

FINAL | JULY 2021
ENVIRONMENTAL IMPACT REPORT



Doheny Village Zoning District Update Project

SCH NO. 2020030428

Prepared for
City of Dana Point

Prepared by

Michael Baker
INTERNATIONAL

**FINAL
ENVIRONMENTAL IMPACT REPORT**

**Doheny Village Zoning District
Update Project**

SCH NO. 2020030428

Lead Agency:



CITY OF DANA POINT
33282 Golden Lantern
Dana Point, California 92629
Contact: **Ms. Belinda Ann Deines,**
Principal Planner
949.248.3570
bdeines@danapoint.org

Prepared by:
MICHAEL BAKER INTERNATIONAL
5 Hutton Centre, Suite 500
Santa Ana, California 92707
Contact: **Mr. Eddie Torres**
949.472.3505

July 2021

JN 150136

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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Dana Point, as the lead agency, has evaluated the comments received on the *Doheny Village Zoning District Update Project Draft Environmental Impact Report* (Draft EIR).

The Draft EIR for the proposed Doheny Village Zoning District Update Project (herein referenced as the project) was distributed to potential responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the CEQA Guidelines commenced on April 26, 2021 and ended on June 9, 2021.

The Final EIR consists of the following components:

- Section 1.0 – Introduction;
- Section 2.0 – Response to Comments;
- Section 3.0 – Errata; and
- Section 4.0 – Mitigation Monitoring and Reporting Program.

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.



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2.0 Response to Comments



2.0 RESPONSE TO COMMENTS

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Dana Point, as the lead agency, evaluated the written comments received on the Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2020030428) for the proposed Doheny Village Zoning District Update Project (project) and has prepared the following responses to the comments received. This Response to Comments section becomes is part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a letter number. Individual comments within each comment letter have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Comment Letter No.	Commenter	Letter Dated
Agencies		
1	CEQAnet State Clearinghouse and Planning Unit Governor's Office of Planning and Research	June 9, 2021
2	Robert J. Distaso, PE, Fire Safety Engineer Orange County Fire Authority	May 4, 2021
3	Sergio Klotz, AICP, Assistant Development Services Director City of San Juan Capistrano	June 8, 2021
4	Scott Shelley, Branch Chief California Department of Transportation District 12	June 9, 2021
5	Richard Vuong, Manager, Planning Division OC Public Works Service Area/OC Development Services	June 9, 2021
6	Fernie Sy, Coastal Program Analyst II California Coastal Commission	June 9, 2021
7	Rick Shintaku, General Manager South Coast Water District	June 9, 2021
Organizations		
8	Rona Henry, MBA, MPH, Chair, Welcoming Neighbors Home Initiative Tapestry, a Unitarian Universalist Congregation	May 9, 2021
9	Joyce Stanfield Perry, Cultural Resource Director Juaneño Band of Mission Indians, Acjachemen Nation	May 10, 2021
10	Sylvère CM Valentin, MA, RPA, Vice President California Cultural Resource Preservation Alliance, Inc.	May 24, 2021
Individuals		
11	Maura Mikulec	May 10, 2021
12	Sister Martha Ann Fitzpatrick	May 10, 2021



**Environmental Impact Report
Doheny Village Zoning District Update Project**

13	Sister Sue Dunning	May 10, 2021
14	Yesenia Altamirano	May 10, 2021
Letters received after the close of the public review period		
15	Carolyn Emery, Executive Officer Orange County Local Agency Formation Commission	June 14, 2021

COMMENT LETTER NO. 1

Doheny Village Zoning District Update Project

Summary

SCH Number	2020030428
Lead Agency	City of Dana Point
Document Title	Doheny Village Zoning District Update Project
Document Type	EIR - Draft EIR
Received	4/26/2021
Present Land Use	Various

Document Description The purpose and intent of the proposed Doheny Village Zoning District Update (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: Village Commercial/Industrial (V-C/I), Village Commercial/Residential (V-C/R), and Village Main Street (V-MS). 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, housing incentive overlay, accessory uses and structures, parking requirements, and art-in-public-places program), and special use standards are also proposed, and would be comprehensively integrated into the Dana Point 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. A Local Coastal Program Amendment would also be required to reflect the new land use and zoning district classifications.

Contact Information Belinda Ann Deines, Principal Planner
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Location

Coordinates 33°28'0"N 117°40'38.1"W

Cities Dana Point

Counties Orange

1-1

Regions	Southern California
Cross Streets	Doheny Village Road and Victoria Boulevard
Zip	92624
Total Acres	80
Parcel #	Multiple
State Highways	1, 5
Railways	SCRRA/OCTA
Airports	None
Schools	Multiple
Waterways	San Juan Creek, Pacific Ocean
Township	8S
Range	8W
Section	23
Base	San Bern

Notice of Completion

Review Period Start	4/26/2021
Review Period End	6/9/2021
Development Type	Other (Zoning District Update)
Local Action	General Plan Amendment Rezone Local Coastal Program Amendment
Project Issues	Aesthetics Agriculture and Forestry Resources Air Quality Biological Resources Coastal Zone Cultural Resources Cumulative Effects Drainage/Absorption Economics/Jobs Energy Flood Plain/Flooding Geology/Soils Greenhouse Gas Emissions Growth Inducement Hazards & Hazardous Materials Hydrology/Water Quality Land Use/Planning Mineral Resources Noise Population/Housing Public Services Recreation Schools/Universities Septic System Sewer Capacity Solid Waste Transportation Tribal Cultural Resources Utilities/Service Systems Vegetation Wetland/Riparian Wildfire
Reviewing Agencies	California Air Resources Board (ARB) California Coastal Commission (CCC) California Department of Fish and Wildlife, Marin Region 7 (CDFW) California Department of Fish and Wildlife, South Coast Region 5 (CDFW) California Department of Housing and Community Development (HCD) California Department of Parks and Recreation California Department of Water Resources (DWR) California Governor's Office of Emergency Services (OES) California Highway Patrol (CHP) California Native American Heritage Commission (NAHC) California Natural Resources Agency California Public Utilities Commission (CPUC) California Regional Water Quality Control Board, San Diego Region 9 (RWQCB) California State Lands Commission (SLC) Department of Toxic Substances Control State Water Resources Control Board, Division of Drinking Water State Water Resources Control Board, Division of Water Quality California Department of Transportation, District 12 (DOT)

1-1
cont'd

Attachments

Draft Environmental Docu...	Appendix 11 PDF 3350 K	Appendix 11 PDF 4822 K	Appendix 11 PDF 3199 K
	Appendix 11 PDF 8059 K	Appendix 11 PDF 206547 K	Appendix 11 PDF 11511 K
	Appendix 11 PDF 20330 K	Appendix 11 PDF 6930 K	Appendix 11 PDF 12248 K
	Appendix 11 PDF 747 K	Doheny Village_NOA PDF 160 K	DVZDU EIR_042621 PDF 22177 K
	OPR Summary Form PDF 667 K		
Notice of Completion [NO...	NOC-signed PDF 428 K		
State Comment Letters [C...	2020030428_Caltrans Comment PDF 169 K		

Disclaimer: The Governor’s Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at [\(916\) 445-0613](tel:9164450613). For more information, please visit [OPR’s Accessibility Site](#).

1-1
cont'd



1. RESPONSES TO COMMENTS FROM CEQANET, STATE CLEARINGHOUSE AND PLANNING UNIT, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, JUNE 9, 2021.

1-1 This letter is a summary of the State Clearinghouse CEQAnet database, which can be accessed at <https://ceqanet.opr.ca.gov/2020030428/3>. Based on this summary, the Draft EIR (State Clearinghouse No. 2020030428) was made available for public review from April 26, 2021 through June 9, 2021. One State agency letter from the California Department of Transportation was received by the State Clearinghouse and is included as Comment Letter No. 4. This summary is for information purposes and does not provide specific comment regarding technical information presented in the Draft EIR. As such, no further response is necessary.



ORANGE COUNTY FIRE AUTHORITY

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

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

May 4, 2021

Belinda Ann Deines, Principal Planner
 City of Dana Point, Planning Division
 33282 Golden Lantern, Dana Point, CA 92629
 Email: bdeines@danapoint.org

Subject: Draft Environmental Impact Report – Doheny Village Zoning

Dear Belinda Ann Deines:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to 23 cities in Orange County and all unincorporated areas. The OCFA operates 77 fire stations throughout Orange County, one (1) within Dana Point, which includes the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and school sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions. The following are our comments:

2-1

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

- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the California Building Code (CBC), California Fire Code (CFC), and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the CFC Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.

2-2

- Fire department access shall be provided all around the new buildings.
- It is unlawful to occupy any portions of this building until City building department and OCFA have conducted final inspection and sign off.
- As a condition of approval, the site developer shall be enter into a Secured Fire Protection Agreement with the Orange County Fire Authority. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel.

2-2
cont'd

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6253 if you have any questions.

Sincerely,

Robert J Distaso PE
Fire Safety Engineer
Planning and Development
robertdistaso@ocfa.org
www.ocfa.org



2. RESPONSES TO COMMENTS FROM ROBERT J. DISTASO, PE, FIRE SAFETY ENGINEER, ORANGE COUNTY FIRE AUTHORITY, MAY 4, 2021.

2-1 The commenter provides a general summary of the Orange County Fire Authority's (OCFA) service area, responsibilities, and resources. Responses to specific comments are provided below.

2-2 The commenter notes that future development in accordance with the proposed Doheny Village Zoning District Update Project would be required to enter into a Secured Fire Protection Agreement, which specifies the pro-rata fair share funding for capital improvements necessary to maintain adequate fire protection services. Future development projects in Doheny Village would also be required to comply with existing City and OCFA regulations pertaining to fire safety (e.g., California Building Code and California Fire Code); install automatic fire sprinkler systems; provide a water supply system for fire hydrants and sprinklers; ensure adequate fire flow and hydrant spacing; and provide adequate emergency access. The City and OCFA would review future site plans to ensure compliance with all applicable fire safety regulations. This comment is acknowledged and, given that it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

MEMBERS OF THE CITY COUNCIL

TROY BOURNE
SERGIO FARIAS
HOWARD HART
DEREK REEVE
JOHN TAYLOR



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June 8, 2021
Ms. Belinda Ann Deines
Principal Planner
City of Dana Point
Planning Division
33282 Golden Lantern
Dana Point, CA 92629

RE: Comments on Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Doheny Village Zoning District Update Project

Dear Ms. Deines:

Thank you for the opportunity to review the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the proposed Doheny Village Zoning District Update 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, 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.

The City of San Juan Capistrano provided a letter dated April 13, 2020 (attached) on the Notice of Preparation (NOP) of a program-level Environmental Impact Report (EIR) for the proposed Doheny Village Zoning District Update Project. The letter outlined comments on the scoping meeting, a request for a staff level meeting, transportation analysis via a Traffic Impact Analysis (TIA), as well as aesthetic, land use and noise concerns. As noted in our previous letter, we respectfully ask that the City's comments be addressed in the DEIR, and we would also like to meet with Dana Point staff members to further discuss the proposed project so that we can better understand potential impacts to San Juan Capistrano.

Thank you for consideration of the City's input, and I would be happy to take the lead in scheduling the requested meeting if that would be most convenient for you.

Sincerely,

Sergio Klotz, AICP
Assistant Development Services Director

Attachment – Letter to City of Dana Point dated April 13, 2020

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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.

3-2

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

3-3

3-4

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.

3-4
cont'd

3-5

3-6

3-7

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.

3-8

Thank you for consideration of the City’s input.

Sincerely,



Sergio Klotz, AICP
Assistant Development Services Director



3. RESPONSES TO COMMENTS FROM SERGIO KLOTZ, AICP, ASSISTANT DEVELOPMENT SERVICES DIRECTOR, CITY OF SAN JUAN CAPISTRANO, JUNE 8, 2021.

3-1 The commenter provides a brief summary of the proposed project and references an attached letter dated April 13, 2020 from the City of San Juan Capistrano on the Notice of Preparation (NOP) for the proposed project. The commenter summarizes issues raised in the attached letter and requests the Draft EIR address such comments. Responses to specific comments from the attached letter are provided below.

Additionally, commenter requests a meeting with City of Dana Point staff to discuss the proposed project to better understand potential impacts to San Juan Capistrano. This comment is acknowledged and, given that it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

3-2 The commenter provides a brief summary of the proposed project. Given that the original in-person scoping meeting date identified in the NOP (March 25, 2020) was cancelled due to the COVID-19 closures of City facilities to the general public, the commenter requested notification of the rescheduled scoping meeting date at least two weeks prior to the rescheduled meeting date and additional time to submit comments on the NOP, if necessary. The City sent notifications of the rescheduled on-line meeting (May 20, 2020) on May 7, 2020 and extended the public commenting period to May 28, 2020.

3-3 The commenter requests meeting with City staff to discuss the proposed project. This comment is acknowledged and, given that it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

3-4 The commenter states that the City should evaluate project-related transportation impacts utilizing both the vehicle miles traveled (VMT) and level of service (LOS) metrics. Per Senate Bill 743 and the updated CEQA Guidelines, automobile delay, as measured by "level of service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subdivision(b)(3).) Therefore, consistent with the Governor's Office of Planning and Research *Technical Advisory on Evaluating Transportation Impacts in CEQA*, dated December 2018, the project's transportation impacts under CEQA are analyzed utilizing a VMT metric. As such, within the CEQA context, LOS analysis is not required.

3-5 The commenter is concerned about the project's potential aesthetic and visual impacts to a commercial node along the southern edge of the City of San Juan Capistrano. Specifically, the commenter states that future development in Doheny Village at the proposed allowable heights and densities could block visibility of the existing commercial node and result in adverse economic impacts. As analyzed in Section 5.2, *Aesthetics/Light*



and Glare, of the Draft EIR, the proposed zoning district update would allow for a maximum building height of:

- 35 to 40 feet (or three stories) within the Village Commercial/Industrial (V-C/I) district;
- 35 to 50 feet (or three stories) north of Victoria Boulevard and 35 to 40 feet south of Victoria Boulevard within the Village Commercial/Residential (V-C/R) district; and
- 35 to 40 feet (or three stories) within the Village Main Street (V-MS) district; refer to Table 3-2, *Doheny Village Development Standards*, of the Draft EIR.

Given that existing uses in Doheny Village, including those within the commercial node in the City of San Juan Capistrano, are already one- to three-story developments, the scale of future development accommodated by the project would complement the height and scale of existing development in the project vicinity. Additionally, aesthetic impacts under CEQA are those related to scenic vistas and scenic resources in the project area, including views to the Pacific Ocean and coastal bluffs. As analyzed in the Draft EIR, although the proposed project would modify the visible building massing in Doheny Village, the zoning districts and development standards proposed under the project would not result in substantial view blockage of scenic resources as experienced from public vantage points.

CEQA does not require the evaluation of economic effects that are not related to physical impacts (CEQA Guidelines Section 15131(a)). While a project's economic or social effects may be used to determine the significance of physical changes caused by a project (CEQA Guidelines Section 15131(b)), the City's experts disagree that speculative economic impacts to the referenced commercial node are an appropriate criteria for evaluation the project's aesthetic impacts. Moreover, as explained above, the scale of future development under the project would be similar to existing development and thus, would not entirely block views of the commercial node, as the commenter suggests.

3-6 The commenter suggests that land use impacts of the proposed project be fully analyzed in the Draft EIR. Specifically, the commenter requests analysis of potential impacts from introducing residential uses near or adjacent to existing uses. Section 5.1, *Land Use and Relevant Planning*, of the Draft EIR analyzes project-related land use impacts, including land use compatibility of residential and commercial uses within Doheny Village. It should be noted that the project encourages mixed-use development in the proposed V-C/R and V-MS districts. The V-C/R district is envisioned to include a mixture of commercial, office, and residential uses in the same building, parcel, or same district, and the V-MS district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor with commercial or residential uses above. Thus, the development proposed by the project is compatible with nearby uses in the City of San Juan Capistrano.

The commenter also requests land use impact analysis of future buildout within the commercial node in the City of San Juan Capistrano on future development in the project site. While it is speculative to accurately analyze potential environmental impacts of future, unknown projects in the vicinity of the project site, the project would similarly be compatible with buildout of the area as envisioned under the City of San Juan Capistrano



General Plan.

- 3-7 The commenter recommends an analysis of noise impacts associated with locating residential uses near commercial uses, including the commercial node in the City of San Juan Capistrano. As analyzed in Section 5.11, *Noise*, of the Draft EIR, Mitigation Measure NOI-4 requires future developments accommodated by the project to conduct a Noise Assessment to demonstrate on-site placement of stationary noise sources at commercial and industrial uses do not exceed noise standards established in the *Dana Point Municipal Code* Chapter 11.10, *Noise Control*. The Noise Assessment would also verify that stationary noise sources (e.g., loading dock facilities, mechanical equipment, and parking lots) are adequately shielded and/or located at an adequate distance from on-site sensitive receptors and residences in order to comply with noise regulations established by the City.
- 3-8 The commenter requests notification of any future environmental documents or meetings related to the proposed project. The City of San Juan Capistrano will be notified of all subsequent environmental notices and meetings related to the project.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

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www.dot.ca.gov/caltrans-near-me/district12**COMMENT LETTER NO. 4**

Making Conservation
a California Way of Life.

June 9, 2021

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

File: IGR/CEQA
SCH#: 2020030428
12-ORA-2020-01650
I-5, PM 6.849
SR 1, PM 0.797

Dear Ms. Deines,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Doheny Village Zoning District Update Project and its Draft Environmental Impact Report document for the City of Dana Point. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

4-1

The project proposes the preservation and enhancement which includes three new zoning districts specific to the project area, Doheny Village. Regional access to the project area is provided by Interstate 5 (I-5) and State Route 1 (SR 1). Caltrans is a responsible agency for this project and upon review, we have the following comments:

Transportation Planning

1. The project is to increase housing and infill development, which may increase traffic congestion and number of Single Occupancy Vehicle (SOV) trips. As Caltrans seeks to promote safe, accessible multimodal transportation, consider including a discussion on potentially improving multimodal transportation (i.e., walking, biking, and transit) options as part of the Housing Element update.

4-2

Providing improved multimodal connections to housing can encourage residents to utilize alternative transportation options, thus reducing Greenhouse Gas (GHG) emissions, congestion, and Vehicle Miles Traveled (VMT). This also improves public health.

2. There are several OCTA transit routes serviced in the study area. Consider discussing opportunities to connect the new zones to transit and to maximize the safety of railroad crossings for bicycles and pedestrians to accommodate access to the transit stations as part of Safety Element update.

4-3

3. Please continue coordination with Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies.

4-4

4. Consider including a discussion on general transportation safety improvements, especially for vulnerable road users such as bicyclists and pedestrians. | 4-5

5. Caltrans supports the development of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for all ages and abilities. | 4-6

Complete Streets promote regional connectivity, improve air quality and public health, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation. Continue to coordinate with Caltrans on future projects.

Traffic Operations

6. Traffic Operations Southwest concurs with the applicant that based on the VMT metric methodology, the proposed project generates less than significant traffic impact on the State Highway System. | 4-7

Encroachment Permit

7. 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/> | 4-8

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

Sincerely,



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



4. **RESPONSES TO COMMENTS FROM SCOTT SHELLEY, BRANCH CHIEF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 12, JUNE 9, 2021.**
- 4-1 The commenter provides an introduction to the California Department of Transportation’s (Caltrans) responsibilities and a brief project summary. Responses to specific comments are provided below.
- 4-2 As the project would increase housing and infill development, which may increase traffic congestion and single occupancy vehicle trips, the commenter recommends considering a discussion on potentially improving multimodal transportation (i.e., walking, biking, and transit) options as part of the Housing Element Update. A Housing Element Update is not part of the proposed zoning district update for Doheny Village. Regardless, this comment is acknowledged. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 4-3 The commenter recommends considering a discussion regarding opportunities to connect the project area to transit and maximizing the safety of railroad crossings for bicyclists and pedestrians as part of the Safety Element Update. A Safety Element Update is not part of the proposed zoning district update for Doheny Village. Regardless, this comment is acknowledged. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 4-4 The commenter requests continued coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies. This comment is acknowledged and, given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 4-5 The commenter recommends considering a discussion on general transportation safety improvements, especially for vulnerable road users such as bicyclists and pedestrians. As detailed in Draft EIR Section 5.7, *Transportation*, goals and policies proposed under the Doheny Village Zoning District Update promote and support multimodal opportunities within the City. Specifically, the project proposes to “improve connectivity and access to Doheny State Beach and areas across the San Juan Creek and Pacific Coast Highway.” Generally, the project supports a multi-modal transportation network. Alternative modes of transportation would be provided and encouraged through the provision of various pedestrian, bicyclist, and transit user opportunities. All future development projects accommodated under the proposed project would be required to be reviewed by City, as well as OCTA and Caltrans, as applicable. As such, the City would ensure that future



development accommodated through the proposed project would coordinate with Caltrans for bicycle and pedestrian facilities that are located on State facilities. Future development would also be required to comply with the Municipal Code Chapter 9.43, which requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08, which provides standards of design and requirements for sidewalks. Additionally, future development within Doheny Village would comply with *City of Dana Point General Plan* (General Plan) Conservation/Open Space Element Policy 5.1 in regard to designing efficient vehicle ingress and egress, and General Plan Land Use Element Policy 1.8, which would encourage new development to facilitates transit services, provide for non-automobile circulation, and minimizes vehicle miles traveled.

In addition to the proposed project, the Doheny Village Capital Improvement Plan (CIP) was developed in December 2019, which outlines beautification and connectivity projects for enhancing public spaces within the project area. Pedestrian and bicycle improvements are identified as high priorities in the CIP, with the highest priority to continue collaboration with Caltrans on the Doheny Village Connectivity Improvement Project. The CIP continues to be updated and modified based on community priorities and availability of funding and resources.

- 4-6 The commenter requests continued coordination with Caltrans for opportunities to develop Complete Streets that include high-quality pedestrian, bicycle, and transit facilities. This comment is acknowledged and, given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 4-7 The Caltrans Traffic Operations Southwest concurs with the Draft EIR analysis with regards to the project's less than significant traffic impact on the State Highway System. This comment is acknowledged and no further response is required.
- 4-8 The commenter states that any work proposed in the vicinity of the State right-of-way would require an encroachment permit and provides additional details regarding encroachment permit requirements and procedures. The commenter also requests to continue to be informed of the proposed project and any future developments that could potentially impact State transportation facilities. The City will continue to notify Caltrans of subsequent environmental notices/meetings regarding the proposed project and all future developments within Dana Point with the potential to impact State transportation facilities.



June 9, 2021

NCL-21-0004

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

Subject: Doheny Village Zoning District Update Project

Dear Belinda,

Thank you for the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Doheny Village Zoning District Update Project. The County of Orange offers the following comments for your consideration.

Environmental Health Division

1. The Orange County Health Care Agency (OCHCA) Environmental Health Division (EH) noted that several sites are listed in Section 5.6.1 as having a past release or appearing on the Cortese list. One site, formerly managed by the OCHCA industrial cleanup program for a release of fuel waste, was not included in the list. Information on this release can be obtained by submitting a public records request at: <https://www.ochealthinfo.com/about-hca/public-health-services/environmental-health-services/resources/public-records>. The referenced case information is as follows:
 - Name: South Coast Water District
 - Number: 04IC017
 - Address: 34500 Block West of Doheny Park Road, Dana Point
2. For all sites with historical uses or releases of hazardous chemicals, a qualified person should be onsite during excavation/grading activities to identify areas that may be impacted by potential releases at the site to ensure that removal, disposal, and waste tracking is conducted in accordance with applicable regulations. Where residual impacts from petroleum hydrocarbons or volatile organic compounds (VOCs) are present, disturbance of site soils might expose VOCs

5-1

5-2



 County Administration South
 601 North Ross Street
 Santa Ana, California 92701

 P.O. Box 4048
 Santa Ana, CA 92702-4048

 info@ocpw.ocgov.com

 (714) 667-8800

 OCPublicWorks.com

or fugitive dust that are subject to Air Quality Management District permitting or oversight and should be identified.

5-2
cont'd

3. If subsurface contamination should necessitate further site assessment or remedial activities or if previously unidentified underground storage tanks/piping are encountered please contact the Hazardous Materials Mitigation Supervisor for OCHCA-EH at (714) 433-6000.

5-3

If you have any questions regarding these comments, please contact Geniece Higgins at (714) 433-6260 or Steven Giang at (714) 667-8816 in OC Development Services.

Sincerely,

Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
601 North Ross Street
Santa Ana, California 92701
Richard.Vuong@ocpw.ocgov.com

cc: Geniece Higgins, Environmental Health Division





5. RESPONSES TO COMMENTS FROM RICHARD VUONG, MANAGER, PLANNING DIVISION OC PUBLIC WORKS SERVICE AREA/OC DEVELOPMENT SERVICES, JUNE 9, 2021.

5-1 The commenter acknowledges that Section 5.6.1, *Existing Setting*, of the Draft EIR identifies several hazardous materials sites as having a past release or appearing on the Cortese list pursuant to Government Code Section 65962.5. The commenter states that one site identified as “South Coast Water District 04IC017,” formerly managed by the Orange County Health Care Agency (OCHCA) Industrial Cleanup Program for a release of fuel waste, was not included in the Draft EIR. Per the recommendation of the commenter, a public records request was submitted to provide specific locational details of the missing site. Based on the information received, the site is a 30-acre elongated parcel located along the eastern bank of the San Juan Creek. The site is located west of the Southern California Regional Rail Authority/Orange County Transportation Authority railroad right-of-way, which bounds the Doheny Village area to the west. As such, the site is outside of the project area and no changes were made to the Draft EIR.

5-2 The commenter states that for all sites with historical uses or releases of hazardous chemicals, a qualified person should be on-site during excavation/grading activities to identify areas that may be impacted by potential hazardous materials releases at the site to ensure that removal, disposal, and waste tracking is conducted in accordance with applicable regulations. Additionally, where residual impacts from petroleum hydrocarbons or volatile organic compounds (VOCs) are present, disturbance of site soils might expose VOCs or fugitive dust that are subject to Air Quality Management District permitting or oversight and should be identified. As detailed in Section 5.6, *Hazards and Hazardous Materials*, of the Draft EIR, Mitigation Measure HAZ-1 establishes procedures if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction, including halting all work in the vicinity of the suspected contaminant, notifying the City of Dana Point Director of Public Works/City Engineer, securing the area, and notifying the implementing agency’s Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency, San Diego Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable).

5-3 The commenter states that the OCHCA Environmental Health Division Hazardous Materials Mitigation Supervisor should be contacted if any subsurface contamination requires further site assessment/remedial activities or if previously unidentified underground storage tanks/piping are encountered. This comment is acknowledged and, as detailed in Section 5.6, *Hazards and Hazardous Materials*, of the Draft EIR, Mitigation Measure HAZ-1 establishes procedures if unknown wastes or suspect materials believed to involve hazardous waste or materials are encountered during construction. Such procedures include contacting the implementing agency’s Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency, San Diego Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable).

CALIFORNIA COASTAL COMMISSION

South Coast District Office
 301 E. Ocean Blvd., Suite 300
 Long Beach, CA 90802-4351
 Voice (562) 590-5071
 Fax (562) 590-5084



June 9, 2021

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

**Re: Doheny Village Zoning District Update Project
 Draft Environmental Impact Report (SCH# 2020030428)**

Dear Ms. Deines,

Thank you for the opportunity to review the Draft Environmental Impact Report for the Doheny Village Zoning District Update Project. According to the Draft Environmental Impact Report, the proposed update includes a Zoning Code Amendment that creates three new zoning districts specific to the Doheny Village project area: Village Commercial/Industrial (V-CI), Village Commercial/Residential (V-C/R), and Village Main Street (V-MS). In addition, a General Plan Amendment is proposed to reflect the new zoning district classifications.

The Zoning Code Amendment and General Plan Amendment will subsequently require an amendment to the City's certified Local Coastal Program.

The following comments address the issue of the proposal's consistency with the Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. The comments are specific to the Draft Environmental Impact Report only.

1986 LCP and 1996 LCP

The City of Dana Point presently has two groups of documents that serve as its certified Local Coastal Program (LCP). There is an older set of documents that were originally certified when Dana Point was unincorporated, and which were adopted by the City when it incorporated that still apply to the central geographic area of the City. The central geographic area is generally located between Monarch Beach to the north and Capistrano Beach to the south. These older documents have generally been referred to as the Dana Point Specific Plan Local Coastal Program or '1986' LCP. In addition, there is a more recent group of documents that includes three elements of the City's General Plan (the Land Use Element, Urban Design Element, and Conservation Open Space Element), the City's Zoning Code, the Monarch Beach Resort Specific Plan, the Headlands

6-1

6-2

Development Conservation Plan, the Dana Point Town Center Plan, and the Dana Point Harbor Revitalization Plan. These more recent documents are referred to as the '1996' LCP.

The DEIR states that the Doheny Village area is subject to the 1986 LCP and analyzes the proposal based on that LCP. However, based on our review and understanding, Doheny Village is subject to the 1996 LCP. Thus, please conduct an analysis that verifies the correct LCP that applies to the Doheny Village area. If the 1996 LCP is determined to be the correct LCP, then the DEIR should reevaluate the proposal based upon the 1996 LCP.

6-2
cont'd

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Doheny Village Zoning District Update Project. Commission staff request notification of any future activity associated with this site or related sites. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as it develops into final form and when an application is submitted for a Local Coastal Program Amendment. Please feel free to contact me at 562-590-5071 with any questions.

6-3

Sincerely,



Fernie Sy
Coastal Program Analyst II



6. RESPONSES TO COMMENTS FROM FERNIE SY, COASTAL PROGRAM ANALYST II, CALIFORNIA COASTAL COMMISSION, JUNE 9, 2021.

6-1 The commenter provides a brief summary of the proposed project and an introduction to the comments related to project consistency with the California Coastal Act of 1976. Responses to specific comments are provided below.

6-2 The commenter states that the City has two groups of documents that serve as its certified Local Coastal Program (LCP). There is an older set of documents that were originally certified when Dana Point was unincorporated, and which were adopted by the City when it incorporated that still apply to the central geographic area of the City from Monarch Beach in the north to Capistrano Beach in the south. These documents are referred to as the *Dana Point Specific Plan Local Coastal Program* or “1986 LCP.” In addition, there is a more recent group of documents that includes three elements of the General Plan (Land Use Element, Urban Design Element, and Conservation Open Space Element), the City’s Zoning Code, the *Monarch Beach Resort Specific Plan*, the *Headlands Development Conservation Plan*, the *Dana Point Town Center Plan*, and the *Dana Point Harbor Revitalization Plan*. These more recent documents are referred to as the “1996 LCP.” The commenter states that the Draft EIR incorrectly identifies the Doheny Village area to be subject to the 1986 LCP. Rather, the Doheny Village area is subject to the 1996 LCP and thus, the Draft EIR should include an analysis of the project’s consistency with the 1996 LCP.

This correction is acknowledged and as such, the correction has been made to multiple portions of Section 5.1, *Land Use and Relevant Planning*, of the Draft EIR and is reflected below and in Section 3.0, *Errata*, of this Final EIR.



Draft EIR Section 5.1, *Land Use and Relevant Planning*, page 5.1-3, California Coastal Act

The City's certified LCP is currently comprised of a number of different documents, which serve as the LCP for specific geographic areas within Dana Point:

- *Dana Point Specific Plan/1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);
- *Monarch Beach/Capistrano Beach 1996 LCP* (~~1996 LCP~~; comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the City's Zoning Code [Implementation Plan]);
- *Headlands Development and Conservation Plan*, September 22, 2004;
- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and
- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

The General Plan Land Use, Urban Design, and Conservation Open Space Elements; City's Zoning Code, Monarch Beach/Capistrano Beach 1996 LCP; Headlands Development and Conservation Plan; Dana Point Town Center Plan; and Dana Point Harbor Revitalization Plan are together referred to as the 1996 LCP. The project site is subject to the 1996 LCP. While the Monarch Beach and Capistrano Beach areas were incorporated into the 1986 LCP as the 1996 LCP, the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas, as listed above. The original 1986 LCP remains in effect for the remainder of the City, including the project site.



Draft EIR Section 5.1, *Land Use and Relevant Planning*, page 5.1-8, Dana Point Specific Plan (1986 LCP)

Dana Point Local Coastal Program Specific Plan (1986 LCP)

LCPs are basic planning tools used by local governments, in partnership with the CCC, to guide development in the coastal zone. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as a Zoning Ordinance). These LCPs, which are prepared by local governments, govern decisions that determine the short- and long-term conservation and use of coastal resources. Along with the unique characteristics of individual local coastal communities, the LCPs must also address regional and Statewide interests and concerns, in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the CCC for review for consistency with Coastal Act requirements.

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The 1996 LCP is comprised of the General Plan Land Use, Urban Design, and Conservation Open Space Elements; City's Zoning Code, Monarch Beach/Capistrano Beach 1996 LCP; Headlands Development and Conservation Plan, Dana Point Town Center Plan, and Dana Point Harbor Revitalization Plan. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements and the City's Zoning Code. The Monarch Beach and Capistrano Beach areas are regulated under the 1996 LCP and the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas. As the project site is not located within the Monarch Beach, Capistrano Beach, Headlands, Town Center, or Dana Point Harbor, the 1986 LCP regulates development within the project site.

~~The 1986 LCP implements the goals and policies of the General Plan, particularly the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP also implements the Coastal Act in addressing shoreline access/recreation and visitor serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. The 1986 LCP also details land use regulations, resolution of General Plan/zoning inconsistencies, provision of municipal level community services, and community participation.~~



Draft EIR Section 5.1, *Land Use and Relevant Planning*, page 5.1-27, Local Coastal Program

LU-4 THE PROPOSED PROJECT COULD CONFLICT WITH POLICIES PROVIDED IN THE 19961986 LOCAL COASTAL PROGRAM.

Impact Analysis: Specific geographic areas within Dana Point are regulated by different documents that make up the City’s LCP. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements and the City’s Zoning Code. ~~The 1986 LCP regulates development within the project site and consists of portions of the General Plan, Municipal Code, and Zoning Map. Required components of the LCP are found within several General Plan elements, including the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP implements the Coastal Act in addressing shoreline access/recreation and visitor-serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. As analyzed under Impact Statements LU-1 through LU-3, the project would be consistent with the General Plan, Municipal Code, and Coastal Act, respectively. Therefore, the proposed project would also be consistent with the 19961986 LCP.~~

Further, given that portions of Doheny Village are located within the coastal zone, an LCP Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the City and California Coastal Commission. Upon approval of the LCP Amendment, the project would be consistent with the 19961986 LCP, and impacts would be less than significant.

Draft EIR Section 5.1, *Land Use and Relevant Planning*, page 5.1-31, Cumulative Impacts

As analyzed above, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, Coastal Act, 19961986 LCP, and 2016 RTP/SCS, the proposed project would not result in significant cumulatively considerable impacts in this regard. Impacts would be less than significant.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

6-3 The commenter requests notification of any future activity associated with the project site. The California Coastal Commission will continue to be notified of all subsequent environmental notices and meetings related to the project.

Additionally, the commenter states that the comments provided in the letter are



preliminary in nature and that additional and more specific comments may be developed when an application is submitted for the Local Coastal Program Amendment. This comment is acknowledged.

**SOUTH COAST
WATER DISTRICT**
Partnering With The Community



Board of Directors June 9, 2021

Rick Erkeneff
President

Bill Green
Vice President

Doug Erdman
Director

Scott Goldman
Director

Wayne Rayfield
Director

Belinda Ann Deines, Principal Planner
City of Dana Point Planning Division
33282 Street of the Golden Lantern
Dana Point, CA 92629

**RE: Comments on the Notice of Availability of a Draft Environmental Impact Report
for Doheny Village Zoning District Update Project**

Dear Ms. Deines,

South Coast Water District (District) appreciates the opportunity to comment upon the Draft Environmental Impact Report (DEIR) prepared by the City of Dana Point ("City") for the Doheny Village Zoning District Update Project ("Project"). The District provides water, recycled water, and wastewater services to residential, commercial and other facilities in the Project area and the Project has potential for significant impacts to the District's existing infrastructure and ability to provide District services in the Doheny Village area of the City.

The water and wastewater infrastructure in the Project area was originally installed in 1971 and has been maintained by the District with minor upgrades to serve the Project area. Substantial additions or modifications to the existing District infrastructure may be required in response to the Project. As a provider of water and wastewater services in the City, it is important to the District that the Final EIR fully address the potential environmental impacts of those aspects of the Project that may require District modifications or additions to the existing infrastructure. Mitigation measures and alternatives deemed feasible and relevant to the District's role in carrying out the Project should be adopted in the Final EIR. In light of that interest, the District is pleased to provide the following comments based on our review of the DEIR.

For the water and recycled water supply, and wastewater, services and infrastructure provided by the District, the DEIR concludes that the Project would have a "Less than significant impact", "No mitigation measures are required", and would not require new or expanded District facilities. To arrive at these conclusions, the EIR generally relies on either (1) the *overall capacity* of the District's infrastructure to service the Project's projected increase in population and need for District services, or (2) the District's design standards, guidelines, and procedures for accommodating and servicing *individual* developments.

7-1

Mailing Address: P.O. Box 30205, Laguna Niguel, CA 92607-0205

Street Address: 31592 West Street, Laguna Beach, CA 92651

Fax: (949) 499-4256 – **Phone:** (949) 499-4555

Reliance on the District's Overall Capacity

Reliance on the overall capacity of the District's infrastructure to serve the Project understates the potential impacts of the Project on the actual facilities that serve the Project area. For example, the DEIR offers the following regarding wastewater treatment:

The Coastal Treatment Plant and the J.B. Latham Plant process an average capacity use of 2.9 mgd and 6 mgd, respectively. Therefore, the Coastal Treatment Plant and the J.B. Latham Plant would have a combined remaining capacity of 10.8 mgd to treat the project-generated 66,510 gallons per day, or 0.07 mgd of wastewater. As such, development of the proposed project would not result in inadequate capacity from the SCWD to serve the project's projected wastewater treatment demands in addition to the provider's existing commitments nor require the construction of new wastewater treatment facilities or expansion of existing facilities.

7-2

First, the District's wastewater collection system does not connect the Project location to the Coastal Treatment Plant (CTP), so the capacity of the CTP cannot be included in any evaluation of the capacity of the District to serve the Project. Second, the District only owns 27.3% of the capacity in the Latham Plant, so approximately 72.7% of the capacity of the Latham Plant is not available to the District.

Third, when evaluating the capacity of the Latham Plant to handle additional wastewater flow derived from the Project, the DEIR compares the design capacity with the average annual wastewater flows and assumes there is a "remaining capacity" available for serving the Project. It is important to understand that the design capacity is based on peak flow, not annual average flow, therefore the DEIR analysis of impacts should consider the impact of peak Project flows when added to existing peak flows at the Latham Plant to determine whether there is a "remaining capacity" that can accommodate Project use.

Another example where the District's overall capacity is not applicable to evaluation of the potential impacts is the DEIR discussion of lift stations wherein the DEIR describes the system as follows:

The existing system consists of approximately 744,480 lineal feet of gravity sewer pipelines, 14 sewage lift stations, and 3,722 manholes.

7-3

The implication is that these District facilities are available to the Project. In the case of sewage lift stations, although the District does have 13 stations, *only one* (Lift Station #12, "LS-12") serves the project area. LS-12 pumps wastewater from the Capistrano Beach tributary sewershed area, which includes the Project area, to the Latham Plant. A 2016 District review of LS-12 indicated: the emergency storage capacity does not meet the design criteria listed in

DEIR Comments for
Doheny Village Zoning District Update
June 9, 2021

Section 5.2 of the District Infrastructure Master Plan Update; the increased future demand from Doheny Village would result in an additional deficiency; and the pump capacity is projected to be exceeded by the projected ultimate wet weather flows.

7-3
cont'd

Reliance on the District's Standards

Reliance on the District's design standards, guidelines, and procedures for accommodating and servicing *individual* developments as discussed in the DEIR are not sufficient to conclude that the potential impacts to District facilities resulting from the Project zoning changes would be "Less Than Significant". As noted in the DEIR:

SCWD design standards and guidelines are implemented to ensure SCWD has adequate conveyance and wastewater treatment capacity. To enhance older facilities, SCWD collects capital improvement funds from new development.

7-4

The District standards and procedures identify what facilities or improvements are needed to maintain adequate service and equitably collect capital improvement funds for needed improvements. However, compliance with the District's standards and procedures does not imply that potential environmental impacts of construction or operation of new or improved facilities are "Less Than Significant".

As a water and wastewater service provider, the District is interested to ensure the Final EIR evaluates environmental impacts of the new zoning districts proposed for the Project area. Because the Project is for establishment of new zoning districts and not for specific projects, our comments at this time are relatively general, and we trust that they are helpful in bringing attention the issues that are important to the District. We expect that individual residential, commercial, or industrial developments proposed for the Doheny Village area will be the subject of separate CEQA review undertaken by the City and we look forward to commenting on those projects as they develop.

7-5

Thank you for allowing the District to review the DEIR for the Doheny Village Zoning District Update Project. We look forward to continuing to serve the Doheny Village area and working with the City to provide services to this important project. Should you have any questions or need additional information, please contact me at 949-499-4555.

Sincerely,



Rick Shintaku
General Manager



7. **RESPONSES TO COMMENTS FROM RICK SHINTAKU, GENERAL MANAGER, SOUTH COAST WATER DISTRICT, JUNE 9, 2021.**

7-1 The commenter provides a brief introduction to the South Coast Water District's (SCWD) responsibilities and services in the project area. The commenter states that the Draft EIR inaccurately concludes the project would result in less than significant potential impacts on water and wastewater services based on 1) the overall capacity of SCWD's infrastructure to service the project's projected increase in population and 2) compliance with SCWD's design standards, guidelines, and procedures for accommodating and servicing future individual developments accommodated by the proposed project. Responses to specific comments are provided below.

7-2 The commenter states that the Draft EIR analysis incorrectly assumes the combined remaining wastewater treatment capacities at the Coastal Treatment Plant and J.B. Latham Plant would be able to accommodate the project's generated wastewater. Specifically, the commenter states that SCWD's wastewater collection system does not connect the project area to the Coastal Treatment Plant and thus, the Coastal Treatment Plant would not treat wastewater generated on-site. Additionally, the commenter states that SCWD only owns 27.3 percent of the capacity at the J.B. Latham Plant. Further, the commenter states that the Draft EIR incorrectly compares design capacities (based on peak flow) to average annual wastewater flows, and that the Draft EIR should consider the impact of peak project flows when added to existing peak flows at the J.B. Latham Plant to determine whether there is remaining capacity to accommodate the project.

The anticipated peak wastewater flows generated by the project are unknown at this time. However, assuming a proportional 27.3-percent use of the J.B. Latham Plant capacity by SCWD, the SCWD has a remaining capacity of approximately 1.911 mgd to treat the project-generated 66,510 gallons per day, or 0.07 mgd of wastewater. These corrections are acknowledged and have been made to multiple portions of Section 5.13, *Public Services/Recreation and Utilities*, of the Draft EIR and is reflected below and in Section 3.0, Errata, of this Final EIR.

Draft EIR Section 5.13, *Public Services/Recreation and Utilities*, page 5.13-8, Wastewater

Wastewater services for the project site are provided by SCWD through the existing sanitary sewer system. The existing system consists of approximately 744,480 lineal feet of gravity sewer pipelines, 14 sewage lift stations, and 3,722 manholes. Sanitary sewer is conveyed to one of two wastewater treatment facilities owned and operated by the South Orange County Wastewater Authority (SOCWA). The project's wastewater would be treated by SOCWA at ~~plants in Laguna Niguel (Coastal Treatment Plant) or the J.B. Latham Plant in Dana Point (J.B. Latham Plant).~~ The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment. The J.B. Latham Plant has a total peak flow capacity of 13 million gallons per day (mgd) for treatment and SCWD owns 27.3 percent of the capacity, approximately 3.549 mgd. SOCWA indicates that the ~~Coastal Treatment Plant and the J.B. Latham Plant processes~~ an average capacity use of 2.9 mgd and 6 mgd, respectively.



Draft EIR Section 5.13, *Public Services/Recreation and Utilities*, page 5.13-36, Impact Statement PSRU-6

Sanitary sewer generated within Doheny Village would be conveyed to ~~one of two~~ wastewater treatment facilities in Laguna Niguel (Coastal Treatment Plant) or Dana Point (~~the~~ J.B. Latham Plant) owned and operated by the SOCWA. The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment, and the J.B. Latham Plant has a total peak flow capacity of 13 mgd for treatment, with approximately 3.549 mgd of capacity (27.3 percent) owned by SCWD. The Coastal Treatment Plant and the J.B. Latham Plant processes an average capacity use of ~~2.9 mgd and 6 mgd, respectively.~~ Assuming a proportional 27.3-percent use of the plant capacity by SCWD, the SCWD Therefore, the Coastal Treatment Plant and the J.B. Latham Plant would have ~~has a~~ combined remaining capacity of approximately 1.911 mgd at the J.B. Latham Plant 40.8 mgd to treat the project-generated 66,510 gallons per day, or 0.07 mgd of average wastewater flow. As such, development of the proposed project would not result in inadequate capacity from the SCWD to serve the project's projected wastewater treatment demands in addition to the provider's existing commitments nor require the construction of new wastewater treatment facilities or expansion of existing facilities.

Draft EIR Section 5.13, *Public Services/Recreation and Utilities*, page 5.13-44, Wastewater Services and Infrastructure

Impact Analysis: Cumulative development (as identified in Table 4-1) would result in increased wastewater generation within the project vicinity, which would require wastewater conveyance by the City and treatment at ~~the Coastal Treatment Plant or~~ J.B. Latham Plant. In conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be subject to payment of sewer connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary wastewater infrastructure upgrades.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

7-3 The commenter references the Draft EIR's description of SCWD's wastewater collection system, including gravity sewer pipelines, sewage lift station, and manholes, as inaccurately describing available infrastructure and facilities that would serve the project site. This comment is acknowledged; however, the description in this section of the Draft EIR (Section 5.13.1, *Existing Setting*, page 5.13-8) is provided only for context of SCWD's existing facilities and infrastructure system and is not utilized to evaluate the project's impacts.

7-4 The commenter states that reliance of SCWD's design standards, guidelines, and procedures for future developments accommodated under the proposed zoning district



update is not sufficient to conclude that impacts on SCWD facilities would be less than significant. The Draft EIR is a programmatic analysis of the proposed zoning district update and its projected buildout of Doheny Village; therefore, impacts of specific developments within Doheny Village accommodated by the proposed project is unknown and speculative at this point. However, as detailed in Section 5.13, *Public Services/Recreation and Utilities*, of the Draft EIR, future developments within Doheny Village would be reviewed by the City and the SCWD during plan check review to ensure sufficient local and trunk sewer capacity exists to serve the specific development. The City would also ensure that new development pays its fair share to increase capacity of wastewater treatment facilities per General Plan Land Use Element Policy 3.1, which requires new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions, in addition to paying the standard connection fees to connect to the existing sewer system.

- 7-5 The commenter understands the project is proposing to establish new zoning districts within Doheny Village and no specific development projects are currently proposed. As such, future developments accommodated under the proposed project would be subject to separate environmental review by the City in consultation with SCWD. This comment is acknowledged and no further response is required.

From: [Rona Henry](#)
To: [Comment](#)
Cc: [Kent Doss](#)
Subject: Public Comment Item # 5 Doheny Village May 10 Planning Commission Meeting
Date: Sunday, May 9, 2021 5:51:01 PM

Dear Dana Point Planning Commissioners,

I write as chair of Welcoming Neighbors Home, a ministry of Tapestry, a Unitarian Universalist Congregation serving South Orange County - with members who live in Dana Point. We work to promote affordable housing and end homelessness.

I write to ask some questions, and to voice some concerns and considerations, regarding Doheny Village.

8-1

1. I note the proposal to change the density in the area where the Beachwood Mobile Home Park is. While the EIR says there is no risk of displacement because there is no demolition planned, how will 500 new units of housing be accommodated without demolition? I urge the city to protect against displacement.

2. I understand that the area around the Post Office will no longer permit Single Room Occupancy (SRO's) development. This kind of housing is particularly suited to single adults with fixed or low incomes, like seniors or people with disabilities. I ask that you keep this area zoned for SRO development and/or designate other comparable areas for this purpose.

8-2

3. The Victoria/Bus Yard project is proposed to be three times bigger than originally planned and yet has even less Affordable Housing than the city previously planned. I urge the city to seek more community benefit in the form of affordable housing for people with extremely low and very low incomes - in exchange for increased density that will make the property so much more valuable to the developer.

8-3

4. Finally, I urge the city to adopt an inclusionary housing policy that requires the developer to include 15% of the units as affordable at the extremely low and very low income levels.

8-4

Thank you for your time, consideration and service.

--

Rona Henry, MBA, MPH

Chair, [Welcoming Neighbors Home Initiative](#)*
Tapestry, a Unitarian Universalist Congregation



8. RESPONSES TO COMMENTS FROM RONA HENRY, MBA, MPH, CHAIR, WELCOMING NEIGHBORS HOME INITIATIVE, TAPESTRY, A UNITARIAN UNIVERSALIST CONGREGATION, MAY 9, 2021.

8-1 The commenter works to promote affordable housing and ending homelessness in south Orange County and is concerned about the proposed rezone of the existing Beachwood Mobile Home Park area. Specifically, the commenter questions how 500 new housing units would be accommodated in this area without demolition of the Beachwood Mobile Home Park and displacement of the existing residents. The proposed project would rezone the Beachwood Mobile Home Park area from Commercial/Residential (C/R) with a maximum density of 10 dwelling units per acre (du/ac) to Village Commercial/Residential District (V-C/R) with a maximum density of 50 du/ac. The commenter correctly references the Draft EIR analysis in that the project does not propose any demolition or development activities. Existing on-site uses, including the Beachwood Mobile Home Park, would remain until future redevelopment is proposed at a later date, if any. Should redevelopment be proposed by a future developer, the project would be required to undergo environmental review under the California Environmental Quality Act (CEQA) and would then require project-specific analysis of impacts regarding population and housing, including the displacement of existing housing and residents.

It should also be noted that a primary purpose of the proposed zoning district update is to bring existing, nonconforming uses within Doheny Village into conformance with the General Plan and Zoning Code. The Beachwood Mobile Home Park is approximately 12 acres in size and currently exceeds the maximum density of 10 du/ac under the C/R zoning. Thus, the proposed rezone would bring this nonconforming use into conformance with the General Plan and Zoning Code upon adoption of the zoning district update.

Further, the Mello Act (California Government Code Sections 65590-65590.1) seeks to preserve and expand the number of affordable dwelling units in the California coastal zones. The intent of the Mello Act is accomplished through regulations on the demolition, conversion, change of use, subdivision, and new construction activities that involve existing or proposed dwelling units in coastal zone communities. Specifically, the ordinance protects all dwelling units located within the coastal zone areas of Dana Point through specific review of proposed projects that involve existing dwelling units or new dwelling units. As part of the *City of Dana Point General Plan Housing Element*, the City enforces the Mello Act by requiring the replacement of any existing affordable housing occupied by lower or moderate income households. In addition, under the Mello Act, projects that propose net new dwelling units can be required to produce new affordable units (inclusionary units) as part of the development.

8-2 The commenter is concerned that the proposed project would not allow Single Room Occupancy (SRO) development in the area near the U.S. Post Office (34281 Doheny Park Road) in the southwestern portion of Doheny Village. The commenter states that SRO housing is particularly suited for single adults with fixed or low incomes and requests that SRO housing continue to be permitted in this area. As detailed in [Section 3.0, *Errata*](#), of this Final EIR, SRO uses are conditionally permitted in the V/MS district.



- 8-3 The commenter states that the Victoria/Bus Yard project is proposed to be three times larger with fewer affordable housing units than originally planned. The commenter also urges the City to support higher density developments with affordable housing units. While the Victoria/Bus Yard project is located within Doheny Village, it is not related to the proposed zoning district update and is currently being processed by the City under separate environmental review. This comment is acknowledged and, given that it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 8-4 The commenter urges the City to adopt an inclusionary housing policy that requires developers to include 15 percent of proposing housing units as affordable at the extremely low and very low income levels. This comment is acknowledged and, given that it does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: [Joyce Perry](#)
To: [Belinda Deines](#); [Yau, Frances](#)
Subject: EXTERNAL: Re: NOA - Doheny Village Zoning District Update Project
Date: Monday, May 10, 2021 1:57:41 PM

Good Afternoon,

I am writing on behalf of the Juaneno Band of Mission Indians, Acjachemen Nation-Belardes (JBMIAN-Belardes) in response to the Draft Environmental Impact Report for the Doheny Village Zoning District Update Project. It is important that a tribal representative from the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes (JMBIAN-Belardes) is included in all stages of mitigation. Our comments follow:

- **Cultural Resources Mitigation Measure 1:** We request that a tribal cultural resource monitor representing JBMIAN-Belardes is included in Phase I survey, and that recommendations from the tribal monitor are included when assessing the sensitivity of the site. 9-1
- **Cultural Resources Mitigation Measure 2:** We request that a monitor from JBMIAN-Belardes is present during any ground disturbance that takes place as a part of Phase II Testing and Evaluation. We request that a monitor from JBMIAN-Belardes is present during any ground disturbance that takes place as a part of a Phase III data recovery program.
- **Cultural Resources Mitigation Measure 3:**

 - If the project area is determined to be highly sensitive for archaeological resources, we request that both an archaeologist and native monitor from JBMIAN-Belardes are present during any ground disturbing activities that take place through the course of the project. 9-2
 - In the event significant archaeological resources are unearthed, the first course of action should be to leave them in place. If this is not possible, the artifacts should be repatriated to an affiliated tribe as recognized by the NAHC.
- **Cultural Resources Mitigation Measure 4:**

 - If the project area is determined to be of medium sensitivity for archaeological resources, we request that both an archaeologist and native monitor from JBMIAN-Belardes are present during any ground disturbing activities that take place through the course of the project.
 - If the project is determined to have low sensitivity for archaeological resources, we request that an archaeologist and monitor from JBMIAN-Belardes are retained on an on-call basis. 9-3
 - In the event significant archaeological resources are unearthed, the first course of action should be to leave them in place. If this is not possible, the artifacts should be repatriated to an affiliated tribe as recognized by the NAHC.
- **Cultural Resources Mitigation Measure 5:** We are in agreement with this mitigation measure. 9-4
- **Cultural Resources Study for the Doheny Village Plan EIR Page 5 of 23-Ethnography:** While anthropologists lump the Juaneno and Luiseno people into one group, there are political and cultural differences that need to be 9-5

acknowledged. We reject the usage of the term "Luiseno" to refer to both the Juaneno and Luiseno people. Per Lisa Woodard, The Acjachemen of San Juan Capistrano: History, Language, and Politics of an Indigenous California Community (2007) p.9 "The [Juaneno] community is usually linguistically and culturally grouped with Luiseno. Even though this determination is accepted in academia, the Acjachemen view themselves as a separate group." We request that the term "Acjachemen/Juaneno" is used when referring to the Juaneno people.

9-5
cont'd

Thank you and please let me know if you have any questions. We look forward to your response.

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

On Mon, Apr 26, 2021 at 6:31 AM Yau, Frances <Frances.Yau@mbakerintl.com> wrote:

Hello –

On behalf of the City of Dana Point, please review the attached Notice of Availability (NOA) of a Draft Environmental Impact Report (Draft EIR) for the Doheny Village Zoning District Update Project. The NOA includes information regarding the project description, public commenting opportunities, and upcoming public meetings. This email notification is in addition to a mailed hardcopy NOA. The NOA and Draft EIR are also available for review on the City's website at: www.danapoint.org/businesses/doheny-village.

The 45-day public review period begins today on Monday, April 26, 2021, and will conclude on Wednesday, June 9, 2021. Please submit comments in writing to the address or email provided below. Comment letters must be received by 5:00 p.m. on June 9, 2021.

Belinda Ann Deines, Principal Planner

City of Dana Point

Planning Division

33282 Golden Lantern

Dana Point, CA 92629

bdeines@danapoint.org

For any additional questions regarding the review of the NOA and Draft EIR, please contact the City Planner at the email address above.

Thank you,

Frances Yau, AICP | Project Manager - Planning
5 Hutton Centre Drive, Suite 500 | Santa Ana, CA 92707 | [O] 949-330-4105
frances.yau@mbakerintl.com | www.mbakertnl.com





9. RESPONSES TO COMMENTS FROM JOYCE STANFIELD PERRY, CULTURAL RESOURCE DIRECTOR, JUANEÑO BAND OF MISSION INDIANS, ACJACHEMEN NATION, MAY 10, 2021.

9-1 The commenter states that it is important that a tribal representative from the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes (JMBIAN-Belardes) is included in all stages of mitigation detailed in the Draft EIR. Specifically, the commenter requests a tribal cultural resource monitor representing JMBIAN-Belardes be included in Phase I surveys (Mitigation Measure CUL-1) and be present during any ground-disturbing activities that take place during Phase II testing (Mitigation Measure CUL-2).

The commenter incorrectly references the wrong mitigation measures; it is assumed the commenter is referring to Mitigation Measures CUL-4 and CUL-5 in the Draft EIR. As stated in Mitigation Measures CUL-4 and CUL-5, a representative from one or more of the consulting tribal groups shall be present. The City consulted with the commenter in accordance with Assembly Bill (AB) 52 and has provided good faith effort in consultation regarding the proposed project, potential project impacts to tribal cultural resources, and required mitigation measures.

9-2 In reference to Mitigation Measure CUL-3, the commenter requests that if a future project site is determined to be highly sensitive for archaeological resources, both an archaeologist and Native American monitor from JMBIAN-Belardes be present during any ground disturbing activities that take place through the course of the project. Additionally, the commenter states that if a resource is unearthed, the first course of action should be to avoid the resource and, if not possible, to repatriate the resource to an affiliated tribe.

The commenter incorrectly references the wrong mitigation measure; it is assumed the commenter is referring to Mitigation Measures CUL-6 and CUL-10 in the Draft EIR. As detailed in the Draft EIR, Mitigation Measure CUL-6 would require avoidance of any identified archaeological site and Mitigation Measure CUL-10 would require a qualified archaeologist and a representative from one or more of the consulting tribal groups to monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil for project sites identified as being highly sensitive for archaeological resources. The City consulted with the commenter in accordance with AB 52 and has provided good faith effort in consultation regarding the proposed project, potential project impacts to tribal cultural resources, and required mitigation measures.

9-3 In reference to Mitigation Measure CUL-4, the commenter requests that if a future project site is determined to be of medium sensitive for archaeological resources, both an archaeologist and Native American monitor from JMBIAN-Belardes be present during any ground disturbing activities that take place through the course of the project. The commenter also requests that if a future project site is determined to have low sensitivity for archaeological resources, both an archaeologist and Native American monitor from JMBIAN-Belardes be retained on an on-call basis. Additionally, the commenter states that if a resource is unearthed, the first course of action should be to avoid the resource and, if not possible, to repatriate the resource to an affiliated tribe.



Under Mitigation Measure CUL-11, a qualified archaeologist and a representative from one or more of the consulting tribal groups would be retained on an on-call basis for project sites identified as having medium sensitivity for archaeological resources. Mitigation Measure CUL-4 states that project sites with low sensitivity would only be required to comply with Mitigation Measure CUL-12, which requires retaining a qualified archaeologist and a representative from one or more of the consulting tribal groups if archaeological resources are encountered. Additionally, per Mitigation Measure CUL-6, construction activities would be required to avoid any identified archaeological sites. The City consulted with the commenter in accordance with AB 52 and has provided good faith effort in consultation regarding the proposed project, potential project impacts to tribal cultural resources, and required mitigation measures.

- 9-4 The commenter states that JBMIAN-Belardes is in agreement with Mitigation Measure CUL-5. This comment is acknowledged; no further response is required.
- 9-5 The commenter requests that the term “Acjachemen/Juaneño” be used when referring to the Juaneño people rather than “Luiseño.” This comment is acknowledged. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)



California Cultural Resource Preservation Alliance, Inc.

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

May 24th, 2021

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

RE: NOA of Draft EIR for the Doheny Village Zoning District Update Project

Ms. Deines;

As Vice President of the California Cultural Resource Preservation Alliance, Inc. (CCRPA), I am responding to the Notice of Availability (NOA) of the Draft Environmental Impact Report (EIR), issued April 26, 2021, by the City of Dana Point. These comments are for the for the proposed Doheny Village Zoning District Update Project.

CCRPA is very concerned about the potential impact and/ or significant adverse impacts to archaeological site P-30-001337/CA-ORA-21, a prehistoric burial ground located within the project area.

We believe that an extended Phase I testing (CUL-5) is the correct first approach to relocating the archaeological site CA-ORA-21. Since the site was first recorded in 1949 by John B. Romero no further investigations were undertaken for this important archaeological site.

If the site is relocated within the project area, CCRPA would recommend avoidance has the preferred outcome over a Phase III excavation which ultimately would lead to the removal and destruction of the archaeological site.

Regards.

Mr. Sylvère CM Valentin, MA RPA
CCRPA
Vice President



**10. RESPONSES TO COMMENTS FROM SYLVÈRE CM VALENTIN, MA, RPA,
VICE PRESIDENT, CALIFORNIA CULTURAL RESOURCE
PRESERVATION ALLIANCE, INC., MAY 24, 2021.**

- 10-1 The commenter is concerned about the project's potential impacts to archaeological site P-30-001337/CA-ORA-21, a prehistoric burial ground located within the project area. The commenter suggests conducting extended Phase I testing per Mitigation Measure CUL-5 and for avoidance to be the preferred mitigation rather than relocation or Phase III excavation, which would ultimately lead to the removal and potential destruction of the archaeological site. As suggested by the commenter, future development in accordance with the proposed project would be required to comply with the mitigation measures detailed in the Draft EIR, including extended Phase I testing should the future development be proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by the Phase I study required under Mitigation Measure CUL-4. It should also be noted that site P-30-001337/CA-ORA-21 is mapped in an area that has been intensely developed and is currently the site of commercial buildings, roads, parking lots, and associated infrastructure. Therefore, it is likely that the site has been impacted by these developments if the mapped location is accurate.

From: [Maura Mikulec](#)
To: [Comment](#)
Cc: [Michael Villar](#); [Mike Frost](#); [Richard Viczorek](#); [Jamey Federico](#); [Joe Muller](#)
Subject: Comment to Planning Commission on Doheny Village EIR Study Session
Date: Monday, May 10, 2021 4:05:41 PM

Good evening Planners and staff.

I grew up in Capistrano Beach, have lived in the Beach cities most of my life, and have lived in Capistrano Beach for the last 23 years. I am an advocate for people experiencing homelessness, and so one of my primary concerns in our city is affordability for all, and housing resources for people with very low income.

I grew up attending what is now San Felipe de Jesus, bowling in what is now Capo Beach Church, and shopping at Gilberts, which is now where Smart-N-Final is. I love what we now know as Doheny Village because it is probably the only part of town that hasn't changed too much. It still feels like Capo Beach, and I hope it always will.

I think the Village can retain the qualities that allow it to still feel like home while also playing an important role in the city. We need Affordable Housing, and we need places where housing can be built for people experiencing homelessness. I have some concerns about some of what's being proposed in the Village.

Why is the area along the creek being re-zoned in such a way that housing is no longer allowed? Why would we take away a place where housing could go? That area is perfect for studio apartments for singles with very low income. What is the justification for zoning that possibility away?

Another huge concern for me is any threat to the Beachwood Mobile Home Park. Mobile homes are a critical resource to low income families. The EIR expresses that there's no threat of displacement in the Village, yet the proposed zoning change where Beachwood is seems like a threat to me. The EIR recognizes that there might be an additional 400 units of housing there, but doesn't see a risk of displacement? Does the Planning Commission know who this would be accomplished? How would 400+ units of housing be added without displacing current residents? What needs to be done in the plan and/or zoning to guarantee there will be no displacement? It is really important to me that no one there - owner or renter - lose their home.

Finally, the old bus yard. How did this get away from us? How did we go from this being identified as a prime place for Affordable Housing to what is now being proposed? It has grown monstrously, but is not giving back to the community what the community needs - Affordable Housing. Is it too late to pull the plug on this development as proposed, and get back to getting some Affordable Housing built? (Especially since neither Town Center nor South Cove gave us any truly Affordable Housing.)

I hope you will consider the development of Affordable Housing a real imperative as you deliberate on all of the issues in the Doheny Village.

Thank you,

--

11-1

11-2

11-3

Maura Mikulec
949-633-3818

"Never do anything for me where there is the least bit of fear, guilt, shame, resentment or resignation behind your motives. Otherwise we'll both suffer. Please honor my request only if it comes from your heart, where it is a gift to yourself to give to me." Marshall B. Rosenberg

"One way or another, we all have to find what best fosters the flowering of our humanity in this contemporary life, and dedicate ourselves to that." Joseph Campbell



11. RESPONSES TO COMMENTS FROM MAURA MIKULEC, MAY 10, 2021.

- 11-1 The commenter encourages affordable housing development in Capistrano Beach and is concerned that the project proposes to rezone the area along the San Juan Creek in a manner that would prohibit future residential development. The commenter states that the area would be perfect for studio apartments for singles with very low income. It should be noted that the area along the San Juan Creek within the project site is developed with commercial and light industrial uses, where residential uses are not currently permitted and are not proposed. Residential development would be permitted and be more compatible in the proposed V-C/R and Village Main Street (V-MS) districts near other existing residential uses. Nevertheless, this comment is acknowledged. Given that the comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis, no further response is required. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 11-2 Refer to Response 8-1.
- 11-3 Refer to Response 8-3.

From: [Martha Ann Fitzpatrick](#)
To: [Comment](#)
Subject: Public Comment #5 Doheny Village My May 10
Date: Monday, May 10, 2021 11:02:52 AM

My name is Sister Martha Ann Fitzpatrick and I live at 33392 Via Lenita, Dana Point. I am writing to support affordable housing that would help house families and individuals who are financially impacted and underserved. I have some concerns re: Doheny Village. I believe it is crucial that everyone has access to housig. It is important that we tend to the needs of our neighbors and provide affordable housing.

12-1

My concerns are:

1. The proposal to change the density in the Beachwood Mobile Home Park area is one of my concerns. How will 500 new units of housing be accommodated without demolition? I urge the city to protect against displacement.
- o
2. The area around the Post Office will no longer permit Single Room Occupancy development. This kind of housing if suited to single adults with fixed or low incomes, like seniors or people with disabilities. I ask thatyou keep this area zoned for SRO development and/or designate other comparable areas for this purpose.
3. The Victoria Bus Yard is proposed to be three times bigger than planned and yet has even less affordable housing than city previously planned. I urge the city to seek more community benefit in the form of affordable housing for people with extremely low and very low incomes in exchange for increased density that will make the property so muchmore valuable to the developer.

12-2

12-3

As a Sister of St. Joseph of Orange, California, I stand in solidarity with the neighbor who may need suTh housing. Please provide for the many levels of need.

Sent from [Mail](#) for Windows 10



12. RESPONSES TO COMMENTS FROM SISTER MARTHA ANN FITZPATRICK, MAY 10, 2021.

12-1 Refer to Response 8-1.

12-2 Refer to Response 8-2.

12-3 Refer to Response 8-3.

From: [Sr. Sue Dunning](#)
To: [Comment](#)
Subject: Public Comment Item # 5 Doheny Village May 10 Planning Commission Meeting
Date: Monday, May 10, 2021 12:42:26 PM
Attachments: [image005.png](#)

Hello,

My name is Sister Sue Dunning and our congregation, The Sisters of St. Joseph of Orange, live in Dana Point. I worked at San Felipe De Jesus in Capo Beach for 4 years. I am here in support of affordable housing that would help house families and individuals who are financially impacted and underserved. Which brings me to voice some concerns and considerations, regarding Doheny Village.

As a person of faith, I believe it is crucial that everyone has access to housing; it is a human right. Specially during the COVID-19 pandemic when there is much more need, it is imperative that we tend to the needs of our neighbors and provide affordable housing for underserved communities.

13-1

Below are my concerns:

- 1. The proposal to change the density in the Beachwood Mobile Home Park area. While the Environmental Impact Report (EIR) says there is no risk of displacement of the Beachwood Mobile Home Park, how will 500 new units of housing be accommodated without demolition? I urge the city to protect against displacement.*
- 2. I understand that the area around the Post Office will no longer permit Single Room Occupancy (SRO's) development. This kind of housing is particularly suited to single adults with fixed or low incomes, like seniors or people with disabilities. I ask that you keep this area zoned for SRO development and/or designate other comparable areas for this purpose.*
- 3. The Victoria/Bus Yard project is proposed to be three times bigger than originally planned and yet has even less Affordable Housing than the city previously planned. I urge the city to seek more community benefit in the form of affordable housing for people with extremely low and very low incomes - in exchange for increased density that will make the property so much more valuable to the developer.*

13-2

13-3

As a Sister of St. Joseph of Orange, I stand in solidarity with our dear neighbor who may be at the risk of losing their home or who is experiencing homelessness. I urge you to take action to provide a safe place to call home for our neighbors in need.

Thank you for taking action,

Sister Sue Dunning, CSJ

Sister Sue Dunning, CSJ
General Councilor

Sisters of St. Joseph of Orange
480 South Batavia Street, Orange, CA 92868-3998
T: (714) 633-8121 ext. 7799
sdunning@csjorange.org

www.csjorange.org





13. RESPONSES TO COMMENTS FROM SISTER SUE DUNNING, MAY 10, 2021.

13-1 Refer to Response 8-1.

13-2 Refer to Response 8-2.

13-3 Refer to Response 8-3.

From: [Yesenia Altamirano](#)
To: [Comment](#)
Subject: Public Comment Item # 5 Doheny Village May 10 Planning Commission Meeting
Date: Monday, May 10, 2021 3:44:09 PM

Hello,

My name is Yesenia Altamirano and I am writing to you in support of affordable housing that would help house families and individuals who are financially impacted and underserved. Which brings me to voice some concerns and considerations, regarding the Doheny Village Plan.

As a person of faith, I believe it is crucial that everyone has access to housing; it is a human right. Specially during the COVID-19 pandemic when there is much more need, it is imperative that we tend to the needs of our neighbors and provide affordable housing for underserved communities.

14-1

Below are my concerns:

1. The proposal to change the density in the Beachwood Mobile Home Park area. While the Environmental Impact Report (EIR) says there is no risk of displacement of the Beachwood Mobile Home Park, how will 500 new units of housing be accommodated without demolition? I urge the city to protect against displacement.
2. I understand that the area around the Post Office will no longer permit Single Room Occupancy (SRO's) development. This kind of housing is particularly suited to single adults with fixed or low incomes, like seniors or people with disabilities. I ask that you keep this area zoned for SRO development and/or designate other comparable areas for this purpose.
3. The Victoria/Bus Yard project is proposed to be three times bigger than originally planned and yet has even less Affordable Housing than the city previously planned. I urge the city to seek more community benefit in the form of affordable housing for people with extremely low and very low incomes - in exchange for increased density that will make the property so much more valuable to the developer.

14-2

14-3

I stand in solidarity with our sisters and brothers who may be at the risk of losing their home or who are experiencing homelessness. I urge you to take action to provide a safe place to call home for our neighbors in need.

Thank you for taking action,

Yesenia Altamirano



14. RESPONSES TO COMMENTS FROM YESENIA ALTAMIRANO, MAY 10, 2021.

14-1 Refer to Response 8-1.

14-2 Refer to Response 8-2.

14-3 Refer to Response 8-3.



June 14, 2021

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

Subject: Draft Environmental Impact Report (Draft EIR) for the Doheny Village Zoning District Update Project (State Clearinghouse No. 2020030428)

Dear Ms. Deines:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Doheny Village Zoning District Update.

OC LAFCO seeks to serve the citizens of Orange County by facilitating constructive changes in governmental structure and boundaries through actions that resolve intergovernmental issues, by fostering orderly development and governance, and by promoting the efficient delivery of services. To that end, OC LAFCO confirms that the project area described in the subject Draft EIR is within the service boundary of the South Coast Water District (SCWD) , and as indicated in the environmental report, would receive water and wastewater services from SCWD. At this time, OC LAFCO has no additional comments.

If you have any questions regarding this response, please contact Policy Analyst, Luis Tapia at (714) 640-5100 or by email at ltapia@oclafco.org.

Sincerely,

Carolyn Emery
Executive Officer

REGULAR MEMBERS

CHAIR
DOUGLASS DAVERT
SPECIAL DISTRICT MEMBER

VICE CHAIR
DONALD P. WAGNER
COUNTY MEMBER

IMMEDIATE PAST CHAIR
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LISA BARTLETT
COUNTY MEMBER

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ALTERNATES

KATRINA FOLEY
COUNTY MEMBER

KATHRYN FRESHLEY
SPECIAL DISTRICT MEMBER

PEGGY HUANG
CITY MEMBER

LOU PENROSE
PUBLIC MEMBER

STAFF

CAROLYN EMERY
EXECUTIVE OFFICER

15-1



15. RESPONSES TO COMMENTS FROM CAROLYN EMERY, EXECUTIVE OFFICER, ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION, JUNE 14, 2021.

- 15-1 The commenter provides a brief summary of the Orange County Local Agency Formation Commission's role and responsibilities and confirms that the project site is within the service area of the South Coast Water District (SCWD) and would receive water and wastewater services from SCWD. This comment is acknowledged and no further response is required.



3.0 Errata



3.0 ERRATA

Changes to the Draft Environmental Impact Report (Draft EIR) are noted below. A double-underline indicates additions to the text; ~~strike through~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the technical comments on the Draft EIR, which circulated from April 26, 2021 through June 9, 2021. These clarifications and modifications are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft EIR. Any changes referenced to mitigation measures contained in the Draft EIR text also apply to the Table of Contents, Section 1.0, *Executive Summary*, and Section 5.0, *Environmental Analysis*, of the Draft EIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final EIR.

SECTION 5.1, LAND USE AND RELEVANT PLANNING

Page 5.1-3, California Coastal Act

The City's certified LCP is currently comprised of a number of different documents, which serve as the LCP for specific geographic areas within Dana Point:

- *Dana Point Specific Plan/ 1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);
- *Monarch Beach/ Capistrano Beach 1996 LCP* (~~1996 LCP~~; comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the City's Zoning Code [Implementation Plan]);
- *Headlands Development and Conservation Plan*, September 22, 2004;
- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and
- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

The General Plan Land Use, Urban Design, and Conservation Open Space Elements; City's Zoning Code, *Monarch Beach/ Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*; *Dana Point Town Center Plan*; and *Dana Point Harbor Revitalization Plan* are together referred to as the 1996 LCP. The project site is subject to the 1996 LCP. ~~While the Monarch Beach and Capistrano Beach areas were incorporated into the 1986 LCP as the 1996 LCP, the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas, as listed above. The original 1986 LCP remains in effect for the remainder of the City, including the project site.~~



Page 5.1-8, Dana Point Specific Plan (1986 LCP)

Dana Point Local Coastal Program Specific Plan (1986 LCP)

LCPs are basic planning tools used by local governments, in partnership with the CCC, to guide development in the coastal zone. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as a Zoning Ordinance). These LCPs, which are prepared by local governments, govern decisions that determine the short- and long-term conservation and use of coastal resources. Along with the unique characteristics of individual local coastal communities, the LCPs must also address regional and Statewide interests and concerns, in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the CCC for review for consistency with Coastal Act requirements.

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The 1996 LCP is comprised of the General Plan Land Use, Urban Design, and Conservation Open Space Elements; City's Zoning Code, Monarch Beach/Capistrano Beach 1996 LCP; Headlands Development and Conservation Plan; Dana Point Town Center Plan; and Dana Point Harbor Revitalization Plan. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements and the City's Zoning Code. The Monarch Beach and Capistrano Beach areas are regulated under the 1996 LCP and the Headlands, Town Center, and Dana Point Harbor areas are subject to Specific Plans that serve as LCPs for those geographic areas. As the project site is not located within the Monarch Beach, Capistrano Beach, Headlands, Town Center, or Dana Point Harbor, the 1986 LCP regulates development within the project site.

The 1986 LCP implements the goals and policies of the General Plan, particularly the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open Space, and Community Design Elements. Additionally, the 1986 LCP also implements the Coastal Act in addressing shoreline access/recreation and visitor serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards. The 1986 LCP also details land use regulations, resolution of General Plan/zoning inconsistencies, provision of municipal level community services, and community participation.

Page 5.1-27, Local Coastal Program

LU-4 THE PROPOSED PROJECT COULD CONFLICT WITH POLICIES PROVIDED IN THE 19961986 LOCAL COASTAL PROGRAM.

Impact Analysis: Specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements and the City's Zoning Code. ~~The 1986 LCP regulates development within the project site and consists of portions of the General Plan, Municipal Code, and Zoning Map. Required components of the LCP are found within several General Plan elements, including the Land Use, Circulation, Housing, Recreation, Scenic Highways, Open~~



~~Space, and Community Design Elements. Additionally, the 1986 LCP implements the Coastal Act in addressing shoreline access/recreation and visitor serving facilities; housing; water and marine resources/environmentally sensitive habitat areas; and public works/new development/visual resources/hazards.~~ As analyzed under Impact Statements LU-1 through LU-3, the project would be consistent with the General Plan, Municipal Code, and Coastal Act, respectively. Therefore, the proposed project would also be consistent with the 1996~~1986~~ LCP.

Further, given that portions of Doheny Village are located within the coastal zone, an LCP Amendment would be required to reflect the new land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the City and California Coastal Commission. Upon approval of the LCP Amendment, the project would be consistent with the 1996~~1986~~ LCP, and impacts would be less than significant.

Page 5.1-31, Cumulative Impacts

As analyzed above, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, Coastal Act, 1996~~1986~~ LCP, and 2016 RTP/SCS, the proposed project would not result in significant cumulatively considerable impacts in this regard. Impacts would be less than significant.

SECTION 5.13, PUBLIC SERVICES/RECREATION AND UTILITIES

Page 5.13-8, Wastewater

Wastewater services for the project site are provided by SCWD through the existing sanitary sewer system. The existing system consists of approximately 744,480 lineal feet of gravity sewer pipelines, 14 sewage lift stations, and 3,722 manholes. Sanitary sewer is conveyed to one of two wastewater treatment facilities owned and operated by the South Orange County Wastewater Authority (SOCWA). The project's wastewater would be treated by SOCWA at ~~plants in Laguna Niguel (Coastal Treatment Plant) or the J.B. Latham Plant in Dana Point (J.B. Latham Plant).~~ The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment. The J.B. Latham Plant has a total peak flow capacity of 13 million gallons per day (mgd) for treatment and SCWD owns 27.3 percent of the capacity, approximately 3.549 mgd. SOCWA indicates that ~~the Coastal Treatment Plant and the J.B. Latham Plant processes~~ an average capacity use of 2.9 mgd and 6 mgd, respectively.

Page 5.13-36, Impact Statement PSRU-6

Sanitary sewer generated within Doheny Village would be conveyed to ~~one of two wastewater treatment facilities in Laguna Niguel (Coastal Treatment Plant) or Dana Point (the J.B. Latham Plant)~~ owned and operated by the SOCWA. ~~The Coastal Treatment Plant has a total capacity of 6.7 mgd for treatment, and the J.B. Latham Plant has a total peak flow capacity of 13 mgd for treatment, with approximately 3.549 mgd of capacity (27.3 percent) owned by SCWD. The Coastal Treatment Plant and the J.B. Latham Plant processes an average capacity use of 2.9 mgd and 6 mgd, respectively. Assuming a proportional 27.3-percent use of the plant capacity by SCWD, the SCWD. Therefore, the Coastal Treatment Plant and the J.B. Latham Plant would have has a combined remaining capacity of approximately 1.911 mgd at the J.B. Latham Plant 40.8 mgd to treat the project-generated 66,510 gallons per day, or 0.07 mgd of average wastewater flow.~~ As such, development of the proposed



project would not result in inadequate capacity from the SCWD to serve the project's projected wastewater treatment demands in addition to the provider's existing commitments nor require the construction of new wastewater treatment facilities or expansion of existing facilities.

Page 5.13-44, Wastewater Services and Infrastructure

Impact Analysis: Cumulative development (as identified in Table 4-1) would result in increased wastewater generation within the project vicinity, which would require wastewater conveyance by the City and treatment at ~~the Coastal Treatment Plant or~~ J.B. Latham Plant. In conformance with Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be subject to payment of sewer connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary wastewater infrastructure upgrades.

APPENDIX 11.1, PROPOSED MUNICIPAL CODE CHAPTER 9.14 (DOHENY VILLAGE DISTRICTS)

Appendix 11.1, *Proposed Municipal Code Chapter 9.14, Doheny Village Districts*, in the Draft EIR was a draft version of the proposed Municipal Code chapter and associated exhibits. The appendix is replaced as a whole with the following text and exhibits, which includes General Plan Amendment GPA 20-0001, Zone Text Amendment ZTA 20-0001, and Zone Change ZC 20-0001. The final text and exhibits provided below supersede any information provided in the Draft EIR and generally include the following changes:

- Addition of General Plan Amendment GPA 20-0001 text, including modifications to the Land Use Element of the General Plan and addition of Figure LU-5, *Land Use Policy Diagram*; and
- Municipal Code Chapter 9.14, Section 9.14.020(d) permits Congregate Care Facility in the V-C/R and V-MS districts, and conditionally permits Single Room Occupancy in the V-MS district.

General Plan Amendment GPA 20-0001

Modifications to Land Use Element of the General Plan: The “Mixed Use Designation” category shall be amended to modify “Commercial/Residential” and add new Land Use Designations of “Commercial/Main Street” and “Commercial/Industrial” as follows (deletions are shown as strikeout and inserts are underlined):

Commercial/Residential: The Commercial/Residential designation includes mixtures of commercial, office and residential uses in the same building, on the same parcel, or within the same area. ~~The primary uses within this designation are commercial; and residential is only allowable when developed in conjunction with commercial development. Allowable activities include those identified in the Community and Neighborhood Commercial designations, the Professional/Administrative designation and, when developed in conjunction with commercial users, the Residential 7-14, Residential 14-22, and Residential 22-30 designation.~~ Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small scale business activities which serve the needs of residents and visitors. When mixtures of uses occur in the same building, retail uses or offices are usually located on the ground floor with residential or office uses above. The mixed uses are usually located in areas where multiple activities and pedestrian orientation are considered to be desirable objectives. ~~All existing residential~~ Residential uses are allowable activities within this designation; ~~however, the residential density cannot be increased, and any changes of use shall include commercial use as the primary use. The standard intensity of non-residential development is a floor area ratio of .5:1 and the maximum intensity of development is a floor area of 1.5:1. The standard of 10-30 dwelling units per net acre of land (equivalent to an FAR of .25:1) is allowed when for residential development is combined in the same building or on the same parcel as commercial retail or office uses.~~ The standard of 50 dwelling units per net acre of land is allowed for residential development on parcels greater than 10 acres in lot size.

Commercial/Main Street: The Commercial/Main Street designation provides for a mixture of residential, retail, and service uses in the same building, or on the same parcel, and commercial or residential uses above nonresidential space. Residential uses in this designation provide housing near sources of employment or commercial and professional services, which shall be sited in a manner that minimizes vehicle miles traveled (VMT). This alternative housing adds to the City's supply of housing opportunities, reduces commute time between home and work, and promotes a strong, stable, and desirable pedestrian-oriented business environment. When mixture of uses occur in the same building, retail or service uses are usually located on the ground floor with commercial or residential uses above. The mixed uses are usually located in areas along a “main street” where multiple activities and pedestrian orientation are desirable objectives. The standard intensity of non-residential development for floor area ratio shall not be required. The standard density of 10 dwelling units per net acre of land is allowed for properties located

south of Victoria Boulevard and west of Doheny Park Road. The standard density of 30 dwelling units per net acre of land is allowed when residential development is combined in the same building or on the same parcel as commercial retail or office uses.

Commercial/Industrial: The Commercial/Industrial designation 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 designation encourages the development of mixed commercial and industrial areas. The standard intensity of development is a floor area ratio of .75:1 and the maximum intensity of development is a floor area ratio of 1.5:1.

TABLE LU-3
DEVELOPMENT INTENSITY/DENSITY STANDARDS

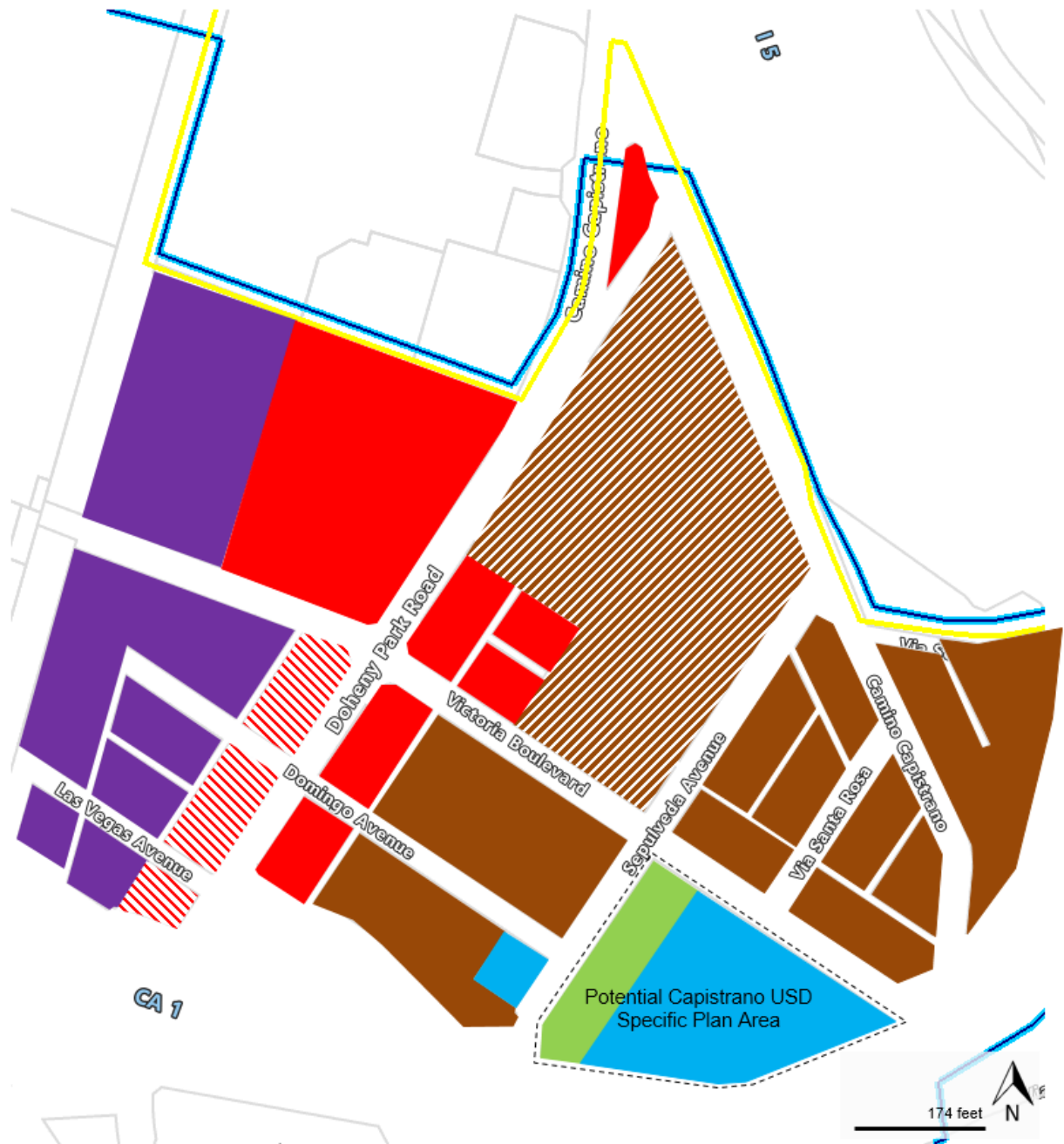
LAND USE DESIGNATION	MAXIMUM DEVELOPMENT INTENSITY/DENSITY (a)	STANDARD INTENSITY/DENSITY (b)
MIXED-USE		
Commercial/Residential (c)	1.5:1 and 10 <u>50 du/net ac (d)</u>	.5:1 and 10 30 du/net ac
<u>Commercial/Main Street (c)</u>	<u>30 du/net ac</u>	<u>10(e)-30 du/net ac</u>
<u>Commercial/Industrial (c)</u>	<u>1.5:1</u>	<u>.75:1</u>

(c) See description of allowable mixes of residential and non-residential development under the Mixed Use Designation section of this element.

(d) Maximum residential density for properties greater than 10 acres in lot size.

(e) Standard residential density for properties located south of Victoria Boulevard and west of Doheny Park Road.

Figure LU-5: Land Use Policy Diagram



<u>Land Use Designations</u>	<u>Floor Area Ratio</u>	<u>Density</u>
Commercial/Industrial	.75-1.5:1	
Commercial/Main Street		10 du/ac
Commercial/Main Street		30 du/ac
Commercial/Residential		30 du/ac
Commercial/Residential		50 du/ac
Community Facility	.4-1.0:1	30 du/ac
Open Space	.1-.2:1	

Zone Text Amendment ZTA 20-0001

Modifications to Zoning Code: The following chapter shall be inserted into the Dana Point Zoning Code as follows:

Chapter 9.14 Doheny Village Districts

9.14.010 Intent and Purpose.

The intent and purpose of this Chapter is to establish the Doheny Village Districts to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in the area. These districts are designed to achieve an integrated neighborhood-serving business and residential environment. Residential units in Doheny Village provide housing near sources of employment or commercial and professional services, intended to add to the City's supply of affordable housing, reduce commutes between home and work, and promote a strong, stable, and desirable pedestrian-oriented business environment.

(a) Village Commercial/Industrial (V-C/I). 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.

(b) Village Commercial/Residential (V-C/R). 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.

(c) Village Main Street (V-MS). 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 nonresidential space. The provisions of this district encourages 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.

9.14.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

(a) Several classes of uses are allowed in Doheny Village Districts. Each of these classes must promote the mixed use character of the districts. These classes of uses are:

- (1) Permitted Use — allowed by right if no discretionary review is required. Certain permitted uses, indicated by P*, are also regulated by provisions contained in Section 9.14.050 or Chapter 9.07.
- (2) Accessory Use — allowed by right if accessory to a permitted or conditional use.
- (3) Temporary Use — allowed on a temporary basis in accordance with the provisions of Chapter 9.39.
- (4) Conditional Use — allowed subject to the approval of a Conditional Use Permit in accordance with the provisions of Chapter 9.65. Certain conditional uses, indicated by a C*, are also regulated by provisions contained in Section 9.14.050 or Chapter 9.07.
- (5) Prohibited Use — not allowed in the subject district.

(b) Certain uses other than permitted uses may not be suitable or desirable in every location within Doheny Village Districts and, therefore require a Temporary Use Permit as described in Chapter 9.39, or discretionary review through the Conditional Use Permit process described in Chapter 9.65.

(c) Definitions of Use. The following definitions shall apply to the provisions contained in this Chapter. Manufacturing uses, including artisan, marine, and metal fabrication, specifically located within the Doheny Village Districts shall be defined as follows:

- (1) Artisan Manufacturing Uses. Artisan manufacturing shall mean the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products, as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products, beverages, printmaking, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, and paper manufacturing.
- (2) Marine Manufacturing Uses. Marine manufacturing shall include marine-oriented, light industrial uses including surfboard shaping and manufacturing, boat and watercraft assembly.
- (3) Metal Fabrication Uses. Metal fabrication shall mean establishments which provide creation of metal structures by cutting, bending, and

assembling processes. Uses include blacksmith shops, machine shops, sheet metal shops, tinsmiths, and welding shops.

(d) The following Table lists the classification of allowable uses in the Doheny Village Districts as defined in Section 9.75.270 and Section 9.14.020(c). Any use not expressly allowed is prohibited.

SECTION 9.14.020(d)
DOHENY VILLAGE DISTRICTS

LAND USES	V-C/I	V-C/R	V-MS
Accessory Dwelling Unit	X	P(1)	P(1)
Administrative Office Uses	P	P	P
Adult Day Care Facility	X	C	C
Alcohol Beverage Manufacturing Uses	P*	C*	C*
Alcoholic Beverage Outlet	C*	P*/C*	P*/C*
Animal Hospital	P	X	P
Automotive Sales and Rental Uses	C*	C*	C*
Artisan Manufacturing Uses	P	C*	C*
Building Materials Sales and Service Uses	P	P	P
Business Service Uses	P	P	P
Caretaker's Residence	P*	P*	P*
Civic Uses	C	C	C
Clinical Services	P	C	C
Commercial Antenna	C	C	C
Commercial Entertainment Uses	P	C	P
Commercial Recreation Uses	P	P	P
Community Care Facility	X	C	C
Congregate Care Facility	X	P	P
Congregate Living Health Facility	X	C	C
Convalescent Facility	X	C	C
Construction and Maintenance Service Uses	P	P	P
Cultural Uses	P	P	P
Dance Halls/Clubs	X	X	C
Day Care Centers	X	P	P
Day Treatment Facility	X	C	C
Drinking Establishments	P*/C*	P*/C*	P*/C*
Drive-Through Uses	C(2)	C(2)	C(2)
Duplex	X	P	C(3)
Dwelling Unit, Multiple Family	X	P	C(3)
Dwelling Unit, Single Family	X(4)	P	C(3)
Educational Uses	P	P	P
Emergency Shelter	X	X	C

Family Day Care Home, Large	X	C	C
Family Day Care Home, Small	X	C	C
Food Service Uses, Specialty	P	P	P
Fortune Telling	X	X	C*
Furniture Store	P	P	P
Group Dwelling/Group Home	X	C	X
Hospital, Acute Psychiatric	X	C	C
Hospital, Chemical Dependency Recovery	X	C	C
Hospital, General Acute Care	X	C	C
Hospital, Special	X	C	C
Hotel	X	P	P
Institutional Uses	X	P	P
Intermediate Care Facility	X	C	X
Kennel	P	X	P
Light Industrial Uses	P	X	X
Live Entertainment Uses	C*	C*	C*
Major Automotive Uses	P	X	C
Marine Uses	P	X	P
Marine Manufacturing Uses	P*	X	X
Massage Establishments	X	X	P*
Medical Office Uses	P	P	P
Medium Industrial Uses	P	X	X
Membership Organizations	P	P	P
Metal Fabrication Uses	P*	X	X
Minor Automotive Uses	P	C	A
Minor Repair Service Uses	P	P	P
Mixed Use Center	X	P	P
Mobilehome Park	X	P(5)	X
Motel	X	X	P
Open Space	P	P	P
Personal Service Uses	P	P	P
Photographic, Reproduction and Graphic Service Uses	P	P	P
Professional Office Use	P	P	P
Public Utility Uses	P	C	C
Recreational Uses	P	C	P
Religious Uses	C*	C*	C*
Recycling Facilities	C*	X	X
Research and Development Uses	C	P	P
Residential Care Facility for the Elderly	C	C	C
Restaurant	P	P	P
Restaurant, Drive-Through	C	X	C
Restaurant, Take-Out	P	P	P

Restaurant, Walkup	P	P	P
Retail Sales Uses	P	P	P
Sanitary Sewer Facility	C	X	X
Senior Citizen Housing	X	C	C
Single Room Occupancy	X	C	C
Skilled Nursing Facility	C	C	C
Small Family Home	X	C	X
Social Day Care Facility	X	C	X
Storage Yard Uses	P*	X	X
Tattoo Parlors	C*	C*	C*
Temporary Uses	T*	T*	T*
Transportation Uses	P	C	C
Video Arcades or Game Rooms	X	C	C
Warehouse and Storage Uses	P*	X	X

LEGEND:

- P = Permitted Use P* = Permitted Use subject to special use standards
 (see Section 9.14.050 or Chapter 9.07)
- C = Conditional Use C* = Conditional Use subject to special use standards
 (see Section 9.14.050 or Chapter 9.07)
- T = Temporary Use T* = Temporary Use subject to special use standards
 (see Section 9.14.050 or Chapter 9.39)
- X = Prohibited Use A = Accessory Use

Footnotes for Section 9.14.020(d):

- (1) Accessory Dwelling Units shall be developed in accordance with State law.
- (2) Drive-through uses shall be permitted with a Conditional Use Permit which shall be reviewed and approved by the Planning Commission. Precludes restaurant/food uses and liquor establishments. Permits such uses, but not limited to, dry cleaners, banks, and pharmacies. (See Section 9.07.240)
- (3) Residential uses shall not be permitted on the ground floor of all buildings within the first 130 feet measured from the property line fronting Doheny Park Road.
- (4) Only those residential uses in existence as of November 23, 1993 shall be permitted.
- (5) Only those mobilehome parks in existence as of November 23, 1993 shall be permitted.

9.14.030 Development Standards.

The following Table provides the minimum acceptable standards for development within the Doheny Village Districts necessary to assure quality development and attractive local neighborhood. The development standards are supplemented, and where

applicable, superseded by special development standards described in Chapter 9.05 and Chapter 9.07.

**SECTION 9.14.030
DOHENY VILLAGE DEVELOPMENT STANDARDS**

Development Standards (1)	V-C/I	V-C/R	V-MS
(a) Minimum Lot Size (2)	2,500 sf	2,500 sf	4,800 sf
(b) Minimum Lot Width (2)	25 ft	25 ft	40 ft
(c) Minimum Lot Depth (2)	130 ft	100 ft	120 ft
(d) Maximum Lot Coverage	80%	80%	80%
(e) Maximum Height	35-40 ft (3) 3 stories	35-50 ft north of Victoria Blvd; 35-40 ft south of Victoria Blvd (3) 3 stories	35-40 ft (3) 3 stories
(f) Maximum Residential Density		30 du/ac; 50 du/ac for lots greater than 10 ac	10 du/ac south of Victoria Blvd; 30 du/ac
(g) Minimum Front Yard Setback			
From Ultimate Public Street R/W Line	0 ft	5 ft	0 ft
Residential Uses Adjacent to V-C/I District			50 ft from alley; 100 ft from Victoria Blvd
(h) Minimum Side Yard Setback			
Interior Side	0 ft	0 ft	0 ft
Street Side	0 ft	0 ft	0 ft
(i) Minimum Rear Yard Setback			
Standard Lot	0 ft	0 ft	5 ft
Adjacent to Alley or Street	0 ft	0 ft	0 ft
(j) Minimum Landscape Coverage (4)	5%	5%	5%
(k) Minimum Building Separation	6 ft	6 ft	6 ft
(l) Open Space Residential uses only		100 sf/du	100 sf/du

Footnotes for Section 9.14.030:

- (1) See Chapter 9.75 for definitions and illustrations of development standards.
- (2) Development standard applies to proposed subdivisions of land. The standards may be waived by the Planning Commission when necessary to accommodate the parcel configuration for an integrated commercial development subject to approval of a Conditional Use Permit pursuant to Chapter 9.65.

- (3) Structures greater than 35 feet shall be subject to Planning Commission approval of a Site Development Permit and special development standards pursuant to Section 9.14.040(c).
- (4) A decrease in landscape coverage may be permitted with a minor Site Development Permit including an approved landscape plan.

9.14.040 Special Development Standards.

(a) Residential Density. The maximum residential density in the Doheny Village Districts shall be specified in Exhibit B attached hereto. New construction located within the Coastal Overlay District shall provide a minimum percentage of affordable units in compliance with the Mello Act. Affordable housing units shall not be counted in the density calculations of a project except when an applicant seeks a density bonus for a housing development in compliance with provisions under State law (California Government Code Section 65915).

(b) Housing Incentive Overlay. Parcels located within the Housing Incentive Overlay shall be designated as adequate sites for residential development as defined by the Housing Element of the City's General Plan. The Housing Incentive Overlay shall be specified in Exhibit C attached hereto. All land uses and development standards of the underlying zoning districts shall be applicable, with the exception of the following standards if residential development is proposed on parcels within the Overlay:

- (1) At least fifty (50) percent of the total building gross floor area, excluding parking facilities, constructed on such parcels shall be residential uses.
- (2) A minimum density of twenty (20) dwelling units per acre shall be required.
- (3) A maximum density of thirty (35) dwelling units per acre shall be permitted.

(c) Building Height Greater than 35 Feet. The intent and purpose of establishing criteria for building height greater than 35 feet is to allow expansion of existing structures and construction of new architectural elements and open ceiling height. Maximum height greater than 35 feet is subject to approval of a Site Development Permit (pursuant to Chapter 9.71) provided that:

- (1) The structures shall be limited to a maximum of 35 feet within the first 50 feet from any exterior lot line.
- (2) The Planning Commission makes the following additional findings:
 - (A) That the proposed additional building height results in a project which is of superior design quality and functionality as compared to the project which could have been built under the required building height; and
 - (B) That any portions of the building which exceed 35 feet shall be limited to architectural elements that provide visual interest and

does not create conditions which may be incompatible, objectionable or detrimental to the surrounding land uses.

(d) Accessory Uses and Structures. Accessory buildings or structures are subject to the same height and setback requirements described for primary buildings and structures in Section 9.14.030 except as modified by Section 9.05.080, Maximum Projections into Required Yard Areas.

(e) Exemption from Site Development Permit. For new development projects located within the districts of this Chapter and not located within the Floodplain Overlay District, exemptions for Site Development Permits shall be limited to the following requests:

- (1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.
- (2) Four (4) or less residential units.
- (3) Temporary uses and structures as described in Chapter 9.39.
- (4) Any multifamily projects where a minimum of twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).

(f) Access and Parking. All development projects shall be subject to the provisions of Chapter 9.35, with the exception of the following:

- (1) Preferred Driveway Access. On properties abutting an alley, driveway access shall be taken from the alley unless otherwise approved subject to a minor Site Development Permit.
- (2) Minimum Number of Required Parking Stalls. The minimum amount of parking provided for each use in a project shall be in accordance with the following ratios:

**SECTION 9.14.040(f)(2)
MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE**

Use	Required Number of Stalls
Industrial Uses	1 stall/500 SF-GFA or subject to 9.35.080(e) Industrial Uses, whichever is least restrictive
Commercial Uses - General Retail - Restaurant - Assembly	1 stall/500 SF-GFA 1 stall/250 SF-GFA 1 stall/100 SF-GFA
Residential Uses - Single-family, duplex, triplex	Stalls per unit (may be covered in a garage or carport, or uncovered): Studio, 1 bed: 1 stall 2-5 bed: 2 stalls

- Multiple-family	6+ bed: 3 stalls DPMC 9.35.080(e)(8)
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(3) Nonconforming Parking.

(A) Change of Use. A nonconforming use may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area or lot area) occurs and the new use requires a parking rate of no more than one space per two hundred and fifty (250) square feet of gross building area.

(B) Addition to Structure or Intensification of Use. A nonconforming structure or use may be enlarged by up to ten (10) percent of its existing gross floor area, or a nonconforming use may be changed to a new use that requires additional parking under the following conditions:

- (1) Required parking for the additional floor area is provided; or
- (2) If the new use requires more parking than the nonconforming use, then the new use shall only be required to provide additional parking equal to the difference between the two; or
- (3) A reduction in the number of required parking spaces is approved in compliance with the provisions of this Zoning Code.

(f) Design Compatibility for Mixed-Use Projects. All new multi-tenant mixed use developments shall be subject to the special development standards pursuant to Section 9.13.040(c).

(g) “Art-in-Public-Places” Program. All new development projects located within the districts of this Chapter are subject to the provisions of the “Art-in-Public-Places” Program as described in Section 9.05.240.

9.14.050 Special Use Standards.

Certain uses, although permitted in specific districts, require additional development standards beyond those specified for the applicable zone contained within this Chapter. Additional standards are required to ensure that such uses are operated in a manner that do not adversely impact surrounding uses. The purpose of this Section is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

(a) Manufacturing Uses. Manufacturing uses, including artisan manufacturing, marine manufacturing, and metal fabrication, shall be permitted, provided that:

(1) Uses shall be restricted from operation between the hours of 10:00 p.m. and 7:00 a.m.

(2) All uses shall include a workshop and/or office space enclosed in a structure.

(3) Any outdoor storage of materials shall be adequately screened with solid fencing or walls. Materials shall not be piled or staked higher than the solid screening, and shall not be visible from ground-level view from any public right-of-way.

(b) Caretaker's residence. Caretaker's residence uses shall be permitted as an accessory use, provided that:

(1) Letter of Intent. The application shall include a statement with an explanation of the need for a caretaker's unit and the responsibilities of the caretaker/resident.

(2) Status of Caretaker. The resident of the dwelling shall be the owner or lessor, or an employee of the owner or lessor of the site.

(3) Type of Use Requiring a Caretaker. The principal use of the site must require a caretaker for security purposes, or care of people, plants, animals, equipment, or other conditions on the site, or for needed housing for the owner or operator of a business.

(4) Allowable Location of Unit. In all Doheny Village Zoning Districts, such dwelling unit shall be located on the second floor, or to the rear of a principal building. A caretaker's residence is to be located on the same lot of record or contiguous ownership as the use requiring a caretaker.

(5) Parking Requirement. None, provided sufficient parking stalls are available to accommodate employee parking onsite.

(c) Storage Yard Uses. Storage yard uses shall be permitted, provided that:

(1) Storage areas must conform to the minimum setback regulations of the Zoning District.

(2) Any outdoor storage of materials shall be adequately screened with solid fencing or walls.

(3) Storage of junk, inoperable vehicles, and scrap materials shall be prohibited.

(d) Temporary Uses. Temporary uses and structures may be permitted with a Temporary Site Development Permit subject to approval of the Director of Community Development as described in Chapter 9.71, Site Development Permits.

(e) Potential Specific Plan for property located at 26126 Victoria Boulevard. Concurrent preparation and processing of a Specific Plan District has been requested by the property owner and shall be subject to a separate approval process pursuant to Chapter 9.33. As such, the property shall be identified as a holding zone for the Capistrano Unified School District (CUSD) Specific Plan Area. If the Specific Plan does not receive approval, the property shall remain

split-zoned as Community Facilities District and Recreation District, with no changes to allowable uses and development standards as specified in Chapter 9.19 and Chapter 9.21.

**EXHIBIT A
HOUSING INCENTIVE OVERLAY**



Zone Change ZC 20-0001

Modifications to Zoning Map: The Dana Point Zoning Map shall be modified as follows:



- | | |
|-----------------------------|---|
| <u>Mixed-Use</u> | |
| ■ | Village Commercial/Industrial District (V-C/I) |
| ■ | Village Main Street District (V-MS) |
| ■ | Village Commercial/Residential District (V-C/R) |
| <u>Community/Open Space</u> | |
| ■ | Community Facilities District (CF) |
| ■ | Recreation District (REC) |



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4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 4-1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Doheny Village Zoning District Update Project (project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Dana Point Doheny Village Zoning District Update Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City of Dana Point (City) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 4-1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft EIR and Final EIR, which provide general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring



compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the Draft EIR contain detailed environmental analyses of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

Based on the Draft EIR, no significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft EIR Section 8.0, *Effects Found Not To Be Significant*:

- Agriculture and Forestry Resources;
- Biological Resources;
- Mineral Resources; and
- Wildfire.

In accordance with Appendix G of the *CEQA Guidelines*, the following environmental issue areas were determined in the Draft EIR to have a potentially significant impact, and have been included within the Draft EIR for further analysis:

- Land Use and Relevant Planning;
- Aesthetics/Light and Glare;
- Tribal and Cultural Resources;
- Geology and Soils;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Transportation;
- Air Quality;
- Greenhouse Gas Emissions;
- Energy;
- Noise;
- Population and Housing; and
- Public Services/Recreation and Utilities.



For the purposes of the environmental analysis in the Draft EIR, impacts were analyzed in each environmental issue area for the proposed project. If necessary, mitigation measures were recommended in order to reduce any significant impacts.



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**Table 4-1
Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
Cultural Resources								
CUL-1	<u>Historical Resources Assessment.</u> Prior to construction activities that may affect historical resources, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications in architectural history or history. The assessment shall include a records search at the South Central Coastal Information Center (SCCIC) to determine if any resources that may be potentially affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Following the records search, the qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project. Pursuant to the definition of a historical resource under CEQA, potential historical resources shall be evaluated under a developed historic context.	Qualified Architectural Historian/ Historian	Prior to Construction Activities	City Planning Division	Prior to Construction Activities			
CUL-2	<u>Treatment of Historic Properties.</u> Prior to construction activities that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Dana Point Planning Division to ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource would not impair its significance. The Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible in the preparation of such report. The application	Qualified Architectural Historian/Historic Architect	Prior to Construction Activities	City Planning Division	Prior to Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	of the Interior's Standards for the Treatments of Historic Properties in the report shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications.							
CUL-3	<u>Recordation of Identified Historic Resource.</u> In the event that the demolition or significant alteration of a historical resource is unavoidable, recordation of the resource prior to construction activities shall be implemented to assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriated in appropriate local, state, or federal institutions. The specific scope and details of documentation would be developed at the project level.	Qualified Architectural Historian/ Historian	Prior to Construction Activities	City Planning Division	Prior to Construction Activities			
CUL-4	<u>Archaeological Resources Assessment.</u> Prior to issuance of a grading permit, an archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology to determine the archaeological sensitivity of the area. The assessment shall include a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center (SCCIC) and of the Sacred Lands Files (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches will determine	Qualified Archaeologist; Tribal Group Representative(s)	Prior to Issuance of Grading Permit	City Planning Division	Prior to Issuance of Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	if the proposed project site has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken by the qualified archaeologist and a representative from one or more of the consulting tribal groups in the areas of the project site not covered with hardscaping and structures to locate any surface cultural materials. Upon completion of the assessment, the qualified archaeologist, in consultation with the representative from one or more of the consulting tribal groups, shall classify the project area as having high, medium, or low sensitivity for archaeological resources. Any project identified as having low sensitivity will require no further management considerations beyond adherence to Mitigation Measure CUL-12 provided below. The assessment shall be provided to the City of Dana Point Planning Division for review and approval.							
CUL-5	<p><u>Extended Phase I Testing.</u> For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by the Phase I study, the City of Dana Point Planning Division shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series of shovel test pits and/or hand augured units and/or mechanical trenching intended to establish the boundaries of archaeological site(s) on the project site. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the XPI testing to monitor for potentially unknown tribal cultural resources.</p> <p>All archaeological excavation should be conducted by a</p>	Qualified Archaeologist; Tribal Group Representative(s)	Prior to Issuance of Grading Permit; During Ground-Disturbing Activities for XPI Testing	City Planning Division	Prior to Issuance of Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	qualified archaeologist(s) under the direction of a principal investigator meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). The assessment shall be provided to the City of Dana Point Planning Division for review and approval.							
CUL-6	<u>Archaeological Site Avoidance</u> . When feasible, any identified archaeological site shall be avoided by project-related activities. A barrier (temporary fencing) and flagging should be placed between the work location and any resources within 50 feet of a work location to minimize the potential for inadvertent impacts.	Construction Contractor	During Ground-Disturbing Activities	City Planning Division	During Ground-Disturbing Activities			
CUL-7	<p><u>Phase II Site Evaluation</u>. If the results of any Extended Phase I (XPI) (Mitigation Measure CUL-5) indicate the presence of archaeological resources at a given project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the California Register of Historical Resources (CRHR) or qualify as unique archaeological resources.</p> <p>A Phase II evaluation shall include any necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the sample excavation to monitor for potentially unknown tribal cultural resources.</p> <p>Cultural materials collected from the site shall be</p>	Qualified Archaeologist; Tribal Group Representative(s)	Prior to Issuance of Grading Permit; During Ground-Disturbing Activities for Phase II Evaluation	City Planning Division	Prior to Issuance of Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)."							
CUL-8	Phase III Data Recovery. Should the results of the Phase II site evaluation (Mitigation Measure CUL-7) yield resources that meet California Register of Historical Resources (CRHR) significance standards and if the site cannot be avoided by project construction in accordance with Mitigation Measure CUL-5, City of Dana Point Planning Division shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and permits issued for development. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's standards for archaeology according to a research design reviewed and approved by the City of Dana Point Planning Division prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), <i>Guidelines for Archaeological Research Design</i> , or the latest edition thereof. A representative from one or more of the consulting tribal groups shall be present during any ground-disturbing activities that takes place during the	Qualified Archaeologist; Tribal Group Representative(s)	Prior to Issuance of Grading Permit; During Ground-Disturbing Activities for Phase III Data Recovery Excavation	City Planning Division	Prior to Issuance of Construction Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>Phase III data recovery excavation to monitor for potentially unknown tribal cultural resources.</p> <p>As applicable, the final Extended Phase I (XPI) Testing (Mitigation Measure CUL-5), Phase II Testing and Evaluation (Mitigation Measure CUL-7), or Phase III Data Recovery reports shall be submitted to the City of Dana Point Planning Division prior to issuance of construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.</p>							
CUL-9	<p><u>Worker's Environmental Awareness Program (WEAP)</u>. A qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and a representative from one or more of the consulting tribal groups shall be retained to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological/cultural resources sensitivity for all construction personnel prior to the commencement of any ground disturbing activities for projects identified as having a moderate to high potential to encounter cultural resources. Archaeological/cultural resources sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.</p>	<p>Qualified Archaeologist; Tribal Group Representative(s)</p>	<p>Prior to Ground-Disturbing Activities</p>	<p>City Planning Division</p>	<p>Prior to Ground-Disturbing Activities</p>			
CUL-10	<p><u>Archaeological Monitoring</u>. If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area but indicates the area to be highly sensitive for archaeological resources, a qualified archaeologist and a representative from one or more of the consulting tribal groups shall monitor all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil.</p>	<p>Qualified Archaeologist; Tribal Group Representative(s)</p>	<p>During Pre-Construction Activities; During Ground-Disturbing Activities</p>	<p>City Planning Division</p>	<p>During Pre-Construction Activities; During Ground-Disturbing Activities</p>			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
CUL-11	<p><u>On-Call Archaeological Monitoring.</u> If the archaeological resources assessment conducted as part of Mitigation Measure CUL-4 does not identify potentially significant archaeological resources within the proposed project area, but indicates the area to be of medium sensitivity for archaeological resources, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology and a representative from one or more of the consulting tribal groups shall be retained on an on-call basis.</p> <p>Prior to any ground-disturbing activities, the archaeologist and representative from one or more of the consulting tribal groups shall conduct cultural awareness training to inform all construction personnel of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources.</p> <p>In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by the on-call archaeologist and representative from one or more of the consulting tribal groups pursuant to Mitigation Measure CUL-6.</p>	Qualified Archaeologist; Tribal Group Representative(s)	Prior to Ground-Disturbing Activities	City Planning Division	Prior to Ground-Disturbing Activities			
CUL-12	<p><u>Unanticipated Discovery of Archaeological Resources.</u> If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the City of Dana Point Planning Division shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) and a representative from one or more of the consulting tribal</p>	Construction Contractor; City Planning Division; Qualified Archaeologist; Tribal Group Representative(s)	During Ground-Disturbing Activities	City Planning Division	During Ground-Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	groups immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by both the qualified archaeologist and representative from one or more of the consulting tribal groups. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources.							
Geology and Soils								
GEO-1	<p>Prior to issuance of grading permits, applicants for future development projects in undeveloped and developed areas where grading is proposed five feet below current elevation shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.</p> <p>If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities; • Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the 	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City Planning Division	Prior to Issuance of Occupancy Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>qualified paleontologist and City of Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and</p> <ul style="list-style-type: none"> Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities. <p>A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.</p>							
Hazards and Hazardous Materials								
HAZ-1	<p>If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:</p> <ul style="list-style-type: none"> Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; Notify the Director of Public Works/City Engineer; Secure the area as directed by the Director of Public Works/City Engineer; and Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Orange County Health Care Agency [OCHCA], Regional Water Quality Control Board, San Diego Region [San Diego RWQCB], and/or Department of Toxic Substances Control [DTSC], as 	Construction Contractor	During Construction Activities	City Public Works and Engineering Department/ City Engineer; Hazardous Waste/ Materials Coordinator	During Construction Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.							
Transportation								
TRA-1	<p>Future development within the limits of the project site shall be required to implement the following measures in accordance with the California Air Pollution Control Officers Association's <i>Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report</i>, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current or best available vehicle miles traveled (VMT) measures:</p> <ul style="list-style-type: none"> • LUT-9: Improve Design of Development (3.0 to 21.3 percent reduction); • SDT-1: Provide Pedestrian Network Improvements (0 to 2 percent reduction); and • SDT-2: Traffic Calming Measures (0.25 to 1.0 percent reduction). <p>Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.</p>	Project Applicant	Prior to Construction Activities	City Community Development Director; City Public Works Director	Prior to Issuance of Construction Permit			
TRA-2	<p>Future non-residential developments and non-residential components of a development within the limits of the project area shall be required to implement the following commute trip reduction measures in accordance with the California Air Pollution Control Officers Association's <i>Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures Report</i>, Chapters 6 & 7, Table 6-2 and Chart 6-2 (dated August 2010) and/or additional strategies related to current</p>	Project Applicant	Prior to Construction Activities	City Community Development Director; City Public Works Director	Prior to Issuance of Construction Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>or best available vehicle miles traveled (VMT) measures:</p> <ul style="list-style-type: none"> • TRT-1: Implement Voluntary CTR Programs (1.0 to 6.2 percent reduction); • TRT-2: Implement Mandatory CTR Programs – Required Implementation/Monitoring (4.2 to 21.0 percent reduction); • TRT-3: Provide Ride-Sharing Programs (1 to 15 percent reduction); • TRT-4: Implement Subsidized or Discounted Transit Program (0.3 to 20.0 percent reduction) • TRT-5: Provide End of Trip Facilities; • TRT-6: Telecommuting and Alternative Work Schedules (0.07 to 5.5 percent reduction); • TRT-7: Implement Commute Trip Reduction Marketing (0.8 to 4.0 percent reduction); • TRT-8: Implement Preferential Parking Permit Program; • TRT-9: Implement Car-Sharing Program (0.4 to 0.7 percent reduction); • TRT-10: Implement School Pool Program (7.2 to 15.8 percent reduction); • TRT-11: Provide Employer-Sponsored Vanpool/Shuttle (0.3 to 13.4 percent reduction); • TRT-12: Implement Bike-Sharing Program; • TRT-13: Implement School Bus Program (38 to 63 percent reduction); • TRT-14: Price Workplace Parking (0.1 to 19.7 percent reduction); and • TRT-15: Implement Employee Parking “Cash-Out” (0.6 to 7.7 percent reduction). <p>Such measures and any additional VMT measures shall be implemented to the extent feasible as determined by the City of Dana Point Community Development Director and Director of Public Works.</p>							



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Air Quality								
AQ-1	Prior to issuance of any grading permit for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), the City Planning Division shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.	Project Applicant; City Planning Division	Prior to Issuance of Grading Permit	City Planning Division	Prior to Issuance of Grading Permit; During Construction Activities			
AQ-2	Each development project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) shall submit a Construction Management Plan to the City Engineer prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a traffic control plan shall include, as deemed necessary by the City Engineer, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the traffic control plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking, and material storage areas that will all contribute to reducing traffic congestion.	Project Applicant	Prior to Issuance of Grading Permit	City Engineer	Prior to Issuance of Grading Permit			
AQ-3	The City of Dana Point shall require applicants of future residential developments within the Doheny Village Zoning District to conduct a Health Risk Assessment (HRA) in accordance with South Coast Air Quality Management	Project Applicant	Prior to Issuance of Grading Permit	City Planning Division	Prior to Issuance of Grading Permit			



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	District (SCAQMD), the California Office of Environmental Health Hazard Assessment (OEHHA), and California Air Resources Board (CARB) recommended guidance as part of the environmental review process if any portion of a proposed residential development is sited within 500 feet of Interstate 5 (I-5).							
Noise								
NOI-1	<p>For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. • Place noise-generating construction equipment and construction staging areas away from sensitive uses. • Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 11.10.014, Special Provisions, of the <i>Dana Point Municipal Code</i>. • Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power 	Project Applicant; Construction Contractor	Prior to Issuance of Grading/ Building Permit; During Construction Activities	City Community Development Department	Prior to Issuance of Grading/ Building Permit; During Construction Activities			



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	<p>tools rather than diesel equipment, where feasible.</p> <ul style="list-style-type: none"> • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. • The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. • Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Development Services Department. 							
NOI-2	Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be	Project Applicant	Prior to Issuance of Grading Permit	City Engineer	Prior to Issuance of Grading Permit			



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	included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.							
NOI-3	<p>Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.</p> <ul style="list-style-type: none"> • Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers. • Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems. 	Project Applicant; Construction Contractor	Prior to Issuance of Grading Permit	City Engineer	Prior to Issuance of Grading Permit			
NOI-4	Prior to issuance of building permits, a Noise Assessment shall be prepared, to the satisfaction of the City of Dana Point City Planner, which demonstrates on-site placement of stationary noise sources at commercial and industrial uses would not exceed noise standards established in the <i>City of Dana Point Municipal Code</i> Chapter 11.10, Noise Control. The Noise Assessment shall verify that stationary noise sources (e.g., loading dock facilities, mechanical equipment, and parking lots) are adequately shielded and/or located at an adequate distance from on-site	Project Applicant	Prior to Issuance of Building Permit	City Planning Division	Prior to Issuance of Building Permit			



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	sensitive receptors and residences in order to comply with noise regulations established by the City of Dana Point.							