

APPENDIX B

ORIGINAL PROJECT INITIAL STUDY, NOTICE OF PREPARATION, AND SCOPING COMMENTS

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ORIGINAL PROJECT INITIAL STUDY

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INITIAL STUDY

**DANA POINT HARBOR HOTELS
DANA POINT, CALIFORNIA**



September 2020

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INITIAL STUDY

DANA POINT HARBOR HOTELS DANA POINT, CALIFORNIA

Submitted to:

City of Dana Point
Planning Division
33282 Golden Lantern, Suite 209
Dana Point, California 92629

Prepared by:

LSA

Project No. DPC2001



September 2020

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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
BMPs	Best Management Practices
CAL FIRE	California Department of Forestry and Fire Protection
CalEPA	California Environmental Protection Agency
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CGS	California Geological Survey
City	City of Dana Point
Coastal Commission	California Coastal Commission
County	County of Orange
CUSD	Capistrano Unified School District
cy	cubic yard(s)
DCDA	Double Check Detector Assembly
DMAs	drainage management areas
DOC	Department of Conservation
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 District Abbreviation
DPZC	Dana Point Zoning Code
DTSC	California Department of Toxic Substances Control
DUC	Day Use Commercial
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Areas

EV	electric vehicle
FDC	Fire Department Connections
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ft	foot/feet
GHG	greenhouse gas
HCP/NCCP	Habitat Conservation Plan/ Natural Community Conservation Plan
HML	Harbor Marine Land
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
LCP	Local Coastal Program
LUE	Land Use Element
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MC	Marine Commercial
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OCFA	Orange County Fire Authority
OCPL	Orange County Public Libraries
OCSD	Orange County Sanitation District
PA	Planning Area
PCH	Pacific Coast Highway, or State Route 1 (SR-1)
PIV	Post Indicator Valve
PRC	California Public Resources Code
Project Applicant	R.D. Olson Development
proposed project	Dana Point Harbor Hotels
RECs	recognized environmental conditions
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board

SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
sf	square foot/feet
SOG	slab-on-grade
SR-1	State Route 1, also Pacific Coast Highway (PCH)
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TIA	Traffic Impact Analysis
tpd	tons per day
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
V/RC	Visitor/Recreation Commercial
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOC	volatile organic compound
VRF	variable refrigerant flow
VSC	Visitor Serving Commercial
WQIP	Water Quality Improvement Plan
WQMP	Water Quality Management Plan

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1.0 PROJECT INFORMATION

In accordance with the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, this Initial Study has been prepared for the proposed Dana Point Harbor Hotels (proposed project) in the City of Dana Point (City). Consistent with *State CEQA Guidelines* Section 15071 and in accordance with the City's Local Guidelines for Implementing CEQA, this Initial Study includes a description of the proposed project, an evaluation of the potential environmental impacts, and findings from the environmental analysis.

This Initial Study evaluates the potential environmental impacts that may result from development of the proposed project and will determine what environmental documentation is appropriate. The City is the Lead Agency under CEQA and is responsible for preparation of the Initial Study and subsequent CEQA documentation and approval of the project.

1.1 CONTACT PERSON

Any questions or comments regarding the preparation of this Initial Study, its assumptions, or its conclusions should be referred to: Kurth Nelson, Principal Planner

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2.0 PROJECT DESCRIPTION

This section describes the proposed Dana Point Harbor Hotels (proposed project) that is evaluated in this Initial Study. A description of the proposed project's location, project characteristics, and required discretionary approvals is provided below.

2.1 PROJECT OVERVIEW

R.D. Olson Development (the Project Applicant) proposes to 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 in the City of Dana Point (City). 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 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.

2.2 LOCATION, EXISTING USES, AND SITE CONTEXT

2.2.1 Regional Project Location

The proposed project is 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.

As shown on Figure 2.1, 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.

2.2.2 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 parcels (Assessor's Parcel Numbers [APNs] 682-22-01, 682-022-05 and a portion of 682-022-16) located within DPHRP Planning Areas (PAs) 3 and 2. 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 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 2.2, Project Vicinity Map/Aerial Photograph.

2.2.3 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.

2.2.4 Land Use and Zoning

As shown in Figure 2.3, 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 2.4, 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 2.5, Dana Point Harbor Revitalization Plan, illustrates the Planning Areas and corresponding land use designations/districts in the DPHRP&DR. According to Figure 2.5 and Figures 2.6 and 2.7 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 and constitutes zoning for the project site and governs the permitted uses and development standards associated with the project site. The Dana Point Harbor 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 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, Local Coastal Program and Zone Text Amendments are proposed, as described under Section 2.3, below. Additionally, due to its proximity to the Pacific Ocean, the project site falls within the boundaries of the City's Coastal Overlay District.

2.2.5 California Coastal Commission Compliance: Coastal Development Permit

According to its mission statement, the 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.

2.3 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 2.7, Preliminary Conceptual Site Plans, for the location of the proposed improvements on the project site.

2.3.1.1 Dana Point Surf Lodge

The proposed Dana Point Surf Lodge would consist of a four-story, approximately 59,274-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 8 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 to 50 ft as shown on Figure 2.8, 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.

2.3.1.2 Dana House Hotel

The proposed Dana House Hotel would consist of a four-story, approximately 125,049 sf structure that includes a partially buried podium level, 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 PA 3 35 ft height limit to approximately 50 ft, and with architectural treatments and screened mechanical units in accordance with PA 3 regulations and DPHDR building height definitions, as shown on Figure 2.9, 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.

2.3.2 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 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.

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 2.10, 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 2.11, Preliminary Planting Palette.

2.3.3 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.

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 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.

2.3.4 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.

2.3.5 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.

According to the Geotechnical Report prepared for the proposed 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. 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.

2.3.6 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 backflow 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 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 (4) sewer services and two (2) grease interceptors will service the two proposed hotel properties.
- **Stormwater:** 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.

2.3.7 Construction Schedule

Construction of the proposed project would be completed within approximately 43 months.

2.3.8 Construction Equipment

Table 2.A provides a summary of the equipment expected to be used during construction of the proposed project.

Table 2.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
Soil Stabilization	Water Truck	6 months
	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
Dana Point Surf Lodge Construction	Small Tractor Equipment	5 months
	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
Dana House Hotel Construction	40 Yard Dumpster Trash Trucks	17 months
	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

2.3.9 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

2.4 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 Zone Text Amendment to the certified Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR) and subsequent Local Coastal Program Amendment. 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 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. Following local approval of those zone text amendments by the City Council, the amendments would be submitted as a Local Coastal Program Amendment to the Coastal Commission for review and approval.

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 Environmental Impact Report (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 2.B.

Table 2.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	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

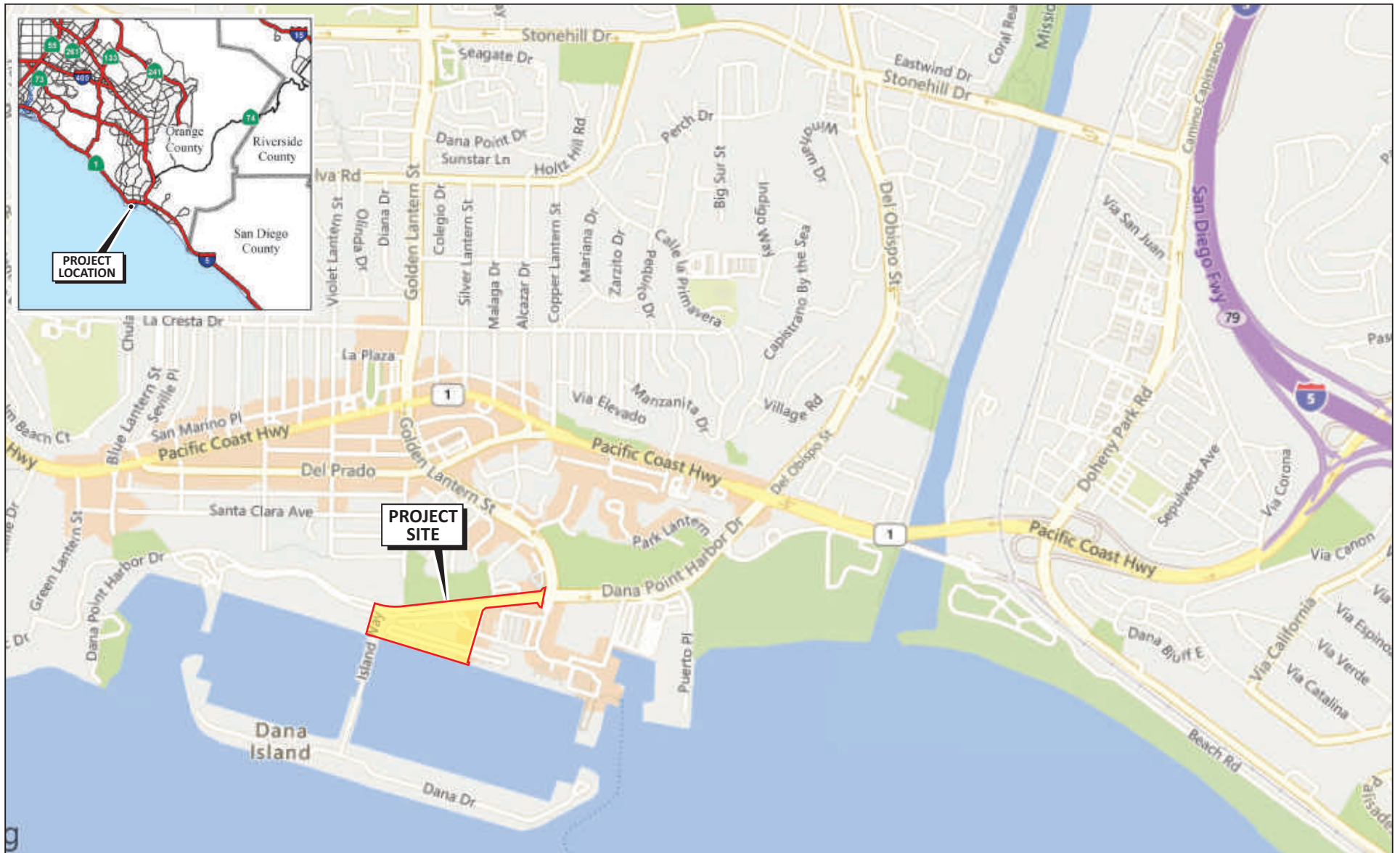


FIGURE 2.1

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SOURCE: Bing Maps

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Dana Point Harbor Hotels Project
Regional Location Map

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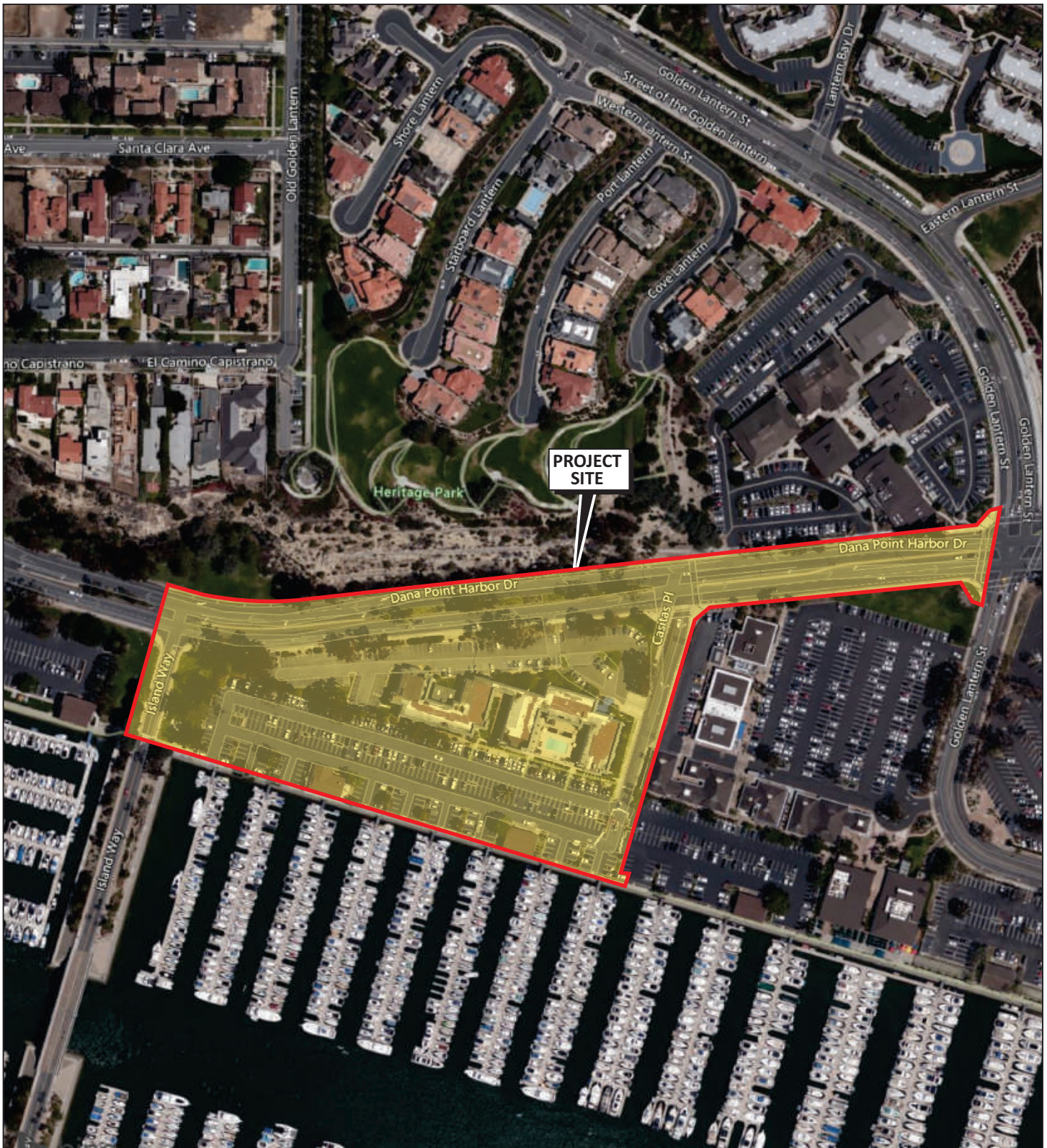
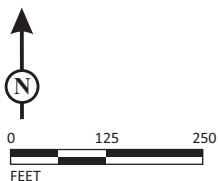


FIGURE 2.2

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SOURCE: Bing Maps

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Dana Point Harbor Hotels Project
Project Vicinity Map/Aerial Photograph

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FIGURE 2.3

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SOURCE: City of Dana Point

I:\DPC2001\G\GP Land Use.cdr (8/18/2020)

Dana Point Harbor Hotels Project
General Plan Land Uses

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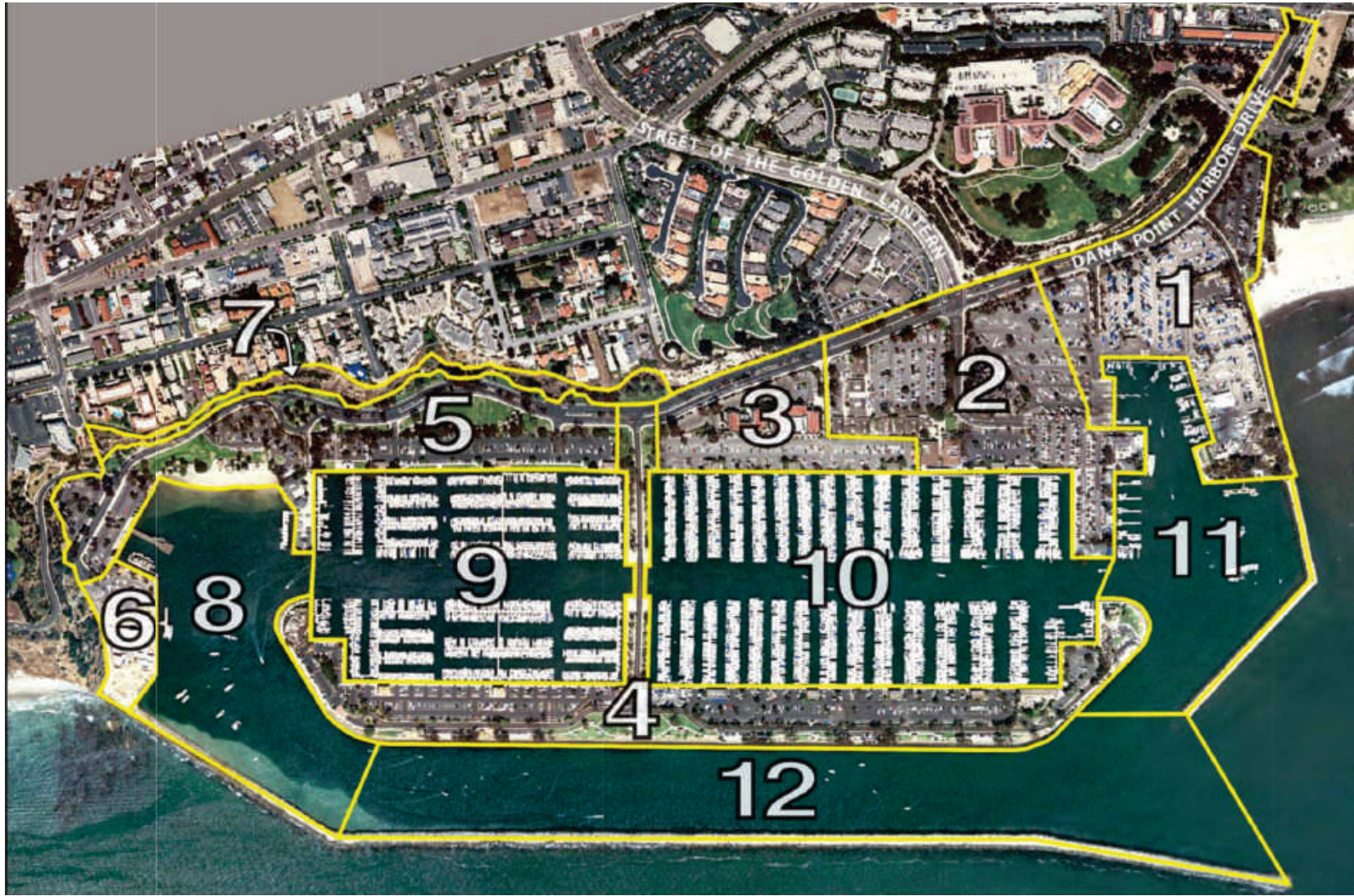


FIGURE 2.4

LSA



Dana Point Harbor Hotels Project
 Dana Point Harbor Revitalization Plan
 Planning Area Map

SOURCE: City of Dana Point

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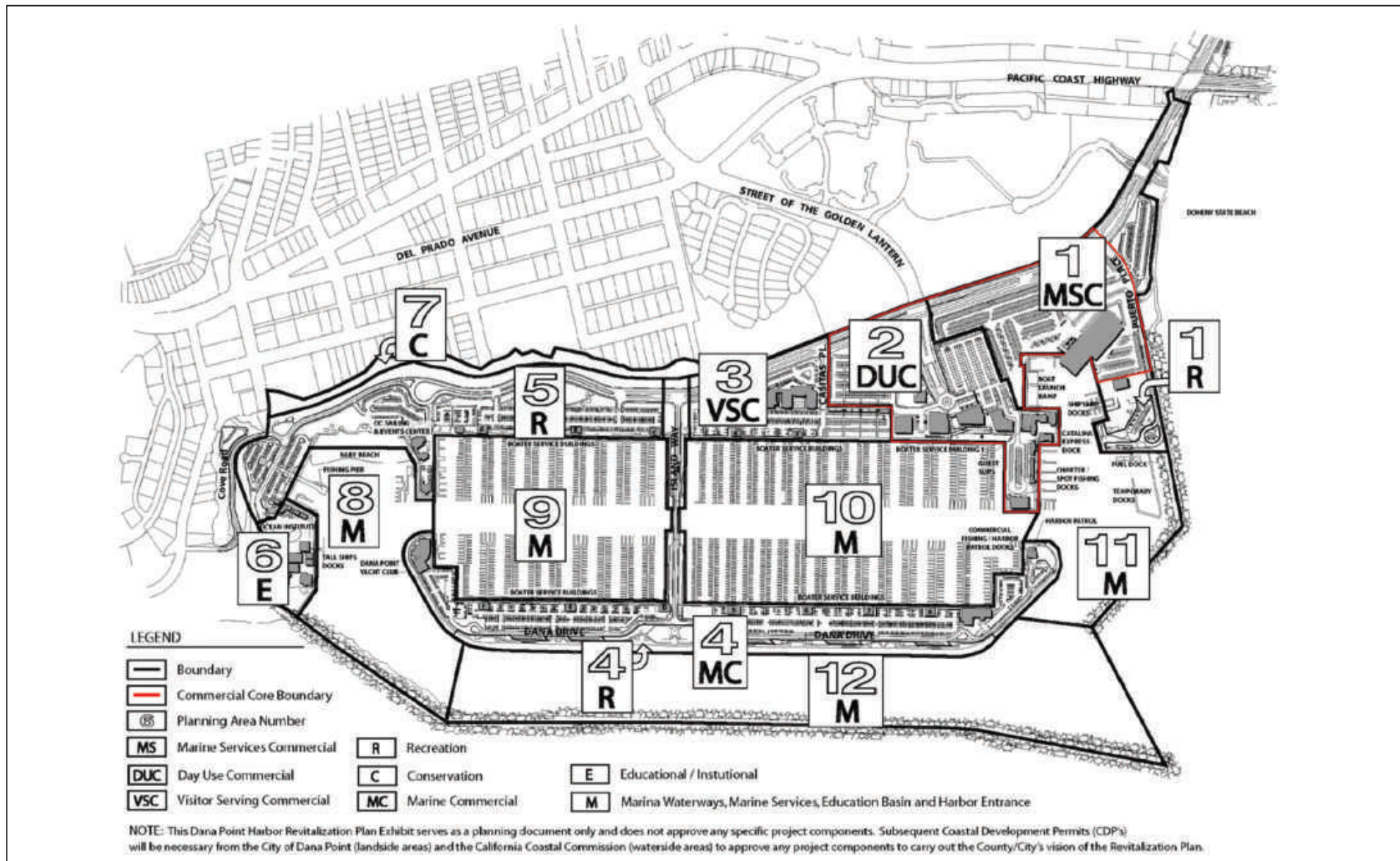


FIGURE 2.5

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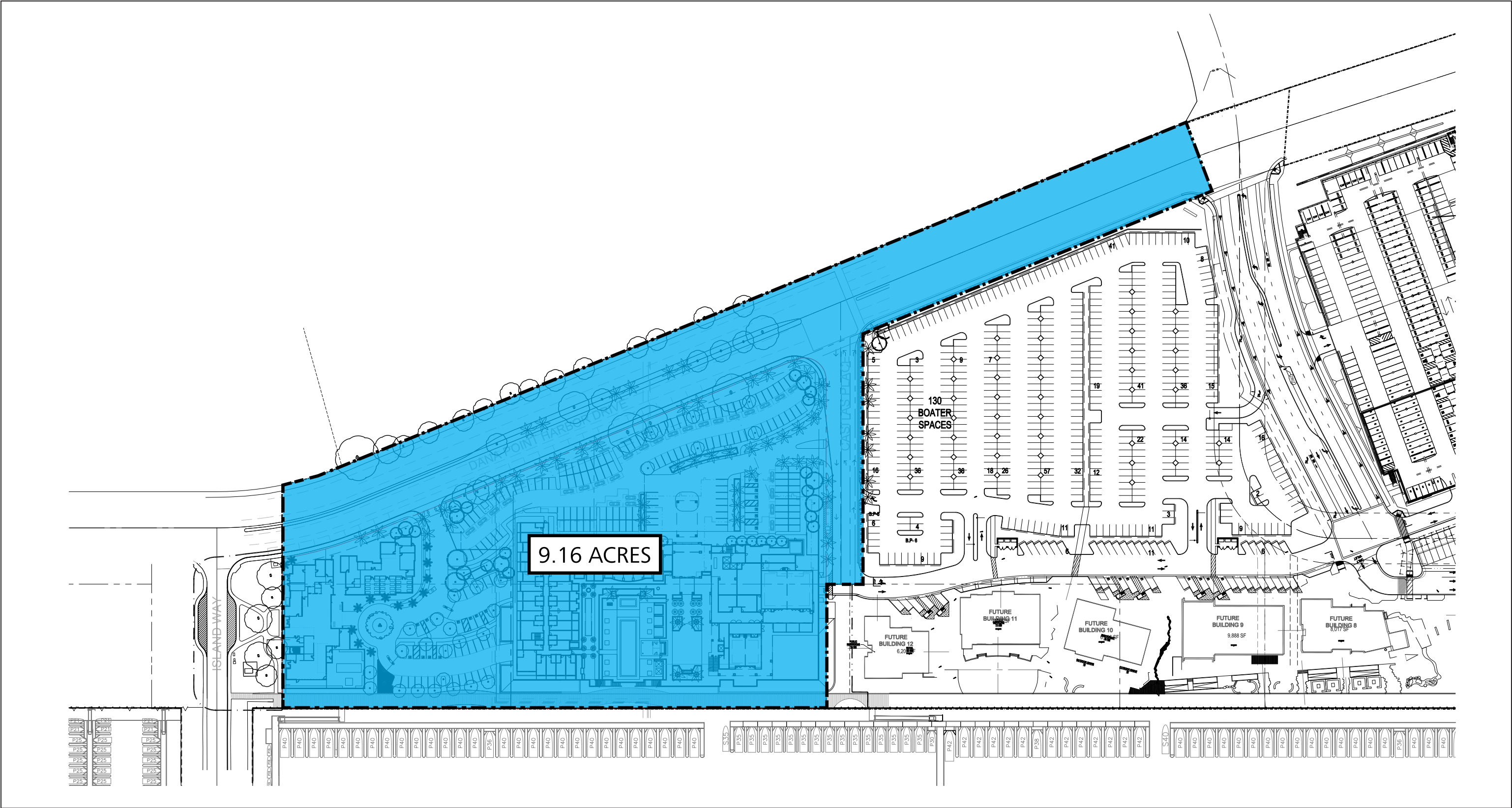


FIGURE 2.6

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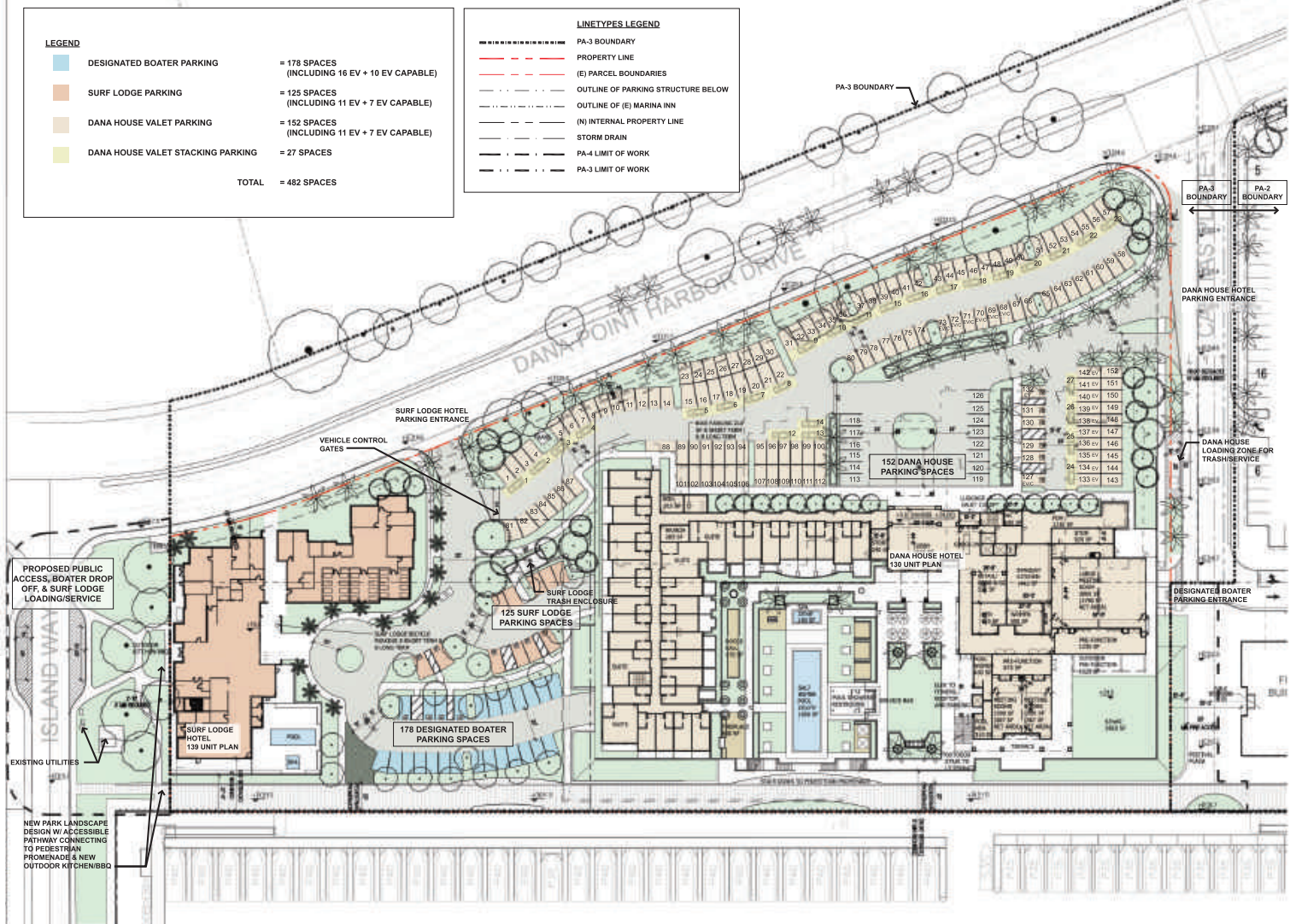
SOURCE: City of Dana Point

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Dana Point Harbor Hotels Project
Planning Area 3 Boundary

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Level One



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A horizontal number line with arrows at both ends. It is marked with the numbers 0, 60, and 120. A bracket is drawn below the line, starting at 0 and ending at 60. The number 60 is written below the bracket.

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SOURCE: WATG

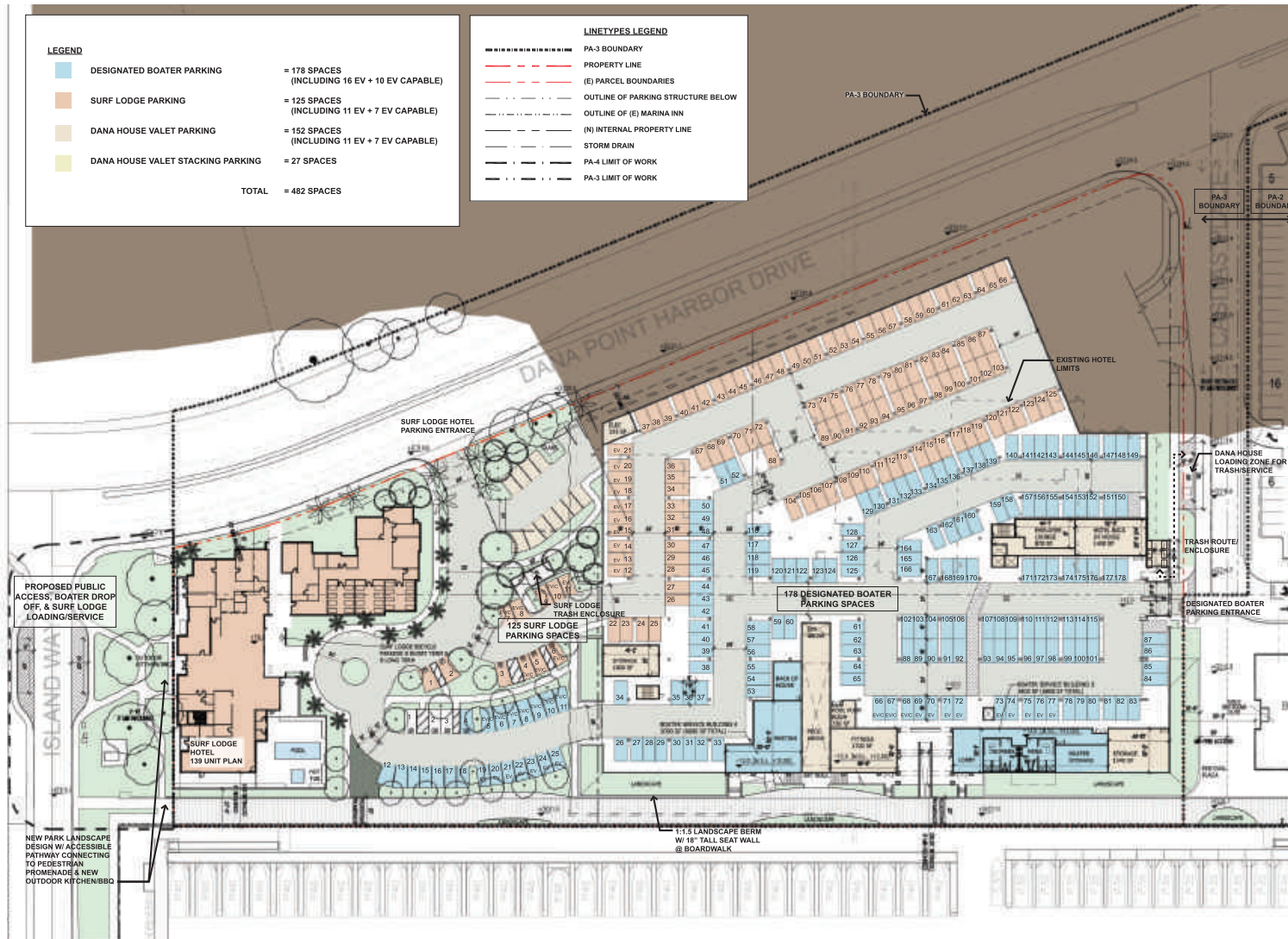
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FIGURE 2.7
Page 1 of 2

Dana Point Harbor Hotels Project
Preliminary Conceptual Site Plans

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Podium Level



LSA



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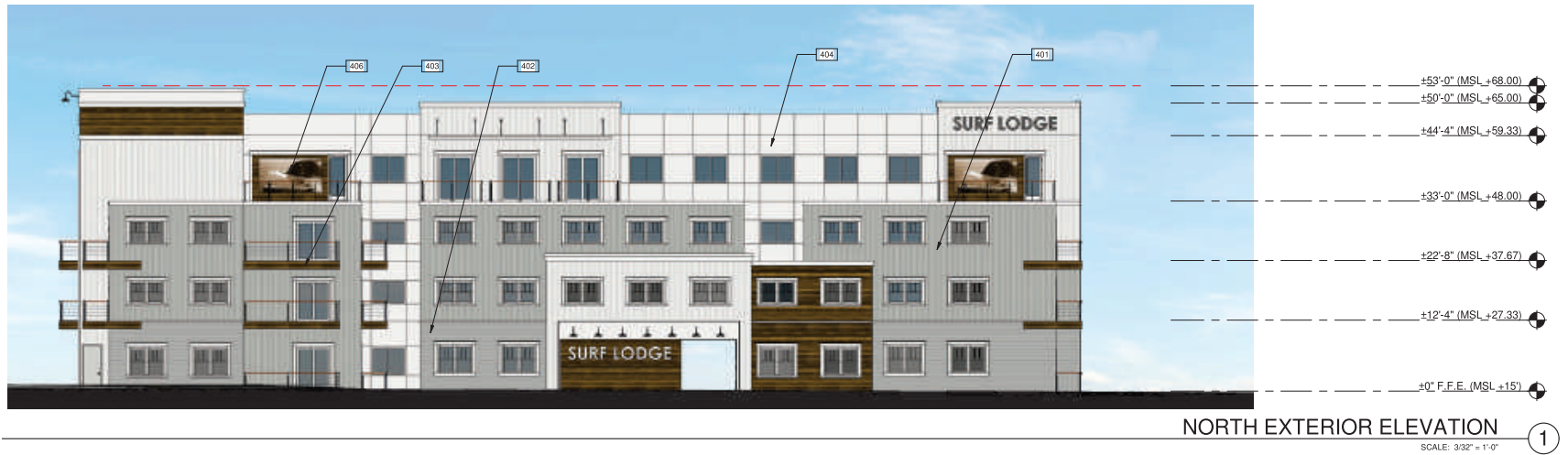
SOURCE: WATG

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FIGURE 2.7
Page 2 of 2

Dana Point Harbor Hotels Project
Preliminary Conceptual Site Plans

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FIGURE 2.8
Page 1 of 2

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SOURCE: WATG

I:\DPC2001\G\Elevations-Surf Lodge.cdr (8/11/2020)

Dana Point Harbor Hotels Project
Preliminary Dana Point Surf Lodge Elevations

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SOUTH EXTERIOR ELEVATION ①
SCALE: 3/32" = 1'-0"

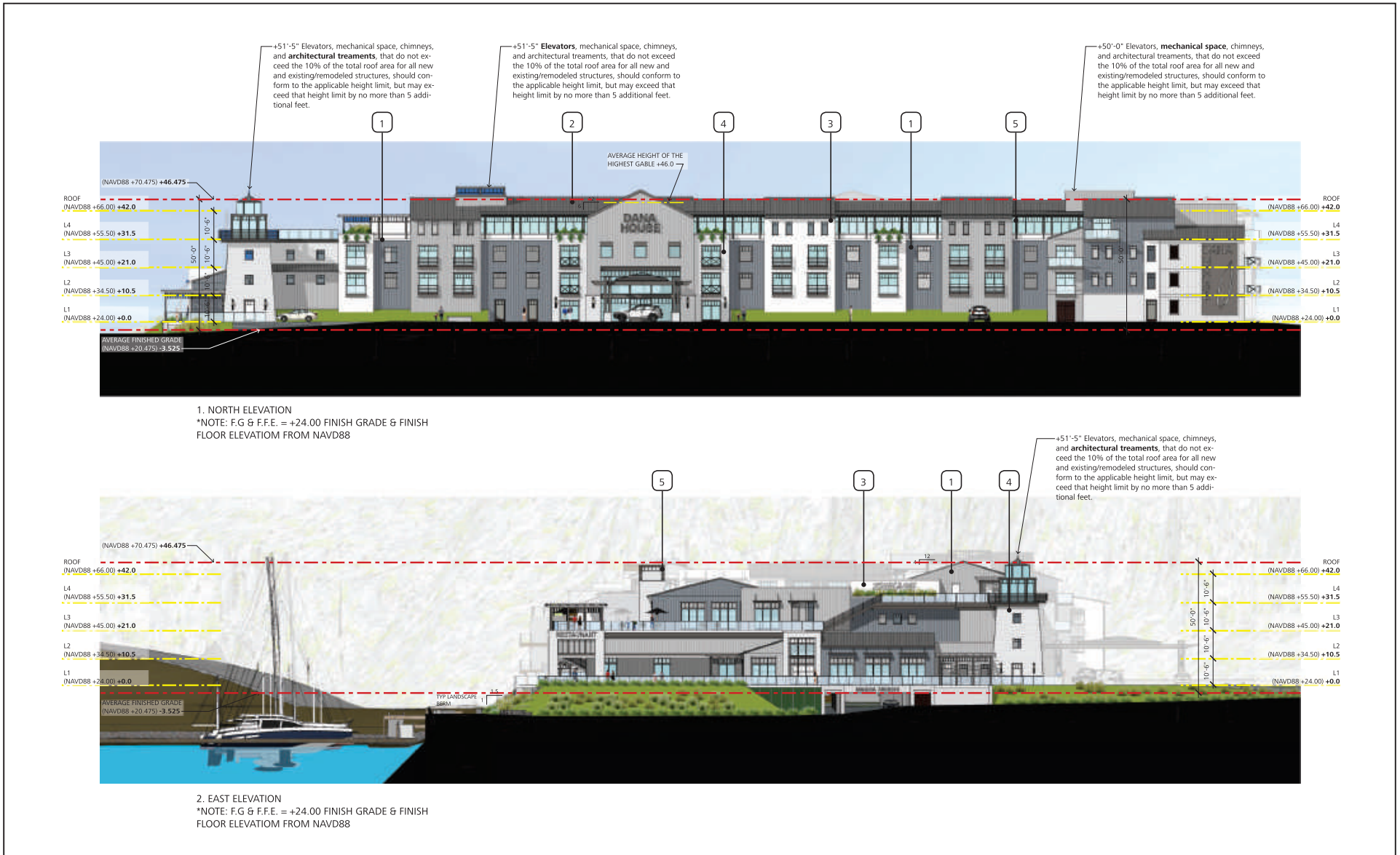


EAST EXTERIOR ELEVATION ②
SCALE: 3/32" = 1'-0"

LSA FIGURE 2.8
Page 2 of 2



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MATERIAL LEGEND:

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



SOURCE: WATG

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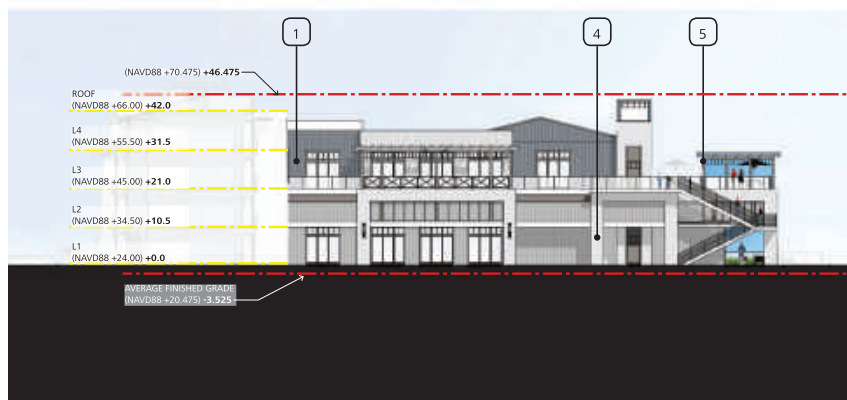
FIGURE 2.9
 Page 2 of 3

Dana Point Harbor Hotels Project
 Preliminary Dana House Hotel Elevations

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5. SOUTH COURTYARD ELEVATION
*NOTE: F.G & F.F.E. = +24.00 FINISH GRADE & FINISH FLOOR ELEVATION FROM NAVD88



6. EAST COURTYARD ELEVATION
*NOTE: F.G & F.F.E. = +24.00 FINISH GRADE & FINISH FLOOR ELEVATION FROM NAVD88

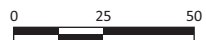


7. WEST COURTYARD ELEVATION
*NOTE: F.G & F.F.E. = +24.00 FINISH GRADE & FINISH FLOOR ELEVATION FROM NAVD88

LSA

MATERIAL LEGEND:

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



SOURCE: WATG

















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FIGURE 2.9
Page 3 of 3









Dana Point Harbor Hotels Project
Preliminary Dana House Hotel 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 'Tuttie'	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		
	Carmelia 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)			

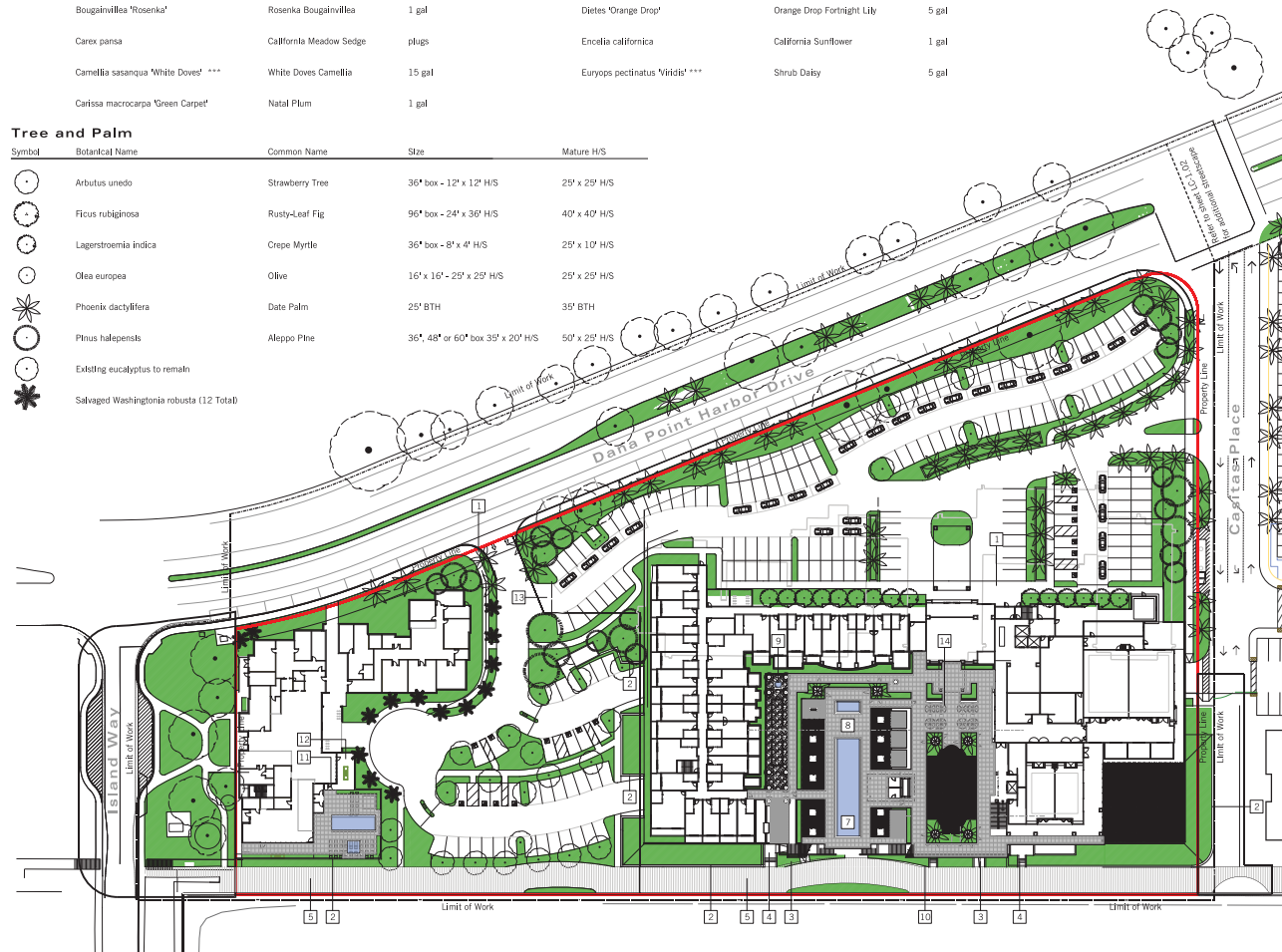


FIGURE 2.10
Page 1 of 2

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SOURCE: Burton Landscape Architecture Studio




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Dana Point Harbor Hotels Project
Preliminary Landscape Plan








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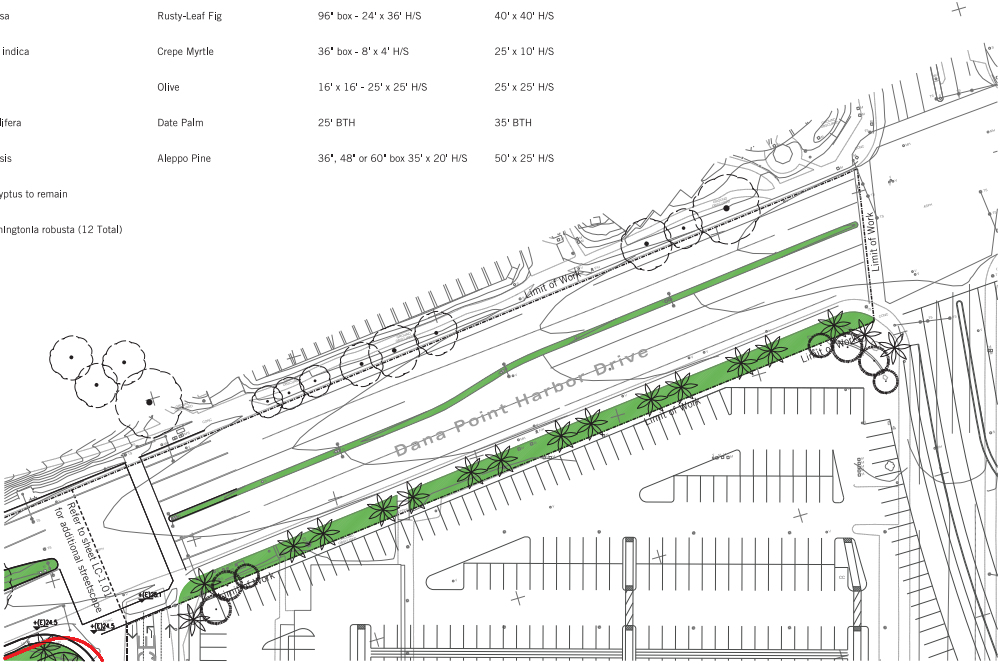
Plant Legend

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		Dietses 'Jack Catlin'	Jack Catlin's Fortnight Lily	5 gal		
	Bougainvillea 'Rosenka'	Rosenka Bougainvillea	1 gal		Dietses '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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SOURCE: Burton Landscape Architecture Studio

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FIGURE 2.10
Page 2 of 2

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 'Vindicta' ***	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	Crape 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



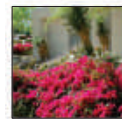
Agapanthus africanus 'Queen Anne'



Annual color



Blechnum gibbum 'Silver Lady' ***



Bougainvillea 'La Jolla'



Carex pansa



Camellia sasanqua 'White Doves' ***



Carissa macrocarpa 'Green Carpet'



Carissa macrocarpa 'Tuttle'



Clivia miniata



Dianella tasmanica 'Variegata'



Dietes 'Jack Catlin'



Dietes 'Orange Drop'



Encelia californica



Euryops pectinatus 'Vindicta' ***

Tree and Palm



Arbutus unedo



Ficus rubiginosa



Washingtonia robusta (Salvaged)



Lagerstroemia indica



Olea europea



Phoenix dactylifera



Pinus halepensis

LSA

FIGURE 2.11

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3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist in Chapter 4.0.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

3.1 DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “Potentially Significant Impact” or “Potentially Significant Unless Mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

September 22, 2020

Date

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4.0 CEQA ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. 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 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.1.1 Impact Analysis

a. *Would the project have a substantial effect on a scenic vista?*

Potentially Significant Impact. The project site is located within the Dana Point Harbor, on the south side of Dana Point Harbor Drive north of Dana Point Harbor Revitalization Plan (DPHRP) PA 10, the Dana Point Harbor East Cove Marina (marina). As described previously in Section 1.0, Project Description, the project site is located within PA 3 and includes loading zone and landscaping improvements in PA 2 and PA 4 of the DPHRP and is subject to the policies for visual and scenic resources. According to the DPHRP, scenic resources of the City of Dana Point and Dana Point Harbor include vistas and panoramas of the Pacific Ocean and distant views of the Southern California Coastline. The project site is visible from several of the view corridors identified in the DPHRP, including primary, secondary, and supplemental views. In addition, the view corridors identified in the DPHRP provide land-side views and the project site is also visible from the Pacific Ocean. While the existing site is currently developed, the development of the two proposed hotels are greater in height than the existing Dana Point Marina Inn and would increase the massing on the project site. Views of Dana Point Harbor may be altered and some boating docks would no longer be visible due the location of the proposed Dana Point Surf Lodge where surface parking exists currently or due to the additional height of Dana House Hotel. Therefore, an analysis utilizing visual simulations of the proposed project will be provided for each of the key view corridors identified in the DPHRP as part of the EIR. Additionally, since both of the hotels included as part of the proposed project are proposing to utilize the exception to the 35 ft height limit of the Visitor Serving Commercial (VSC) land use designation/district (Section 6.5 c) 1) of the DPHRP, the proposed project must demonstrate that significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit 8-1, Dana Point Harbor View Corridors, of the DPHRP, are protected and enhanced. Therefore,

the proposed project may alter the existing viewshed and may impact views of the Pacific Ocean and the Dana Point Harbor as currently seen from public trails and viewpoints north of the project site. **Due to the importance of visual resources and scenic quality within Dana Point Harbor, an aesthetics analysis will be conducted as part of the EIR to further analyze impacts to scenic vistas and the existing visual surroundings.**

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans) Scenic Highway Mapping Program, Pacific Coast Highway (PCH) throughout Orange County (County) is designated as an Eligible State Scenic Highway but is not considered an Officially Designated Scenic Highway.¹ However, PCH is designated as a Scenic Highway in the City's General Plan Circulation Element. 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 would include 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 topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

c. 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?

Potentially Significant Impact. In its existing condition, the project site currently consists of the 136-room Dana Point Marina Inn and associated landscaping and infrastructure. The proposed project would result in the development of two hotels, one of which would include space for boater services, associated ancillary uses and replacement parking areas. 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. As described in Response 4.1.1(a) above, the project site is visible from several of the view corridors, including primary, secondary, and supplemental views, as identified in Exhibit 8-1 of the DPHRP, which provides land-side views. The project site is also visible from the Pacific Ocean. Development of the proposed project may alter views of Dana Point Harbor from the key view corridors based on the massing and height of the two hotels compared to existing conditions. An analysis utilizing visual simulations of the proposed project will be provided for each of the key view corridors identified in the DPHRP as part of the EIR. Furthermore, since both of the hotels included as part of the proposed project are proposing to utilize the exception to the 35 ft height limit of the VSC land use designation/district (Section 6.5 c) 1) of the DPHRP, the proposed project must demonstrate

¹ California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. Website: <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a> (accessed July 9, 2020).

that significant coastal public views through scenic corridors and from scenic viewpoints as shown on Exhibit 8-1, Dana Point Harbor View Corridors of the DPHRP are protected and enhanced.

The project site is zoned Dana Point Harbor Revitalization Plan and District Regulations (DPHRP-ZC) per the Dana Point Zoning Code (DPZC). The proposed project is consistent with the zoning regulations of the DPHDR and all other regulations governing scenic quality, including policies related to Scenic and Visual Resources in Section 8.4 and Coastal Views in Section 8.5 of the DPHRP. **However, due to the importance of visual resources and scenic quality within Dana Point Harbor, an aesthetics analysis will be conducted as part of the EIR to further analyze impacts to the existing visual surroundings.**

- d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Potentially Significant Impact. The proposed project would replace the existing 136-room Dana Point Marina Inn, two boater service buildings, and existing surface parking with the development of two hotels, one of which would include space for boater services, and replacement of demolished parking areas. While there is existing development on the project site, the development of the two proposed hotels would increase the total square footage of development and result in additional sources of light and glare at higher elevations than existing development. Project implementation would create additional lighting sources on the project site associated with the two hotels. Therefore, the proposed project would introduce new sources of light and glare into the area as compared to the existing conditions. **This topic will be further addressed in the EIR.**

4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.2.1 Impact Analysis

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. According to the Orange County Important Farmland Map, the entire project site and surrounding area is designated as "Urban and Built Up Land."¹ Development of the proposed project would not result in any impacts to significant farmland. **Therefore, impacts to Prime Farmland, Unique Farmland, and Farmland of Statewide Importance will not be evaluated in the EIR unless**

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

new information identifying it as a potentially significant impact is presented during the scoping process.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is not zoned for agricultural use. The project site is designated as Visitor/ Recreation Commercial (V/RC) and Harbor Marine Land (HML) in the City's General Plan and is zoned as DPHRP-ZC per the DPZC. The project site is also subject to the land use districts/planning areas of the DPHDR. The portion of the project site located in PA 2 is designated Day Use Commercial (DUC); the portion of the project site located in PA 3 is designated Visitor Serving Commercial (VSC); and the portion of the project site located in PA 4 is designated Marine Commercial (MC).

The Williamson Act was established to encourage the conservation of farmland and certain open space uses by way of lower property taxes to landowners of such property. According to the California Department of Conservation (DOC), the project site is not subject to a Williamson Act contract.¹ Therefore, the proposed project would have no impact on zoning designations for agricultural use or land currently under a Williamson Act contract. **No impacts would occur, and as such, this topic will not be evaluated in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project site is not zoned for, and does not contain, any forest land or timberland uses. Furthermore, there is no forest land or timberland within the vicinity of the project site. Therefore, the proposed project would not result in impacts to forestland or timberland. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

d. Would the project result in the loss of forest land or conversion of forestland to non-forest use?

No Impact. As stated in Response 4.2.1(c), the project site is not currently zoned or used for forest land or timber land and is located within an urbanized area. Therefore, implementation of the proposed project would not result in the loss or conversion of forest land to a non-forest use. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

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

- e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. As stated in Response 4.2.1(b) above, there are no existing agricultural uses or forest lands on the project site. Therefore, development of the proposed project would not result in the conversion of farmland or forests to non-agricultural use. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

4.3 AIR QUALITY

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.3.1 Impact Analysis

- a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*
- b. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?; or*
- c. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Potentially Significant Impact. The project site is located in the City of Dana Point, within the South Coast Air Basin (SCAB), which includes all of Orange County (County) and portions of Los Angeles, Riverside, and San Bernardino Counties. Air quality within the SCAB is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD and the Southern California Association of Governments (SCAG) are responsible for formulating and implementing the Air Quality Management Plan (AQMP) for the SCAB. The latest plan is the 2016 AQMP, which incorporates the latest scientific and technological information and planning assumptions, including the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories. The proposed project is subject to the air pollution thresholds established by SCAQMD, which are published in its *CEQA Air Quality Handbook* (1993, currently being revised). Consistency with these plans means that the proposed project would be consistent with the goals, objectives, and assumptions established to achieve the federal and State air quality standards.

The proposed project has the potential to result in significant short-term construction-related air quality impacts associated with demolition, grading and construction activity, and long-term air quality impacts primarily related to vehicular traffic. A comprehensive air quality analysis will be

completed as part of the EIR, analyzing the short-term (construction) and long-term (operational) impacts of the proposed project, as well as potential impacts on sensitive receptors. The EIR will also identify appropriate and feasible mitigation measures, should there be significant air quality impacts. **Potential air quality impacts, including consistency with the AQMP, violation of air quality standards, the increase of criteria pollutants, and exposure of sensitive receptors to substantial pollutant concentrations will be analyzed further in the EIR.**

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. SCAQMD's *CEQA Air Quality Handbook* (1993) identifies various secondary significance criteria related to odorous air contaminants. Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills, or heavy manufacturing uses. The proposed project does not include any such uses or activities that would result in potentially significant odor impacts. Some odors may emanate from the operation of diesel-powered construction equipment during construction of the proposed project. However, these odors would be limited to the construction period and would disperse quickly; therefore, these odors would be considered less than significant and would not require mitigation.

The proposed project would include the development of two hotels, one of which would include space for boater services, associated ancillary uses and parking areas, which are not anticipated to produce objectionable odors. Potential sources of operational odors generated by the project would include disposal of miscellaneous refuse typical of hotel uses. SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. Consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Therefore, no significant impacts related to objectionable odors would result from the proposed project, and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.1 Impact Analysis

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Less Than Significant Impact. The project site is currently developed with the Dana Point Marina Inn, two boater buildings, parking, associated infrastructure and ornamental landscaping. The project site is also located 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 Dana Point Harbor first opened in 1971. According to the Program EIR No. 591 prepared for the DPHRP&DR, most of the Harbor is covered with asphalt parking lots, commercial buildings, and scattered ornamental landscaping. The vegetation community subtypes in the developed areas is nonurban, commercial, and ornamental landscaping and all of the trees within the Harbor and Off-Site areas (Off-site areas in Program EIR No. 591 refer to off-site areas used for temporary and long-term parking and/or boat storage and are not anticipated to be utilized as part of the proposed project), including the native

trees, were planted as landscape, ornamental trees. The only native vegetation identified in Program EIR No. 591 is coastal bluff scrub located in PA 7 (Conservation land use designation/district) of the DPHDR. Improvements associated with the project are only proposed in PA 2, PA 3, and PA 4. Therefore, there are no native habitats within the project site with the potential to support sensitive plant and animal species.

In addition, the literature review and assessment of the various habitat types within the Harbor and Off-Site areas conducted for Program EIR No. 591 identified 69 sensitive wildlife species that could potentially occur in the vicinity of the Harbor or Off-Site areas. Of the 69 sensitive wildlife species, 6 were present (5 of which are listed species), 2 have a high potential to occur, 10 have a moderate potential to occur, and 53 have a low potential to occur. Of these 69 sensitive species, 6 were present, 2 have a high potential to occur, and 10 have a moderate potential to occur. Four Federal-listed endangered or threatened species were either present or have a moderate to high potential to occur on site. The Program EIR determined the species with potential to occur are not expected to nest within the proposed construction areas of the DPHRP&DR or measures would be implemented to avoid disrupting nesting activities during construction and, therefore, these species would not be significantly impacted. In addition, the proposed project would not involve any marina or slip improvements and, therefore, would not have the potential to impact marine mammals or other marine biota.

The project site contains ornamental landscaping and non-native trees, which could potentially support nests and roosting for bird species. However, if vegetation removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required to ensure that any active nests are identified and appropriate measures taken to ensure that impacts to nesting species are in compliance with regulations established in the Migratory Bird Treaty Act of 1918 (MBTA) (refer to Standard Condition BIO-1, below). The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests, and prohibits the take of any migratory bird, its eggs, parts, and nests. Compliance with this federal law would ensure project implementation would not impact nesting birds. No other impacts to candidate, sensitive, or special-status species are anticipated from implementation of the proposed project. **Therefore, this topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

Standard Condition BIO-1

Compliance with Migratory Bird Treaty Act (MBTA). As specified in the MBTA, project construction activities should avoid 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 City of Dana Point. If vegetation removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required prior to the start of construction activities to ensure that any active nests are identified and appropriate measures taken to ensure that impacts to nesting species are in compliance with regulations established in the MBTA.

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

No Impact. As stated in Response 4.4.1(a) above, the project site is entirely developed with the existing Dana Point Marina Inn, parking, associated infrastructure and ornamental landscaping. 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). Therefore, development of the proposed project is not anticipated to have an impact on any riparian habitat or other sensitive natural community. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

- c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. The project site is currently developed and located within a highly urbanized area, and as such, does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, the proposed project would have no impact on federally protected wetlands. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

- d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less Than Significant Impact. The project site is located in an urbanized area of the City that is developed with commercial, recreational, retail, and public facility uses. 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. As described in Response 4.4.1(a) above, construction of the proposed project would comply with the MBTA. Compliance with this federal law would ensure that project implementation would not impact migratory wildlife. **Therefore, this topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

- e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less Than Significant Impact. Construction of the proposed project would result in the removal of some ornamental trees currently present on the project site. The City's General Plan Conservation/Open Space Element does not contain a tree preservation policy or ordinance. In addition, it should be noted that these trees are non-native and are not considered sensitive biological resources. In addition, Section 7.2 of the DPHRP includes policies specific to tree maintenance and removal. The proposed project would comply with these policies as outlined in Standard Condition BIO-2. Therefore, with implementation of Standard Condition BIO-2, the proposed project would not conflict

with any local policies or ordinances protecting biological resources. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

Standard Condition BIO-2

Tree Removal. The Project Applicant will comply with the Tree Maintenance Procedures outlined in the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR), which includes the following provisions related to tree removal:

- 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 five (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 five (5) year monitoring program with specific performance standards.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is not covered under the Orange County Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP) or any other conservation plan. Therefore, implementation of the proposed project would not result in any impacts to an HCP or NCCP, or other approved local, regional, or State HCP. **This topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

4.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.5.1 Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact. In its existing setting, 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 *Dana Point Historic Resources Inventory Update – Survey Report* (City of Dana Point 2016) as a historic resource. In addition, according to the Office of Historic Preservation,¹ there are no historic resources on the project site. Therefore, the proposed project would not result in any impacts related to historical resources. **This topic will not be evaluated further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Potentially Significant Impact. The soils on the project site have been disturbed previously from development of the existing Dana Point Harbor generally, and the Dana Point Marina Inn specifically, landscaping, parking, and associated infrastructure. However, new ground-disturbing activities associated with project construction activities could have the potential to unearth any previously unknown archaeological resources. Therefore, a cultural resources memorandum will be prepared to further analyze impacts to potential archaeological resources. **This topic will be evaluated further in the EIR.**

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. There are no known human remains interred on the project site.

In the unlikely event that human remains are uncovered, then the project would comply with existing Public Resources Code Section 5097.98 requirements as described in Standard Condition CUL-1,

¹ California Office of Historic Preservation. 2020. Orange County Historical Landmarks. Website: http://ohp.parks.ca.gov/?page_id=21445 (accessed July 9, 2020).

below. With compliance with the existing regulations per Standard Condition CUL-1, impacts would be less than significant. **This topic will not be evaluated further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

Standard Condition CUL-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 Resource 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.

4.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.6.1 Impact Analysis

a. *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?; or*

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

Potentially Significant Impact. The proposed project has the potential to result in significant short-term construction-related and long-term operational energy impacts. A consistency analysis will be conducted to determine if the project conflicts with or obstructs a State or local plan for renewable energy or energy efficiency. As such, impacts to energy resources will be evaluated as part of the EIR, analyzing short-term and long-term impacts of the project, as well as project consistency with State and local plans related to energy. The EIR will also identify appropriate and feasible mitigation measures if necessary. **Potential impacts to energy resources will be analyzed further in the EIR.**

4.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.7.1 Impact Analysis

a. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. According to the Alquist-Priolo Earthquake Fault Zones delineated by the California Geological Survey (CGS), there are no known active earthquake faults within the City, and more precisely, none on the project site.¹ In addition, as discussed in the *Preliminary Geotechnical Investigation* (GMU, September 2019) prepared for the proposed project, 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

¹ California Department of Conservation (DOC). 2019a. California Earthquake Hazards Zone Application. Website: <https://maps.conservation.ca.gov/cgs/EQZApp/app/> (accessed July 10, 2020).

impacts related to the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. **Therefore, this topic will not be evaluated further in the EIR, unless new information identifying it as a potentially significant impact is presented during the scoping process.**

ii. Strong seismic ground shaking?

Potentially Significant Impact. Although there are no known active faults running through the project site, the City is located in a seismically active region (Southern California). As described in Response 4.7.1(a)(i) above, the nearest known active fault is the offshore segment of the Newport-Inglewood Fault and is capable of generating a maximum earthquake magnitude (Mw) of 7.1, The San Joaquin Hills Blind Thrust is capable of generating a maximum earthquake magnitude (Mw) of 6.6. Given the proximity of the site to these and numerous other active and potentially active faults, the project site may be subject to earthquake ground motions and potential significant impacts related to ground shaking in the event of an earthquake. **This topic will be evaluated further in the EIR.**

iii. Seismic-related ground failure, including liquefaction?

Potentially Significant Impact. According to the City's General Plan Public Safety Element (1995) and the California Department of Conservation's (DOC) Seismic Hazard Zone Map (2001), the project site and all of Dana Point Harbor are located within a zone of required investigation for liquefaction. Therefore, the results and recommendations of the Preliminary Geotechnical Investigation will be included in the EIR, which will evaluate potential project-related impacts resulting from seismic-related ground failure, including liquefaction. Potential impacts related to liquefaction will be addressed in the EIR and, based on proposed recommendations by the Geotechnical Engineer of record; mitigation measures will be included to reduce potential impacts. **This topic will be evaluated further in the EIR.**

iv. Landslides?

Potentially Significant Impact. According to the Preliminary Geotechnical Investigation (GMU, September 2019) prepared 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. However, the 2019 Preliminary Geotechnical Investigation states an earthquake-induced landslide was mapped adjacent to the proposed development. The adjacent mapped areas are within the existing coastal bluffs where surficial instability and cracking may occur. Based on the distance between the coastal bluffs and the project site, the potential for landslides to impact the development will be addressed in the EIR and, based on the recommendations and analysis by the Geotechnical Engineer of Record, mitigation measures will be included to reduce potential impacts. **This topic will be evaluated further in the EIR.**

b. Would the project result in substantial soil erosion or the loss of topsoil?

Potentially Significant Impact. Construction of the proposed project may result in soil erosion during grading and other soil-disturbing construction activities. Soil erosion would be controlled via implementation of standard erosion control best management practices (BMPs). Furthermore, the

exposure of soils during construction would be short-term and subject to requirements established by the National Discharge Elimination Systems (NPDES). Once developed, the project site would be covered by impervious surfaces (buildings and roadway/parking areas) or landscaping (i.e., ornamental landscaping and dedicated parkland) subject to BMPs to control erosion. **Potential impacts due to soil erosion and loss of topsoil will be evaluated in the EIR.**

c. 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- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Potentially Significant Impact. As described in Responses 4.7.1(a)(ii) and (iii) above, potential impacts related to unstable soil, on- or off-site lateral spreading, subsidence, liquefaction, or collapse have been evaluated in the Preliminary Geotechnical Investigation and the results and recommendations of this investigation will be presented in the EIR. Impacts related to landslides are not considered a potential impact. Mitigation measures will be included to reduce the project's impacts related to these soil conditions, if any significant impacts are identified. **This topic will be evaluated further in the EIR.**

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Potentially Significant Impact. According to the Preliminary Geotechnical Investigation (GMU, September 2019) prepared for the proposed project, the expansion potentials of the Artificial Fill underlying the project site are highly variable ranging from very low to medium expansion potential. Consequently, the design of building foundations and exterior hardscape features should consider a medium expansion potential. The results and recommendations of the Preliminary Geotechnical Investigation will be included in the EIR, which will evaluate potential project-related impacts resulting from expansive soils. **This topic will be evaluated further in the EIR.**

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed project would not use septic tanks or alternative wastewater disposal systems. 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. **Therefore, because a septic tank or alternative system will not be required as part of the proposed project, this topic will not be analyzed further in the EIR unless new information identifying it as a potentially significant impact is presented during the scoping process.**

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

Potentially Significant Impact. The project site was previously graded for the development of the Dana Point Harbor and the existing Dana Point Marina Inn and boater buildings, which likely would have unearthed existing paleontological resources on the project site. However, the potential to

encounter unknown resources during grading exists. **Therefore, this topic will be evaluated further in the EIR.**

4.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.8.1 Impact Analysis

- a. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?; or*
- b. *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Potentially Significant Impact. During construction of the proposed project, construction equipment and vehicles would generate greenhouse gas (GHG) emissions. In addition, the proposed project would use energy and generate vehicle trips during long-term operations, which would also contribute to the emission of GHGs. A technical study analyzing GHG emissions associated with both the short-term construction and long-term operational impacts of the proposed project will be prepared and summarized in the EIR. The project's consistency with applicable plans, policies, and regulations related to reducing GHG emissions will also be addressed in the EIR. Mitigation will be proposed, if necessary. **Potential GHG impacts will be analyzed further in the EIR.**

4.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.9.1 Impact Analysis

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less Than Significant Impact. Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive, and irritant, or strong sensitizer.¹ Hazardous substances include all chemicals regulated under the United States Department of Transportation “hazardous materials” regulations and the United States Environmental Protection Agency (USEPA) “hazardous waste” regulations. These hazardous wastes require special handling and disposal because of their potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use, or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations.

¹ A “sensitizer” is a chemical that can cause a substantial proportion of people or animals to develop an allergic reaction in normal tissue after repeated exposure to a chemical (U.S. Department of Labor 2017).

Construction. During demolition and construction activities for the proposed project, there is a possibility of generating small quantities of hazardous materials. The construction phase of the proposed project would include the transport, storage, and short-term use of petroleum-based fuels, lubricants, pesticides, and other similar materials. The amount of hazardous chemicals present during construction is limited and would be in compliance with existing government regulations, such as the Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, and the California Code of Regulations (CCR Title 22).

Any associated risk would be adequately reduced to a level that is less than significant through compliance with these standards and regulations; thus, the limited use and storage of hazardous materials during construction of the proposed project would not pose a significant hazard to the public or the environment. Accordingly, the potential for the release of hazardous materials during project construction would be low and, even if a release were to occur, it would not result in a significant hazard to the public, surrounding land uses, or environment due to the small quantities of these materials associated with construction. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

Operation. Hazardous substances associated with the proposed hotel uses are typically limited in both amount and use, such that they can be contained without impacting the environment. Long-term operational activities typical of the hotel uses, such as landscaping and building and pool maintenance, would occur on the project site. Maintenance activities related to landscaping include the use of fertilizers and light equipment (such as lawn mowers and edgers). These types of activities do not involve the use of a large or substantial amount of hazardous materials. The proposed hotel uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, pesticides, and pool sanitizers. However, such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. As such, when utilized properly, hazardous materials used and stored on the project site would not result in a significant hazard to visitors or the environment.

The project proposes vehicle parking and boat storage; however, there would be no vehicle cleaning or maintenance areas on the project site. As such, chemicals, oils, and grease, generated from such activities would not result in significant impacts related to the release of hazardous materials.

All transport, handling, use, and disposal of substances such as petroleum products, paints, and solvents related to the operation and maintenance of the proposed project would be required to comply with all federal, State, and local laws regulating the management and use of hazardous materials. Therefore, the proposed project would result in a less than significant impact with regard to the routine transport, use, or disposal of hazardous material. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- b. *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?*

Potentially Significant Impact.

Construction. Construction activities associated with the proposed project would include site preparation and demolition activities, building construction, paving, and the implementation of ornamental landscaping and pedestrian improvements. In the unlikely event that unknown hazardous materials are discovered on site during project construction, the project contractor would be required to notify the Orange County Fire Authority (OCFA), who would then determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. In addition, the California Highway Patrol, and local police and fire departments are trained in emergency response procedures for safely responding to accidental spills of hazardous substances on public roads, further reducing potential impacts to a less than significant level.

The project site has been previously developed with existing uses. As such, there is potential for uncovering hazardous materials in the soil during construction activities. A Phase I Environmental Site Assessment was prepared for the proposed project in December 2018 to evaluate the project site for potential Recognized Environmental Concerns (RECs) that are present and/or off-site conditions that may impact the project site. A REC can be defined as the presence or likely presence of any hazardous substances or petroleum products at the subject property under any of the following conditions: (1) due to a release into the environment; (2) under conditions indicative of a release into the environment; or (3) under conditions that pose a material threat of a future release to the environment. Therefore, project construction has the potential to create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **Potential impacts related to the release of hazardous materials into the environment as a result of project construction will be analyzed further in the EIR and mitigation proposed if necessary.**

Operation. As stated previously, 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, 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 and boat 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. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The nearest schools to the project site are Dana Montessori School located approximately 0.45 mile northwest of the project site at 34052 Street of the Violet Lantern, and R.H. Dana Elementary School, located approximately 0.6 mile to the northwest of the project site at 24242 La Cresta Drive. No schools are located within 0.25 mile of the project site.

As previously stated, the proposed project would not result in a significant hazard affecting the public during project construction or operation. Furthermore, the proposed project would not result in significant impacts associated with hazardous materials because all materials would be handled, stored, and disposed of in accordance with applicable standards and regulations. Therefore, 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 mile away from the project site, impacts would be less than significant and no mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

d. Would the project 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?

Less Than Significant Impact. According to the Department of Toxic Substances Control (DTSC) EnviroStor database, the project site is not located on a federal superfund site, State response site, voluntary cleanup site, school cleanup site, corrective action site, or tiered permit site.¹ Review of the State Water Resources Control Board (SWRCB) GeoTracker database confirms that the project site is not on a Leaking Underground Storage Tank (LUST) Cleanup site.² The project site is not located on a list of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit³ or active cease and desist orders and cleanup and abatement orders.⁴ All use, storage, transport and disposal of hazardous materials (including any small amounts of hazardous wastes) during construction and operational activities will be performed in accordance with existing local, State, and federal hazardous materials regulations. 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),⁵ impacts related to this topic are considered

¹ California Department of Toxic Substances Control (DTSC). EnviroStor Database. Website: https://www.envirostor.dtsc.ca.gov/public/map/?global_id=19970011 (accessed July 13, 2020).

² State Water Resources Control Board (SWRCB). GeoTracker database. Website: <https://geotracker.waterboards.ca.gov/map/> (accessed July 13, 2020).

³ California Environmental Protection Agency (CalEPA). Sites Identified with Waste Constituents above Hazardous Waste Levels Outside the Waste Management Unit. Website: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf> (accessed July 13, 2020).

⁴ CalEPA. Cortese List Data Resources. Website: <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/> (accessed July 13, 2020).

⁵ Ibid.

less than significant. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- e. Would the project be located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. There are no airports within 2 miles of the project site. The nearest public use airport to the project site is John Wayne Airport located at 18601 Airport Way, in the County of Orange, approximately 18 miles northwest of the project site. Given the distance of the project site to the nearest airport, there would be no safety hazards for people residing or working at the project site or vicinity. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant Impact. According to the City's General Plan Public Safety Element (1995), PCH and I-5 are designated evacuation routes in the event of a major emergency. The proposed project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair these routes. Furthermore, development plans would be submitted to the City's Public Works & Engineering Services and the OCFA for review and approval to ensure that the adequate emergency access is provided. Therefore, 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. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

No Impact. As discussed previously, the project site is located in an urbanized area where wildfire is not considered a likely risk to people or structures. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildland fires. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.10.1 Impact Analysis

a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Potentially Significant Impact. Construction of the proposed project would cause soil disturbance; therefore, the proposed project has the potential to violate water quality standards or otherwise degrade water quality due to surface runoff. Site preparation and grading activities would require compliance with the General Permit for Discharges of Storm Water Associated with Construction Activity, Construction General Permit Order 2009-0009-DQWQ (or subsequent iterations thereof). Compliance with the Construction General Permit would require the preparation of a Stormwater Pollution Prevention Program (SWPPP) that will include BMPs for construction activities that could alter the receiving water quality downstream of the project site in the Dana Point Harbor and ultimately the Pacific Ocean to ensure that marine, fresh, and/or wetland surface waters downstream from the project site or that groundwater beneath the project site are not adversely impacted as a result of project implementation.

The proposed project would result in a decrease in impervious surface area on the project site compared to existing conditions. A *Preliminary Water Quality Management Plan* (WQMP) (Tait &

Associates, Inc., May 2020) was prepared for the project. The Preliminary WQMP includes low impact development stormwater retention and/or biofiltration strategies and appropriate hydromodification controls to mitigate potential violations of water quality standards or waste discharge requirements. As described in the Preliminary WQMP, the project site has been divided into 20 drainage management areas (DMAs), 12 of which include biofiltration basins, 7 of which include Modular Wetlands, and one (1) that includes biofiltration planter boxes. The parking lots will sheet flow to on-site biofiltration basins. An Operations and Maintenance Plan and final recommendations for water quality treatment will be included in the Final WQMP. **The results and recommendations of the Final WQMP will be disclosed in the EIR and impacts associated with this topic will be evaluated further in the EIR.**

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

Less Than Significant Impact. According to the Dana Point General Plan and Program EIR No. 591, the San Juan Creek Groundwater Basin underlies the project site. Approximately 80,000 acre-feet of groundwater exists in the San Juan Creek Basin, 30,000 acre-feet of which is unusable due to poor water quality. In the vicinity of the project site, the groundwater contains substantial amounts of nitrate and salts due to seawater intrusion. Therefore, groundwater within the San Juan Creek Basin would not be relied upon on for water supplies for the project site or surrounding area. As described in the Preliminary Geotechnical Investigation for the proposed project, groundwater was encountered at approximately 8 to 24 ft below ground surface and a depth of 6.5 ft below ground surface at the seawall and was found to fluctuate with the tide, lunar cycle, and recent rainfall events. Historically, groundwater is indicated to be at 5 ft below ground surface per the Seismic Hazard Zone Report for the Dana Point Quadrangle. 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 dewatering and may result in impacts to groundwater supplies and may interfere with groundwater recharge. Any dewatering required during construction would require compliance with the San Diego Regional Water Quality Control Board General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region, Order R9-2015-0013, NPDES No. CAG919003 (or subsequent iterations thereof). Operation of the proposed project would decrease the amount of impervious surface area on the project site; however, the groundwater elevation is too shallow for infiltration. While construction of the proposed project may temporarily interfere with groundwater supplies, the groundwater in the vicinity of the project site is not relied upon for water supplies and the proposed project would not impede sustainable groundwater management of the San Juan Creek Basin. **Therefore, this topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- c. 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:*

- i. Result in substantial erosion or siltation on- or off-site;*

Less Than Significant Impact. Construction of the proposed project would involve grading and may result in impacts to water quality from erosion and fuels from construction equipment. Site preparation and grading activities would require a State Construction General Permit pursuant to the General Permit for Discharge of Storm Water Associated with Construction Activity, Construction General Permit Order 2009-0009-DWQ. The proposed project would also be required to implement BMPs to prevent polluted waters from running off of the project site. As previously stated, a SWPPP will be developed as part of the proposed project that will include BMPs that would be implemented to address any impacts associated with construction activities that could alter the receiving water quality.

While the design of the proposed parking and landscaping would reduce the impervious surface area on the project site, the proposed project would alter the existing on-site stormwater flows with the development of the 20 DMAs. However, drainage from the project site would remain similar to existing conditions and would ultimately connect to the existing storm drain system. As stated previously, the Preliminary WQMP and preliminary drainage plan prepared for the project addresses low impact development stormwater retention and/or biofiltration strategies and appropriate hydromodification controls that address surface runoff from the project site to minimize impacts on the adjacent harbor. As the development of the project site would reduce impervious surface area and would not result in an increase in runoff, operational of the proposed project would not result in substantial erosion or siltation on or off-site. **Therefore, impacts associated with this topic will not be evaluated further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*

Less Than Significant Impact. The proposed project would reduce the impervious surface area on the project site, and would alter the existing on-site stormwater flows. As stated previously, the Preliminary WQMP prepared for the proposed project includes a preliminary drainage plan and addresses low impact development storm water retention and/or biofiltration strategies and appropriate hydromodification controls that would address any potential increase in the rate or volume of surface runoff from the project site to minimize impacts on the adjacent harbor. Overall site design BMPs include the minimization of impervious areas as the proposed improvements would utilize the minimum safe widths in drive aisles, parking stalls and sidewalks, thereby minimizing impervious areas on the project site. In addition, the project site has been divided into 20 DMAs, 12 of which include biofiltration basins, 7 of which include Modular Wetlands, and one (1) that includes biofiltration planter boxes. The parking lots would sheet flow to on-site biofiltration basins. Dana Point Surf Lodge's roof drains would discharge to biofiltration planter boxes. The building roof drains of Dana House Hotel would discharge to the Modular Wetlands. The biofiltration basins, biofiltration planter boxes, and Modular Wetlands would be connected to a storm drain pipe system which would convey storm water to two existing storm drain outlets located south of the project site before ultimately draining into the harbor. In addition, as described in the Preliminary WQMP and preliminary drainage plan, the proposed walkways and patio areas would slope gently in order to provide positive drainage away from the proposed development. Based on the design of the proposed drainage and BMPs included in the project design, the proposed project would not result in flooding

on- or off-site, and impacts would be less than significant. **Therefore, this topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less Than Significant Impact. As described in Response 4.10.1(b)(ii) above, the proposed project would reduce the impervious surface area on the project site, and would alter the existing on-site stormwater flows, but would ultimately connect to the existing storm drainage system. As stated previously, the Preliminary WQMP and preliminary drainage plan prepared for the project addresses low impact development stormwater retention and/or biofiltration strategies and appropriate hydromodification controls that would address surface runoff from the project site to minimize impacts on the adjacent harbor and resultant polluted runoff. With the reduction in impervious surfaces on the project site and proposed BMPs included for each of the DMAs for the project site, the proposed project would not create or contribute increased runoff water compared to existing conditions, and therefore would not exceed the capacity of the existing stormwater drainage system. Furthermore, with the proposed biofiltration and runoff treatment BMPs, all runoff would be treated prior to entering the drainage system and the proposed project would not provide substantial additional sources of polluted runoff. **Therefore, this topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

iv. Impede or redirect flood flows?

Potentially Significant Impact. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is within Zone X, which is considered an Area of Minimal Flood Hazard.¹ **However, due the proposed project site's proximity to the Dana Point Harbor, additional information related to sea level rise will be included as part of the EIR, and this topic will be evaluated further in the EIR.**

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

Potentially Significant Impact. A Tsunami Inundation Map for Emergency Planning was published for the Dana Point Quadrangle (California Emergency Management Agency, et al. 2009). According to Plate 4 – Tsunami Inundation Map for Emergency Planning, the project site is located within a tsunami inundation area. Therefore, it should be anticipated that the project site may be subject to inundation by a tsunami. In addition, 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. **Therefore, potential hazards, including the release of pollutants resulting from inundation from seiche, tsunami, or mudflow will be evaluated further in the EIR.**

¹ Federal Emergency Management Agency (FEMA) Flood Map Service Center. 2019. Map No. 06059C0504K. Website: <https://msc.fema.gov/portal/home> (accessed July 2020).

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially Significant Impact. The proposed project would involve the use of pollutants (i.e., fuels and oils from parked cars, fertilizers, etc.) that have the potential to be transported downstream into Dana Point Harbor, which is a 303(d) listed water body for copper, toxicity, zinc, indicator bacteria, and oxygen dissolved. In addition, according to the City of Dana Point Environmentally Sensitive Areas (ESAs) Map (2006), Dana Point Harbor is identified as an ESA. Runoff from the project site ultimately drains to Dana Point Harbor. The project site is not tributary to any other environmentally sensitive areas. In addition, runoff from the project site is not tributary to Areas of Special Biological Significance, as designated by the SWRCB. The proposed project will be reviewed for compliance with the South Orange County Water Quality Management Plan and the high priority water quality concerns in the South Orange County Water Quality Improvement Plan (WQIP). The proposed project would reduce the impervious surface area on the project site, and would alter the existing on-site stormwater flows. As previously stated, a Preliminary WQMP has been prepared for the proposed project to address potential impacts and provide BMPs for treatment of surface water runoff from proposed landscaping and stormwater flows. In addition, the Preliminary WQMP would also address infiltration and groundwater for the project site. The results and recommendations of the Final WQMP prepared for the proposed project to address pollutants and/or contaminant concentrations associated with surface water and stormwater runoff from the project site would be included in the EIR. **Therefore, impacts associated with this topic will be evaluated further in the EIR.**

4.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.11.1 Impact Analysis

a. *Would the project physically divide an established community?*

Less Than Significant Impact. The project site consists of a developed site that is comprised of Assessor's Parcel Numbers (APNs) 682-022-01, 682-022-05, and a portion of 682-022-16. The project site is located within a largely developed portion of the City of Dana Point. 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 on the top of the coastal bluff. Vehicular access to the project site would 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 planning areas. As the proposed project is consistent with the Land Use Designations and Land Use Districts of the DPHRP&DR, the development of the proposed hotels and associated parking and landscaping are consistent with the planned land uses of Dana Point Harbor. Therefore, construction and implementation of the project would not result in the physical division of an established community, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

b. *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?*

Potentially Significant Impact.

General Plan. The City's General Plan is the principal land use document guiding development within the City. The City's General Plan is a comprehensive plan that establishes goals, objectives, and policies intended to guide growth and development in the City. The General Plan also serves as a blueprint for development throughout the community and is the vehicle through which the community needs, desires, and aspirations are balanced. The City of Dana Point General Plan is

the fundamental tool for influencing the quality of life in the City. 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.

The existing General Plan land use designation for the project site is 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. The existing land use designations are consistent with the proposed project. Although no General Plan Amendment would be required to implement the proposed project, this topic will be addressed in the EIR.

Zoning Ordinance. As shown in Figure 2.6, Planning Area 3 Boundary, in Section 2.0, Project Description, the majority of the project site is located within Planning Area 3 (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 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 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 would result in two hotels and ancillary facilities and 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 Statistical Table for PA 3 in Chapter 17 of the DPHDR. The proposed increase in the number and hotel rooms, and the reapportionment 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 will require a Zone Text Amendment.

The land use intensity reapportionment in PA 3 and associated text changes to the DPHRP&DR will constitute an amendment to the Local Coastal Program (LCP) because both the Land Use Plan and the Implementation Plan portions of the DPHRP&DR must be amended, and the DPHRP&DR through its inclusion as part of the Dana Point Zoning Code is part of the City's certified LCP governing the project site. Therefore, in addition to the Coastal Development Permit necessary for the proposed project, discretionary approval of a Local Coastal Program Amendment and Zone

Text Amendment to the Certified DPHRP&DR are also required and proposed. **Land use impacts associated with the Zone Text Amendments to the Certified DPHRP&DR will be addressed in the EIR.**

4.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.12.1 Impact Analysis

- a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

No Impact. As indicated in the City's General Plan Conservation/Open Space Element, no mineral resources have been identified within the City. Therefore, development of the proposed project would not result in impacts related to the loss of availability of a known mineral resource that would be of value to the region and residents of the State. **This topic will not be evaluated further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

- b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. As stated previously, according to the City's General Plan Conservation/Open Space Element, no mineral resources have been identified within the City. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site would occur as a result of project implementation. **This topic will not be evaluated further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.13.1 Impact Analysis

- a. *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?*

Potentially Significant Impact. Construction and operation of the proposed project may expose people to or generate noise levels that would potentially exceed standards established in the City's General Plan and noise ordinance, or applicable standards of other agencies. The proposed hotels would include outdoor amenities within 500 ft from residential land uses. In addition, the proposed project would increase the total number of hotel rooms on the project site from 136 to a total of 269 between the two hotels, and would include additional conference, restaurant/bar and associated outdoor terrace/seating areas, and conference/event facilities. The proposed project could also result in an increase in operational noise from increased traffic. A Noise Impact Analysis will be prepared as part of the EIR to evaluate the proposed project's potential noise impact. **This topic will be evaluated further in the EIR.**

- b. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Potentially Significant Impact. Although operation of the proposed project would not result in groundborne vibration, construction of the proposed project may involve construction activities that would cause potential vibration impacts. A Noise Impact Analysis will be prepared as part of the EIR and will evaluate the proposed project's potential vibration impacts. **This topic will be evaluated further in the EIR.**

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 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?*

No Impact. John Wayne Airport is the closest airport to the project site and is located approximately 18 miles northwest of the project site. The project site is not located within an airport land use plan or within 2 miles of a public airport, public use airport, or private airstrip. Therefore, due to the project site's distance from any airport, no impacts related to excessive airport noise would occur as a result of project implementation. **This topic will not be evaluated further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.14.1 Impact Analysis

- a. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less Than Significant Impact.

Construction. Construction of the proposed project would provide short-term construction jobs over an approximately 43-month period. Many of the construction jobs would be temporary and would be specific to the variety of construction activities. The workforce would include a variety of craftspeople, such as cement finishers, ironworkers, welders, carpenters, electricians, painters, and laborers. Generally, construction workers are only at a job site for the timeframe in which their specific skills are needed to complete that phase of construction. Although the proposed project would increase the number of employees at the project site during construction activities, it is expected that local and regional construction workers would be available to serve the proposed project's construction needs.

Project-related construction workers would not be expected to relocate their household's place of residence as a consequence of working on the proposed project: therefore, the proposed project would result in a less than significant impact associated with inducing substantial population growth or demand for housing through increased construction employment, and no mitigation would be required.

Operation. The proposed project would not cause or result in direct population growth because the proposed project would not provide or remove housing on the project site.

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 May 2020, the City had a labor force of 17,700, and the County had a labor force of 1,548,900, with

approximately 2,400 and 224,500 people unemployed, respectively.¹ The May 2020 unemployment rate was 13.2 percent for the City and 14.5 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. It is unlikely that a substantial number of employees would need to be relocated from outside the region to meet the number of employees needed following proposed project implementation. 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. Furthermore, the proposed project includes visitor-serving uses that 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, and any impacts to population growth would be less than significant. No mitigation is required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. As previously stated, the project proposes the redevelopment of a currently developed site that contains a hotel use. Therefore, the project would not result in a loss of housing or persons, nor require or necessitate the development of replacement housing elsewhere. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

¹ State of California Employment Development Department. 2020. Monthly Labor Force Data for Cities and Census Designated Places, May 2020. June 19, 2019. Website <https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html> (accessed on July 10, 2020).

² Ibid.

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.15.1 Impact Analysis

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?

Potentially Significant Impact. Fire protection services would be provided to the project site by the Orange County Fire Authority (OCFA). The OCFA provides fire protection, emergency medical and rescue services, hazardous materials inspection and response, and public education activities to its service area's approximately 1.9 million residents in 24 cities and unincorporated areas throughout Orange County.

Construction activities would occur over a 43-month duration and would not necessitate additional fire service, or result in the need for additional facilities to maintain service ratios, response times, or performance objectives. Therefore, no impacts related to provision of fire protection services would occur during construction.

As described above, the proposed project includes the development of two hotels that would include a total of 269 rooms and additional conference/event, and restaurant facilities. As discussed in Section 4.14, Population and Housing, the proposed project would not provide housing on the project site that would necessitate additional fire protection services or facilities.

The proposed project would be required to comply with all applicable building code requirements requiring fire protection devices, such as sprinklers, alarms per the California Fire Code (Municipal Code Section 8.24.001 [Adoption of the 2016 California Fire Code]), adequately spaced fire hydrants,

fire access lanes, and adequate emergency access. However, as the proposed project would result in an increase in the square footage of development with the construction of two hotels and would increase the employees and patrons and site as compared to existing conditions, the proposed project could generate additional demand for fire protection services. **Therefore, this topic will be evaluated further in the EIR.**

ii. Police protection?

Potentially Significant Impact. The City contracts with the Orange County Sheriff's Department (OCSD) for police protection services. OCSD provides 24-hour contract law enforcement services to the City. The OCSD Police Services Station, located at 33282 Golden Lantern, Suite 140, approximately 1.2 mile 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.

Construction of the proposed project is not expected to have any substantial adverse impacts on existing police protection services, as the construction workers would occupy a temporary position and would only incrementally increase the demand for police protection services, if at all. Construction of the proposed project would be temporary in nature and would not result in the need for new or physically altered governmental facilities related to police protection and would not result in an increased demand for police services. Therefore, impacts related to the provision of police protection for the construction of the proposed project would be less than significant, and no mitigation would be required.

As previously stated, the proposed project would result in an increase in the square footage of development with two hotels and would increase the employees and patrons at the site as compared to existing conditions. The proposed project could therefore generate additional demand for police protection services. A coordination letter will be sent to OCSD describing the proposed project and requesting its input on the potential need for additional police protection services. **Therefore, the results of this coordination will be included in the EIR, and this topic will be evaluated further in the EIR.**

iii. Schools?

Less Than Significant Impact. The provision of education and school facilities in the City is the responsibility of the Capistrano Unified School District (CUSD). The CUSD currently serves approximately 47,000 students in kindergarten through 12th grade.¹ The CUSD's boundaries encompass all or part of the Cities of San Juan Capistrano, San Clemente, Dana Point, Laguna Niguel, Aliso Viejo, Mission Viejo, and Rancho Santa Margarita, and the unincorporated communities of Las Flores, Coto de Caza, Dove Canyon, Ladera Ranch, Sendero/Rancho Mission Viejo, and Wagon Wheel.²

¹ Capistrano Unified School District (CUSD). District Facts. Website: http://capousd.ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1232963501986 (accessed July 10, 2020).

² Ibid.

The CUSD operates 63 campuses; the closest CUSD schools to the project site are R.H. Dana Elementary School, located at 24242 La Cresta Drive, and Dana Hills High School, located at 33333 Golden Lantern, approximately 0.85 mile and 1 mile northwest of the project site, respectively.

The proposed project does not include any residential uses that would increase population growth, generate an increased demand for school facilities, or require the construction of school facilities. Although the proposed project would result in an increase of employees and patrons on the site as compared to existing conditions, the project would not introduce new permanent residents to the site because the on-site uses are not anticipated to result in substantial population growth in the area. Furthermore, as discussed in Section 4.14, Population and Housing, the existing regional labor pool is anticipated to meet the employment needs of the proposed project. It is unlikely that a substantial number of employees would need to be relocated from outside the region to meet the needed employees resulting from implementation of the proposed project. As such, the operation of the proposed project would not result in an increase in demand for schools and would not trigger the need for new or altered facilities. No new facilities would be required to be constructed to accommodate the proposed project. In addition, in accordance with the CUSD Developer Fee Program, CUSD has the power to levy a fee for construction of commercial developments within the CUSD boundary. Standard Condition PS-1 would require the City to coordinate with CUSD on the applicable fees prior to issuance of the Building Permits. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

Standard Condition PS-1 **CUSD Developer Fee Program.** Prior to issuance of any building permits, the City shall confirm that all applicable Capistrano Unified School District (CUSD charges and development fees have been paid.

iv. Parks?

Less Than Significant Impact. As discussed in Section 4.16, Recreation, according to the Dana Point Parks, Recreation, and Open Space Master Plan (2005), the City currently maintains 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 closest park to the project site is Heritage Park, which is located immediately north of the project site.

The proposed project does not propose any residential uses and, therefore, would not increase the population or demand related to parks. Although the project is anticipated to increase employment, new employees are anticipated to be from the local labor source. While it is possible that employees may visit parks and recreational facilities in the City 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 to a level that would contribute to substantial physical deterioration of those facilities. Therefore, the impact is considered less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

*v. Other public facilities?***Less Than Significant Impact.**

Libraries. The Orange County Public Library (OCPL) system provides library services to the County, including the City, and includes 33 branches.¹ The Dana Point Library is the City's only library and is located approximately 1.5 miles northwest of the project site at 33841 Niguel Road. As discussed previously, development of the proposed project would result in an increase in employees, which would come from the local labor supply. While it is possible that employees may visit library facilities during breaks or after work hours, the impact would not significantly affect OCPL system performance, and would not require the expansion of libraries within the City. As such, the proposed project's increase in demand on library services would be minor and would not necessitate the need for expanded library facilities, the development of which could cause a physically adverse environmental impact with respect to libraries or other governmental facilities. Therefore, the project would have less than significant impacts related to public libraries, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

¹ Orange County Public Libraries (OCPL). About OCPL. Website: <http://ocpl.org/services/about> (accessed July 10, 2020).

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.16.1 Impact Analysis

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less Than Significant Impact. According to the Dana Point Parks, Recreation, and Open Space Master Plan (2005), the City currently maintains 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. Both Lantern Bay Park and Heritage Park are local park facilities bordering the northern boundary of the DPHRP&DR and are operated by the City. These two parks are located on the coastal bluffs, overlooking Doheny State Beach and the eastern portion of the Harbor. Amenities in these City park facilities include meandering walking paths, picnic benches and barbecues, turf areas shaded by large pine trees, a newly remodeled tot-lot, basketball courts, and an off-street parking lot.

There are several parks and recreational facilities located within the Dana Point Harbor. Most of the PAs identified in the DPHRP&DR offer land- or water-based park or recreational opportunities. Puerto Place Park is located at the south end of Puerto Place in the Recreation land use designation/district of PA 1. Along the southern boundary of Dana Island within PA 4 is a long, 4.25-acre linear park providing views to the open ocean and boat traffic in the main channel, that includes sheltered picnic areas with benches, restroom facilities, and barbecues on wide grassy areas. In addition, PA 5, designated Recreation in the DPHRP&DR, and located just west of the proposed project site, includes several lawn areas with meandering pedestrian paths and sheltered picnic facilities. The lawn area adjacent to the waterfront in PA 5 also serves as an informal staging area for recreational small craft users using Baby Beach as a point of access. PA 7, which is designated Conservation in the DPHRP&DR, also includes hiking walkways that traverse the area and small park areas for resting and picnicking. The closest City park to the project site is Heritage Park, which is located north of the project site across Dana Point Harbor Drive on a coastal bluff.

The proposed project does not include any residential uses and, therefore, would not increase the population or demand related to parks. 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 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 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. Furthermore, while the additional visitors may utilize City parks and recreational resources during their temporary stays, this increase in use is not anticipated to result in the substantial deterioration or accelerated deterioration of the City's numerous parks and recreational facilities. Therefore, the impact is less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. 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 PA 4, which may allow some public use. 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. Therefore, there would be no impacts related to the construction or expansion of recreational facilities, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.17.1 Impact Analysis

- a. *Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Potentially Significant Impact. 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.

Vehicular access to the project site would continue to 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 the project site would primarily use Casitas Place to service the uses on the project site.

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). The project's consistency with these plans will be analyzed in detail in the EIR.

The proposed project would increase the total number of hotel rooms in PA 3 from 136 to 269 rooms and would include additional amenities such as restaurants, lounges, and recreational facilities for both Dana House Hotel and Dana Point Surf Lodge. Due to the intensification in hotel use, the proposed project would result in an increase in traffic trips within the project vicinity. Therefore, a Traffic Impact Analysis (TIA) will be prepared for the EIR to analyze short-term (construction) and long-term (operational) traffic impacts of the project. The TIA will examine four development scenarios: existing conditions, existing plus project conditions, project opening year conditions, and opening year

plus project conditions. **Potential traffic impacts related to the project's compliance with program plans, ordinances, and policies addressing the circulation system will be analyzed further in the EIR, and mitigation will be proposed if necessary.**

b. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Potentially Significant Impact. Section 15064.3 of the *State CEQA Guidelines* codifies that project-related transportation impacts are typically best measured by evaluating the project's vehicle miles traveled (VMT). Specifically guidance is provided on determining the significance of transportation impacts of land use projects using VMT; projects located within 0.5 mile of public transit should be considered to have a less than significant impact.

The proposed project is considered a land use project and is not within 0.5 mile of public transit. As such, analysis of project impacts related to VMT is required per Section 15064.3 of the *State CEQA Guidelines*. As discussed in Response 4.17(a), a TIA will be prepared for the EIR to analyze traffic and VMT impacts as a result of the project. **Potential traffic impacts with respect to the exceedance of VMT thresholds will be analyzed further in the EIR, and mitigation will be proposed if necessary.**

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

Less Than Significant Impact. As stated previously, access to the project site would be provided via 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. The project would include internal circulation routes, including truck traffic routes and pedestrian access to the project site provided by sidewalks. Vehicular traffic to and from the project site would utilize the existing network of regional and local roadways that currently serve the project site area. 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 would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

d. Would the project result in inadequate emergency access?

Less Than Significant Impact. As stated previously, access to the project site would be provided via an existing driveway off Dana Point Harbor Drive on the northeast boundary of the project site and an existing and new driveway on Casitas Place on the eastern boundary of the project site. The project would include internal circulation routes and service access routes. Pedestrian access to the project site would be provided by sidewalks. According to the City's General Plan Public Safety Element (1995), Dana Point Harbor Drive is a designated evacuation route anticipated to be used in the event

of a major emergency. However, the proposed project would not alter the configuration of Dana Point Harbor Drive and would not affect emergency access along this route.

Adequate emergency access would be provided to and from the project site. Additionally, access to/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, approval of the project plans would ensure that the proposed project's impact related to emergency access would be less than significant, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.18.1 Impact Analysis

- a. *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:*
- i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or*
 - ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Potentially Significant Impact. Chapter 532, Statutes of 2014 (i.e., Assembly Bill [AB] 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources." Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources (PRC Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a "tribal cultural resource."

Also, per AB 52 (specifically PRC Section 21080.3.1), as Lead Agency, the City must consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have previously requested that the Lead Agency provide the tribe with notice of such projects.

In compliance with AB 52, letters will be distributed to local Native American tribes that have previously requested to be notified of future projects proposed by City. The letters have provided each tribe of the opportunity to request consultation with the City regarding the proposed project. In compliance with AB 52, tribes have 30 days from the date of receipt of notification to request consultation on the proposed project. Information provided through tribal consultation will inform the assessment as to whether tribal cultural resources are present and the significance of any potential impacts to such resources. **Impacts to tribal cultural resources will be evaluated in the EIR.**

4.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.1 Impact Analysis

- a. *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?*

Potentially Significant Impact. The proposed project includes the demolition of the existing Dana Point Marina Inn, two boater service buildings, and parking areas on the project site, the development of two hotels, one of which would include space for boater services, associated ancillary uses, and designated boater and hotel-related parking areas. Given the developed nature of the project site, utility infrastructure is currently present on-site to serve existing uses. The proposed project would include connections to existing natural gas, electricity, telecommunications, and storm water drainage infrastructure. As part of the proposed project, water and wastewater infrastructure would be extended or relocated throughout the project site. Additionally, the proposed project may generate additional demand for water, wastewater, stormwater, electric, natural gas, or telecommunications that exceeds what is currently provided to the project site. **Therefore, potential project-related impacts to water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities will be analyzed further in the EIR, and mitigation proposed if necessary.**

- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Potentially Significant Impact. As stated previously, implementation of the proposed project may increase the demand for water supplies on the project site. **Potential impacts related to available water supplies will be analyzed further in the EIR.**

- c. 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?*

Potentially Significant Impact. As stated previously, implementation of the proposed project may increase the demand for wastewater services on the project site. **Potential project-related impacts and available wastewater treatment capacity will be analyzed further in the EIR.**

- d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Less Than Significant Impact.

Construction. Construction of the proposed project includes the development of two hotels and associated ancillary uses and would generate construction waste during the demolition of the existing Dana Point Marina Inn, two boater service buildings, and existing surface parking. The City contracts with CR&R, a private waste hauler, to collect and dispose of the solid waste/ refuse generated by the City. CR&R will collect all recycling, construction, and demolition debris generated from the project site and process it at CR&R's internal construction and demolition processing facility off Ortega Highway. In compliance with the City's Construction and Demolition Waste Ordinance (No. 03-17), the proposed project would divert at least 75 percent of the construction waste materials generated during construction activities. Therefore, the proposed project would not have the potential to cause significant impacts related to solid waste generation during construction. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

Operation. Solid waste generated by the proposed project would be collected by CR&R and all residue hauled to the Prima Deshecha Landfill, which currently processes an average of approximately 1,400 tons per day (tpd), with a maximum capacity of 4,000 tpd.¹ Therefore, the Prima Deshecha Landfill is currently operating at approximately 35 percent of its daily design capacity.² Operation of the proposed project would generate solid waste typical of hotel, restaurant, and other commercial uses. According to the California Emissions Estimator Model (CalEEMod) modeling used for the air quality emissions analysis, solid waste generation for hotel

¹ OC Waste & Recycling. OC Landfills. Prima Deshecha Landfill. Website: <http://www.oclandfills.com/landfill/active/deshecha> (accessed July 10, 2020).

² California Department of Resources Recycling and Recovery (CalRecycle). Facility/Site Summary Details: Prima Deshecha Sanitary Landfill. Website: <https://www2.calrecycle.ca.gov/swfacilities/Directory/30-AB-0019> (accessed July 10, 2020).

development is estimated at 10.80 tons per year per 1,000 sf of hotel building. Using this generation factor, the 184,433 sf of hotel uses included in Dana House Hotel and Dana Point Surf Lodge would generate approximately 1,992 tons of solid waste per year. As described above, the Prima Deshecha Landfill currently processes approximately 1,400 tpd but is permitted for 4,000 tpd. Therefore, the proposed project would have a negligible contribution to the daily tonnage processed at the Prima Deshecha Landfill, and impacts would be less than significant. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The California Integrated Waste Management Act (AB 939) changed the focus of solid waste management from landfill to diversion strategies, such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 established mandatory diversion goals of 25 percent by 1995, 50 percent by 2000, and 75 percent by 2020.

Construction. As stated in Response 4.19(d), above, construction of the proposed project would generate demolition waste. Construction of the proposed project would comply with existing or future statutes and regulations, including the City's Construction and Demolition Waste Ordinance (No.03-17), and any applicable State or federal waste diversion programs. Therefore, impacts would be less than significant, and no mitigation would be required.

Operation. Operation of the proposed project would comply with existing or future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. Therefore, the proposed project would result in a less than significant impact related to federal, State, and local statutes and regulations related to solid wastes, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

4.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.20.1 Impact Analysis

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project site is not located within a High Fire Hazard Zone according to the Very High Fire Hazard Severity Zone and Ember Zones Map (2012)¹. According to the California Department of Forestry and Fire Protection (CALFIRE) and Resource Assessment Program, the project site is not within a Very High Fire Hazard Severity Zone (VHFHSZ).²

In addition, according to the City's General Plan Public Safety Element, PCH is a designated evacuation route in the event of a major emergency. PCH is located directly north of the project site and is accessible either directly from Dana Point Harbor Drive or via Street of the Green Lantern or Golden Lantern from Dana Point Harbor Drive. Development of the proposed project does not include any major improvements to PCH and, therefore, would not interfere with the ability of PCH to serve as an emergency evacuation route. 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 conflict with this evacuation route. Further, all infrastructure improvements included as part of the proposed project would occur within the boundaries of the existing project site and would

¹ City of Dana Point. 2012. Very Fire Hazard Severity Zone and Ember Zones. Website: <https://www.danapoint.org/departments/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).

not require or result in any long-term or permanent lane closures on roadways adjacent to the project site.

Furthermore, construction-level development plans would be submitted to the County of Orange Public Works Department and the Orange County Fire Authority (OCFA) for review and approval to ensure that adequate emergency access is provided prior to issuance of grading permits. In addition, as a condition of approval, the City Public Works & Engineering Services would review the construction-level development plans to ensure that adequate emergency access is provided per City standards. Therefore, 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. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less Than Significant Impact. As described in Response 4.20.1(a) the project site and the whole of Dana Point Harbor are not located within a VHFHSZ per the CALFIRE maps, or the City's Very High Fire Hazard Severity and Ember Zones Map. 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, building construction shall meet all fire safety requirements, per OCFA requirements. Therefore, the proposed project would not exacerbate wildfire risks due to slope, prevailing winds, location, and other factors, and would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less Than Significant Impact. As described in Responses 4.20.1(a) and (b) above, the project site is not located within a VHFHSZ, or the City's Very High Fire Hazard Severity and Ember Zones Map. In addition, the proposed project would not include the installation or maintenance of associated infrastructure (including roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or that would result in impacts to the environment. The proposed project would not alter public or private roadways, exacerbating fire risk or resulting in impacts to the environment. The proposed project would also include utility improvements that would be undergrounded and would connect to existing utility facilities within the project site. Therefore, the proposed utility improvements would not exacerbate fire risk. Project design and implementation of utility improvements would be reviewed and approved by the County and OCFA prior to issuance of permits and by the City as part of the project approval process to ensure the proposed project is compliant with all applicable design standards and regulations. No mitigation would be required. **This**

topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.

d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. The project site is relatively flat; however there are slopes (coastal bluffs) immediately north of the project site across Dana Point Harbor Drive. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is within Zone X, which is considered an Area of Minimal Flood Hazard.¹ In addition, as stated above, the project site is not located in or near state responsibility areas or lands classified as VHFHSZ by the State or the City. Overall, risks associated with wildfires are considered less than significant. Therefore, downslope flooding as a result of runoff, post-fire slope instability, or drainage changes are unlikely to occur at the site, and no mitigation would be required. **This topic will not be analyzed further in the EIR unless new information identifying it as a potential impact is presented during the scoping process.**

¹ Federal Emergency Management Agency (FEMA) Flood Map Service Center. 2019. Map No. 06059C0504K. Website: <https://msc.fema.gov/portal/home> (accessed July 2020).

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

4.21.1 Impact Analysis

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

Potentially Significant Impact. As discussed in Section 4.5, Cultural Resources, the proposed project has the potential to unearth any previously unknown archaeological resources during new ground-disturbing activities, which may eliminate important examples of the major periods of California history or prehistory. **Therefore, this topic will be analyzed in the EIR.**

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

Potentially Significant Impact. A significant impact may occur if the proposed project, in conjunction with related projects, would result in impacts that are less than significant when viewed separately but would be significant when viewed together. Due to the potentially significant impacts identified in various sections (including Sections 4.1, Aesthetics; 4.3, Air Quality; 4.5, Cultural Resources; 4.6, Energy; 4.7, Geology and Soils; 4.8, Greenhouse Gas Emissions; 4.9, Hazards and Hazardous Materials; 4.10, Hydrology and Water Quality; 4.11, Land Use and Planning; 4.13, Noise; 4.15, Public Services; 4.16, Recreation; 4.17, Transportation; 4.18, Tribal Cultural Resources; and 4.19, Utilities and Service

Systems), cumulatively considerable impacts could result from implementation of the proposed project. **Therefore, this topic will be analyzed in the EIR.**

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

Potentially Significant Impact. A significant impact may occur if environmental effects related to the proposed project could cause substantial direct or indirect adverse impacts to human beings as described in the checklist responses. Refer to Response 4.21(b), above, for a reference to all sections contained in this Initial Study that are anticipated to have a potentially significant impact as a result of the proposed project. **Therefore, this topic will be analyzed in the EIR.**

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ORIGINAL PROJECT NOTICE OF PREPARATION

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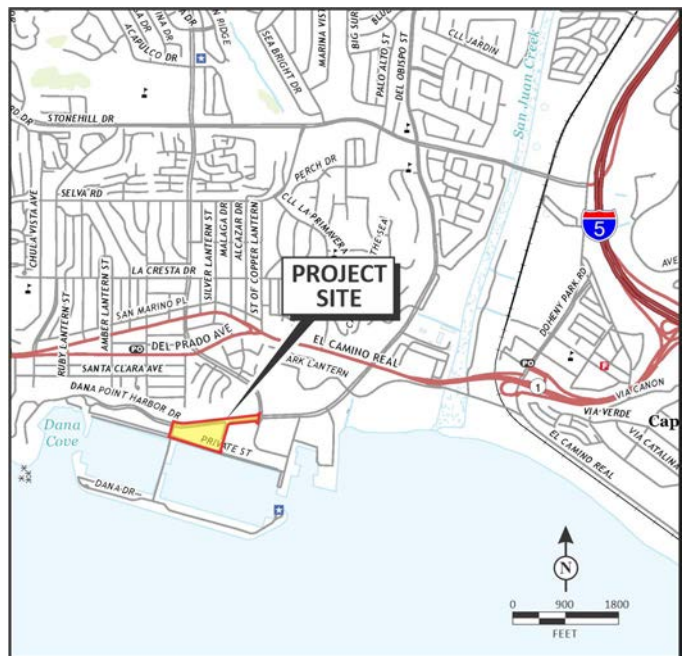


PUBLIC NOTICE/NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: September 25, 2020
To: Reviewing Agencies and Other Interested Parties
Subject: Notice of Preparation of a Draft Environmental Impact Report
Project Title: Dana Point Harbor Hotels
Project Applicant: City of Dana Point
Scoping Meeting: October 7, 2020, at 6:00 p.m.

PROJECT DESCRIPTION: The City of Dana Point (City) is the Lead Agency responsible for preparing an Environmental Impact Report (EIR) addressing potential environmental impacts associated with the proposed Dana Point Harbor Hotels (proposed project) at 24800 Dana Point Harbor Drive.

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. 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. According to the City's General Plan, the project site is designated Visitor/Recreation Commercial (V/RC) and Harbor Marine Land (HML). According to the Dana Point Zoning Code, Dana Point Harbor is zoned Dana Point Harbor Revitalization Plan and District Regulations - Zoning Code (DPHRP-ZC). Within the boundaries of the Dana Point Harbor Revitalization Plan and District Regulations (DPHRP&DR), the majority of the project site is located within Planning Area 3, which is designated as Visitor Serving Commercial (VSC). The proposed project also includes landscaping and minor infrastructure improvements in Planning Area 4, designated Marine Commercial (MC), and Planning Area 2, designated Day Use Commercial (DUC).



The proposed project involves the demolition of the 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 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. One of the hotels, Dana House Hotel, would be designed as a boutique hotel including 130 market-rate rooms and associated amenities. The other hotel, 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. The proposed project requires the following discretionary actions: a Coastal Development Permit, Zone Text Amendment to the certified DPHRP&DR and subsequent Local Coastal Program (LCP) Amendment.

POTENTIAL ENVIRONMENTAL IMPACTS: As a result of the analysis in the project's Initial Study, the EIR will examine potential environmental impacts generated by the proposed project in relation to the following Environmental Analysis categories: 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. A more complete description of the proposed project and potential environmental impacts are included in the Initial Study, which is available online at: <http://www.danapoint.org/index.aspx?page=281>.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

PROJECT SCOPING PROCESS: Circulation of this Notice of Preparation (NOP) starts a 32-day public review and comment period on the scope of the Draft EIR that **begins on September 25, 2020, and ends on October 26, 2020, at 5:00 p.m.** All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on the scope and content of the environmental analysis to be addressed in the Draft EIR. Responsible and trustee agencies should provide comments and input related to the agencies' respective areas of statutory responsibility. Comments received during the scoping period will be considered during preparation of the Draft EIR. Public agencies and interested parties will have an additional opportunity to comment on the proposed project during the 45-day public review period to be held after the publication and circulation of the Draft EIR.

SCOPING MEETING: The City of Dana Point will hold a scoping meeting at **6:00 p.m. on Wednesday, October 7, 2020**, in the City Council Chambers located at 33282 Golden Lantern, Dana Point, CA 92629. The purpose of the scoping meeting is to present the proposed project, describe the EIR process, and receive public comments. The City invites interested parties to participate in the scoping meeting for the proposed project in order to learn more about the project, ask questions, and submit comments.

The public scoping meeting will be conducted electronically via live broadcast on the City's YouTube page. Please be advised that the Council Chambers will also be open to the public, but with significantly reduced capacity to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus.

The public may view the scoping meeting live on the City of Dana Point's YouTube page at:
https://www.youtube.com/channel/UCdNW_5KL2Q7IC-DFHUyFr7A/featured

The public can participate by electronically submitting any comments or questions to knelson@danapoint.org by 4:00 p.m. on Wednesday, October 7, 2020. Questions or comments received will be read into the record during the scoping meeting and any questions will be answered.

The City of Dana Point requests careful review and consideration of this notice and invites any and all input and comments from interested agencies, parties, organizations, and individuals regarding the preparation of the EIR. This NOP is available for view at the City of Dana Point Community Development Department, located at 33282 Golden Lantern, Dana Point, California 92629, and can also be accessed online at:

<http://www.danapoint.org/index.aspx?page=281>

All comments or other responses to this notice should be submitted in writing to:

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

ORIGINAL PROJECT SCOPING COMMENTS

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ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

October 8, 2020

City of Dana Point
Planning Division
Attn: Kurth B. Nelson III, Principal Planner
33282 Golden Lantern
Dana Point, CA 92629

Ref: Notice of Preparation of a Draft Environmental Impact Report

Dear Kurth Nelson:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and school sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions. The following are our comments:

We believe this project will have Less Than Significant Impact with the following Measures:

- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the CBC, CFC and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.
- Attic spaces shall be fully sprinklered.
- It is unlawful to occupy any portions of this apartment building until City building department and OCFA have conducted final inspection and sign off.

- Ensure that proposed project meet current California Fire Code, OCFA Fire Master Plans for Commercial & Residential Development (B-O9) Guideline, and OCFA Architectural Review (E-04) Guideline.
- Any project which increases population can potentially increase workload. All projects are cumulative and OCFA uses a fair share approach to mitigate fire service response impacts and facility/equipment needs.
 - Mitigation: Prior to approval of any subdivision or comprehensive plan approval for the project, the designated site developer shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority.

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6177 if you have any questions.

Sincerely,



William Blumberg
Management Assistant
Planning and Development
williamblumberg@ocfa.org

SENT VIA E-MAIL:

October 22, 2020

knelson@danapoint.org

Kurth B. Nelson III, Principal Planner
City of Dana Point, Planning Division
33282 Golden Lantern
Dana Point, California 92629

**Notice of Preparation of a Draft Environmental Impact Report for the
Dana Point Harbor Hotels (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁶, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁷.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
ORC201001-04
Control Number

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁷ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

From: [KURTH NELSON](#)
To: [Ryan Bensley](#); [Ashley Davis](#); [Christina Maxwell](#)
Subject: FW: Dana Point Harbor Hotels Project (SCH# 2020099024)
Date: Friday, October 23, 2020 4:13:00 PM

From CDFW yesterday.

KURTH B. NELSON III

PRINCIPAL PLANNER

CITY OF DANA POINT

33282 GOLDEN LANTERN

DANA POINT, CA 92629

PHONE (949) 248-3572

www.danapoint.org

*Please note: Effective Tuesday, May 26, City Hall has reopened to the public, Monday through Friday, with modifications. Walk-ins are from 8:00 am to 12:00 noon, and by appointment from 1:00 pm to 4:00 pm. The City has initiated new protocols including mandatory face coverings and temperature screenings for both City staff and members of the public before receiving in-person services at City Hall. COVID-19 information can be found by clicking [here](#). For specific information from the City's Development Services divisions/departments, please click the following links: [Planning](#) | [Building & Safety](#) | [Public Works & Engineering](#)

From: Lane, Jessie@Wildlife <Jessie.Lane@Wildlife.ca.gov>
Sent: Thursday, October 22, 2020 3:35 PM
To: KURTH NELSON <knelson@DanaPoint.org>
Cc: Turner, Jennifer@Wildlife <Jennifer.Turner@wildlife.ca.gov>
Subject: Dana Point Harbor Hotels Project (SCH# 2020099024)

Good afternoon Mr. Nelson,

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) and Initial Study dated September 2020, for the Dana Point Harbor Hotels Project. CDFW is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code (1600 *et seq.*). CDFW also administers the Natural Community Conservation Planning (NCCP) program.

Per the Initial Study, the project site was previously analyzed in the Dana Point Harbor Revitalization Plan & District Regulations (DPHRP&DR) Program EIR No. 591. Mitigation Measures and Best Management Practices associated with biological impacts for the Dana Point Harbor Hotels Project should be consistent with the previously certified Program EIR No. 591.

The Initial Study indicates that there are ornamental trees on the Project site with the potential to support nesting birds that are protected under the Migratory Bird Treaty Act of 1918 (MBTA). Standard Condition BIO-1 specifies, "...project construction activities should avoid

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 City of Dana Point. If vegetation removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required prior to the start of construction activities to ensure that any active nests are identified and appropriate measures taken to ensure that impacts to nesting species are in compliance with regulations established in the MBTA.”

In addition to the MBTA, California Fish and Game Code Sections 3503, 3503.5, and 3513 mandate that the Proposed Project avoid the incidental loss of eggs or nestlings or activities that lead to nest abandonment. Although Standard Condition BIO-1 includes a pre-construction survey should vegetation removal occur during bird nesting season, no timeline is indicated. To adequately identify nesting bird presence in the Project area, surveys should be conducted no more than 3 days prior to ground disturbance, vegetation removal, or construction activities.

We appreciate the opportunity to comment on the NOP and Initial Study for this project. Should you have any questions pertaining to biological resources or regarding this email, please contact CDFW for additional coordination.

Thank you,

Jessie Lane

Environmental Scientist
California Department of Fish and Wildlife
South Coast Region, Habitat Conservation Planning
3883 Ruffin Road
San Diego, CA 92123



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October 26, 2020

Mr. Kurth B. Nelson III
City of Dana Point
Planning Division
33282 Golden Lantern
Dana Point, CA 92629

Subject: Notice of Preparation of Draft Environmental Impact Report for Dana Point Harbor Hotels

Dear Mr. Nelson:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for Dana Point Harbor Hotels. The following comments are provided for your consideration:

- While CEQA now uses vehicle miles traveled to identify transportation impacts, OCTA still requires level of service analysis to monitor Congestion Management Program (CMP) Highway System (HS) performance, per the CMP Traffic Impact Analysis Requirements. Such analysis may be submitted to OCTA separately from any CEQA documents. For more information, please refer to the 2019 CMP Report available here: <http://www.octa.net/Projects-and-Programs/Plans-and-Studies/Congestion-Management-Program/Overview/>.
- Please note that Golden Lantern and Pacific Coast Highway are part of the CMPHS. Additionally, the Golden Lantern intersections at Pacific Coast Highway and Del Prado Avenue are CMP intersections. These roadways and intersections should be analyzed for any potential traffic impacts consistent with the Orange County CMP.
- Please note that Dana Point Harbor Drive is designated as a Primary (4-lane, divided) Arterial per the Master Plan of Arterial Highways (MPAH). Please ensure the proposed project preserves the right-of-way necessary to build out Dana Point Harbor Drive consistent with the MPAH.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Mr. Nelson
October 26, 2020
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Phu', with a stylized flourish at the end.

Dan Phu
Manager, Environmental Programs

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
1750 EAST FOURTH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6522
TTY 711

www.dot.ca.gov/caltrans-near-me/district12



*Making Conservation
a California Way of Life.*

October 26, 2020

Mr. Kurth Nelson
City of Dana Point
33282 Golden Lantern, Suite 209
Dana Point, CA 92629

File: IGR/CEQA
SCH#: 2020099024
12-ORA-2020-01475
SR 1, PM 1.077

Dear Mr. Nelson,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the Dana Point Harbor Hotels Project in the City of Dana Point. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The proposed project involves the demolition of the Dana Point Marina Inn, two boater service buildings, parking areas on the project site, and includes the development of two hotels. Regional access to the plan area is provided by State Route 1 (SR 1) and Interstate 5 (I-5). Caltrans is a responsible agency for this project and upon review, we have the following comments:

Traffic Operations

1. According to the Notice of Preparation, applicant indicates the proposed development will potentially generate a significant impact on the traffic circulation. Although this proposed project is located approximately a little less than a mile from beginning of the State Highway System, it may potentially generate indirect traffic impact on SR 1 and I-5 interchange
2. Caltrans is requesting a Traffic Impact Analysis report which includes proposed mitigation, if required, to determine the operational impacts as a result of the proposed project.

Transportation Planning

3. Please make sure the EIR includes the discussion relating to City's Multimodal Mobility Strategies such as Transit and Connectivity. We encourage the City to look at transit mobility opportunities to connect current/existing bus services to include nearby train stations for regional connectivity with the Metrolink and Amtrak Pacific Surfliner rail services.

4. We encourage the City to continue coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies.
5. Dana Point Harbor is a destination place, please encourage the use of transit among future visitors, and workers of the development. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality.
6. Consider elaborating on impacts to bicycle and pedestrian facilities as part of the EIR. The document states there may be a "potentially significant impact" to the circulation system including transit, roadway, vehicle, bicycle, and pedestrian facilities.
7. Bicycle and pedestrian infrastructure improvements on the project site and the project vicinity promote local and regional connectivity, improve air quality, reduce congestion and VMT, and increase safety for all modes of transportation.
8. Caltrans encourages the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of ages and abilities.

This may include safety measures such as physically separated sidewalks and bike lanes; pedestrian-oriented LED lighting; high-visibility continental crosswalk striping; raised crosswalks; refuge islands; wayfinding signage; and safe connections to existing and proposed bicycle, pedestrian, and transit facilities.

Encroachment Permit

9. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Shelley", with a stylized, cursive script.

SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

SOUTH COAST



WATER DISTRICT

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October 26, 2020

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Mr. Kurth B. Nelson III, Principal Planner
City of Dana Point Planning Division
33282 Golden Lantern
Dana Point, California 92629
knelson@danapoint.org

Sent Via U.S. Mail and Electronic Mail

Subject: Comments on the Notice of Preparation and Initial Study for the Dana Point Harbor Hotels Project, Dana Point, California

Dear Mr. Nelson:

South Coast Water District (the "District") appreciates the opportunity to comment upon the scope of the planned Environmental Impact Report (EIR) being prepared by the City of Dana Point ("City") for the Dana Point Harbor Hotels Project ("Project"). The Notice of Preparation (NOP) and Initial Study (IS) were issued on September 25, 2020, with a public review and comment period that ends on October 26, 2020. The District provides water, recycled water, and wastewater services to commercial and recreational facilities in the Dana Point Harbor ("Harbor") Project area and the Project has potential for significant impacts to the District's existing infrastructure and ability to provide District services in the Harbor area of Dana Point.

The water and wastewater infrastructure in the harbor area were originally installed in 1971 and have been maintained by the District with minor upgrades to serve the Harbor. In 2015 a recycled water distribution system was added to serve the Harbor area. Additions or modifications to existing District infrastructure may be required in response to the Project and the Final EIR must fully address those aspects of the Project that may require modifications or additions to the existing District infrastructure. The EIR must include an analysis of impacts of construction of modifications to the District's infrastructure and identify mitigation measures and alternatives deemed feasible for reducing or eliminating direct and indirect Project impacts associated with modifications to District infrastructure. Findings that are relevant to the construction and operational impacts from modifications and operation of District's infrastructure should be made as part of the City certification process for the Final EIR.

The EIR must include an analysis of Project demands for water, wastewater, and recycled water and the adequacy of the existing District infrastructure to meet the project's demands for District services. The EIR must include an analysis of direct and indirect impacts resulting from any upgrades required to meet system demands. The upgrades will need to be designed and constructed as part of the Project. Prior to construction, the District will require the developer/owner to submit a water system, sewer system, and recycled water system master plan, including a hydraulic distribution network analysis, for District review and approval. The master plan must demonstrate the adequacy of the proposed on-site systems to meet the Project's water, sewer, and recycled water demands. Based on the results of the water and sewer system master plans, any upgrades required to meet Project demands will need to be

designed and constructed as part of the Project. A response to the questionnaire dated September 23, 2020, from LSA regarding District services to the Project is being prepared by the District and, when available, the information provided will assist in the EIR analysis of direct and indirect impacts resulting from any upgrades required to meet Project demands.

Regarding the scope of the Project EIR the District provides the following comments and recommendations based on our review of the IS and NOP:

I. The EIR must fully describe and evaluate construction impacts for all off-site modifications to the District's existing infrastructure that are needed to serve the Project.

Section 4.20.1 of the IS indicates that "...all infrastructure improvements included as part of the proposed project would occur within the boundaries of the existing project site ..." (emphasis added). Section 2.3.6, however, states that "The proposed project would remove the existing sewer line along the southern portion of the project site and would relocate the 8-inch wastewater line to loop around Island Way, Dana Point Harbor Drive, and Casitas Place." These modifications refer to District infrastructure located outside of the existing project site and the EIR must identify the specific locations and evaluate the potential impacts of construction, operation, or capacity and sizing issues for any new or relocated wastewater, water, or recycled water infrastructure needed for the Project.

II. The EIR must include a discussion of water conservation measures to be included as part of the Project.

The IS does not include any discussion of water conservation measures to be included as part of the Project. Section 2.3.9 of the IS refers to 2019 California Green Building Standards Code (CALGreen Code) and Title 24 requirements, however the listed measures do not include reference to the use of drought tolerant or water conserving plants, or the use of recycled water as recommended by the Green Building Standards. In addition, the District's Ordinance No. 222 establishes permanent water conservation standards, voluntary water conservation measures, and water use restrictions resulting from drought conditions, emergencies, and/or decreasing supplies.

The District's policies on the use of recycled water are summarized in the District's *2015 Urban Water Management Plan* that requires the use of recycled water whenever possible, including during project construction and for irrigation of landscape vegetation. The EIR must discuss and include mitigation measures to conserve potable water use.

III. The EIR must address the potential environmental impacts as they may relate to the District's capacity, infrastructure, or operations for each of the following environmental factors as outlined in the State CEQA Guidelines:

Cultural Resources

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

IS Conclusions: Potentially Significant Impact. This topic will be evaluated further in the EIR.

District Comment: On-site conditions are generally discussed in the IS. The evaluation of environmental impacts must also include all off-site areas where the District facilities may have to be modified as required for the Project.

Geology and Soils

c. 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- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

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

IS Conclusions: Potentially Significant Impact. This topic will be evaluated further in the EIR.

District Comment: The IS discussion refers to a Preliminary Geotechnical Investigation (GMU, September 2019). The evaluation of environmental impacts must also include all off-site areas where District facilities may have to be modified as required for the Project.

Hazards and Hazardous Materials

b. 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?

IS Conclusions: Potentially Significant Impact. This topic will be evaluated further in the EIR.

District Comment: On-site conditions are generally discussed in the IS. The evaluation of environmental impacts must also include all off-site areas where District facilities may have to be modified as required for the Project.

Public Services

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

iv. Parks

IS Conclusions: Less Than Significant Impact. This topic will not be evaluated further in the EIR. [Emphasis added]

District Comment: The IS discusses impacts at parks and recreation areas throughout the City however it dismisses the potential impact of hotel visitors on the closest heavily used recreational facilities in the Harbor: Baby's Beach and Doheny State Beach, both of which are facilities serviced by the District. Baby's Beach recreational area is only approximately 1300 feet from the Project site and is likely to be used by many of the hotel visitors. The District provides wastewater and water services to the restrooms at Baby's Beach and Doheny State Beach and the potential impacts of additional use by hotel visitors needs to be addressed. The evaluation of environmental impacts must include off-

site areas where District facilities may have to be modified or operations changed as a direct or indirect result of the Project.

Recreation

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

IS Conclusions: Less Than Significant Impact. This topic will not be evaluated further in the EIR. [Emphasis added]

District Comment: The IS discusses impacts at parks and recreation areas throughout the City however it dismisses the potential impact of hotel visitors on the closest heavily used recreational facility in the Harbor, Baby's Beach and Doheny State Beach, both of which are facilities serviced by the District. Similar to the comments above regarding Public Services, the evaluation of environmental impacts to Recreation must include all off-site areas where District facilities may have to be modified or operations changed as a direct or indirect result of the Project.

Transportation

d. Would the project result in inadequate emergency access?

IS Conclusions: Less Than Significant Impact. This topic will not be evaluated further in the EIR. [Emphasis added]

District Comment: The IS discussion includes only a review of access to the site following completion of construction; emergency access during construction is not discussed. The IS indicates that construction activities would occur over a 43-month duration and, more importantly, "The proposed project would remove the existing wastewater line along the southern portion of the project site and would relocate the 8-inch wastewater line to loop around Island Way, Dana Point Harbor Drive, and Casitas Place." These modifications refer to District infrastructure and the EIR must identify the specific locations and evaluate the potential impacts of construction on Island Way, Dana Point Harbor Drive, and Casitas Place.

Thank you for considering these comments. The District looks forward to working with the City to provide services to this important project. Should you have any questions please contact me at 949-499-4555.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Shintaku".

Rick Shintaku
General Manager
South Coast Water District

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

October 26, 2020

City Dana Point
Kurth Nelson, Principal Planner
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Em: knelson@danapoint.org

RE: Dana Point Harbor Hotels Project

Dear Mr. Nelson,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of Dana Point’s (“**City**” or “**Lead Agency**”) Notice of Preparation of an Environmental Impact Report (“**NOP**”) (SCH No. 2020099024) for the Dana Point Harbor Hotels Project (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenter expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenter incorporates by reference all comments raising issues regarding the environmental impact report (“**EIR**”) submitted prior to certification of the EIR for

the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

In addition, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).¹ “Its

¹ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or

purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.²

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. SWRCC requests that the Lead Agency require safe on-site construction work

² Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.

- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, O

- Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.³

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

C. The EIR Should Review the Project's Consistency with Regional Housing Plans

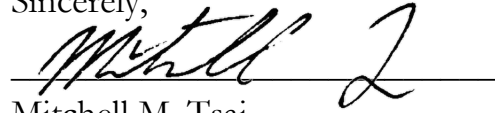
CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The EIR should thoroughly evaluate the impact that this Project will have towards meeting the City's Regional Housing Needs Assessment targets, especially as to meeting needs by income level.

In particular, the Project is likely to induce increased growth in the City's tourism industry and generate increased jobs, exacerbating any existing imbalance between jobs and available residential capacity as well as induce additional growth and demand for recreation and schools. In particular, the Initial Study itself notes that the Project's size will increase / reapportion land use intensity in the Dana Point Harbor area for Planning Area 3. Initial Study at 2-10. Since prior plans for the area did not take into account development of this intensity, the Draft EIR should examine the Project's impacts upon Population / Housing Balance, Recreation / Parks, Schools / Universities and Growth Inducement as a result.

³ *See also* The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", is written over a horizontal line.

Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters



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STATE OF CALIFORNIA

RECEIVED
Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

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CITY OF DANA POINT

September 28, 2020

Kurth Nelson, Principal Planner
City of Dana Point
33282 Golden Lantern, Suite 209
Dana Point, CA 92629

Re: 2020099024, Dana Point Harbor Hotels Project, Orange County

Dear Mr. Nelson:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse