limits did not yield any properties that would be suitable in terms of size and availability. Additionally, overnight visitor accommodations are not permitted in other Planning Areas identified in the DPHRP&DR. Pursuant to the CEQA feasibility factors, no alternative sites were identified as potentially feasible alternative sites. Therefore, off-site alternatives have been rejected and are not considered further in the alternatives analysis.

5.4 PROPOSED PROJECT

5.4.1 Project Characteristics

As described earlier in Chapter 3.0, Project Description, the proposed project would construct two hotels (Dana House Hotel and Dana Point Surf Lodge or "proposed project") located at 24800 Dana Point Harbor Drive, near the intersection of Island Way and Dana Point Harbor Drive. The proposed project involves the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site and includes the development of two hotels, one of which would include space for boater services, associated ancillary hotel uses, and replacement of parking areas, including designated boater and hotel parking. Also included in the proposed project are associated infrastructure improvements necessary to facilitate pedestrian and vehicular access to and from the project site, landscaping improvements, and utility upgrades necessary to implement the proposed project. Dana House Hotel would be designed as a boutique hotel including 130 market-rate rooms and associated amenities. Dana Point Surf Lodge would be an affordable hotel that includes 139 rooms, three of which would be developed as dorm-style rooms, and associated amenities. Chapter 3.0 provides additional descriptive information regarding the proposed project and includes figures showing the site layout and proposed building elevations.

5.4.2 Project Objectives

Each alternative is analyzed to determine whether it achieves the basic objectives of the proposed project. The underlying purpose of the proposed project would be to provide a hotel development project of superior quality and design as part of the overall revitalization of Dana Point Harbor. As stated in Chapter 3.0, the City and the Project Applicant have established the following intended specific objectives for the proposed project that would serve to aid decision makers in their review of the proposed project and its associated environmental impacts:

1. Develop two hotels offering a mix of market-rate and affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels.

2. Develop a project that balances the development potential of the project site with environmental considerations.

3. Revitalize the site with a well-designed and landscaped hotel project that is compatible with the surrounding community and planned revitalization of the Dana Point Harbor.

4. Maximize the City's tax base generating revenue for the City through increased transient occupancy and sales taxes, while balancing the provision of retail and restaurant land uses within the project site and Commercial Core based on the economic demand for such uses.

5. Invigorate the local economy by providing new employment opportunities in the City.

6. Develop a project that will promote sustainability and energy efficiency, incorporating design features that would exceed California's Title 24 Energy Code requirements.

7. Provide enhanced facilities for boaters and maintain boater designated parking in close proximity to the boat slips they serve.

As described in Chapter 4.0, Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures, the proposed project would not result in significant unavoidable adverse impacts related to aesthetics; air quality; biological resources; cultural resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise; land use and planning; public services and utilities; or transportation/traffic. For the purpose of this alternatives analysis, it is assumed that all of the alternatives would comply with applicable federal, State, and local regulations, policies, and ordinances. It is also assumed that all mitigation measures required for project implementation would apply to the project alternatives and that similar reductions in impacts would be achieved through such mitigation. Therefore, the following discussion focuses on the ability of the alternatives to further reduce or lessen project impacts and the potential impacts of the project alternatives related to these issues.

5.5 ALTERNATIVE 1: NO PROJECT ALTERNATIVE

5.5.1 Description

Consistent with Section 15126.6 of the *State CEQA Guidelines*, the No Project Alternative assumes the existing land uses and condition of the project site at the time the Notice of Preparation (NOP) was published (September 2020) would continue to exist without any changes. The setting of the project site at the time the NOP was published is described throughout Chapter 4.0 of this Draft EIR with respect to individual environmental issues and forms the baseline of the impact assessment of the proposed project. The No Project Alternative represents the environmental conditions that would exist if no new development of any kind were to occur on the project site.

As previously stated, the existing General Plan land use designation for the project site is Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML). The land use designation of

V/RC provides for primarily visitor-serving uses, such as restaurant, resort hotels and motel uses, commercial, recreation specialty and convenience retail goods and services. The HML designation provides for land-based harbor uses such as marinas, marine-oriented commercial and industrial services, marine-oriented governmental facilities and services, visitor-serving commercial uses, open space uses, and community facilities. The existing zoning designation for the project site is Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC), which allows uses as specified in the DPHRP&DR.

The No Project Alternative would allow for the existing project site to remain developed with the Marina Inn, existing boater service buildings, and surface parking into the foreseeable future. No demolition or new construction would occur on site. The approved General Plan (V/RC and HML) and zoning (DPHRP-ZC) designations would remain applicable to the project site although there would be no improvements implemented on the project site. The No Project Alternative would allow existing conditions on the project site to remain unchanged.

5.5.2 Environmental Analysis

5.5.2.1 Aesthetics

The No Project Alternative would not require any grading, site work, or removal of vegetation because no new development would occur on the project site. In addition, no buildings would be constructed on the project site. As such, this alternative would result in no impacts to scenic vistas. The project site is currently developed with the Marina Inn and existing boater service buildings, which produce light and glare from the on-site lighting. However, because the No Project Alternative would not include construction activities, construction of new buildings, or intensification of the on-site lighting sources, the No Project Alternative would not result in new impacts related to visual character or quality, or light and glare. Although the proposed project would result in less than significant impacts related to aesthetics, because no development would occur on site, aesthetic impacts under the No Project Alternative would be less than the proposed project.

5.5.2.2 Air Quality

The No Project Alternative would not require grading or construction and would not change or increase the intensity of the existing on-site use or increase vehicle trips to and from the project site. Therefore, no additional air pollutant emissions related to grading, construction, additional vehicle trips, and operational uses would be generated under this alternative, and no air quality impacts would occur. As compared to the proposed project, no new construction or operational emissions would occur. Therefore, although the proposed project would result in less than significant air quality impacts, the No Project Alternative's impacts on air quality would be less than the air quality impacts associated with the proposed project.

5.5.2.3 Cultural Resources

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no buildings would be constructed on the project site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. Further, the No Project Alternative would not have the potential to disrupt human remains or result in the discovery of previously unknown archaeological resources. No

impacts related to cultural resources would occur under this alternative. Therefore, although the proposed project would result in less than significant impacts to cultural resources, the No Project Alternative's impacts on cultural resources would be less than the proposed project as no disturbance would occur on the project site.

5.5.2.4 Energy

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no new buildings would be constructed on the project site and no increased operations would occur. Therefore, the No Project Alternative would not increase energy demand on the project site over existing conditions. However, the No Project Alternative would continue to operate the Dana Point Marina Inn with less efficient energy facilities as compared to the current energy efficiency standards required for new buildings by current Title 24 Building Energy Efficiency Standards. Although the proposed project would result in less than significant energy impacts, overall, the No Project Alternative's impacts on energy would be less than that of the proposed project, which would increase the number of rooms and amenities on the project site, resulting in an increase in the energy demand.

5.5.2.5 Geology and Soils

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no buildings would be constructed on the project site and no increased operations would occur. Therefore, the No Project Alternative would have no impacts related to geology and soils. The proposed project would result in less than significant geology and soils impacts with mitigation incorporated; the No Project Alternative would not require any mitigation measures and its impacts on geology and soils would be less than those associated with the proposed project.

5.5.2.6 Greenhouse Gas Emissions

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no buildings would be constructed on the project site and no increased operations would occur. Therefore, the No Project Alternative would not increase greenhouse gas emissions from new on-site uses or additional vehicle trips. No impacts related to greenhouse gas emissions would occur. Therefore, although the proposed project would result in less than significant greenhouse gas impacts, the No Project Alternative's impacts on greenhouse gas emissions would be less than those of the proposed project.

5.5.2.7 Hazards and Hazardous Materials

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no buildings would be constructed on the project site and no increased operations would occur. Because no construction activities would occur, no construction impacts related to hazardous materials would occur. The project site would remain developed with the Marina Inn and existing boater service buildings. Small amounts of hazardous materials may continue to be used on the project site; however, the No Project Alternative would not increase the use of hazardous materials because the on-site uses would remain the same. Therefore, no new hazards or hazardous material impacts would occur. The proposed project would

result in less than significant hazards and hazardous materials impacts with mitigation incorporated; the No Project Alternative would not require any mitigation measures and its impacts related to hazards and hazardous materials would be less than the impacts associated with the proposed project.

5.5.2.8 Hydrology and Water Quality

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. Therefore, no soil disturbance would occur under this alternative and there would be no construction impacts on water quality. The No Project Alternative would not change impervious surface areas, add new uses or structures, or change stormwater runoff on the project site compared to existing conditions. Therefore, no new hydrology and water quality impacts would occur. However, the current project site includes few Best Management Practices (BMPs) or design features related to drainage and water quality as required by the current National Pollutant Discharge Elimination System (NPDES) permit and other applicable regulations of the Regional Water Quality Control Board (RWQCB), the County Municipal Code, and the City Municipal Code. Although existing on-site facilities would not be brought up to date with current water quality regulations, the No Project Alternative's impacts would be less than those of the proposed project, as no new development would occur on site requiring grading and soil disturbance. The proposed project would result in less than significant hydrology and water quality impacts, and overall, the No Project Alternative's impacts would be less than those of the proposed project.

5.5.2.9 Land Use and Planning

No development would occur on the project site under the No Project Alternative. The project site would remain developed with the Marina Inn, existing boater service buildings, and surface parking lots. The No Project Alternative would not require a Zone Text Amendment (ZTA) to the DPHRP&DR to address the reapportioned land use categories as required under the proposed project. However, the No Project Alternative would not be consistent with the City's goals or the planned revitalization of the Dana Point Harbor. Therefore, overall impacts to land use would be similar for the No Project Alternative as compared to the proposed project.

5.5.2.10 Noise

The No Project Alternative would not involve any grading, construction vehicle, or truck trips. Therefore, the noise impacts that are typically associated with grading and construction would not occur under this alternative. Because no additional development would be constructed under the No Project Alternative and vehicle trips would not increase from existing uses, there would be no long-term operational increase in noise levels. Therefore, no new noise impacts would occur. Although the proposed project would result in less than significant noise impacts, the No Project Alternative's impacts would be less than those of the proposed project.

5.5.2.11 Public Services

No development would occur on the project site under the No Project Alternative. The project site would remain developed with the Marina Inn, existing boater service buildings, and surface parking. The No Project Alternative would not result in an increase in demand for fire protection and emergency services or police protection services because no additional uses would be developed on

the project site. Therefore, no new public service impacts would occur. The proposed project would result in less than significant impacts to public services with mitigation incorporated; the No Project Alternative would not require any mitigation measures and its impacts related to public services would be less than those of the proposed project.

5.5.2.12 Transportation

The No Project Alternative would not require any grading or site work because no new development would occur on the project site. In addition, no new buildings would be constructed on the project site and the project site would remain developed with the Marina Inn, existing boater service buildings, and surface parking lots. The No Project Alternative would not increase vehicle trips to and from the project site over existing conditions. Therefore, no traffic impacts would occur, and the No Project Alternative's impacts would be less than those of the proposed project.

5.5.2.13 Tribal Cultural Resources

The No Project Alternative would not require any grading, site work, or removal of vegetation because no new development would occur on the project site. In addition, no new buildings would be constructed on the project site. Therefore, the No Project Alternative would not cause a substantial adverse change in the significance of a tribal cultural resource as defined by CEQA that is listed or eligible for listing in the California Register of Historical Resources (California Register) or a local register. Further, the No Project Alternative would not have the potential to disrupt human remains or result in the discovery of previously unknown tribal cultural resources. No impacts related to tribal cultural resources would occur. Although the proposed project would result in less than significant impacts to tribal cultural resources, the No Project Alternative's impacts would be less than those of the proposed project.

5.5.2.14 Utilities and Service Systems

The No Project Alternative would not include any new development on the project site and would therefore not increase the demand for or require any enhancement or new construction of public facility infrastructure for electricity, natural gas, water, or telecommunications over existing demand. Additionally, because no construction would occur and there would be no new or expanded uses on the project site, no increase in solid waste or wastewater generation would occur. Therefore, the No Project Alternative would have no impacts on utilities and service systems. However, the No Project Alternative would continue operations of the Dana Point Marina Inn and would not be subject to the South Coast Water District's (SCWD) current water conservation requirements or energy efficient standards per Title 24, which are intended to reduce demand on public facility infrastructure. Although existing on-site facilities would not be brought up to date with current water conservation, solid waste reduction, or energy efficiency regulations, the No Project Alternative's impacts would be less than those of the proposed project, as no new development would occur on site requiring public infrastructure for utilities or service systems.

5.5.3 Overview of Potential Impact/Comparison to Proposed Project

Under the No Project Alternative, no physical changes would occur on the project site and there would not be a potential for new environmental impacts to occur. Overall, the No Project Alternative would result in fewer environmental impacts than the proposed project because the site

would remain in its current condition and no construction activities or increase in long-term operations would occur.

5.5.4 Attainment of Project Objectives

The No Project Alternative would not achieve any of the seven project objectives. Without the proposed project, the project site would not be redeveloped with a hotel project that is compatible with the surrounding community and implements a portion of the revitalization planned in the DPHRP&DR. Further, the No Project Alternative would not help the City achieve its goal of providing a mix of market-rate and affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels. No new facilities for boaters would be developed under the No Project Alternative. This alternative would also not provide new employment opportunities within the City, nor would it increase the City's tax base.

5.6 ALTERNATIVE 2: REDUCED INTENSITY ALTERNATIVE

5.6.1 Description

This alternative would involve the development of hotel uses on the project site at a reduced intensity (fewer rooms) as compared to the proposed project. The Reduced Intensity Alternative involves the replacement of Marina Inn with construction of Dana Point Surf Lodge and the elimination of the top floor of the proposed Dana House Hotel (a reduction of 30 rooms). Boater service facilities would be provided in Dana House Hotel, similar to the proposed project, and designated boater parking would also be provided similarly to the proposed project. The Reduced Intensity Alternative would have the same basic building footprint, architecture, landscaped areas, and vehicular access as the proposed project. The development associated with this alternative would include the demolition of the existing Marina Inn and boater service buildings. This alternative would be consistent with land use designation and zoning districts within the project site.

5.6.2 Environmental Analysis

5.6.2.1 Aesthetics

The Reduced Intensity Alternative would develop the project site with a hotel development at a reduced intensity compared to the proposed project. The Reduced Intensity Alternative involves the elimination of the top floor of the proposed Dana House Hotel (a reduction of 30 rooms). Similar to the proposed project, while implementation of the Reduced Intensity Alternative would modify views to and from the project site, the Reduced Intensity Alternative would not result in significant adverse impacts on views of the Pacific Ocean, Dana Point Harbor, Headlands, coastal bluffs, or California coastline from adjacent roadways, sidewalks or other public vantage points. Additionally, the Reduced Intensity Alternative would reduce the scale and overall height of the proposed Dana House Hotel. Therefore, potential impacts of the Reduced Intensity Alternative on scenic vistas, including scenic overlooks as well as the Primary and Supplemental View Corridors identified in the DPHRP would be less than significant, and slightly less than those of the proposed project.

Similar to the proposed project, proposed structures under the Reduced Intensity Alternative would be consistent with the California Coastal design theme outlined in the DPHRP&DR intended to unify

the DPHRP Planning Areas. The Reduced Intensity Alternative would also be consistent with the allowable uses for the site as provided in the DPHRP&DR. Overall, the building massing on site would be slightly less than the proposed project because the fourth floor of the proposed Dana House Hotel would be eliminated: therefore, since this alternative would result in a reduced project overall, it would result in fewer overall visual changes to the project site than the proposed project. The overall visual impacts of the Reduced Intensity Alternative would be less than significant, similar to the proposed project.

5.6.2.2 Air Quality

The Reduced Intensity Alternative would develop the project site with hotel development at a reduced intensity compared to the proposed project. A similar grading footprint but less construction would be required for the Reduced Intensity Alternative compared to the proposed project because the fourth floor of the Dana House Hotel would be eliminated; therefore, construction emissions would be less than the proposed project and remain less than significant. The Reduced Intensity Alternative would generate fewer operational vehicle average daily trips (ADT) and vehicle miles traveled (VMT) than the proposed project because there would be less square footage associated with the hotel development, resulting in a reduction of hotel patrons and employees required for operation of the hotels. Similarly, due the reduced square footage, air emissions from stationary sources related to hotel operations (i.e., appliances, landscaping equipment, heating, ventilation, and air conditioning (HVAC), and lighting) would also be reduced. As a result, similar to the proposed project, emissions generated during operation of the Reduced Intensity Alternative would not exceed the South Coast Air Quality Management District (SCAQMD) thresholds and would be less than significant. As such, air quality impacts of the Reduced Intensity Alternative would be less than the proposed project.

5.6.2.3 Cultural Resources

Similar to the proposed project, the Reduced Intensity Alternative would not cause a substantial adverse change in the significance of a historical resource as defined by CEQA because no previously recorded historical resources were identified on the project site. The Reduced Intensity Alternative would develop the project site with hotel uses at a lower intensity than the proposed project, but would require similar ground-disturbing construction activities for the development. Similar to the proposed project, the Reduced Intensity Alternative would have a low likelihood of encountering intact buried archaeological deposits and previously discovered buried human remains during ground-disturbing construction activities due to the nature of the on-site soils. Overall, impacts to cultural resources for the Reduced Intensity Alternative would be less than significant and similar to those associated with the proposed project.

5.6.2.4 Energy

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. A similar grading footprint would be required for the Reduced Intensity Alternative compared to the proposed project, but less construction required as the fourth floor would be eliminated from Dana House Hotel. Therefore, energy use during construction would be incrementally less than the proposed project. Similar to the proposed project, the Reduced Intensity Alternative would not result in the wasteful, inefficient, or

unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; therefore, impacts related to energy use would be less than significant. However, because the Reduced Intensity Alternative includes less development than the proposed project, consumption of natural gas, electricity, and fuel during operation would be less than the proposed project. Similar to the proposed project, energy impacts for the Reduced Intensity Alternative would be less than significant. Overall, energy impacts for this alternative would be less than the proposed project.

5.6.2.5 Geology and Soils

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. However, the same grading footprint for construction would be required compared to the proposed project, but with slightly less above-grade construction required due to the elimination of the fourth floor of Dana House Hotel. The required grading and construction activities would result in similar impacts related to geology and soils as the proposed project. The Reduced Intensity Alternative would be required to implement the same mitigation measures as the proposed project, which requires compliance with the recommendations of the project *Preliminary Geotechnical Investigation,* including a Final Design-Level Geotechnical Report*,* and the most current California Building Code (CBC) requirements, which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. Therefore, like the proposed project, the Reduced Intensity Alternative would have less than significant impacts related to geology and soils with implementation of mitigation. Given the similar grading and excavation footprint and similar construction activities, the geology-related impacts of the Reduced Intensity Alternative would be similar to those of the proposed project.

5.6.2.6 Greenhouse Gas Emissions

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. A similar grading footprint but less construction would be required for the Reduced Intensity Alternative compared to the proposed project; therefore, greenhouse gas emission during construction would be less than the proposed project. Because the Reduced Intensity Alternative includes less development and would generate fewer vehicle trips overall than the proposed project, greenhouse gas emissions during operation would also be less than the proposed project. Similar to the proposed project, the greenhouse gas emission impacts of the Reduced Intensity Alternative would be less than significant. Overall, greenhouse gas emission impacts for this alternative would be less than the proposed project.

5.6.2.7 Hazards and Hazardous Materials

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. The Reduced Intensity Alternative would involve demolition of the existing structures and construction of new buildings that would result in similar impacts related to hazardous waste and materials compared to the proposed project. The Reduced Intensity Alternative would be required to implement the same mitigation measures as the proposed project, which requires adherence to procedures for handling and disposal of hazardous building materials and procedures for handling suspect or unknown hazardous materials during construction. Operation activities on the project site would involve the use of potentially hazardous

materials typical of hotel uses (e.g., solvents, cleaning agents, paints, pool chemicals, fertilizers, and pesticides) that, when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to visitors or workers in the vicinity of the proposed project. Therefore, with mitigation, the Reduced Intensity Alternative would result in less than significant hazards and hazardous materials impacts, similar to the proposed project. Overall, hazardous materials impacts for this alternative would be similar to the proposed project.

5.6.2.8 Hydrology and Water Quality

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. Because the Reduced Intensity Alternative would be constructed on the same project site as the proposed project and with the same footprint, the same soil disturbance would occur during construction. In addition, the impervious surface area on the project site would be similar to the proposed project. Also similar to the proposed project, preparation of a Water Quality Management Plan (WQMP) and the implementation of BMPs during the construction and operation phases, as required in compliance of the NPDES Permit and South Orange County MS4 Permit, would ensure that measures to protect water quality are incorporated for this development. Therefore, this alternative would not generate significant water quality impacts. Similar to the proposed project, the Reduced Intensity Alternative would have less than significant impacts on hydrology and water quality. Because the development footprint would remain the same, impacts for this alternative would be similar to those associated with the proposed project.

5.6.2.9 Land Use and Planning

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. Like the proposed project, although the proposed uses are consistent with the DPHDR, the development of the hotel uses (intensity and rooms) differs from that contained in the Dana Point Harbor Statistical Table for Planning Area (PA) 3 in Chapter 17 of the Dana Point Harbor District Regulations (DPHDR). The proposed increases in the number of hotels and hotel rooms, and the reapportionment of the other land use categories in the Dana Point Harbor Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories, would still require a ZTA and Local Coastal Program Amendment (LCPA). Similar to the proposed project, issuance of a Coastal Development Permit (CDP) would ensure the Reduced Intensity Alternative would be consistent with applicable provisions in the City's Municipal Code related to development within its coastal zone. Because of the similar proposed uses, the Reduced Intensity Alternative, like the proposed project, would be consistent with applicable regionally and locally adopted land use plans, policies, and regulations, including the California Coastal Act (CCA), the Southern California Association of Governments (SCAG) 2008 Regional Comprehensive Plan, Connect SoCal (the SCAG 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy [RTP/SCS]), the City of Dana Point General Plan, the Dana Point Zoning Code, and the DPHRP&DR. Therefore, similar to the proposed project, the Reduced Intensity Alternative would result in less than significant impacts related to potential conflicts with applicable land use plans, policies, and regulations. Overall, land use impacts of the Reduced Intensity Alternative would be similar to the proposed project.

5.6.2.10 Noise

The Reduced Intensity Alternative would involve a grading footprint and construction activities similar to the proposed project; therefore, this alternative would result in similar construction noise impacts associated with grading and construction activities than the proposed project. However, the construction period and associated noise may be a shorter duration due to the decreased building area associated with elimination of one floor of Dana House Hotel. Similar to the proposed project, construction noise impacts would be less than significant with mitigation, and overall less than the proposed project.

Similar to the proposed project, operational noise would include vehicular noise associated with traffic during operation of the hotel uses, as well as operational noise associated with outdoor speakers used for background music as well as live music and entertainment, and noise associated with individual events at one of the outdoor event areas. However, because fewer hotel rooms would be constructed under the Reduced Intensity Alternative, these vehicle trips and associated vehicular operational noise levels would be incrementally reduced. The Reduced Intensity Alternative would include rooftop air equipment associated with the HVAC system, similar to the proposed project. However, similar to the proposed project, HVAC noise levels would be well below the daytime standard and nighttime standards for surrounding uses. Therefore, the Reduced Intensity Alternative would have less than significant noise impacts, similar to the proposed project. Overall, this alternative would have slightly less noise impacts as compared to the proposed project.

5.6.2.11 Public Services

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. Compared to the proposed project, under the Reduced Intensity Alternative, the demand for fire protection and emergency services and police protection services would be reduced incrementally because fewer hotel rooms would be developed on the project site and fewer visitors would be present. Similar to the proposed project, the Reduced Intensity Alternative would be required to implement the same mitigation measure requiring the Project Applicant to enter into a Secured Fire Protection Agreement with Orange County Fire Authority (OCFA) in order to address any outstanding potential impacts to fire services. Therefore, similar to the proposed project, the Reduced Intensity Alternative would have less than significant impacts on public services. Overall, this alternative would have less impacts as compared to the proposed project.

5.6.2.12 Transportation

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. The Reduced Intensity Alternative would result in fewer vehicle trips to and from the project site because of the reduced number of hotel rooms. Like the proposed project, all study area intersections would continue to operate at satisfactory level of service (LOS) during both peak hours under the Reduced Intensity Alternative. Therefore, the Reduced Intensity Alternative would not result in an inconsistency with applicable plans and policies related to roadway performance. Additionally, due to the reduction in the number of hotel rooms and corresponding reduction in the number of patrons frequenting the site and staff required for hotel operations, the Reduced Intensity Alternative would result in a reduction in the VMT

compared to the proposed project. Because the Reduced Intensity Alternative would result in less vehicle trips compared to the proposed project, traffic impacts would be less than significant, similar to the proposed project. Overall, this alternative would have less impacts as compared to the proposed project.

5.6.2.13 Tribal Cultural Resources

The Reduced Intensity Alternative would develop the project site with hotel uses at a reduced intensity compared to the proposed project. Similar to the proposed project, the Reduced Intensity Alternative would require a comparable level of ground-disturbing construction activities during the development. Similar to the proposed project, the Reduced Intensity Alternative would not cause a substantial adverse change in the significance of a tribal cultural resource as defined by CEQA that is listed or eligible for listing in the California Register or a local register because no previously recorded cultural resources were identified in the project site during the records search or during the Native American consultation. Given that the project site was previously covered by waters of the Pacific Ocean prior to construction of the Dana Point Harbor, and subsequently constructed using imported sediments, the likelihood of encountering intact subsurface archaeological cultural resources during ground-disturbing construction activities is low, similar to the proposed project. Therefore, similar to the proposed project, the Reduced Intensity Alternative would result in no impacts to tribal cultural resources that are listed or eligible for listing in the California Register or a local register, and less than significant impacts for previously undiscovered significant tribal cultural resources and Native American human remains. Overall, impacts for this alternative would be similar to the proposed project.

5.6.2.14 Utilities and Service Systems

Compared to the proposed project, the Reduced Intensity Alternative would result in slightly less demand for electricity, natural gas, water, and telecommunications because of the reduced number of hotel rooms on the project site. Additionally, the Reduced Intensity Alternative would generate less solid waste and wastewater. Similar to the proposed project, the Reduced Intensity Alternative would have less than significant impacts on utilities. Overall, this alternative would have less impacts related to utilities and service systems as compared to the proposed project.

5.6.3 Overview of Potential Impact/Comparison to Proposed Project

Similar to the proposed project, the Reduced Intensity Alternative would not result in any significant unavoidable impacts. Due to the elimination of the 30 hotel rooms under the Reduced Intensity Alternative, overall impacts would be reduced compared to impacts associated with the proposed project. Specifically, impacts related to aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, transportation, and utilities and service systems would be reduced as compared to the proposed project.

5.6.4 Attainment of Project Objectives

The Reduced Intensity Alternative would develop the project site with a hotel development similar to that of the proposed project, but at a reduced intensity. The Reduced Intensity Alternative would develop two hotels with a market-rate hotel and a hotel with affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels, would develop a

project that balances the development potential of the project site with environmental considerations, and would revitalize the site with a well-designed and landscaped hotel project that is compatible with the surrounding community and helps implement the planned revitalization of the Dana Point Harbor. The Reduced Intensity Alternative would also develop a project that would promote sustainability and provide enhanced facilities for boaters and maintain boater designated parking in close proximity to the boat slips they serve. The Reduced Intensity Alternative would also increase the City's tax base and invigorate the local economy, although these goals would be met to a lesser extent compared to the proposed project due to the reduced number of hotel rooms, provided it is financially viable. Therefore, provided that it is financially viable, the Reduced Intensity Alternative would be consistent with all of the project objectives, but to a lesser degree than the proposed project.

5.7 ALTERNATIVE 3: MIXED USE ALTERNATIVE

This alternative would include the demolition of the Marina Inn and boater services buildings, and the development of hotel and retail/restaurant uses on the project site. The Mixed Use Alternative involves the replacement of Dana House Hotel with approximately 25,000 sf of retail and restaurant space and the construction of Dana Point Surf Lodge as proposed under the proposed project. The total building square footage would be approximately 100,026 sf less than the proposed project under the Mixed Use Alternative. Boater service facilities would be provided at Dana Point Surf Lodge or incorporated in the proposed retail/restaurant structure, and designated boater parking would continue to be provided on site. The Mixed Use Intensity Alternative would have the same basic building footprint, architecture, landscaped areas, and vehicular access, and include the same podium design as the proposed project. This alternative would also be consistent with the existing land use designation and zoning districts on the project site.

5.7.1 Environmental Analysis

5.7.1.1 Aesthetics

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces the proposed Dana House Hotel with approximately 25,000 sf of retail and restaurant space. A similar grading footprint would be required for this alternative as for the proposed project. Similar to the proposed project, while implementation of the Mixed Use Alternative would modify views to and from the project site, the Mixed Use Alternative would not result in significant adverse impacts related to views of the Pacific Ocean, Dana Point Harbor, Headlands, coastal bluffs, or California coastline from adjacent roadways, sidewalks or other public vantage points. Additionally, the Mixed Use Alternative would result in a reduced scale compared to the proposed project because Dana House Hotel would be replaced with a smaller, presumably reduced height retail and restaurant structure. Therefore, potential impacts of the Mixed Use Alternative on scenic vistas, including scenic overlooks as well as the Primary and Supplemental View Corridors identified in the DPHRP, would be less than significant, similar to the proposed project. Overall, visual resource impacts for this alternative would be slightly less than those of the proposed project.

Similar to the proposed project, proposed structures under the Mixed Use Alternative would be consistent with the California Coastal design theme outlined in the DPHRP&DR intended to unify the

Dana Point Harbor Revitalization PAs. The Mixed Use Alternative would also be consistent with the allowable uses for the site as provided in the DPHRP&DR. Overall, the building massing on site would be less than the proposed project because Dana House Hotel would be replaced with a smaller structure: since this alternative would result in a smaller project overall with a smaller structure replacing Dana House Hotel in the proposed project, the Mixed Use Alternative would therefore result in fewer overall visual changes to the project site than the proposed project. Overall visual impacts of the Mixed Use Alternative would be less than significant, similar to the proposed project.

5.7.1.2 Air Quality

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces the Dana House Hotel with approximately 25,000 sf of retail and restaurant space. A similar grading footprint would be required for this alternative, as for the proposed project. However, the Mixed Use Alternative would require less building construction activities because the total building square footage would be less than that of the proposed project. The Mixed Use Alternative would generate fewer stationary air source emissions compared to the proposed project, due to the reduced energy use required for operation (i.e., appliances, landscaping equipment, HVAC, and lighting) that would be required for the retail and restaurant uses under this alternative. The Mixed Use Alternative would also result in fewer overall ADT due to the reduction in square footage, patrons, and number of employees anticipated for operation. While retail and restaurant uses may require more truck deliveries compared to hotel uses, the Mixed Use Alternative would result in an overall reduction of 100,026 sf of development. Therefore, the Mixed Use Alternative would generate reduced mobile source vehicle emissions and reduced total emissions compared to the proposed project. Similar to the proposed project, construction and operational emissions of the Mixed Use Alternative would not exceed the SCAQMD thresholds. As such, air quality impacts of the Mixed Use Alternative would be less than significant, similar to the proposed project. Overall, air quality impacts for this alternative would be less than the proposed project.

5.7.1.3 Cultural Resources

Similar to the proposed project, the Mixed Use Alternative would not cause a substantial adverse change in the significance of a historical resource as defined by CEQA because no previously recorded historical resources were identified on the project site. The Mixed Use Alternative would require a similar grading footprint as the proposed project, and would require similar ground-disturbing construction activities for the development. Similar to the proposed project, the Mixed Use Alternative would have a low likelihood of encountering intact buried archaeological deposits and previously discovered buried human remains during ground-disturbing construction activities. Therefore, impacts to cultural resources for the Mixed Use Alternative would be less than significant, similar to the proposed project. Overall, cultural resource impacts for this alternative would be similar to the proposed project.

5.7.1.4 Energy

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and

restaurant space. This alternative would require a similar grading footprint but less construction overall; therefore, energy use during construction would be less than the proposed project. The Mixed Use Alternative would result in reduced operational energy usage related to consumption of natural gas, electricity, and fuel during operation compared to the proposed project, due to the lower energy demand required for 25,000 sf of retail or restaurant building infrastructure, appliances, landscaping equipment, consumer products, and solid waste generation as compared to the proposed project (Dana House Hotel). Additionally, the Mixed Use Alternative would generate fewer average daily vehicle trips than the proposed project, due to the reduction in square footage, patrons and number of employees anticipated for operation. While more truck delivery trips may be anticipated for retail and restaurant uses, the overall ADT and VMT would be less than the proposed project. Therefore, less fuel would be consumed under this alternative than the proposed project from vehicle trips during operation. Similar to the proposed project, the Mixed Use Alternative would not result in the wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency; therefore, impacts related to energy use would be less than significant, similar to the proposed project.

5.7.1.5 Geology and Soils

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. This alternative would require a similar grading footprint as the proposed project. The required grading and construction activities would result in similar impacts related to geology and soils as the proposed project. The Mixed Use Alternative would be required to implement the same mitigation measures as the proposed project, which requires compliance with the recommendations of the project *Preliminary Geotechnical Investigation,* including a Final Design-Level Geotechnical Report, and the most current CBC requirements, and which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. Therefore, like the proposed project, the Mixed Use Alternative would have less than significant impacts related to geology and soils with implementation of mitigation. For the reasons stated above, the geology-related impacts of the Mixed Use Alternative would be similar to those of the proposed project.

5.7.1.6 Greenhouse Gas Emissions

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. A similar grading footprint but less construction would be required for the Mixed Use Alternative compared to the proposed project because the total building square footage would be approximately 100,026 sf less than the proposed project; therefore, greenhouse gas emissions during construction would be less than the proposed project. Additionally, average daily vehicle trips under the Mixed Use Alternative would be fewer than the proposed project due to the reduction in square footage, patrons, and number of employees anticipated for operation. Due to the retail and restaurant uses, this alternative may also require more truck deliveries compared to the proposed project. However, the overall reduction in ADT and VMT from the reduced patrons and employees would result in an overall reduction in greenhouse gas emissions. The Mixed Use Alternative would not include the pedestrian and bicycle access, bicycle parking, and complimentary

shuttle service provided by the proposed project, which, in the proposed project, would minimize VMT and greenhouse gas emissions. However, this alternative would still provide pedestrian opportunities to other retail, restaurant, and recreational opportunities due to its location within the Harbor. Similar to the proposed project, the greenhouse gas emissions impacts of the Mixed Use Alternative would be less than significant. Because the Mixed Use Alternative includes less development and would generate fewer employee vehicle trips overall than the proposed project, its greenhouse gas emissions during operation would be slightly less than the proposed project.

5.7.1.7 Hazards and Hazardous Materials

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. The Mixed Use Alternative would involve demolition of the existing structures and construction of new buildings that would result in similar impacts related to hazardous waste and materials when compared to the proposed project. The Mixed Use Alternative would be required to implement the same mitigation measures as the proposed project, which requires adherence to procedures for handling and disposal of hazardous building materials and procedures for handling suspect or unknown hazardous materials during construction. Operational activities on the project site would involve the use of small quantities of hazardous materials or wastes similar to the proposed project. Potentially hazardous materials typical of hotel, retail, and restaurant uses when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to visitors or workers in the vicinity of the proposed project. Therefore, the Mixed Use Alternative would result in less than significant hazards and hazardous materials impacts with the implementation of mitigation measures, similar to the proposed project. Overall, hazardous materials impacts for this alternative would be similar to the proposed project.

5.7.1.8 Hydrology and Water Quality

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. Because the Mixed Use Alternative would be constructed on the same project site and with a similar construction footprint as the proposed project, the same soil disturbance would occur during construction. In addition, the impervious surface area on the project site would be similar to the proposed project. Also similar to the proposed project, preparation of a Water Quality Management Plan (WQMP) and the implementation of BMPs during the construction and operation phases, as required in compliance with the NPDES Permit and South Orange County MS4 Permit, would ensure that this alternative would not generate significant water quality impacts. The Mixed Use Alternative would have less than significant impacts on hydrology and water quality, similar to the proposed project. Overall, hydrology and water quality impacts for this alternative would be similar to the proposed project.

5.7.1.9 Land Use and Planning

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. Like the proposed project, although the proposed uses are consistent with the DPHDR, the development intensity differs from that contained in the Dana Point Harbor Statistical

Table for PA 3 in Chapter 17 of the DPHDR. The proposed reapportionment of the other land use categories in the Dana Point Harbor Statistical Table for PA 3, as well as text changes in the DPHRP&DR to address the reapportioned land use categories require a ZTA and an LCPA. Similar to the proposed project, issuance of a CDP would ensure the Mixed Use Alternative would be consistent with applicable provisions in the City's Municipal Code related to development within its coastal zone. The Mixed Use Alternative would be consistent with applicable regionally and locally adopted land use plans, policies, and regulations, including the California Coastal Act (CCA), the SCAG 2008 Regional Comprehensive Plan, Connect SoCal (the SCAG 2020–2045 RTP/SCS), the City of Dana Point General Plan, the Dana Point Zoning Code, and the DPHRP&DR. Therefore, the Mixed Use Alternative would result in less than significant impacts related to potential conflicts with applicable land use plans, policies, and regulations, similar to the proposed project. Overall, land use impacts for this alternative would be similar to the proposed project.

5.7.1.10 Noise

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. The Mixed Use Alternative would involve a grading area similar to the proposed project. However, the Mixed Use Alternative would require less building construction activities because the total building square footage would be approximately 100,026 sf less than the proposed project. Therefore, the level of noise generated during construction would be less than the proposed project and would occur for a shorter period of time. Construction noise impacts would be less than significant with mitigation, similar to the proposed project. Overall, construction noise would be less than the proposed project.

Operational noise would include vehicular noise associated with traffic related to the occupancy and operation of the hotel, retail, and restaurant uses. The Mixed Use Alternative would have fewer average daily vehicle trips than then proposed project, due to the reduction in square footage, patrons, and number of employees anticipated for operation. While this alternative may require more truck deliveries due to the retail and restaurant uses, the overall trips and corresponding vehicular noise from this 25,000 sf development would be reduced compared to the proposed project. The Mixed Use Alternative would also include rooftop air equipment associated with the HVAC system. However, similar to the proposed project, HVAC noise levels would be well below the daytime standard and nighttime standards for surrounding uses. Furthermore, the Mixed Use Alternative would not include the development of outdoor event areas, amplified speaker systems, or live music that would occur on the rooftop terrace of Dana House Hotel and result in operational noise as part of the proposed project. However, the proposed restaurant uses under this alternative would still be anticipated to include some outdoor event areas that would result in operational noise. Therefore, the Mixed Use Alternative would have less than significant noise impacts, similar to the proposed project. Overall, this alternative would have similar operational noise impacts as the proposed project.

5.7.1.11 Public Services

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces the Dana House Hotel with approximately 25,000 sf of retail and restaurant space. Compared to the proposed project, under the Mixed Use Alternative, the demand

for fire protection and emergency services and police protection services would be reduced because fewer hotel rooms and less total building square footage would be developed on the project site. Similar to the proposed project, the Mixed Use Alternative would be required to implement the same mitigation measure requiring the Project Applicant to enter into a Secured Fire Protection Agreement with OCFA in order to address any outstanding potential impacts to fire services. Therefore, the Mixed Use Alternative would have less than significant impacts on public services, similar to the proposed project. Overall, this alternative would have less public service impacts than the proposed project due to the reduction of square footage and elimination of 130 hotel rooms.

5.7.1.12 Transportation

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces the Dana House Hotel with approximately 25,000 sf of retail and restaurant space. While retail and restaurant uses may require more truck deliveries compared to the proposed project and may result in slightly higher traffic volumes during the weekday PM and weekend peak hours, this alternative would result in a reduced overall ADT and VMT, due to the reduction in patrons and reduction in employees anticipated for operation. In addition, similar to the proposed project, all study area intersections would continue to operate at satisfactory LOS during both peak hours mentioned above under the Mixed Use Alternative. Therefore, the Mixed Use Alternative would not result in an inconsistency with applicable plans and policies related to roadway performance. Impacts would be less than significant for this alternative, similar to the proposed project. The Mixed Use Alternative would not include the pedestrian and bicycle access, bicycle parking, and complimentary shuttle service provided by the proposed project, which, in the proposed project, would minimize VMT and greenhouse gas emissions. However, this alternative would still provide pedestrian opportunities to other retail, restaurant, and recreational opportunities due to its location within the Harbor. While the Mixed Use Alternative may result in a greater number of vehicle trips during the weekday PM and weekend peak hours, it would result in fewer ADT and VMT overall compared to the proposed project; therefore, environmental impacts related to traffic would be less than the proposed project.

5.7.1.13 Tribal Cultural Resources

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces the Dana House Hotel with approximately 25,000 sf of retail and restaurant space. The Mixed Use Alternative would require similar ground-disturbing construction activities as the proposed project during its development. Similar to the proposed project, the Mixed Use Alternative would not cause a substantial adverse change in the significance of a tribal cultural resource as defined by CEQA that is listed or eligible for listing in the California Register or a local register because no previously recorded cultural resources were identified on the project site during the records search or during the Native American consultation. Given that the project site was previously covered by waters of the Pacific Ocean prior to construction of the Dana Point Harbor, and subsequently constructed using imported sediments, the likelihood of encountering intact subsurface archaeological cultural resources during ground-disturbing construction activities is low for both this alternative and the proposed project. Therefore, the Mixed Use Alternative would result in no impacts to tribal cultural resources that are listed or eligible for listing in the California Register or a local register, and less than significant impacts for previously undiscovered significant

tribal cultural resources and Native American human remains, similar to the proposed project. Overall, impacts would be similar to the proposed project.

5.7.1.14 Utilities and Service Systems

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. Compared to the proposed project, the Mixed Use Alternative would result in less demand for electricity, natural gas, water, and telecommunications because this alternative would include a reduced number of hotel rooms, which typically have a higher utility demand than retail/commercial uses as retail/commercial uses have limited hours of operation and fewer utilities and appliances per patron. Additionally, the Mixed Use Alternative would generate less solid waste and wastewater. The Mixed Use Alternative would have less than significant impacts on utilities, similar to the proposed project. Overall, due to a reduction of approximately 100,026 sf, this alternative would have less impacts related to utilities and service systems than the proposed project.

5.7.2 Overview of Potential Impact/Comparison to Proposed Project

Similar to the proposed project, the Mixed Use Alternative would not result in any significant unavoidable impacts. However, due to the replacement of Dana House Hotel with a smaller retail and restaurant space, overall impacts would be reduced compared to impacts associated with the proposed project. Specifically, under the Mixed Use Alternative, traffic impacts would be reduced due to an overall decrease in average daily trips as compared to the proposed project, due to the reduction in employees anticipated for operation of this smaller development. Similarly, this reduction in employees would also result in a reduction of VMT and consequently, a reduction in greenhouse gas emissions. However, the Mixed Use Alternative may result in more truck deliveries compared to the proposed project and slightly higher traffic volumes during the weekday PM and weekend peak hours due to the change in uses. The Mixed Use Alternative would not include the pedestrian and bicycle access, bicycle parking, and complimentary shuttle service provided by the proposed project, which, in the proposed project, would minimize VMT and greenhouse gas emissions. However, this alternative would still provide pedestrian opportunities to other retail, restaurant, and recreational opportunities due to its location within the Harbor. Due to the reduction in patrons and reduction in employees for operation, the overall average daily trips, VMT, air quality, greenhouse gases, and energy impacts would be reduced. In addition, public service and utility impacts would also be reduced under this alternative compared to the proposed project because this alternative would include retail/commercial uses, which would typically have a lower utility and public service demand than hotel rooms, due to limited hours of operation.

5.7.3 Attainment of Project Objectives

The Mixed Use Alternative involves the construction of Dana Point Surf Lodge as proposed under the proposed project and replaces Dana House Hotel with approximately 25,000 sf of retail and restaurant space. The Mixed Use Alternative would not meet the goal of developing two hotels offering a mix of market-rate and affordable overnight accommodations that would be accessible to visitors characterized by a range of income levels. In addition, the Mixed Use Alternative would not meet the goal of developing a project that balances the development potential of the project site

with environmental considerations, as the full potential of overnight accommodations would not be developed as currently anticipated with the ZTA/LCPA that proposes a change in the intensity of uses provided in Table 17A of the Dana Point Harbor District Regulations (DPHDR) for PA 3. Upon certification of the ZTA/LCPA by the California Coastal Commission, the DPHRP&DR would include the development of overnight accommodations as accounted for under the proposed project. This alternative would revitalize the site with a well-designed and landscaped hotel and retail/commercial project that is compatible with the surrounding community and planned revitalization of the Dana Point Harbor, but to a lesser extent than the proposed project. The Mixed Use Alternative would also develop a project that would promote sustainability and provide enhanced facilities for boaters and maintain designated boater parking in close proximity to the boat slips they serve. The Mixed Use Alternative would increase the City's tax base and invigorate the local economy, but not to the same degree as the proposed project. Therefore, the Mixed Use Alternative would meet some of the project objectives, but to a lesser extent than the proposed project.

5.8 IDENTIFICATION OF ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. *State CEQA Guidelines* Section 15126.6(e)(2) states that if the No Project/No Development Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Table 5.B provides, in summary format, a comparison of the level of impacts for each alternative to the proposed project.

The No Project/No Development Alternative has the least impact to the environment because it would not result in any construction activities on the project site or the intensification of land uses. While the No Project Alternative would avoid the impacts of the proposed project, the beneficial impacts of the proposed project including the revitalization of the project site and invigoration of the local economy would not occur, and none of the project objectives would be met.

With the exception of the No Project Alternative, the environmentally superior alternative would be Alternative 2, the Reduced Intensity Alternative. This alternative would result in either reduced or similar environmental impacts compared to the proposed project. Although the Reduced Intensity Alternative would achieve all of the project objectives, it would not achieve these objectives to the same degree as the proposed project and would not maximize the potential of the project site. Similar to the Reduced Intensity Alternative, the Mixed Use Alternative would also result in either reduced or similar environmental impacts compared to the proposed project.

However, the Mixed Use Alternative would not meet all of the project objectives, and not to the same degree as the proposed project. Therefore, the Reduced Intensity Alternative was identified as the Environmentally Superior Alternative.

Table 5.B: Comparison of the Environmental Impacts of the Proposed Project to the Project Alternatives

Environmental Topic	Proposed Project Level of Impacts After Mitigation	Alternative 1: No Project Alternative	Alternative 2: Reduced Intensity Alternative	Alternative 3: Mixed Use Alternative
Aesthetics	Less Than Significant	L	L	L
Air Quality	Less Than Significant	L	L	L
Cultural and Paleontological Resources	Less Than Significant	L	S	S
Energy	Less Than Significant	L	L	L
Geology and Soils	Less Than Significant	L	S	S
Global Climate Change	Less Than Significant	L	L	L
Hazards and Hazardous Materials	Less Than Significant	L	S	S
Hydrology and Water Quality	Less Than Significant	L	S	S
Land Use and Planning	Less Than Significant	S	S	S
Noise – Construction/Operation	Less Than Significant	L/L	L/L	L/S
Public Services and Utilities	Less Than Significant	L	L	L
Transportation/Traffic	Less Than Significant	L	L	L
Attainment of project objectives	Meets all of the project objectives	Meets none of the project objectives	Meets all of the project objectives, but not to the same degree as the proposed project	Meets some of the project objectives, but not to the same degree as the proposed project

Source: LSA (December 2020).
Legend:
L = Less impact than the proposed project; reduces or eliminates significant and adverse impacts
S = Similar impacts as the proposed project; does not eliminate significant and adverse impacts

6.0 OTHER CEQA CONSIDERATIONS

6.1 SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2(c) of the California Environmental Quality Act (CEQA) Guidelines (*State CEQA Guidelines*) requires that an Environmental Impact Report (EIR) describe any significant impacts that cannot be avoided. Specifically, Section 15126.2(c) states that an EIR shall:

> "Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."

The Executive Summary of this document (Chapter 1.0) contains a detailed summary that identifies the proposed project's environmental impacts as compared to existing conditions, proposed mitigation measures, and the level of significance of any impacts after mitigation. No impacts were identified that are considered significant, adverse, and unavoidable after all mitigation is applied. These impacts and proposed mitigation measures are also described in detail in Chapter 4.0, Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures. Chapter 2.0, Introduction, also provides a summary of those topics for which no impacts would occur with implementation of standard conditions and compliance with existing regulations, including agricultural resources; biological resources; mineral resources; population and housing; recreation; and wildfire.

6.2 ENERGY IMPACTS

According to Section 15126.2(b) of the *State CEQA Guidelines*, "[i]f analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use."

As described in Section 4.4, Energy, of this Draft EIR, the proposed project would not result in significant impacts related to energy use. Energy (i.e., fuel) usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. In addition, the project's net increase in electricity usage would not represent a substantial demand on available electricity resources and the proposed project would reduce natural gas consumption in Orange County. Furthermore, automobiles and transportation-related energy use to and from the project site would be subject to fuel economy and efficiency standards applied throughout the State and fuel efficiency would increase throughout the life of the project. Therefore, implementation of the proposed project would not result in a substantial increase in transportation-related energy uses. Neither construction nor operation of the proposed project would result in the wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, no mitigation is required.

6.3 GROWTH-INDUCING IMPACTS

Sections 15126(d) and 15126.2(e) of the *State CEQA Guidelines* require that an EIR analyze growth-inducing impacts and discuss the ways in which a proposed project could foster economic or population growth or construction of additional housing, either directly or indirectly, in the surrounding environment. This section examines ways in which the proposed project could foster economic or population growth, or the construction of additional housing either directly or indirectly in the surrounding environment. *State CEQA Guidelines* Section 15126.2(d) also requires a discussion of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. To address these issues, potential growth-inducing effects were examined through analysis of the following questions:

- Would the project remove obstacles to, or otherwise foster, population growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development)?

- Would the project foster economic growth?

- Would approval of the project involve some characteristic that may encourage and facilitate other activities that could significantly affect the environment?

Growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment (*State CEQA Guidelines*, Section 15126.2(e)). This issue is presented to provide additional information on ways in which the proposed project could contribute to significant changes in the environment beyond the direct consequences of developing the proposed land uses as described in earlier sections of this Draft EIR.

6.3.1 Removal of Obstacles to, or Otherwise Foster, Population Growth

The project site and the adjacent Commercial Core are surrounded by the larger Dana Point Harbor, which is highly urbanized and developed with a mix of retail, restaurant, hotel, and other commercial uses, as well as visitor-serving recreational and marine-related uses: limited population growth is feasible within the vicinity of the project site as no residential uses are located in the Dana Point Harbor or permitted under current zoning and land use regulations. In any event, the proposed project would not remove impediments to population growth in the area surrounding the project site. While the proposed project may require additional water, sewer, electricity, and natural gas lines on site compared to existing conditions, such improvements would be intended to meet project-related demand and would not necessitate substantial utility infrastructure improvements within the Harbor. In addition, a portion of the service increases related to these improvements were previously contemplated as part of the analysis related to the overall Dana Point Harbor Revitalization conducted as part of the adoption of the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR). The incremental increase in utility services based on the proposed project from that assessed for the Dana Point Harbor Revitalization is not large enough to remove an obstacle to or foster population growth. Further, the minor driveway and curb improvements

along Dana Point Harbor Drive and Casitas Place are intended to improve access to the project site, and would not foster off-site population growth through enhanced transportation routes.

Short-term and long-term employment opportunities offered by the construction and operational phases of the proposed project are likely to be met by the available local and regional labor pool. Construction of the proposed project would provide temporary, short-term construction jobs over an approximately 36-month period, and operation of the proposed project would result in an increase in the number of employees due to the increased number of hotel rooms and expanded amenities associated with two hotels. However, as of September 2020, the City had a labor force of 18,000, and the County had a labor force of 1,571,600, with approximately 2,400 and 224,500 people unemployed, respectively.[1] The September 2020 unemployment rate was 7.6 percent for the City and 9.0 percent for the County.[2] This suggests an available local and regional labor pool to serve both the short-term construction and long-term employment opportunities offered by the completion of the proposed project. Therefore, is unlikely that employees would need to be relocated from outside the region to meet the number of employees needed for construction or operation of the proposed hotels resulting in unanticipated population growth.

The reapportionment of development intensity included for the proposed project is also entirely for visitor-serving uses, rather than for residential development. As described above, employment opportunities for these visitor-serving uses would be addressed by the local labor pool and would not indirectly or directly induce population or growth. Operation of the proposed project would not induce substantial population growth or accelerate development.

As the proposed project would replace the existing lower-cost accommodation hotel, the Marina Inn, with both a lower-cost overnight accommodation hotel (Dana Point Surf Lodge) and a market-rate hotel (Dana House Hotel), it is anticipated that the additional room rate options may attract a larger range of customers. However, as the proposed project includes the development of visitor-serving uses, the growth of a new customer base would remain distinct from the City's residential population and would not directly foster population growth in the project vicinity or elsewhere.

As described above, since the local labor force is anticipated to fulfill the employment opportunities and the development is visitor-serving, the proposed project would not generate any new permanent residents on the project site. Although some local businesses that provide goods and services within the Harbor may hire a small number of additional employees to accommodate the minor increase in visitors associated with the proposed project, this additional hiring is not expected to induce material population growth because most of these new employees are not expected to change their place of residence. Due to the limited number of jobs induced and the available labor pool within Dana Point and the region, it is unlikely that the employment offered by the project would cause people to move or relocate to the area solely for the purpose of being close to the

1 State of California Employment Development Department (EDD). 2020. Monthly Labor Force Data for Cities and Census Designated Places, September 2020. October 16, 2020. Website https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html (accessed on October 22, 2020).

2 Ibid.

project site. Therefore, although the proposed project would provide employment opportunities, it would not result in substantial indirect growth or create a significant demand for housing or services in the project vicinity.

Therefore, given that the employment opportunities generated by construction and operation of the proposed project would be filled by people who would commute to the project site, the potential population growth associated with project employees would be minimal.

6.3.2 Foster Economic Growth

In its existing condition, the project site is used for overnight accommodations at the Dana Point Marina Inn and boater services for the Harbor. Therefore, the project site currently generates revenue for the City. However, the proposed project would provide additional sales and property tax revenues and transient occupancy (hotel) taxes to the City as compared to the existing uses on the project site with the development of a second hotel and associated amenities. The additional retail and restaurant space associated with the proposed Dana House would also be considered net revenue generators for the City. Because the proposed project would also provide additional visitors to the Harbor that would patronize the surrounding retail, recreational, restaurant, and commercial uses, the proposed project could result in an indirect increase in City sales tax revenue as well.

The construction of the proposed project would generate additional construction-related jobs in Dana Point during the 38-month construction period. As described above, the proposed hotels would also provide long-term employment opportunities. At this time, the number of long-term employees that would be created by the project is not known. While the project site currently provides long-term employment opportunities for the existing hotel use, implementation of the proposed project, which includes additional hotel rooms and amenities, would foster economic growth as compared to the existing uses on the project site.

6.3.3 Other Characteristics

The proposed project involves the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site and includes the development of two hotels, one of which would include space for boater services, associated ancillary uses, and designated boater and hotel parking. As described in Chapter 3.0, Project Description, the proposed project would include the development of both market-rate and lower-cost overnight accommodations, and a greater number of hotel rooms and intensity of ancillary uses than is currently prescribed in the Dana Point Harbor Revitalization Plan Statistical Table contained in Chapter 17 of the DPHRP&DR. Consequently, the proposed project also requires Zone Text and Local Coastal Program Amendments. However, as the project does not propose to amend the existing land use designations and zoning classifications to residential, and would not add any permanent residents to the project site, the project would not directly increase the City's population beyond existing levels. The proposed project would utilize existing roadways for site and emergency access and would not include any new public roadway connections. As described in Section 4.14, Utilities & Service Systems, the project would result in increased demand for utility infrastructure and would install additional utilities on the project site. Any improvements to local utility infrastructure would serve the project site and would not provide additional capacity to utility service providers that may allow

for additional unplanned development in the Harbor or growth in the City. Any future growth in the City is likely to occur regardless of whether or not the project is approved. As described above, approval of the project would not involve any specific characteristics that may encourage and facilitate other activities that could significantly affect the environment.

6.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the *State CEQA Guidelines* requires that an EIR consider and discuss significant irreversible changes that would be caused by implementation of a proposed project. The *State CEQA Guidelines* specify that the use of nonrenewable resources during the initial and continued phases of a project should be discussed because a large commitment of such resources makes removal or non-use thereafter unlikely. Primary and secondary impacts (e.g., a highway improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with a project and should be discussed.

The types and level of development associated with the proposed project would consume limited, slowly renewable, and nonrenewable resources. This consumption would occur during construction of the proposed project and would continue throughout the operational lifetime of the proposed project. The development of the proposed project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project site.

Construction of the proposed project would require consumption of resources that are not replenishable or that may renew so slowly as to be considered nonrenewable. These resources would include certain types of lumber and other forest products (e.g., hardwood lumber), aggregate materials used in concrete and asphalt (e.g., sand, gravel, and stone), metals (e.g., steel, copper, and lead), petrochemical construction materials (e.g., plastics), and water. Fossil fuels (e.g., gasoline and oil) would also be consumed through the use of construction vehicles and equipment. Water, which is a limited, slowly renewable resource, would also be consumed during construction of the proposed project. However, given the temporary nature of construction activities, water consumption during construction would result in a less than significant impact on water supplies. As with other resources consumed during construction, the consumption of nonrenewable fossil fuels for energy use would occur on a temporary basis during construction of the proposed project.

Operation of the proposed project would continue to expend similar nonrenewable resources that are currently consumed on the project site for the existing hotel and boater services. These include energy resources such as electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling buildings, transportation and associated fuel usage to and from the project site as well as internal circulation around the site for passenger vehicles, truck deliveries, and golf cart shuttles, and building lighting. Fossil fuels are primary energy sources for project construction and operation. This existing, finite energy source would thus be incrementally reduced. Under Title 24, Part 6 of the California Code of Regulations (CCR), conservation practices limiting the amount of energy consumed by the proposed project would be required during

operation. Nevertheless, the use of such resources would continue to represent a long-term commitment of essentially nonrenewable resources.

As described in Section 4.7, Hazards & Hazardous Materials, the proposed project would result in the limited use of potentially hazardous materials contained in typical cleaning agents and pesticides for landscaping on the project site and storage of potentially hazardous materials associated with construction and operation of the proposed hotels. Such materials would be used, handled, stored, and disposed of in accordance with applicable government regulations and standards that would serve to protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In summary, construction and operation of the proposed project would commit the use of slowly renewable and nonrenewable resources and would limit the availability of these resources on the project site for future generations or for other uses during the life of the proposed project. However, the continued use of such resources during operation would be on a relatively small scale and consistent with regional and local urban design and development goals for the area, including the Dana Point Harbor Revitalization Plan. As a result, the use of nonrenewable resources in this manner would not result in significant irreversible changes to the environment under the proposed project.

7.0 MITIGATION AND MONITORING AND REPORTING PROGRAM

7.1 MITIGATION MONITORING REQUIREMENTS

Public Resources Code (PRC) Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes that have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

- The lead agency shall specify the location and custodian of the documents or other materials that constitute the record of proceedings upon which its decision is based.

- A public agency shall provide measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents that address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

- Prior to the close of the public review period for a Draft Environmental Impact Report (EIR), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either (1) submit to the lead agency complete and detailed performance objectives for mitigation measures that would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or (2) refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures that mitigate impacts to resources that are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance with that requirement by a responsible agency or agency having jurisdiction over natural resources affected by a project shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

7.2 MITIGATION MONITORING PROCEDURES

The Mitigation Monitoring and Reporting Program has been prepared in compliance with PRC Section 21081.6. It describes the requirements and procedures to be followed by the City of Dana Point (City) to ensure that all mitigation measures adopted as part of the Dana Point Harbors Hotel Project (proposed project) will be carried out as described in this Draft EIR.

Table 7.A lists each of the mitigation measures specified in this Draft EIR and identifies the party or parties responsible for implementation and monitoring of each measure.

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Timing for Mitigation Measures
4.1 Aesthetics			
Mitigation Measure 4.2-4	Prior to the issuance of a building permit, an Exterior Lighting Plan (including outdoor recreation areas) for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the County of Orange Dana Point Harbor Department.	Project Applicant and County of Orange Dana Point Harbor Department	Prior to issuance of building permits
4.2 Air Quality			
4.3 Cultural Resources			
There are no potentially significant impacts related to cultural resources; therefore, no mitigation is required.			
4.4 Energy			
There are no potentially significant impacts related to energy; therefore, no mitigation is required.			
4.5 Geology and Soils			
Mitigation Measure 4.5-1	**Incorporation of and Compliance with the Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review.** All grading operations and construction on the project site shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Investigation (GMU 2019a), the *Response to City of Dana Point Geotechnical Report Review* (GMU 2019b) the *Response to City of Dana Point Geotechnical Report Second Engineering Review* (GMU 2020), and the Geotechnical Review (Ninyo & Moore 2020). Design, grading, and construction shall be performed in accordance with the requirements of the City of Dana Point (City) Municipal Code, County of Orange (County) Codes, and the California Building Code (CBC) applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project Geotechnical Consultant as summarized in a final written report. All grading and construction documents shall be subject to review by the	Geotechnical Consultant and Orange County Public Works Director, or designee	Prior to commencement of grading activities

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
Director of the County Public Works Department, or designee, prior to commencement of grading activities. Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review include, but are not limited to, the following topics: • Clearing and Grubbing • Remedial Grading • Foundation Design (either Mat Founds or Geopiers/ Equivalent Gravel Piers) • Appurtenant Structures/Retaining Walls • Screen Walls • Vehicular Pavement • Flatwork/Hardscape/Pedestrian Pavers • Geogrid Reinforced Fill Slopes • Temporary Excavations • Shoring • Lateral Spreading • Pole Foundations • Structural Concrete • Ferrous Metal Corrosion • Trench Backfill **Final Design-Level Geotechnical Report.** Additional site testing and evaluation shall be conducted by the project Geotechnical Consultant to refine and enhance these recommendations during the final design phase. A corrosion engineer shall be consulted to perform more detailed testing and develop appropriate mitigation measures (if necessary). Grading plan review shall also be conducted by the Geotechnical Consultant and the Director of the County Public Works Department, or designee, prior to the start of grading to verify that the recommendations provided in the final design-level geotechnical report have been appropriately incorporated into the project plans. Final design shall be		

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Timing for Mitigation Measures
	based on testing and analyses of the near-surface soils following the completion of grading. Design, grading, and construction shall be conducted in accordance with the specifications of the Geotechnical Consultant as summarized in a final report based on the California Building Code (CBC) applicable at the time of grading and building and the County Municipal Code. On-site inspection during grading shall be conducted by the Geotechnical Consultant and the Director of the County of Public Works Department to ensure compliance with geotechnical specifications as incorporated into project plans.		
Mitigation Measure 4.5-2	**California Building Code Compliance and Seismic Standards.** Structures shall be designed in accordance with the seismic parameters presented in the 2019 CBC. Prior to issuance of building permits for planned structures, the project Geotechnical Consultant and the Director of the County Public Works Department, or designee, shall review building plans to verify that structural design conforms to the recommendations of the CBC.	Geotechnical Consultant and County of Orange Public Works Director, or designee	Prior to issuance of building permits
4.6 Greenhouse Gas Emissions			
There are no potentially significant impacts related to greenhouse gas emissions; therefore, no mitigation is required.			
4.7 Hazards and Hazardous Materials			
Mitigation Measure 4.7-1	**Demolition Plan.** Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Demolition Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Demolition Plan shall include the procedures for pre-demolition surveys and testing for hazardous building materials such as asbestos, lead-based paint, mercury, and polychlorinated biphenyls, and removal and disposal of hazardous building materials. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations. All identified hazardous materials shall be removed, handled, and properly disposed of by	Project Applicant, Construction Contractor, and County of Orange Public Works Director, or designee	Prior to issuance of demolition or grading permits

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Timing for Mitigation Measures
	appropriately licensed contractors according to all applicable regulations during demolition of structures. The Construction Contractor shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the Director of the County Public Works Department, or designee, showing that abatement of hazardous building materials has been completed in full compliance with all applicable regulations.		
Mitigation Measure 4.7-2	**Construction Contingency Plan.** Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Construction Contingency Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Construction Contingency Plan shall include provisions for emergency response in the event that unidentified hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes are discovered during construction activities. The Construction Contingency Plan shall address field screening, contaminant materials testing methods, mitigation and contaminant management requirements, and health and safety requirements for construction workers. The construction contractor shall implement the Construction Contingency Plan during all construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the Construction Contractor shall stop work, cordon off the affected area, and notify the Orange County Fire Authority (OCFA). The OCFA responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. If an unexpected release of oil and/or chemical substances into the environment occurs resulting in an imminent threat to public, the Construction Contractor shall notify the National Response Center by calling 1-800-424-8802 immediately. The Construction Contractor shall clean up	Project Applicant, Construction Contractor, and County of Orange Public Works Director, or designee	Prior to issuance of demolition or grading permits

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Timing for Mitigation Measures
	any unexpected releases under appropriate federal, State, and local agency oversight.		
4.8 Hydrology and Water Quality			
There are no potentially significant impacts related to hydrology and water quality; therefore, no mitigation is required.			
4.9 Land Use and Planning			
There are no potentially significant impacts related to Land Use and Planning; therefore, no mitigation is required.			
4.10 Noise			
Mitigation Measure 4.10-1	**Operations Compliance Inspection and Monitoring.** Prior to issuance of an occupancy permit, the County of Orange (County) Building Official and the City of Dana Point (City) Director of Community Development, or their respective designees, shall confirm that an acoustical engineer has verified operation of the outdoor speaker system or any other temporary speaker system will be operated in compliance with the exterior maximum noise standards at the surrounding sensitive land uses. Measures capable of reducing the noise levels include, but are not limited to: • Post signage to identify hours in which noise level requirements are more strict • Keep all kitchen and service area doors closed when not in use • Limit the number of simultaneous events or places with amplified music • Reducing the speaker noise levels; • Direct speakers away from sensitive receptors • Using highly directional speakers. Due to the varying noise levels that may be generated by concurrent activities, locations of amplified music and most importantly speaker volume, it is required that during the first three peak operational weekends after both hotels are open, operating and programmed with outdoor events that noise	City's Director of Development Services, or designee	Prior to issuance of occupancy permits

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures		Responsible Party	Timing for Mitigation Measures
	monitoring be completed to verify compliance with the City and County noise ordinances. If it is discovered that noise level impacts exceed the exterior noise level requirements, additional mitigation would be recommended by an acoustical engineer that may include, but not be limited to, speaker noise level restriction, event hours restrictions, and noise barriers.		
4.11 Public Services			
Mitigation Measure 4.11-1	**Secured Fire Protection Agreement.** Prior to the issuance of any building permits, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA). This Agreement shall specify the Project Applicant's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. The agreement shall be reached as early as possible in the planning process as feasible, but prior to issuance of any building permits.	Project Applicant	Prior to the issuance of any building permits
4.12 Transportation			
There are no potentially significant impacts related to transportation; therefore, no mitigation is required.			
4.13 Tribal Cultural Resources			
There are no potentially significant impacts related to tribal cultural resources; therefore, no mitigation is required.			
4.14 Utilities and Service Systems			
There are no potentially significant impacts related to utilities and service systems; therefore, no mitigation is required.			

8.0 LIST OF PREPARERS AND PERSONS CONSULTED

8.1 CITY OF DANA POINT

The following individuals from the City of Dana Point (City) were involved in the preparation of this Draft Environmental Impact Report (EIR):

- Kurth Nelson, Principal Planner, Community Development Department
- Matthew Kunk, Principal Engineer, Public Works & Engineering Department

8.2 EIR PREPARERS

The following individuals were involved in the preparation of this Draft EIR. The nature of their involvement is summarized below.

8.2.1 LSA

The following individuals were involved in the preparation of this Draft EIR:

- Ashley Davis, Principal in Charge
- Ryan Bensley, AICP, Associate/Project Manager
- Christina Maxwell, Senior Environmental Planner
- Shelby Cramton, Senior Environmental Planner
- Andrea Bean, Environmental Planner
- Marlene Watanabe, Assistant Environmental Planner
- Abby Annicchiarico, Assistant Environmental Planner
- Jazmine Estores, Assistant Environmental Planner
- Arthur Black, Associate, Transportation
- Ashley Barden, Assistant Transportation Planner
- Kerrie Collison, Associate, Senior Cultural Resources Manager
- J.T. Stephens, Associate, Air Quality / Noise
- Michael Slavick, Senior Air Quality Specialist
- Jeff Haynes, Air Quality Analyst
- Gary Dow, Associate, Graphics
- Chantik Virgil, Senior Word Processor
- Lauren Johnson, Technical Editor

8.3 TECHNICAL REPORT PREPARERS

The following individuals were involved in the preparation of the technical reports in support of this Draft EIR. The nature of their involvement is summarized below.

8.3.1 Anchor QEA, LLC.

The following individuals were involved in the preparation of the *Dana Point Harbor Hotels Development Coastal Hazards* (January 7, 2021):

- Adam Gale, Managing Planner
- Randy Mason, PE, Principal Engineer
- Alyssa Cannon, Staff Professional

8.3.2 GMU Geotechnical, Inc.

The following individuals were involved in the preparation of the *Preliminary Geotechnical Investigation, Dana Point Harbor Revitalization, Hotel Component, City of Dana Point, California* (September 2019):

- Gregory P. Silver, M.Sc., PE, GE, Principal Geotechnical Engineer
- Katie Farrington, M.Sc., PG, CEG, Senior Engineering Geologist
- Nadim Sunna, M.Sc., QSP, PE, Senior Engineer
- David Atkinson, Project Manager / Senior Engineer

8.3.3 EBI Consulting, Inc.

The following individuals were involved in the preparation of the *Phase I Environmental Site Assessment, Dana Point Marina Inn, 24800 Dana Point Harbor Drive, Dana Point, California* (December 2018):

- Christopher Evans, Project Scientist
- Hallie Vitolo, Senior Program Director

8.3.4 Hamilton Biological, Inc.

The following individual was involved in the preparation of the *Biological Assessment Dana Point Harbor Hotels Project Dana Point, CA* (March 2021):

- Robert A. Hamilton, President

8.3.5 LSA

The following individuals were involved in the preparation of the *Traffic Impact Analysis for the Dana Point Harbor Hotels, Dana Point, Orange County, California* (March 2021):

- Arthur Black, Principal
- Ashley Barden, Assistant Transportation Planner
- Ken Wilhelm, Principal

8.3.6 Tait & Associates, Inc.

The following individual was involved in the preparation of the *Preliminary Water Quality Management Plan (pWQMP), Dana Point Harbor Revitalization - Hotels* (September 2020):

- Jacob Vandervis, QSP, Vice President

8.3.7 VisionScape Imagery, Inc.

The following individuals were involved in the preparation of the *Dana Point Harbor Hotels View Simulations*:

- Eddie Font, Co-Founder, Owner
- Joe Font, Co-Founder, Owner

8.4 PROJECT APPLICANT

8.4.1 R.D. Olson Development

The following individuals representing the Project Applicant were consulted during the preparation of this Draft EIR:

- Anthony Wrzosek, Vice President of Planning and Development, R.D. Olson Development
- Sharon Ouyang, Assistant Planner, R.D. Olson Development

8.5 PERSONS CONSULTED

The following individuals were consulted during the preparation of this Draft EIR:

- Juaneño Band of Mission Indians Acjachemen Nation – Romero
  - Heidi Lucero, Cultural Resources Director
- Juaneño Band of Mission Indians Acjachemen Nation – Belardes
  - Joyce Perry, Tribal Manager

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