

CHAPTER 2.0 INTRODUCTION AND BACKGROUND

2.1 Purpose of the Draft EIR

2.1.1 Authority

This Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Section 15000 et seq.). This EIR assesses the potential impacts associated with the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project. The City of Dana Point is the Lead Agency for the proposed project and the various discretionary actions identified below and described in Chapter 3.0 (Project Description).

An EIR is an informational document prepared pursuant to CEQA. It provides decision-makers, public agencies, and the public in general with detailed information about the potentially significant environmental effects of a proposed project. It also lists the ways in which the significant effects of a project might be minimized and addresses alternatives to the project. CEQA requires that an EIR contain at a minimum, certain specific information, including but not limited to a clear, concise project description; environmental settings; discussion of environmental impacts; effects found not to be significant, and cumulative impacts. This information is required pursuant to Sections 15120 through 15132 of the State CEQA Guidelines. In cases where a project would have potentially significant environmental impacts, CEQA expressly grants lead agencies the authority to either approve or disapprove such projects and so, does not usurp local land use decision-making discretion. Section 15042 of the CEQA Guidelines provides that “A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” However, Section 15043 of the CEQA Guidelines states that “A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision...”

2.1.2 Incorporation by Reference

As permitted by Section 15150 of the CEQA Guidelines, this Draft EIR has referenced several technical studies, analyses, and reports. Information from the documents that has been incorporated by reference has been briefly summarized in the appropriate section(s) that follow and the relationship between the incorporated part of the referenced document and the Draft EIR has been described. The documents and other sources, which have been used in the preparation of this Draft EIR, are identified in Chapter 13.0 (Bibliography). In accordance with Section 15150(b) of the State CEQA Guidelines, the location where the public may obtain and review these referenced documents and other sources used in the preparation of the Draft EIR is also identified in Chapter 15.0. Several Elements of the Dana Point General Plan have been used extensively in the preparation of the Draft EIR. Where appropriate and necessary, one or more of those elements have been incorporated by reference as permitted by CEQA and the State CEQA Guidelines. The entire text of the City’s General Plan is available for review on the City’s website at <http://www.danapoint.org/index.aspx?page=53>. In addition, environmental analysis contained in the Final EIR prepared for the General Plan Update has also been incorporated into this Draft EIR. The information and analysis incorporated by reference have been summarized in the appropriate sections of this document.

2.1.3 Intended Uses of the Draft EIR

Pursuant to the requirements of CEQA, the Draft EIR is intended to provide information regarding the environmental consequences of, mitigation measures for, and alternatives, to the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project and related entitlements. It is also meant to facilitate discussions with other agencies regarding implementation of mitigation measures. CEQA is specific about providing disclosure where “the EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action ... ” (Guidelines Section 15300 [d]). CEQA also requires consideration of the whole or entirety of an action or project. With these guiding principles in mind, the intended uses of this EIR are to:

- Inform the decision-makers, public, and agencies about the project;
- Analyze the environmental impacts of the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project;
- Provide notice to Responsible/Trustee Agencies regarding required permits;
- Incorporate analysis related to the requirements of these laws to allow responsible agencies to make findings pursuant to this EIR.

Although this Draft EIR will also be necessarily specific in the depth of analysis (i.e., project-level analysis), this document, along with the supporting existing setting, General Plan and related long-range planning documents, provides environmental documentation for the implementation of each of the improvements proposed by the City for the project.

A discretionary approval is an action taken by a government agency that calls for the exercise of judgment in deciding whether to approve or how to carry out a project. For this project, the government agency is the City of Dana Point. To approve and implement the proposed project, the following specific discretionary approvals:

- Coastal Development Permit

In accordance with Section 15161 of the State CEQA Guidelines, this document is intended to serve as a “project” EIR that examines the environmental impacts of the specific development project. In this case, several discretionary actions are requested to implement the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement project. The analysis contained in this document will focus on the changes in the environment that will result from the development of the proposed improvements identified by the applicant, the City of Dana Point.

This EIR will be used in the review of the proposed improvements and the adoption of and approval of any of the following project implementation activities that may be necessary:

- Approval of improvement plans and other related permits; and
- Issuance of permits and other approvals necessary for implementation of the proposed project including any Resource Agency permits.

2.1.4 Related Approvals

This EIR may be used by the following public agencies in the adoption of the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project (refer to Table 2-1);

- Dana Point Planning Commission;
- Dana Point City Council;
- Departments of the City of Dana Point that must approve implementation activities undertaken in accordance with the subsequent related discretionary actions;
- California Regional Water Quality Control Board (San Diego Region);
- South Coast Air Quality Management District (SCAQMD)
- All other public agencies that may approve implementation activities undertaken in accordance with the requested entitlements.

2.1.5 Agencies Having Jurisdiction

The principal agency having jurisdiction over the proposed project is the City of Dana Point because the project area is located in the City. Nonetheless, the proposed project includes a series of possible actions over which a number of agencies may have authority. Table 2-1 lists potential state, regional, and local approvals that may occur during the course of implementation of the proposed project and identifies the agencies with potential jurisdiction over these permits and/or approvals.

Table 2-1

**List of Potential Responsible Agencies/Project Approvals
 Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project**

Agency	Permit/Approval
Local Agencies	
City of Dana Point	Coastal Development Permit
State Agencies	
Santa Ana Regional Water Quality Control Board	National Pollution Discharge Elimination System (NPDES) Storm Water Permit NPDES Construction Permit Section 401 Certification

2.1.6 Notice of Preparation/Scoping Meeting

The City of Dana Point has complied with Sections 15063 and 15082 of the CEQA Guidelines by preparing and issuing a Notice of Preparation of a Draft EIR. The City distributed a Notice of Preparation (NOP) of an EIR and an Initial Study (IS) for Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project on April 19, 2010 for a 30-day review period. The NOP was distributed to the State Clearinghouse Office of Planning and Research, public agencies, utility and service providers, Orange County Clerk, and adjacent jurisdictions interested parties in the project area. Copies of the NOP and the distribution list are provided in Appendix A of this EIR.

The City received four (4) written responses to the NOP (refer to Appendix B). Table 2-2 summarizes those responses and indicates where in the Draft EIR each environmental issue raised in these comment letters is located. The initial study responses and NOP comments as well as the Scoping Meeting comments were used to establish the scope of the issues addressed in this Draft EIR. Appendix B contains a copy of the NOP comment letters that were received during each NOP comment period.

Table 2-2

**Summary of NOP Comments
 Pacific Coast Highway/Del Obispo Street Phase I Street Improvement Project**

Agency/Organization/Individual	Summary of Comment(s)	Section in Draft EIR Where Issue is Evaluated
California Department Transportation	No comments. Keep Caltrans informed as to the status of the project	N/A
Orange County Transportation Authority	OCTA will work with the City of Dana Point to maintain the integrity of the Master Plan of Arterial Highways.	N/A
Southern California Gas Company	Gas service can be provided to the project from existing gas mains in the project environs.	N/A
South Coast Air Quality Management District	Requirements for the preparation of an air quality analysis in accordance with SCAQMD methodology. EIR must evaluate all phases of the proposed project. Include mitigation measures where significant impacts are identified.	Section 4.3

In addition, the City held a Scoping Meeting on May 3, 2010 pursuant to Section 15083 of the State CEQA Guidelines, which was at the Community House located at 24642 San Juan Street in Dana Point. No comments were received as a result of that Scoping Meeting.

2.1.8 Availability of the Draft EIR

The Draft EIR has been distributed directly to numerous public agencies and to interested organizations for review and comment. The Draft EIR and all related technical studies are also available for review on-line at: danapoint.org. The Draft EIR and related documents may also be reviewed on-line at the Dana Point Branch of the Orange County Public Library located at the corner of PCH and Niguel Road in the City of Dana Point. Copies of the Draft EIR may be secured from any copying business with the ability to download the Draft EIR from the City's website. A public review copy of the Draft EIR is also maintained at the Public Works Department counter in City Hall located at 33282 Golden Lantern in the City of Dana Point.

Agencies, organizations and individuals are invited to comment on the information presented in the Draft EIR during the 45-day public review period. Specifically, comments are requested on the scope and adequacy of the environmental analysis. Commenters may also provide or identify additional environmental information that they think is germane to the analysis of the project. Following the public review period, a response to all CEQA-related environmental issues that are raised in the comments will be prepared and compiled into a Final EIR. The Final EIR will be considered by the City of Dana Point for certification.

2.1.9 Opportunities for Public Input and the EIR Process

Written comments on the Draft EIR will be addressed in the Responses to Comments section of the Final EIR for consideration by the City's decision-making body. The Responses to Comments Appendix will be available for public review at the City of Dana Point Public Works Department located at 33282 Golden Lantern in the City of Dana Point.

2.1.10 Certification of the EIR

After the circulation of the Draft EIR, the City of Dana Point will prepare responses to all written comments received on the environmental analysis presented in that document and will prepare the Final EIR. The Final EIR will consist of the Draft EIR, revised as appropriate based on comments received during the public comment period, the EIR Appendices and the Responses to Comments Appendix.

The Dana Point Planning Commission will review the EIR regarding certification of the Final EIR.

2.2 Methodology

2.2.1 Existing Conditions

This introductory section describes the existing environmental conditions related to each issue analyzed in the Draft EIR. In accordance with Section 15125 of the State CEQA Guidelines, both the local and regional settings are discussed as they exist prior to implementation of the Proposed Project.

2.2.2 Impact Significance Criteria

Section 15126 of the CEQA Guidelines requires that an EIR "identify and focus on the significant environmental effects" of a proposed project. "Effects" and "impacts" mean the same under CEQA and are used interchangeably within this Draft EIR. A "significant effect" or "significant impact" on the environment means *"a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project"* (Section 15382 of the CEQA Guidelines).

In determining whether an impact is "significant" within CEQA's definition, emphasis has been given to the basic policies of CEQA with respect to a particular subject matter, as well as to specific criteria for significance found in the CEQA Guidelines (refer to Appendix G to the CEQA Guidelines). An effort has been made to avoid overly subjective significance criteria that are not based in specific CEQA policies and/or generally accepted thresholds upon which significance can be determined. For each subject area addressed within this Draft EIR, significance criteria are identified that have been applied in analyzing the potential effects of the Proposed Project.

2.2.3 Standard Conditions and Uniform Codes

The Proposed Project will incorporate, where necessary or required, standard conditions and uniform codes as required by the City and/or other responsible agencies. For analytical purposes, compliance with these regulatory requirements is not considered mitigation. Where an otherwise significant impact is avoided, in whole or in part, due to the application of standard regulatory requirements or project features, the text will note that an issue of environmental concern exists and that it is addressed by a standard regulatory requirement. The requirement has been identified and the manner in which it addresses the environmental issue is also identified. This precludes the use of mitigation measures that are mere

repetitions of common practice, City planning/approval procedures, or laws that are applicable to the Proposed Project.

2.2.4 Impact Analysis

The impact analysis presented in the Draft EIR identifies specific project-related impacts. As described above, the significance criteria provide the basis for distinguishing between impacts that are determined to be significant (i.e., impact exceeds the threshold of significance) and those that are less than significant. The existing environmental setting (i.e., existing conditions) is the basis for documenting the nature and extent of impacts anticipated to result from project implementation. Potential impacts presented in the Draft EIR will be based on a "worst case analysis," which assumes future development within the subject property based on a maximum buildout of the site proposed by the project applicant as presented in Chapter 3.0 (Project Description).

In assessing the impacts of the Proposed Project and the various CEQA alternatives, the City of Dana Point has conducted the following analysis:

"Potential effects" of the project have been identified. Initially, these potential effects are identified on a cursory level. No determination is made that they truly are "significant," "adverse," or "substantial." This process merely identifies issues and impacts, which, on a cursory level, may seem possible. "Potential effects" include issues identified in the initial study/environmental assessment as well as those raised by the public, the landowners, the City, and other public agencies.

With respect to each potential effect, an analysis has been conducted to determine if, in fact:

- The project produces the identified "effect"; and
- The effect produces a substantial, or potentially substantial, change in the physical conditions within the area affected by the project (i.e., "significant"); and
- The changed conditions are "adverse."

Where the investigation of a potential effect concludes the effect is too speculative for evaluation, that conclusion is noted and the discussion of that effect is ended. Where the investigation demonstrates a potential effect does or may (without undue speculation) occur, but is beneficial, that conclusion is noted. Where the investigation demonstrates a potential effect is not significant or not adverse, that conclusion is noted.

2.2.5 Mitigation Measures

Where the analysis described in Section 2.2.4 above demonstrates that a potential effect does or may (without undue speculation) occur and is found to have a substantial or potentially substantial **and** adverse impact on physical conditions within the area affected by the project, that conclusion is noted and:

- Mitigation measures are provided which will minimize or avoid the significant effects and, in most cases, reduce them to less than significant levels; and/or
- Where feasible mitigation measures are not identified which can reduce or avoid the significant effect(s) to less than significant levels, the significant effect will be identified as one that will result in "significant unavoidable adverse impacts".

2.2.6 Unavoidable Significant Impacts

Unavoidable significant adverse impacts (i.e., those effects that either cannot be mitigated or they remain significant even after mitigation) will be identified in this section the Draft EIR if the mitigation measures prescribed cannot reduce the significant impacts to a less than significant level (or the mitigation measures are infeasible, or their implementation cannot be guaranteed because they are the responsibility of another public agency). Prior to approval of the Proposed Project, should there remain any unavoidable significant impacts, the City of Dana Point will be required to adopt a Statement of Overriding Considerations that identifies and describes the public benefit(s) associated with project implementation.

2.3 Format of the Draft EIR

As noted above, this EIR focuses on the analysis of those environmental parameters that may experience significant adverse impacts as a result of the proposed Pacific Coast Highway/Del Obispo Street Phase I Street Improvement Project. This analysis is documented in this Draft EIR as follows:

Section 1.0 – Executive Summary. This section includes the executive summary, which summarizes the proposed project and the project alternatives. In addition, a table is included in this section that summarizes the potential environmental impacts, mitigation measures and level of significance after mitigation.

Section 2.0 – Introduction and Background. This section provides relevant information, context and background on the CEQA process and the proposed project.

Section 3.0 – Project Description. This section includes a brief description of the environmental setting, provides a detailed project description, enumerates the project objectives, and identifies implementation/phasing associated with the proposed project.

Section 4.0 – Environmental Analysis. This section describes the existing conditions, the thresholds of significance, the analytical methodology, the impacts of the proposed projects, mitigation to reduce or avoid any significant adverse impacts, and the level of significance of the impacts after mitigation for the environmental parameters determined in the IS to potentially result in significant adverse impacts.

Section 5.0 – Impacts Determined to be Less than Significant. This section summarizes the environmental impacts found not to be significant based on the analysis provided in the initial study (IS).

Section 6.0 – Significant Unavoidable Adverse Impacts. This section summarizes the potentially significant unavoidable adverse impacts of the proposed project, after mitigation, based on the analysis documented in Section 4.0.

Section 7.0 – Irreversible and Irrecoverable Commitment of Resources. This section addresses the potential for irretrievable and irreversible commitment of resources associated with the proposed project.

Section 8.0 – Growth-Inducing Impacts. This section addresses the potential for growth-inducing impacts associated with the proposed project.

Section 9.0 – Cumulative Impacts. This section addresses the potential for cumulative impacts associated with the proposed project.

Section 10.0 – Alternatives. This section provides a qualitative analysis of the potential environmental impacts associated with the Alternatives to the Project, including the No Project Alternative.

Section 11.0 – Organizations and Persons Consulted. This section lists the City of Dana Point staff and/or departments and other persons/organizations consulted during the preparation of the Draft EIR as well as consultant personnel who were consulted during or responsible for the preparation of this Draft EIR.

Section 12.0 – Bibliography. This section lists the references used in the preparation of this Draft EIR.

Section 13.0 – Glossary of Terms. This section provides a comprehensive glossary of terms and acronyms used in the EIR.

Appendices. The Appendices to this EIR include the NOP, the responses to the NOP and technical reports prepared to analyze the potential impacts of the project alternatives.