

**CEQA FINDINGS OF FACT FOR THE
FINAL ENVIRONMENTAL IMPACT REPORT
OF THE
DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT**

State Clearinghouse No. 2020030428

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering a project acceptable even though a project may have significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Dana Point (City), as lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City of Dana Point (City) is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles. The community consists of coastal bluffs and rolling hills located along seven miles of the Pacific Ocean. Surrounding cities include Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south.

The project site is commonly referred to as Doheny Village and consists of approximately 80 acres bounded by the City of San Juan Capistrano and Interstate 5 (I-5) on the north, the I-5 off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way on the west. Regional access to the site is provided via I-5 and Pacific Coast Highway. The primary local roadway providing access through the project site is Doheny Park Road.

Project Description

The purpose and intent of the proposed Doheny Village Zoning District Update Project (project) is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. The project provides the following three new zoning districts specific to the project area:

- *Village Commercial/Industrial*. The Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. This district provides for the development of a commercial and industrial area that includes adequate circulation and landscaping, attractive buildings, and coordinated signage.
- *Village Commercial/Residential*. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. This district provides a residential density of 30 dwelling units per acre, with the exception that parcels greater than 10 acres are limited to a maximum density of 50 dwelling units per acre.



- *Village Main Street*. The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. The provisions of this district encourage development that exhibits the physical design characteristics of pedestrian-oriented environment with storefront-style frontages along Doheny Park Road. This district provides a residential density of 30 dwelling units per acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard, which are limited to a maximum density of 10 dwelling units per acre.

The project proposes the following to be comprehensively integrated into the *Dana Point Municipal Code* (Municipal Code) as Chapter 9.14, *Doheny Village Districts*:

- Allowed Uses;
- Development Standards (e.g., lot size, setback, density, open space, and landscaping requirements);
- Special Development Standards (e.g., maximum density, housing incentive overlay, accessory uses and structures, parking requirements, and art-in-public-places program); and
- Special Use Standards.

In addition to the Zoning Code Amendment, the project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site specifically, development intensity, and density standards. Further, given that portions of Doheny Village are located within the coastal zone, a Local Coastal Program (LCP) Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the California Coastal Commission.

B. PROJECT OBJECTIVES

The proposed project objectives are outlined below:

1. Preserve the character and vitality of Doheny Village by recognizing and enhancing its existing industrial, mixed-use, and commercial uses and variety of housing types (e.g., mobile homes, single-family residences, and apartments).
2. Provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area.
3. Increase the City's housing stock, including affordable housing opportunities, by providing residential housing in areas with adequate public utilities, services (including transit), and in close proximity to employment.
4. Offer incentives for rehabilitation and new development in Doheny Village by investing in beautification, such as façade improvements on private properties and landscaping enhancements.

C. ENVIRONMENTAL REVIEW PROCESS

The Final EIR includes the Draft EIR (dated April 26, 2021); written comments received during the Draft EIR public review period; written responses to those comments; an Errata; and a Mitigation Monitoring and Reporting Program (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City conducted an extensive environmental review of the proposed General Plan Update. The following is a summary of the City's environmental review process:



- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City circulated a Notice of Preparation (NOP) to public agencies and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse and posted at the Orange County Clerk's office on March 13, 2020, with the 30-day review period beginning on March 13, 2020 and ending on April 13, 2020. Copies of the NOP were made available for public review at the City of Dana Point Community Development Department and on the City's website.
- A public scoping meeting was scheduled on March 25, 2020. However, due to Governor Gavin Newsom's Executive Order related to the COVID-19 pandemic, all City facilities were closed and the public scoping meeting was rescheduled to May 20, 2020. With COVID-19 restrictions in place, the scoping meeting was recorded and made available on the City's YouTube page. The public comment period for the NOP was also extended to allow submittal of comments from April 13, 2020 through May 28, 2020.
- A Draft EIR was prepared and distributed for a 45-day public review period beginning April 26, 2021 through June 9, 2021. A Notice of Availability (NOA) was submitted to the State Clearinghouse, sent to public agencies and interested persons and organizations, and posted at the Orange County Clerk's office on April 26, 2021. Copies of the Draft EIR were made available for public review at the City of Dana Point Community Development Department and on the City's website.
- A Final EIR was prepared, which included comment letters received on the Draft EIR, responses to those comment letters, an Errata, and a Mitigation Monitoring and Reporting Program. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed project were held, including one Dana Point Planning Commission hearing on July 12, 2021 and one Dana Point City Council hearing on July 20, 2021.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR and the Final EIR for the proposed project;
- All written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All responses to written comment letters submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during noticed public hearing(s) for the proposed project;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Final EIR;



- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- The Resolutions adopted by the Planning Commission and City Council in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations; and
- Any documents expressly cited in these Findings.

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the record of proceedings for the City's actions related to the Doheny Village Zoning District Update Project are located at the City of Dana Point Community Development Department, 33282 Golden Lantern, Dana Point, CA 92629. The City's Director of Community Development is the custodian of the record of proceedings for the Final EIR. Copies of these documents, which constitute the record of proceedings are, and at all relevant times have been and will be, available upon request at the offices of the City of Dana Point Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained Michael Baker International (Michael Baker) to prepare the EIR. Michael Baker prepared the EIR under the supervision and direction of the City. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the proposed project and the EIR, including, but not limited to, the Final EIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, agencies, and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact: (1) is less than significant and would not require mitigation, or (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures. No impacts would be significant and unavoidable. Therefore, no Statement of Overriding Considerations is required.



II. FINDINGS AND FACTS

The City of Dana Point, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 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.
 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, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (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 subsection (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 material 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.

The “changes or alterations” referred to in *CEQA Guidelines* Section 15091(a)(1) may include a wide variety of measures or actions as set forth in *CEQA Guidelines* Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.



- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the proposed project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

The remainder of this section is divided into the following subsections:

- **Section B, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the proposed project that were determined in the EIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.
- **Section C, Findings on Impacts Mitigated to Less Than Significant**, presents potentially significant impacts of the proposed project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce such impacts to less than significant levels, and the rationales for the findings.
- **Section D, Findings on Significant Unavoidable Impacts**, presents potentially significant impacts of the proposed project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program that would reduce impacts, the findings for significant unavoidable impacts, and the rationales for the findings.
- **Section E, Findings on Recirculation**, presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.
- **Section F, Findings on Project Alternatives**, presents alternatives to the project and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, legal, social, technological, or other considerations. This section also identifies the environmentally superior alternative.

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

Consistent with *CEQA Guidelines* Sections 15126.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or as a “less than significant impact.”

Finding:

The City finds that based on substantial evidence in the record, the following potential impacts, to the extent they result from the proposed project, would be less than significant and would not require mitigation.

1. Aesthetics/Light and Glare

Project implementation would not have a substantial adverse impact on a scenic vista.



Implementation of the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

Implementation of the proposed project would not create a new source of substantial light or glare, which could adversely affect day or nighttime views in the area.

The project combined with other cumulative projects would not result in significant impacts to scenic vistas.

The project combined with other cumulative projects would not conflict with applicable zoning and other regulations governing scenic quality.

The project combined with other cumulative projects would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

The project combined with other cumulative projects would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

2. Agriculture and Forestry Resources

The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

The project would not result in the loss of forest land or conversion of forest land to non-forest use.

The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

3. Air Quality

Implementation of the proposed project would not result in increased impacts pertaining to operational air emissions.

Implementation of the proposed project would not create objectionable odors affecting a substantial number of people.

Implementation of the proposed project and related projects would not result in cumulatively considerable odor impacts.

Implementation of the proposed project and related projects would not result in cumulatively considerable carbon monoxide hotspot impacts.



Implementation of the proposed project and related projects would not result in cumulatively considerable inconsistencies with the applicable air quality plan.

4. Biological Resources

The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The project would not have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

5. Cultural Resources

The project would not cause a significant impact to human remains.

6. Energy

The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Implementation of the project and other cumulative projects would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

7. Geology and Soils

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Project implementation would not expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

Project implementation would not result in substantial soil erosion or loss of topsoil.

Project implementation would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.



The project would not be located on soils that are unstable, or expansive, as a result of the project, and potentially result in geologic hazards.

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

8. Greenhouse Gas Emissions

Greenhouse gas emissions generated by the project would not have a significant impact on global climate change.

Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

Greenhouse gas emissions generated by the project and other related cumulative projects would not have a significant impact on global climate change.

Implementation of the proposed project and other related cumulative projects would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.

9. Hazards and Hazardous Materials

Long-term operational activities associated with future development would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

The project would not result in a safety hazard or excessive noise for people residing or working in the project area.

The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Long-term operational activities associated with future development, combined with other related projects, would not result in cumulatively considerable hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Future development would not be located on a hazardous material sites listed on Government Code Section 65962.5 and result in cumulatively considerable impacts to the public or the environment.

10. Hydrology and Water Quality

The project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.



The project would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

The project would not create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The proposed project, combined with other related cumulative projects, would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

The proposed project, combined with other related cumulative projects, would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

The proposed project, combined with other related cumulative projects, would not create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

11. Land Use and Relevant Planning

The proposed project would not physically divide an established community.

The proposed project would not conflict with applicable General Plan policies.

The proposed project would not conflict with Dana Point Municipal Code standards and regulations.

The proposed project would not conflict with relevant sections of the California Coastal Act.

The proposed project would not conflict with policies provided in the 1996 Local Coastal Program.

The proposed project would not conflict with the Southern California Association of Governments' (SCAG) *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)* policies.

The proposed project, combined with other related projects, would not conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

12. Mineral Resources

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Project implementation would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.



13. Noise

The project would not expose people residing or working in the project area to excessive noise levels.

14. Population and Housing

The project would not directly or indirectly induce substantial unplanned population growth.

Project implementation would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

The proposed project, combined with other related projects, would not result in cumulatively considerable impacts related to substantial unplanned population growth.

15. Public Services

Project implementation would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Project implementation would not result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Project implementation would not result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

Project implementation would not result in the need for additional other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

The project, combined with other cumulative projects, would not create increased demand for fire protection services that could cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for police protection services that could cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for school services that could cause significant environmental impacts.

16. Recreation

Project implementation would not result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated.

Project implementation would not result in the construction of parks and recreational facilities which could have an adverse physical effect on the environment.

The project combined with other cumulative projects would not create increased demand for parks and recreational facilities that could cause significant environmental impacts.



17. Transportation

Project implementation would not generate traffic volumes that would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Project implementation would not result in inadequate emergency access.

Future development, combined with other related projects, would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and result in cumulative impacts.

Future development, combined with other related projects, would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and result in cumulative impacts.

Future development, combined with other related projects, would not result in inadequate emergency access.

18. Utilities and Service Systems

Project implementation would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and would not require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, and would not exceed wastewater treatment requirements of the applicable regional water quality control board, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Project implementation would not result in the construction of new storm water drainage facilities or the expansion of existing facilities.

Project implementation would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with Federal, State, and local statutes and regulations related to solid waste.

Project implementation would not require or result in the relocation or construction of new or expanded electricity, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The project, combined with other cumulative projects, would not create increased demand for water facilities that could cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for wastewater facilities that could cause significant environmental impacts.

The project, combined with other cumulative projects, would not create increased demand for stormwater drainage facilities that could cause significant environmental impacts.



The project, combined with other cumulative projects, would not create increased demand for solid waste generation that could cause significant environmental impacts.

19. Wildfire

Project implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, or other factors, project implementation would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Project implementation would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes the potential impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these potential impacts would be reduced to less than significant levels.

1. Air Quality

Short-term construction activities associated with the proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard.

Support for this environmental impact conclusion is included in Section 5.8, *Air Quality*, and in particular, starting on page 5.8-14 of the Draft EIR.

The thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for construction emissions were developed for individual development projects. Construction-related emissions are described as short-term or temporary in duration and have the potential to represent a significant impact with respect to air quality. Implementation of the project would include three new zoning districts in Doheny Village. Some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes would likely spur both small- and large-scale redevelopment in Doheny Village. However, the project does not propose demolition or development activities.

Future construction-related activities associated with build out of the proposed development within the Doheny Village area would result in emissions of criteria air pollutants and precursors from site preparation (e.g., demolition, excavation, grading, and clearing); exhaust from off-road equipment, material delivery trucks, and worker commute vehicles; vehicle travel on roads; and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings, and trenching for utility installation). Future development within the Doheny Village area would be analyzed at a detailed level and be reviewed by the City to ensure that development occurs in a logical manner consistent with the project, General Plan, Municipal Code, and that additional environmental review is conducted under CEQA, as needed.



Because the project proposes future development but does not contain specific development proposals, construction-related emissions that may occur at any one time are speculative and cannot be accurately determined at this stage of the planning process. Assuming relatively robust economic conditions over the next 25 years, construction activities would occur throughout the project area, but the rate of development cannot be predicted. Environmental review shall be carried out in accordance with CEQA, State Environmental Impact Report Guidelines, the City's Environmental Guidelines, and other applicable regulations. Future development projects would be required to comply with all applicable SCAQMD rules and regulations as well as other control measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. Specifically, Mitigation Measure AQ-1 would require future projects within the project area to utilize construction equipment vehicles in proper condition and in tune per manufacturer's specifications to ensure ozone precursor emissions are reduced. Additionally, Mitigation Measure AQ-2 would require a Construction Management Plan and traffic control plan be prepared and implemented to reduce traffic congestion during future temporary construction activities, thus reducing construction-related air quality emissions. Compliance with existing SCAQMD regulations and Mitigation Measures AQ-1 and AQ-2 would ensure impacts in this regard are reduced to less than significant levels.

Mitigation Measures:

- AQ-1 Prior to issuance of any grading permit for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), the City Planning Division shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.

- AQ-2 Each development project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) shall submit a Construction Management Plan to the City Engineer prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a traffic control plan shall include, as deemed necessary by the City Engineer, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the traffic control plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

Support for this environmental impact conclusion is included in Section 5.8, *Air Quality*, and in particular, starting on page 5.8-19 of the Draft EIR.

LOCALIZED SIGNIFICANCE THRESHOLDS

LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting carbon monoxide (CO), nitrous oxide (NO_x), fine particulate matter (PM_{2.5}), or coarse particulate matter (PM₁₀). The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The project site is located within Source Receptor Area (SRA) 21.

Construction

As described, the project does not include any planned demolition or development. Individual development projects within Doheny Village would occur in incremental phases over time. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze LSTs. Additionally, future development projects would be required to comply with all applicable SCAQMD rules and regulations as well as other control measures to reduce construction emissions; refer to Mitigation Measures AQ-1 and AQ-2. As such, impacts in this regard would be less than significant with mitigation incorporated.

Operational

According to SCAQMD localized significance threshold methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). The proposed project proposes light industrial uses that might include extended periods of queuing and idling at site. However, individual development projects within Doheny Village would occur in incremental phases over time. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis, and these individual projects would be required to analyze operational LSTs. Furthermore, net operational emissions for all criteria pollutants would be below the SCAQMD's significance thresholds. Thus, impacts would be less than significant.

CARBON MONOXIDE HOTSPOTS

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

A detailed CO analysis was conducted in the *Federal Attainment Plan for Carbon Monoxide (CO Plan)* for the SCAQMD's 2003 *Air Quality Management Plan*, which is the most recent Air Quality Management Plan (AQMP) that addresses CO concentrations. The locations selected for microscale modeling in the CO Plan are worst-case intersections in the Basin and would likely experience the highest CO concentrations. Thus, CO analysis within the CO Plan is utilized in a comparison to the proposed project, since it represents a worst-case scenario with heavy traffic volumes within the Basin.



Of these locations, the Wilshire Boulevard/Veteran Avenue intersection in Los Angeles experienced the highest CO concentration (4.6 parts per million [ppm]), which is well below the 35-ppm 1-hr CO Federal standard. The Wilshire Boulevard/Veteran Avenue intersection is one of the most congested intersections in Southern California with an ADT volume of approximately 100,000 vehicles per day. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection, it can be reasonably inferred that CO hotspots would not be experienced at any intersections within the City near the project site due to the comparatively net volume of traffic (7,256 net daily trips during the weekdays and 7,618 net daily trips on Saturdays within the entire project area) that would occur as a result of project implementation. Furthermore, the highest hourly recorded CO value at the Mission Viejo – 26081 Via Pera monitoring station between 2016 and 2019 was 1.402 ppm, which is well below the 35-ppm 1-hour CO Federal Standard. Therefore, impacts would be less than significant in this regard.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, ozone precursors, volatile organic compounds (VOCs) and NO_x, affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD,¹ the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD),² SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example is correlated with the increases in ambient level of ozone in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's 2012 *Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO_x and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. As such, for the purpose of this analysis, since the project would not exceed SCAQMD regional thresholds for operational air emissions, the project would have a less than significant impact for air quality health impacts as well.

¹ *South Coast Air Quality Management District*, Application of the South Coast Air Quality Management District for Leave to File Brief of Amicus Curiae in Support of Neither Party and Brief of Amicus Curiae. In the supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno, 2014.

² *San Joaquin Valley Air Pollution Control District*, Application for Leave to File Brief of Amicus Curiae Brief of San Joaquin Valley Unified Air Pollution Control District in Support of Defendant and Respondent, County of Fresno and Real Party In Interest and Respondent, Friant Ranch, L.P. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno, 2014.



Health Risk Assessment

The Doheny Village area is located in proximity to I-5, a regionally significant freeway with high volumes of vehicle trips, including heavy-duty trucks. According to SCAQMD and the California Air Resources Board (CARB), siting sensitive receptors within 500 feet of a major freeway can greatly increase the potential cancer risk from diesel particulate matter (DPM), as air pollution levels can be significantly higher within 500 feet of a freeway. CARB studies have shown that a downwind distance of 984 feet or more would reduce relative DPM concentrations by over 80 percent.³ As discussed above, the proposed project would not include specific development. Individual development projects within Doheny Village would occur in incremental phases over time, based largely on economic considerations, market demand, and other planning considerations. The phasing and exact details of each project would be evaluated by the City on a case-by-case basis. Potential residential development may occur within 500 feet of I-5, which may expose sensitive receptors to elevated levels of air pollution. Therefore, development within the Doheny Village area would be required to comply with Mitigation Measure AQ-3. Mitigation Measure AQ-3 requires that proposed residential development that would be sited within 500 feet of I-5 shall conduct a Health Risk Assessment (HRA) in accordance with SCAQMD, California Office of Environmental Health hazard Assessment (OEHHA), and CARB guidance.

Furthermore, individual proposed development projects within Doheny Village would be required to comply with the most current version of the Title 24 and CalGreen Code. Currently, these codes require that newer construction include building filtration systems with Minimum Efficiency Report Value (MERV) 13 or higher. MERV13 filters help reduce particulate matter (PM) emissions that are over 1.0 micrometer (μm) ($\text{PM}_{2.5}$ and PM_{10}) by approximately 85 percent. Thus, with implementation of Mitigation Measure AQ-3, potential health risk impacts due to development within the project would be less than significant.

Mitigation Measures: Refer to Mitigation Measures AQ 1 and AQ-2 and;

AQ-3 The City of Dana Point shall require applicants of future residential developments within the Doheny Village Zoning District to conduct a Health Risk Assessment (HRA) in accordance with South Coast Air Quality Management District (SCAQMD), the California Office of Environmental Health hazard Assessment (OEHHA), and California Air Resources Board (CARB) recommended guidance as part of the environmental review process if any portion of a proposed residential development is sited within 500 feet of Interstate 5 (I-5).

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.

Support for this environmental impact conclusion is included in Section 5.8, *Air Quality*, and in particular, starting on page 5.8-23 of the Draft EIR.

On March 3, 2017, the SCAQMD Governing Board adopted the 2016 AQMP. The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth

³ South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.



assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2016 AQMP utilized information and data from SCAG and its *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016-2040 RTP/SCS). While SCAG has recently adopted the 2020-2045 RTP/SCS, SCAQMD has not released an updated AQMP. As such, this consistency analysis is based off the 2016 AQMP and the RTP/SCS that was adopted at the time, the 2016-2040 RTP/SCS. According to the SCAQMD's CEQA Air Quality Handbook, two main criteria must be addressed.

CRITERION 1

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

- a) *Would the project result in an increase in the frequency or severity of existing air quality violations?*

Since the consistency criteria identified under the first criterion pertain to pollutant concentrations, rather than to total regional emissions, an analysis of a project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency.

The program-level emissions associated with the future development within Doheny Village would be required to comply with current SCAQMD regulatory requirements to ensure thresholds for CO, NO_x, PM₁₀, and PM_{2.5} are not exceeded. It is noted that the SCAQMD thresholds are intended to evaluate the air quality impacts from individual development projects, and do not apply to plan-level projects such as the project. These individual development projects within the Doheny Village would be required to undergo environmental review pursuant to CEQA. Furthermore, these future developments would comply with Mitigation Measures AQ-1 and AQ-2, as well as all applicable SCAQMD Rules and Regulations. Because reactive organic gases (ROG) are not a criteria pollutant, there is no ambient standard or localized threshold for ROGs. Due to the role ROG plays in ozone formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established.

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

The proposed project would result in emissions that would be below the SCAQMD's thresholds for regional operational emissions. Therefore, the proposed project would not have the potential to cause or affect a violation of the ambient air quality standards with mitigation incorporated.

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

As discussed above, the project would not include any demolition or development. Future individual development projects within Doheny Village would be required to undergo environmental review pursuant to CEQA, as well as comply with Mitigation Measures AQ-1 and AQ-2 and all applicable SCAQMD Rules and Regulations. Further, as discussed in Impact Statement AQ-3, with incorporation of Mitigation Measures AQ-3, the project would result in less than significant impacts with regard to operational localized air emission concentrations and health risk impacts. As such, the project would not delay the timely attainment of air quality standards or 2016 AQMP emissions reductions.

CRITERION 2

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions



regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the project exceeds the assumptions utilized in preparing the forecasts presented in the 2016 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

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

A project is consistent with the 2016 AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the 2016 AQMP. In the case of the 2016 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the General Plan, SCAG's regional growth forecast, and the SCAG 2016-2040 RTP/SCS. The 2016-2040 RTP/SCS also provides socioeconomic forecast projections of regional population growth.

The goal of the proposed project is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed-uses in Doheny Village. Specifically, some of the key land use changes include permitting the development of light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes would likely spur both small- and large-scale redevelopment in Doheny Village. As such, the proposed project would require a Zoning Code amendment to allow for the new zoning districts. The project proposes to be comprehensively integrated into the Municipal Code.

Furthermore, the project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site, specifically, development intensity and density standards. Additionally, given that portions of Doheny Village are located within the coastal zone, an LCP Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the California Coastal Commission.

As demonstrated in Draft EIR Table 5.1-1, *General Plan Consistency Analysis*, the proposed project is determined to be consistent with the relevant General Plan policies. Thus, with approval of the Zoning Code, General Plan Amendment, and LCP Amendment the project would be consistent with the types, intensity, and patterns of land use envisioned for the site vicinity in the 2016-2040 RTP/SCS. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City; these are used by SCAG in all phases of implementation and review. As concluded in Draft EIR Section 6.3, *Growth-Inducing Impacts*, the forecast population and household growth attributed to the project is considered less than significant. Additionally, project implementation would not cause SCAG's 2045 employment forecast for the City to be exceeded or conflict with SCAG's employment forecasts. As the SCAQMD has incorporated these same projections into the 2016 AQMP, it can be concluded that the project would be consistent with the projections.

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

Demolition and development activities are not proposed as part of the project. Future individual development projects within Doheny Village would be required to comply with all applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions controlled by regular watering or other dust prevention measures and Rule 1113 that regulates the ROG content of paint. Further, as discussed above, the future individual development projects within Doheny Village would comply with Mitigation Measures AQ-1 through AQ-3. As such, the proposed



project meets this AQMP consistency criterion.

- c) *Would the project be consistent with the land use planning strategies set forth in the AQMP?*

Land use planning strategies set forth in the 2016 AQMP are primarily based on the 2016-2040 RTP/SCS. The purpose of the project and planning effort is to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. The proposed Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City's coastal resources, and a stable and vital local economy. The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area's historical pattern of development. Lastly, The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above non-residential space. These districts would allow for higher density mixed-use residential projects (30-50 dwelling units per acre).

Additionally, the project would be consistent with the General Plan Land Use Element Policy 3.6 by encouraging patterns of development necessary to minimize air pollution and vehicle miles traveled, as well the General Plan Conservation/Open Space Element Policies 5.2 and 5.4 by encouraging multi-family developments close to commercial areas and by providing commercial areas that are conducive to pedestrian and bicycle orientation. Therefore, the project would be consistent with the actions and strategies of the 2016-2040 RTP/SCS, as the project would promote high density residential zoning within a mixed-use infill area. In addition, as discussed above, the project would be consistent with the General Plan land use designation upon approval of a General Plan Amendment. Furthermore, the project would be consistency with the SCAG 2016-2040 RTP/SCS and the 2016 AQMP. As such, the proposed project meets this AQMP consistency criterion.

In conclusion, the determination of 2016 AQMP consistency is primarily concerned with a project's long-term influence on the Basin's air quality. The project would not result in a long-term impact on the region's ability to meet State and Federal air quality standards. Also, the project would be consistent with the 2016 AQMP's goals. As discussed above, the project's long-term influence would also be consistent with the SCAQMD and SCAG's goals and policies and is, therefore, considered consistent with the 2016 AQMP. Impacts associated with compliance with the 2016 AQMP would be less than significant with mitigation incorporated.

Mitigation Measures: Refer to Mitigation Measures AQ-1 through AQ-3.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.

Support for this environmental impact conclusion is included in Section 5.8, *Air Quality*, and in particular, starting on page 5.8-27 of the Draft EIR.

The SCAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The SCAQMD significance thresholds for construction are intended to meet the objectives of the 2016 AQMP to ensure the Federal and State ambient air quality standards are not exceeded. As the project applicant has no control over the timing or sequencing of the related projects, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. In addition, construction-related criteria pollutant emissions are temporary in nature and cease following project completion.

Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted 2016 AQMP emissions control measures) would also be imposed on construction projects throughout the Basin, which would include each of the related projects listed in Draft EIR Section 4.0, *Basis of Cumulative Analysis*. Based on the programmatic-level construction analysis above, construction-related emissions associated with future development projects within Doheny Village and surrounding area would be required to comply with the applicable SCAQMD rules and regulations, as well as Mitigation Measures AQ-1 and AQ-2. Therefore, the project would not result in cumulatively considerable impacts regarding construction air quality emissions.

Mitigation Measures: Refer to Mitigation Measures AQ-1 and AQ-2.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Implementation of the proposed project and other related cumulative projects could result in increased impacts pertaining to operational air emissions.

Support for this environmental impact conclusion is included in Section 5.8, *Air Quality*, and in particular, starting on page 5.8-28 of the Draft EIR.

The SCAQMD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The SCAQMD's approach for assessing cumulative impacts is based on the SCAQMD's 2016 AQMP forecasts of attainment of Federal ambient air quality standards in accordance with the requirements of the Federal and State Clean Air Acts. This forecast also takes into account SCAG's 2016 AQMP forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether the proposed project is consistent with the growth assumptions upon which the SCAQMD's 2016 AQMP is based. If the project is consistent with the growth assumptions, then future development would not impede the attainment of Federal ambient air quality standards and a significant cumulative air quality impact would not occur.



As discussed above, the proposed project would not result in long-term air quality impacts, as the project's operational emissions would not exceed the SCAQMD adopted operational thresholds. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Emission reduction technology, strategies, and plans are constantly being developed. Mitigation Measure AQ-3 would require that proposed residential development that would be sited within 500 feet of I-5 shall conduct an HRA in accordance with SCAQMD, OEHHA, and CARB guidance. With implementation of Mitigation Measure AQ-3, potential health risk impacts due to development within the project area would be less than significant. As a result, the proposed project would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant or expose sensitive receptors to potentially significant health risk impacts. Therefore, cumulative operational impacts associated with the implementation of the proposed project would be less than significant with mitigation incorporated.

Mitigation Measure: Refer to Mitigation Measure AQ-3.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

2. Biological Resources

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

Support for this environmental impact conclusion is included in Section 8.0, *Effects Found Not To Be Significant*, and in particular, starting on page 8-2 of the Draft EIR.

The *Results of a Biological Resources Assessment for the Doheny Village Zoning District Update Project – City of Dana Point, Orange County, California* (Biological Resources Report), prepared by Michael Baker International and dated July 2, 2020, provides a detailed assessment of the suitability of on-site habitat to support special-status plant and wildlife species; refer to Draft EIR Appendix 11.10, *Biological Resources Report*. According to the Biological Resources Report, the literature search identified 50 special-status plant species and 42 special-status wildlife species as occurring within the U.S. Geologic Survey (USGS) Dana Point, San Clemente, Laguna Beach, and San Juan Capistrano, California 7.5-minute quadrangles. In addition, seven special-status vegetation communities were identified. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions.

Special-Status Plants

No special-status plant species were observed during the field survey. Based on the result of the field survey and a review of specific habitat preferences, distributions, and elevation ranges, it was determined that no special-status plant species identified by the CNDDDB, CNPS, and IPaC databases are expected to occur within the project site, since the project site is completely developed. As such, no impacts would occur in this regard.



Special-Status Wildlife

No special-status wildlife species identified by the CNDDDB and IPaC were observed within the project site during the field survey. Based on the results of the habitat assessment and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that all special-status wildlife species identified by the CNDDDB and IPaC database either have a low potential or are not expected to occur within the project site with the exception of Cooper's hawk (*Accipiter cooperii*; CDFW Watch List), which has a high potential to occur, and yellow warbler (*Setophaga petechia*; CDFW Species of Special Concern), which has a moderate potential to occur, both strictly as foraging birds in the project site.

Overall, the project site and surrounding vegetation communities provide limited suitable foraging and/or nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area. Nesting birds are protected under the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and California Fish and Game Code. Mitigation Measure BIO-1 would ensure a pre-construction nesting bird clearance survey is conducted by a qualified biologist should future construction activities be initiated during the nesting season (typically January 1st through August 31st). Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels.

Mitigation Measure:

BIO-1 Should a future development project accommodated by the Doheny Village Zoning District Update initiate construction activities during the nesting season (January 1st through August 31st), the project applicant shall retain a qualified biologist to conduct a pre-construction nesting bird clearance survey no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone (typically 500 feet) surrounding the project impact area. If no active nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures are required.

If an active nest is found, the bird species shall be identified and a "no-disturbance" buffer shall be established around the active nest. The size of the "no-disturbance" buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. It is further recommended that the qualified biologist periodically monitor any active nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the "no-disturbance" buffer may occur.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



Project implementation could interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Support for this environmental impact conclusion is included in Section 8.0, *Effects Found Not To Be Significant*, and in particular, starting on page 8-4 of the Draft EIR.

The project site is located in the *Orange County Southern Subregion Natural Community Conservation Plan/Master Streambed Alteration Agreement/Habitat Conservation Plan* (Orange County Southern Subregion NCCP/MSAA/HCP). Based on Figure 41-M, *Wildlife Corridors and Habitat Linkages*, of the Orange County Southern Subregion NCCP/MSAA/HCP, the project site is not located within any identified wildlife corridors or habitat linkages in the NCCP/MSAA/HCP study area, most of which are located within Rancho Mission Viejo and the Cleveland National Forest. Additionally, the project site is predominantly built out and surrounded by urban development and provides no opportunities for wildlife to move through the site. Thus, the project site does not act as a wildlife movement corridor or habitat linkage.

However, as stated above, the project site and surrounding vegetation communities provide limited suitable foraging and/or nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area. Nesting birds are protected under the MBTA, Bald and Golden Eagle Protection Act, and California Fish and Game Code. To reduce potential impacts to nesting and migratory birds, Mitigation Measure BIO-1 would require a pre-construction nesting bird clearance survey be conducted by a qualified biologist should future construction activities be initiated during the nesting season (typically January 1st through August 31st). Upon implementation of Mitigation Measure BIO-1, impacts in this regard would be reduced to less than significant levels.

Mitigation Measure: Refer to Mitigation Measure BIO-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Cultural Resources

The project could cause a significant impact to a historical resource.

Support for this environmental impact conclusion is included in Section 5.3, *Tribal and Cultural Resources*, and in particular, starting on page 5.3-15 of the Draft EIR.

Six previously recorded historical resources (P-30-177594, P-30-177586, P-30-177587, P-30-177589, P-30-177591, and P-30-177593) are located within the project area that are eligible for local designation. It is possible that additional buildings in the project area may be considered historically significant after they become 50 years of age. Individual development projects within Doheny Village would occur in incremental phases over time through the year 2040. Therefore, it is possible that future development in accordance with the proposed project would impact additional buildings in the project area that are over 50 years of age later in time. Future development in accordance with the proposed Doheny Village Zoning District Update in the project area could potentially impact historic buildings and structures and cause significant adverse impacts to historical resources in this regard.



To avoid and mitigate potential impacts from future projects to historical resources and uphold General Plan Conservation Element Policies 8.1 through 8.3, Mitigation Measures CUL-1 through CUL-3 would be required. Mitigation Measure CUL-1 would require a historical resources assessment be performed by a qualified architectural historian or historian to determine if any resources that may be potentially affected by the proposed development have been previously recorded, evaluated, and/or designated on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). For future projects that require the relocation, rehabilitation, or alteration of a historical resource, Mitigation Measure CUL-2 would require a report identifying and specifying the treatment of character-defining features and construction activities to be implemented in accordance with the Interior's Standards for the Treatments of Historic Properties. Last, if a future project would result in the demolition or significant alteration of a historical resource, Mitigation Measure CUL-3 would require recordation of the identified historic resource prior to construction activities. Following implementation of Mitigation Measures CUL-1 through CUL-3, impacts to potential historic resources in the project area would be reduced to less than significant levels.

Mitigation Measures:

- CUL-1 Historical Resources Assessment. Prior to construction activities that may affect historical resources, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications in architectural history or history. The assessment shall include a records search at the South Central Coastal Information Center (SCCIC) to determine if any resources that may be potentially affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Following the records search, the qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project. Pursuant to the definition of a historical resource under CEQA, potential historical resources shall be evaluated under a developed historic context.
- CUL-2 Treatment of Historic Properties. Prior to construction activities that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Dana Point Planning Division to ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource would not impair its significance. The Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible in the preparation of such report. The application of the Interior's Standards for the Treatments of Historic Properties in the report shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications.
- CUL-3 Recordation of Identified Historic Resource. In the event that the demolition or significant alteration of a historical resource is unavoidable, recordation of the resource prior to construction activities shall be implemented to assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriated in appropriate local, state, or federal institutions. The specific scope and details of documentation would be developed at the project level.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The project could cause a significant impact to an archaeological resource on-site.

Support for this environmental impact conclusion is included in Section 5.3, *Tribal and Cultural Resources*, and in particular, starting on page 5.3-16 of the Draft EIR.

While portions of the project area have been previously studied, future development in accordance with the proposed Doheny Village Zoning District Update could potentially impact and cause significant adverse impacts to archaeological resources, such as P-30-001337/CA-ORA-21, a prehistoric burial ground located within the project area.

To avoid and mitigate potential impacts from future projects to archaeological resources and uphold General Plan Conservation Element Policies 8.1 through 8.3, implementation of Mitigation Measures CUL-4 through CUL-7 would be required. Mitigation Measure CUL-4 would require an archaeological resources assessment to be performed by a qualified archaeologist and a representative from one or more of the consulting tribal groups to determine the archaeological sensitivity of the proposed project area prior to construction. If potentially significant archaeological resources are identified as part of Mitigation Measure CUL-4, Mitigation Measure CUL-5 would require extended Phase I testing, and if the results of the extended Phase I testing indicates the presence of archaeological resources, a Phase II investigation is required under Mitigation Measure CUL-7. Further, should the Phase II investigation yield resources that meet CRHR significance standards and if the site cannot be avoided by project construction, Mitigation Measure CUL-8 requires Phase III data recovery. Mitigation Measures CUL-10 through CUL-12 establish monitoring protocol should the project site be of high or medium sensitivity for archaeological resources. Additionally, Mitigation Measure CUL-6 requires archaeological site avoidance, where feasible, and Mitigation Measure CUL-9 requires Worker's Environmental Awareness Program training. Adherence to these measures for future developments in accordance with the proposed project would reduce potential impacts related to archaeological resources to less than significant levels.

Mitigation Measures:

CUL-4 Archaeological Resources Assessment. Prior to issuance of a grading permit, an archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology to determine the archaeological sensitivity of the area. The assessment shall include a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) and of the Sacred Lands Files (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches will determine if the proposed project site has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken by the qualified archaeologist and a representative from one or more of the consulting tribal groups in the areas of the project site not covered with hardscaping and structures to locate any surface cultural materials. Upon completion of the assessment, the qualified archaeologist, in consultation with the representative from one or more of the consulting tribal groups, shall classify the project area as



having high, medium, or low sensitivity for archaeological resources. Any project identified as having low sensitivity will require no further management considerations beyond adherence to Mitigation Measure CUL-12 provided below. The assessment shall be provided to the City of Dana Point Planning Division for review and approval.

- CUL-5 Extended Phase I Testing. For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by the Phase I study, the City of Dana Point Planning Division shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series of shovel test pits and/or hand augured units and/or mechanical trenching intended to establish the boundaries of archaeological site(s) on the project site. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the XPI testing to monitor for potentially unknown tribal cultural resources.

All archaeological excavation should be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). The assessment shall be provided to the City of Dana Point Planning Division for review and approval.

- CUL-6 Archaeological Site Avoidance. When feasible, any identified archaeological site shall be avoided by project-related activities. A barrier (temporary fencing) and flagging should be placed between the work location and any resources within 50 feet of a work location to minimize the potential for inadvertent impacts.
- CUL-7 Phase II Site Evaluation. If the results of any Extended Phase I (XPI) (Mitigation Measure CUL-5) indicate the presence of archaeological resources at a given project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the California Register of Historical Resources (CRHR) or qualify as unique archaeological resources.

A Phase II evaluation shall include any necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the sample excavation to monitor for potentially unknown tribal cultural resources.

Cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)."

- CUL-8 Phase III Data Recovery. Should the results of the Phase II site evaluation (Mitigation Measure CUL-7) yield resources that meet California Register of Historical Resources (CRHR) significance standards and if the site cannot be avoided by project construction in accordance with Mitigation



Measure CUL-5, City of Dana Point Planning Division shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and permits issued for development. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's standards for archaeology according to a research design reviewed and approved by the City of Dana Point Planning Division prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), *Guidelines for Archaeological Research Design*, or the latest edition thereof. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the Phase III data recovery excavation to monitor for potentially unknown tribal cultural resources.

As applicable, the final Extended Phase I (XPI) Testing (Mitigation Measure CUL-5), Phase II Testing and Evaluation (Mitigation Measure CUL-7), or Phase III Data Recovery reports shall be submitted to the City of Dana Point Planning Division prior to issuance of construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.

- CUL-9 Worker's Environmental Awareness Program (WEAP). A qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and a representative from one or more of the consulting tribal groups shall be retained to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological/cultural resources sensitivity for all construction personnel prior to the commencement of any ground disturbing activities for projects identified as having a moderate to high potential to encounter cultural resources. Archaeological/cultural resources sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.
- CUL-10 Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area but indicates the area to be highly sensitive for archaeological resources, a qualified archaeologist and a representative from one or more of the consulting tribal groups shall monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil.
- CUL-11 On-Call Archaeological Monitoring. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area, but indicates the area to be of medium sensitivity for archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology and a representative from one or more of the consulting tribal groups shall be retained on an on-call basis.

Prior to any ground-disturbing activities, the archaeologist and representative from one or more of the consulting tribal groups shall conduct cultural awareness training to inform all construction personnel of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources.

In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted



while the resources are evaluated for significance by the on-call archaeologist and representative from one or more of the consulting tribal groups pursuant to Mitigation Measure CUL-6.

CUL-12 Unanticipated Discovery of Archaeological Resources. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the City of Dana Point Planning Division shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) and a representative from one or more of the consulting tribal groups immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by both the qualified archaeologist and representative from one or more of the consulting tribal groups. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The project, combined with other related cumulative projects, could cause a cumulatively considerable impacts to historical resources, archaeological resources, human remains, or tribal cultural resources.

Support for this environmental impact conclusion is included in Section 5.3, *Tribal and Cultural Resources*, and in particular, starting on page 5.3-21 of the Draft EIR.

Project-related impacts to historical, archeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1 through CUL-12. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and Federal regulations, as well as project-specific mitigation measures.

Implementation of Mitigation Measures CUL-1 through CUL-12 would result in less than significant project impacts to historical, archaeological, and tribal cultural resources. Thus, the project's less than significant impacts would not be cumulatively considerable.

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-12.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.



4. Geology and Soils

Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is included in Section 5.4, *Geology and Soils*, and in particular, starting on page 5.4-18 of the Draft EIR.

The project site is located along the eastern side of the alluvial valley of San Juan Creek between the San Joaquin Hills to the west and San Clemente Hills to the east. Regional geologic maps indicate the site is underlain by Holocene-age flood plain deposits comprised of sand, sandy silt, and clay. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area. There is potential for unknown paleontological resources to be located within the project area given the site's proximity to the coast. As such, future development in Doheny Village associated with the proposed Doheny Village Zoning District Update could result in potential impacts to previously undiscovered paleontological resources. Municipal Code Section 9.05.160 requires site-specific studies to be prepared to identify the significance of any on-site cultural and natural resources (e.g., archaeological, paleontological, historical, and biological resources) and required mitigation measures to reduce such impacts. General Plan Conservation and Open Space Element Policy 8.1 requires reasonable mitigation measures where development may affect historical, archaeological, or paleontological resources, and Policy 8.2 ensures resources of significant historical, archaeological, or paleontological value are retained and protected for education, visitor-serving, and scientific purposes.

To ensure future development adequately evaluates and mitigates for potential paleontological resources on-site, Mitigation Measure GEO-1 would require future project applicants to prepare a technical paleontological assessment to evaluate the sensitivity of a project site for buried paleontological resources. If resources are known or reasonably anticipated, the paleontological assessment is required to provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan. Compliance with Mitigation Measure GEO-1 would reduce potential paleontological resource impacts associated with the project to less than significant levels.

Mitigation Measure:

GEO-1 Prior to issuance of grading permits, applicants for future development projects in undeveloped and developed areas where grading is proposed five feet below current elevation shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.

If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following:

- A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities;
- Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the qualified paleontologist and City of



Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and

- Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities.

A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project, combined with other related cumulative projects, could expose people or structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.

Support for this environmental impact conclusion is included in Section 5.4, *Geology and Soils*, and in particular, starting on page 5.4-20 of the Draft EIR.

Cumulative projects would likely have similar regional geologic setting and seismicity as the proposed project; however, the local geologic setting, surficial geology, and subsurface soil conditions would vary site to site. Additionally, potential paleontological resource impacts associated with the development of each cumulative project would be specific to each site. Cumulative projects would be required to comply with existing Federal, State, and local regulations and project-specific mitigation measures related to geologic hazards and paleontological resources on a project-by-project basis.

Geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with established regulatory requirements, including the California Building Code, Municipal Code, National Pollutant Discharge Elimination System requirements, and SCAQMD Rule 403. Additionally, implementation of Mitigation Measure GEO-1 would ensure project impacts related to paleontological resources are reduced to less than significant levels. As such, the proposed project would not result in cumulatively considerable impacts in this regard.

Mitigation Measure: Refer to Mitigation Measure GEO-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



5. Hazards and Hazardous Materials

Short-term construction activities associated with future development could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Section 5.6, *Hazards and Hazardous Materials*, and in particular, starting on page 5.6-12 of the Draft EIR.

Construction activities associated with new development could release hazardous materials into the environment through reasonably foreseeable upset and accident conditions or the transport, use, or disposal of hazardous materials. Potential construction-related impacts in this regard are discussed below.

Demolition of Structures

Although specific development projects have not been identified for the proposed project, construction activities associated with future development accommodated through implementation of the Doheny Village Zoning District Update could involve the demolition of existing structures and buildings. Existing buildings in Doheny Village could potentially contain asbestos containing materials (ACMs), lead based paint (LBPs), and/or other contaminants, which are typically present in buildings and structures. All demolition that could result in the release of ACMs or LBPs would be conducted according to Federal and State regulations which govern the renovation and demolition of structures where ACMs and LBPs are present. Compliance with existing regulations related to ACMs and LBPs would reduce potential impacts in this regard to a less than significant level.

Disturbance of Contaminated Properties

Several properties on-site are listed as regulatory sites for containing underground storage tanks (USTs), handling, storing, and/or transporting hazardous materials/waste, or reported instances of releases (industrial facilities, auto-maintenance and storage, gas station, and drycleaners). These industrial/manufacturing uses generally occur west of Doheny Park Road, along the SCRRA/OCTA railroad right-of-way. Additionally, two off-site properties are known to handle, store, and/or maintain hazardous materials (i.e., USTs) are present and have the potential to have impacted on-site soil, soil gas, surface water, and/or groundwater.

None of these listed sites are currently under investigation. However, future development accommodated through implementation of the Doheny Village Zoning District Update could involve grading and excavation activities which could expose construction workers and the public to hazardous substances/waste in the soil, soil vapor, and/or groundwater. Although future development project within the project site would identify hazardous material-related impacts on a project-by-project bases, potential risks would be further minimized by compliance with all existing Federal, State, and local laws related to the hazardous materials. Compliance with existing regulations would reduce potential risks related to accidental release of hazardous materials from on-site regulatory properties during construction to less than significant levels.

Hauling and Disposal of Hazardous Waste

Construction activities associated with future development accommodated through implementation of the Doheny Village Zoning District Update could expose construction workers and the public to hazardous substances/materials involving the transport, use, and storage of construction materials/equipment (i.e., oil, diesel fuel, transmission fluid, etc.) and demolition debris. However, these activities would be short-term, and the materials used would not be in such quantities, or stored in such a manner, as to pose a significant safety



hazard. All project construction activities would demonstrate compliance with the applicable laws and regulations governing the use, storage, and transportation of hazardous materials, ensuring that all potentially hazardous materials are used and handled in an appropriate manner. Impacts would be less than significant in this regard.

Unknown Contaminated Sites

Future development accommodated through implementation of the Doheny Village Zoning District Update could involve grading and excavation activities which could also reveal unknown contamination. Although future development project within the project site would identify any hazardous materials/waste-related concerns on a project-by-project bases, potential risks would be further minimized by compliance with all existing Federal, State, and local laws related to the hazardous materials/waste. Further, the project would be required to comply with Mitigation Measure HAZ-1, which establishes procedures if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction. Compliance with Mitigation Measure HAZ-1 would further minimize potential risks related to accidental release of hazardous materials from unknown contamination discovered during construction.

Overall, compliance with all existing Federal, State, and local laws related to the hazardous materials and Mitigation Measure HAZ-1 would reduce potential construction-related impacts in this regard to less than significant levels.

Mitigation Measure:

HAZ-1 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Director of Public Works/City Engineer;
- Secure the area as directed by the Director of Public Works/City Engineer; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency [OCHCA], Regional Water Quality Control Board, San Diego Region [San Diego RWQCB], and/or Department of Toxic Substances Control [DTSC], as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



Future development associated with implementation of the proposed project could be located on a hazardous material sites listed on Government Code Section 65962.5 and create a significant hazard to the public or the environment.

Support for this environmental impact conclusion is included in Section 5.6, *Hazards and Hazardous Materials*, and in particular, starting on page 5.6-18 of the Draft EIR.

Several properties on-site are listed as regulatory sites on the “Cortese List” pursuant to Government Code Section 65962.5. None of these listed sites are currently under investigation. However, future development accommodated through implementation of the Doheny Village Zoning District Update could be located on these sites and could potentially expose construction workers and future users/residents to previously undiscovered hazardous substances present in the soil, soil gas, and/or groundwater on beneath these sites. Future development projects within the project site would identify hazardous material-related impacts on a project-by-project bases, and would be required to comply with all existing Federal, State, and local laws related to the hazardous materials. Compliance with regulations established by these agencies would reduce potential risks from on-site regulatory properties to less than significant levels.

Mitigation Measure: Refer to Mitigation Measure HAZ-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Short-term construction activities associated with future development, combined with other related projects, could result in cumulatively considerable hazards to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is included in Section 5.6, *Hazards and Hazardous Materials*, and in particular, starting on page 5.6-20 of the Draft EIR.

Cumulative projects could result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, during site disturbance/demolition/grading activities. However, as discussed above, with implementation of existing laws and regulations and implementation of Mitigation Measure HAZ-1, the proposed project would not result in significant impacts from these activities. Compliance with all applicable Federal and State laws and regulations related to the handling/transport of hazardous materials/waste would reduce the likelihood and severity of accidents, thereby ensuring that a less than significant cumulative impacts result. As the proposed project would not result in significant impacts involving hazards and hazardous materials during construction with implementation of Mitigation Measure HAZ-1, the project would not significantly contribute to a cumulatively considerable impact in this regard.

Mitigation Measure: Refer to Mitigation Measure HAZ-1.



Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Noise

Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-16 of the Draft EIR.

While implementation of the proposed project would not directly result in new development within the City, it projects additional development within the City, which would generate noise during construction activities. Construction noise levels are dependent upon the specific locations, site plans, and construction details of individual projects, which have not yet been identified. Construction would be localized and would occur intermittently for varying periods of time. Because specific project-level information is not available at this time, it is not possible to quantify the construction noise impacts at specific sensitive receptors. Construction of individual developments associated with implementation of the proposed project could temporarily increase the ambient noise environment in the vicinity of each individual project. Pursuant to Municipal Code Section 11.10.014, *Special Provisions*, construction of future projects would be limited to occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, and is prohibited on Sundays and Federal holidays. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts during construction.

Construction noise levels would be reduced through implementation of Mitigation Measure NOI-1, which would require construction best management practices for projects subject to CEQA review (i.e., non-exempt projects). Specifically, Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). Therefore, compliance and/or adherence to the Municipal Code and recommended Mitigation Measure NOI-1 would reduce short-term construction noise impacts to less than significant levels.

Mitigation Measure:

NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.



- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 11.10.014, *Special Provisions*, of the Dana Point Municipal Code.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Development Services Department.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-18 of the Draft EIR.

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The California Department of Transportation (Caltrans) has published reactions of people and the effects on buildings produced by continuous vibration levels. There is a risk of architectural damage to normal dwellings at 0.2 inch/second peak particle velocity (PPV) and a risk of architectural damage to historic buildings at 0.25 inch/second PPV. Further, vibrations may begin to annoy people at 0.2 inch/second PPV.

Ground-borne vibration generated during construction activities would primarily impact existing structures that are located adjacent to or within the vicinity of specific projects. Based upon the information provided in Draft EIR Table 5.11-9, *Typical Vibration Levels for Construction Equipment*, vibration levels could reach up to 0.210 inch/second PPV for typical construction activities (and up to 1.518 inch/second PPV if pile driving activities were to occur) at structures located within 25 feet of construction. For structures that are located at or within



25 feet of potential project construction sites, structures at these locations may experience vibration levels during construction activities that exceed the Caltrans vibration impact threshold of 0.2 inch/second PPV. However, pursuant to Mitigation Measure NOI-2, should construction activities requiring operation of groundborne vibration generating equipment take place within 25 feet of a structure, a project-specific vibration impact analysis shall be conducted. In addition, the 0.2 inch/second Caltrans vibration impact threshold would be exceeded within 100 feet of impact pile driving activities and within 60 feet of sonic pile driving activities. Therefore, Mitigation Measure NOI-3 would prohibit impact and sonic pile driving within 100 and 60 feet, respectively, of buildings and instead utilize alternative installation methods. With implementation of Mitigation Measures NOI-2 and NOI-3, construction vibration levels would not exceed 0.2 inch/second PPV. Therefore, the human annoyance threshold criteria (i.e. 0.2 inch/second PPV) would not be exceeded. Short-term vibration impacts would be less than significant with implementation of Mitigation Measures NOI-2 and NOI-3.

Operation of the proposed residential, commercial, and light industrial land uses would not generate high levels of groundborne vibration. Occasional large truck movements may occur in conjunction with transport of materials to the project site. However, large truck movements would generate minor levels of vibration for very short time periods. Therefore, impacts associated with operational groundborne vibration would be less than significant.

Mitigation Measures:

NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.

- Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers.
- Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of



the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Future noise levels associated with implementation of the proposed project could result in a substantial permanent increase in ambient noise levels in the project vicinity and expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-20 of the Draft EIR.

MOBILE SOURCES

The “Future Without Project” and “Future With Project” scenarios were compared for long-term noise conditions. In Draft EIR Table 5.11-10, *Future Traffic Noise Levels*, the noise levels (dBA at 100 feet from roadway centerline) depict what would typically be heard 100 feet perpendicular to the roadway centerline. As indicated in Draft EIR Table 5.11-10, *Future Traffic Noise Levels*, under the “Future Without Project” scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 45.8 dBA to 66.1 dBA. The highest noise levels under “Future Without Project” conditions would occur along Stonehill Drive, between Camino Capistrano and Del Obispo Street. Under the “Future With Project” scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 49.9 dBA to 66.2 dBA. The highest noise levels occurring under these conditions would also occur along Stonehill Drive, between Camino Capistrano and Del Obispo Street.

Draft EIR Table 5.11-10, *Future Traffic Noise Levels*, also compares the “Future Without Project” scenario to the “Future With Project” scenario. As shown, two of the roadway segments modeled (along Camino Capistrano and Stonehill Drive) would generate noise levels above the 60 dBA CNEL standard. However, the increase in ambient noise would not exceed the 3.0 dB threshold. Furthermore, five of the roadway segments modeled (along Doheny Park Road, Victoria Boulevard, Domingo Avenue, and Sepulveda Avenue) would increase ambient noise levels above the 3.0 dB threshold. Although noise levels generated along these roadway segments would exceed the 3.0 dB threshold, the modeled noise levels would not exceed the 60 dBA CNEL standard. Therefore, a less than significant impact would occur as noise generated along roadway segments under the “Future With Project” scenario would not exceed both the 3.0 dB threshold and the 60 dBA CNEL standard.

STATIONARY SOURCES

Stationary noise generated on the project site would occur within the proposed residential, commercial, and light industrial land uses. On-site sensitive receptors would be located adjacent to commercial land uses, similar to existing conditions. The nearest off-site sensitive receptors are residences located approximately 300 feet to the northwest of the project site. Stationary noise sources at the project site may include slow-moving trucks, mechanical equipment, and parking lot activity.

Slow-Moving Trucks

The predominant noise source during on-site operations would be from on-site truck movements and idling. Typically, slow-moving, heavy-duty delivery trucks accessing loading docks can generate a maximum noise level of approximately 79 dBA at a distance of 50 feet. These are levels generated by a truck that is operated by an experienced “reasonable” driver with typically applied accelerations. The closest off-site sensitive receptors (i.e., residences) are located approximately 300 feet to the northwest of the project site. Assuming slow-moving trucks could operate up to the project boundary line, off-site sensitive receptors may experience noise levels



associated with slow-moving trucks at a distance of 300 feet. At this distance, noise levels would be approximately 63.4 dBA. However, an existing masonry wall would separate the nearest sensitive receptors and the proposed project site, which would result in a noise level reduction of at least 10 dBA. Therefore, noise levels at the nearest off-site sensitive receptor would be approximately 53.4 dBA which is below the City's daytime exterior noise standard (i.e., 55 dBA). Although noise levels at the nearest off-site sensitive receptor would exceed the City's exterior nighttime noise standard (i.e., 50 dBA), existing traffic noise levels in the vicinity of the off-site sensitive receptor (i.e., along Camino Capistrano, between Stonehill Drive and Costco Driveway) is approximately 65.3 dBA CNEL. Therefore, noise levels generated from slow-moving truck activity at the project site during nighttime hours would not be audible above existing traffic noise levels. Thus, impacts resulting from truck delivery activities at off-site sensitive receptors would be less than significant.

As previously discussed, on-site sensitive receptors would be located adjacent to commercial land uses. As specific project-level information is not available at this time, it is not possible to quantify noise impacts associated with slow-moving truck loading dock activity at specific sensitive receptors. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts associated with slow-moving truck loading dock activity. Pursuant to Municipal Code 9.35.090, *Loading Facility Standards*, all loading docks shall be screened from adjacent residential zoning districts by landscaping no less than six feet in height. Notwithstanding, slow-moving truck loading dock activity noise levels would be reduced through implementation of Mitigation Measure NOI-4. Mitigation Measure NOI-4 would ensure on-site sensitive receptors are not exposed to noise levels above the City's noise standards. Thus, noise impacts associated with slow-moving trucks would be less than significant with implementation of Mitigation Measure NOI-4.

Mechanical Equipment

The proposed residential, commercial, and light industrial land uses would use heating, ventilation, and air conditioning units (HVAC). HVAC systems typically result in noise levels that average 55 dBA at 50 feet from the source. Although detailed site plans for future development within the project site have not yet been developed, HVAC equipment associated with light industrial and commercial uses would typically be roof mounted. Pursuant to Municipal Code Section 9.05.140, *Roof Mounted Appurtenances*, roof mounted HVAC systems shall be shielded and architecturally screened from adjacent residentially zoned property. At the time of this analysis, identification of specific mechanical equipment and detailed site plans have not been developed. Therefore, Mitigation Measure NOI-4 would be implemented to ensure noise-generating stationary source equipment would not exceed the City's noise regulations. Further, the nearest off-site sensitive receptor is located approximately 300 feet to the northwest of the project site. At this distance, HVAC noise levels would be approximately 39.4 dBA, which would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) exterior noise standard. Thus, noise levels generated from mechanical equipment on the project site would result in a less than significant impact with implementation of Mitigation Measure NOI-4.

Parking Areas

Traffic associated with parking lots is not of sufficient volume to exceed community noise standards that are based on a time averaged scale such as the Community Noise Equivalent Level (CNEL) scale. However, the instantaneous maximum sound levels generated by a car door slamming, an engine starting-up, and car passing by range from 53 dBA to 61 dBA at 50 feet from the source and may be an annoyance to adjacent sensitive receptors. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. The nearest off-site sensitive receptor is located approximately 300 feet to the northwest of the project site. At this distance, parking area noise levels would range from approximately 37.4 dBA to 45.4 dBA, which would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) noise standard. However, parking area noise levels may exceed the City's exterior noise standards at on-site sensitive receptors. Therefore, Mitigation Measure NOI-4 would be implemented to ensure noise generated in parking lots would not exceed the City's noise regulations



on-site. With implementation of Mitigation Measure NOI-4, noise levels generated from parking lot activities on the project site would result in a less than significant impact.

Mitigation Measure:

NOI-4 Prior to issuance of building permits, a Noise Assessment shall be prepared, to the satisfaction of the City of Dana Point City Planner, which demonstrates on-site placement of stationary noise sources at commercial and industrial uses would not exceed noise standards established in the City of Dana Point Municipal Code Chapter 11.10, Noise Control. The Noise Assessment shall verify that stationary noise sources (e.g., loading dock facilities, mechanical equipment, and parking lots) are adequately shielded and/or located at an adequate distance from on-site sensitive receptors and residences in order to comply with noise regulations established by the City of Dana Point.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-24 of the Draft EIR.

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. As previously discussed, implementation of the proposed project would not directly result in new development within the City. However, the project proposes additional development within the City, which would generate noise during construction activities. As discussed above, construction noise for the proposed project was determined to be less than significant with implementation of Mitigation Measure NOI-1. The construction activities associated with cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, the project's contribution to cumulative noise impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Mitigation Measure: Refer to Mitigation Measure NOI-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.



Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-24 of the Draft EIR.

Project construction and operational activities would not generate groundborne vibration on-site above the significance criteria (i.e. 0.2 in-per-second PPV threshold as established by Caltrans) with implementation of Mitigation Measures NOI-2 and NOI-3. Groundborne vibration generated from cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measures NOI-2 and NOI-3.

Mitigation Measures: Refer to Mitigation Measures NOI-2 and NOI-3.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project could result in a significant increase in traffic and long-term stationary ambient noise levels.

Support for this environmental impact conclusion is included in Section 5.11, *Noise*, and in particular, starting on page 5.11-25 of the Draft EIR.

MOBILE NOISE

The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other projects are compared. Second, for combined effects that are determined to be cumulatively significant, the project's incremental effects then are analyzed. The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Future With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon, and reduces as distance from the source increases. Consequently, only the proposed project and growth due to occur in the project site's general vicinity would contribute to cumulative noise impacts. Draft EIR Table 5.11-11, *Cumulative Noise Scenario*, lists the traffic noise effects along roadway segments in the project vicinity for "Existing," "Future Without Project," and "Future With Project" conditions, including incremental and net cumulative impacts.

As indicated, the Incremental Effects criterion of 1.0 dBA and the Combined Effects criterion of 3.0 dBA are exceeded along Doheny Park Road, Victoria Boulevard, Domingo Avenue, Las Vegas Avenue, and Sepulveda Avenue. Although both the combined and incremental effects criteria have been exceeded, cumulative traffic noise levels along Doheny Park Road, Victoria Boulevard, Domingo Avenue, Las Vegas Avenue, and Sepulveda



Avenue would not exceed the City’s sensitive use exterior noise standards (i.e. 60 dBA CNEL). Therefore, the proposed project, in combination with cumulative background traffic noise levels, would result in less than significant impacts.

STATIONARY NOISE

Although the related cumulative projects have been identified within the project study area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of conceptual nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities.

The nearest cumulative project to the project site is the Victoria Boulevard Specific Plan project, located adjacent to the project site along Sepulveda Avenue and Victoria Boulevard. As noted above, the proposed project would not result in significant stationary noise impacts with implementation of Mitigation Measure NOI-4. Therefore, the proposed project would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Mitigation Measure: Refer to Mitigation Measure NOI-4.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

7. Transportation

Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Support for this environmental impact conclusion is included in Section 5.7, *Transportation*, and in particular, starting on page 5.7-9 of the Draft EIR.

The *Doheny Village Overlay Project, Dana Point Vehicle Miles Traveled (VMT) Analysis* (VMT Analysis) prepared by Linscott, Law and Greenspan, Engineers, dated April 13, 2021, utilizes the Orange County Transportation Analysis Model (OCTAM) to determine the project’s VMT and City’s average VMT. Draft EIR Table 5.7-1, *City of Dana Point Average VMT*, summarizes the City’s average VMT per capita, average VMT per employee, and total VMT. Draft EIR Table 5.7-2, *Proposed Project Average VMT*, details the project’s average VMT per capita, average VMT per employee, and total VMT.

As shown in Draft EIR Table 5.7-2, *Proposed Project Average VMT*, the project would result in an average VMT per capita approximately 8.34 percent lower than the City’s average VMT per capita threshold (i.e., 15 percent below the City’s average VMT per capita). Thus, the project would result in less than significant VMT impacts for residential land uses.

The project’s VMT per employee would be 7.27 percent higher than the City’s average VMT per employee



threshold (i.e., 15 percent below the City's average VMT per employee), and would result in a potentially significant impact regarding office use.

Further, as shown in Draft EIR Table 5.7-2, *Proposed Project Average VMT*, the proposed project's net total VMT would be 4.24 percent higher than the City's total VMT, and would exceed the City's total VMT threshold. Thus, VMT impacts regarding retail use would be potentially significant.

To reduce the project's VMT per employee and total VMT, Transportation Demand Management (TDM) strategies can be implemented. The California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, dated August 2010, quantifies the reduction in VMT associated with particular strategies. VMT Analysis Table 2, *Transportation Demand Management (TDM) Strategies*, identifies TDM strategies that can be implemented by the project to reduce VMT per employee and total VMT to below the established significance threshold. Mitigation Measure TRA-1 would require all future development within the project site to implement LUT-9 (Improve Design of Development), SDT-1 (Provide Pedestrian Network Improvements); SDT-2 (Traffic Calming Measures); and any additional VMT measures determined by the City of Dana Point Community Development Director and Director of Public Works to the extent feasible. Implementation of Mitigation Measure TRA-1 would ensure a range of approximately 3.25 to 24.3 percent reduction in GHG emissions through pedestrian-friendly design (e.g., large doors and windows), sidewalks, and traffic calming measures. Additionally, Mitigation Measure TRA-2 would require all future non-residential projects and non-residential components of future projects to implement trip reduction programs (TRT-1 through TRT-15). Implementation of Mitigation Measure TRA-2 would ensure future non-residential projects provide, at a minimum, a ride share program (1 percent reduction), have remote working options (2 to 3 percent), and offer a subsidy for public transportation (1 percent reduction). Together, implementation of Mitigation Measure TRA-1 and TRA-2 would reduce the project's VMT per employee (regarding office use) and total VMT (regarding retail use) to below the established threshold. As such, impacts would be reduced to less than significant levels.

Mitigation Measures:

TRA-1 Future development within the limits of the project site shall be required to implement the following measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:

- LUT-9: Improve Design of Development (3.0 to 21.3 percent reduction);
- SDT-1: Provide Pedestrian Network Improvements (0 to 2 percent reduction); and
- SDT-2: Traffic Calming Measures (0.25 to 1.0 percent reduction).

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

TRA-2 Future non-residential developments and non-residential components of a development within the limits of the project area shall be required to implement the following commute trip reduction measures in accordance with the California Air Pollution Control Officers Association's *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report*, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best



available vehicle miles traveled (VMT) measures:

- TRT-1: Implement Voluntary CTR Programs (1.0 to 6.2 percent reduction);
- TRT-2: Implement Mandatory CTR Programs – Required Implementation/Monitoring (4.2 to 21.0 percent reduction);
- TRT-3: Provide Ride-Sharing Programs (1 to 15 percent reduction);
- TRT-4: Implement Subsidized or Discounted Transit Program (0.3 to 20.0 percent reduction)
- TRT-5: Provide End of Trip Facilities;
- TRT-6: Telecommuting and Alternative Work Schedules (0.07 to 5.5 percent reduction);
- TRT-7: Implement Commute Trip Reduction Marketing (0.8 to 4.0 percent reduction);
- TRT-8: Implement Preferential Parking Permit Program;
- TRT-9: Implement Car-Sharing Program (0.4 to 0.7 percent reduction);
- TRT-10: Implement School Pool Program (7.2 to 15.8 percent reduction);
- TRT-11: Provide Employer-Sponsored Vanpool/Shuttle (0.3 to 13.4 percent reduction);
- TRT-12: Implement Bike-Sharing Program;
- TRT-13: Implement School Bus Program (38 to 63 percent reduction);
- TRT-14: Price Workplace Parking (0.1 to 19.7 percent reduction); and
- TRT-15: Implement Employee Parking “Cash-Out” (0.6 to 7.7 percent reduction).

Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Future development, combined with other related projects, could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Support for this environmental impact conclusion is included in Section 5.7, *Transportation*, and in particular, starting on page 5.7-15 of the Draft EIR.

Similar to the proposed project, cumulative projects in the site vicinity have the potential to increase the City’s average VMT per capita/employee and total VMT. Each cumulative project would be evaluated on a project-level basis to determine the project’s generated VMT in order to compare to the City’s average and total VMT. Additionally, each cumulative project would be required to comply with project-specific mitigation measures, as needed, on a project-by-project basis.

Based on the VMT Analysis, a project that falls below the established VMT threshold would not result in cumulative impacts. As analyzed above, implementation of TDM measures identified in VMT Analysis Table



2, *Transportation Demand Management (TDM) Strategies*, per Mitigation Measures TRA-1 and TRA-2 would reduce project-generated VMT to below established thresholds. Thus, the project would not significantly contribute to a cumulatively considerable impact regarding VMT and impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measures TRA-1 and TRA-2.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

8. Tribal Cultural Resources

The project could cause a significant impact to a tribal cultural resource.

Support for this environmental impact conclusion is included in Section 5.3, *Tribal and Cultural Resources*, and in particular, starting on page 5.3-21 of the Draft EIR.

The City sent letters inviting tribes to consult on the project per Assembly Bill (AB) 52 on April 20 and April 21, 2020. The Juaneño Band of Mission Indians, Acjachemen Nation (JBMIAN) responded on April 20, 2020 requesting consultation, stating that the project site is situated in an extremely sensitive area within the tribe's core ancestral territory. The City and the JBMIAN representative, Ms. Joyce Perry consulted and Ms. Perry requested review of the cultural studies prepared for the project and, given the presence of Site P-30-000021/CA-ORA-21 within the project site, requested that both an archaeologist and Native American monitor from the JBMIAN be present during any ground disturbing activities associated with the project.

Based on the records search, literature review, field survey results, and tribal consultation results, the City has determined that there is the potential for unknown tribal cultural resources to be discovered on-site during site disturbance activities. As such, implementation of Mitigation Measures CUL-4 through CUL-12 would ensure that appropriate protocols are in place in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities. As such, impacts to tribal cultural resources would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measures CUL-4 through CUL-12.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. Upon implementation of the required mitigation, the potentially significant impact would be reduced to a less than significant level. The City of Dana Point hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

Significant and unavoidable impacts are those impacts in which mitigation measures were found to be infeasible or would not lessen impacts to less than significant levels. The Draft EIR did not identify any significant and unavoidable impacts associated with the proposed project.



E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5(a) requires a lead agency to “recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

Comment letters received on the Draft EIR and responses to those comment letters provided in the Final EIR do not identify any significant new information requiring recirculation. As such, recirculation of the Draft EIR is not required.

F. FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, all environmental impacts could be mitigated below a level of significance and no significant and unavoidable impacts would result.

The Draft EIR analyzed two alternatives to the proposed project that could avoid or substantially lessen the project’s potentially significant impacts.

1. “No Project” Alternative

In accordance with the *CEQA Guidelines*, “the no project analysis shall discuss the existing conditions ..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”⁴ The *CEQA Guidelines* continue to state that “in certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.”⁵ The No Project Alternative includes a discussion and analysis of the existing baseline conditions at the time the Notice of Preparation was published on March 13, 2020. The “No Project” scenario is described and analyzed to enable the decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

Therefore, the No Project Alternative assumes the circumstance under which the proposed project does not proceed, and the project site’s existing General Plan land use designations and zoning are preserved. Under this alternative, the site’s existing improvements associated with the site’s existing uses would remain. However, the No Project Alternative would not preclude future redevelopment in accordance with the site’s existing General Plan land use designations and zoning. Under the No Project Alternative, the Zoning Code Amendment, General Plan Amendment, and Local Coastal Program Amendment would not occur.

Compared to existing conditions, the No Project Alternative would have a net development potential of -37 dwelling units and 301,055 additional square feet of nonresidential development, with a net population decrease of 86 persons. In other words, buildout of the No Project Alternative would result in less residential development compared to existing conditions. In comparison to the net development potential of the proposed project, this alternative would result in 849 fewer dwelling units, 1,978 fewer residents, and 16,562 fewer square feet of non-residential development. Thus, compared to the proposed project, the No Project Alternative is

⁴ *CEQA Guidelines* Section 15126.6(e)(2).

⁵ *CEQA Guidelines* Section 15126.6(e)(3)(B).



essentially a “no build” alternative in which no new development would occur.

The No Project Alternative would result in reduced impacts related to aesthetics/light and glare; tribal and cultural resources; geology and soils; hydrology and water quality; hazards and hazardous materials; transportation; air quality; greenhouse gas emissions; energy; noise; and public services/recreation/utilities. This alternative would result in similar impacts to the proposed project with regards to land use and relevant planning and population and housing.

The No Project Alternative would not meet three of the four project objectives. Redeveloping Doheny Village based on its existing land use designations and zoning would revitalize the existing industrial, mixed-use, and commercial uses and housing types (Objective No. 1). However, since the No Project Alternative assumes buildout of Doheny Village based on under existing land use designations and zoning, this alternative would not achieve the project objective to provide updated zoning within Doheny Village that aligns and respects existing, nonconforming uses, including existing businesses, jobs, and services in the area (Objective No. 2). Additionally, as this alternative would result in 37 fewer net dwelling units compared to existing conditions, this alternative would not increase the City’s housing stock (Objective No. 3). Lastly, no incentives for rehabilitation and new development would be offered under the No Project Alternative (Objective No. 4).

Finding:

The City Council rejects the No Project Alternative for the following reasons: (1) this alternative is essentially a “no build” alternative in which no new development would occur; (2) the City’s existing land use regulations would continue to make redevelopment within the project area difficult with existing nonconforming uses; and (3) this alternative would not meet three of the four project objectives.

2. “ROMA Design Group Draft Plan” Alternative

The City retained the services of ROMA Design Group in 2011 for the development of a new land use plan (draft ROMA plan) for the project area (formerly called the “Doheny Village Plan”). The purpose of the planning effort was to establish a clear direction for future revitalization of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood, and create a vital link to the City’s other neighborhoods, facilities, businesses, and amenities. The draft ROMA plan was completed in 2013; however, due to a variety of reasons, it was not processed for approval.

The draft ROMA plan includes an overview of the area, background on its history and evolution, planning goals and policies to guide the future development of Doheny Village, and a more specific description of the development strategy and the recommendations for land use, circulation, and access. The land use plan included in the draft ROMA plan proposed two residential areas – the Small Lot Residential and the Live/Work district. In addition, it identified a Mixed Use area of residential, commercial, and institutional uses that already exists, a Neighborhood Commercial frontage along Doheny Park Road, and the Industrial Arts District. It also identified two existing smaller uses within the area, institutional and multi-family residential, which were not intended to be expanded, simply maintained.

Overall, buildout of the ROMA Design Group Draft Plan Alternative would allow for the development of 476 dwelling units and 768,000 square feet of nonresidential development, with a resultant population of 1,109 persons. Compared to existing conditions, this alternative would have a net development potential of 26 dwelling units, 312,990 square feet of nonresidential development, with a net population increase of 61 persons. As with the proposed project, the ROMA Design Group Draft Plan would require approval of a General Plan Amendment, LCP Amendment, and Zoning Code Amendment. To create an integrated street system, the draft ROMA plan included a variety of intersection improvements, new intersections, and new streets altogether to support future land divisions. The draft ROMA plan also assumed that a subdivision map would be required prior to future development activities involving land divisions.



Compared to the proposed project, the ROMA Design Group Draft Plan Alternative would result in greater impacts to land use and relevant planning; aesthetics/light and glare; noise; and population and housing. Reduced impacts would result for air quality, greenhouse gas emissions, and energy. This alternative would have similar impacts with regards to tribal and cultural resources; geology and soils; hydrology and water quality; hazards and hazardous materials; transportation; and public services/recreation/utilities.

The ROMA Design Group Draft Plan Alternative would not achieve three of the four project objectives. Based on extensive public input, redeveloping Doheny Village based on the ROMA Design Group Draft Plan Alternative would not preserve the character and vitality of Doheny Village in a manner that enhances its existing uses, including its existing, nonconforming uses (Objectives No. 1 and 2). Additionally, no incentives for rehabilitation or new development would be offered under this alternative (Objective No. 4). While this alternative would allow development of up to 26 dwelling units, this alternative would not increase the City's housing stock to the same degree as the proposed project's potential buildout of up to 812 additional dwelling unit (Objective No. 3).

Finding:

The City Council rejects the ROMA Design Group Draft Plan Alternative for the following reasons: (1) this alternative would result in greater impacts to land use and relevant planning, aesthetics/light and glare, noise, and population and housing; (2) this alternative would not achieve three of the four project objectives; and (3) extensive public comments were received with concerns about the draft ROMA plan related to parking, nonconforming uses, and development standards.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The No Project Alternative is the environmentally superior alternative, as it would avoid or lessen most of the project's environmental impacts. However, according *CEQA Guidelines* Section 15126.6(e), "if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, the ROMA Design Group Draft Plan Alternative is considered environmentally superior to the proposed project. The ROMA Design Group Draft Plan Alternative would be environmentally superior to the proposed project for three topical areas but would be environmentally inferior to the proposed project for four topical areas. However, as noted above, the ROMA Design Group Draft Plan Alternative would only achieve one of the project objectives. This alternative would not preserve the character and vitality of Doheny Village, provide updated zoning within Doheny Village that aligns and respects existing nonconforming uses, or offer incentives for rehabilitation and new development in Doheny Village by investing in beautification. Further, the City received a number of written and verbal comments regarding issues related to parking, nonconforming uses, and development standards included in the draft ROMA plan.