RESOLUTION NO. 14-04-14-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, TO APPROVE COASTAL DEVELOPMENT PERMIT (CDP09-0011), VARIANCE (V09-0003), CONDITIONAL USE PERMIT (CUP09-0009) AND SITE DEVELOPMENT PERMIT (SDP09-0032) FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW 248,850 SQUARE FOOT HOTEL WITH 250 ROOMS THAT WILL RANGE FROM TWO TO FIVE STORIES IN HEIGHT AT THE SOUTHWEST CORNER OF DANA POINT HARBOR DRIVE AND PACIFIC COAST HIGHWAY IN THE COASTAL COUPLET COMMERCIAL (C-CPC) AND COASTAL VISITOR COMMERCIAL (C-VC) ZONES OF THE DANA POINT SPECIFIC PLAN; ADOPTING THE DOHENY HOTEL STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS OF FACT AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM.

Applicant: Michael Draz/Beverly Hills Hospitality Group

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, the applicant filed a verified application for a Coastal Development Permit, Variance, Conditional Use Permit and Site Development Permit for the demolition of existing structures and the construction of a new 248,850 square foot hotel with 250 rooms that will range from two to five stories in height and Variances to exceed the maximum allowable building height and to deviate from required building setbacks. The subject site, Assessor Parcel Nos. 682-166-21, 682-166-22 and 682-166-08, is located at the southwest corner of Dana Point Harbor Drive and Pacific Coast Highway in the Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC) zones of the Dana Point Specific Plan (the "Project"); and

WHEREAS, said verified application constitutes a request as provided by the Dana Point Specific Plan and Title 7 of the Orange County Code of Ordinances; and

WHEREAS, the Planning Commission did, on the 11th day of November 11, 2013, hold a duly noticed public meeting at the subject site and as prescribed by law; and

WHEREAS, the Planning Commission did, on the 18th day of November, 2013, hold a duly noticed public study session regarding the project as prescribed by law; and

WHEREAS, the Planning Commission did, on the 9th day of December, 2013 hold a duly noticed public hearing as prescribed by law to consider the Project and continued the public hearing to a date certain of February 10, 2014 and again continued the public hearing to a date certain of April 14, 2014; and

WHEREAS, An Final Environmental Impact Report (EIR SCH#2011061041) has been prepared for the Project in accordance with Section 15081 of the California

Environmental Quality Act; and

WHEREAS, in accordance with CEQA Guidelines Section 15093, the Planning Commission has balanced the economic and social benefits of the proposed Project against the unavoidable environmental impacts, and supports a Statement of Overriding Considerations, stating the acceptability of those impacts in light of the benefits of the Project; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP09-0011, Variance V09-0003, Conditional Use Permit CUP09-0009 and Site Development Permit SDP09-0032.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows;

A) The above recitations are true and correct.

B) Based on the evidence presented at the public hearing and in accordance with the Dana Point Specific Plan, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP09-0011, subject to conditions:

1. That the development Project proposed by the application conforms with the certified Local Coastal Program **in that the proposed uses are permitted within the certified LCP and, other than for building height and setbacks, the development conforms to the development regulations of the Dana Point Specific Plan (DPSP), is not proposed in an environmentally sensitive area, protects scenic vistas and corridors and conforms to the development guidelines of the DPSP while offering a variety of commercial uses that serves the needs of tourists and other visitors to the coast.**

2. That the application is consistent with the purpose and intent as well as the other provisions of the district regulations of the DPSP applicable to the property **in that, other than for building height and setbacks, the development conforms to the development regulations of the Dana Point Specific Plan (DPSP) and the proposed hotel, conference and restaurant uses are permitted within the property's zoning classification.**

3. That the Project conforms with the public access and public recreation policies of the California Coastal Act **in that the Project provides a variety of commercial uses that supply the needs of tourists and visitors to the coast and those areas in which a Variance are necessary are located such that they do not affect coastal access, public recreation or coastal resources.**

4. That approval of the Variance will result in no modification of the requirements of the Certified Land Use Plan for Dana Point **in that the variance for height and setbacks is applicable to the Project only and does not propose any modification to the Certified LCP for any other property in the City.**

C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Variance V09-0003, subject to conditions:

1. TheProject proposed is consistent with the General Plan; **in that the proposed uses are principally permitted and, other than for building height and setbacks, the development conforms to the development regulations and development guidelines of the Dana Point Specific Plan while offering a variety of commercial uses that serves the needs of tourists and other visitors to the coast.**

2. That the use, activity or improvement(s) proposed by the application is consistent with the Zoning Code; **in that, with the exception of the building's height and setbacks addressed as part of this application, the Project conforms to the applicable development standards in the Zoning Code. Additionally, the Zoning Code provides for exceptions (variances) to the Zoning Code when specific findings are made. Additionally, the site is suitable for the proposed development in that hotels and restaurants are permitted uses within both the C-VC and C-CPC zones of the Dana Point Specific Plan.**

3. That the approval of the permit application is in compliance with the California Environmental Quality Act (CEQA); **in that**

an EIR was prepared and circulated for public review and comments to consider potential significant effects on the environment anticipated as result of the Project.

4. That the location, size, design and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity; in that **the EIR concluded that there are two categories with unavoidable and potentially significant impacts that cannot be mitigated – Aesthetics and Land Use. Mitigation measures and/or Project design features contained within the EIR will mitigate the other categories that were identified with potentially significant impacts and, for the environmental impacts that cannot be mitigated, a Statement of Overriding Considerations was adopted.**

5. General Welfare. The application will not result in conditions or circumstances contrary to the public health and safety and general welfare; **in that the stated intent and purpose of the subject zoning districts is "to supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment" and "to offer a wide variety of commercial uses".**

6. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations in that; **as compared to other properties in the same vicinity and zone, the subject property has a unique configuration with a long and narrow "wing" that is a full floor level lower than the neighboring property to the west. This condition, combined with minimum required side and rear setbacks, creates a very narrow shape of developable land thereby justifying a variance from minimum building setbacks in this area of the site.** *The subject property is also unique because it is subject to two different zoning designations, which is not common in this zone and vicinity.* **In addition, the overall shape of the site, made up from three separate parcels, is unique compared to others, is at the lowest**

grade of Pacific Coast Hwy and is flanked by steep parkland hillsides to the south. These conditions, combined with a required ten foot dedication for arterial highway (PCH) widening and minimum PCH and Harbor Drive setbacks, constrain the ability to develop the site horizontally as opposed to vertically, thereby justifying a variance for building height.

7. Approval of variance application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with in that; **hotels in the same vicinity have been allowed to depart from height limitations when developing and expanding. The Laguna Cliffs Marriott, located in the same vicinity and zone, exceeds the applicable 35-foot height limit by at least 20-feet and was granted a variance for height. The Best Western Hotel, in the same vicinity and zone across Pacific Coast Highway, was subject to a 35-foot height limit and, although not granted a variance, is up to 45-feet high as measured by the applicable code provisions and 60-feet high if measured from the sidewalk along Pacific Coast Highway. In the same vicinity, the Doubletree Hotel at 34402 Pacific Coast Highway was granted a variance to exceed a 35-foot height limit and encroach into that property's rear-yard setback. The Ritz Carlton also exceeds 35-feet in height and was recently granted a height-variance as part of an expansion approved by the City. Because other hotels in the surrounding area have either been granted height variances or were constructed above the 35-foot height limitation without a variance, approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations.**

D) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Conditional Use Permit CUP09-0009, subject to conditions:

1. The use or Project proposed is consistent with the General Plan; **in that development regulations of the Orange**

County Zoning Code allows shared parking programs and the program provides a reasonable, accountable and enforceable means for all uses to share parking, the parking demand will be continually met as well as providing fifty additional public parking spaces for visitors to the coast.

2. That the nature, condition, and development of adjacent uses, buildings, and structure have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures **in that the conditional use is for a managed parking plan that balances existing uses and proposed uses with the amount of available parking to reduce impacts to surrounding development.**

3. That the approval of the permit application is in compliance with the California Environmental Quality Act (CEQA) **in that an EIR was prepared and circulated for public review and comments to consider potential significant effects on the environment anticipated as result of the Project.**

4. That the location, size, design and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity **in that the EIR concluded that there are two categories with unavoidable and potentially significant impacts that cannot be mitigated – Aesthetics and Land Use. Mitigation measures and/or Project design features contained within the EIR will mitigate the other categories that were identified with potentially significant impacts and, for the environmental impacts that cannot be mitigated, a Statement of Overriding Considerations was adopted.**

5. The application will not result in conditions or circumstances contrary to the public health and safety and general welfare; **in that the stated intent and purpose of the subject zoning districts is "to supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment" and "to offer a wide variety of commercial uses".**

E) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP09-0032, subject to conditions:

1. The use or Project proposed is consistent with the General Plan; **in that the proposed uses are principally permitted and, other than for building height and setbacks, the development conforms to the development regulations and development guidelines of the Dana Point Specific Plan while offering a variety of commercial uses that serves the needs of tourists and other visitors to the coast.**

2. That the use, activity or improvement(s) proposed by the application is consistent with the Zoning Code; **in that, with the exception of the building's height and setbacks addressed as part of this application, the Project conforms to the applicable development standards in the Zoning Code. Additionally, the Zoning Code provides for exceptions (variances) to the Zoning Code when specific findings are made. Additionally, the site is suitable for the proposed development in that hotels and restaurants are permitted uses within both the C-VC and C-CPC zones of the Dana Point Specific Plan.**

3. That the approval of the permit application is in compliance with the California Environmental Quality Act (CEQA) **in that an EIR was prepared and circulated for public review and comments to consider potential significant effects on the environment anticipated as result of the Project.**

4. That the location, size, design and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity **in that the EIR concluded that there are two categories with unavoidable and potentially significant impacts that cannot be mitigated – Aesthetics and Land Use. Mitigation measures and/or Project design features contained within the EIR will mitigate the other categories that were identified with potentially significant impacts and, for the environmental impacts that cannot be**

mitigated, a Statement of Overriding Considerations was adopted.

5. The application will not result in conditions or circumstances contrary to the public health and safety and general welfare; **in that the stated intent and purpose of the subject zoning districts is "to supply the needs of tourists and other visitors to the coast while preserving unique natural features of the environment" and "to offer a wide variety of commercial uses".**

Conditions:

A. General:

1. Approval of this application to allow the construction of a new 250 room hotel totaling 288,510 square feet that will range in height from two to five feet and to also include hardscape, landscape, pool, 7,464 square feet of restaurant, 1750 square feet of 3rd floor Garden Terrace, 15,580 square feet of meeting space and 250 guestrooms. A variance to allow for side and rear yard setbacks and height to a maximum of 68'5" and a Conditional Use Permit to allow for shared valet parking. Subsequent submittals for this Project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Specific Plan.

2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable, grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.

3. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the

Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plans, he may approve the amendment without requiring a new public hearing.

4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the Project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the City's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

   The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the City's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

   The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed Project and any other related documentation.

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the Project site.

7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.

8. The Mitigation Monitoring Program (MMP) of the Final Environmental Impact Report for the Project shall be conditions of approval by reference. Where

there is a conflict between these conditions and the MMP, the more restrictive shall apply as determined by the Community Development Director.

9. All approvals are contingent upon the City's granting use of park land (Lantern Bay Park).

10. Final design of the hotel's exterior materials, colors and design details shall be submitted for review and approval by the Planning Commission at a noticed public hearing. Approval of a detailed final design plan shall be obtained prior to issuance of any permits.

11. An Exterior Lighting Plan for all proposed improvements shall be submitted to the City for review and approval by the Dana Point Planning Commission as part of a notice public hearing prior to issuance of grading or building permits. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall include a photometric study that demonstrates that all exterior lighting has been designed and located so that all direct rays are confined to the property. All lighting shall be designed to accommodate the possibility of any required adjustments to the lighting to mitigate unforeseen impacts to properties and public rights-of-ways surrounding the subject property.

12. A construction staging plan shall be submitted to the Director of Community Development prior to the issuance of any permit, and shall include a brief description of the Project, the overall duration of the various construction stages including approximate dates, noise abatement measures that will be taken, and the name and phone number of the construction site supervisor and/or his designee to report any issues or concerns.

13. Prior to the issuance of the first building permit, a final noise study shall be submitted demonstrating that interior noise levels of the proposed hotel operations and guests will not exceed 55 dBA during the day and 45 dBA CNEL from sundown to sunrise to the satisfaction of the Director of Community Development.

14. The use of both roof terraces is limited to the following:

    a. No live entertainment without either a Special Event Permit or a Major Conditional Use Permit;
    b. Noise at the property line shall be limited to 80db during the following hours:
        i. Friday, Saturday 10am -10pm
        ii. Sunday 10am - 9pm
        iii. Monday – Thursday 10am – 9pm
    c. Noise at the property line shall be limited to 45db during the following hours:
        i. Friday, Saturday 10pm -10am
        ii. Sunday 9pm – 10am
        iii. Monday – Thursday 9pm – 10am
    d. The specific db thresholds may be modified as a result of the required Noise Study.
    e. A certified noise monitor shall be placed onsite at all times to ensure compliance with the required noise level limitations.
    f. After sunset, only minimal, accent lighting is allowed. The photometric specifications will be included as part of the required Exterior Lighting Plan.

15. The City reserves the right to reconsider this permit at any time if it finds it necessary to re-evaluate impacts of the use on the surrounding community and to ensure the use is operating within the conditions of the permit as well as to identify other conditions which may be required to address potential issues.

16. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The Waste Management Plan shall indicate the estimated quantities of material to be recycled and the locations where the material is to be taken for recycling. Said plan shall be reviewed and approved by the City's C&D Compliance Official prior to issuance of any permits.

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

18. All construction and drilling equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines

used in the Project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

19. During all site preparation, contractors shall minimize the unnecessary idling of equipment in the vicinity of residential land uses.

20. All construction contractors shall comply with applicable SCAQMD regulations. To ensure that the Project is in full compliance and that there are no nuisance impacts off-site, the contractor shall implement all of the following:

    - Moisten soil not more than 15 minutes prior to moving it.
    - Apply dust suppressants or vegetation sufficient to maintain a stabilized surface within five days of completing grading.
    - Water exposed surfaces at least twice a day under calm conditions and as often as needed on windy days or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
    - Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud which would otherwise be carried off by trucks departing Project sites.
    - All trucks hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer) in accordance with the requirements of CVC Section 23114.

21. During construction, the Project shall implement and maintain all applicable minimum construction Best Management Practices (BMPs), assigned by priority level and/or as required by the Director of Public Works or designee. Applicable minimum BMPs, for the Project's priority as determined by the Urban Runoff Threat Assessment Form may be found in the City's Construction Urban Runoff Best Management Practices (BMPs) Requirements Manuals.

22. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.

23. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
24. All existing and proposed easements shall be shown and clearly labeled on the grading plans. All existing easements shall be identified by instrument number and the date the document was recorded.

25. The applicant shall obtain all necessary approvals from the beneficiaries of all existing easements for any work within their easement.

26. Prior to commencement of any work within the public right-of-way, an encroachment permit application and fee shall be filed with the City, and a permit issued. Typical work in the right-of-way includes, but is not limited to:

    a. The removal and replacement of curb and gutter.
    b. Driveway approaches.
    c. Planting and irrigation.
    d. The removal and replacement of broken sidewalk.
    e. New connections for required drainage improvements.
    f. Trenching in the street or sidewalk.

27. Building materials, unlicensed vehicles, portable toilets, and similar items shall not be placed in the public right-of-way.

28. The applicant shall exercise special care during the construction phase of this Project to prevent any off-site siltation. The applicant shall provide erosion control measures and shall construct temporary desiltation/detention basins of a type, size and location as approved by the Director of Public Works. The basins and erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. Prior to the removal of any basins or erosion control devices so constructed, the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods as may be required by the Director of Public Works. The applicant shall maintain the temporary basins and erosion control devices until the Director of Public Works approves of the removal of said facilities.

29. Subsurface exploration, laboratory testing and geotechnical analysis will be required prior to final geotechnical approval of the proposed resort additions. Please refer to the checklist contained within the initial review for specific geotechnical issues and required geotechnical information and analyses. Near Source Factors, Seismic Coefficients, shear testing, expansion testing

and sulfate testing should be included, along with the items indicated by shading. Complete geologic cross sections should include existing and proposed structures, footings, setbacks, property lines, tiebacks, etc. Limits of piles and tiebacks should be illustrated in plan view. Temporary and final stability issues should be substantiated with site specific testing and analysis. Recommendations should comply with the requirements set forth by the 2007 CBC.

30. All design level geotechnical reports shall be reviewed and approved by the City's third party geotechnical consultant. The applicant shall provide Two wet-stamped copies of the design level report shall be submitted to the City along with deposit fees to cover the cost of the third party review

31. Separate Building Division review, approval, and building permits are required for:

    - Retaining Walls
    - Fire Sprinklers
    - Site walls over 3'
    - Separate Structures
    - Demolition of Structures

32. The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services. All utility services shall be established from Dana Point Harbor Drive, and not Pacific Coast Highway (PCH), unless otherwise approved by the City Engineer.

33. The use of the public right of way for construction purposes shall not be allowed, except as permitted by the City Engineer. An encroachment permit is required for all use of the public right-of-way.

34. Prior to any permit or work, the applicant shall obtain written approval from the County of Orange for the removal and reconstruction of the Dana Point Harbor Sign at PCH and Dana Point Harbor Drive, as well as make the necessary property line adjustments resultant from the street widening. Further, the applicant shall build an additional "Dana Point Harbor" directional sign at Old Golden Lantern and Del Prado on City owned property.

35. Prior to issuance of any permit for work, the applicant must secure written approval for the use of neighboring property for proposed construction and improvements within easements from all affected properties. This includes the County of Orange and the City of Dana Point.

36. During the construction phase, all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, managed, secured and disposed to prevent transport into the streets, gutters, storm drains, creeks and/or coastal waters by wind, rain, tracking, tidal erosion or dispersion.

37. The City Engineer reserves the right to add additional Conditions of Approval to address on-site or off-site improvements or issues as needed prior to any permit issuance.

38. The Project shall comply with all current requirements set forth in the MS4 permit (NPDES) relative to water quality.

39. Employees of the hotel and the other accessory uses shall utilize on-site parking, at no charge to the employee. Employees of the hotel and other accessory shall not use off-site parking during work shift hours. A

40. Storage of any materials/items other than vehicles shall not be permitted in the parking areas at any time.

41. Stacked parking stalls shall only be allowed during peak periods in valet parking areas only.

42. Fifty (50) on-site parking spaces shall be allocated and clearly marked and signed for public use only and may only be valet parked when lot is full.

43. All green walls and green roofs shall be maintained in a disease, weed free condition at all times and replacement plants supplied immediately as needed. Maintenance easements from adjoining properties, as necessary for the maintenance of exterior landscaped walls, shall be obtained prior to issuance of any construction permits.

44. The retaining wall along the south side abutting Lantern Bay Park shall be planted and irrigated. The applicant shall submit a final landscape and irrigation plan for review and approval by the Parks Department and Community Development Department. The plan shall be prepared by a State licensed landscape architect and shall include all proposed and existing plant materials (location, type, size, and quantity), an irrigation plan, note wall/fence locations, a grading plan, an approved site plan and a copy of the entitlement conditions of approval. The plan shall be in substantial compliance with the applicable provisions of the Zoning Code, the preliminary plan approved by the Planning Commission and further,

recognize the principles of drought tolerant landscaping.

45. Final selection of tree species shall be limited to species that upon maturity do not exceed the height of the proposed hotel structure.

46. Sixty-five (65) percent of all deliveries to the hotel shall be received from the Dana Point Harbor Drive entrance south entrance of the hotel. The remaining thirty-five (35) percent of deliveries may occur at the Pacific Coast Highway loading zone along the north side of the building from box trucks measuring no more than 48-feet in length. The hotel and restaurants shall only accept deliveries to the property between the hours of 7 AM and 8 PM Monday through Friday, and on the weekends (Saturday and Sunday) outside of peak traffic hours between the hours of 7 AM and 10 AM and 2 PM and 8 PM. The applicant shall ensure sixty five percent (65%) of all deliveries shall be received on site from Dana Point Harbor Drive in the planned Project entrance. The applicant shall only use box trucks (no more than 46 feet in length) for all deliveries, and no more than two trucks shall be delivering materials and supplies at any one time.

47. The public sidewalk in the vicinity of the loading and trash pickup area shall be power washed daily.

48. A special event permit shall be required for any temporary use as per section 9.39.070 of the Dana Point Municipal Code. A special event is a temporary use which requires special consideration due to an increase in traffic, parking, noise, light and glare, vibration, odor, visual impact, or other affects incidental to the operation of a temporary use and the effects that such uses may have on the health, safety and welfare of the neighborhood or the community as a whole. In granting a special event permit, the Director of Community Development may require certain safeguards and establish certain conditions of approval to protect the health, safety and general welfare of the community.

49. All exterior glass shall be non-glare.

B. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

50. The applicant shall prepare and process a Lot Line Adjustment to merge all lots into one parcel. The applicant shall submit a Lot Line Adjustment, in compliance with City standards, for review and approval by the City Engineer. Upon City review and approval, the Lot Line Adjustment will be recorded with the County Recorder.

51. The applicant shall prepare all needed reports and implement all required actions to meet current water quality regulations including, but not limited to, a Water Quality Management Plan, a Storm Water Pollution Prevention Program, and all other required reports/actions.

52. Prior to the issuance of any permits, the applicant shall determine the priority level of the pollutant threat posed by the Project's construction activities by completing the Urban Runoff Threat Assessment Form, available at the Permit counter.

53. The applicant shall submit grading plans, in compliance with City standards, for review and approval by the City Engineer and/or Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. The grading plans and associated permit application shall include the area of possible off site grading on what is currently City property (Lantern Bay Park).

54. The applicant shall be responsible for providing alternative public parking should the existing parking lot on City Property (Lantern Bay Park) be affected by the proposed grading, unless otherwise approved by the City Engineer.

55. Any improvements at Lantern Bay Park or to any City owned street or property that is damaged by the applicant's work shall be repaired per City Standards and as directed by the City Engineer.

56. The applicant shall apply to the Building Department for all retaining wall permits required for the site. The applications shall also be reviewed and approved by the City Engineer. All proposed retaining walls shall be designed in a manner that incorporates landscape aesthetic relief, subject to review and approval by the Director of Community Development and the Director of Public Works.

57. A separate surety to guarantee the completion of the Project shoring and protection of neighboring property and neighboring improvements, up to 100% of the cost shall be posted to the satisfaction of the City Engineer and the City Attorney.

58. Surety to guarantee the completion of the Project grading and drainage improvements, including erosion control, up to 100% of the approved

Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney.

59. The applicant shall submit a geotechnical report in accordance with City standards. The applicant shall prepare a detailed geotechnical report for review and approval by the City Engineer.

60. Grading permit, temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading shall be obtained concurrently.

61. The grading plans shall depict the size and location of existing and proposed gas, sewer and water and electrical conduit from the point of connection in the Public Right-of-Way to the building. All utility points of connection shall be in Dana Point Harbor Drive. Location of water and gas meters shall be shown.

62. The applicant shall apply and secure a separate discharge permit (for dewatering) from the Regional Water Quality Control Board and from any other regulatory agency with jurisdiction, and submit a copy of the permit (s) to the City.

63. The applicant shall obtain coverage under the state NPDES General Permit for Constriction Activities. The Project applicant shall apply for coverage under the new electronic system. Permit Registration Documents must be electronically filed for all new Projects using the Stormwater Multiple Applications and Reporting Tracking System (SMARTS) and must include: Notice of Intent, Risk Assessment, Site Map, and Stormwater Pollution Prevention Plan (SWPPP).

64. The applicant shall prepare separate storm drain relocation plans for the required relocation of the City's 54-inch storm drain on the south side of the Project. The plans shall be submitted for review and approval per City Standards. The applicant shall construct the relocation of the storm drain after the plans have been reviewed and approved, prior to issuance of other permits.

65. The hours of operation of construction equipment that produces significant noise or levels noticeably above general construction noise shall be limited to occur between 8:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m., on Saturday. No work is allowed on Sundays or City holidays.

66. The City Engineer reserves the right to approve and issue a phased grading permit, partial grading permit or rough grading permit in accordance with the above Conditions of Approval.

67. An accessible route of travel shall be provided from public streets or sidewalks, accessible parking and bus stops to the accessible building entrances. An accessible route of travel shall also be provided between accessible buildings and elements on the same site. All entrances and exits shall be accessible.

C. Prior to Issuance of an Improvement Permit:

68. The applicant shall submit a street improvement plan, in compliance with City standards, for review and approval by the City Engineer. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.

69. The applicant shall provide design documents and construct all traffic design enhancements and mitigation indicated in the Traffic Impact Analysis and the Environmental Impact Report for the Doheny Hotel Project. Those enhancements include but are not limited to:

    a. Design and Construct street and sidewalk improvements along Pacific Coast Highway along the Project boundary to the ultimate half street width for a Major arterial per City Standards, and as indicated by the City Engineer. This results in the widening of the roadway by 10 feet minimum per the Site Plan.

    b. Design and Construct street and sidewalk improvements along Dana Point Harbor Drive along the Project boundary to the ultimate half street width for a Primary arterial per City Standards, and as indicated by the City Engineer.

    c. Design and Construct a right turn pocket for eastbound Pacific Coast Highway that is 140 feet in length minimum per the Site Plan.

    d. Construct a 100 foot loading zone westerly of the proposed right turn pocket in the widened section of Pacific Coast Highway per the Site Plan.

    e. Design and Construct striping modifications for eastbound Pacific Coast Highway (PCH) including the addition of a 2nd left turn pocket. This shall also provide for a minimum 2 foot gore area between the PCH eastbound right turn pocket and the right most thru lane. The applicant shall prepare

signing and striping plans for PCH (entire segment) for review and approval by the City Engineer.

f. Design and Construct street improvements to allow for a southbound U-turn at Dana Point Harbor Drive at Park Lantern. Work includes street improvements, traffic signal modifications and other improvements. The applicant shall prepare signing and striping plans, as well as traffic signal plans, for Dana Point Harbor Drive for review and approval by the City Engineer.

70. The applicant shall provide design documents and construct traffic signal modifications, including but not limited to, traffic signal interconnect, conduit, wire, pull boxes, controller and enclosure, traffic signal poles, and all other required equipment to accommodate the proposed widening of Pacific Coast Highway, which is needed to provide the required right turn pocket/loading zone area.

71. The applicant shall provide design documents for all traffic control for the construction of all proposed street improvements, unless otherwise approved by the City Engineer. The traffic control plans shall be prepared by a licensed California Traffic Engineer and submitted for review and approval by the City Engineer.

72. The applicant shall provide easements as needed on the applicant's property to allow for the relocation of traffic signal and communications equipment. All design drawings for traffic signal modifications shall be reviewed and approved by the City Engineer.

73. The applicant shall relocate all impacted public and private utilities to allow for the construction of the proposed improvements along Dana Point Harbor Drive and PCH. Further, the applicant shall provide easements if needed on the applicant's property to allow for the necessary relocations.

74. The applicant shall construct all public sidewalks at a minimum width dimension of 8 feet on PCH, Dana Point Harbor Drive, and on site.

75. The applicant shall provide a permit from South Coast Water District for water and sewer services, and construct all necessary public and private infrastructure to support said services.

76. Surety to guarantee the completion of the Project street improvements and traffic design enhancements, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the

City Engineer and the City Attorney.

D. At Submittal for Building Plan Check

77. The cover sheet of the construction documents shall contain the City's conditions of approval and it shall be attached to each set of plans submitted for City approval or shall be printed on the title sheet verbatim.

78. Building plan check submittal shall include two (2) sets of the following construction documents:

- Building Plans (3 sets)
- Structural Calculations
- Energy Calculations
- Soils/Geology Report
- Acoustical Report
- Drainage Plan

All documents prepared by a professional shall be wet-stamped and signed.

79. Building (s) shall comply with 2013 California Codes of Regulations Parts 1-12 and any local amendments thereto. Building (s) shall comply with 2013 T-24 Energy Conservation Regulations.

80. Minimum roofing classification is "A".

81. Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.

82. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w.c. ration of 0.45, F'c of 4500 psi.

83. Building shall conform to State amendments for disabled accessibility, CBC Chapter 11A & B. Existing building shall provide for disabled access. Show how path of travel; parking; restrooms; entrance will comply. Provide an Accessibility and Exit Analysis for the Building/Development.

***E.* Prior to issuance of a building permit or release on certain related inspections, the applicant shall meet the following conditions:**

84. Verification of all conditions of approval is required by all City Departments

85. All approvals from outside Departments and Agencies are required.

86. All supplemental fees shall be paid: Schools, Transportation Corridors and City Impact.

87. OCFA Fire Department review is required. Submit three (3) separate sets of building plans directly to the Orange County Fire Authority for review and approval.

    - fire master plan (service code PR145)
    - architectural (service codes PR200-PR285)
    - underground piping for private hydrants and fire sprinkler systems (service code PR470- PR475)
    - fire sprinkler system (service codes PR400-PR465)

    And, prior to concealing interior construction:

    - sprinkler monitoring system (service code PR500)
    - fire alarm system (service code PR500-PR520)
    - hood and duct extinguishing system (service code PR335)

    Specific submittal requirements may vary from those listed above depending on actual Project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Fire Prevention" and then "Planning & Development Services."

88. The applicant shall prepare plans and apply for a Building Permit. The plans shall include a green roof per the submitted Site Plans.

89. The applicant shall obtain a grading permit and complete rough grading (establishment of building pad) in accordance with the approved grading plans and reports.

90. The applicant shall obtain all temporary and permanent shoring permits (as necessary), retaining wall permits, and any necessary Building permits for structural components of the grading and complete all permitted construction in accordance with the approved and reports.

91. The applicant shall complete all grading off site grading on what is currently City property (Lantern Bay Park) in accordance with the approved grading permit. All improvements on what is currently City property (Lantern Bay Park) shall be completed to the satisfaction of the City Engineer per City

standards and guidelines. The Park shall be fully functional prior to the issuance of a building permit.

92. The applicant shall obtain a street improvement permit and complete all required traffic and street improvements in accordance with the approved grading plans and reports.

93. The applicant shall submit a rough grade certification for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (per the City's standard Civil Engineer's Certification Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plan and shall document all pad grades to the nearest 0.1-feet to the satisfaction of the City Engineer the Director of Community Development. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the vertical (grade) position approved for the Project.

94. An as graded geotechnical report shall be prepared by the Project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and compaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report.

95. The applicant shall submit a rough grade certification from the geotechnical professional for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical professional (per the City's standard Geotechnical Engineer's Certification Template for Rough Grading) shall approve the grading as being substantially completed in conformance with the approved grading plans and report.

96. The applicant's licensed engineering consultants shall submit a final certification for all street and traffic improvements and for review and approval by the City Engineer by separate submittal. The final improvement certification by the civil engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the

improvements as being substantially completed in conformance with the approved improvement plans.

97. The applicant shall submit a final certification from the Traffic Engineer for all signal and traffic improvements for review and approval by the City Engineer by separate submittal. The final improvement certification by the Traffic Engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements as being substantially completed in conformance with the approved improvement plans.

98. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents shall be submitted for approval by the Director of Community Development. Prior to the issuance of any Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required Landscaping and obtain all required landscape inspections. All landscaping shall be maintained in a disease, weed and litter free condition at all times.

99. Prior to commencement of framing, the applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines. The City's standard "Line & Grade Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.

100. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structure and any encroachments above the height limit are in compliance with heights shown on plans approved by the Planning Commission. The City's standard "Height Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.

F. Prior to Issuance of a Certificate of Use and Occupancy:

101. A Final Geotechnical Report shall be prepared by the Project geotechnical consultant in accordance with the City of Dana Point Grading Manual.

102. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.

103. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.

104. All work in the right-of-way shall be completed in conformance with the Encroachment Permit conditions to the satisfaction of the City Engineer.

105. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.

106. Any and all outstanding fees associated with any part of the entire Project shall be paid.

107. The applicant shall submit a final certification for all improvements associated with water quality and the Project WQMP for review and approval by the City Engineer by separate submittal. The final improvement certification by the civil engineer (per the City's standard Civil Engineer's Final Certification Template for Final Approval) shall approve the improvements as being substantially completed in conformance with the approved WQMP.

108. The applicant shall demonstrate that all structural best management practices (BMPs) described in the Project's WQMP have been constructed and installed in conformance with approved plans and specifications via the City's WQMP Construction Certification letter template.

109. The applicant shall demonstrate that contracts or qualified personnel to implement all non-structural BMPs described in the Project WQMP are in place.

110. The applicant shall provide a distribution list for the approved Project WQMP

111. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall certify that all plants, irrigation and other improvements have been installed in accordance with the specifications of the final plan and shall submit said certification in writing to the Director of Community Development and the Director of Public Works. The applicant shall contact the Community Development Department once all landscaping has been installed in accordance with the approved plans.

112. All permanent BMP's shall be installed and approved by either the Project Landscape Architect or the Civil Engineer of Record.

113. Prior to the issuance of certificates of use and occupancy, the applicant/owner shall install an on- or off-site public art component or contribute to the public art in-lieu fund, as may be required by the provisions of Section 9.05.240 of the Dana Point Municipal Code.

114. The operator of the hotel and restaurant shall develop a parking implementation plan for review and approval by the Director of Community Development for distribution to employees.

115. On or before one year after occupancy of the hotel, the operator shall provide an update to the Director of Community Development that chronicles the implementation of the parking plan as it relates to the peak parking demands identified in the shared parking analysis. Said update shall be based on the parking demand analysis approved as part of the application. Subsequent updates shall be provided annually, at the Director's discretion, to the Community Development Department.

    Should the annual reviews demonstrate that the parking management plan provided as part of this Project is insufficient to accommodate the parking demand at the resort/hotel, the plan shall be amended to limit the hours of operation for the different uses on site or additional/alternative facilities shall be provided.

116. The applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding Project conditions of approval or Project mitigation measures.

F) Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15093, the Commission hereby approves the "Doheny Hotel Statements of Overriding Considerations and Findings of Fact " attached to this resolution and incorporated herein as Exhibit "A".

G) Based on the evidence presented at the public hearing and in accordance with CEQA Guidelines Section 15097, the Commission hereby approves the Mitigation Monitoring and Reporting Program (Chapter 5 of the Final EIR) attached to this resolution and incorporated herein as Exhibit "B".

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 14th day of April, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Newkirk, Chairman
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Director of Community Development

UltraSystems

environmental • management • planning

Doheny Hotel Statement of Overriding Considerations and Findings of Fact

Prepared for the City of Dana Point

33282 Golden Lantern
Dana Point, California 92629

April

PC EXHIBIT A
04/14/14 — ITEM 2
CDP09-0011/V09-0003/CUP09-0009/SDP09-0032
25325 Dana Point Harbor Drive

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FIGURES

1.0 INTRODUCTION

CEQA Guidelines (14 Cal. Code Regs § 15000 et seq.) require that the environmental impacts of the Doheny Hotel (proposed Project) be examined prior to project approval. If significant impacts have been identified, CEQA requires that certain findings be made before approval of the project. It is at the discretion of the decision makers certifying the Environmental Impact Report (EIR) to determine the adequacy of the findings. Section 15091 of the CEQA Guidelines provides:

a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

   1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (FEIR).

   2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

   3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR.

b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations would be prepared. The statement provides the lead agency's views on whether the benefits of the proposed Project outweigh its unavoidable adverse environmental effects. Section 15093 of the CEQA Guidelines provides:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental

benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

1.1 Record of Proceedings

For the purposes of CEQA, the Record of Proceedings for the Doheny Hotel consists of the following documents:

1) The Notice of Preparation (NOP) and all other public notices issues by the City of Dana Point in conjunction with the proposed Project;

2) A public scoping meeting held on June 28, 2011 at the Dana Point Community Center;

3) Comments received during the NOP and public scoping meeting included as Appendix A of the Draft EIR;

4) The Doheny Hotel Draft EIR and all technical appendices (July 2013);

5) Comments on the Draft EIR received during the 45-day public review comment period;

6) The Doheny Hotel Final EIR, including comments received and responses for the Draft EIR;

7) The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project;

8) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed Project;

9) All documents submitted to the City by other public agencies or members of the public in connection with the Doheny Hotel up through the completion of the Final EIR;

10) Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;

11) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

1.2 Custodian and Location of Records

The administrative record for the City's actions related to the proposed Project is located at the City Dana Point Community Development Department, which serves as the custodian of the administrative record. Copies of these documents are available upon request. To obtain information regarding the administrative record, please contact the following:

Ms. Ursula Luna-Reynosa, Community Development Director
Community Development Department
33282 Golden Lantern, Suite 209
Dana Point, California 92629
uluna@danapoint.org
(949) 248-3567

This information is provided in compliance with Section 15091(e) of the CEQA Guidelines.

2.0 PROJECT SUMMARY

2.1 Background

The Draft EIR (SCH# 2011061041) considered the Lead project and a number of alternatives that would avoid or lessen the significant environmental impacts created by the Lead project. The City held a Planning Commission study session on November 18, 2013 to review the Lead Project and provide an opportunity for public comment. A duly noticed public hearing for the Lead Project was held on December 9, 2013 and continued to February 10, 2014, which allowed additional opportunities for public comment. Based on the analysis contained in the Draft EIR and input received from the public and the City Planning Commissioners, the Applicant decided to pursue a modified version of Alternative 4 – Option "B" considered in the Draft EIR. Many of the issues raised during the 45-day comment period were related to characteristics of the proposed Lead Project that have been eliminated or addressed through these changes. This modified option is hereby referred to as Modified Option "B" which is described more fully below.

2.1.1 Modified Option "B"

Modified Option "B" includes the 1.5-acre site for the proposed Lead Project and 0.76 acres of Lantern Bay Park located immediately south of the subject site. Modified Option "B" assumes the 0.76-acre portion of the adjacent City-owned Lantern Bay Park would be used to create an expanded driveway. Acquisition of the Lantern Bay Park land would need to occur prior to implementation of the Project. This acquisition would entail an additional 58,560 cubic yards of excavation.

Parking for Modified Option "B" includes a total of 375 on-site spaces. The Project would include access to the site from Dana Point Harbor Drive through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land. The driveway would lead to two levels of subterranean parking beneath the hotel, and 50 public parking spaces provided at grade on-site for use by the public. For public parking, 20 of the 50 at-grade spaces would be self-parked, and the remaining 30 public parking spaces would be accessed through the valet service. The remaining parking spaces in the subterranean parking lot and porte cochere would be accessed through the valet service only.

Under Modified Option "B" the number of guest rooms would decrease to 250. Of the original 258 rooms in the Lead Project, 28 rooms would be removed in the Modified Option "B" by eliminating the fourth floor of the portion of the building that runs adjacent to Pacific Coast Highway and turns the corner at Dana Point Harbor Drive. The elimination of this portion of the building reduces the building height in this section from four stories at 48.5 feet to three stories at 38.5 feet. Another eight rooms are eliminated by the redesign of the floor plans. Construction of the newly proposed mezzanine would add 28 rooms in between the first and second levels. These reductions and additions for Modified Option "B" result in a net decrease of eight rooms from the Lead Project for a total of 250 rooms.

The overall building height of the Modified Option "B" would be similar to the proposed Lead Project; the building reaches 29.5 feet at its lowest point and 60.5 feet at its highest point (68.5 feet with mechanical equipment). However, in comparison to the Lead Project, a larger percentage of the height of the building for the Modified Option "B" is three stories (38.5 feet). This is due to the Modified Option "B" reducing sections of the building standing at 60.5 feet (five stories) and 48.5 feet (four stories). Refer to **Table 2-1** for a building height comparison between Modified Option "B" and the Lead Project.

Table 2-1
BUILDING HEIGHT PERCENTAGES

Height (feet)	Percentage of Building at Designated Height	
	Modified Option B	Lead Project
68.5[1]	9%	9%
60.5	35%	41%
48.5	6%	25%
38.5	50%	25%

The total square footage of enclosed area is 210,175 square feet, including 15,580 square feet of banquet facilities and 7,464 square feet of restaurant. Additional landscaping beyond the Lead Project would occur on the first floor.

Additional changes to Modified Option "B" include:

- An increase in the setback of the roof terrace "lobby lounge" from Pacific Coast Highway from 14 feet to 30 feet;
- Relocation of the outdoor dining area adjacent to the restaurant eliminating a need for one of the setback variances;
- An additional loading dock located at the southwestern end of the building (facing Lantern Bay Park) to reduce the volume of deliveries received at the Pacific Coast Highway loading zone; and
- Additional striping on PCH to include a 3-foot bike gore for bicyclists.

Drawings and renderings for Modified Option "B" are shown in **Figure 2-1** through **Figure 2-10**.

2.2 Statement of Objectives

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.2 of the Draft Environmental Impact Report, the project has the following objectives:

1) Development of a commercially viable project that is complimentary to the coastal recreational character of the community and therefore enhances the hospitality facilities and amenities available to local residents and visitors.

2) Design and construct the uses in a manner that is attractive not only to the immediate users, but also the inhabitants of the specific plan area and residents of greater Dana Point.

3) Minimize the impact of new development on the character of surrounding residential neighborhoods, so that the streetscape and quality of existing public viewsheds are preserved.

---

[1] Building height is 60.5 feet plus 8 feet for roof-mounted, screened mechanical equipment.

2.2.1 Design

1) Provide a building design that is consistent with the Community Design Element for the Dana Point Specific Plan/1986 Local Coastal Plan and City of Dana Point Design Guidelines (Sections II, IIIB, and VC) that provides ample landscaping, parking, services, and pedestrian amenities.

2) Utilize creative architectural design that is integrated into all facades of a new building to provide a development that enhances the built environment with attractive aesthetic quality.

3) Reinforce the architectural design through the combining and manipulation of appropriate materials, colors and forms that are integrally composed and aesthetically pleasing.

4) The project shall be contextually appropriate to the surroundings, without being deferential to or mimicking neighboring facilities.

2.2.2 Circulation

1) Accommodate automobile traffic to the project in surface parking lots and structured garages, utilizing shared parking analysis and taking into consideration the different uses, times of use, and the likely sources of users for those facilities.

2) Separate surface parking facilities in order to avoid, as much as is practicable, large expansive parking lots.

3) Provide clear and direct pedestrian linkages, along landscaped and shaded pathways, between the various elements of the project.

4) Provide reasonable pedestrian access into the project for visitors from the adjacent area.

2.2.3 Environment

1) Build and operate the project in as environmentally sustainable manner as much as is practical by utilizing energy efficient technologies and sustainable design concepts, and adopting operational techniques that will insure these objectives for the subsequent life of the development.

2) Aim to achieve LEED Silver status for the hotel using measures such as, but not limited to, green roofs, dual-flush toilets, motion-activated lighting, drip watering systems, electric car charging stations, recycling programs, and development and implementation of an energy-monitoring program as part of the Building Management System.

Figure 2-1
MODIFIED OPTION "B" ELEVATIONS

Figure 2-2
LANDSCAPE CONCEPT FLOOR PLAN

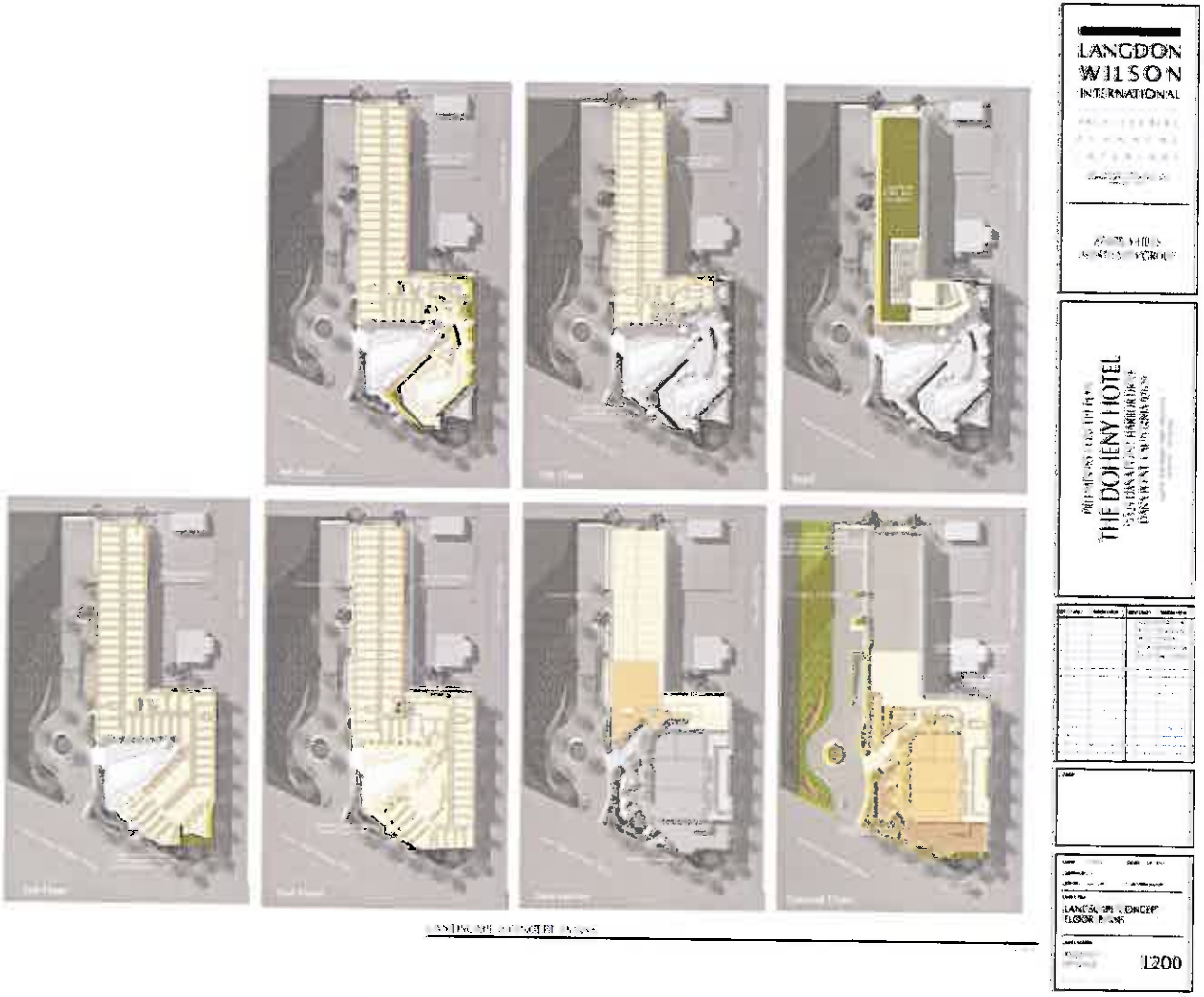


Figure 2-3
SITE PLAN

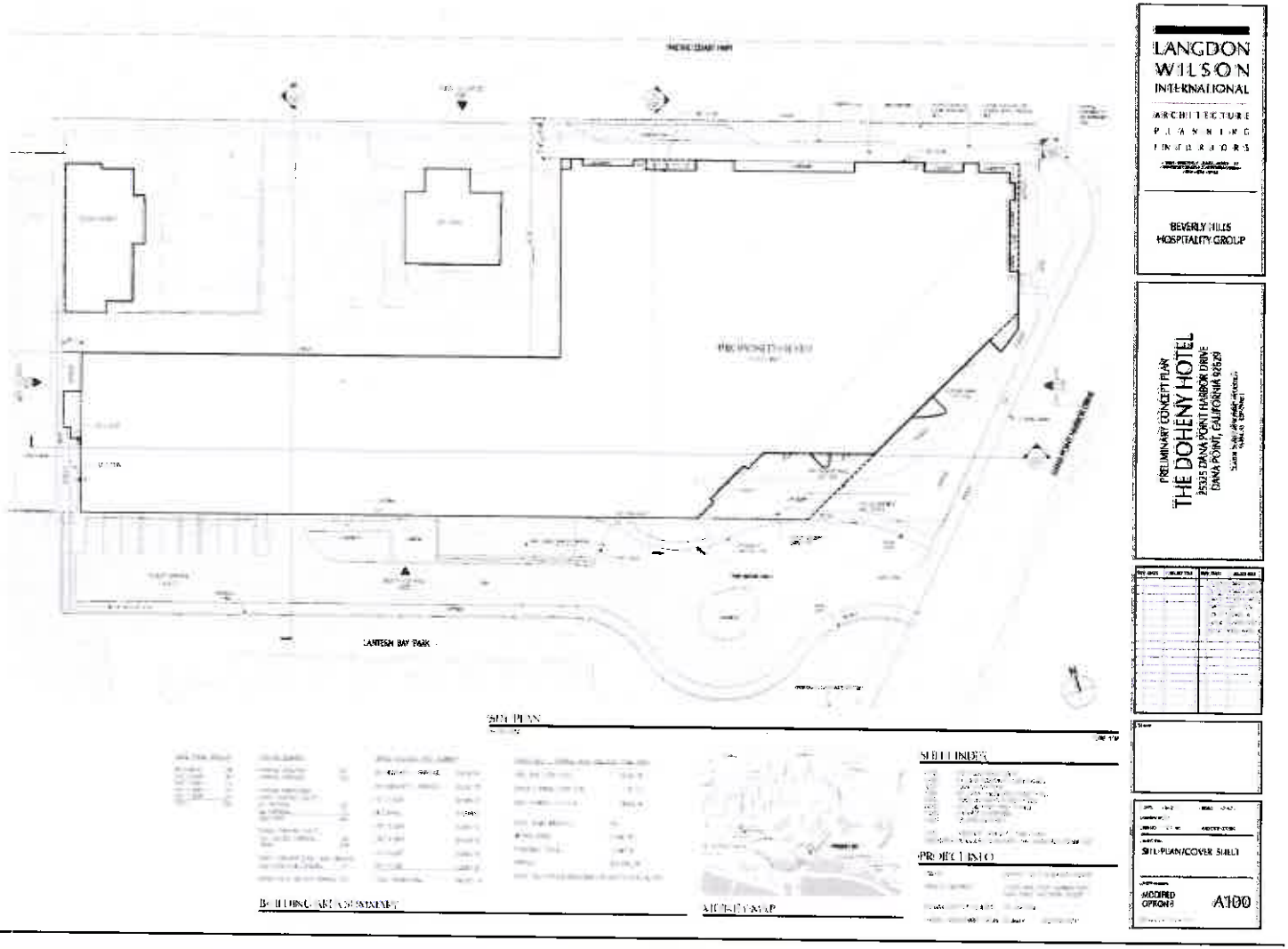


Figure 2-4
B1 AND B2 BASEMENT FLOOR PLANS

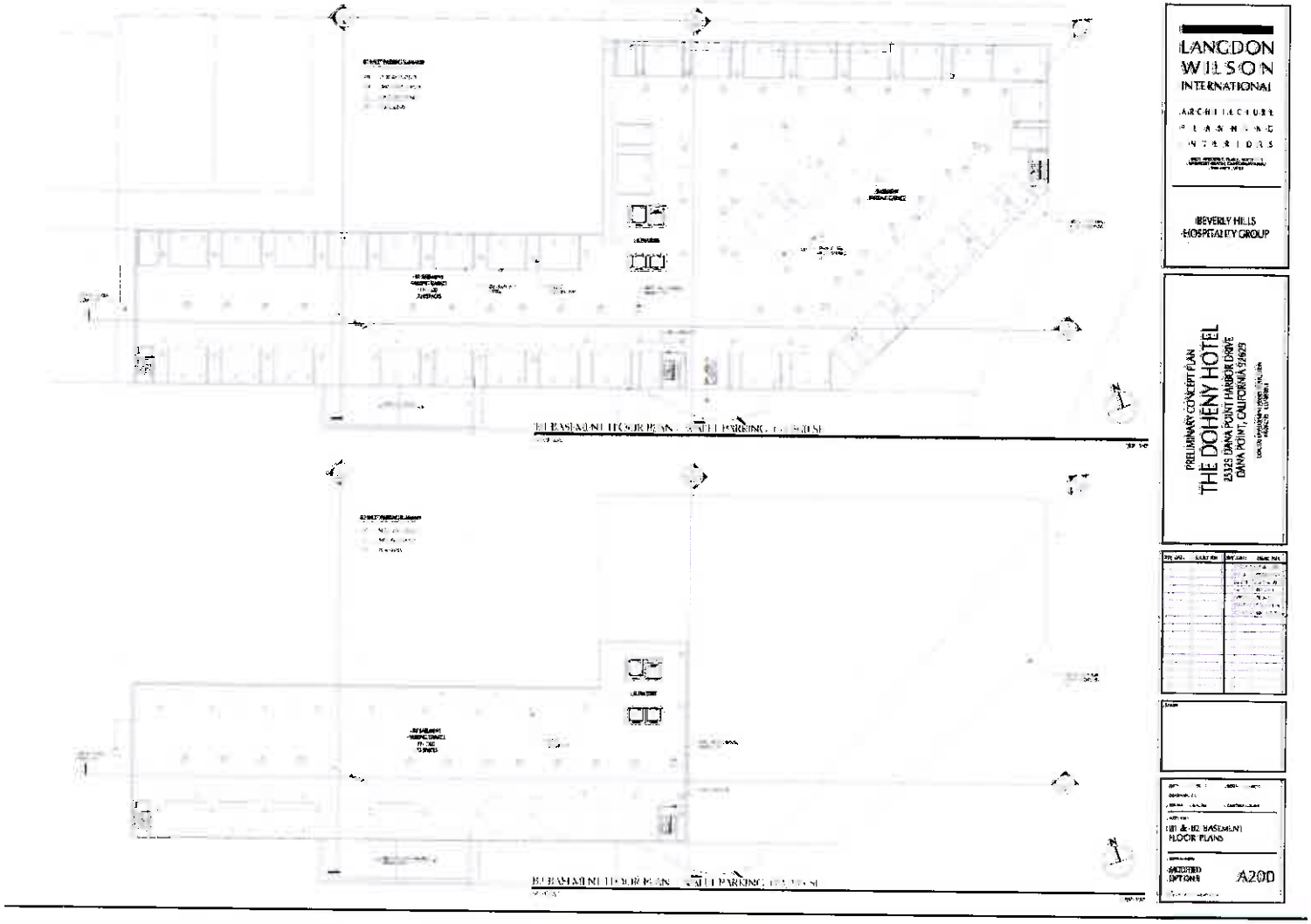


Figure 2-5
FIRST FLOOR PLAN LOADING OPTION

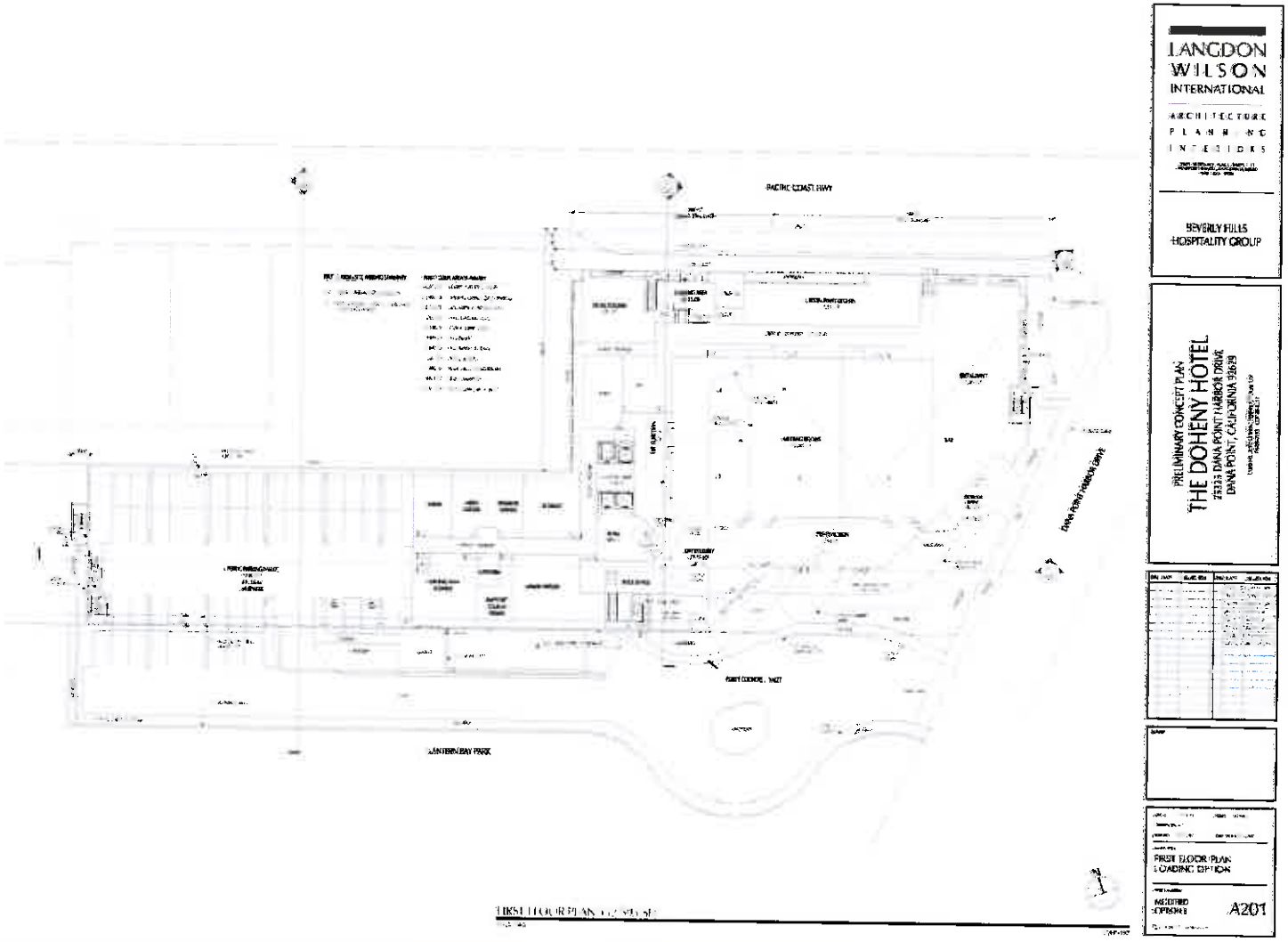


Figure 2-6
MEZZANINE AND SECOND FLOOR PLANS

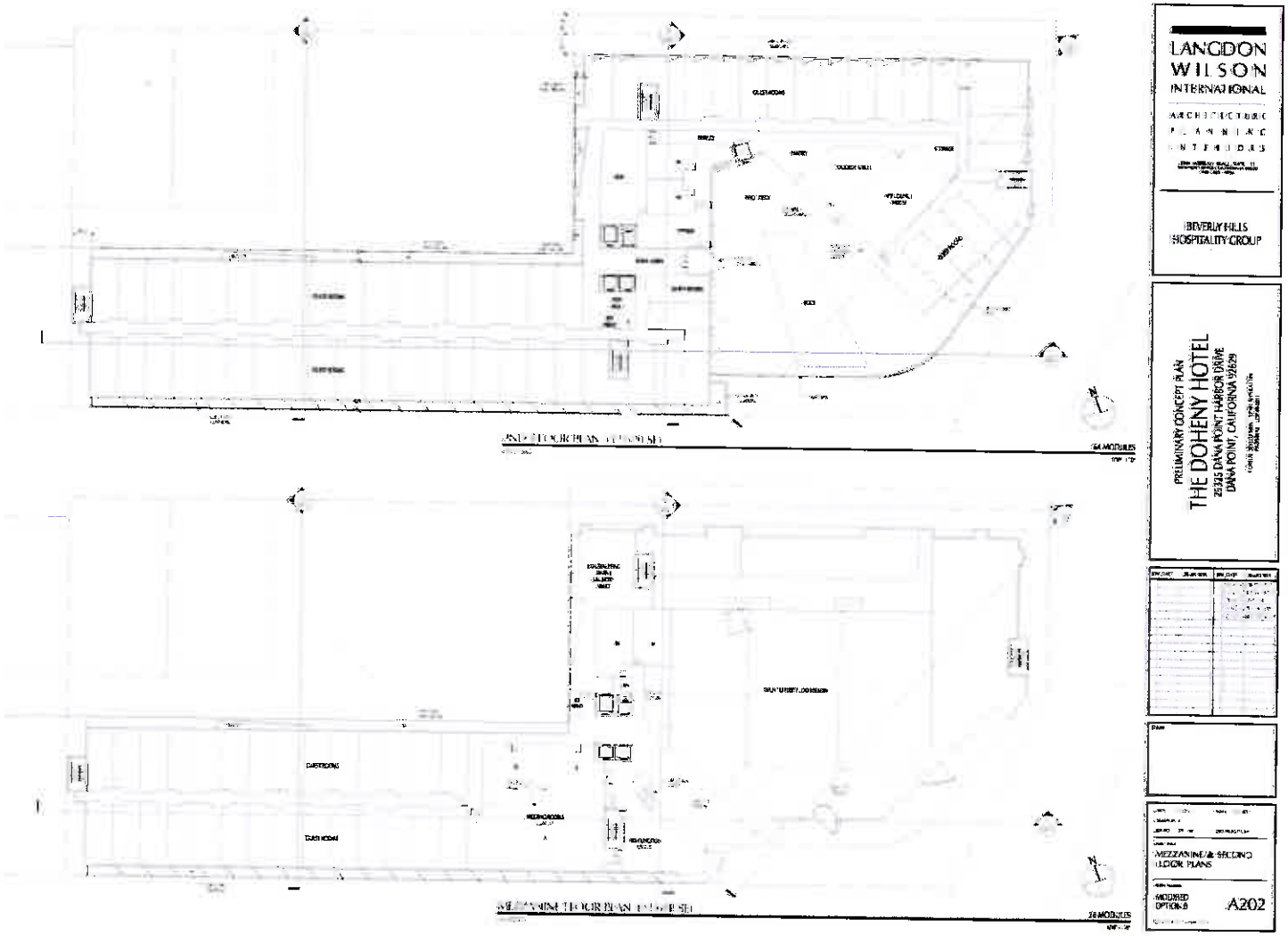


Figure 2-7
THIRD AND FOURTH FLOOR PLANS

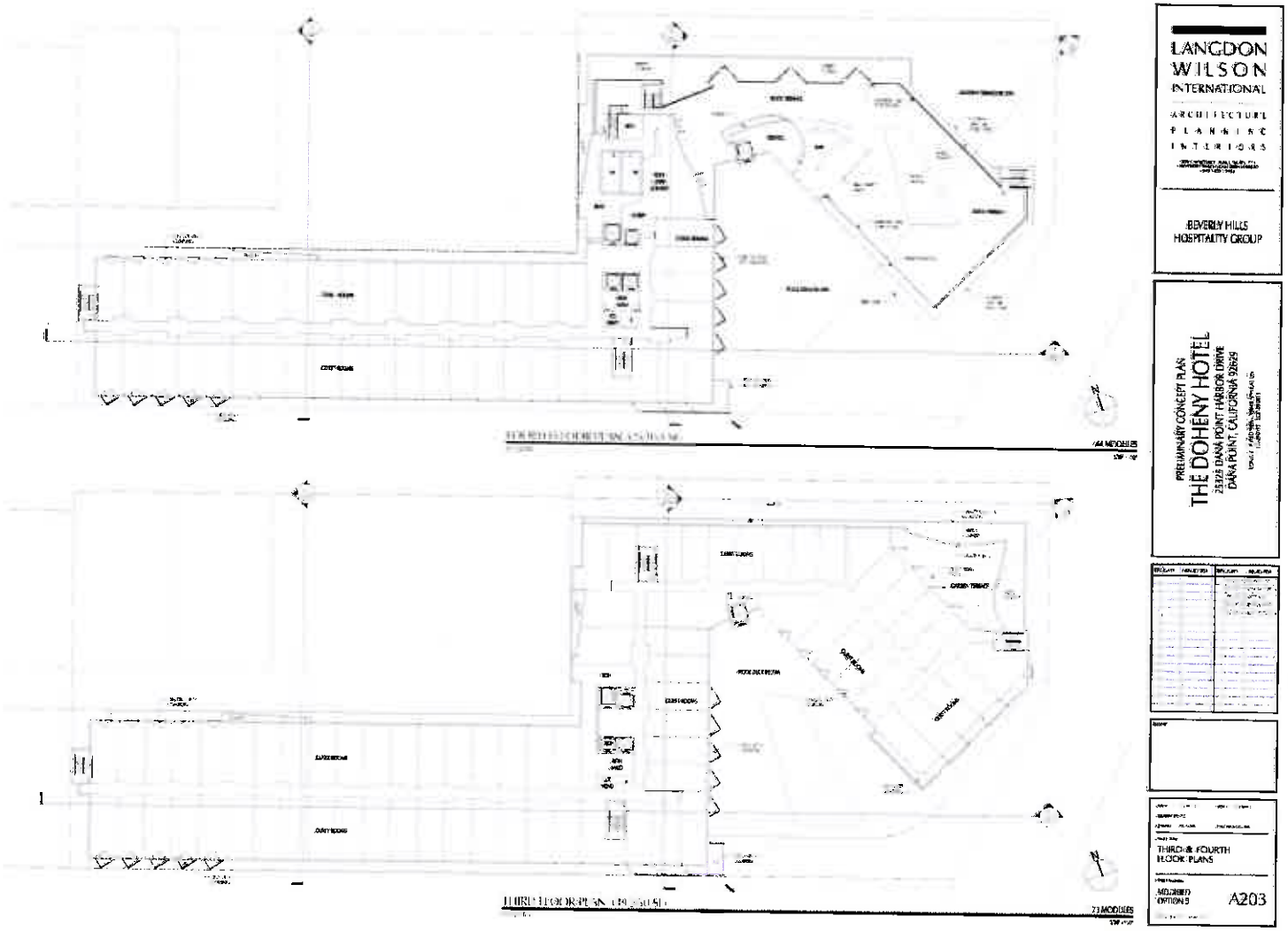


Figure 2-8
FIFTH FLOOR AND UPPER ROOF PLAN

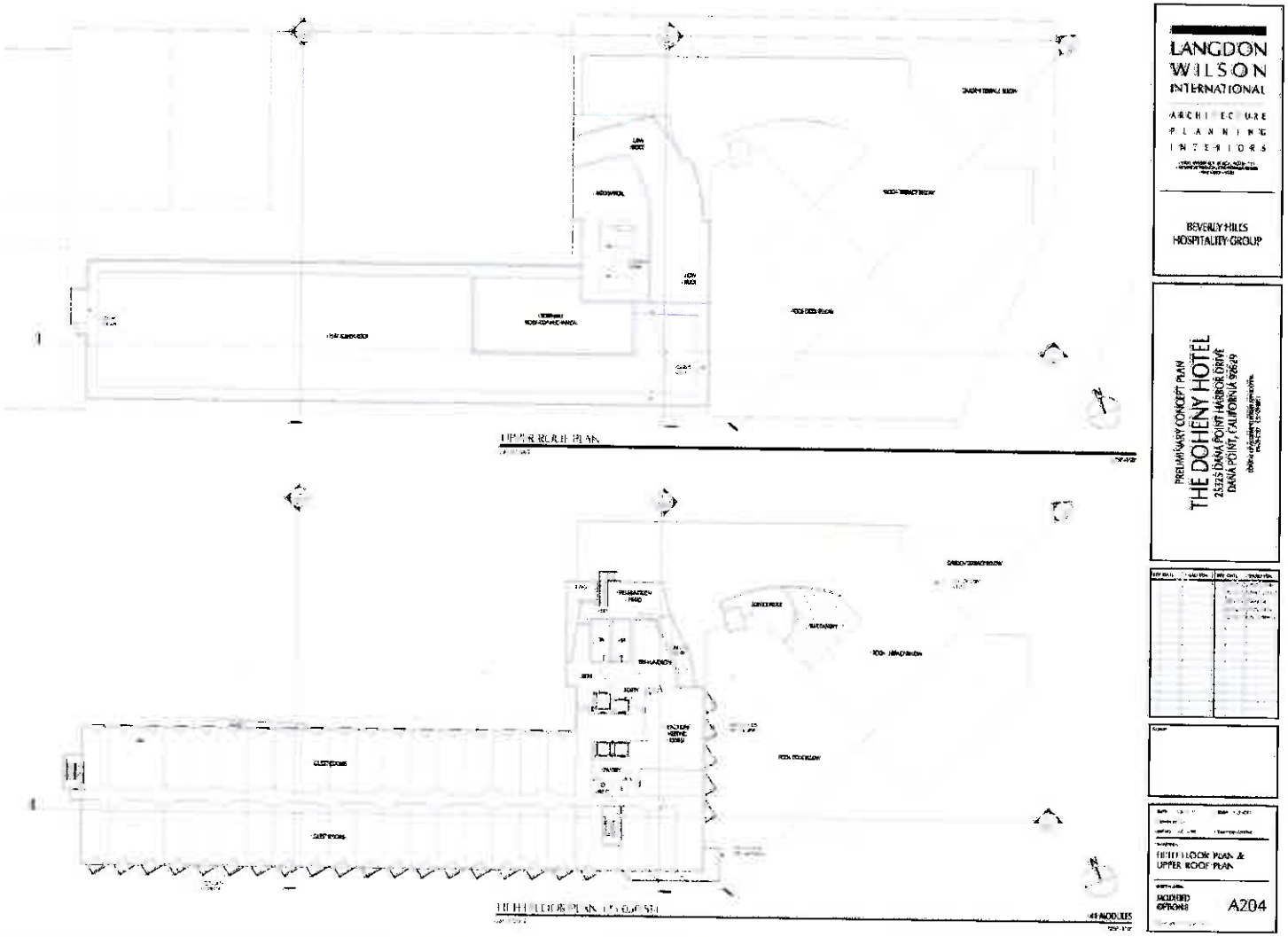


Figure 2-9
EXTERIOR ELEVATIONS

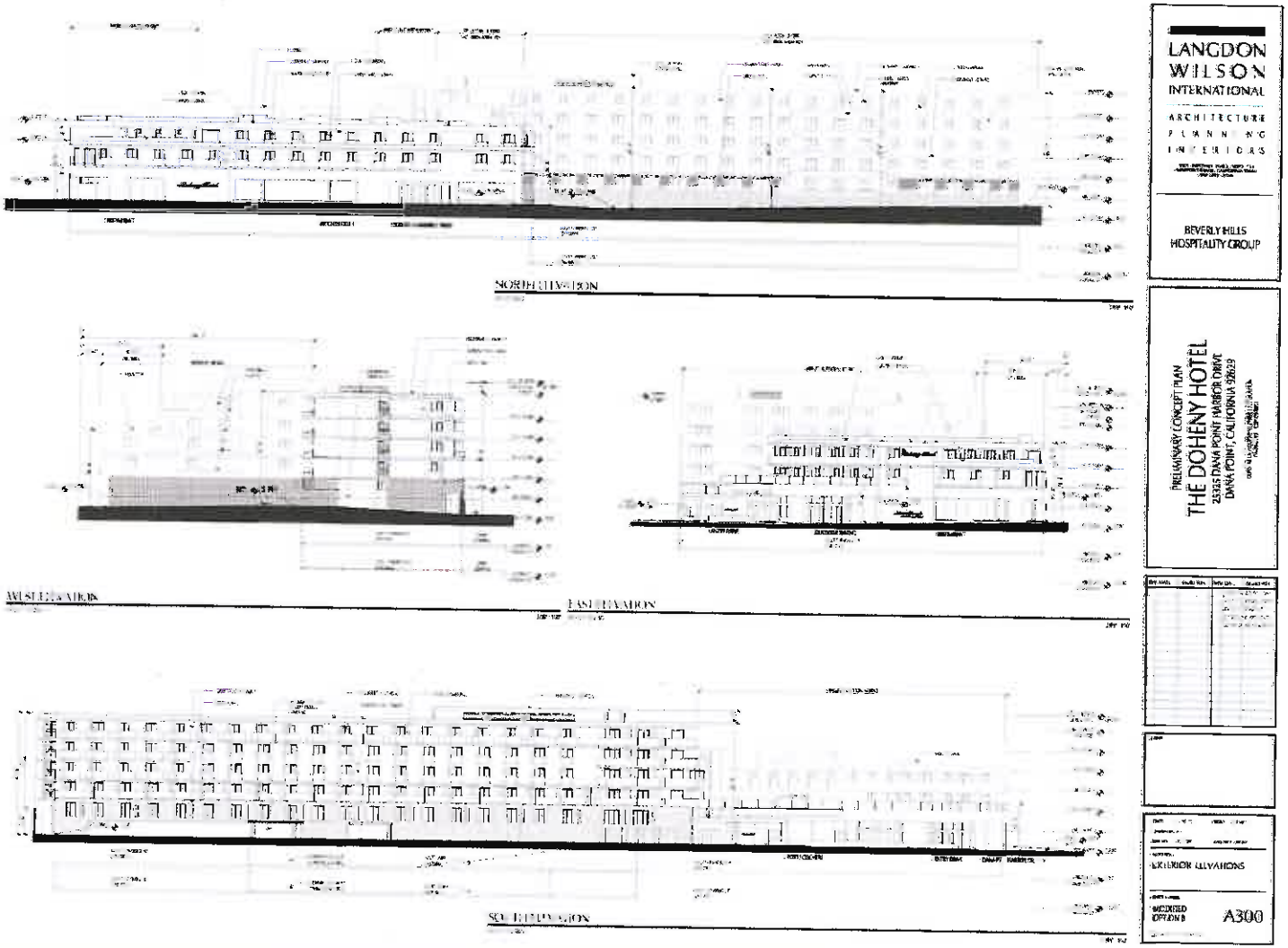
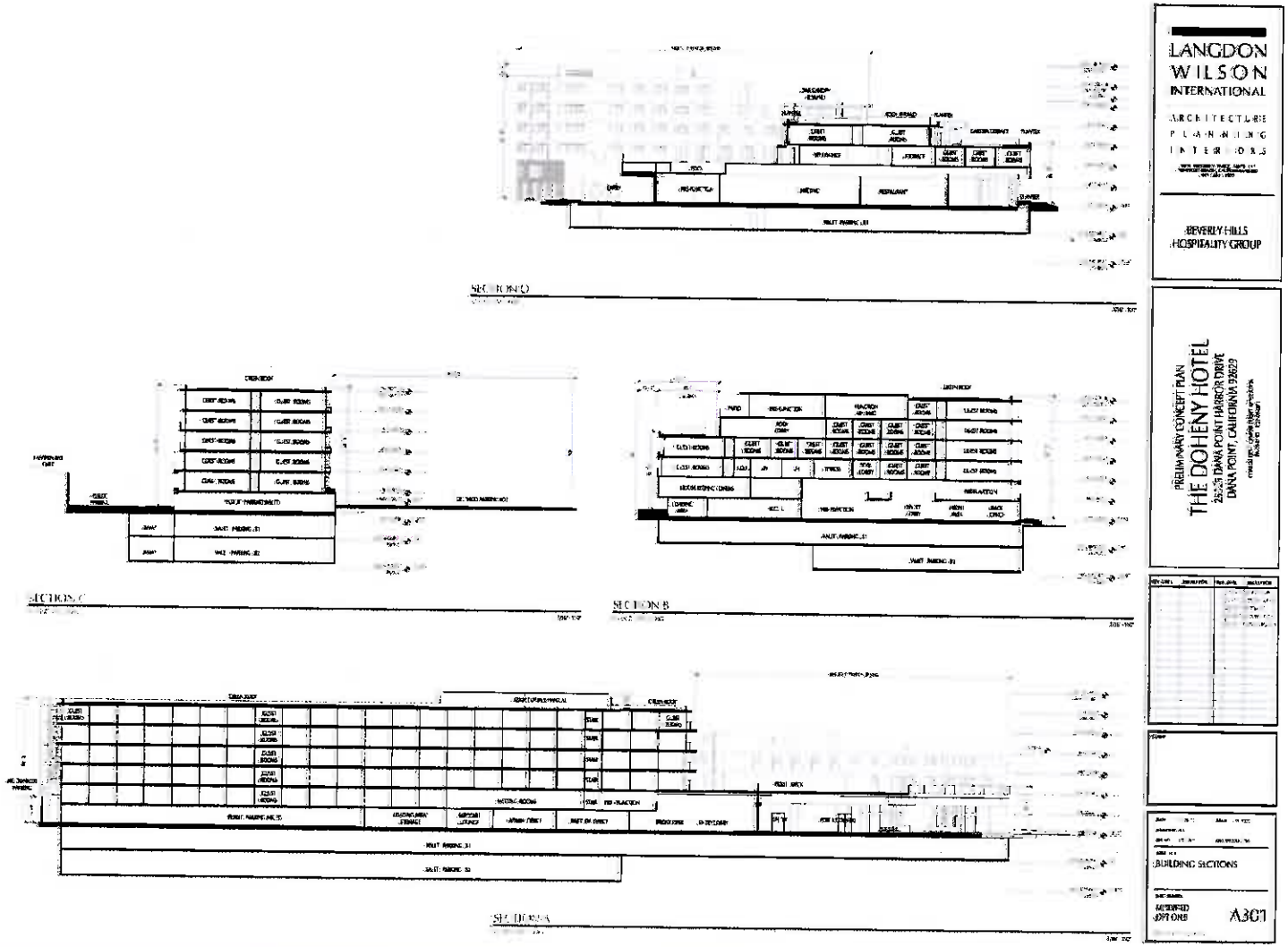


Figure 2-10
FIRST FLOOR PLAN LOADING OPTION



3.0 FINDINGS OF FACT

3.1 Introduction

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a) (1) and Guidelines §15091(a) (1) that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance potentially significant environmental effects identified in the EIR.

The following findings are based upon the environmental analysis performed for the Lead Project in the Draft EIR. After the findings are discussed, the level of impact of Modified Option "B" is compared to the Lead Project.

3.2 Aesthetics

Obstruction of Views

A. **Less than Significant Impact.** The potential for proposed Project features to result in the change, removal, or degradation of the nature and quality of scenic highway, corridor, or other recognized or valued views from a length of a public roadway, bike path, or trail is less than significant. Public views of the ocean from residential areas, neighborhood parks, and public trail on the bluffs to the north of PCH would be preserved and minimally impacted after project implementation.

B. **Facts in Support of Finding (1).** The proposed Project is not located within a designated California State Scenic Highway corridor. The project is located adjacent to PCH which is designated as a local scenic highway by the City of Dana point. The project area's hilly topography offers visual relief and minimizes the visual impacts of the project to the visual resources along PCH.

Facts in Support of Finding (2). As part of the project, a new sign will replace the existing County of Orange Dana Point Harbor signage located at the intersection of PCH and Dana Point Harbor Drive and the corner will be embellished with new landscaping. Therefore, the project would improve the aesthetic quality of the existing gateway marker and would not affect the views of the pedestrian bridge on the east.

Facts in Support of Finding (3). The project attempts to lessen the massing effect of the 86.5 foot overall proposed building height and blend the building with the surrounding area through the utilization of a combination of varying setbacks and roofline heights. The proposed two-story façade and terraced back upper floors at the primary corner entrance would reduce the bulk of the building. The visual simulations provided in Chapter 3.1 in the EIR show that despite the bulk and mass of the project, it does not obstruct public views of visual resources, including the ocean. Existing plants removed during project construction, would be replaced with the project's landscaping.

Visual Character of Site and Surroundings

A. **Potentially Significant Impact.** The proposed hotel building would be incompatible in scale, mass and form with adjacent structures and existing development pattern in the project vicinity. Therefore, the project would have a potentially significant impact on the existing visual character or quality of the site and the surrounding area. During the

construction phase, views of construction activities, staging areas and equipment would have short term visual impacts on the visual quality of the surrounding area.

B. **Facts in Support of Finding (1).** With the implementation of **MM 3.1-1** provided below, short term visual impacts associated with the construction of the project would be mitigated to a less than significant level.

Facts in Support of Finding (1). The existing visual character of the site and surrounding area can be characterized as low density urban. Developments in the vicinity of the project site vary in size and range from undeveloped land to single-story and multi-story buildings. Majority of the buildings in the surrounding area are one or two story high. The proposed hotel building would be a two to five story structure, considerably larger and bulkier than some of the structures within the immediate vicinity and would transform the existing low-density project area into a higher density land use. The aesthetic and visual impacts of the proposed Project associated with incompatible building form cannot be mitigated to a less than significant level, and the City has adopted a corresponding Statement of Overriding Considerations.

Lighting, Glare, and Nighttime Illumination

A. **Potentially Significant Impact.** The proposed Project features include a rooftop lounge area that would include lighting to illuminate the rooftop establishment during its evening operational hours. The illumination would have the potential to have light spillover to neighboring properties that could affect nighttime views in the area.

B. **Facts in Support of Finding (1).** The Proposed Project's significant aesthetic impact related to having a substantial adverse effect on lighting, glare, and nighttime illumination would be mitigated to a level less than significant with the implementation of mitigation measures provided below. Particularly, **MM 3.1-2** includes a requirement to implement an Exterior Lighting Plan to minimize lighting spillover onto neighboring properties, and minimize impacts to nighttime views in the area.

Mitigation Measures

MM 3.1-1 Prior to issuance of a grading permit, the contractor shall prepare a Construction Staging Plan that identifies the location(s) of staging areas, including equipment and vehicle storage areas. The Plan shall identify the manner in which the storage would be screened to ensure that the temporary visual impacts would be minimized within the viewshed.

MM 3.1-2 Prior to the issuance of a building permit, an Exterior Lighting Plan for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be reviewed and approved by the Dana Point Planning Commission as part of a noticed public hearing.

Modified Option B

Due to reduction in height and bulk of the building, Modified Option "B" would result in lesser impacts to aesthetics than that of the Lead Project.

3.3 Air Quality

Short Term Construction Related Impacts

A. **Potentially Significant Impact.** Temporary construction-related dust and vehicle emissions would occur during site preparation and project construction. Construction activities for the proposed Project would generate airborne odors associated with the operation of construction vehicles (i.e., diesel exhaust), asphalt paving operations, and the application of paints and coatings. The project would potentially increase the concentration of P10 and P2.5 particulate matter and expose sensitive receptors to decreased air quality impacts during construction. Short term construction impacts of the project on regional air quality and those related to airborne odors would be less than significant.

B. **Facts in Support of Finding (1).** Maximum daily construction emissions of reactive organic gases, nitrous oxides, carbon monoxide and particulate matter for various project construction activities along with applicable South Coast Air Quality Management District's (SCAQMD) Significance Thresholds are provided in Table 3.2-6 in the EIR. According to Table 3.2-6, air emissions during the construction phase of the project would not exceed the SCAQMD thresholds.

Facts in Support of Finding (2). The nearest sensitive land use is a multifamily residence complex located approximately 100 feet away from the proposed Project site. The local air quality analysis was based on the analysis of SCAQMD's Localized Significance Thresholds (LSTs) for a one acre site 82 feet away from the nearest sensitive receptor. The proposed site is greater than one acre and is more than 25 meters (82 feet) away from all sensitive receptors. Therefore, unmitigated construction emissions, except PM10 and PM2.5, are below the LSTs for the proposed Project. With the implementation of fugitive dust control measures required under SCAQMD Rule 403 and **MM 3.2-1** through **MM 3.2-4**, provided below, daily PM10 and PM2.5 emissions would be below their significance thresholds and potential localized air quality impacts during the construction phase would be mitigated to a less than significant level.

Facts in Support of Finding (3). Air-borne objectionable odors during the construction phase of the project would occur during daytime hours only, odors would be isolated to the immediate vicinity of the construction site and activity, and would not affect a substantial number of people. After project construction is completed, odors from the proposed uses of the proposed Project would not significantly differ from odors emanating from typical hotels or restaurants.

Long Term Regional Air Quality Impacts

A. **Less Than Significant Impact.** The proposed Project would increase the overall local and regional pollutant load compared to the baseline conditions. The increase in operational air emissions and resulting long term regional air quality impacts as a result of the proposed Project would be less than significant.

B. **Facts in Support of Finding (1).** Daily emissions of reactive organic gases, nitrous oxides, carbon monoxide and particulate matter from both area and mobile sources for baseline year and project opening year are provided in Table 3.2-6 in the EIR. Table 3.2-6 also includes applicable SCAQMD's Significance Thresholds. According to Table 3.2-6,

operational air emissions as a result of the proposed Project would not exceed the SCAQMD thresholds.

Carbon Monoxide Hotspots

A. **Less Than Significant Impact.** Mobile sources associated with the proposed Project have the potential to create Carbon Monoxide (CO) "hotspots" that is increased CO concentration in small areas that result from motor vehicle emissions in heavy traffic. The traffic increases in nearby intersections may contribute to traffic congestion, which may create "pockets" of CO called hotspots. CO concentrations, as a result of the development of the proposed Project are anticipated to be less than significant.

B. **Facts in Support of Finding (1).** According to the California Department of Transportation (Caltrans) CO Protocol, CO hotspots are evaluated when a project degrades the Level of Service (LOS) at a nearby signalized intersection to "E" or worse. Traffic analysis for the proposed Project indicates that with the implementation of roadway improvements that have been included as project design features, the proposed Project would not degrade the LOS at any nearby key intersections to level "E" or worse. Therefore, CO hotspots analysis is not required for the proposed Project.

Conformity with Air Quality Management Plan

A. **Less Than Significant Impact.** The SCAQMD has established an Air Quality Management Plan (AQMP) that proposes policies and measures to achieve federal and State standards for healthful air quality in the South Coast Air Basin. The proposed Project would not conflict with or obstruct the implementation of the AQMP therefore, project impacts related to conformity with the AQMP would be less than significant.

B. **Facts in Support of Finding (1).** The AQMP incorporates land use assumptions from local general plans and regional growth projections to estimate stationary and mobile air emissions associated with projected population and planned land uses. If a proposed land use is consistent with the local general plan, then the impact of the project is presumed to have been accounted for in the AQMP. Consistency with the AQMP is also analyzed by determining if a project would generate population and employment growth. The proposed Project would not conflict with the land use designation specified in the Land Use Plan contained in the Dana Point Specific Plan/Local Coastal Program. The proposed Project is neither a source of new housing nor a significant source of new jobs. Therefore, the project would not be considered growth or population-inducing on a regional scale.

Mitigation Measures

MM 3.2-1 During grading, water exposed surfaces at least twice daily. (PM10 reduction: 34-68%)

MM 3.2-2 Enclose, cover, and apply water twice daily to exposed piles of earthwork with 5% or greater silt content. (PM10 reduction: 30-74%

MM 3.2-3 All trucks hauling earthwork or other loose materials are to be covered or should maintain at least two feet of freeboard. (PM10 reduction: 7-14%)

MM 3.2-4 When feasible, implement construction equipment with Tier 2 to Tier 3 diesel engines during grading. (NOX reduction: 38-39%)

Modified Option B

Due to decreased project-generated trips, Modified Option "B" would result in lesser impacts to air quality than that of the Lead Project.

3.4 Biological Resources

Sensitive Species and Nesting Raptors

A. **Potentially Significant Impact.** Project implementation and construction-related activities could potentially result in the disturbance of nesting special-status species and species protected under the Migratory Bird Treaty Act during the breeding season. Construction activities could potentially affect raptors and other birds roosting or nesting in vegetation, including the large trees in the area, and destroy or disturb active nests. Equipment noise, vibration, lighting, and other human-related disturbance could disrupt normal activities of birds.

B. **Facts in Support of Finding (1).** With implementation of **MM 3.3-1** through **MM 3.3-3**, provided below, impacts to sensitive species and nesting raptors would be mitigated to a less than significant level.

Mitigation Measures

MM 3.3-1 A pre-construction survey (within three days before work in the project areas) will be conducted by a qualified biologist to determine the presence or absence of active nests within, or adjacent to, the project site. Project construction activities in staging areas shall only occur following surveys by a qualified biologist.

MM 3.3-2 A pre-construction survey for nesting raptors shall be conducted if work is scheduled to begin within the month of January.

MM 3.3-3 If no breeding or nesting activities are detected within 500 feet of the proposed work and staging areas, construction activities may proceed. If bird breeding/nesting activity is confirmed, work activities within 250 feet (or 300 feet for raptors, 500 feet for fully protected species, or a linear distance appropriate for the species approved by the project biologist) of any active nest may be delayed until the young birds have fledged and left the nest. The project biologist will confer with the contractor and agencies to determine the proper course of action. A work area buffer zone around any active nests shall be demarcated, indicating where work may not occur. Project activities may resume in this area once the project biologist has determined that the nest(s) is no longer active. Biological monitoring shall occur during vegetation removal activities, if any, to minimize impacts on foraging or nesting birds.

Modified Option B

Modified Option "B" would result in similar biological resources impacts compared to the Lead Project.

3.5 Cultural Resources

Archaeological and Historic Resources

A. **Potentially Significant Impact.** Construction of the proposed Project would include ground-disturbing activities such as grading and excavation, that could potentially impact significant archaeological and historic resources located within the project area.

B. **Facts in Support of Finding (1).** The results of the records search, outreach with the State of California's Native American Heritage Commission and Native American community, and field reconnaissance completed identified no archaeological and/or historical resources within the project area. With implementation of **MM 3.4-1** (provided below) that requires all ground disturbing activities to be conducted in the presence of a qualified archaeological or Native America monitor, any potential impacts to Archaeological and Historic resources would be mitigated to a less than significant level.

Paleontological Resources

A. **Potentially Significant Impact.** The current soils in the project area have the potential to contain paleontological resources. Earth-moving or earth-disturbing activities occurring as a result of implementation of the project have the potential to reveal fossiliferous strata and result in significant impacts to fossil remains.

B. **Facts in Support of Finding (1).** Prior to the issuance of grading permit, the applicant shall provide written evidence to the City Engineer, City of Dana Point, that the applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources. If paleontological resources are found within the proposed Project area, the mitigation program developed and conducted by the qualified paleontological monitor would mitigate impacts on paleontological resources to less than significant levels. With implementation of **MM 3.4-1** provided below, impacts to paleontological resources would be mitigated to a less than significant level.

Mitigation Measures

MM 3.4-1 To reduce project impacts on cultural resources to a less than significant level, all ground disturbing activities shall be monitored by a qualified archaeological monitor, a Native American monitor, and a qualified paleontological monitor.

Modified Option B

Modified Option "B" would result in similar cultural resources impacts compared to the Lead Project.

3.6 Geology and Soils

Earthquake Faults and Seismic Hazards

A. **Potentially Significant Impact.** The proposed Project site lies in an area that could expose people or structures to potential adverse effects due to strong ground shaking in the event of a significant earthquake on an area fault. Earthquakes that can produce strong shaking at the project area may occur on active faults such as the Newport-

Inglewood Fault Zone which is located approximately 3.4 miles southwest of the proposed Project site.

B. **Facts in Support of Finding (1).** With the implementation of **MM 3.5-1** provided below, impacts due to seismic ground shaking would be mitigated to a less than significant level.

Ground Failure/Liquefaction/ Seismically Induced Settlement

A. **Potentially Significant Impact.** The proposed Project site is located within a State of California designated Seismic Hazard Zone for earthquake-induced liquefaction potential and the preliminary geotechnical report for the project identifies a potential for liquefaction at the proposed site. The preliminary geotechnical evaluation also indicates that some loose to medium-dense sandy layers were encountered in the fill soils underlying the project area, and the site is susceptible to seismically induced settlements during earthquake shaking.

B. **Facts in Support of Finding (1).** Appropriate seismic design provisions, such as proper foundation design and construction, would be incorporated into design and construction that are based on governing building codes. With the implementation of **MM 3.5-2** provided below, potential impacts due to seismic related ground failure including liquefaction and seismically induced settlement would be less than significant.

Landslides

A. **Less Than Significant Impact**. The project site is not located in an area that is prone to landslides and *project* impacts to people and structures due to landslides would be less than significant.

B. **Facts in Support of Finding (1).** No significant slopes exist within the project area. An approximately 20 feet high offsite slope located along the southerly property boundary is surficial and grossly stable.

Soil Erosion

A. **No Impact.** The proposed Project would not result in permanent and/or substantial soil erosion or loss of topsoil.

B. **Facts in Support of Finding (1).** The site is relatively flat, is currently developed with structures and paving and majority of the site's surfaces are currently impervious. Exposure of soils to wind and water erosion during construction would be temporary in nature and subject to the National Pollution Discharge Elimination System (NPDES) requirements. Construction of the proposed Project would increase onsite impervious area. With the implementation of **MM 3.5-3** provided below, impacts resulting from soil erosion or the loss of topsoil would be mitigated to a less than significant level.

Unstable Soils/ Landslides/ Subsidence

A. **Potentially Significant Impact.** The proposed Project features a subterranean parking structure and a storm drain system that requires deep excavation that will result in temporary cut slopes. The known groundwater beneath the subject site will be encountered during excavation of the parking structure and temporary dewatering of

the parking structure area will be necessary. The building foundation load would result in compression of the underlying soil layers. Therefore the proposed Project is susceptible to temporary impacts associated with landslides, subsidence and settlement due to unstable soils during construction.

B. **Facts in Support of Finding (1).** The project plan includes shoring where deep excavations are necessary to protect against temporary slope failures. The projected groundwater depth during dewatering is within the historical range of groundwater fluctuations at the site and would not cause significant additional settlement because the site soils have already been pre-consolidated. With the implementation of **MM 3.5-4A** through **MM 3.5-4C** provided below, impacts associated with landslides, subsidence and settlement due to unstable soils during construction would be mitigated to a less than significant level.

Expansive Soils

A. **Potentially Significant Impact.** According to the preliminary geotechnical report, the project site is located in an area with soils having low to medium expansion potential and recommends foundations that incorporate appropriate design parameters with respect to potential soil expansion at the site.

B. **Facts in Support of Finding (1).** With the implementation of **MM 3.5-5** that requires the design of mat slab supported by cast-in drilled pier foundations for the proposed structures, impacts resulting from project location on expansive soils would be mitigated to a less than significant level.

Mitigation Measures

MM 3.5-1 The project shall be constructed with adherence to local building codes; therefore, effects resulting from seismic shaking would be less than significant.

MM 3.5-2 The foundation for the structure will be appropriately designed by the engineer to mitigate for seismic related ground failure. With design and construction of the mat slab and cast in drilled pier foundation, effects resulting from potential liquefaction and seismically induced settlement will be reduced to a less than significant level.

MM 3.5-3 Prior to construction, construction Best Management Practices (BMPs), a Storm Water Pollution Prevention Plan (SWPPP), and permanent BMPs will be developed to address potential soil erosion. With implementation of these plans by the construction contractor, effects of potential soil erosion will be reduced to a less than significant level.

MM 3.5-4A A shoring and monitoring system will be designed by the project engineer and constructed along the perimeter of the underground parking structure and storm drain excavations to allow for deep excavation. With the implementation of a shoring system and corresponding monitoring, effects of a landslide resulting from temporary cut slopes will be reduced to a less than significant level.

MM 3.5-4B A ground monitoring system will be designed by the project engineer and constructed along the perimeter of the underground parking structure. With the implementation of the ground monitoring system, effects of subsidence due to temporary dewatering will be reduced to a less than significant level.

MM 3.5-4C The foundation for the structure will be appropriately designed by the engineer to mitigate for settlement. With design and construction of the foundation system effects resulting from potential settlement will be reduced to a less than significant level.

MM 3.5-5 The foundation for the structure will be appropriately designed by the design engineer to mitigate for the expansive soil condition. With design and construction of the mat slab and cast-in drilled pier foundation, effect resulting from potential expansive soil on the project will be reduced to a less that significant level.

Modified Option B

Modified Option "B" would result in similar geology and soils impacts compared to the Lead Project.

3.7 Greenhouse Gas Emissions

Increased Greenhouse Gas Emissions

A. **Less Than Significant Impact.** Construction and operation of the proposed Project would increase the overall GHG emissions compared to the baseline existing conditions as of the Notice of Preparation date. With implementation of the energy efficient, water efficient, natural gas efficient and solid waste reduction project design features included in Table 3.6-9 of the EIR, impacts from GHG emissions would be less than significant.

B. **Facts in Support of Finding (1).** According to the GHG analysis for the proposed Project, in the year 2020 development of the project would result in GHG emissions savings of 1,076 tonnes, or 19 percent of what would occur under the Business As Usual (BAU) scenario. The approximately 1,076 tonnes of GHG emissions savings is less than the 30 percent savings required by Assembly Bill 32. Implementation of the project design features included in Table 3.6-9 of the EIR would result in an additional 12 percent savings in GHG emissions and a total of 31 percent GHG emissions savings when compared to the BAU scenario.

Modified Option B

Modified Option "B" would result in similar greenhouse gas impacts compared to the Lead Project.

3.8 Hazards and Hazardous Materials

Hazardous Materials

A. **Potentially Significant Impact.** According to the DTSC ENVIROSTOR database, the proposed Project is not located on a federal superfund site, state response site, voluntary cleanup site, school cleanup site, corrective action site or tiered permit site. The proposed Project is located on a site with known groundwater contamination from the Union 76 service station located across the street. Therefore the proposed site is susceptible to potentially significant impacts due to groundwater contamination.

B. **Facts in Support of Finding (1).** Remediation for on-site groundwater contamination is underway at the service station and two monitoring wells (MW18 and MW19) have been installed on the project site. Multiple work plans have been approved by the

Orange County Health Care Agency to remediate the groundwater contamination and continuous quarterly monitoring of wells 18 and 19 are included in these work plans. With the implementation of **MM 3.7-1** and **MM 3.7-2** listed below, potentially significant impacts due to groundwater contamination would be mitigated to a less than significant level.

Mitigation Measures

MM 3.7-1 A Phase II Environmental Site Assessment shall be completed, which shall include an assessment of the on-site groundwater contamination (benzene and other contaminants, if any). If it is determined that the benzene (and/or other contaminants, if any) levels are of a level that requires on-site remediation, the remediation shall be conducted so that the contaminant presence is reduced to a less than significant level.

MM 3.7-2 If vapor hazards are located, abatement of the vapor hazards shall be completed prior to any demolition activities that would disturb vapor hazards or create a vapor hazard. Prior to issuance of building permits, an on-site soil vapor test shall be conducted to determine if there are any vapor hazards on-site. If the vapor hazards are determined to be of a level that requires on-site remediation, the remediation shall be conducted so that the vapor hazard presence is reduced to a less than significant level.

Modified Option B

Modified Option "B" would result in similar hazards and hazardous materials impacts compared to the Lead Project.

3.9 Hydrology and Water Quality

Drainage Patterns and Urban Run-off

A. **Less Than Significant Impact.** The proposed Project would increase total impervious area on site and result in an increase in the quantity of stormwater. However, the project would not significantly alter existing drainage patterns of the site, including the alteration of the course of a river or stream and there would be no changes to the existing hydrologic system.

B. **Facts in Support of Finding (1).** The land use for the proposed Project would be unchanged and stormwater runoff generated from the project site would discharge into the same storm drain system as in the existing condition. The proposed Project features new storm drain improvements including one new catch basin onsite, new storm drain lines and relocation of an existing storm drain line. Although the project will lead to an increase in impervious area and runoff, the proposed new storm drain improvements will provide adequate capacity for the additional runoff. Prior to the issuance of any grading permits, further drainage studies will be submitted to the Public Works Department. Proposed drainage improvements would be constructed in accordance with the guidelines included in the approved Water Quality Management Plan for the project.

Soil Erosion

A. **Potentially Significant Impact.** The proposed Project could potentially increase sedimentation as a result of soil erosion during construction.

B. **Facts in Support of Finding (1).** With implementation of **MM 3.8-2** provided below, project impacts related to soil erosion and/or siltation onsite or offsite would be reduced to a less than significant level.

Short-term Construction Impacts on Water Quality

A. **Potentially Significant Impact.** Grading, excavation, and construction activities associated with the proposed Project could result in erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. The proposed Project features a subterranean parking structure and a storm drain system with deep excavation that would extend beneath the known groundwater and temporary dewatering of the parking structure area would be required. Therefore, the project could have potential impacts on water quality as a result of contaminated ground water entering the storm drain system.

B. **Facts in Support of Finding (1).** The project would be required to obtain approval from the NPDES Statewide Stormwater Permit for General Construction Activities prior to issuance of grading permits. In order to control construction related impacts to water quality, a Stormwater Pollution Prevention Plan, a Runoff Management Plan and a Sediment Control Plan would also be prepared prior to the issuance of grading or building permits. Implementation of **MM 3.8-1** provided below would ensure proper treatment and disposal of extracted groundwater and potential project construction impacts related to contaminated ground water entering the storm drain system would be reduced to a less than significant level.

Long-term Impacts on Water Quality

A. **Potentially Significant Impact.** The proposed Project would have potential impacts on the quality of stormwater and urban runoff, subsequently impacting water quality.

B. **Facts in Support of Finding (1).** With implementation of **MM 3.8-3** requiring post-construction Best Management Practices for site design, stormwater source control, and stormwater treatment control, as specified in the project's Water Quality Management Plan (WQMP), the potential to violate water quality standards, objectives and beneficial uses and/or waste discharge requirements, threaten impaired water bodies with pollutant(s) of concern, discharge polluted runoff, increase quantity of runoff, significantly impact surface water quality, or otherwise degrade water quality or exacerbate water quality environmentally sensitive areas or impact aquatic habitat, would be reduced to a less than significant level.

Mitigation Measures

MM 3.8-1 Extracted groundwater will be collected and transferred to an appropriate environmental disposal site. As an alternative, the extracted groundwater may be treated on-site and disposed of through use of the sanitary sewer system in accordance with requirements of the City of Dana Point and South Coast Water District.

MM 3.8-2 Prior to construction, an effective combination of erosion control and sedimentation control construction Best Management Practices (BMPs) will be designed to prevent erosion and siltation on and off-site during construction. In addition, non-stormwater and materials management construction Best Management Practices (BMPs) will be designed and implemented to prevent any construction materials and waste from leaving the site. The BMPs shall be shown and specified on the erosion & sedimentation control plan and/or grading plan and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. Effective construction BMPs shall be implemented throughout the duration of the construction project. The project will also require coverage under the State Construction General Permit, administered by the State of California and will require a Storm Water Pollution Prevention Plan (SWPPP), which requires a construction BMP plan, regular inspections, and monitoring. Permanent soil stabilization measures, such as permanent vegetation/landscaping, as noted on the construction plans, will be implemented any bare ground to prevent soil erosion after construction of this project.

MM 3.8-3 In the proposed condition, a treatment train of Best Management Practices (BMPs) will be implemented to prevent pollutants from leaving the project site and manage and treat the water runoff to remove pollutants prior to discharge. The BMPs are described and designed in detail in the project's Water Quality Management Plan (WQMP). Site Design BMPs, which address low impact development and designing the site in sustainable ways, include a green roof, landscaped buffer areas, and California-friendly landscape design; source control BMPs, which are operation, management and housekeeping activities which control pollutants at the source, include staff and contractor training, street sweeping, storm drain system maintenance, efficient irrigation practices, litter management, etc.; and treatment BMPS, which remove pollutants from runoff prior to discharge include a green roof on a significant portion of the roof area, bio filtration planter BMPs and trench drain filters. All these BMPs will be implemented for comprehensive pollutant management program and management and treatment of the runoff generated from the project.

Modified Option B

Modified Option "B" would result in similar hydrology and water quality impacts compared to the Lead Project.

3.10 Land Use and Planning

Building Height

A. **Potentially Significant Impact.** The proposed Project conflicts with the Dana Point Specific Plan, which currently allows for a maximum height of 35 feet in the "Coastal Couplet Commercial" zone and "Coastal Visitor Commercial" zone.

B. **Facts in Support of Finding (1).** The proposed Project is located within the Dana Point Specific Plan area on land partially zoned as Coastal Couplet Commercial and partially Coastal Visitor Commercial. The proposed maximum building height is much higher (upto 70 feet) than the maximum allowable height (35 feet) for the area. The City will

grant a variance for height with a corresponding Statement of Overriding Considerations for the project.

Building Setbacks

A. **Potentially Significant Impact.** The proposed Project conflicts with the Dana Point Specific Plan, which currently requires a minimum building setback of 10 feet from the rear, 10 feet from the either side, and 20 feet in the front of any exterior property line in the "Coastal Visitor Commercial" zone.

B. **Facts in Support of Finding (1).** The proposed Project is located within the Dana Point Specific Plan area on land partially zoned as Coastal Visitor Commercial (C-VC). The site development standards for the C-VC zone specify minimum building setbacks of 20 feet from the front, 10 feet from the side, and 10 feet from the rear of any exterior property line. Under the proposed Project new development on land zoned as C-VC features a 12-30 foot setback in the front and zero-foot setbacks on the sides. The proposed setback is 10 feet from the rear, however, a stairwell would encroach into the 10-foot rear setback. The City will grant variances for the front, sides, and rear setbacks with a corresponding Statement of Overriding Considerations for the project.

Modified Option B

Modified Option "B" would result in similar land use and planning impacts compared to the Lead Project.

3.11 Noise

Temporary/Short-term Increase in Noise Levels

A. **Less Than Significant Impact.** Construction of the proposed Project would generate noise levels in excess of standards adopted in local ordinances and expose sensitive receptors to temporary increase in noise levels. Short term noise impacts as a result of project construction would be less than significant.

B. **Facts in Support of Finding (1).** The existing sensitive receivers nearest the project site include residents located approximately 100 feet north of the hotel project site and residents located approximately 260 feet northeast of the proposed off-site parking. In accordance with Special Provisions included in the City of Dana Point Municipal Code, the construction activities would be exempted from the noise limits provided that the associated construction activities do not occur between 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or any time on Sunday or a Federal holiday. With the implementation of **MM 3.10-1** provided below, the project would be exempt from exterior noise standards established by the municipal code.

Temporary Ground-borne Vibration

A. **Potentially Significant Impact.** The proposed Project has the potential to expose sensitive receptors near the project site to potential ground-borne vibration impacts resulting from construction activities and operation of construction equipment.

B. **Facts in Support of Finding (1).** Vibration levels for construction equipment at distances of 50, 100, and 150 feet from the project site were calculated based on

standard vibration levels for construction equipment operations published by the Federal Transit Administration. The calculated vibration levels for different construction equipments are provided in Table 3.10-10 of the EIR. Based on the data provided in Table 3.10-10, groundborne vibration impacts at the nearest residential sensitive receptor as a result of project's construction activities would be potentially significant. With the implementation of **MM 3.10-2** through **MM 3.10-4** provided below, short term impacts related to ground-borne vibration during the construction phase of the project would be mitigated to a less than significant level.

Permanent Increase in Ambient Noise Levels

A. **Less Than Significant Impact.** On-site, groundborne, and roadway noise impacts to existing noise receivers during the operation phase of the project would be less than significant. Roadway noise could impact the hotel guests of the proposed Project.

B. **Facts in Support of Finding (1).** All hotel activities such as special roof top events, banquets, and air conditioning units that are generally considered significant sources of noise, would be subject to conditions imposed by the City's Noise Ordinance. Roof top terrace activities and other outdoor special events associated with the proposed hotel would typically require a special event permit and approval by the City prior to the event and would need to comply with the requirements imposed by such permits. The air conditioning units for the proposed Project will be located on the roof of the hotel in an enclosed area and adhere to the 2010 California Building Code, adopted by the City of Dana Point.

Facts in Support of Finding (2). The noise analysis for the project indicates that noise impacts on sensitive receptors along roadways, as a result of additional traffic induced by the project would be significant if the difference between pre-construction and post-construction noise levels is more than 3 dBA. An increase of 3 dBA would require a doubling of the strength of the noise source or a doubling of the daily traffic volume. Average Daily Traffic Volumes for the proposed Project are provided in Table 3.10-11 in the EIR. Based on the data provided in Table 3.10-11, the increase in total traffic would not double, so the increase in noise levels along studied roadway segments would not be significant.

Facts in Support of Finding (3). According to the Noise Element of the City's General Plan, the proposed Project is classified as Visitor/Recreation Commercial land use for which a clearly compatible noise level would be a less than 60 dB Community Noise Equivalent Level (CNEL). Calculated noise exposures for hotel guests are provided in Table 3.10-12 in the EIR. The noise exposure levels shown in Table 3.10-12 are above acceptable levels and are designated as normally incompatible based on the Noise/Land Use Compatibility Matrix within the City's General Plan. Implementation of project design features **PDF 3.10-1** through **PDF 3.10-6** provided below would ensure that interior exposures in guest rooms are below 45 dBA CNEL and potential noise impacts on hotel guests are less than significant.

Mitigation Measures

MM 3.10-1 All construction activities are to be limited to between 8:00 a.m. and 6:00 p.m. on weekdays, including Saturday. No construction activities shall take place any time on Sunday or a Federal holiday.

All road work on the Pacific Coast Highway must be done at night between the hours of 9:00 p.m. and 5:00 a.m., Sunday through Thursday, excluding City designated holidays. Daytime work may be acceptable upon advanced written approval by the City Engineer, or his designee.

All grading operations are to be limited between the hours of 8:00 a.m. and 5:00 p.m. No grading operations on Saturday, Sunday, and City of Dana Point recognized holidays.

MM 3.10-2 Consider the alternative of vibratory pile emplacement.

MM 3.10-3 Pre-auger pile holes to reduce the duration of impact, when feasible.

MM 3.10-4 On pile drivers, use a resilient pad between the pile and the hammer head, when feasible. This would reduce vibration impacts by a factor of two.

MM 3.10-5 All rooftop activities must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar.

MM 3.10-6 All events in excess of the City's Noise Ordinance, must receive a special event permit from the City.

Project Design Features

PDF 3.10-1 Use acoustical (soundproof) glass for guest room windows and sliding doors (if applicable); the windows and door would each consist of two panes of glass, separated by at least 2 inches of air space.

PDF 3.10-2 Use dense building materials and/or increase exterior wall thickness on the highway side of the hotel.

PDF 3.10-3 Design an air gap between the exterior and interior panels so that sound is not transmitted directly from the exterior wall to the interior wall of the guest rooms.

PDF 3.10-4 Use sound-absorbing carpeting, furniture, and other room furnishings.

PDF 3.10-5 Design a central heating and cooling system instead of using wall-penetrating individual room units.

PDF 3.10-6 Use compressible neoprene weather-stripping rather than felt or other fibrous types for sound insulation.

Modified Option B

Modified Option "B" would result in similar noise impacts compared to the Lead Project.

3.12 Public Services

Fire Protection Service

A. **Less Than Significant Impact.** The proposed Project would result in greater use intensity when compared to the existing land use on the project site. Impacts related to increased demand for fire protection services as a result of the proposed Project would be less than significant.

B. **Facts in Support of Finding (1).** The project site is not located within a Very High Fire Hazard Severity Zone/Special Fire Protection Area. Exposed building construction would meet all requirements for exposed sides, per OCFA requirements. The proposed Project would include a fire alarm system and automatic sprinklers will be installed per OCFA requirements. The project would require additional fire protection services but would not increase the need for fire protection beyond the capabilities of the Orange County Fire Authority (OCFA).

Police Protection Service

A. **Less Than Significant Impact.** The proposed Project would result in greater use intensity when compared to the existing land use on the project site. Impacts related to demand for police protection services as a result of the proposed Project would be less than significant.

B. **Facts in Support of Finding (1).** The project would not increase the need for police protection service beyond the capabilities of the County of Orange Sheriff's Department. Based on the study of police protection calls made by a similar use facility in the proximity of the proposed Project, it is anticipated that the proposed Project would result in a 24 percent decrease when compared to the number of police protection calls generated by the existing motel on site. The proposed hotel would include private security and at least one security guard will be on the premises at all times.

Modified Option B

Modified Option "B" would result in similar public services impacts compared to the Lead Project.

3.13 Transportation and Traffic

Increased Traffic at Roadway Segments and Key Intersections

A. **Less Than Significant Impact.** Roadway segments adjacent to and near the proposed Project site are expected to have an increase in Annual Daily Traffic (ADT) volume upon completion and commencement of operation of the proposed Project. The Level of Service (LOS) at key intersections in the vicinity of the proposed Project would also be reduced.

B. **Facts in Support of Finding (1).** Although the proposed Project is expected to increase ADT volumes along roadway segments in the vicinity of the project, the increase is expected to be minimal. The reduced LOS at key intersections as a result of the project would be a LOS C rating which is considered acceptable. With implementation of **PDF 3.12-1** through **PDF 3.12-8**, provided below, project impacts related to increased traffic volumes and reduced LOS would be less than significant.

Project Design Features

PDF 3.12-1 Construct Del Obispo Street/Dana Point Harbor Drive from Pacific Coast Highway (SR- 1) to the project south boundary at its ultimate half-section width as a Primary Arterial (100 ft. right-of-way) including landscaping and parkway improvements in conjunction with development, as necessary.

PDF 3.12-2 Construct Pacific Coast Highway from the project west boundary to Del Obispo Street/Dana Point Harbor Drive at its ultimate half-section width as a Major Arterial (120 ft. right-of-way) including landscaping and parkway improvements in conjunction with development, as necessary.

PDF 3.12-3 Construct an eastbound right turn lane at the intersection of Del Obispo Street/Dana Point Harbor Drive. This right turn lane construction will result in traffic signal equipment relocations. Also the right turn lane area can be used as a lodging zone restricted to the hours of 9 p.m. to 5 a.m. daily. This right turn lane may remain unstrapped if parking is restricted to daytime hours. Implementation of these improvements will require review and approval from the City of Dana Point.

PDF 3.12-4 Modify the intersection of Dana Point Harbor Drive at Park Lantern to allow for southbound U-turns which are currently prohibited. Implementation of this improvement will require the elimination of the existing westbound free right turn lane, physical modifications to the northeast corner of the intersection and the existing traffic signal. Implementation of these improvements will require review and approval from the City of Dana Point.

PDF 3.12-5 Sufficient on-site parking shall be provided to meet parking requirements in accordance with the County of Orange Zoning Code.

PDF 3.12-6 Sight distance at the project access should be reviewed with respect to California Department of Transportation/City of Dana Point standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.

PDF 3.12-7 On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.

PDF 3.12-8 As is the case for any roadway design, the City of Dana Point should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.

Modified Option B

Due to decreased project-generated trips, Modified Option "B" would result in lesser impacts to traffic and transportation than that of the Lead Project.

3.14 Utilities and Service Systems

Short-term Construction Related Impacts

A. **No Impact.** Water supply would be required for construction activities and wastewater and solid waste would be generated on-site during the construction phase of the proposed Project. However, no short-term impacts to utilities and service systems are anticipated as a result of construction of the proposed Project.

B. **Facts in Support of Finding (1).** Water supply demand and waste generation during construction would be minimal and temporary in nature. The demand for these facilities would be accommodated through portable facilities by the construction contractor.

Long-term Increase in Water Supply Demand

A. **Less Than Significant Impact.** The proposed Project would result in more intensive land uses than the existing land use on the project site and may require additional water supply. The anticipated increase in water demand from the project will not have a significant impact on the South Coast Water District's overall water system.

B. **Facts in Support of Finding (1).** The proposed Project is located in the service area of the Metropolitan Water District of Southern California. The Metropolitan's 2010 Regional Urban Water Management Plan (RUWMP) reports on its water reliability and identifies projected supplies to meet the long-term demand within its service area. According to the RUWMP, over the next 20 years (i.e. years 2015 to 2035), the region can provide reliable water supplies under both the single driest year and the multiple dry year hydrologies. The proposed hotel contains 258 rooms and the approximate total buildable square footage of the hotel is 268,340 sq. ft. Development under the proposed Project is below the 500 hotel room and 500,000 sq. ft. threshold identified by Senate Bill 610 and a project specific water supply assessment is not required for the proposed Project.

Long-term Increase in Wastewater

A. **Less Than Significant Impact.** The proposed Project will generate additional wastewater, however, project-generated wastewater will be adequately treated by the existing wastewater service provider and project impacts related to increased wastewater would be less than significant.

B. **Facts in Support of Finding (1).** The proposed Project is located on a previously developed site that is covered by impermeable surfaces. Development of the proposed Project would not result in a significant change in impermeable surfaces at the project site that could potentially generate additional stormwater runoff. The project features new storm drain improvements, including three new onsite catch basins, two green roof systems, new storm drain lines, and relocation of an existing major storm drain line.

Facts in Support of Finding (2). The proposed Project would result in a 0.2 percent increase in total sewage generation, which is minimal and within the capacity of the existing sewage treatment plant. Therefore, the project would not result in a significant impact on existing wastewater treatment facilities, and would not require the need for additional wastewater treatment facilities.

Modified Option B

Modified Option "B" would result in similar utilities and service systems impacts compared to the Lead Project.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires Lead Agencies to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed Project. In making this determination the Lead Agency is guided by the CEQA Guidelines Section 15093 which provides the following:

- CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

- When the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

- If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

In addition, Public Resources Code Section 21082(b) requires that where a public agency finds that economic, legal, social, technical or other reasons make infeasible mitigation measures or alternatives identified in the EIR and thereby leave significant unavoidable adverse project effects, the public agency must also find that overriding economic, legal, social, technical or other benefits of the project outweigh the significant unavoidable adverse effects of the project.

The development of Doheny Hotel would result in significant and unavoidable adverse impacts to aesthetics and land use and planning. There are no feasible mitigation measures within the responsibilities and jurisdiction of the City that would reduce these impacts to a level of less than significant. Section 15093(b) of the State CEQA Guidelines specifies that when the decision of the public agency approves a project that will result in the occurrence of significant impacts that are identified in the EIR but are not avoided or substantially lessened, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Accordingly, the City adopts the following Statement of Overriding Considerations.

4.1 Unavoidable Adverse Significant Impacts

The City recognizes that significant and unavoidable impacts would result from the implementation of the proposed project. Having (1) adopted all feasible mitigation measures; (2) rejected the alternatives to the project discussed above; (3) recognized all significant, unavoidable impacts; and (4) balanced the benefits of the proposed project against the significant and unavoidable effects, the City finds that the benefits outweigh and override the significant unavoidable effects for the reasons stated below.

4.1.1 Aesthetics and Land Use

The project site is located within the Dana Point Specific Plan (DPSP) and limits building height to a maximum 35 feet. The Lead Project proposes 258 guest rooms, 275-vehicle subterranean parking structure, conference rooms, restaurant, and a rooftop bar and lounge. Maximum height of the building ranges between 29.5 feet and 60.5 feet (70 feet maximum with the inclusion of the screened mechanical equipment). The proposed building setbacks are not in compliance with C-VC or C-CPC zoning and would require a variance.

After public input, the Applicant decided to pursue the Modified Option "B" over the Lead Project. Modified Option "B" reduces the number of guest rooms to 250 and provides 375 parking spaces on-site within a two-floor subterranean parking structure, at-grade parking lot, and within the porte cochere. As with the Lead Project, the proposed setbacks are not in compliance with C-VC or C-CPC zoning and a variance is required. Maximum height of the building is similar to the Lead Project at 60.5 feet (68.5 with screened mechanical equipment); however, the overall bulk is reduced by decreasing height in certain sections of the building. Refer to **Table 2-1** in Chapter 2 Project Summary for a height comparison to the Lead Project. Although overall bulk of the building is reduced, impacts to aesthetics and land use remain potentially significant under Modified Option "B."

Refer to **Figure 2.1** through **Figure 2.10** in Project Summary for further details regarding height and bulk of Modified Option "B."

4.2 Overriding Considerations

There are reasons that summarize the benefits, goals, and objectives of the proposed project. The substantial evidence supporting the various benefits can be found in the preceding findings and elsewhere in the Record of Proceedings. These overriding considerations of economic and social benefits outweigh environmental costs and justify approval of the proposed project and certification of the EIR. Implementation of the Doheny Hotel would further benefit the City of Dana Point, as follows:

4.2.1 Economic

4.2.1.1 Provides New Employment

The proposed project would provide new employment opportunities within the Dana Point Harbor area. During project construction, temporary employment opportunities would be generated over an estimated 12-month period until construction is completed. Permanent jobs would be created during project operation that includes, but not limited to, hotel managers, hotel service, maintenance, and housekeeping. Although staff to room number ratios vary in different hotel operations, a one-to-one ratio is a conservative estimate. With 250 rooms in the Modified Option "B", 250 permanent jobs are estimated.

4.2.1.2 Stimulates the Economy

The proposed project would stimulate the local economy of the City of Dana Point by bringing in revenue through the taxation of the project for the multiple hotel uses, including guest rooms, conference center/meeting rooms, and rooftop pool and bar. Furthermore, the Modified Option "B" would bring tourism into Dana Point Harbor and the surrounding areas. Increased tourism would bring in revenue for commercial areas in the vicinity of the Project, such as dining, shopping, and harbor activities.

4.2.2 Social

4.2.2.1 Enhances Dana Point Harbor

The City is implementing the Dana Point Harbor Revitalization Project and includes planning for marine services, commercial, recreation, visitor serving, and many other uses. Additionally, it calls for replacement and/or remodeling of all existing retail and restaurant buildings located in Dana Point Harbor. The proposed Project is located outside the Dana Point Harbor Revitalization Project lines but adjoins the northeast corner boundary. The proposed site is currently underutilized with a Jack-In-The-Box restaurant, a vacant commercial building, and a 46-room motel with associated surface parking lots. Although the proposed Project is just outside the Dana Point Harbor Revitalization Project boundary, it would be consistent with the redevelopment and remodeling of the area. This revitalization would create a social benefit for the City as a center for the community.

Modified Option B is anticipated to be a 4 star hotel, which would attract high-income clientele. The economic gain of consumers investing in the tertiary sector of the local economy will further increase tax revenue for the City and provide meaningful support to small, service oriented businesses which comprise the majority of the City's economic base. As these businesses grow, additional opportunities for investment in capital and job creation will stimulate the economy and provide additional tax revenue and more disposable income.

4.2.2.2 Enhances Entry to City

The current vacant, boarded up commercial building does not enhance aesthetics as a person enters the City at the site intersection. Further, under current conditions, the area of land adjacent to the existing motel that is part of Lantern Bay Park is often occupied by homeless encampments and individuals. Under Modified Option B, the area would be improved with a driveway feature, which would limit the occurrence of the encampments and utilization of the flat area would be improved.

4.3 Conclusions

For the reasons described above, the benefits of the development of the proposed Doheny Hotel outweigh its unavoidable adverse environmental effects, and consequently, the adverse environmental effects are considered "acceptable" in accordance with Section 15093(c) of the State CEQA Guidelines.

5.0 LIST OF PREPARERS

5.1 Lead Agency

City of Dana Point
33282 Golden Lantern, Dana Point, CA 92629

Contact: Ursula Luna-Reynosa
Community Development Director

5.2 UltraSystems Environmental, Inc.

Ken Koch
Associate Principal

Hina Gupta, LEED AP
Associate Planner

Lindsey Hashimoto, MURP
Associate Planner

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

5.1 Introduction

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the Public Resources Code and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR). The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision making body or authorized staff person.

It is the intent of the MMRP to (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those mitigation measures that are within the responsibility of the City of Dana Point to implement.

The following table lists mitigation measures and project design features adopted by the City of Dana Point in connection with the approval of the proposed Project, responsible parties, timing, and the schedule in which the measures are to be implemented.

PC EXHIBIT B
04/14/14 — ITEM 2
CDP09-0011/V09-0003/CUP09-0009/SDP09-0032
25325 Dana Point Harbor Drive

5.2 Mitigation Monitoring and Reporting Program Matrix

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
AESTHETICS				
MM 3.1-1	Prior to issuance of a grading permit, the contractor shall prepare a Construction Staging Plan that identifies the location(s) of staging areas, including equipment and vehicle storage areas. The Plan shall identify the manner in which the storage would be screened to ensure that the temporary visual impacts would be minimized within the viewshed.	Construction Contractor	Pre-construction	Prior to the issuance of a grading permit
MM 3.1-2	Prior to the issuance of a building permit, an Exterior Lighting Plan for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be reviewed and approved by the Dana Point Planning Commission as part of a noticed public hearing.	City of Dana Point Project Applicant	Design Pre-construction	Prepare Exterior Lighting Plan prior to the issuance of a building permit
AIR QUALITY				
MM 3.2-1	During grading, water exposed surfaces at least twice daily. (PM_{10} reduction: 34-68%)	Construction Contractor	Construction	Ongoing during construction grading
MM 3.2-2	Enclose, cover, and apply water twice daily to exposed piles of earthwork with 5% or greater silt content. (PM_{10} reduction: 30-74%)	Construction Contractor	Construction	Ongoing during construction phase
MM 3.2-3	All trucks hauling earthwork or other loose materials are to be covered or should maintain at least two feet of freeboard. (PM_{10} reduction: 7-14%)	Construction Contractor	Construction	Ongoing during construction phase
MM 3.2-4	When feasible, implement construction equipment with Tier 2 to Tier 3 diesel engines during grading. (NO_X reduction: 38-39%)	Construction Contractor	Construction	Ongoing during construction phase
BIOLOGICAL RESOURCES				
MM 3.3-1	If construction occurs between February 15th and August 31st, a pre-construction survey (within three days before work in the project areas) will be conducted by a qualified biologist to determine the presence or absence of active nests within, or adjacent to, the project site. Project construction activities in staging areas shall only occur following surveys by a qualified biologist.	Project Applicant Construction Contractor	Pre-construction Construction	Conduct pre-construction nesting survey if construction occurs between February 15th and August 31st

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.3-2	A pre-construction survey for nesting raptors shall be conducted if work is scheduled to begin within the month of January.	Project Applicant	Pre-construction	Conduct a pre-construction nesting raptor survey if construction begins in the month of January
MM 3.3-3	If no breeding or nesting activities are detected within 500 feet of the proposed work and staging areas, construction activities may proceed. If bird breeding/nesting activity is confirmed, work activities within 250 feet (or 300 feet for raptors, 500 feet for fully protected species, or a linear distance appropriate for the species approved by the project biologist) of any active nest may be delayed until the young birds have fledged and left the nest. The project biologist will confer with the contractor and agencies to determine the proper course of action. A work area buffer zone around any active nests shall be demarcated, indicating where work may not occur. Project activities may resume in this area once the project biologist has determined that the nest(s) is no longer active. Biological monitoring shall occur during vegetation removal activities, if any, to minimize impacts on foraging or nesting birds.	Project Applicant Construction Contractor	Construction	Ongoing during construction phase
CULTURAL RESOURCES				
MM 3.4-1	To reduce project impacts on cultural resources to a less than significant level, all ground-disturbing activities shall be monitored by a qualified archaeological monitor, a Native American monitor, and a qualified paleontological monitor.	Project Applicant	Construction	Ongoing during construction
GEOLOGY AND SOILS				
MM 3.5-1	The project shall be constructed with adherence to local building codes.	City of Dana Point Project Applicant Construction Contractor	Design Construction	Ongoing during construction phase
MM 3.5-2	The foundation for the structure will be appropriately designed by the engineer to mitigate for seismic related ground failure.	Project Applicant	Design	Ongoing during design phase
MM 3.5-3	Prior to construction, construction Best Management Practices (BMPs), a Storm Water Pollution Prevention Plan (SWPPP), and permanent BMPs will be developed to address potential soil erosion.	City of Dana Point Project Applicant	Pre-construction	Prior to construction

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.5-4A	A shoring and monitoring system will be designed by the project engineer and constructed along the perimeter of the underground parking structure and storm drain excavations to allow for deep excavation.	Project Applicant Construction Contractor	Design	Ongoing during construction
MM 3.5-4B	A ground monitoring system will be designed by the project engineer and constructed along the perimeter of the underground parking structure.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
MM 3.5-4C	The foundation for the structure will be appropriately designed by the engineer to mitigate for settlement.	Project Applicant	Design	Ongoing during design phase
MM 3.5-5	The foundation for the structure will be appropriately designed by the design engineer to mitigate for the expansive soil condition.	Project Applicant	Design	Ongoing during design phase
GREENHOUSE GAS EMISSIONS				
PDF 3.6-1	Motion Activated Lighting in Public Areas - Saves electricity in public areas by automatically shutting off lights when there are no occupants.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-2	LED Lighting - LED lighting is typically more efficient than fluorescent and incandescent lighting, thereby saving electricity during hotel operations.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-3	Motion Activated Programmable HVAC Thermostats in Guest Rooms - Reduces electricity spent cooling vacant guest rooms as opposed to occupied ones.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-4	Automated Monitoring of CO_2 Levels - Reduces electricity consumption by allowing central air conditioning systems to deliver appropriate ventilation air to specific areas of the building that need proper ventilation.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-5	Interior Light Power Reduction - All interior non-emergency lights with direct line of sight to any openings in the building envelope would have their input power reduced by 50% between 11:00 PM and 5:00 AM.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-6	Energy Efficient Appliances - Reduces energy use through energy efficient appliances.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-7	Passive Heating/Cooling Systems - Appropriate insulation and ventilation will be implemented to save energy consumption related to heating and cooling.	Project Applicant	Design Operation	Ongoing during operation

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
PDF 3.6-8	Energy-Monitoring Program - An energy-monitoring program as part of a Building Management System would display building water, electric, and gas consumption for guests to view. The object of this program is to establish awareness of water, electric, and gas consumption amongst hotel guests.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-9	Solar Orientation - Incorporate roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun from penetrating windows.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-10	Low Energy Cooling - Reduces energy consumption through the separation and optimization of the ventilation and thermal conditioning systems.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-11	Measurement and Verification of Electrical Energy Usage in the Building - Electrical energy usage would be monitored to provide feedback to building operators on potential energy reduction strategies.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-12	Low Flow Shower Heads - Reduces the flow rate of shower heads, which reduces water consumption.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-13	Dual Flush and Low Flow Toilets - Dual flush toilets utilize efficient separate toilet tanks for solid waste, and for liquid waste.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-14	Low Water Use Appliances - Reduces water consumption through water efficient appliances.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-15	Establish Incentive Program Regarding Re-use of Linens During Guests' Stay - Instead of washing linens every day, guests may choose to have sheets laundered every other day to conserve water.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-16	Moisture and Rain Sensors - Control landscape irrigation to reduce unnecessary watering.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-17	Drip Watering Systems - Reduces water consumption through efficient landscape watering.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-18	Green Roof - Filter, store, and re-use rain water.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-19	Solar Heated Pools - Pools will be solar heated to conserve natural gas use.	Project Applicant	Design Operation	Ongoing during operation

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
PDF 3.6-20	35% of Electricity From Renewable Sources - A two year contract with the serving electrical utility company would provide a minimum of 35% of the building's electricity from renewable resources.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-21	Provide Two Electric Car Charging Stations - Providing two (2) electric car charging stations encourages hotel guests to drive electric cars, which emit fewer direct GHG emissions than conventional gasoline passenger vehicles.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-22	No Wood Burning Fireplaces or Stoves - Reduces direct GHG emissions from wood burning fireplaces or stoves.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-23	Establish a Recycling Program - A recycling program for guests and employees may decrease the solid waste that ends up in landfills.	Project Applicant	Design Operation	Ongoing during operation
HAZARDS AND HAZARDOUS MATERIALS				
MM 3.7-1	A Phase II Environmental Site Assessment shall be completed, which shall include an assessment of the on-site groundwater contamination (benzene and other contaminants, if any). If it is determined that the benzene (and/or other contaminants, if any) levels are of a level that requires on-site remediation, the remediation shall be conducted so that the contaminant presence is reduced to a less than significant level.	Project Applicant	Pre-construction	Prior to construction
MM 3.7-2	If vapor hazards are located, abatement of the vapor hazards shall be completed prior to any demolition activities that would disturb vapor hazards or create a vapor hazard. Prior to issuance of building permits, an on-site soil vapor test shall be conducted to determine if there are any vapor hazards on-site. If the vapor hazards are determined to be of a level that requires on-site remediation, the remediation shall be conducted so that the vapor hazard presence is reduced to a less than significant level.	Project Applicant	Pre-construction	Prior to issuance of building permits, conduct on-site vapor test. If found, abatement would occur prior to demolition
HYDROLOGY AND WATER QUALITY				
MM 3.8-1	Extracted groundwater will be collected and transferred to an appropriate environmental disposal site. As an alternative, the extracted groundwater may be treated on-site and disposed of through use of the sanitary sewer system in accordance with requirements of the City of Dana Point and South Coast Water District.	City of Dana Point Project Applicant Construction Contractor	Construction Operation	Ongoing during operation

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.8-2	Prior to construction, an effective combination of erosion control and sedimentation control construction Best Management Practices (BMPs) will be designed to prevent erosion and siltation on and off-site during construction. In addition, non-stormwater and materials management construction Best Management Practices (BMPs) will be designed and implemented to prevent any construction materials and waste from leaving the site. The BMPs shall be shown and specified on the erosion & sedimentation control plan and/or grading plan and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. Effective construction BMPs shall be implemented throughout the duration of the construction project. The project will also require coverage under the State Construction General Permit, administered by the State of California and will require a Storm Water Pollution Prevention Plan (SWPPP), which requires a construction BMP plan, regular inspections, and monitoring. Permanent soil stabilization measures, such as permanent vegetation/landscaping, as noted on the construction plans, will be implemented any bare ground to prevent soil erosion after construction of this project.	City of Dana Point Project Applicant Construction Contractor	Pre-construction Construction	Ongoing during construction phase
MM 3.8-3	In the proposed condition, a treatment train of Best Management Practices (BMPs) will be implemented to prevent pollutants from leaving the project site and manage and treat the water runoff to remove pollutants prior to discharge. The BMPs are described and designed in detail in the project's Water Quality Management Plan (WQMP). Site Design BMPs, which address low impact development and designing the site in sustainable ways, include a green roof, landscaped buffer areas, and California-friendly landscape design; source control BMPs, which are operation, management and housekeeping activities which control pollutants at the source, include staff and contractor training, street sweeping, storm drain system maintenance, efficient irrigation practices, litter management, etc.; and treatment BMPS, which remove pollutants from runoff prior to discharge include a green roof on a significant portion of the roof area, bio filtration planter BMPs and trench drain filters. All these BMPs will be implemented for comprehensive pollutant management program and management and treatment of the runoff generated from the project.	Project Applicant	Operation	Ongoing during operation

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
NOISE				
PDF 3.10-1	Use acoustical (soundproof) glass for guest room windows and sliding doors (if applicable); the windows and door would each consist of two panes of glass, separated by at least 2 inches of air space.	Project Applicant Construction Contractor	Design Construction Operation	Ongoing during operation
PDF 3.10-2	Use dense building materials and/or increase exterior wall thickness on the highway side of the hotel.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
PDF 3.10-3	Design an air gap between the exterior and interior panels so that sound is not transmitted directly from the exterior wall to the interior wall of the guest rooms.	Project Applicant	Design	Ongoing during design phase
PDF 3.10-4	Use sound-absorbing carpeting, furniture, and other room furnishings.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.10-5	Design a central heating and cooling system instead of using wall-penetrating individual room units.	Project Applicant	Design	Ongoing during operation
PDF 3.10-6	Use compressible neoprene weather-stripping rather than felt or other fibrous types for sound insulation.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
MM 3.10-1	All construction activities are to be limited to between 8:00 a.m. and 6:00 p.m. on weekdays, including Saturday. No construction activities shall take place any time on Sunday or a Federal holiday. All road work on the Pacific Coast Highway must be done at night between the hours of 9:00 p.m. and 5:00 a.m., Sunday through Thursday, excluding City designated holidays. Daytime work may be acceptable upon advanced written approval by the City Engineer, or his designee. All grading operations are to be limited between the hours of 8:00 a.m. and 5:00 p.m. No grading operations on Saturday, Sunday, and City of Dana Point recognized holidays.	Construction Contractor	Construction	Ongoing during construction
MM 3.10-2	Consider the alternative of vibratory pile emplacement.	Construction Contractor	Pre-construction Construction	Ongoing during construction
MM 3.10-3	Pre-auger pile holes to reduce the duration of impact, when feasible.	Construction Contractor	Construction	Ongoing during construction
MM 3.10-4	On pile drivers, use a resilient pad between the pile and the hammer head, when feasible. This would reduce vibration impacts by a factor of two.	Construction Contractor	Construction	Ongoing during construction

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.10-5	All rooftop activities must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar.	Project Applicant	Design Operation	Ongoing during operation
MM 3.10-6	All events in excess of the City's Noise Ordinance, must receive a special event permit from the City.	Project Applicant	Operation	Ongoing during operation
PUBLIC SERVICES				
PDF 4.11-1	The project is not located within the very high fire hazard severity zone per the OCFA (Orange County Fire Authority) maps. However, exposed building construction shall meet all requirements for exposed sides, per OCFA requirements. Additionally, automatic sprinklers shall be provided in all applicable structures, per OCFA requirements.	Project Applicant Construction Contractor	Construction Operation	Ongoing during operation
PDF 4.11-2	Interior and exterior water conservation measures will be incorporated into the project. Measures will include (but not be limited to) low-flush toilets, low-flow faucets, and the installation of efficient irrigation systems to minimize runoff and evaporation.	Project Applicant	Design Construction Operation	Ongoing during operation
TRANSPORTATION AND TRAFFIC				
PDF 3.12-1	Construct Del Obispo Street/Dana Point Harbor Drive from Pacific Coast Highway (SR- 1) to the project south boundary at its ultimate half-section width as a Primary Arterial (100 ft. right-of-way) including landscaping and parkway improvements in conjunction with development, as necessary.	City of Dana Point Project Applicant	Construction	Ongoing during construction
PDF 3.12-2	Construct Pacific Coast Highway from the project west boundary to Del Obispo Street/Dana Point Harbor Drive at its ultimate half-section width as a Major Arterial (120 ft. right-of-way) including landscaping and parkway improvements in conjunction with development, as necessary.	City of Dana Point Project Applicant	Construction	Ongoing during construction
PDF 3.12-3	Construct an eastbound right turn lane at the intersection of Del Obispo Street/Dana Point Harbor Drive. This right turn lane construction will result in traffic signal equipment relocations. Also the right turn lane area can be used as a lodging zone restricted to the hours of 9 p.m. to 5 a.m. daily. This right turn lane may remain unstrapped if parking is restricted to daytime hours. Implementation of these improvements will require review and approval from the City of Dana Point.	City of Dana Point Project Applicant	Construction	Ongoing during construction

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
PDF 3.12-4	Modify the intersection of Dana Point Harbor Drive at Park Lantern to allow for southbound U-turns which are currently prohibited. Implementation of this improvement will require the elimination of the existing westbound free right turn lane, physical modifications to the northeast corner of the intersection and the existing traffic signal. Implementation of these improvements will require review and approval from the City of Dana Point.	City of Dana Point Project Applicant	Construction	Ongoing during construction
PDF 3.12-5	Sufficient on-site parking shall be provided to meet parking requirements in accordance with the County of Orange Zoning Code.	Project Applicant	Design Construction Operation	Ongoing during operation
PDF 3.12-6	Sight distance at the project access should be reviewed with respect to California Department of Transportation/City of Dana Point standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.	City of Dana Point Project Applicant	Design	Ongoing during design phase
PDF 3.12-7	On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.	Project Applicant	Design Construction Operation	Ongoing during design phase
PDF 3.12-8	As is the case for any roadway design, the City of Dana Point should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.	City of Dana Point	Operational	Ongoing during operation