



11.2 Notice of Preparation and Comment Letters



NOTICE OF PREPARATION

Date: March 13, 2020

To: Reviewing Agencies and Other Interested Parties

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Doheny Village Zoning District Update Project

Project Applicant: City of Dana Point

Scoping Meeting: March 25, 2020 at 6:00 p.m.

The purpose of this Notice of Preparation (NOP) is to notify potential Responsible Agencies (Agencies) that the Lead Agency, the City of Dana Point, plans to prepare a program-level Environmental Impact Report (EIR) for the proposed Doheny Village Zoning District Update Project (project) and to solicit comments and suggestions regarding (1) the scope and content of the EIR and (2) the environmental issues and alternatives to be addressed in the EIR per the California Environmental Quality Act (CEQA) Guidelines Section 15082. This NOP also provides notice to interested parties, organizations, and individuals of the preparation of the EIR and requests comments on the scope and contents of the environmental document.

The City of Dana Point (City) requests your careful review and consideration of this notice and invites any and all input and comments from interested Agencies, parties, organizations, and individuals regarding the preparation of the EIR. Pursuant to CEQA Guidelines Section 21080.4, Agencies must submit any comments in response to this notice no later than 30 days beginning **March 13, 2020** and ending the close of business on **April 13, 2020**. This NOP is available for view at the City of Dana Point Community Development Department, located at 33282 Golden Lantern, Dana Point, California 92629, and can also be accessed online at:

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

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

Ms. Belinda Ann Deines, Interim Principal Planner
City of Dana Point
Planning Division
33282 Golden Lantern
Dana Point, California 92629
bdeines@danapoint.org
949.248.3570

The City will conduct a public scoping meeting in conjunction with this NOP in order to present the project and the EIR process and to receive public comments and suggestions regarding the scope and content of the environmental document. The meeting will be held on March 25, 2020 at 6:00 p.m. at the Dana Point Community Center, 34052 Del Obispo Street, Dana Point, CA 92629.

Project Location. The City is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles; refer to Exhibit 1, *Regional Vicinity*. 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 (PCH) on the east, PCH on the south, and the Southern California Regional Rail Authority (SCRRA)/Orange County Transportation Authority (OCTA) railroad right-of-way on the west; refer to Exhibit 2, *Site Vicinity*. Regional access to the site is provided via I-5 and PCH. The primary local roadway providing access through the project site is Doheny Park Road.

Environmental Setting. The project site encompasses a mix of residential, commercial, retail, manufacturing, and institutional uses; refer to Exhibit 2. Based on the *Dana Point General Plan* (General Plan) Land Use Map, the project site is designated Community Commercial (CC), Commercial/Residential (C/R), Residential 22-30 DU/AC (RES-22-30), Community Facility (CF), and Recreation/Open Space (R/OS) and is situated within the Coastal Overlay Boundary; refer to Exhibit 3, *Existing General Plan Land Use Map*. Based on the City's Zoning Map, the project site is zoned Community Commercial/Vehicle (CC/V), Community Commercial/Pedestrian (CC/P), Commercial/Residential (C/R), Residential Multiple Family 30 DU/AC (RMF 30), Community Facilities (CF), Recreation (REC), and Open Space (OS), and is situated within the Floodplain Overlay (FP-2); refer to Exhibit 4, *Existing Zoning Map*.

Slightly more than half of the residential area is comprised of the Beachwood Mobile Home Park east of Doheny Park Road. Most of the remaining residential uses are primarily located to the east of Sepulveda Avenue, with a pocket of multi-family housing units located to the south of Domingo Avenue. This portion of the project area consists of a mix of land uses (residential, commercial, and institutional uses). On average, residential densities range from about 12 dwelling units per acre in the mobile home park to about 36 dwelling units per acre elsewhere in the project area.

Institutional uses within the project site are situated to the east of Doheny Park Road and south of Victoria Boulevard. These include private schools and two churches (San Felipe de Jesus Catholic Church and Capo Beach Church). To the east of Sepulveda Avenue is Capistrano Unified School District property, which is currently used for bus maintenance and storage.



Source: Google Maps Pro, 2020

Project Site

NOT TO SCALE

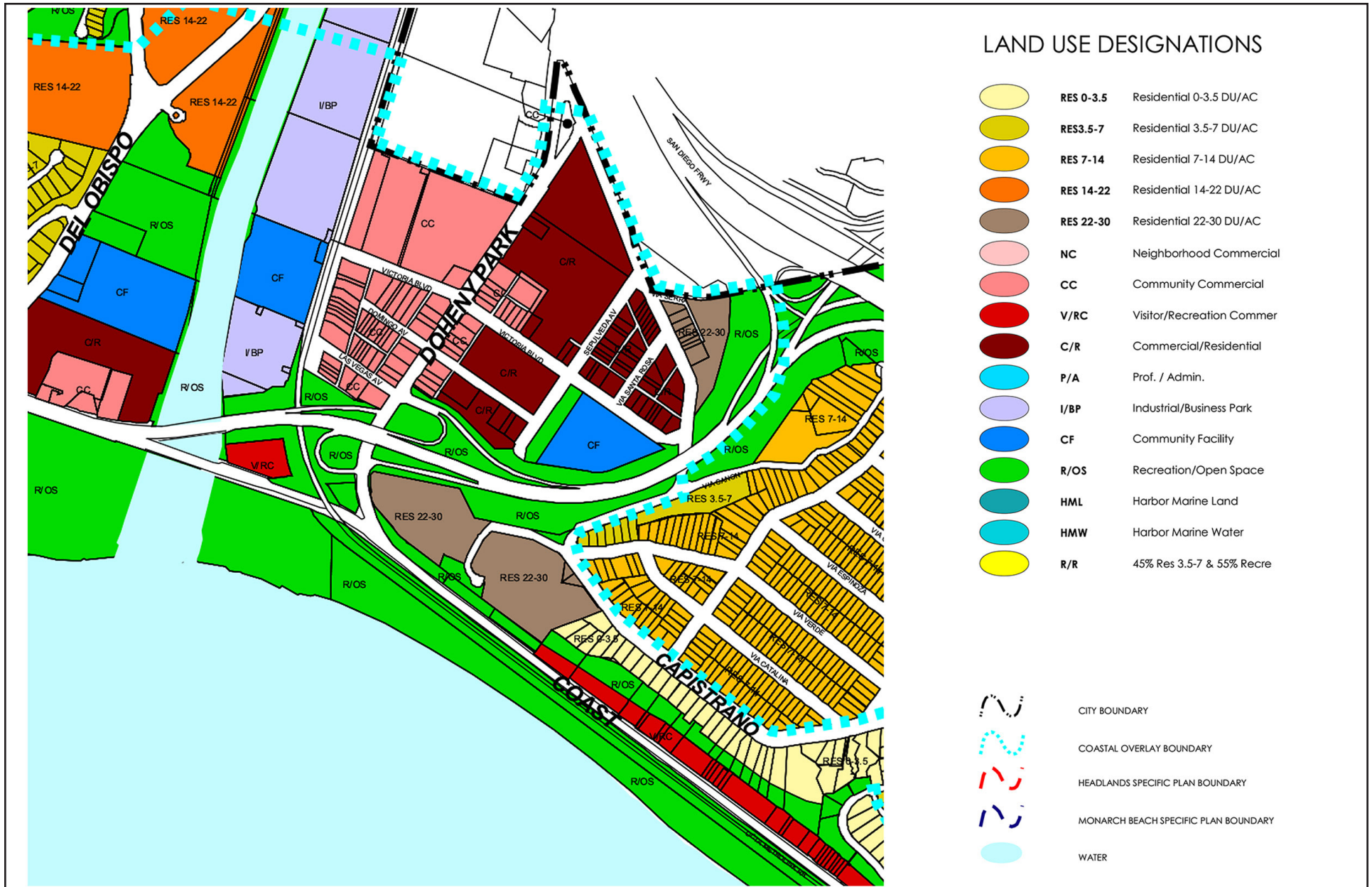
Michael Baker
INTERNATIONAL



03/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
NOTICE OF PREPARATION
Site Vicinity

Exhibit 2



Source: City of Dana Point, 1993.

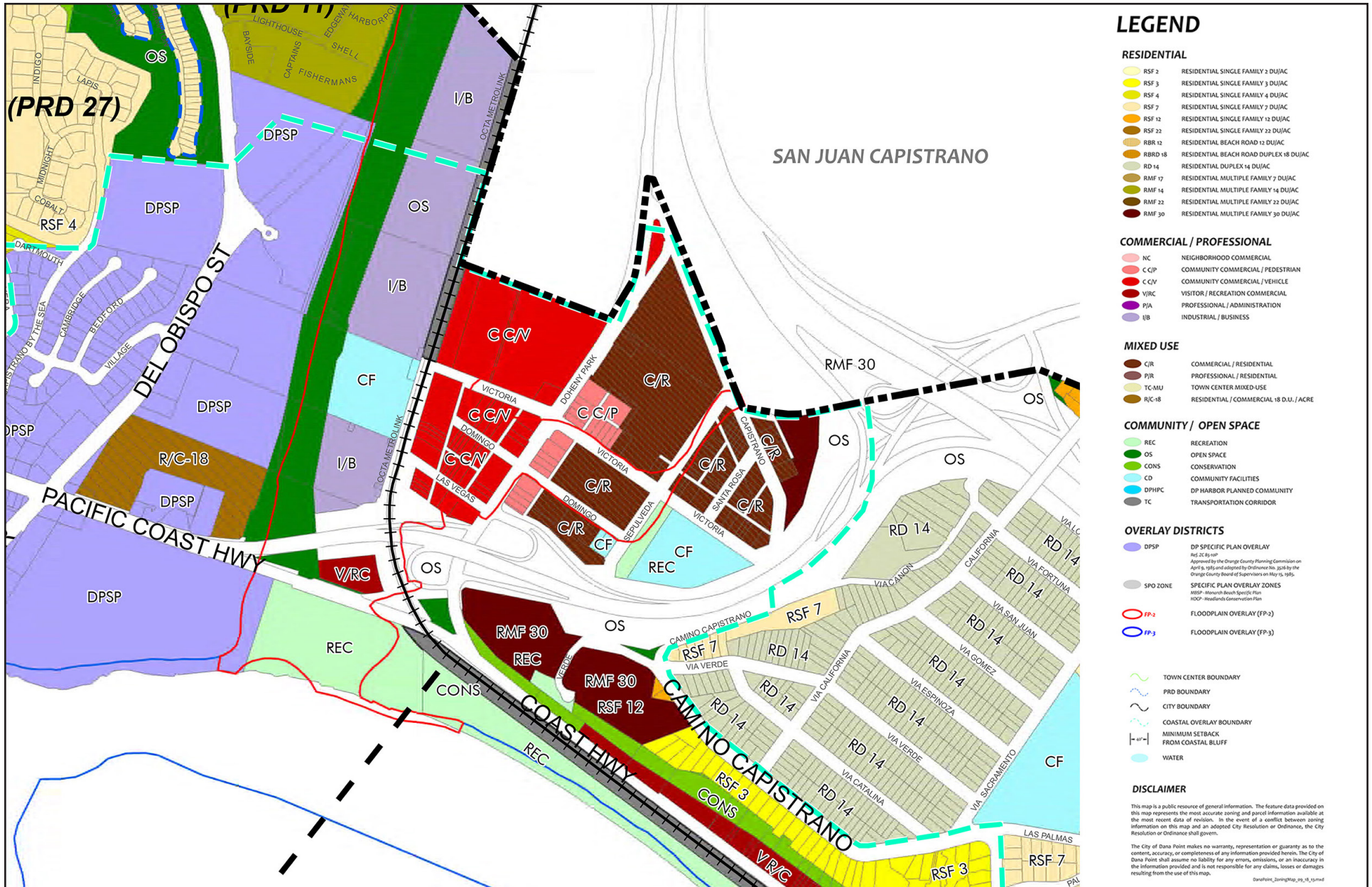
NOT TO SCALE

Michael Baker
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DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
NOTICE OF PREPARATION
Existing General Plan Land Use Map



LEGEND

- RESIDENTIAL**
- RSF 2 RESIDENTIAL SINGLE FAMILY 2 DUJAC
 - RSF 3 RESIDENTIAL SINGLE FAMILY 3 DUJAC
 - RSF 4 RESIDENTIAL SINGLE FAMILY 4 DUJAC
 - RSF 7 RESIDENTIAL SINGLE FAMILY 7 DUJAC
 - RSF 12 RESIDENTIAL SINGLE FAMILY 12 DUJAC
 - RSF 22 RESIDENTIAL SINGLE FAMILY 22 DUJAC
 - RBR 12 RESIDENTIAL BEACH ROAD DUJAC
 - RBRD 18 RESIDENTIAL BEACH ROAD DUPLEX 18 DUJAC
 - RD 14 RESIDENTIAL DUPLEX 14 DUJAC
 - RMF 12 RESIDENTIAL MULTIPLE FAMILY 7 DUJAC
 - RMF 14 RESIDENTIAL MULTIPLE FAMILY 14 DUJAC
 - RMF 22 RESIDENTIAL MULTIPLE FAMILY 22 DUJAC
 - RMF 30 RESIDENTIAL MULTIPLE FAMILY 30 DUJAC

- COMMERCIAL / PROFESSIONAL**
- NC NEIGHBORHOOD COMMERCIAL
 - C/CP COMMUNITY COMMERCIAL / PEDESTRIAN
 - C/CR COMMUNITY COMMERCIAL / VEHICLE
 - V/RC VISITOR / RECREATION COMMERCIAL
 - P/A PROFESSIONAL / ADMINISTRATION
 - I/B INDUSTRIAL / BUSINESS

- MIXED USE**
- C/R COMMERCIAL / RESIDENTIAL
 - P/R PROFESSIONAL / RESIDENTIAL
 - TC-MU TOWN CENTER MIXED-USE
 - R/C-18 RESIDENTIAL / COMMERCIAL 18 D.U. / ACRE

- COMMUNITY / OPEN SPACE**
- REC RECREATION
 - OS OPEN SPACE
 - CONS CONSERVATION
 - CD COMMUNITY FACILITIES
 - DPHC DP HARBOR PLANNED COMMUNITY
 - TC TRANSPORTATION CORRIDOR

- OVERLAY DISTRICTS**
- DPSP DP SPECIFIC PLAN OVERLAY
Ref. ZC 8a 10⁰
 Approved by the Orange County Planning Commission on April 9, 1988 and adopted by Ordinance No. 3048 by the Orange County Board of Supervisors on May 15, 1985.
 - SPO ZONE SPECIFIC PLAN OVERLAY ZONES
MSF - Mixed-Use Specific Plan
 HOCP - Headlands Conservation Plan
 - FP-2 FLOODPLAIN OVERLAY (FP-2)
 - FP-3 FLOODPLAIN OVERLAY (FP-3)

- TOWN CENTER BOUNDARY
- PRD BOUNDARY
- CITY BOUNDARY
- COASTAL OVERLAY BOUNDARY
- MINIMUM SETBACK FROM COASTAL BLUFF
- WATER

DISCLAIMER

This map is a public resource of general information. The feature data provided on this map represents the most accurate zoning and parcel information available at the most recent date of revision. In the event of a conflict between zoning information on this map and an adopted City Resolution or Ordinance, the City Resolution or Ordinance shall govern.

The City of Dana Point makes no warranty, representation or guaranty as to the content, accuracy or completeness of any information provided herein. The City of Dana Point shall assume no liability for any errors, omissions, or an inaccuracy in the information provided and is not responsible for any claims, losses or damages resulting from the use of this map.

Source: City of Dana Point, August 2012.

NOT TO SCALE



03/2020 | JN 150136

DOHENY VILLAGE ZONING DISTRICT UPDATE PROJECT
 NOTICE OF PREPARATION
Existing Zoning Map

Exhibit 4

The Capistrano Plaza Shopping Center, constructed in 1965, is located in the northern portion of the project site on the west side of Doheny Park Road. Currently, the shopping center includes three primary tenants, Smart & Final, Dollar Tree, and Big 5 Sporting Goods, as well as a restaurant (Las Golondrinas), bar (Doheny Saloon), and gas station. The majority of the buildings are set back from the street and separated from Doheny Park Road by a large surface parking lot.

The east side of Doheny Park Road, across from the Capistrano Plaza Shopping Center, is a series of older retail establishments that extend southward along Doheny Park Road. In this block, the uses vary from relatively small-scale stores to fairly large retail outlets, including Mission Glass, Surf Cycle Laundromat, Nikki's Café, Ganahl Lumber, Beach Cities Glass, and Feed Barn. South of Victoria Boulevard is a Sherwin-Williams Paint Store, as well as restaurants, post office, car wash, U-Haul store, and small structures with a mixture of retail and professional services.

Industrial/manufacturing uses, including a number of surfboard manufacturing, automotive repair, metal fabrication, and construction-related businesses, are mostly located to the south of Victoria Boulevard and west of Doheny Park Road.

Approximately seven acres of land adjacent to the SCRRA/OCTA railroad right-of-way is used for storage. These mostly include self-storage units, as well as a large boat storage area that is secured and fenced.

Surrounding land uses include industrial/business park, commercial, community facility, and recreation/open space uses, which are further described as follows:

- North: Commercial uses, including but not limited to Costco Wholesale, Staples, and PetSmart, are located to the north of the project site. Uses to the north are located within the City of San Juan Capistrano.
- East: Industrial uses, including a self-storage facility, and I-5 are located to the east of the project site. Uses to the east are located within the City of San Juan Capistrano.
- South: PCH bounds the project site to the south. Further south of PCH, land uses include residential, recreational (Doheny State Beach), and hotel (Doubletree Hotel) uses.
- West: The SCRRA/OCTA railroad right-of-way bounds the project site to the west. Further west, land uses include light industrial/manufacturing and storage uses as well as the San Juan Creek.

Background and History. The City retained the services of ROMA Design Group in 2011 for the development of a new land use plan (draft 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 plan was completed in 2013; however, due to a variety of reasons, it was not processed for approval.

On July 21, 2015, the City retained Opticos Design, Inc. (Opticos) to further refine the vision plan and develop implementation language to be incorporated into the City's Zoning Code. Opticos refined the plan and developed new zoning designations for Doheny Village utilizing form-based code.

In March 2016, the draft code was informally distributed as part of a NOP for the Doheny Village Plan EIR. A scoping meeting was also held on March 16, 2016 at the Dana Point Community Center. The City received a number of written and verbal comments regarding issues related to parking, nonconforming uses, and development standards. Comprised of long-term business owners, property owners, and City residents, Doheny Village Merchants' Association (DVMA) was formed in late 2016 to address concerns with the proposed plan.

From October 2017 to February 2018, City staff re-initiated a public engagement process to inform, consult, and involve DVMA with a series of monthly meetings that featured interactive presentations and group discussions structured by a citizen partnership model. Meetings focused on challenges and opportunities related to land uses and development standards in the project area, as well as identifying areas of consensus to move forward with the project.

On March 20, 2018, the City Council received an updated report on the Doheny Village Plan and adopted its revised "guiding principles." The City Council directed staff to continue meeting with the DVMA as a working group and prepare a draft zoning code update; prepare a zone text amendment to streamline existing, nonconforming property regulations and provide more flexibility for Doheny Village property owners to invest in updating and improving their properties; prepare a beautification plan; and suspend work on the Doheny Village Plan EIR.

The Doheny Village Working Group (Working Group) consists of select community representatives that have been actively involved in the draft zoning code update process and convened in July 2018 on a monthly basis with City staff. The Working Group developed an action plan and timeline to achieve long-term goals for the zoning code update, zone text amendment, and beautification plan.

On October 2, 2018, the City Council adopted a zoning code update to allow greater flexibility to expand, improve, and maintain existing, nonconforming structures and uses in Doheny Village. The majority of structures were built under County of Orange jurisdiction and are more than 45 years in age. As an incentive to encourage property owners to improve their existing properties in the short-term, the zoning code update removes the requirement for a Conditional Use Permit and allows up to 75 percent demolition of existing structures. These amendments to the *City of Dana Point Local Coastal Plan* have been submitted to the California Coastal Commission for review and approval. Once adopted, these provisions are set to expire on December 31, 2025.

From August 2018 to December 2018, the Working Group developed land use tables and zoning maps. Community members identified three core areas within Doheny Village:

- Mixed Commercial/Residential Main Street: Properties fronting Doheny Park Road;
- Mixed Light Industrial/Commercial: West of Doheny Park Road, behind the alley; and
- Mixed Commercial/Residential: East of Doheny Park Road, behind the alley.

Based on the historical pattern of development, the draft zoning map includes new zoning districts in Doheny Village. Some of the key land use changes include 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.

Project Description. The purpose and intent of the proposed Doheny Village Zoning District Update (from herein referenced as “Update”) is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. The Update provides the following three new zoning districts specific to the project area as illustrated on Exhibit 5, *Doheny Village Zoning District Update*. Note, the southeastern parcels zoned CF and REC would maintain their existing zoning districts.

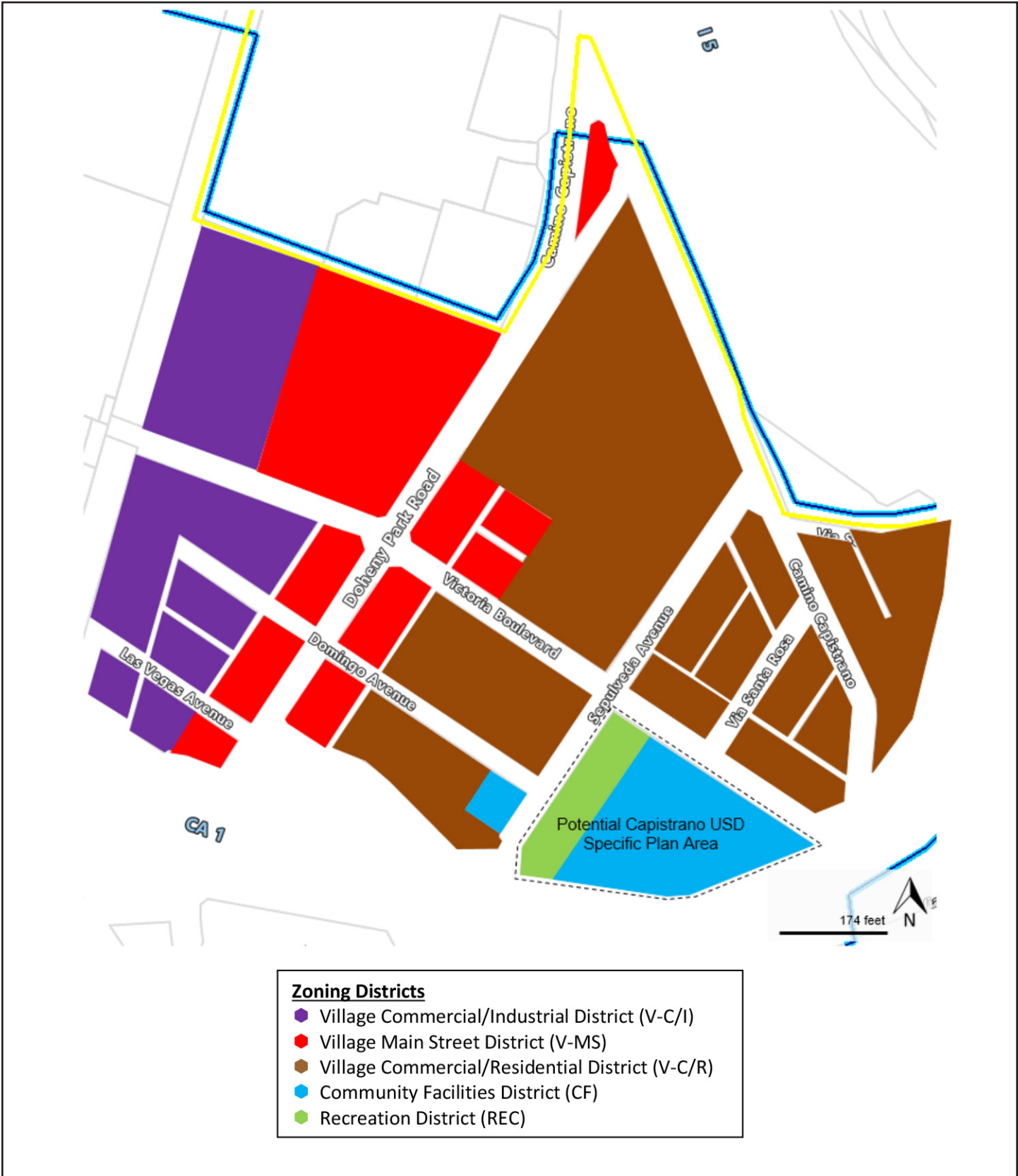
- *Village Commercial/Industrial*. The Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City’s coastal resources, and a stable and vital local economy. Uses include, but are not limited 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 thirty (30) dwelling units per net acre, with the exception of parcels greater than ten (10) acres shall be limited to a maximum density of fifty (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 thirty (30) dwelling units per net acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard shall be limited to a maximum density of ten (10) dwelling units per acre.

As part of the proposed Update, allowed uses, development standards (e.g., lot size, setback, density, open space, landscaping requirements), special development standards (e.g., maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program), and special use standards are also proposed, and would be comprehensively integrated into the *Dana Point Municipal Code* (Municipal Code) as Chapter 9.14, *Doheny Village Districts*.

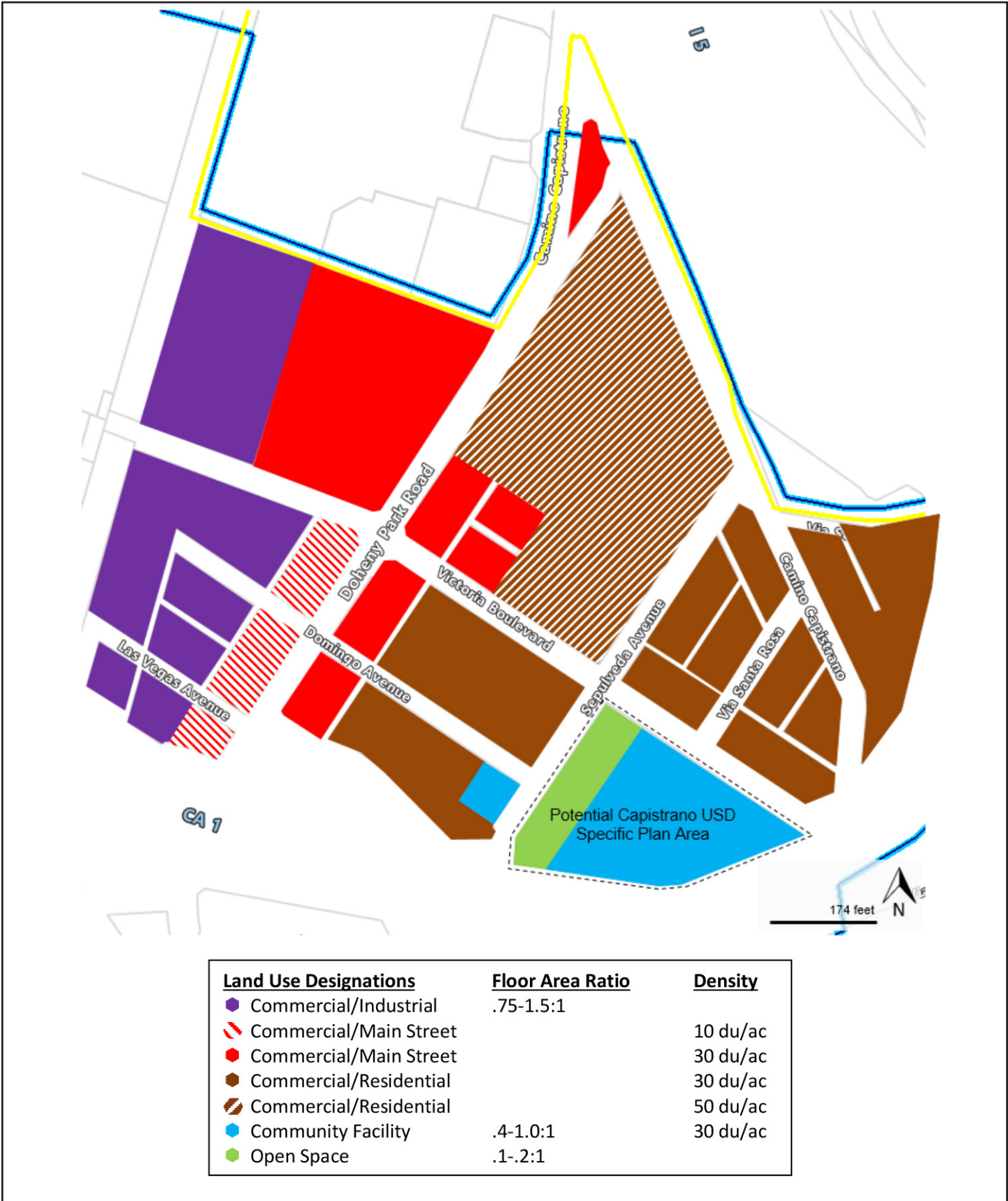
In addition to a Zoning Code Amendment, implementation of the proposed project would require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations, development intensity, and density standards. It is recognized that there is a need for a comprehensive General Plan update, which would include goals, policies, and design guidelines to address the unique issues associated with the Doheny Village area, which would occur as part of a separate process. The proposed land use designations, intensities, and densities are detailed in Exhibit 6, *Doheny Village Land Use Designations*.

A Local Coastal Program Amendment would also be required to reflect the new land use and zoning district classifications.

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- Zoning Districts**
- Village Commercial/Industrial District (V-C/I)
 - Village Main Street District (V-MS)
 - Village Commercial/Residential District (V-C/R)
 - Community Facilities District (CF)
 - Recreation District (REC)



Doheny Village Land Use Designations

Environmental Analysis. Due to the decision to prepare an EIR, an Initial Study was not prepared. This option is permitted under CEQA Guidelines Section 15063(a), which states that if the Lead Agency determines an EIR will be required for a project, the Lead Agency may skip further initial review and begin work on the EIR. The Draft EIR will focus on the following environmental issues:

- Aesthetics;
- Agriculture and Forest Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Transportation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

The Draft EIR will particularly focus on the following topical areas:

Aesthetics. The proposed project could result in visual impacts due to potential view blockage/effects from increased building heights along I-5 connecting to PCH as well as the change in character/quality of Doheny Village. Other impacts that could result include introduced lighting from both interior and exterior lighting sources as well as vehicle headlights.

Agriculture and Forest Resources. The project area is not designated for agricultural production or forest resources. Due to the developed nature of the project site and surrounding area, impacts in this regard are not anticipated. Thus, the Draft EIR will confirm that there is no effect on agricultural and forest resources.

Air Quality. The project may result in air quality impacts due to temporary construction-related emissions, as well as long-term air emissions from project operations associated with daily vehicular traffic, in addition to energy consumption. Short-term construction air quality impacts that may occur include dust generation, construction vehicle emissions, and possible odors. Future development within the project area may result in long-term air quality impacts within the South Coast Air Basin. These issues will be addressed in the Draft EIR, including project consistency with regional air quality planning programs.

Biological Resources. Given the developed nature of the project area and disturbed nature of the project site, no sensitive biological species or habitat is expected to occur on-site. The Draft EIR will confirm that there is no effect on biological resources as well as botanical and aquatic species.

Cultural Resources. Culturally significant resources are known to exist within Doheny Village. The potential exists for future construction activities within the project site to encounter both historic and archaeological resources. The Draft EIR will evaluate the potential impacts on cultural resources.

Energy. Development in accordance with the project could result in increased energy consumption associated with short-term construction activities, long-term operations, buildings, and transportation. The Draft EIR will evaluate whether the project would result in wasteful, inefficient, or unnecessary consumption

of energy. A consistency analysis with State or local plans for renewable energy or energy efficiency will also be conducted.

Geology and Soils. The City and surrounding area are situated within a seismically active region, capable of producing surface rupture, ground motion, liquefaction, or soil settlement of sufficient magnitude to damage buildings or structures during an earthquake. The Draft EIR will evaluate seismicity of the local area, presence of existing fault lines and effect on development, the potential for erosion of site soils, soil stability, and expansive characteristics of project area soils.

Greenhouse Gas Emissions. Future development within the project site could increase greenhouse gas emissions both during construction and operations of site-specific developments. The Draft EIR will analyze short-term construction activities and long-term operations, buildings, and transportation as these activities pertain to greenhouse gas emissions.

Hazards and Hazardous Materials. Existing on-site uses have reported past releases to the environment. The Draft EIR will consider the potential for accidental releases that could occur during development of these properties. Further, future uses within the project site could involve the use/storage/transport of hazardous materials during operations. The Draft EIR will address the potential that a significant hazard to the public may be created or the potential for reasonably foreseeable upset or accident conditions involving the release of hazardous materials during project operations. The Draft EIR will identify whether or not future development within the project site would emit hazardous materials and/or interfere with any emergency response plans. Potential impacts to nearby residents and schools, if applicable, will also be evaluated.

Hydrology and Water Quality. As part of the Draft EIR, existing on-site flooding conditions will be considered as well as the potential that project implementation could place future development and housing within a flood hazard zone or impede or redirect flood flows. Future development would generate pollutants typical of urban development, which may adversely impact receiving waters. The Draft EIR will analyze short-term temporary construction-related effects on hydrology and water quality; long-term project-related water quality; permanent changes to stormwater drainage and/or flooding; project-related impacts to groundwater quantity and quality; and off-site hydrology and water quality impacts.

Land Use and Planning. The proposed project will be evaluated in regard to consistency with the General Plan, Municipal Code, and *Dana Point Local Coastal Program*. The project would require approval of a General Plan Amendment, Zoning Code Amendment, and Local Coastal Program Amendment by the City Council and California Coastal Commission. Potential impacts associated with consistency with these plans/codes as a result of the proposed amendments will be considered. Additionally, the proposed project will be evaluated in regard to consistency with the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy.

Mineral Resources. According to the *Dana Point General Plan* Conservation Element, no known mineral resources are known to occur in the City. The Draft EIR will confirm that there is no effect on the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Noise. Future development within the project site may result in short-term construction noise and long-term changes in noise levels in the area due to traffic volume changes along area roadways. Future project-related on-site stationary activities and off-site mobile noise (from motor vehicles) may adversely affect noise levels to adjacent sensitive receptors within the area. The Draft EIR will describe these potential construction

and operational noise impacts and will compare these impacts to applicable noise thresholds. The Draft EIR will evaluate these potential noise-related issues as well as address the noise/land use compatibility of the proposed project with existing and future expected noise levels.

Population and Housing. The Draft EIR will present existing population, housing, and employment figures for the project site and the projected changes in these variables as a result of project implementation. The population analysis will compare the amount and type of growth anticipated under the proposed project with estimates from the *Dana Point General Plan*, U.S. Census Bureau, California Department of Finance, and other adopted planning documents.

Public Services. Potentially affected agencies such as fire and law enforcement protection, schools, parks, and public libraries will be contacted to confirm relevant existing conditions, project impacts, and recommended mitigation measures. The discussion will focus on the potential alteration of existing facilities, extension, or expansion of new facilities, and the increased demand on services based on the proposed land uses. The Draft EIR will evaluate the ability of the project to receive adequate service based on applicable City standards and, where adequate services are not available, will identify the effects of inadequate service.

Recreation. The Draft EIR will analyze the potential for increased use of or substantial degradation of existing local and regional parks. The Draft EIR will also evaluate potential impacts on construction or expansion of recreational facilities based on the proposed land uses.

Transportation. Potential impacts associated with construction-related traffic, project-related operational traffic on local and regional transportation facilities, internal circulation, parking, and emergency access of the project may occur. Future development associated with the project could propose various on-site and off-site circulation improvements, which may affect access, and/or traffic volumes. The Draft EIR will summarize the results of a Traffic Impact Analysis addressing these issues and will analyze effects on alternative modes of transportation.

Tribal Cultural Resources. Project development has the potential to uncover previously undiscovered tribal cultural resources in the Doheny Village. In accordance with Assembly Bill 52, the City will notify and consult with any tribes requesting consultation regarding the proposed project. The Draft EIR will summarize the results of the AB 52 consultation process and determine potential project impacts on tribal cultural resources.

Utilities and Service Systems. Potentially affected agencies such as water service, wastewater treatment, and solid waste providers will be contacted to confirm relevant existing conditions, project impacts, and recommended mitigation measures. The discussion will focus on the potential development requiring the construction of new facilities, expansion of existing facilities, and the increased demand on services based on the proposed land uses. The Draft EIR will evaluate the ability of the project to receive adequate service based on applicable City standards and, where adequate services are not available, will identify the effects of inadequate service, and recommended mitigation measures.

Wildfire. The project site is not located within a very high fire hazard severity zone as designated by the California Department of Forestry and Fire. The Draft EIR will confirm project development would not exacerbate wildfire conditions in the region.

Cumulative Impacts. Consistent with Section 15130 of the CEQA Guidelines, the Draft EIR will discuss cumulative impacts of the proposed project, addressing each topic covered in the environmental analysis.

Effects Not Found to be Significant. This section will discuss those environmental issues found not to have an impact as a result of the proposed project.

Significant and Unavoidable Environmental Effects. This section will describe any significant and unavoidable impacts on the environment that cannot be avoided or reduced to a less than significant level with the application of mitigation measures.

Growth Inducing Effects. As a required discussion according to CEQA Section 15126.2(d), the Draft EIR will include a discussion of growth inducing effects. The anticipated growth conditions in the project area and parameters for consideration of any secondary impacts from growth will be discussed. The section will evaluate the potential for the proposed project to generate additional growth in the area using standard growth analysis criteria, such as the project's potential to foster economic or population growth or its potential to remove obstacles to population growth through extension of infrastructure.

Project Alternatives. Under CEQA, environmental documentation must include an analysis of a reasonable range of alternatives to the project, including the "No Project" alternative. Each alternative will be contrasted with the proposed project in terms of the extent to which project's objectives are met and a reduction in adverse impacts is achieved. The environmentally superior alternative will be identified.



South Coast Air Quality Management District

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SENT VIA E-MAIL:

April 1, 2020

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Notice of Preparation of a Draft Environmental Impact Report for the Proposed Doheny Village Zoning District Update Project

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the Draft EIR upon its completion and public release. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, for phased projects where there will be an overlap between construction and operational activities, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

Mobile Source Health Risk Assessment

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways and other sources of air pollution such as railroads, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

When specific development is reasonably foreseeable as result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse health risk impacts using its best efforts to find out and a good-faith effort at full disclosure in the CEQA document. Based on a review of aerial photographs and Exhibit 2, *Site Vicinity*, in the Notice of Preparation, South Coast AQMD staff found that the Proposed Project will be located immediately west of Interstate 5. Because of the proximity to the potential source of air pollution, residents at the Proposed Project² would be exposed to diesel particulate matter (DPM) emitted from trucks and vehicles traveling on Interstate 5. Diesel particulate matter has been classified by the state as a toxic air contaminant and a carcinogen. Since future residences at the Proposed Project would be exposed to toxic emissions from the nearby sources of air pollution,

²According to the Project Description in the Notice of Preparation, the Proposed Project would include, among others, construction of 750 residential uses on 27 acres.

South Coast AQMD staff recommends that the Lead Agency conduct a health risk assessment (HRA)³ to disclose the potential health risks in the Draft EIR⁴.

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning⁵ in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. South Coast AQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources such as railroad tracks) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. Guidance⁶ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

If the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)'s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³ South Coast AQMD. "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

⁵ South Coast AQMD. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁶ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

Health Risk Reduction Strategies

As stated above, the Proposed Project is located in proximity to Interstate 5. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters⁷, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Furthermore, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the Draft EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to Interstate 5, the Lead Agency should include the following information in the Draft EIR, at a minimum:

- Disclosure on potential health impacts to prospective residents from living and/or working in proximity to freeways, and the reduced effectiveness of air filtration system when windows are open and when tenants are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing monitoring and maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are replaced on time, if appropriate and feasible;

⁷ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;
- Set up City- or Project-specific criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up City- or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Alternatives

If the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

If the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD’s Public Information Center at (909) 396-2001. Much of the information available through the Public Information Center is also available at South Coast AQMD’s webpage at: <http://www.aqmd.gov>.

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

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

DEPARTMENT OF TRANSPORTATION

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SANTA ANA, CA 92705
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Making Conservation
a California Way of Life.

April 09, 2020

Ms. Belinda Ann Deines
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

File: IGR/CEQA
SCH#: N/A
12-ORA-2020-01356
SR 1 0.797; I-5 6.849

Dear Ms. Deines,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation (NOP) for the Doheny Village Zoning District Update Project. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The project would provide updated guidelines for long-range development for the Doheny Village Plan Area. The Plan Area is bounded by State Route 1 on the South, Interstate 5 on the East, Metrolink Rail on the West, and Stone Hill Drive on the North in the City of Dana Point. The Project affect the following State Facilities: Interstate 5 (I-5), I-405, State Route 1 (SR 1). Caltrans is a responsible agency and has the following comments:

Transportation Planning:

1. Caltrans has provided comment letters for the Doheny Village Connectivity Study that was circulated late last year. Consult the previous Caltrans comment letter for connecting Doheny Village to Doheny State Beach.
2. The NOP states that the City has identified 3 areas three new zoning districts specific to the project area: Village Commercial/Industrial (V-C/I), Village Commercial/Residential (V-C/R), and Village Main Street (V-MS). New developments within all these new growth areas will need to be reviewed by Caltrans to mitigate possible significant impacts on State facilities.
3. As stated in Caltrans' Toward an Active California, the State's Bicycle and Pedestrian Plan, our goal is to triple biking, double walking, and double

transit trips by 2020. Caltrans has developed the following comments to work towards this goal:

- A. Caltrans supports the implementation of the proposed bicycle facilities laid out within the City's Bicycle and Pedestrian Trails Master Plan. Coordinate with Caltrans for bicycle and pedestrian facilities that are located on Caltrans facilities.
 - B. Caltrans supports the project's inclusion of short-term bike parking at multiple locations within the project site. Caltrans recommends that the provided bike parking be installed at least 24" away from walls and other objects (e.g. trash cans, plants, benches, etc.). Bike parking should also be designed to accommodate different types of bikes (e.g. cargo bike, bike with trailer).
 - C. Consider improving Complete Streets infrastructure around the project site and adding appropriate bicycle-, pedestrian-, and transit-oriented safety measures. Caltrans encourages the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.
4. Consider incorporating designated areas/parking for freight delivery and micro-transit loading and unloading zones within new developments.

Traffic Operations:

5. The following State facilities are to be analyzed for impacts and mitigation provided where needed per Caltrans Guide For The Preparation of Traffic Impact Studies:
- A. Freeway Segments (Basic, Weaving, Merge and Diverge)
 - B. Ramp Terminals
 - C. Multi-Lane Highways
 - D. Signalized Intersections
6. Analysis of State Facilities within the influence area of the project is requested. With the given project it is expected that there would be impacts to Doheny Park Road SR 1 on- and offramps and Stonehill Drive I-5 onramp.
- A. The Department is concerned with the additional traffic onto freeway off ramps and the queuing effects onto the mainline and the adverse operational and safety impacts. Therefore, a queuing analysis is requested for all off ramps within the study area.

7. The use of either Synchro or HCS software is preferred. All input sheets, assumptions and volumes on State Facilities should be submitted to Caltrans for review and approval.

Design:

8. All pedestrian facilities within Caltrans ROW (if any) shall be ADA compliant. All roadways within Caltrans ROW shall comply to standards set forth in the Highway Design manual or receive and approved exception.

Permits:

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

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Jude Miranda at (657) 328-6229 or Jude.Miranda@dot.ca.gov.

Sincerely,



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



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Chief Executive Officer

April 13, 2020

Ms. Belinda Ann Deines, Interim Principal Planner
City of Dana Point Planning Division
33282 Golden Lantern
Dana Point, CA 92629

Subject: Notice of Preparation for the Doheny Village Zoning District Update Project

Dear Ms. Deines,

Thank you for providing the Orange County Transportation Authority (OCTA) with a copy of the Notice of Preparation (NOP) for the Doheny Village Zoning District Update Project (Project). The following comment is provided for your consideration:

- Please note that Pacific Coast Highway is part of the Congestion Management Program (CMP) Highway System and should be analyzed as such for any potential traffic impacts. We recommend the City of Dana Point utilize the following CMP guidance: <http://www.octa.net/Projects-and-Programs/Plans-and-Studies/Congestion-Management-Program/Overview/>

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

Sincerely,

Dan Phu
Manager, Environmental Programs



April 10, 2020

Belinda Ann Deines
Interim Principal Planner
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629
Bdeines@danapoint.org

**Subject: Doheny Village Zoning District Update Project (PROJECT)
NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT
REPORT (DEIR) SCH# 2020030428**

Dear Ms. Deines:

The California Department of Fish and Wildlife (CDFW) received a received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from City of Dana Point for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Dana Point (City)

Objective: The objective of the Project is to update the zoning districts in Doheny Village. The three new zoning districts specific to the Project area are: Village Commercial/ Industrial (V-C/I),

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Village Commercial/Residential (V-C/R), and Village Main Street (V-MS). In addition to a Zoning Code Amendment, implementation of the proposed project would require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations, development intensity, and density standards. A Local Coastal Program Amendment would also be required to reflect the new land use and zoning district classifications.

Location: The Project site consists of approximately 80 acres bounded to the north by the City of San Juan Capistrano and Interstate 5 (I-5), to the east by the I-5 offramp to the Pacific Coast Highway (PCH), to the south by PCH, and to the west by the Southern California Regional Rail Authority/Orange County Transportation Authority railroad right-of-way. Further west, land uses include light industrial/manufacturing and storage uses as well as the San Juan Creek.

Biological Setting: The Project area is mostly developed, and landscaping primarily consists of ornamental trees. San Juan Creek, a historic steelhead stream, lies 0.2 mile from the Project area. Special status species with the potential to occur in the region identified using the California Natural Diversity Database (CNDDDB) include: least Bell's vireo (*Vireo bellii pusillus*; federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) listed endangered), coastal California gnatcatcher (*Poliioptila californica californica*; ESA listed threatened, California Species of Special Concern (SSC)), and coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; SSC).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Dana Point in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Vegetation Removal

COMMENT #1:

Issue: It is unclear from the NOP if development resulting from the zoning district updates will include vegetation removal. Although existing vegetation consists primarily of ornamental trees and landscaping, the Project site is near to the San Juan Creek and several special status species have the potential to occur within/adjacent to the Project site. Special status species with the potential to occur in the region include least Bell's vireo, coastal California gnatcatcher, and coastal cactus wren. Existing vegetation may provide nesting or foraging habitat for these special status avian species, as well as migratory birds. In consideration of the Project's proximity to the San Juan Creek and potential to impact nesting birds, the following measures should be implemented to minimize significant impacts to biological resources.

To minimize significant impacts: The DEIR should detail any impacts to vegetation or open space areas, focusing on minimizing impacts to biological resources.

1. CDFW considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Consequently, if any associated Project, Project construction, or any Project-related activity during the life of the

Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subds. (b), (c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless a project's CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation, monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals in the CEQA document should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

2. In order to avoid impacts to nesting birds, the EIR should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

3. CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

4. The EIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

II. Hydrological Impacts

COMMENT #2:

Issue: The Project area is approximately 0.2 mile from San Juan Creek and 0.25 mile from the Pacific coast. Ground-disturbing activities related to any element of the Project could impact storm water quality, thus impacting surrounding hydrology.

To minimize significant impacts: The DEIR should analyze the efficacy of Low Impact Development (LID) options, including the use of pervious surfaces (crushed aggregate, turf block, unit pavers, pervious concrete and asphalt) as alternatives to impervious surfaces; and, structure roof spouts emptying over pervious surfaces. If it is anticipated that runoff cannot be dispersed through LIDs, the DEIR should consider directing runoff to facilities designed to detain and treat runoff, such as detention or bioretention basins. Storm water impacts should be explored throughout the project footprint as well as off-site native habitat.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

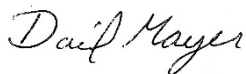
If the proposed Project would have an impact on fish and/or wildlife, assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR to assist the City of Dana Point in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessie Lane, Environmental Scientist at (858) 636-3159 or Jessie.Lane@wildlife.ca.gov.

Sincerely,



David A. Mayer
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

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April 13, 2020

Ms. Belinda Ann Deines
Interim Principal Planner
City of Dana Point
Planning Division
33282 Golden Lantern
Dana Point, CA 92629

RE: Comments on Notice of Preparation for the Doheny Village Zoning District Update Project

Dear Ms. Deines:

Thank you for the opportunity to review the Notice of Preparation (NOP) of a program-level Environmental Impact Report (EIR) for the proposed Doheny Village Zoning District Update Project (project). It is our understanding that the project purpose and intent is to amend the City's Zoning Code allowed uses (e.g. lot size, setback, density, open space, landscaping requirements), special development standards (e.g. maximum density, accessory uses and structures, parking requirements, sign programs, and art-in-public-places program), and special use standards. Additionally, the project proposes to amend the City's General Plan to reflect the new zoning district classification via appropriate land use designations, development intensity, and density standards. A Local Coastal Program Amendment would also be required to reflect the new land use and zoning district classifications.

Please accept the following comments:

- **Scoping Meeting:** The community scoping meeting identified within the NOP indicates a date of March 25, 2020. The City's webpage indicates the scoping meeting was cancelled. Please provide notice to the City of San Juan Capistrano at least two weeks prior to the rescheduled scoping meeting date. Because the rescheduled scoping meeting will likely occur outside of the NOP review period, we request that the City of Dana Point allow for the submittal of additional comments, if necessary.
- **Staff meeting:** In the spirit of cooperation, we believe it would be helpful for staff members from both cities to meet prior to the Draft EIR release to ensure we have a sound understanding of the proposed project.
- **Transportation:** The City of San Juan Capistrano notes that the City of Dana Point intends to evaluate potential impacts associated with the proposed project's construction and operational related traffic in a Traffic Impact Analysis. Consistent with SB 743, the preparation and analysis of Vehicle Miles Travelled (VMT) should be evaluated. In accordance with the City of Dana Point General Plan, Circulation Element, in order to evaluate the ability of the circulation system to serve future uses contemplated by the proposed project, the City of Dana Point will need to

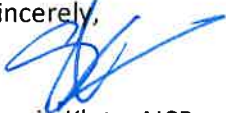
analyze impacts associated with level of service (LOS). To that end, the City of San Juan Capistrano requests that the City of Dana Point include the following intersections and roadway segments, which are within the project area, within the Traffic Impact Analysis:

- Intersections:
 - Camino Capistrano/Costco Driveway
 - Camino Capistrano/Stonehill Drive
 - Camino Capistrano/I-5 South Ramps
 - Stonehill Drive/Ganahl Development Project Proposed Driveway
- Roadway Segments:
 - Camino Capistrano – Costco Driveway to Stonehill Drive
 - Camino Capistrano – Stonehill Drive to I-5 South Ramps
 - Stonehill Drive -Camino Capistrano to Del Obispo Street
- Aesthetics: The NOP acknowledges *potential visual impacts with the proposed project due to blockage/effects from increased building heights along I-5 connecting to PCH as well as the change in character/quality of Doheny Village*. Potential visual impacts may also include blocked visibility to a high economic commercial node along the southern edge of San Juan Capistrano. The aesthetics analysis should include an evaluation of visual impacts to this important commercial node as a result of the changes in heights and densities proposed by the project. Moreover, to the extent that the proposed project would increase heights and densities of development along this commercial corridor, and because the view of the commercial node along the southern edge of San Juan Capistrano may be blocked entirely, the City of Dana Point should consider the economic impacts that the proposed project could have on the City of San Juan Capistrano. (State CEQA Guidelines, section 15131.).
- Land Use and Planning: Land use impacts should be fully analyzed. Analysis should include potential impacts from introducing residential uses near or adjacent to existing commercial nodes, specifically those located within the City of San Juan Capistrano’s southern boundary. Additionally, analysis should include future potential build out and other allowable uses within the commercial node.
- Noise: Study and analysis to include potential impacts from introducing residential uses near or adjacent to existing commercial nodes. Measures may be needed to attenuate noise sources emitted from existing commercial uses.

Again, we appreciate the opportunity to review the NOP, and look forward to working with the City of Dana Point as this study effort moves forward. Please keep us informed of any future environmental documents and meetings related to the Project.

Thank you for consideration of the City’s input.

Sincerely,



Sergio Klotz, AICP
Assistant Development Services Director

From: Joyce Perry <kaamalam@gmail.com>
Sent: Monday, April 20, 2020 11:31 AM
To: Belinda Deines
Subject: RE: NOP of Draft EIR for Doheny Village Zoning District Update Project

Good Morning Ms. Deines,

I am writing on behalf of the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes in response to your March 13th Notice of Preparation of a DEIR for the Doheny Village Zoning District Update Project.

First, I want to request to consult on the project, to be notified when the DEIR becomes available, and to be kept updated as the project progresses.

Because this project is situated in an extremely sensitive area, in the core of our ancestral territory, we request that the EIR includes mitigation measures that require the presence of native and archaeo monitors during all ground disturbing activities. Additionally, we request that it include a treatment plan for the inadvertent discovery of any cultural resources.

Thank you, and I look forward to reviewing the DEIR when it becomes available.

Húu'uni 'óomaqati yáamaqati.
Teach peace
Joyce Stanfield Perry
Payomkawichum Kaamalam - President
Juaneño Band of Mission Indians, Acjachemen Nation
Tribal Manager, Cultural Resource Director

From: Keith Johannes <kjohannes1@cox.net>
Sent: Tuesday, May 19, 2020 10:50 PM
To: Belinda Deines
Subject: Comments for Doheny Village EIR

Belinda,

As Chair of the Dana Point Historical Society(DPHS), Preservation Committee, I am responding to the Notice of Preparation of the EIR, reissued May 7, 2020, by the City of Dana Point. These comments are for the for the proposed Doheny Village Zoning District Update Project. With regard to the Scope and Content of the EIR review, please review the historic nature of the main roadway through this project. This is one of the most historic roadways in local and California history. Going back more than 250 years, this roadway was the route of the Portola Expedition and therefore becoming the historic El Camino Real used during the mission period and celebrated as El Camino Real, with the signature bells as California began developing highways as cars became the mode of transportation. Next, as highways developed and improved, it became the historic US 101 and the mid-point between Los Angeles and San Diego, with businesses developing in this community, responding to the motorists needs and comforts. Any development in this area must be concerned with honoring this history. A Dana Point Park a short distance from here has a monument to PCH and California Highway 1. The history of this roadway must also be acknowledged and highlighted, as we believe it is possibly more significant and important to our city's history. Was there one of the El Camino Real iconic bells here? In summary, tall buildings, 50 foot high anywhere along this roadway is not only unacceptable, it would ruin the historic character of this historic roadway. What would be the historic building height? There are already some examples in the area.

Another point, nearby is another part of the same linear park, honoring watermen (and women) legends. Some of the activities and work that made some of these individuals legends, took place in Doheny Village. These sites, connecting to these Dana Point treasures, need to be identified, evaluated, acknowledged and honored in the places they made their contributions. We cannot lose this history.

The DPHS also recommends that the City of Dana Point connect with the Main Street America and the California Main Street programs to get the best practices and research that show how historic preservation leads to better, and faster economic development. The California Preservation Foundation conference, just had a session that released that data.

Thank you for your consideration!

Keith Johannes-Chair Preservation
Dana Point Historical Society

DOHENY VILLAGE ZONING DISTRICT

ENVIRONMENTAL AND OTHER ISSUES OF CONCERN

Toni Nelson, Capo Cares

I commend the hard work undertaken by City Staff and the Doheny Village Working Group and have a number of comments that I'm hopeful you will consider before the Plan is completed and submitted to the Coastal Commission.

Guiding Principle: The draft Doheny Village District Overlay states that the intent and purpose of the rezoning is *"to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in the area."* While Capo Beach residents have long lobbied for a revitalization of Doheny Village, we recognize that any rezoning must be sensitive to the "soul" of this special part of our community. It is vital that the large, tall buildings allowed by the new development do not obliterate what has always been, at heart, a "village".

Village Name: While I understand the interest in renaming this area "Capistrano Beach Village" in recognition of the fact that it is a very important part of Capistrano Beach, 92624, I'm hoping the "Doheny Village" name can be preserved. "Doheny Village" harkens back to our historic roots and the importance of Ned Doheny who first developed Capistrano Beach. "Doheny Beach", our famous "Doheny Park Road", our beautiful 1920's historic homes, and many long time Village businesses proudly bear this name. I hope it sticks.

Historic/Cultural Preservation: Doheny Village is a very special area – one that has an important significance as the site of the historic El Camino Real, early Highway 101, and the 1890s railroad stop on Victoria Street, marked as "San Juan" back when we were known as "San Juan by the Sea." The village has great significance to Dana Point's surfing heritage and is still home to famous surfing icons, metal and other industrial workers and talented artists and designers.

I would love to see a Historic Preservation guideline incorporated into the Plan. Can historic facades be incorporated into new buildings, or at a minimum, can historic plaques and photos acknowledge the significance of certain sites? Can guidelines or preference be given to developments that will honor the area's history and culture so that we don't lose these important elements in sanitized, modern structures that don't fit the flavor or sense of a "village"?

I'd also love to see the City or developers embrace the Historic Fence Concept for Victoria Blvd. along the border of Capo Beach Church. This concept, which will depict important milestones in the area's history, was developed through a coalition of community members and local artist and graphic designer Tom Clark. It was approved by the Arts and Culture Commission and the Dana Point Historical Society, which donated \$5,000 toward the project.

Environmental/Aesthetic Concerns: While the District Overlay makes sense in terms of preserving the commercial, residential and main street interests of Doheny Village, I am concerned that the building heights and densities (if the area is developed to maximum standards) could have environmental and aesthetic issues including:

1. Tall buildings potentially blocking light and views of existing residential and commercial structures.
2. Although the zoning requires minimal landscaping, the City has no funding for beautifully landscaped medians which would significantly improve aesthetics in Doheny Village. Perhaps this can be incorporated and funded by large developers. Prolific trees and landscaping will be better for the environment and considerably soften the look of large, tall buildings.
3. Traffic from large residential development in the Village may have negative impacts on existing uses like existing churches and residences. Palisades residents have some concern that traffic back ups along Doheny Park Road could result in people seeking alternate routes up Via Canon or Camino Capistrano.
4. Building heights, in particular the 50 foot heights throughout the area now occupied by Beachwood create a significant bulky presence. The Gehry buildings are unique historic buildings that could be carved out with special zoning. There is a big aesthetic difference between a couple of unique and architecturally significant buildings and a large mass of 50 foot structures over several acres. Reduced building heights and more landscaping in these areas will fit so much better with the “village” character we’re trying to preserve.
5. Entrances from all sides of the Village are vital as they set the stage for what lies within the Village area:
 - a. Cal-trans should be lobbied to improve the Stonehill/Doheny Park Road freeway entrance one of the ugliest freeway entrances in SoCal);
 - b. San Juan Capistrano should be asked to improve the two sad-looking medians that are in their jurisdiction but are effectively the “entrance” to Doheny Village; and
 - c. The entrance from PCH, into Dana Point and connectivity with Doheny State Beach are paramount and must be improved and aesthetically enhanced.
6. The possibility of conflicts and coordination challenges with the proposed SCWD desalination plant must be considered.
7. Steps should be taken to alleviate possible noise concerns, bearing in mind the competing interests of residents, shoppers and workers. Landscaping, sound walls and

other mitigations should be incorporated into the plan wherever necessary to preserve, in particular, the quality of life of current and future Village residents.

It is exciting to see Doheny Village on the road to revitalization at last. I look forward to the changes that will significantly modernize and enhance this area while preserving its importance as a vital part of Capistrano Beach and the larger city of Dana Point.

From: Doug Lowe [mailto:douglowe2010@gmail.com]
Sent: Wednesday, May 20, 2020 3:48 PM
To: Belinda Deines
Cc: aaron@beachcitiesglass.com; Barry Burnett; rlaw1@mac.com
Subject: Re EIR for Doheny Village

Dear Belinda, Thank you for your email. Your attention to detail is impeccable, and very much appreciated.

My concern for the environment is paramount. Based on what I remember about the extensive study of the area that the City paid about \$900K for years ago, I believe the one item that will impact the environment most significantly is vehicle traffic through the valley. From the presentation of the study, and from my personal experience of using the same size traffic circle in SJC at Valley Road & La Novia, I support the recommendation from the study that includes, among other ideas, a traffic circle at the intersection of Victoria Blvd. and Doheny Park Road.

I am acutely aware that my opinion on this is shared by only a small minority of stakeholders, but historically that has always been the case in the discussion of environment vs development. So this letter is intended to change that paradigm; from one of "What's the least we can do to **maintain** the environment" to an approach that asks the question: "What is the best possible thing we can do to **improve** the environment" so that fifty years from now we will be best served by our investment. Obviously it will be more expensive to improve the environment vs maintaining the status quo. Besides the additional money we will spend, we, as a society, will have to adapt to new ways. Slowing down is one of the things we must do. IMHO.

According to our study, from the best of my memory: A single lane traffic circle;
1) Allows the same amount of traffic to transverse the valley that the existing two lanes now carry, in about the same amount of time.

- 2) Reduces average speed to 20 mph vs 45 mph now. This will;
- A) Reduce accident rates and severity
 - B) Reduce noise pollution.
 - C) Reduce fuel consumption.
 - D) Reduce air pollution from brake and tire dust.
 - e) Reduce air pollution from fuel consumption.

I believe these are exactly the mandates required when the Environmental Protection Act was created, the very reason the EIR is required when development is considered. While I am perfectly ready to concede that my memory may be flawed, that the study may not have been thorough, and that new information may contradict the old study; these possibilities in no way excuse us from carefully considering and thoroughly understanding, then adapting to the **best possible option**, when it comes to the critically important issue of our environment, and the significant effect vehicle traffic has on it.

I thank everyone that is participating in this study for their efforts to improve our lives through thoughtful and sensible development.

Sincerely Doug Lowe. 949-702-4814 email douglowe2010@gmail.com.

From: Richard Law [mailto:rlaw1@mac.com]
Sent: Tuesday, May 26, 2020 7:28 PM
To: Belinda Deines
Cc: Robinson Larry; Carl Iverson
Subject: Doheny Village EIR Scoping...Public Comment Period

Hi Belinda,

This may not be the right forum for this, but there have been concerns expressed about the proposed zoning and development standards for the Beachwood Village Mobile Home Park area. Beachwood Village is about 13 acres. The draft zoning proposes a density of up to 50 du/ac. and a height limit of up to 50 feet. This would allow up to 650 residential units. The concern is that it could be a massive project of all the same thing. It doesn't have to be.

Good planning and design would create a very positive community environment. This community should not be all the same thing. It should have a mix of uses: townhouses, apartments, live/work units, small scale commercial, a mix of building types, a mix of building heights, a pedestrian friendly environment with park and recreation spaces.

Buildings on the outside street edges should be no more than 3 stories, 36 feet high, be pedestrian friendly and face outward. Taller buildings, above 36 feet should occur more toward the inside and cover no more than 25% of the total building footprint. With good planning and design this can all be accomplished within the proposed zoning and development standards.

We need to establish a more well defined process to make sure it happens.

Best regards,

Richard Law
34192 Sepulveda Ave.
Capistrano Beach, CA 92624
rlaw1@mac.com
949-637-4052

From: Betty Hill [mailto:bettyhill@savedanapoint.com]

Sent: Wednesday, May 27, 2020 5:17 PM

To: Belinda Deines

Subject: Doheny Village Plan

As a long time resident of Dana Point, I am glad to see the City plan for the development of the Doheny Village area after years of neglect. Residents are dismayed at how the Raintree project in Town Center looks and how it has changed the character of the City. The Town Center Plan approved by the residents required that development "preserve the small town village atmosphere". However, developers and a complicit City Council allowed major variances to the plan that resulted in the citizens having to pass an Initiative to force compliance. Please don't make the same mistake in Doheny Village.

The residents of Dana Point support responsible development that maintains the quality of living that is enjoyed in Dana Point. While they would like to see more retail and restaurants, they do not want to see dense residential development and extra tall buildings that exceed what is allowed throughout the City. The extra height and residential density envisioned in the Doheny Village Plan would not be supported by the majority of Dana Point's residents. It is well known that developers want the extra height so their projects will be more profitable. But, once their projects are completed, they will leave town and the residents will be left to deal with the consequences.

Dana Point is a highly desirable and rare location for new development. The development of Doheny Village should be part of an overall plan for the future of Dana Point. More public

outreach should be done until input has been received by a significant number of residents. It would be unacceptable if you approve a plan knowing that there has been little response from Dana Point's residents during the approval process. For whatever reason it does not appear that your approach has informed the public effectively. Please provide more public outreach before a decision is made.

Betty Hill.
Dana Point Resident